

Organizational Assessment and Modernization Plan of Bexar County Community Supervision and Corrections Department

December 2009

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Executive Summary

On July 1, 2009 the *Justice Center* of the Council of State Governments (*Justice Center*) began assessing the Bexar County Community Supervision and Corrections Department (Bexar CSCD) to determine how the department's operations measures against an Evidence-Based Practice operational model (EBP). This assistance was requested by Bill Fitzgerald, Director of the Bexar CSCD in early 2009. The main goal of EBP is to operate probation departments as "learning organizations" that use strategies proven to be effective to manage the probation population and reduce recidivism. EBP emphasizes differentiated supervision strategies based on risks and needs of the population.

This report presents the results of the organizational assessment conducted to identify the challenges facing the Bexar CSCD in implementing this model and presents recommendations to address these challenges. The assessment team spent over 50 person days on site interviewing personnel, visiting facilities, assessing documents and making presentations as appropriate. Nearly one-third of the department's personnel were interviewed individually or in groups as part of this process (123 interviews). In addition, data were collected from various sources including the county's computer system and the state computerized probation records system (Community Supervision Tracking System or CSTS). Site visits were conducted to all residential programs including site visits to other Bexar County programs.

The assessment team was headed by Dr. Tony Fabelo, former director of the Texas Criminal Justice Policy Council and Director of Research for the Justice Center. The team included experts in recidivism and risk analysis (Mike Eisenberg), data management (Jason Bryl), probation supervision (Claire Leonhart), and personnel and training (Dawn Heikkila). Mapping analyses were conducted by Eric Cadora, director of the Justice Mapping Systems.

The findings of the assessment team, the suggested work plan and the department's strategic plan were presented by Dr. Fabelo to all the managers of the probation department on November 5, 2009 and to all department staff on November 12, 2009. Dr. Fabelo followed-up with presentations to the Bexar District Attorney and County Court judges on November 17, 2009 and to selected County Commissioners on November 18, 2009 and to the District Court judges on November 19, 2009. A written summary of the report was given to the judicial officials during these briefings. This summary was then presented to the San Antonio News Express Editorial Board meeting on November 30, 2009 by Dr. Fabelo and Bexar County Senators Jeff Wentworth and Leticia Van de Putte. The participation of the senators reflects the importance that state officials place in the improvements of this department.

The effectiveness of the Bexar CSCD is of great significance to the state criminal justice system due to the size of the department and the amount of state resources it consumes. Bexar County is the fourth most populous county in the state and San Antonio is the seventh most populous city in the country with a population of 1,351,305. Bexar CSCD is responsible for the third largest probation population under supervision in the state (20,268), representing over 7% of the probationers in Texas. The state provides approximately 67% of the funding for the department with the rest of the funding generated by probationer fees. Between 2005 and 2008 the state funding for the department was over \$57 million. State funding increased by 37% during this period while locally collected fees stayed about the same. The total state funding during 2005 and 2010 is projected to be over \$88 million.

The assessment shows Bexar CSCD is an organization in need of modernization. The department is operating in an environment more reminiscent of how probation departments operated in the past than how they operate today. This is reflected, among other indicators, in the obsolete “court assignment probation structure” in which each court controls their own officers and managers and offenders placed on probation in a court are only supervised by the probation officers assigned to that court. As a result of this form of organization the department cannot effectively deploy caseloads based on consistent risk and criminogenic needs policies. Other areas of inefficiencies include: a) a fragmented assessment process; b) lack of a unified court policy related to supervision and sanctioning strategies; c) lack of outcome measures to guide policies; d) lack of a computerized case management system; and, e) poor training and personnel evaluation policies.

This assessment was not intended to uncover “savings” but a cursory examination of costs shows that over \$1 million could be “saved” or redirected by reforming the department along EBP. Making better use of managers and officers assigned to each court, eliminating the practice of supervising the same person on felony and misdemeanor probation using two different officers, re-designing the PSI process to reduce duplication, reducing turnover of probation officers by having an effective career ladder system and improving processes and accountability with a case management system should generate those savings. Additional savings can be generated by having better outcomes. For example, reducing revocations will reduce the number of jail bed days used for this population which will reduce jail costs. Finally, improving reporting of workload information to the state would generate close to \$300,000 in additional state revenue that was lost last year due to the misreporting of this information.

Line probation officers are aware of the EBP model in general and have indicated they would like to adopt some of these practices if the organization would support them. However, the issues mentioned above create overwhelming barriers for them. It is important to note that there are some judges that are eager to move forward by modernizing the department and are willing to change the “court assignment probation system” in which each court essentially runs its own probation department. During briefings conducted in November 2009 there appeared to be a general understanding that the department needs to be modernized. Bexar is the only large county in Texas operating under this “court assignment system” and the judges realize negative probation outcomes indicate that this is not the most effective way to organize a modern probation department. Moreover, the judges are increasingly aware that under the present organizational structure they are exposed to claims of administrative acts that expose them to personal liabilities.

In 2005 the legislature amended the Government Code to clarify the three areas in which judges have oversight responsibility for probation departments. These are: (a) establishing a community supervision and corrections department; (b) approve the department’s budget and community justice plan; and (c) hire and fire the department’s director and the Chief Budget Officer of the department. Other activities dealing with the operation of the probation department are considered “administrative acts” and for these acts there is no immunity against personal liability. Effective since 2005, this law also allows County Court Judges to participate in the decision to hire and fire a probation chief, which was previously the exclusive decision of the District Court judges.

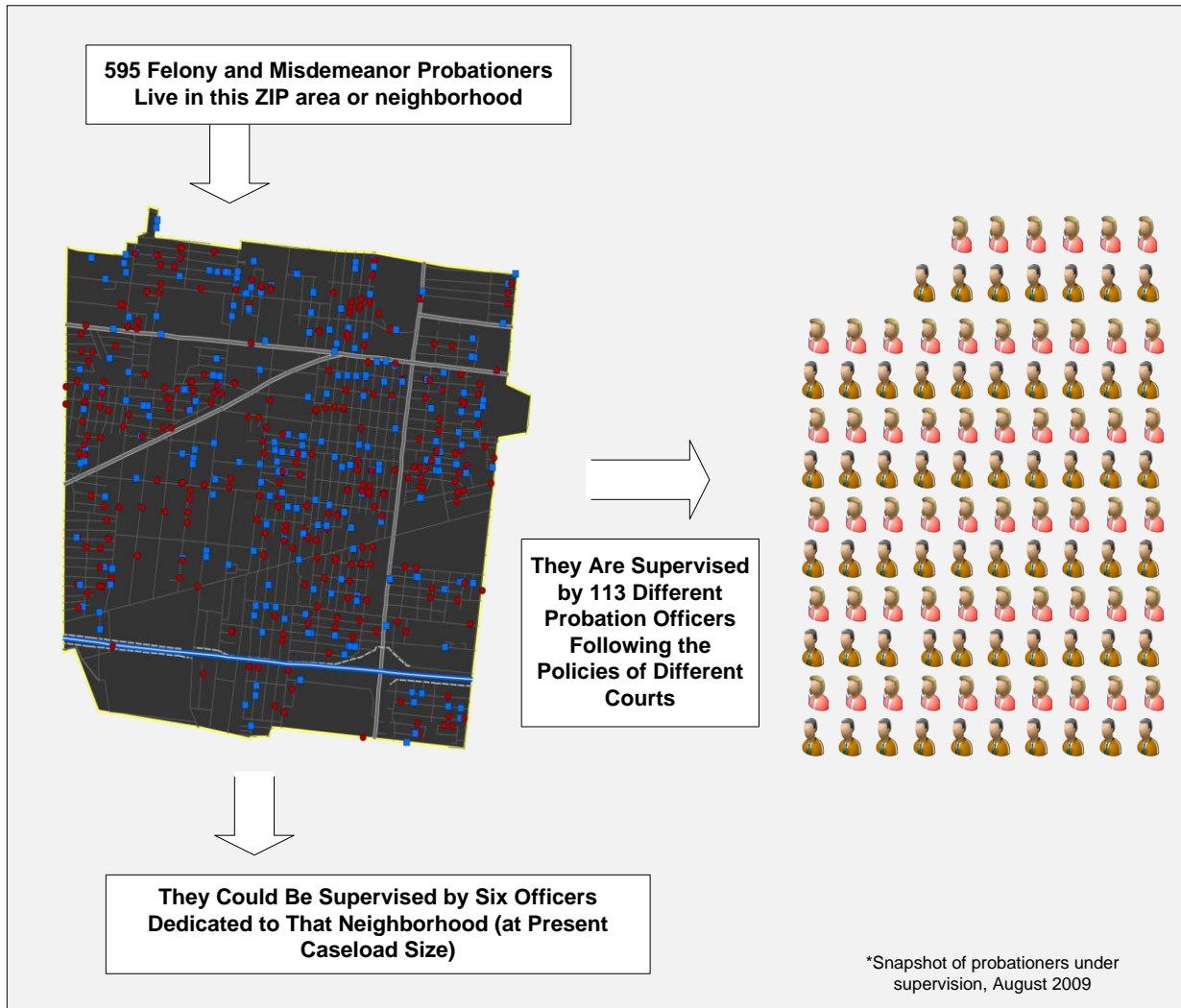
The 2005 legal changes emanated from a personal liability lawsuit against a judge in Tarrant County related to claims of liability for administrative decisions. The manner in which the Bexar CSCD is operated exposes judges to claims they are making administrative

decisions. Conversations with focus groups revealed various examples which, under the right litigious circumstances, judges may be exposed to personal liability for administrative acts.

Bexar County has only one reporting location for probationers, the main building located in downtown San Antonio. This does not facilitate effective supervision practices and the deployment of personnel. The probation population in Bexar County is spread over a significant geographical area. Over 350 probationers reside in each of 14 ZIP codes, some a significant distance from the main probation office. Unlike Bexar County, Harris, Dallas and Travis Counties provide probationers with multiple locations to report across the county.

The deployment of cases along each court “probation system” leads to inefficient and ineffective use of supervision resources, particularly with only one reporting location. For example, as shown below, 595 probationers were being supervised by 113 different probation officers responding to 22 different courts in a single neighborhood (defined as a ZIP code). Given the present size of the caseloads in the department, these same probationers could be supervised by six officers dedicated to that same area. This would maximize the use of resources and allow for better supervision. Officers can learn the neighborhood, the resources available there to assist the probationers and also learn about criminogenic forces in the area that can negatively impact the success of the supervision practices.

Deployment of Probation Officers in a Sample Neighborhood in Bexar County



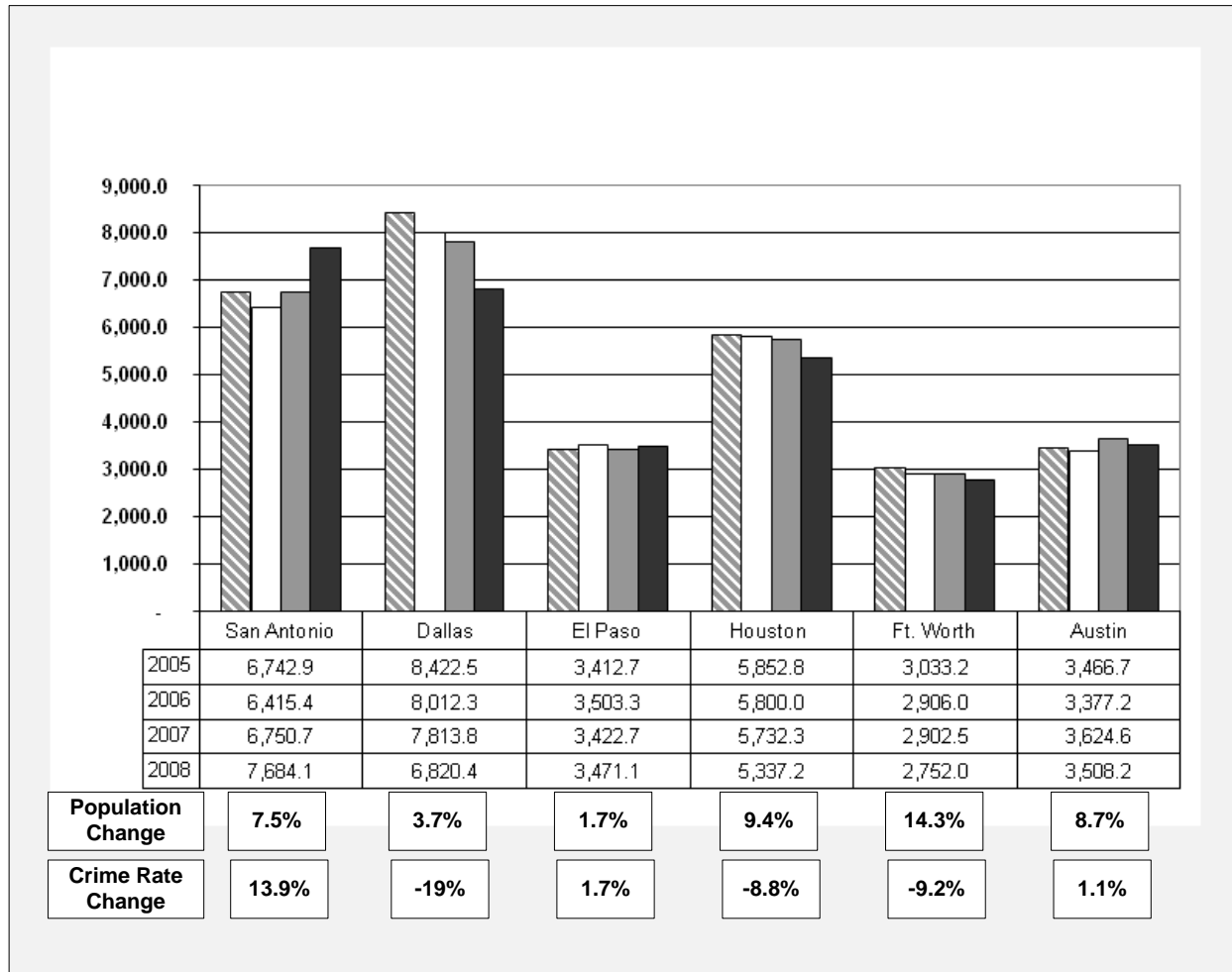
Probation outcomes have been negatively affected by these inefficiencies. As shown in the table below, Bexar County had the largest increase in felony revocations (79%) and the largest increase in misdemeanor revocations (25%) among the five most populous counties between FY 2005 and FY 2008. In FY 2008, Bexar County had 3,445 misdemeanor revocations. This is 1,401 more misdemeanor revocations than Harris County and nearly double the misdemeanor revocations of Dallas County.

Felony and Misdemeanor Revocations in Five Largest Community Supervision and Corrections Departments (CSCDs) in Texas, FY 2005 - FY 2008

County	FY 2005		FY 2008		% Change FY05-FY08	
	Felons	Misd.	Felons	Misd.	Felons	Misd.
Bexar	815	2,761	1,459	3,445	79.0%	24.8%
Dallas	3,178	2,087	2,841	1,818	-10.6%	-12.9%
Harris	3,548	1,987	3,067	2,044	-13.6%	2.9%
Tarrant	1,709	1,491	1,438	1,032	-15.8%	-30.8%
Travis	1,043	906	846	992	-18.9%	9.5%
State of Texas	24,021	25,807	23,989	26,499	-0.1%	2.7%

Crime in San Antonio has also increased. Although it is not possible to estimate how much of the crime increase is due to a dysfunctional probation system, it is reasonable to say that these dysfunctions will not contribute to a lowering of crime. As shown below, during 2005-2008 all the major Texas cities experienced population increases, with San Antonio's population increasing over 7%. The crime rate decreased in Dallas, Houston and Ft. Worth and increased by slightly over 1% in El Paso and Austin. However, for San Antonio the crime rate increased by almost 14%, the largest increase of all the major cities. Moreover, in 2008 San Antonio had the highest crime rate of the major cities, surpassing Dallas for the first time and nearly double the crime rate of Austin.

Crime Rate per 100,000 Population in Texas Largest Cities



The findings of the organizational assessment and the recommendations and general timeline to implement these recommendations are summarized below (a more detailed timeline is presented in the report). The assessment shows that the major barrier to the implementation of an EBP model is the lack of modernization of the department. Therefore, all these areas have to be addressed to move the organization to more effective practices.

The first recommendation is to modernize the department so that the structure can support evidence-based practices. To accomplish this it is necessary to: a) deploy a computerized case management system; b) re-organize caseloads from court-based assignments to department risk-based assignments; c) create a department-wide supervision and sanctioning policies; and d) provide more effective services to the courts by re-organizing the present Court Liaison system. This can be accomplished between December 2009 and August 2010 assuming the continuation of the re-organization effort started as part of this assessment. Once the modernization is complete it will be important to: a) re-organize the PSI Unit into a Central Diagnosis Unit and improve assessments by the use of research-based tools and protocols; b) re-organize training and supervision practices to support and promote EBP; c) re-design the personnel evaluation and incentives system to encourage best practices; and, d)

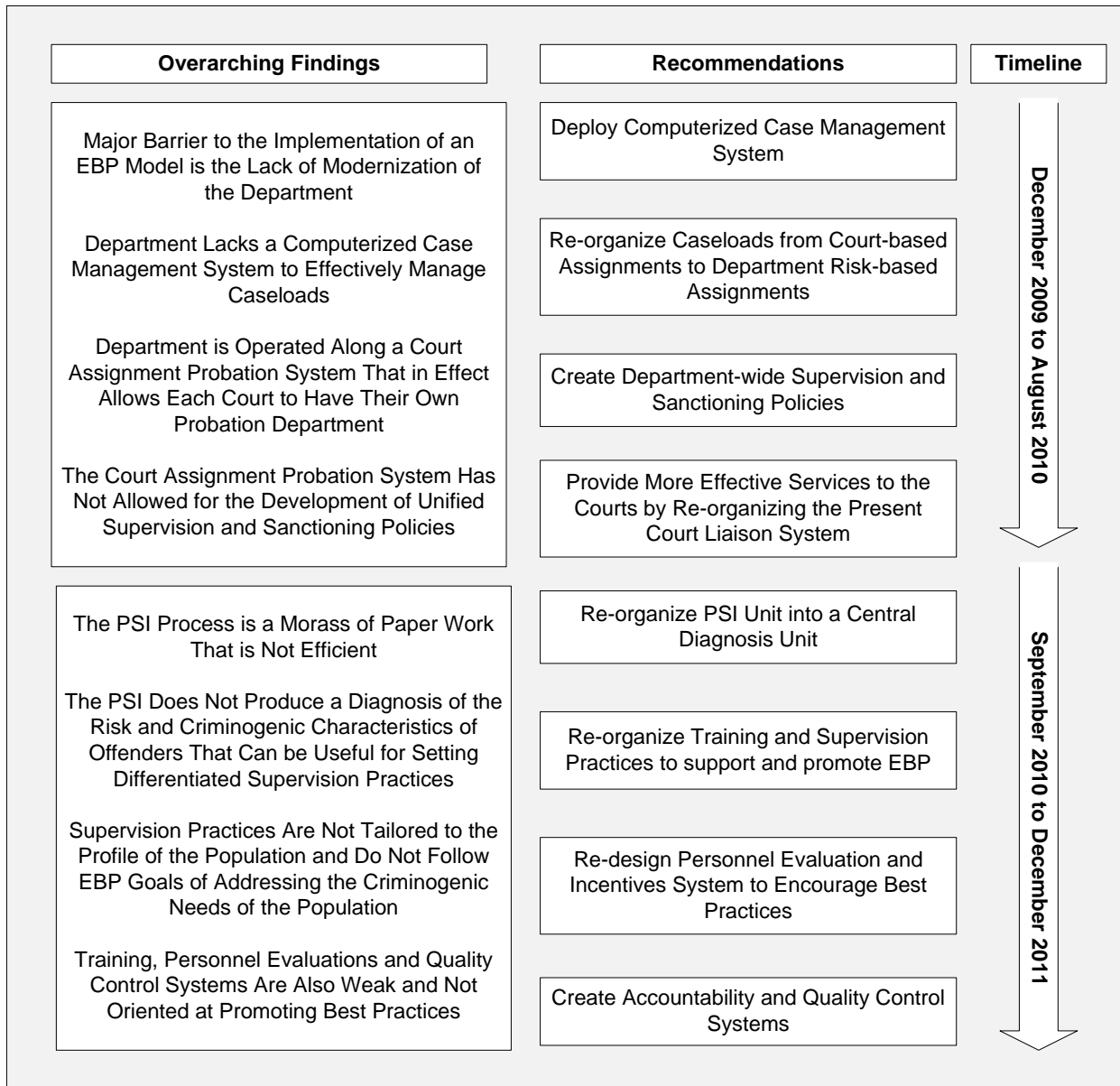
create accountability and quality control systems. This phase should be accomplished from September 2010 to December 2011.

The technical assistance team and the executive management team of the department (composed of the Director and his division directors) worked together to develop a work plan to achieve the above goals. The department has developed a "modernization strategic plan" that identified short-term and long-term tasks. It created committees in each of the critical areas to design and manage the needed changes in key areas and created an intranet "bulletin board" accessible to all employees. This bulletin board can be used by staff to submit ideas and concerns to each committee in a transparent manner.

The department leadership moved in November 2009 to contract with the Corrections Software Solutions (CSS) of Austin, Texas for implementation of the case management system. The CSS case management software is utilized by over 160 probation departments, including three out of every four probation departments in Texas. This system should be operational by February 2010 eliminating a major obstacle in the modernization of other components of the department as recommended here.

The momentum of recent changes triggered by this assessment should be maintained by a new administration to accomplish the goals stated here.

Overview of Main Findings, Recommendations and Implementation Timeline



I. Introduction

A. Background

On July 1, 2009 the *Justice Center* of the Council of State Governments (from here on referred to as *Justice Center*) began assessing the Bexar County Community Supervision and Corrections Department (from here on referred to as Bexar CSCD) to determine how the department's operations measures against an Evidence-Based Practice operational model (from here on referred to as EBP). This assistance was requested by Bill Fitzgerald, Director of the Bexar CSCD in early 2009. The main goal of EBP is to operate probation departments as "learning organizations" that use strategies proven to be effective to manage the probation population and reduce recidivism. EBP emphasizes differentiated supervision strategies based on risks and needs of the population. The model moves supervision strategies from a primary emphasis on enforcement to one that focuses on providing the offenders the resources and motivation to effect change by addressing their criminogenic traits. Such traits include anti-social attitudes, anti-social friends, substance abuse, lack of empathy and impulsive behavior. Extensive research has shown that the success of programs and interventions in addressing these factors directly relate to the ability to reduce recidivism.

The *Justice Center* works in partnership with the Texas Department of Criminal Justice, Community Justice Assistance Division (from here on referred to as TDCJ-CJAD) to provide technical assistance to local probation departments in Texas in the adoption of more effective operational practices. The technical assistance model and the operational changes needed to improve the effectiveness of probation departments along an EBP model were tested and developed over a three year period working with the Travis County Community Supervision and Corrections Department (2005-2008). The process and outcomes of this effort were extensively documented and provide the basis for assisting other departments in the state.¹

The assessment team was headed by Dr. Tony Fabelo, former director of the Texas Criminal Justice Policy Council and Director of Research for the Justice Center. The team included experts in recidivism and risk analysis (Mike Eisenberg), data management (Jason Bryl), probation supervision (Claire Leonhart), and personnel and training (Dawn Heikkila). Mapping analyses were conducted by Eric Cadora, director of the Justice Mapping Systems.

This report presents the results of the organizational assessment conducted to identify the challenges facing the Bexar CSCD in implementing an EBP model and presents recommendations to address these challenges. The goal is to generate the necessary information to develop a two-year plan to assist the department in successfully implementing the organizational changes. Section II reviews the key components of an EBP model. Section III presents a summary of the findings on how the Bexar CSCD measures against the model. Section IV, V and VI provide more details on the assessment and intake processes of the department, on supervision practices, and present a mapping analysis of caseload deployment patterns in the county conducted by the Justice Mapping Systems headed by Eric Cadora. Section VII discusses training and personnel evaluation issues. Section VIII presents an analysis of data showing the outcomes of the probation system in terms of revocation and recidivism and in comparison with other counties. Finally, Section IX presents the

¹ Process reports of the Travis project can be found at http://www.co.travis.tx.us/community_supervision/TCIS_Initiative.asp. A report summarizing how to re-align probation departments based on the experience gathered from this model can be acquired from TDCJ-CJAD by requesting a copy of the report entitled Ten Strategies to Sustaining More Effective Practices in a Probation Department, March 2009.

recommendations for Bexar CSCD executives and Bexar judicial officials to consider and the outline of a two-year work plan for implementing the key recommendations.

B. Assessment Methodology

The goal of the present assessment is to identify the organizational challenges related to the implementation of an EBP model in Bexar CSCD. Table 1 depicts the areas that the assessment covered using a set of over 100 questions developed by the Justice Center for this type of organizational assessment.²

Table 1: Organizational Assessment Areas

Area	Example of Assessment Question
General Organizational Structure	How are the court services and the relationship with the judges organized?
Outside Stakeholder Collaboration and Partnership	Has the department completed a community corrections plan as required by law?
Judicial Officials	Is there an agreed upon system of progressive sanctions for violations?
Assessment Process	Are risk and criminogenic evidence-based tools used in the assessment process?
Intake and Field Supervision Strategies	Are probationers assigned probation officers by geographical regions for supervision and reporting purposes?
Programs	Do programs have a clearly defined target population?
Sanctioning Strategies and Incentives	Are there mechanisms to monitor the utilization of the progressive sanctions?
Data Systems	Does the department operate its own case-management system?
Research Capabilities	Are there effective research, audit and/or assessment based feedback systems to provide performance and administrative accountability?
Internal Outcome and Process Accountability	Are there routine process reports generated for officers and managers to use to monitor accountability for process outcomes?
Personnel Training	Are there personnel training strategies directed at enhancing key skills like motivational interviewing and case work skills?
Personnel Evaluations	Do personnel evaluations include measuring performance along EBP supervision planning and casework strategies?
Site Specific Issues	Are key personnel in the organization ready to support an EBP operational model?

² Council of State Governments, Justice Center. [Probation Department Organizational Assessment Guide](#), July 2009.

The organizational assessment included interviews with line staff, administrators and key stakeholders. As part of the interview protocol, persons interviewed were asked to sign a confidentiality form. The form stated that: (a) participation in the interview was voluntary; (b) persons participating could refuse to answer any question at any time during the interview; and, (c) the assessment team would not quote or refer to any person interviewed specifically, although the results of the interviews will be reported as part of the assessment. In focus groups, the persons participating were advised that the assessment team will maintain the confidentiality of what was said but to be aware that other peers in the group were not subject to the same confidentiality requirements. Interviews were conducted individually or as part of focus groups.

The assessment team spent over 50 person days on site interviewing personnel, visiting facilities, assessing documents and making presentations as appropriate. Almost one-third of the department personnel were interviewed individually or in groups as part of this process (123 interviews). In addition, data were collected from various sources including the county's computer system and the state computerized probation records system (Community Supervision Tracking System or CSTS). Site visits were conducted to all residential programs including site visits to other Bexar County programs.

Interim presentations were made individually or in groups to the Bexar County judges. Key members of the Bexar County legislative delegation were briefed at different points during the assessment process. An interim report was developed and presented to the judges and district attorney on August 11th and 12th and September 14th depicting the direction of the assessment, some early findings and recommendation to re-organize the "court assignment probation system" (discussed below). The report was also used to brief new County Court judges during a September 28, 2009 meeting. This early report was not made public to allow for internal discussions before a final report was released. District and County judges also had an open invitation to talk as needed with Dr. Fabelo, the head of the assessment team.

The findings of the assessment team, the suggested work plan and the department's strategic plan were presented by Dr. Fabelo to all the managers of the probation department on November 5, 2009 and to all department staff on November 12, 2009. Dr. Fabelo followed-up with presentations to the Bexar District Attorney and County Court judges on November 17, 2009 and to selected County Commissioners on November 18, 2009 and to the District Court judges on November 19, 2009. A written summary of the report was given to judicial officials during these briefings. This summary was then presented to the San Antonio Express-News Editorial Board meeting on November 30, 2009 by Dr. Fabelo and Bexar County Senators Jeff Wentworth and Leticia Van de Putte. The participation of the senators reflects the importance that state officials place in the improvements of this department.

C. Basic Facts about Bexar CSCD

Bexar County is the fourth most populous county in the state and San Antonio is the seventh most populous city in the country with a population of 1,351,305.³ Table 2 below shows the population under direct probation supervision in the ten largest CSCDs in Texas in August 2008, the latest statewide information available at the time of this report. Bexar CSCD is

³ US Census, Population Estimates for the Largest US Cities based on July 1, 2008 Population Estimates, released July 1, 2008; Resident Estimates for the 100 Largest US Counties, July 1, 2008.

responsible for the third largest probation population under supervision in the state (20,268) representing over 7% of the probationers in Texas.

Table 2: Population under Direct Probation Supervision in Ten Largest Community Supervision and Corrections Departments (CSCDs) in Texas, August 2008

CSCD	Felons	% of Statewide Felons Total	Misdemeanor	% of Statewide Misdemeanor Total	Total	% of Statewide Total
Dallas	22,556	13.2%	9,584	9.3%	32,140	11.7%
Harris	20,237	11.8%	9,796	9.5%	30,033	11.0%
Bexar	10,982	6.4%	9,286	9.0%	20,268	7.4%
Tarrant	10,024	5.9%	5,250	5.1%	15,274	5.6%
Travis	6,139	3.6%	6,428	6.2%	12,567	4.6%
Hidalgo	6,567	3.8%	2,865	2.8%	9,432	3.4%
El Paso	4,933	2.9%	3,031	2.9%	7,964	2.9%
Collin	2,506	1.5%	2,994	2.9%	5,500	2.0%
Nueces	3,831	2.2%	1,521	1.5%	5,352	2.0%
Cameron	3,215	1.9%	1,685	1.6%	4,900	1.8%
Top 10 Total	90,990	53.3%	52,440	50.9%	143,430	52.4%
Texas	170,777		102,975		273,752	

Source: Texas Department of Criminal Justice, Community Justice Assistance Division Statistics.

Table 3 below shows the number of offenders under direct probation supervision in Bexar County from FY 2005 to FY 2008. During this period the total number of offenders under direct supervision increased by 3.4%. Felons under direct supervision increased 6% while misdemeanants under direct supervision increased 0.5%. The number of probationers in all categories decreased between FY 2005 and FY 2007 but started increasing in FY 2008.

Table 3: Total Number of Probationers under Direct Supervision in Bexar CSCD, FY 2005 – FY 2008

	Felony Probationers	Misdemeanor Probationers	Total Probationers
FY 2005	10,361	9,244	19,605
FY 2006	10,589	8,807	19,396
FY 2007	9,768	8,507	18,275
FY 2008	10,982	9,286	20,268
% Change	6.0%	0.5%	3.4%

Source: Texas Department of Criminal Justice, Community Justice Assistance Division Statistics.

Table 4 below shows the offense distribution of the persons under direct probation supervision in Bexar County. Over half of the felons and almost 40% of the misdemeanants are on probation for DWI/DUI and controlled substances violations. An estimated 24% of felons and almost 21% of misdemeanants are on probation for property offenders, larceny and forgery. Less than 5% of felons and less than 1% of misdemeanants are under supervision for

committing a severe violent offense like Homicide, Kidnap, Robbery, Sex Offenses and Sexual Assault.

Table 4: Offense Distribution of Persons under Direct Probation Supervision in Bexar CSCD, FY 2008

Offense	Felons	Percent of Felons	Misdemeanor	Percent of Misdemeanor
DWI/DUI	1,164	11.0%	2,544	27.4%
Controlled Substance	4,601	42.0%	1,152	12.4%
Total Above	5,765	53.0%	3,696	39.8%
Burglary	615	6.0%	158	1.7%
Other Property	604	5.5%	186	2.0%
Larceny	1,098	10.0%	1,579	17.0%
Forgery	253	2.3%	9	0.1%
Total Above	2,570	23.8%	1,932	20.8%
Other Offenses	802	7.3%	2,219	23.9%
Assault	1,142	10.4%	1,402	15.1%
Homicide	11	0.1%	0	0.0%
Kidnap	22	0.2%	0	0.0%
Robbery	198	2.0%	0	0.0%
Sex Offenses	296	3.0%	37	0.4%
Sexual Assault	99	0.9%	0	0.0%
Sum Total	10,905	100%*	9,249	100%

Source: Texas Department of Criminal Justice, Community Justice Assistance Division Statistics

*Rounded

Table 5 below shows the funding for the Bexar CSCD as calculated by the TDCJ-CJAD. The state provides approximately 67% of the funding for the department with the rest of the funding generated by probationer fees. Between 2005 and 2008 state funding for the department was over \$57 million. State funding increased by 37% during this period while locally collected fees stayed about the same. The total state funding during 2005 and 2010 is projected to be over \$88 million. The amount of state funding, and the fact that the department

supervises over 7% of the state probation population means that the effectiveness of the Bexar CSCD is of great significance to the state criminal justice system.

Table 5: State and Local Funding of the Bexar CSCD, Fiscal Year 2005 - 2010

Fiscal Year	State Basic Supervision Formula Funding ^{(1) (2)}	State Community Corrections Formula Funding ^{(1) (3)}	State Diversion Programs Grant Funding ^{(1) (4)}	State TAIP Grant Funding ^{(1) (4)}	Total State Funding	Percent Change in Total State Funding	Locally Collected Fees, As of 07/20/09 ⁽⁵⁾	Total Annual Funding (State and Local)	Percent Change in Total Annual Funding	Percent of State Funding
2005	\$ 5,716,656	\$ 2,623,834	\$ 2,040,975	\$ 1,352,015	\$ 11,733,480		\$ 6,771,844	\$ 18,505,324		63%
2006	\$ 5,147,941	\$ 2,600,394	\$ 5,856,405	\$ 1,394,714	\$ 14,999,454	22%	\$ 7,127,494	\$ 22,126,948	16%	68%
2007	\$ 5,187,080	\$ 2,598,184	\$ 5,842,015	\$ 878,253	\$ 14,505,532	-3%	\$ 7,177,309	\$ 21,682,841	-2%	67%
2008	\$ 5,519,641	\$ 2,576,036	\$ 7,117,190	\$ 857,893	\$ 16,070,760	10%	\$ 6,936,931	\$ 23,007,691	6%	70%
Sub	\$ 21,571,318	\$ 10,398,448	\$ 20,856,585	\$ 4,482,875	\$ 57,309,226		\$28,013,578	\$ 85,322,804		67%
2009	\$ 5,597,116	\$ 2,316,336	\$ 6,610,351	\$ 857,893	\$ 15,381,696	-4%	\$ 5,037,456	\$ 20,419,152		
2010	\$ 5,421,018	\$ 2,270,081	\$ 6,854,682	\$ 842,146	\$ 15,387,927	0%	\$ -			
Total	\$ 54,160,770	\$ 25,383,313	\$ 55,178,203	\$ 10,665,789	\$ 88,078,849		\$61,064,612			

- (1) TDCJ-CJAD withholds from formula and grant funding the cost of employee health insurance and pays premiums to ERS on behalf of the CSCDs. The above amounts do not include the cost of employee health insurance.
- (2) The State's Basic Supervision formula funding is based on three components reported by the CSCD for each applicable Calendar Year: Misdemeanor Placements, Felony Direct Cases, and Felony Pretrial Cases. Misdemeanor Placements are paid at \$0.70 per day for a maximum of 182 days. Felony Direct and Felony Pretrial Cases are paid from the remaining State funds, based on the CSCD's percentage of the statewide total population of Felony Direct and Felony Pretrial.
- (3) The State's Community Corrections formula funding is based on two components from the applicable Calendar Year: the jurisdiction's civil population and the Felony Direct Cases reported by the CSCD. Each component receives equal weight and is based on the CSCD's percentage of the statewide total populations. In 2007, the State Legislature reduced the statewide appropriations for Community Corrections funding.
- (4) Grants awarded from the State's two grant programs (Diversion Programs and Treatment Alternatives to Incarceration Programs) are the result of the CSCD's requests through the Community Justice Plan process.
- (5) Locally Collected Fees consist of Community Supervision Fees (Probation Fees) and Program Participation Fees. Only three quarters are reported for Fiscal Year 2009. Information on local collections is derived from Quarterly Financial Reports submitted by the CSCD.

Table 6 below shows the number of line and non-line staff in the Bexar CSCD compared to the departments in the most populous counties in the state in December 2008. Bexar's ratio of probationers under direct supervision to total staff is the highest in the state: about 53 probationers per staff compared to 39 in Travis County, for example. The ratio of probationers under direct supervision to line staff is the second highest in the state after Harris County. Line staff works directly with probationers as defined in the survey that collected this information. By this measure it cannot be said that Bexar County is overstaffed.

Table 6: Number of Staff and Ratio of Staff to Probationers under Direct Supervision in Six Largest Probation Department in Texas, December 2008

	Line Staff	Pre-Trial in Line Staff	Non-Line Staff	Total	Probation Population Direct	Ratio Probationers Per Line Staff	Ratio Probationers Per Non-Line Staff	Ratio Probationers Per Total Staff
Bexar	261	0	123	384	20,268	77.6	164.7	52.7
%	67.97	0.00	32.03					
Dallas	537	0	134	671	32,140	59.8	239.8	47.9
%	80.03	0.00	19.97					
El Paso	138	27	80	245	9,432	68.3	117.9	38.5
%	56.33	11.02	32.65					
Harris	382	50	234	666	30,033	78.6	128.3	45.0
%	57.36	7.51	35.14					
Tarrant	201	66	108	375	15,274	75.9	141.4	40.7
%	53.60	17.60	28.80					
Travis	180	35	105	320	12,567	69.8	119.6	39.2
%	56.25	10.94	32.81					

Source: CSCD Staff Report, December 2008

Line staff is staff that works directly supervising probationers. Not counted above is Residential staff.

II. Evidence-Based Practices Model

A. Elements of the Model

Probation departments across the country are being challenged by increasing demands for services and expectations that probation should more effectively reduce recidivism and crime.⁴ Departments have been moving towards an EBP model that orients supervision to recidivism reduction. This entails a shift from a narrow focus on monitoring compliance with court imposed conditions to a broader focus on addressing the factors that produce criminal behavior. The change requires the implementation of more effective assessments of the risk and needs of the offenders based on scientific tools, the use of supervision strategies that fit the needs and risk of the population, progressive sanctions for violations and programs that can produce results.

The success of programs and interventions in addressing the criminogenic factors of offenders directly relate to the ability to reduce recidivism. Differentiated supervision based on risks and needs of the population is critical for properly managing supervision resources and having a positive impact.⁵ Research also shows that routine probation supervision practices have had little effect in reducing re-offending rates while behavioral modification, cognitive-behavioral treatment that addresses deviant thinking patterns, and multi-modal programs targeting a variety of offender problems seem to be the most effective approaches to reducing recidivism.⁶

A recent review of the research literature shows that the most powerful impact on changing criminal behavior and reducing recidivism “comes from paying attention to the risk, need and responsivity principle” which calls for providing the greatest supervision and treatment to medium and high risk offenders, focusing on criminogenic needs and using cognitive and behavioral interventions. The review also shows that the quality of inter-personal relationship between probation officer and the offender and the structuring skills of the officer may be a key factor in helping probationers succeed. This may be as important as specific programs and graduated sanctions and incentives as a factor in reducing recidivism.⁷

The challenge for a modern probation department is to align all the components of the EBP model to fit as an operational organization model and culture that can sustain effectiveness over time. In this sense, a department has to “move beyond” the piecemeal or “cherry picking” adoption of some aspects of EBP and adopt a purposely designed strategy to implement an integrated model that becomes the “normal” way of doing business for the organization.

The EBP model elements are inter-related and when adopted as a “package” they are bound to make the organization more effective. For example, a new offender assessment tool

⁴ Center for Civic Innovation at the Manhattan Institute. [“Broken Windows” Probation: The Next Step in Fighting Crime](#) New York, NY, 1999.

⁵ U.S. Department of Justice, National Institute of Justice. [Implementing Evidence-Based Practices in Community Corrections: The Principles of Effective Intervention](#) Washington, DC 2004.

⁶ Latessa, E.J. “What Works and What Doesn’t in Reducing Recidivism: The Principles of Effective Intervention”, Justice System Practices that Work, Travis CSCD Conference, 2006; Taxman, F.S., Shepardson, E.S. and Byrne, J.M. [Tools of the Trade: A Guide to Incorporating Science into Practice](#) U.S. Department of Justice, National Institute of Corrections and Maryland Department of Public Safety and Correctional Services, no date.

⁷ Pending publication: [A Framework for Evidence-based Decision Making in Local Criminal Justice Systems](#) by the National Institute of Corrections in collaboration with the Center for Effective Public Policy, Pretrial Justice Institute, Justice Management Institute and the Carey Group, 2009.

can be adopted but if the process to establish the conditions of supervision is not changed to match the assessment then the impact of the tool will be limited or non-existent. By the same token, if supervision strategies are not modified to address the different population types (based on risk and criminogenic needs), sanctioning strategies do not support supervision and treatment goals, and the judiciary cannot agree on supporting a more uniform supervision and sanctioning policy, then the success of the model will be negatively affected by its “loosely-coupled” components.

Figure 1 depicts the key elements of the model as a package. Stakeholders have to know that to sustain effectiveness a probation department has to:

- Adopt assessment tools that have been developed based on research identifying risk and criminogenic characteristics of the target populations and validated with appropriate research
 - A risk assessment is needed to identify the probability that offenders that share certain characteristics will recidivate and present a public safety threat while under supervision. A needs assessment identifies criminogenic factors that must be considered in addressing the supervision and programmatic needs of offenders. These assessments can be done using various tools and should be part of a Pre-sentence Investigation (PSI).
- Effectively use assessment tools to recommend to judges the appropriate conditions of supervision and treatment
 - The assessments should provide court and probation officials with a “diagnosis” of the probationers that differentiate the risk and programmatic needs of offenders and can be used to provide appropriate interventions based on these distinctions.
- Develop differentiated supervision strategies based on diagnosis classifications
 - Probation officers need to engage in the design of a supervision plan with offenders through “motivational interviewing”. This involves more than a traditional interview by the probation officer as the officer has to provide the right context and questions to identify the offender’s own strengths and weaknesses and get “buy in” from the offender that his supervision plan is actually oriented at helping him in addressing some of his behavioral or personal needs. The supervision plan should address not only the conditions of probation imposed by the courts but also move beyond that to identify specific objectives related to addressing behavioral changes (like cognitive skill development), providing treatment (for substance abuse) and assisting the offender (by connecting the offender with community services and support systems). In developing a supervision approach the officer should consider the motivation, learning styles, gender, age and culture of the offenders to be successful (the so-called “responsivity” principle).
- Integrate effective programs into supervision strategies by targeting appropriate populations

- The probation department should provide programming based on cognitive-behavioral strategies and probation officers should provide positive reinforcement and engage offenders to seek community support or services as a regular part of their supervision approach. These programs have to be implemented with “fidelity” to the model; otherwise, the programs will address the problems only in name and not in practice. As programs are limited, probation departments should establish effective collaboration approaches to take advantage of community and neighborhood resources and, if possible, maximize the resources in geographical areas in which most of the offenders reside.
- Develop progressive sanctioning strategies and work with judicial officials to use them in conjunction with programs or sanctioning alternatives to maximize the possibilities that probationers succeed in the community and to reduce revocations for minor rule violations
 - The deployment of supervision and program resources should be delivered in a way to match as closely as possible the needs and risk of the population. Moreover, the judiciary has to agree to adapt the conditions of supervision to support the supervision strategies and agree on a progressive system of incentives and sanctions that match the diagnosis of the offenders. For example, instead of a list of standard conditions of supervision given to all offenders, fewer conditions may be applied to offenders at lower risk and need levels to reflect the research findings that the least intrusive intervention with these offenders may be the most effective. On the other hand, supervision conditions that can support treatment or behavioral changes can be more precisely targeted to the population that needs it the most.

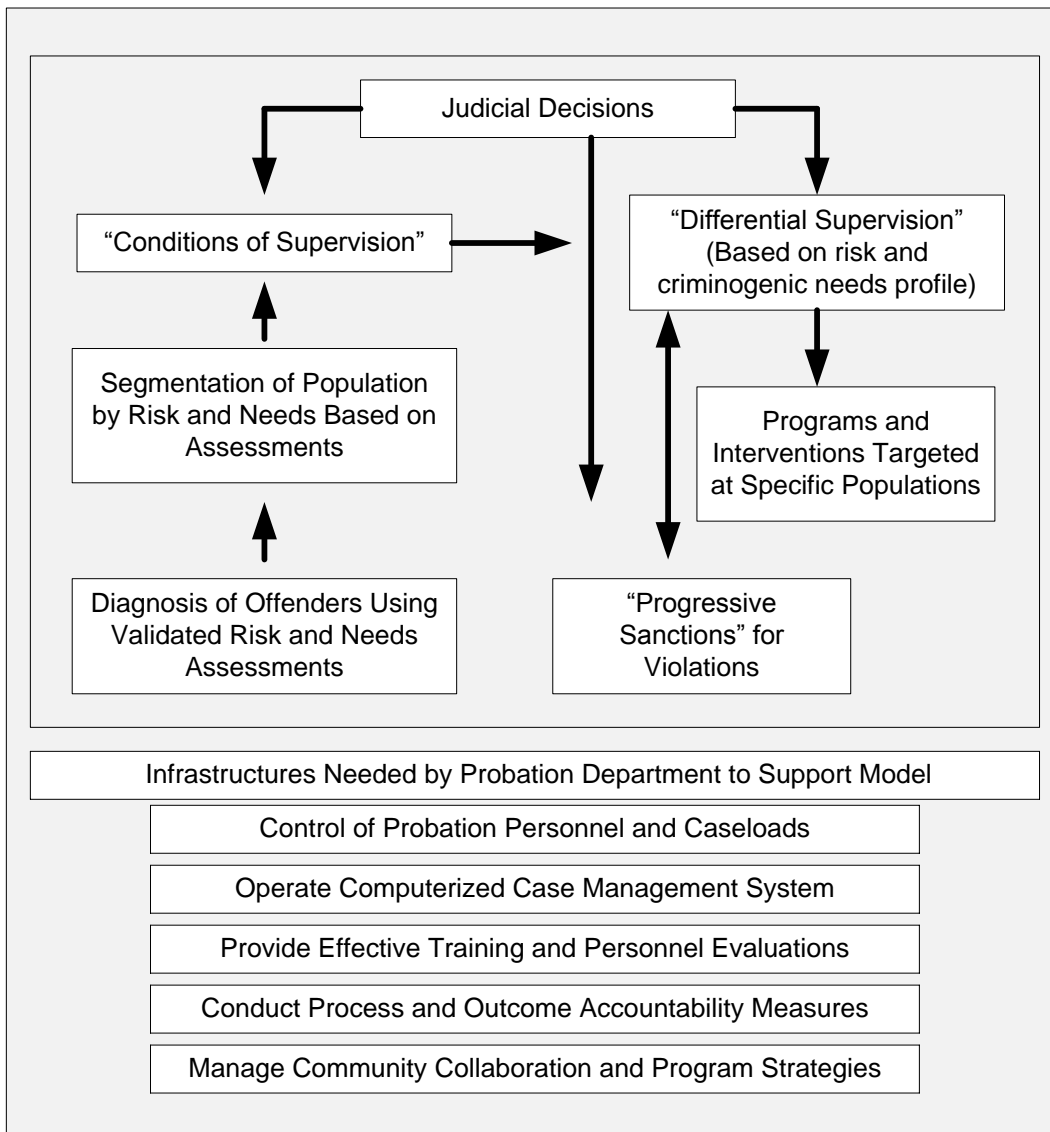
The model components have to be well integrated and supported by a strong organizational structure. In particular, the department should:

- Control the deployment of probation officers and caseloads to match risk and needs of the population as defined by the diagnostic protocols and special considerations imposed by the judiciary
 - Departments need to be able to have consistent strategies and use resources effectively by controlling the deployment of cases along risk and/or specialized supervision. The department should also target supervision to areas of high concentration of probationers. These “neighborhood based strategies” better utilize resources but also allow for officers to become familiar with the places that influence the probationers’ daily life. Alliances with faith-based and neighborhood based non-profit groups, as well as with police, make for more effective supervision.
- Administer an effective computerized case management system facilitating the use of information among different components of the system and providing for business processes that are efficient
 - Computerized information systems are critical to effectively integrate all the elements supporting the model. The automation of assessment and supervision

plans should allow for the smooth transfer of information among court personnel, officers and administrators.

- Measure outcomes like recidivism, improved family relations or lower substance abuse to provide accountability to judicial and department administrators for achieving results
 - Case management systems, if properly designed, should allow for easy access to case information, program participation and program outcome data. It should also allow for research, assessments and/or audits to be effectively conducted and for monitoring reports to be routinely generated as part of the management feedback system.
- Develop organizational strategies to maintain the integrity of programs and integrate training and personnel evaluations to support the overall mission
 - The model has to be supported by a strong training program that gives the staff the proper skills to utilize assessments, engage in motivational interviewing, develop appropriate supervision plans and allow for the fair and appropriate shift in personnel performance evaluations and program expectations. The training has to be institutionalized and be “active” training in the sense of engaging the personnel in exercises supporting the new skills.

Figure 1: Integration of Evidence-Based Practices Model Elements into a Cohesive Operational Model



III. Overview of Findings: Bexar CSCD as Organization in Need of Modernization

A. Overview of Findings

Figure 2 below depicts the history of the department's administration. Since 1965, the department has had three Directors, with one director (Caesar Garcia) serving 24 years as Director and with 34 years of tenure in the department. In 1969 the department was a small organization run by a close-knit group (as described to the assessment team by somebody familiar with the earlier days) and with no state oversight or funding. San Antonio had a little over 500,000 population. During the late 1970's and 1980's the population of Bexar County grew significantly and the demands on the criminal justice system grew accordingly but the department failed to keep up with these trends. When Mr. Garcia retired in 2003, the department was a large organization, with millions of dollars in state funding and expectations of producing "evidence-based results" by state oversight officials. San Antonio's population had almost tripled since Mr. Garcia was hired to over 1.3 million people, becoming the seventh largest city in the country. Yet, as will be discussed below, the department still operates like the "old days."

The assessment shows Bexar CSCD is an organization in need of modernization. The Bexar CSCD is an organization in need of modernization. The department is operating in an environment more reminiscent of how probation departments operated in the past than how they operate today. This is reflected, among other indicators, in the obsolete "court assignment probation structure" in which each court controls their own officers and managers and offenders placed on probation in a specific court are only supervised by the probation officers assigned to that court. As a result of this form of organization the department cannot effectively deploy caseloads based on consistent risk and criminogenic needs policies. Other areas of inefficiencies include: a) a fragmented assessment process; b) lack of a unified court policy related to supervision and sanctioning strategies; c) lack of outcome measures to guide policies; d) lack of a computerized case management system; and, e) poor training and personnel evaluation policies.

This assessment was not intended to uncover "savings" but a cursory examination of costs shows that over \$1 million could be "saved" or redirected by reforming the department along EBP. Making better use of managers and officers assigned to each court, eliminating the practice of supervising the same person on felony and misdemeanor probation using two different officers, re-designing the PSI process to reduce duplication, reducing turnover of probation officers by having an effective career ladder system and improving processes and accountability with a case management system should generate those savings. Additional savings can be generated by having better outcomes. For example, reducing revocations will reduce the number of jail bed days use for this population which will reduce jail costs. Finally, improving reporting of workload information to the state would generate close to \$300,000 in additional state revenue that was lost last year due to the misreporting of this information.

Line probation officers are aware of the EBP model in general and have indicated they would like to adopt some of these practices if the organization would support them. However, the issues mentioned above create overwhelming barriers for them. It is important to note that there are some judges that are eager to move forward by modernizing the department and are willing to change the "court assignment probation system" in which each court essentially runs

its own probation department. During briefings conducted in November 2009 there appeared to be a general understanding that the department needs to be modernized. Bexar is the only large county in Texas operating under this “court assignment system” and the judges realize negative probation outcomes indicate that this is not the most effective way to organize a modern probation department. Moreover, the judges are increasingly aware that under the present organizational structure they are exposed to claims of administrative acts that expose them to personal liabilities.

In 2005 the legislature amended the Government Code to clarify the three areas in which judges have oversight responsibility for probation departments. These are: (a) establishing a community supervision and corrections department; (b) approve the department’s budget and community justice plan; and (c) hire and fire the department’s director and the Chief Budget Officer of the department. Other activities dealing with the operation of the probation department are considered “administrative acts” and for these acts there is no immunity against personal liability. Effective since 2005, this law also allows County Court Judges to participate in the decision to hire and fire a probation chief, which was previously the exclusive decision of the District Court judges (more details discussed below).

In recent years the department has been in turmoil for reasons discussed below with the present director resigning in August 2009 effective in January 2010 (pending the completion of this assessment). The department has also moved to a new building creating a better work environment but disrupting operations during the moving process. However, the underlying perception by key personnel is that judicial and county officials would not make the needed changes to improve the department along EBP. A common phrase heard in most focus groups, after discussions of potential changes that may be necessary to improve the department, was “but this is Bexar County and nothing will change.”

Figure 2: Graphic Depiction of Historical Timeline of Bexar County Probation Department Administration

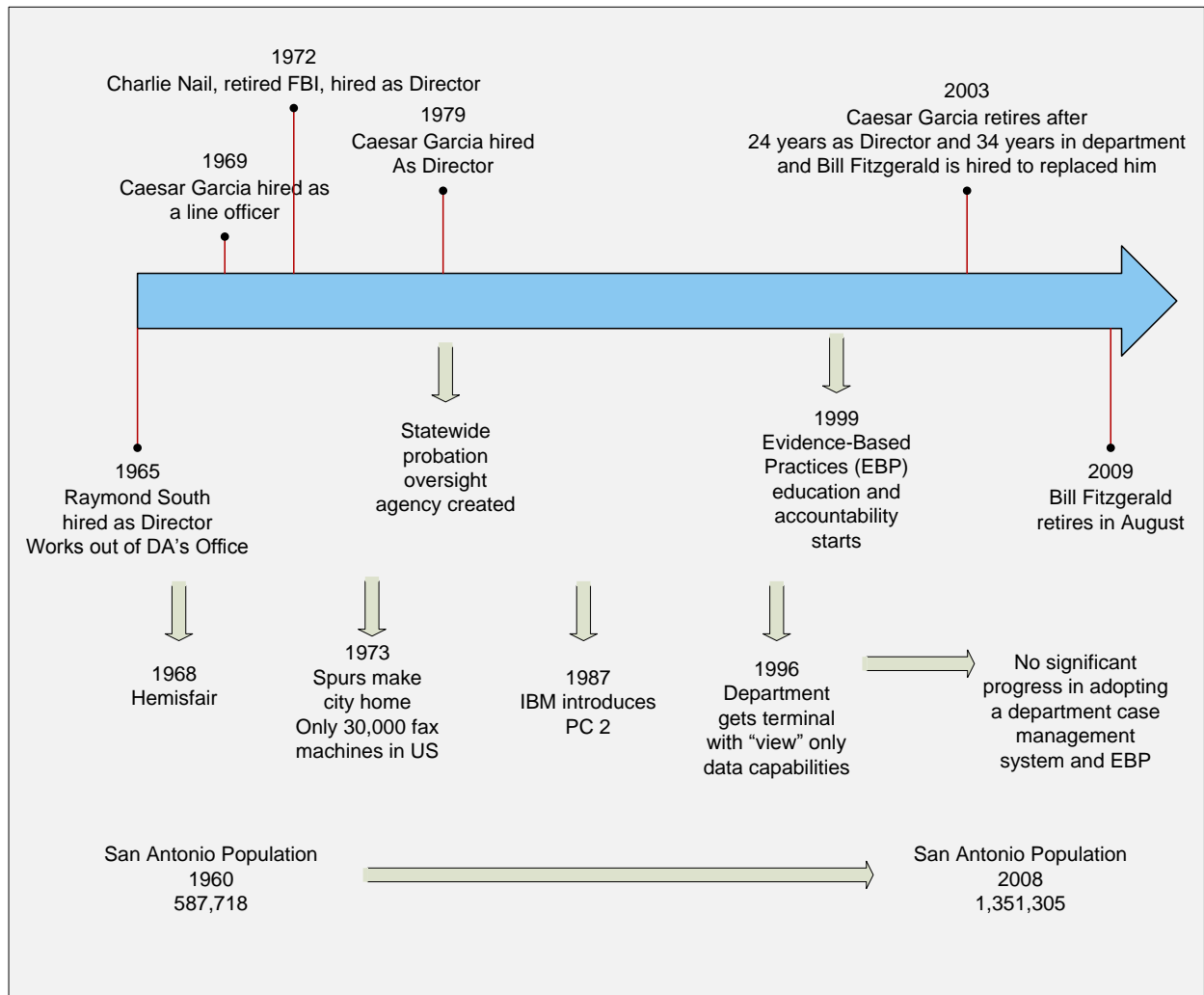


Table 7 below summarizes the assessment findings and these items will be discussed in more detail in this section and the sections that follow but, to summarize, the department is behind the times in having EBP. The fragmented assessment process, the lack of a unified court policy related to supervision and sanctioning strategies, the lack of outcome measures to guide policies and the involvement of judges in what may be seen as administrative practices are ultimately the legacy of executives that were not able to guide changes to modernize the department's structure. The lack of a computerized case management system, the poor training and personnel evaluation strategies found in the department are ultimately the legacy of a department operating like it was in the 1960's and 1970's.

Table 7: Summary of Findings of Bexar CSCD EBP Organizational Assessment

Key Guiding Questions	Summary of Results
<p>Are risk and criminogenic assessment tools used in the diagnosis of offenders and have these tools been validated by research?</p>	<p>Only a risk assessment is used and this is after the PSI process. The risk assessment has not been validated to the Bexar population. There is a drug screening assessment done as mandated by the state.</p>
<p>Is the assessment process properly integrated with case planning, the imposition of conditions of supervision and the development of supervision plans?</p>	<p>PSI is not an effective assessment process and is subjected to variations by courts and narratives that reduce its utility. There is no uniform policy for developing supervision plans.</p>
<p>Is the population differentially supervised by risk and needs?</p>	<p>Generally, it is differentiated by risk but with each court controlling caseload assignments and different policies for each court, the differentiation is operationally meaningless.</p>
<p>Does the deployment of supervision and program resources match the risk and needs of the population?</p>	<p>Not clear as a lack of computerized case management system makes it difficult to examine this question.</p>
<p>Are programs based on cognitive-behavioral approaches using community and neighborhood resources?</p>	<p>Generally no and there is no neighborhood based supervision with probationers reporting to locations that are close to their areas of residence. There is only one reporting location at the main building.</p>
<p>Are there mechanisms to certify the quality of programs and adjust the capacity of programs to meet changing demands?</p>	<p>Not by the department. TDCJ-CJAD conducts periodic program audits and reports back to the department. The audits in recent years have not been positive and have consistently found problems with case management and information reporting.</p>
<p>Is there a judicially agreed-upon system of progressive sanctions for violations?</p>	<p>Yes as reported in the department's plan. However, in reality there are 19 different sanctioning systems as the overall progressive sanction system is not operational.</p>

Table 7 (continued)

Key Guiding Questions	Summary of Results
<p>Are there mechanisms to monitor the use of progressive sanctions and the way they are matched to the risk and needs of the population?</p>	<p>No. There is no uniform policy for the department. Monitoring is done by each court but in no systematic manner.</p>
<p>Does the department have a forum for community planning, like a community corrections council that meets on a timely basis?</p>	<p>No. The department community corrections council has not met.</p>
<p>Does the department develop a community corrections plan periodically and is this plan presented and reviewed by community stakeholders?</p>	<p>Yes, as required by the state agency but without any active participation of stakeholders or community.</p>
<p>Can information systems be used to support assessments, program evaluations and performance measures?</p>	<p>No. The department does not have a modern case management system. The department relies on the county's mainframe system that does not support a flexible reporting case management system.</p>
<p>Are key personnel in the organization ready to support changes in administration and supervision practices toward the integrated adoption of essential elements?</p>	<p>Yes, but they are not hopeful that the judiciary will support the changes needed.</p>
<p>Are there effective research-, audit- and/or assessment-based feedback systems to provide performance and administrative accountability?</p>	<p>No. The department has no research staff and management has not instituted formal data driven process and outcome feedback systems.</p>
<p>Is the personnel evaluation system oriented towards measuring and promoting performance related to case work, motivational interviewing and effective supervision planning?</p>	<p>No. The personnel evaluation system measures mainly paper work compliance and does not distinguish among performance indicators in any significant way.</p>
<p>Are there personnel training strategies directed at enhancing key skills, like motivational interviewing and case work skills?</p>	<p>Partly. A training department has been created but training to meet state certification standards and safety training are the main orientation. There is training staff to conduct EBP training but a training agenda to accomplish this has not been developed.</p>

B. Roots of the Dysfunctional Operation

The root of the dysfunctional operation of the Bexar probation system is the way the courts are organized in relation to the probation department- along a “court assignment probation system” that has been long-discredited in most jurisdictions. In Harris County, for example, a similar system was discarded in 1983.⁸ The word to describe this system is “Balkanization” which is defined in the dictionary as “to break up into smaller, often hostile units, with different groups watching and playing their own things.”⁹

Figure 3 below shows what a modern court-probation department organization that promotes EBP looks like. Offenders placed on probation by the courts should be referred to the probation department for diagnosis and intake. The diagnosis should be done following agreed upon protocols for pre-sentence offenders so that the courts have the best available risk and criminogenic profile for those being considered for probation. Once offenders are granted probation, the department should be responsible for assigning the person to the appropriate caseloads following a unified court policy that is followed by the department. The supervision strategies and conditions of probation should match the diagnosis risk and severity of the probationers. Progressive sanctions should be applied uniformly based on the same premise. However, for either the setting of conditions or sanctions, it is understood that judges may make reasonable departures that allow for adaptation to specific circumstances.

The department, as mentioned earlier, should then support this model with an effective computerized case management system and effective training and personnel practices. The courts should demand professional accountability from probation executives for running an effective probation department but it should not get involved in administrative actions. Organizational protocols should be clear and transparent.

⁸ Conversation with Paul Becker, Director of the Harris CSCD, August 2009.

⁹ <http://www.merriam-webster.com/dictionary/balkanization>

Figure 3: Court and Probation Department Organizational Model to Support EBP Operations

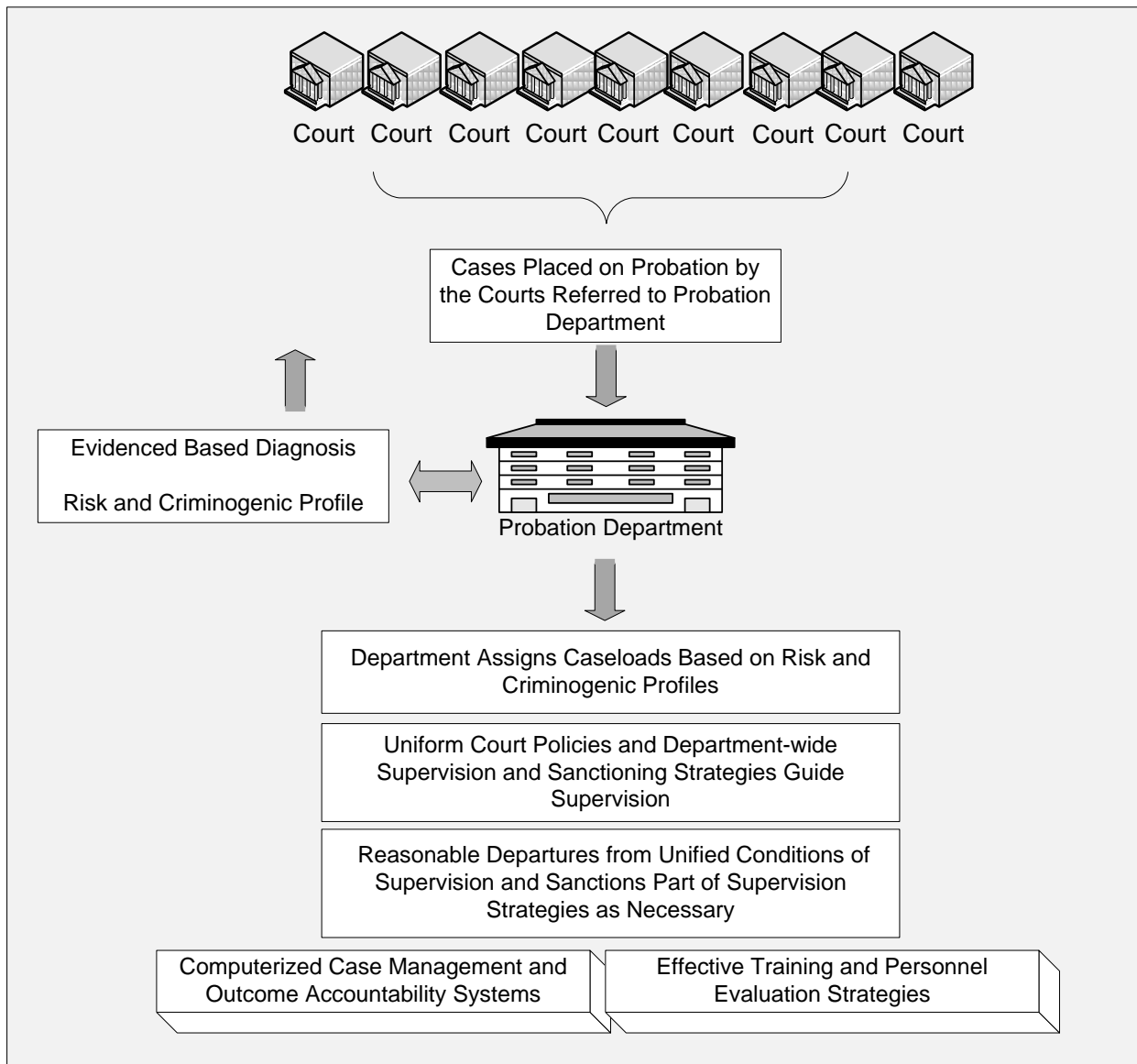


Figure 4 below shows what the Bexar County “court assignment probation system” looks like. Namely, in Bexar there are 19 courts operating 19 different probation departments. This does not even consider the fact that another three county courts became operational in September 2009 due to the state legislature allowing this expansion.

In Bexar County, each court is assigned a number of probation officers, a court liaison and a court manager that work for each court. Most persons placed on probation are assigned to be supervised by an officer assigned to that court (the exception are some specialized caseloads as discussed later). The department has no control over the logical deployment of

those cases following a department wide policy considering geographical location, risk, needs and resources.

This organizational format is costly. The Court Liaison Officers and Case Managers assigned to each court consume 15% of the department's basic supervision budget (or \$2.026 million in annual payroll costs) and these officers do not directly supervise probationers. Moreover, the "Balkanization" has led to a culture in which probation officers and management do not see themselves as working for the department. The paycheck may come from the department, but they work for "the judges". This is not a conducive environment for a well-managed probation system.

In conversations with focus groups of probation officers there was never a mention of "my department" or "our department" but always a reference to "my court" "my judge" what "my judge's policies are" or "what my judge wants me to do." One overwhelming frustration vocalized by the majority of participants in the probation officers focus groups was not having a clear mission for their jobs. Sometimes they feel like agents for collecting fees (one of the criteria they are evaluated on); other times they feel like document collectors; and other times they feel like case workers needing to provide client services. They feel that at "one minute they are instructed to increase or concentrate on fee collections, the next they are asked to focus on matching defendants with appropriate programs or services and the next asked to work on their file documentation." The overwhelming frustration by the officers is the lack of a clear mission that is supported by organizational processes. This is impossible to achieve with the "Balkanization" culture presently in place in the department; a culture that has been promoted by judges through the history of the department and supported by the top personnel for decades.

Figure 4: Depiction of the Court Assignment Probation System in Bexar County

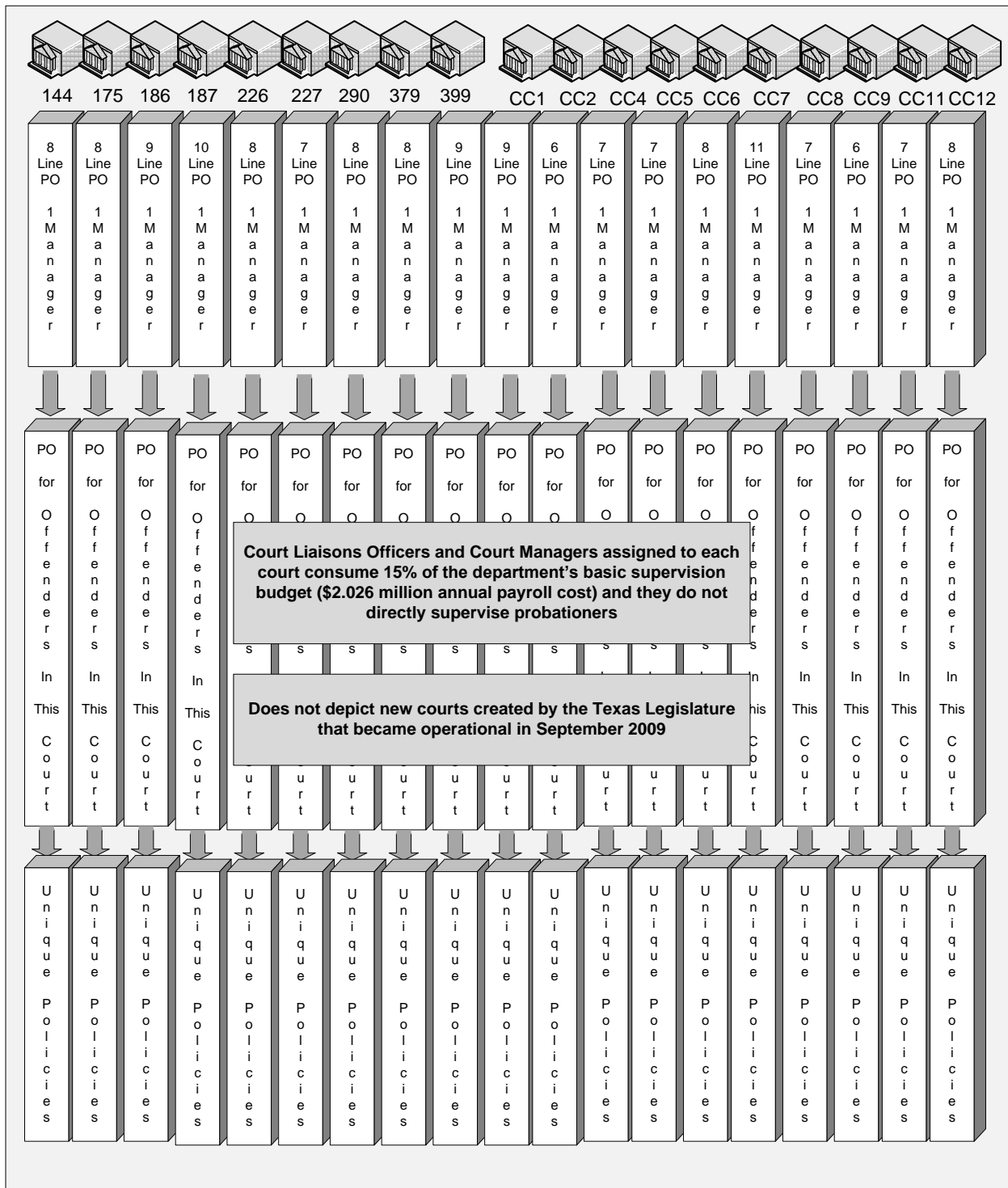


Figure 5 below shows the results of a survey conducted by TDCJ-CJAD on behalf of this study to determine if any department in the state was organized like Bexar County. The answer is no. The results presented here are for Harris, Dallas, Travis, Lubbock and Hidalgo County. As in Bexar County, each of these departments have a probation officer acting as a “court liaison” or as intermediary between the department and the court. These officers assist the court in processing violation reports, extracting information from the probationers’ files and discussing particulars of a case with a probation officer. However, this is where the similarities end. In none of these counties are probation officers assigned directly to work with each court and only take cases for supervision from those courts. In these counties, caseloads are deployed along neighborhood based strategies or considering the geographical residence of the probationers, felons and misdemeanors can be supervised in mixed caseloads and supervision and sanctioning policies are fairly uniform among the courts.

Figure 5: Comparison of Bexar County with Harris, Dallas, Travis, Lubbock and Hidalgo Counties along Court – Probation Organization

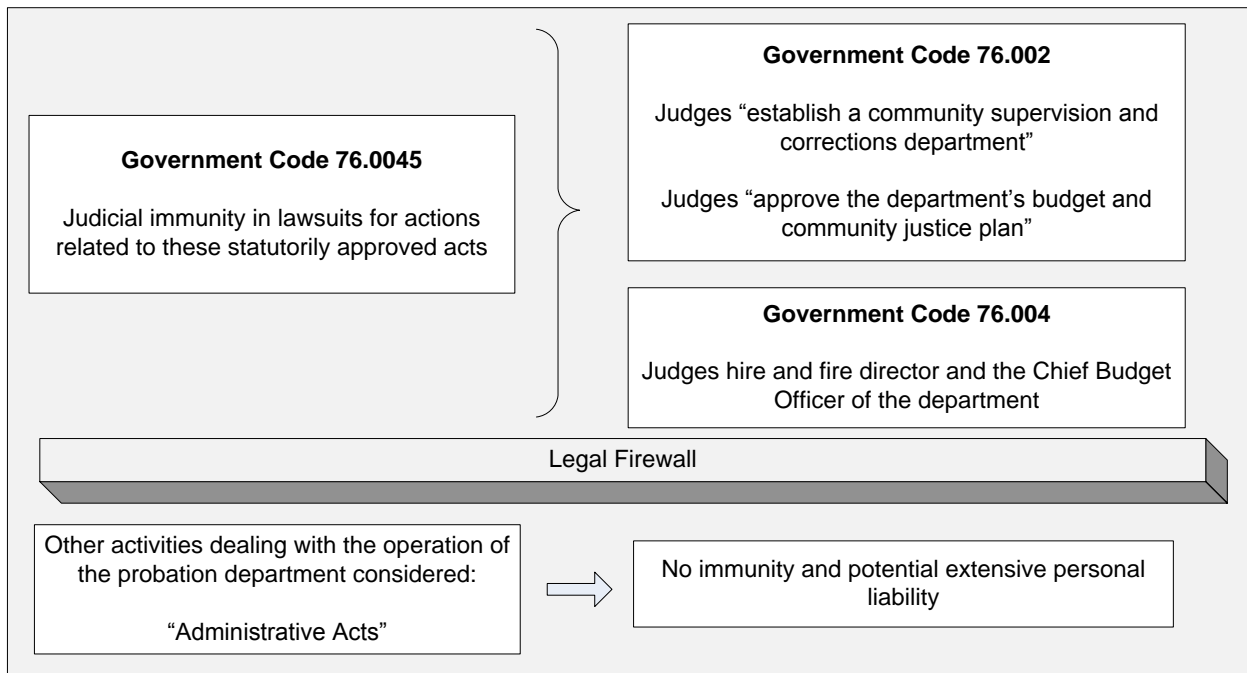
	Bexar	Harris	Dallas	Travis	Lubbock	Hidalgo
Is there a court liaison in each court?	Yes	Yes	Yes	Yes	Yes	Yes
Are probation officers assigned directly to work with each court and only supervise cases from their assigned court?	Yes	No	No	No	No	No
Are caseloads deployed along neighborhood based strategies or reporting considers the geographical residence of probationer?	No	Yes	Yes	Yes	Yes	Yes
Are there mixed caseloads of felons and misdemeanants?	No	Yes	Yes	Yes	Yes	Yes
Are policies among courts fairly consistent?	No	Yes	Yes	Yes	Yes	For conditions and fees

Source: Texas Department of Criminal Justice, Community Justice Assistance Division, Phone Survey, July 2009

Figure 6 depicts the present law regarding judicial immunity when it comes to judges overseeing probation departments in Texas. In 2005 the legislature amended the Government Code to clarify the three areas in which judges have oversight responsibility for probation departments. These are: (a) establishing a community supervision and corrections department; (b) approve the department’s budget and community justice plan; and (c) hire and fire the department’s director and the Chief Budget Officer of the department. Other activities dealing with the operation of the probation department are considered “administrative acts” and for these acts there is no immunity against personal liability. Since 2005, this law also allows County Court Judges to participate in the decision to hire and fire a probation chief, which was previously the exclusive decision of the District Court judges.

The 2005 legal changes emanated from a personal liability lawsuit against a judge in Tarrant County related to claims of liability for administrative decisions. The manner in which the Bexar CSCD is operated exposes judges to claims that they are making administrative decisions. Conversations with focus groups raised different situations in which it seems that, under the right litigious circumstances, judges may be exposed to personal liability for administrative acts.

Figure 6: Texas Law Regarding Judicial Immunity in the Oversight Function of Probation Departments



C. Unmanageable Complexity

Figure 7 depicts the complexity related to the department's operation of a four layer supervision system driven by no cohesive policy. The complexity created by this "court assignment probation system" makes it hard to have a logical foundation to operate under EBP. The department has 169 probation officers (annual payroll of about \$7.3 million) supervising cases from each specific court and following each specific court policy. It has 41 probation officers supervising cases from all the courts in specialized caseloads (like for supervising mentally ill offenders) that have to follow 19 different sets of supervision and sanctioning policies. In addition, there are 109 persons staffing residential treatment programs that have to follow specific policies related to residential treatment and security requirements. Finally, 21 probation officers are supervising out-of-county cases following the requirements from the out-of-county courts or probation departments. Yet, these operations are conducted without an Administrative Manual.

The department has an "operations manual" that generally describes basic operations (i.e. how and when to fill out certain forms) but it lacks an Administrative Manual as required by law. Texas Administrative Code requires probation departments to have a manual "that defines the CSCD's general purposes and functional objectives" and at a minimum includes a set of sections defined by law.¹⁰ Pieces of what could become a manual are in different documents throughout the department but have not be compiled into a single document. However, of about 39 sections required by law, the department is missing or inadequately addresses 12 sections.

¹⁰ Title 37, Part 6, Chapter 163, 37 Texas Administrative Code Section 163.21

Figure 7: Depiction of Department's Four Supervision Operational Layers

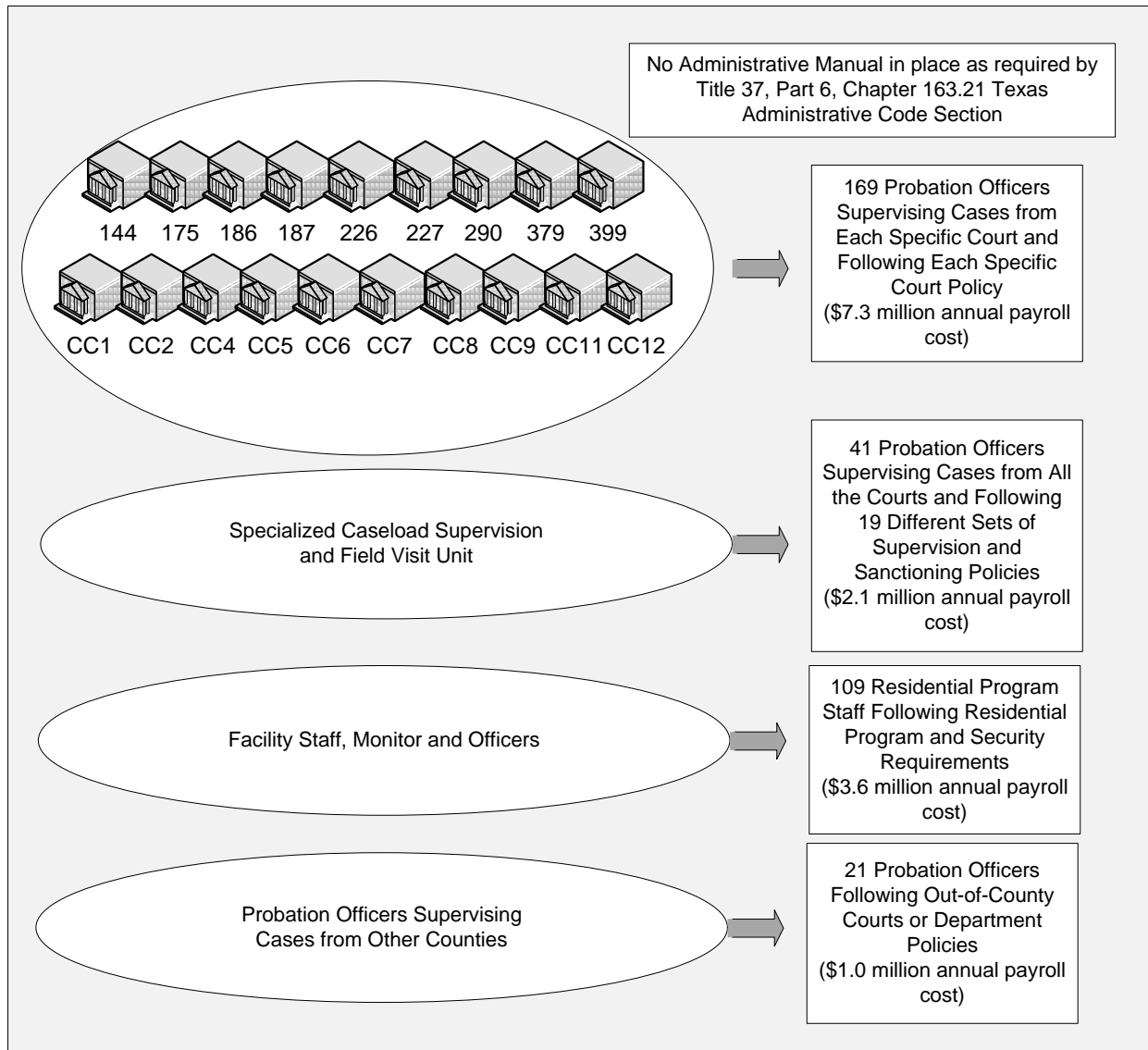


Figure 8 below depicts the set of recent audits by TDCJ-CJAD questioning key operational elements in the department. The state audit shows a pattern of problems that have not been addressed and, although the department leaders take the blame, this blame has to be shared with the judiciary that is so involved in running their own probation systems. Moreover, while the department lacks funds for developing or buying an effective computerized case management system, it is estimated that in 2009 the department lost approximately \$257,000 in state revenue due to errors in the reporting of required data to the state CSTS. These funds would have allowed for infrastructure improvements or for the hiring of 6 probation officers to help reduce high caseloads.

Specific audits and findings have been:

- **Progressive Sanctions/Caseload Reduction/CCF Aftercare Audit - Conducted November 2006**
 - Incorrect reporting of revocation data on state required system; poor case record documentation; inadequate management information system; offenders that have a misdemeanor and felony are supervised by 2 CSOs (1 felony, 1 misdemeanor) reporting only 89% CSTS data entry compliance; and, no CSTS (Community Supervision Tracking System) data entry for aftercare caseloads.
- **Revocation Audit - Conducted February 2008**
 - Poor case record documentation; offender contacts not made as required by CSCD's; Progressive Sanctions Model (PSM) 20% compliance rate in addressing violations in accordance with CSCD's PSM; inadequate management information system; and, incorrect reporting of revocation data on MCSCR.
- **Case Management Audit - Conducted April-May 2008**
 - Incorrect reporting of direct supervision cases on MCSCR; 95.5% compliance rate in reporting cases for direct supervision funding; assessments, reassessments, SCS not completed or late; inadequate management information system; and, no internal audit policy or procedure.
- **SATF 2 Audit - Conducted April 2008**
 - Designated fire exits locked; no HIV/AIDS information provided to residents; no locked storage for medication; staff not trained in procedures for self-administration of medication; no suicide prevention program; and, missing policies and procedures.
- **Mental Impairment and Sex Offender Audit - Conducted July 2008**
 - Incorrect reporting of data on MCSCR; Sex Offender registration not completed; timely Static 99 assessments not completed; and, timely reassessments and supervision plans not completed.
- **Treatment Alternatives to Incarceration Program Audit - Conducted August 2008**
 - Screening, assessment, and referral process not done in accordance with Govt. Code 76.017; files "manufactured" during the course of the audit; residents in treatment and unable to work being charged for room and board; and, progress reports and aftercare plans not present in files.
- **Treatment Alternatives to Incarceration Program Audit - Conducted May 2009**
 - Incorrect reporting of data on persons receiving residential and outpatient services; and, progress reports not present in files.

A summary of recurring issues includes:

Chronologicals:

- Redundant information leading to inaccurate documentation
- Lack of substance means no real picture of what is happening to probationer during supervision period.
- Auditor, manager or other probation officers reading files have to search for information as to progress/lack of progress.
- Chronos written on all types of documents: progress reports, mail, blank chrono sheets
- Case files are poorly organized resulting in having to piece together information on offenders.

Risk/Needs Assessment:

- Inaccurately scored (underscored)
- Not timely
- Missing
- Manufactured for audit

SCS Assessments:

- Missing
- Late
- Not completed due to wrongly scored R/N assessment

Referrals:

- Documentation of referrals and progress of programs lacking
- Information difficult to locate due to being scattered throughout the file.

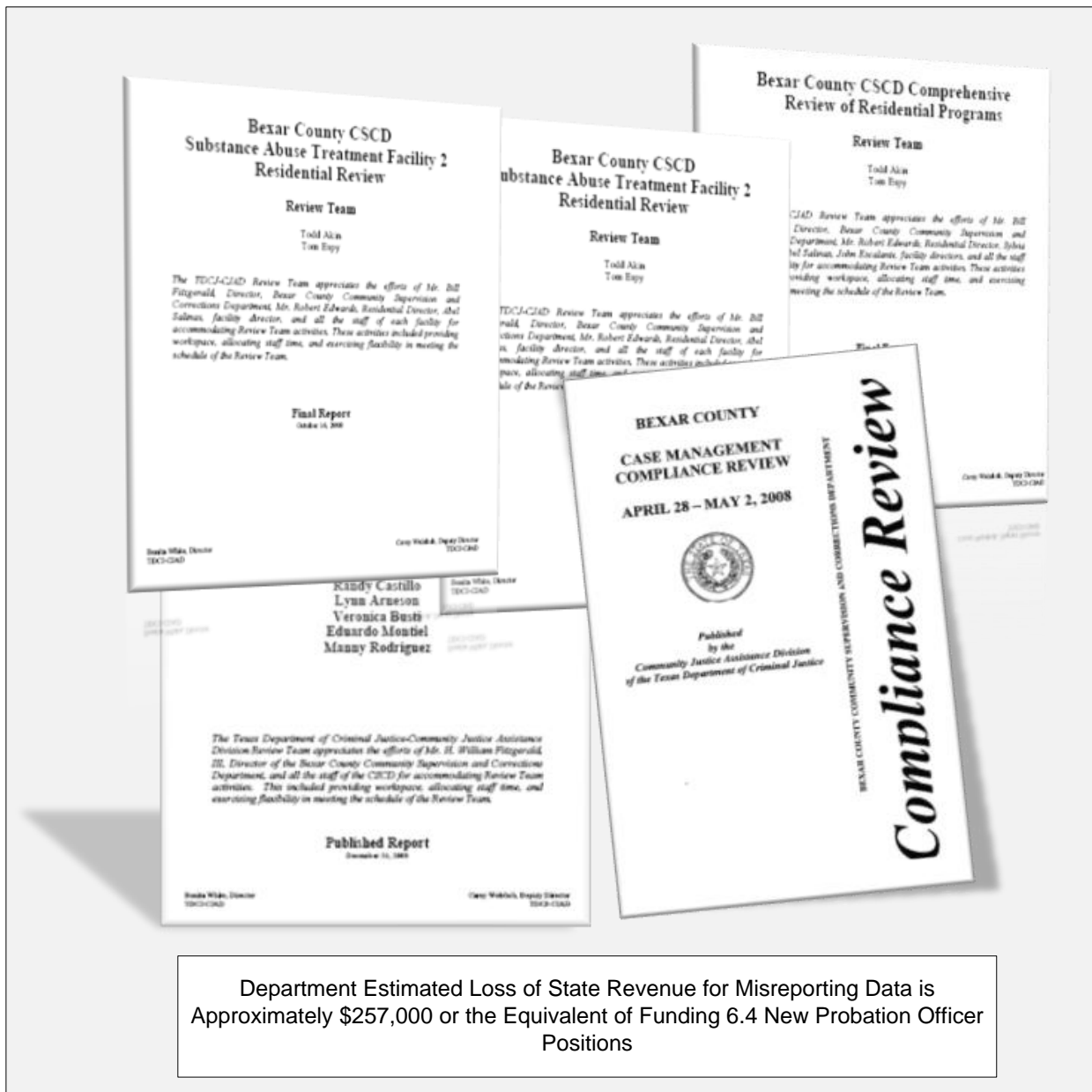
Face-to-Face Contacts:

- Level 4 cases are seen more often than Level 2 cases. None of the audits reflected that Level 2 cases met their contact requirements.

As one of the auditors for the state agency put it: “collectively, the recurring problems I consider most serious are: (1) the totally inadequate case management information system; (2) insufficient and poor quality documentation; and, (3) the department's inability to provide accurate data to CJAD. My greatest concern is that we've seen little evidence of improvement during the time period covered above.”¹¹

¹¹ Phillip Bonner, Email, August 8, 2009.

Figure 8: Recent Audits of the Bexar CSCD by the Texas Department of Criminal Justice, Justice Assistance Division

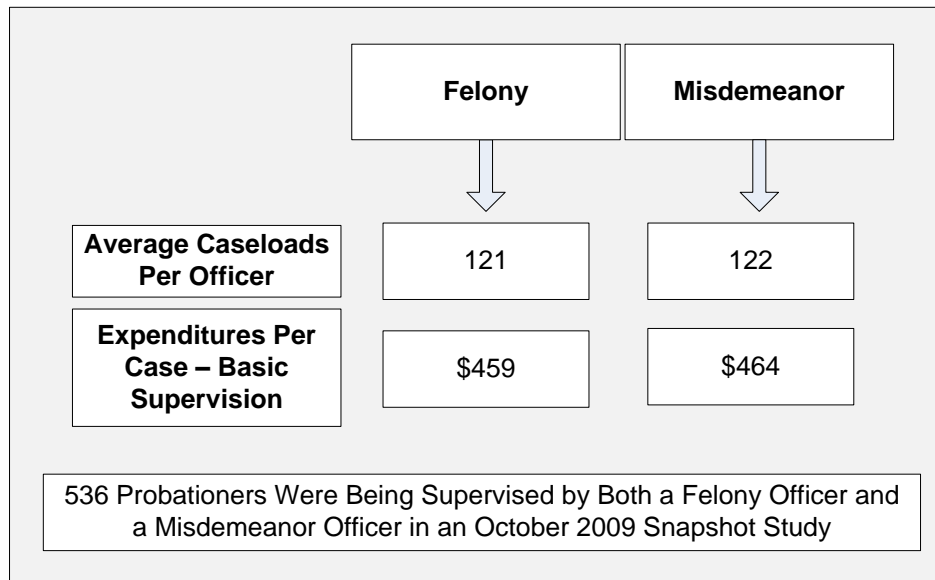


D. Inconsistent Supervision Practices

Figure 9 shows the average caseload in the Bexar CSCD for felons and misdemeanants under basic supervision and expenditures per case for basic supervision (which exclude the population and expenditures for probationers in residential facilities and specialized caseloads). The average caseloads for officers supervising felons and misdemeanants are about the same, over 120 cases supervised by each probation officer. Bexar is the only large county in the state in which felony and misdemeanor probationers are not supervised in mixed caseloads.

Therefore, it is possible to calculate the cost of supervising felons and misdemeanants. The calculation shows that more is spent per case in the basic supervision of misdemeanors than felons, which is related to the fact that misdemeanor offenders are as intensively supervised as felony offenders. This is an ineffective utilization of resources and may help increase recidivism. Moreover, a snapshot study of the population under supervision conducted in October 2009 showed that there were 536 probationers being supervised by both a felony officer and a misdemeanor officer. Supervising these offenders in mixed caseload could free up to six officers to have their own caseloads effectively reducing the department’s overall caseloads.

Figure 9: Average Caseloads in Bexar CSCD and Expenditures per Case for Basic Supervision for Felonies and Misdemeanors



Source: TDCJ, CJAD and Bexar CSCD budget sheets. For calculation: 7,989 misdemeanor direct basic supervision and 8,142 felons direct basic supervision. Not counted above: population and expenditures for residential and specialized programs. Basic supervision budget is for CSO and overhead for basic supervision population.

As will be discussed later, Dallas and Harris County in 2008 had a larger number of misdemeanants under supervision than Bexar (10,676 and 9,650 respectively vs. 8,507 in Bexar County) but Bexar County revoked over 1,600 more misdemeanants than Dallas County and over 1,400 more than Harris County. The revocation rate for Bexar was the highest, with 40% of the misdemeanor population revoked in 2008 followed by Harris County at 21%. Bexar also places more misdemeanor offenders in residential facilities than any other county (an average monthly number of 87 compared to 1 in Dallas and 12 in Harris).

The research literature is very clear that the over-supervision of low risk offenders can result in increased recidivism.¹² These are the reasons why:

- Placing low risk offenders in interventions with high risk offenders increases exposure to negative associations;

¹² Lowenkamp and Latessa, *Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders*, Topics in Community Corrections, National Institute of Corrections, 2004

- Increased supervision and requirements of low risk offenders disrupts pro-social factors such as family and work and replaces pro-social attitudes and contacts with anti-social thoughts and peers; and,
- Some low-risk low-functioning offenders may be manipulated by high risk offenders.

The over-supervision of misdemeanants in Bexar County, along with inconsistent supervision policies, is probably the main reason for the high revocation rates for these offenders.

Figure 10 depicts each of the areas in which judges have policies that generally differ among all the courts and create inconsistent supervision practices. This will be discussed in more detail in the section on supervision strategies. For example, the courts have different policies regarding what they want to see in Pre-Sentence Investigations (PSIs) or different policies regarding when violations will result in a motion to revoke and even different policies on when the court will share certain pre-Motions to Revoke (Pre-MTRs) with the District Attorney’s office. Potentially, there are 228 different policies that have to be followed by probation officers in the department.

Figure 10: Graphic Depiction of Court Policy Areas Related to the Supervision of Probationers

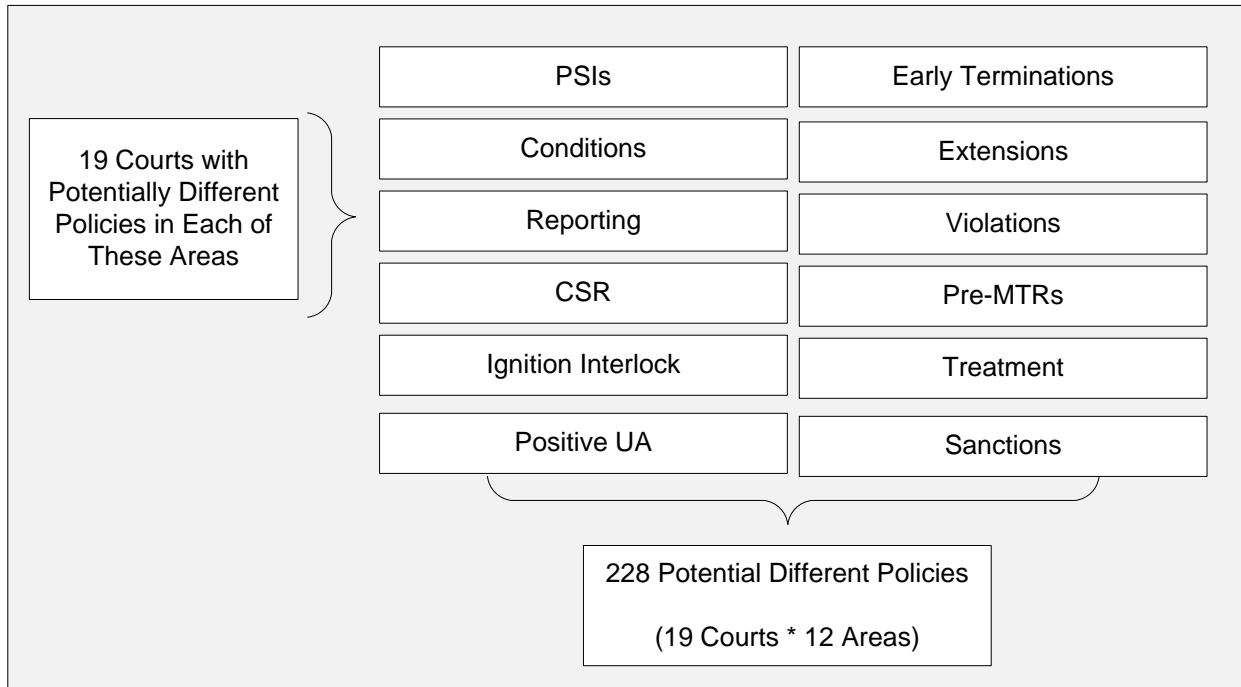












Figure 11 shows the average assessment for fines, courts fees, court appointed attorney fees (CAA) and probation or supervisory fees by each County Court for August 20, 2009 to September 9, 2009. Court fee averages do not fluctuate significantly. These fees are mandated by law following a standard used by the courts. However, for the rest of the financial obligations the courts have more discretion. For example, the average for fines imposed range from a high of over \$1,000 in one court to just over \$200 in another, with other averages fluctuating between this high and low. For CAA, the average ranges from zero to close to \$125. For supervisory or probation fees, the average ranges from \$19 to over \$47. Considering that the populations of these courts are all misdemeanants, and mostly low level offenders, the fluctuation in averages fees appear to be a reflection of variances among unstated policies of each court regarding the imposition of financial obligations.

Figure 11: Average Assessment of Fines, Court Fees, CAA and Supervisory Fees by County Courts for August 20, 2009 to September 9, 2009

County Courts	Fine	Court Cost	CAA*	Supervisory
 A	\$319.17	\$357.20	\$0	\$36.00
 B	\$439.71	\$341.65	\$55.15	\$27.29
 C	\$207.35	\$343.97	\$0	\$19.56
 D	\$312.12	\$345.37	\$79.99	\$36.36
 E	\$426.56	\$360.00	\$79.91	\$47.34
 F	\$322.73	\$347.15	\$59.60	\$41.21
 G	\$474.24	\$348.79	\$71.87	\$27.58
 H	\$386.49	\$336.54	\$74.86	\$45.68
 I	\$401.52	\$348.42	\$57.32	\$25.45
 J	\$1,022.73	328.61	\$124.29	\$33.03

CAA= Court Appointed Attorney fees

Figure 12 shows the number of sentence extensions granted by each County Court for 2008 and 2009. Extensions are discretionary and are usually granted to allow probationers to complete the fee payments if they have not done so. The number of sentence extensions range from 5 in one court to nearly 400 in another. Again, with no consistent supervision practices in the setting of financial obligations, some courts will have to grant more sentence extensions than other courts to allow more time for the probationers to pay their obligations. In the meantime, they continue to over-supervise these misdemeanants increasing the chances for their failure as was discussed above and as will be shown in the outcome section below.

Figure 12: Number of Sentence Extensions Granted by County Courts, 2008-2009

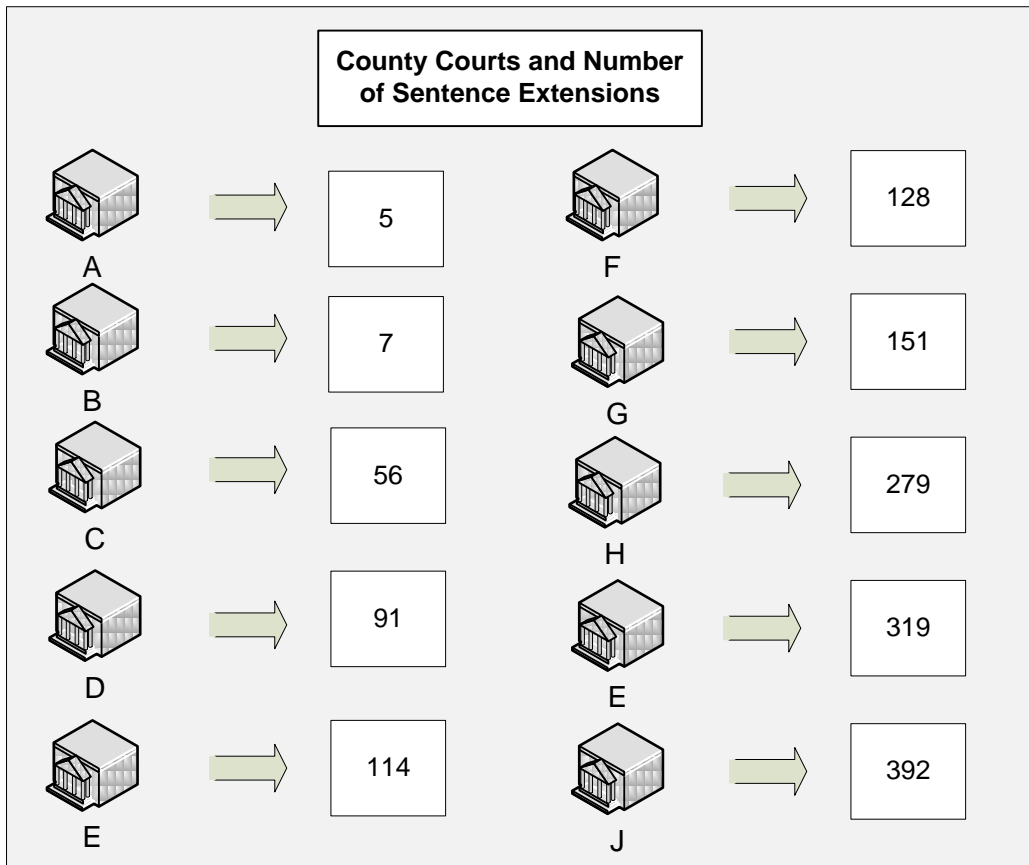
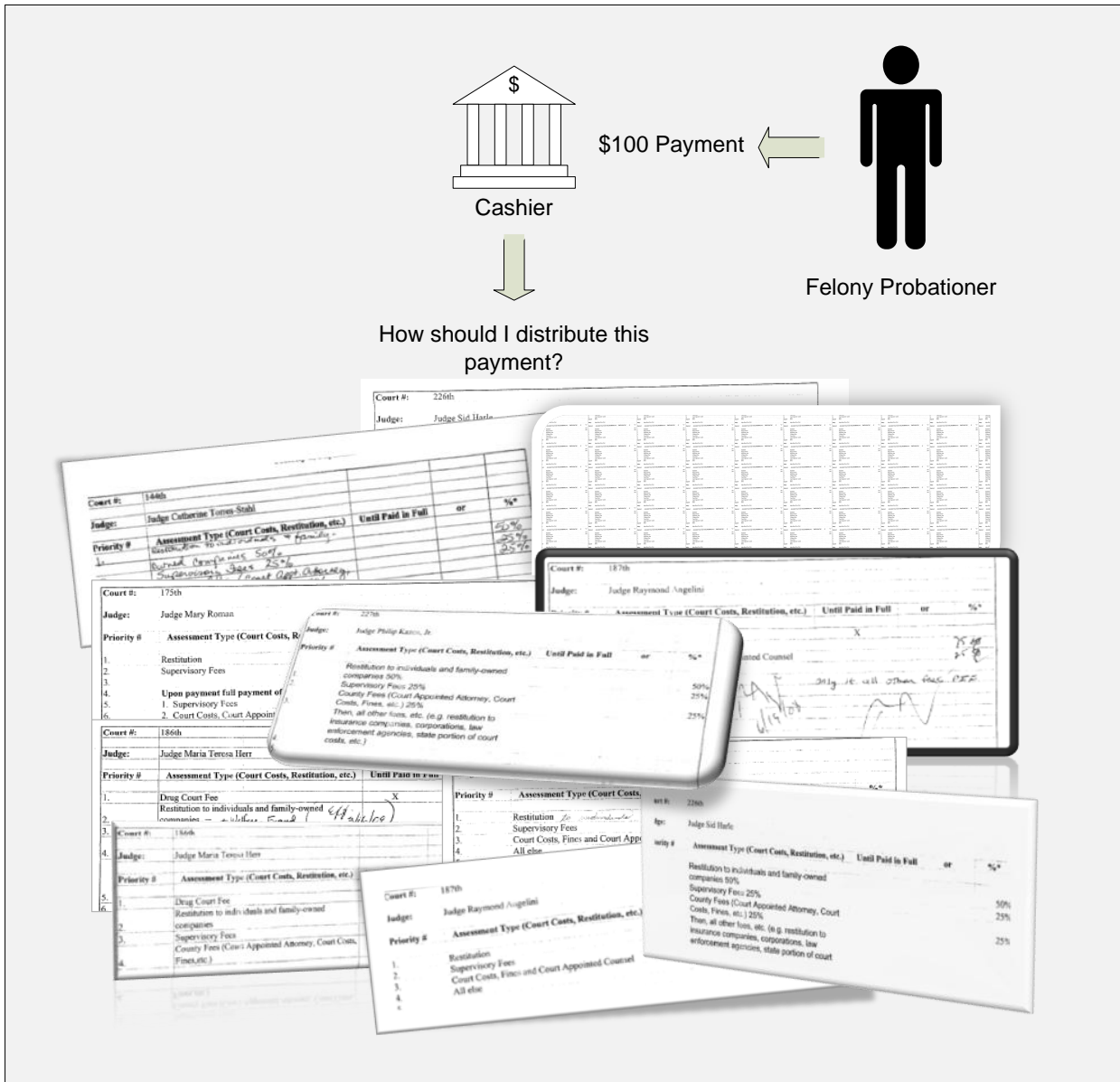


Figure 13 depicts the fee and fine collection process and the forms used by each district court in setting the distribution of the financial obligations they impose. Here, as in other aspects of the department, there is no uniform policy for the District Courts and, until recently, there was none for the County Courts. The first thing probationers see upon entering the probation department is the cashier windows on the first floor ready to collect their financial obligations. This is the first stop for probationers as they make their way to the upstairs offices of their probation officers. For those on misdemeanor probation, for every \$100 they pay, the cashier credits 50% to court costs and fines and 50% to probation fees. Once these fines and fees are collected, one-third of their payments go to restitution, court appointed fees, and miscellaneous fees. This uniform policy was adopted by the County Court judges on August 13, 2009 after an earlier decision on fee distribution that would have meant a loss of over \$600,000 for the department creating a budget deficit and a potential loss of personnel. For the District

Courts, however, there is no uniform policy. For every \$100 paid by felony probationers, the cashiers have to check: (a) the court supervising the person; and (b) the distribution of funds stated by that court. For example, one court requires that 50% of the funds be allocated to restitution, 25% to probation fees and 25% for county fees. Another court requires that 100% be allocated to restitution until paid in full, then 100% to supervisory fees until paid in full and then 100% of the court costs, court appointed counsel and fines until they are paid in full. This method of allocation is based on what “each judge wants” and the judges are: (a) not aware of what other judges require; (b) do not state any rationale justifying their scheme; and, (c) as a group have not created a business plan to determine how the generated revenues impact the services or goals behind the utilization of these revenues.

Figure 13: Fee and Fine Collection Process and Forms Used by Each District Court Setting the Distribution of Financial Obligations



Finally, Figure 14 depicts one of the implications of this organizational approach to supervision in what some officers call “my cousin’s problem”. My cousin’s problem refers to comments made by probation officers during focus groups stating how probationers in the same neighborhood are sanctioned differently for the same violation. A probationer then wonders why “my cousin,” who is supervised in the same neighborhood and who violated the same condition of supervision, was treated differently than he was (the cousin may have gotten a referral to outpatient drug treatment for failure in an urine drug test as opposed to a revocation to jail). Under the Bexar way of deploying cases there can be 19 probationers in the same neighborhood reporting to 19 different probation officers in the central office who may have

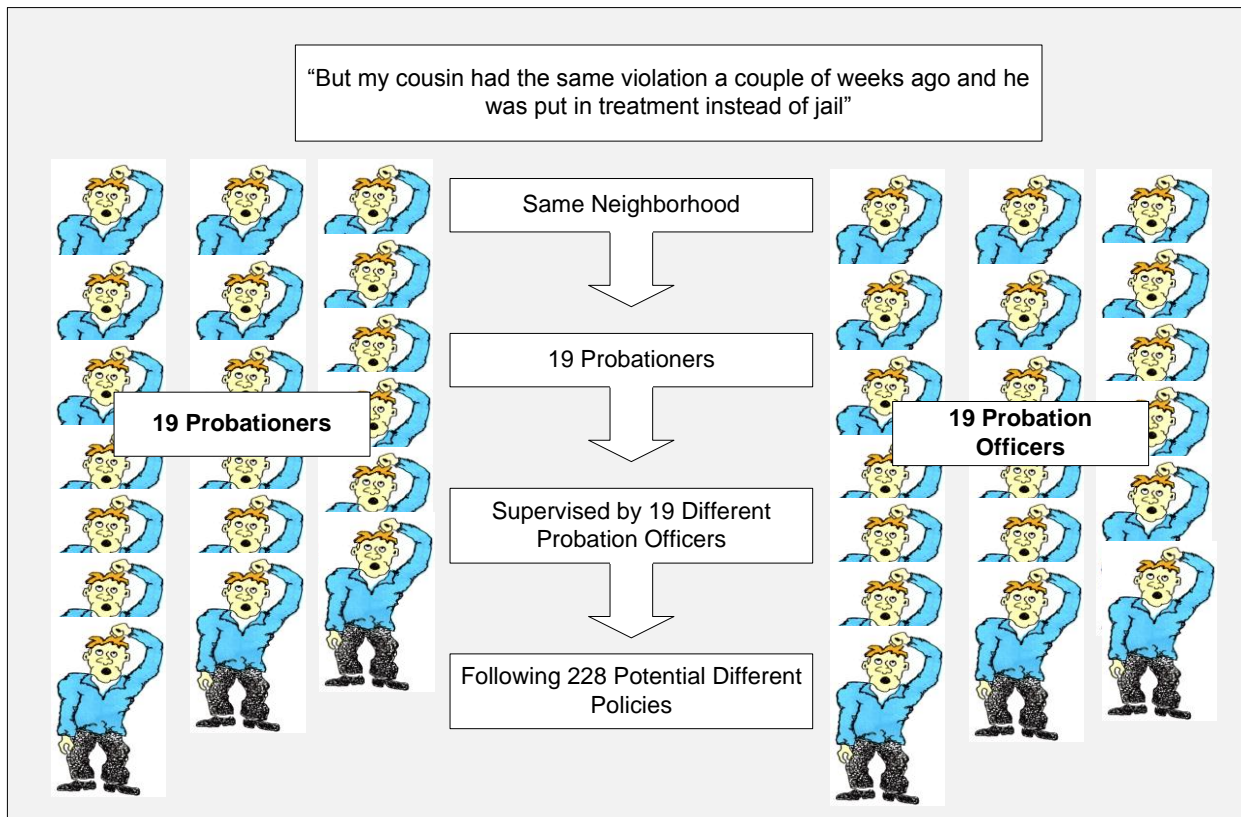
never been in that neighborhood and who are following 228 potential different policies related to assessment, supervision and sanctioning.

All probationers in Bexar County have to report to the main office of the department in downtown San Antonio. Harris County, for example, has seven reporting locations spread throughout the county.¹³ Last year, the judiciary in Bexar County informally told the director that they opposed a plan for deploying caseload supervision along geographical areas of the county.¹⁴ The plan had to account for all the variations in policies and the document proposing the plan was over 1,300 pages long. Without changing the courts probation assignment system this type of approach is unworkable. As will be discussed later in the mapping analysis conducted for the report, the deployment of cases without consideration of the concentration of probation population in neighborhoods is inefficient and ineffective in improving supervision practices.

¹³ Conversation with Paul Becker, Director of the Harris CSCD, August 2009.

¹⁴ Bexar CSCD, Regionalization Plan, May 2008.

Figure 14: Graphic Depiction of “My Cousin’s Problem” Related to Supervising Probations in the Same Neighborhood under Different Policies



E. Pre-sentence Investigation Process

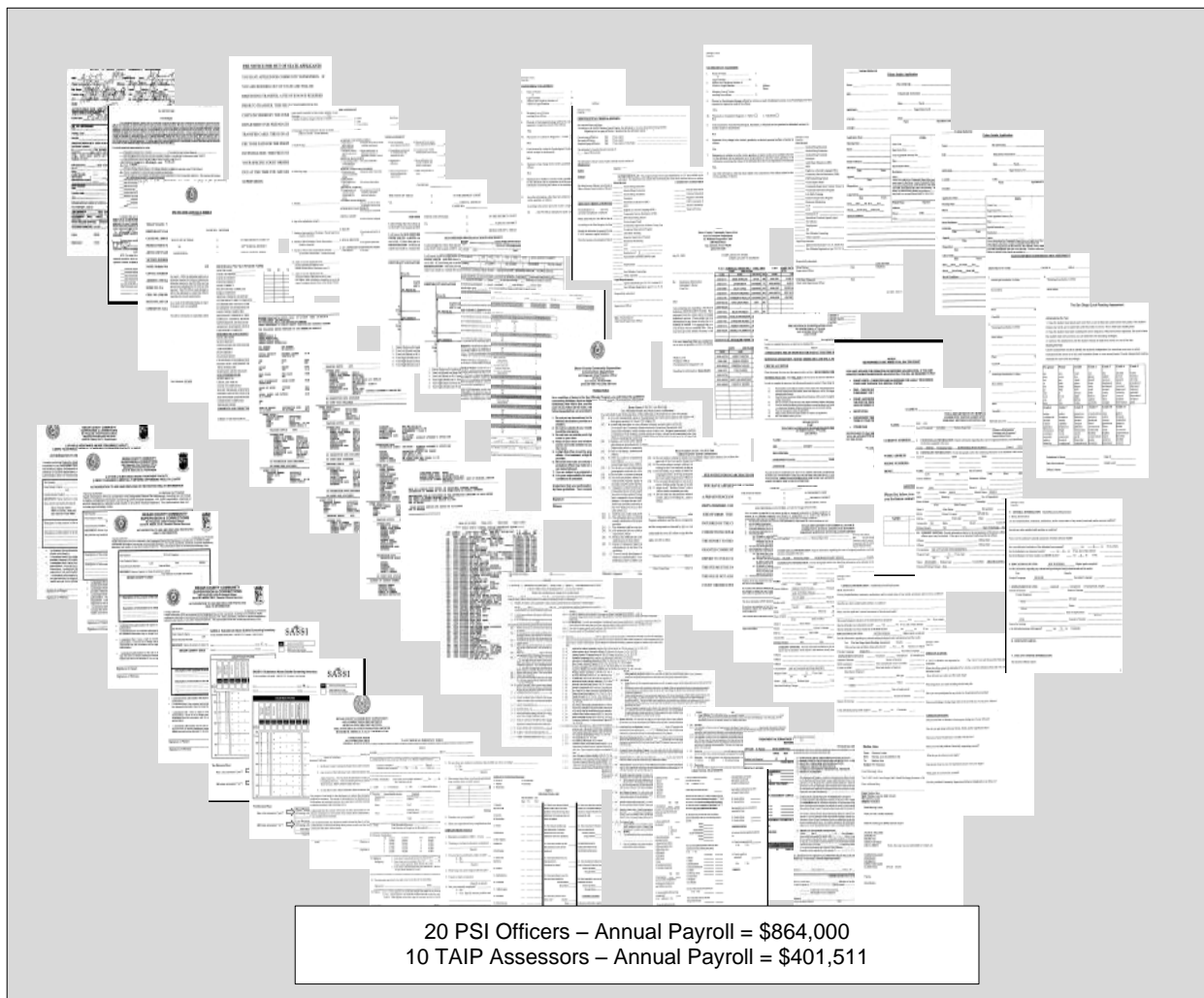
Figure 15 depicts the morass of paperwork that is the PSI. The main content of the PSI is a narrative. This narrative, although presented as answers to a set of general questions, is influenced by the different writing styles and perceptions of the officers. Moreover, the narratives lend themselves to various interpretations by judicial officials that could “see” different “stories” based on their own experiences. Consequently, offenders are required to meet conditions that are not consistent with their risk or criminogenic factors. This also promotes inconsistent policies regarding the sanctioning of offenders for violating the conditions of supervision. The supervision plan developed by the PSI unit is simply a sheet that lists a number of programs that the officer checks off as they deem appropriate. It is not based on any assessment of criminogenic needs or systematic evaluation of factors impacting the defendant’s criminality using evidence-based tools as in Travis County, for example, discussed below. Even with their check list, PSI officers say judges may or may not use them in setting conditions so they see the work as wasted and of little value in developing a real supervision plan or diagnosis.

There are 20 PSI officers conducting these evaluations and these officers are overwhelmed with paperwork, with no computerized access to key information, duplicative data collection efforts and typing long narratives directed at meeting the “flavors” of each judge.

There are an additional 10 Treatment Alternative to Incarceration Program (TAIP) assessors conducting screening and assessment for substance abuse that may become part of the PSIs but require another visit by the probationer to the department as the PSI and TAIP process is not part of a seamless assessment system.

The 20 PSI officers' unit annual payroll is \$864,000 and the 10 TAIP assessors adds another \$401,511. Thus, the department spends over \$1.2 million in assessing processes. Still, the fact remains that the present PSI process does not give judicial officials a diagnosis based on risk and criminogenic characteristics that can be used to properly diagnose probationers along meaningful dimensions that can guide supervision practices. This is one of the largest obstacles in the implementation of EBP.

Figure 15: Graphic Depiction of PSI Paperwork and Personnel Resources Dedicated to Assessing Probationers



Contrast the PSI process in Bexar with the centralized diagnosis process developed in the Travis County CSCD. In Travis, there is a centralized diagnosis center in which all the assessments are conducted. A Central Diagnosis Unit was created in 2007 consolidating all assessment functions. The Wisconsin risk assessment tool, which was already in use by the Travis probation department, was validated and integrated into the diagnosis process. This is a well-known risk assessment required for use by probation departments by TDCJ-CJAD. The Strategies for Case Supervision (SCS) assessment was adopted to assess criminogenic needs as part of the diagnosis process. The SCS is a public domain assessment tool that follows strict protocols for identifying the criminogenic needs of offenders and is also required by TDCJ-CJAD for use by probation departments in Texas for high risk offenders. These tools, plus other substance abuse and mental health screening tools, were consolidated into one cohesive “Diagnosis Assessment Form.” Diagnosis officers are trained and certified to properly use the assessment tools.

A “Central Diagnosis Report to the Courts” was also developed to transmit diagnosis information to the courts using a cohesive format that integrates the results of the risk assessment and the SCS assessments in a color coded matrix reflecting risk and criminogenic characteristics. The field intake process was streamlined to reduce repetitive paperwork and allow probation officers to dedicate more time during the first interview to engage probationers using “motivational interviewing” techniques. The supervision plan structure was redesigned to better reflect the main criminogenic needs and how to address them. Finally, a progressive sanction and incentives scheme was designed to reflect different levels of tolerance for violations by different types of offenders.

Figure 16 depicts the structure of the Centralized Diagnosis Assessment Report. As can be seen, Part 1 and 2 includes basic information regarding identifiers, prior criminal record checks, offense and victim information. Part 3, 4 and 5 includes the assessment tools for the diagnosis. Part 6 is a “diagnosis summary report” to the courts that is “detached” from the longer report and provides the diagnosis information to the courts. (The more detailed interview information captured in the longer package is available to judicial officials at their request). This report provides summary information important to judicial officials and includes a “diagnosis matrix” identifying the risk and criminogenic profile of the offender.

Figure 16: Travis County Centralized Diagnosis Assessment Report

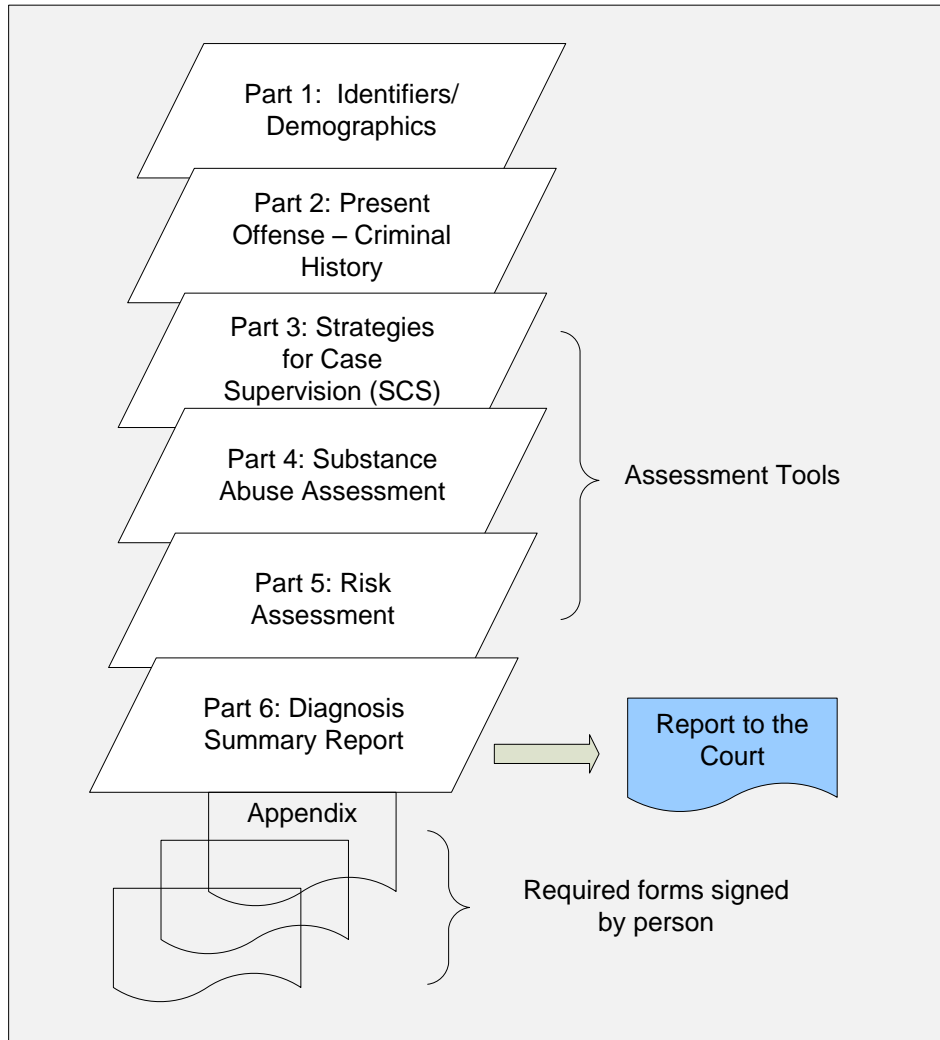


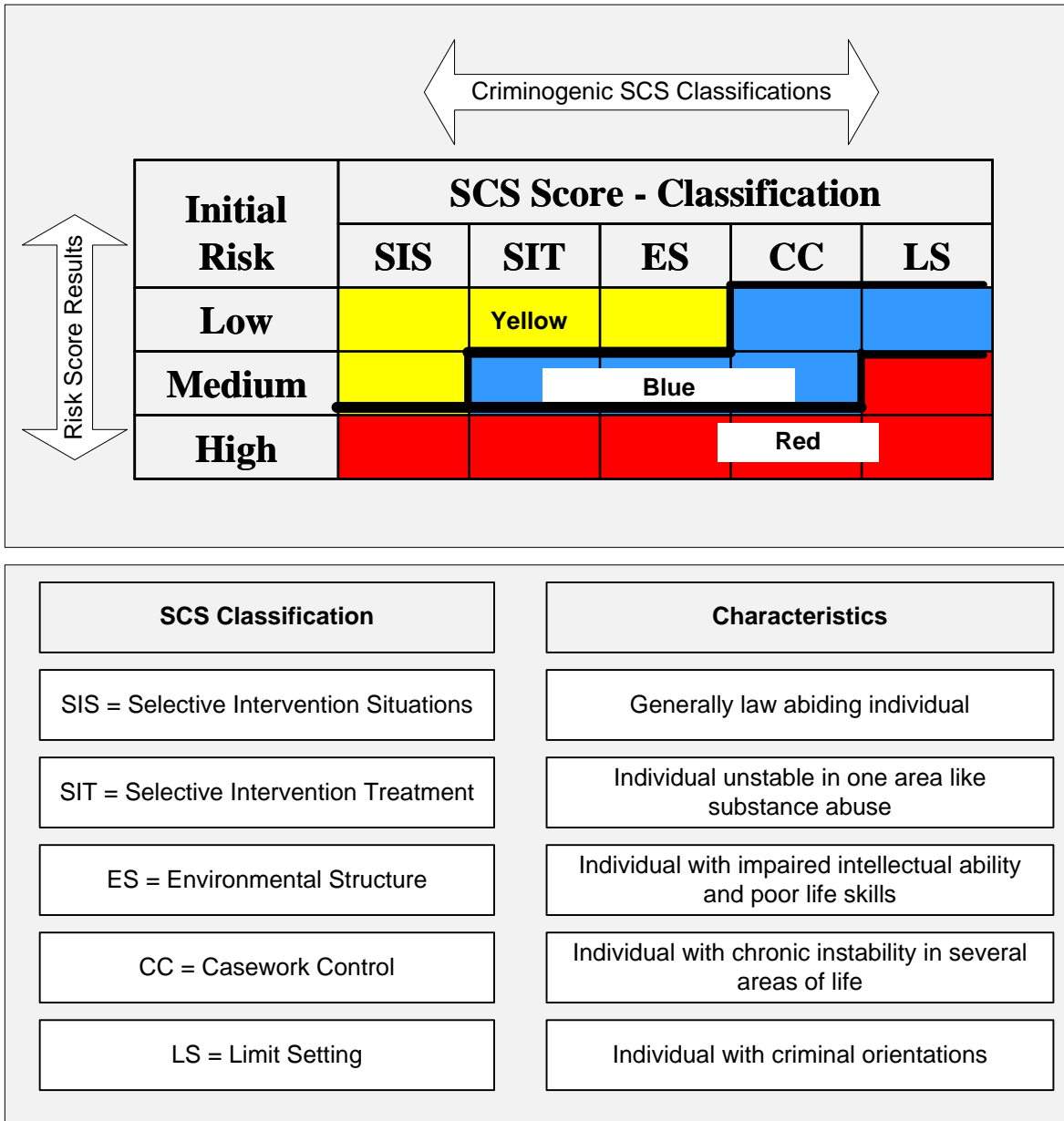
Figure 17 depicts the “diagnosis matrix” of the Travis County diagnosis report to the courts. The matrix classifies the risk of the offenders on the vertical axis. The horizontal axis classifies the criminogenic profile from the SCS. There are five profiles depicted in the figure that relate to the criminogenic propensity and treatment needs of the offenders. The end result is the classification of probationers along each of fifteen categories based on risk and criminogenic needs and along three color coded groups: Yellow, Blue and Red. The department states the diagnosis for the offender and the type of supervision strategy (Yellow, Blue, or Red) that would apply should the court place the offender on probation.

In general, low risk pro-social offenders with a stable lifestyle (SI-S) or with some skill deficit or isolated treatment need (SI-T) will be placed in the “Yellow” category. For these offenders, the supervision strategy is to intervene selectively, delegate planning to them, use rational problem solving techniques and have more tolerance for minor violations. Offenders who are classified mainly as medium risk, that are impulsive, lack skill, are easily led (ES) and some that have destructive thinking, low esteem and emotional problems (CC) will be placed in the “Blue” category. For these offenders, the supervision strategy is to have more reporting

requirements, more intensive treatment interventions and some field visits. Offenders who are classified mainly as high risk that are in any of the SCS categories, but in particular in the categories of having destructive thinking (CC) or criminal thinking (LS), will be subjected to the most restrictive supervision strategy and will be classified in the “Red” category.¹⁵ This type of information is not presently available to Bexar County judicial and probation officials and, therefore, their system is not oriented at supporting consistent supervision practices.

¹⁵ For more information see: Fabelo, T., & Nagy, G. (2008, Fall). Streamlining and Strengthening Assessments Along Evidence-Based Practices: The Travis County Probation Experience. *Perspective, Journal of the American Probation and Parole Association*

Figure 17: Travis County “Diagnosis Matrix” as Part of Assessment Report to the Courts



F. Specialized Programs and Residential Treatment Capacity

Table 8 below summarizes the specialized and residential programs and projected number of probationers to be served by these programs in FY 2010-2011. As with other departments, the Bexar CSCD manages specialized caseloads for drug offenders, sex offenders and mentally impaired probationers. Probation officers with these caseloads have fewer probationers to supervise and have become more aware of the particular challenges faced by their populations. Bexar also has significant resources for residential treatment and

other locally created programs. Programs to highlight as described in the department's Community Justice Plan include:

Drug Courts: The Bexar County Felony Drug Court is an 18-24 month diversion program. Deferred entry of judgment and probation violation drug offenders qualify to participate in the program. The target group includes male and female nonviolent chronic drug abusing offenders, whose criminal offenses are directly related to drug addiction. Defendants charged with violent or sex offenses are not eligible for participation. The County Courts also operate a Drug Court. Both try to follow EBP and claim good completion rates. The Court depends on a strong drug court team and a supportive steering committee comprised of community leaders and stakeholders in its daily functioning.

Gang Intervention Unit: Specialized officers that provide intensive, field-oriented supervision for those documented gang members who are classified as high risk and/or those who are members of notoriously active gangs within Bexar County. To avoid inappropriate placement and/or labeling, each offender must be documented as a gang member. Inter-agency cooperation from the Detention Center's Classification Unit and the San Antonio Police Department's Gang database tries to accomplish this goal.

The Mental Impairment Caseload: This is a specialized caseload designed as an intensive supervision intervention for the mentally impaired probationer by providing a structured program to supervise and manage these high risk/high needs offenders.

Residential Substance Abuse Treatment Facility (SATF 2): This is a 120-180 day residential treatment facility operated under the direction of the department. The program targets a very high percentage of both male and female offenders who have violated a technical portion of their probation term by testing positive for illicit drugs or alcohol. A lesser percentage of individuals are ordered to participate in the program as an original condition of community supervision where alcohol and drugs are determined to be a common denominator in their criminal activity.

Zero Tolerance: This is a residential facility that targets young male offenders between the ages of 17 and 25 years who have shown a disregard for the conditions of community supervision and have different needs. This was formerly a "boot camp" facility that was re-organized in 2003 along what are supposed to be more effective cognitive type of interventions.

Mentally Impaired Facility: A residential center operated in partnership with the Bexar County Center for Health Care Services (MHMR) that provides substance abuse and mental health treatment to mentally impaired offenders Court ordered into the facility. The Mental Health treatment component is funded by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). The treatment facility provides mentally impaired offenders a transition from county jail to residential treatment to the specialized caseloads discussed above.

Genesis Program: The Center for Health Care Services also operates a specialized treatment unit for mentally impaired persons who are on community supervision. Many of the persons in this program are court-ordered to participate. The Genesis program provides a community-based program emphasizing continuity of care. This program is designed to offer intensive treatment and support to persons with major mental impairments in an attempt to divert them from further penetration into the criminal justice system.

Table 8: Summary of Specialized and Residential Programs and Projected Number of Probationers to be served in FY 2010-2011

Program	Description	Probationers Served Yearly*
Drug Court	Problem solving court for drug offenders	313
Electronic Monitoring	Monitoring of high risk probationers	920
Gang Intensive Supervision Program	Specialized, intensive supervision of gang involved probationers	220
Intermediate Sanctions Program	Sanctioning option short of revocation	120
High Medium Reduction Caseload	Specialized caseloads	630
Mental Impairment Unit	Specialized caseloads for mentally impaired persons	451
Substance Abuse Aftercare Caseload	Specialized caseloads for probationers completing residential treatment	322
SAFE	Sex offender supervision and surveillance	758
Substance Abuse Treatment Facility	Intensive residential treatment facility	300
Treatment Alternative to Incarceration Program	Screening, assessment and outpatient substance abuse treatment	5,314
Zero Tolerance Facility	Young male offender intermediate sanction residential facility	231
Mentally Impaired Offender Facility	Residential treatment facility and alternative to revocation center for mentally impaired persons	250
Total		9,829

Source: Bexar CSCD, Community Justice Plan, FY 2010-2011

* Projected by department for 2010-2011

The department is projected to serve close to 10,000 probationers in all these programs. Therefore, Bexar County is not deprived of significant tools to help probationers succeed. However, there is no cohesive policy to target these programs and no systematic data to determine which of these initiatives are successful. CJAD requires the submission of certain program completion data related to residential facilities and the state agency then conducts recidivism studies with this information. This is the only systematic study conducted on the Bexar County programs. The state agency report issued in January 2007 showed that 52% of the offenders participating in the Zero Tolerance Intermediate Sanction Facility were re-arrested after two-years. This was the highest re-arrest rate for all the intermediate sanction facilities studied. For residential drug treatment (SATF), 46% of the Bexar County probationers were re-arrested two years after completing the program. This was also the highest re-arrest rate of all the residential programs measured by the study.¹⁶

Finally, as a side issue providing an interesting contrast, is important to point out the work of the Center for Health Care Services. Here is a Bexar County agency that operates quite different than the Bexar County probation department. This is an agency that has positive collaborations with community partners and leverage funding from outside agencies or foundations. The agency is working with other partners to establish the Heavens for Hope homeless campus with integrated treatment program. The agency has policies and procedures that are well-established, have computerized case management systems for their clients, and is able to document program outcomes.¹⁷ Although the purpose of this report is not to assess this agency, a cursory review of their operations seems to indicate that there is nothing inherently ingrained in the Bexar County “culture” that prevents a county organization from operating more effectively.

G. Computerized Case Management Systems

Figure 18 below depicts the present computerized system infrastructure of the department and contrast that with the benefits of having a department case management system. The department has relied since the early 1980s on the Bexar County Information System (BCIS) operated by the county to store its records electronically. This system relies on a mainframe computer that allows the department to input basic information about a case (like identifiers, offense, sentence, fines and fees) and is part of the larger system storing court information. However, this system has significant limitations related to the information that can be produced for the benefit of the department.

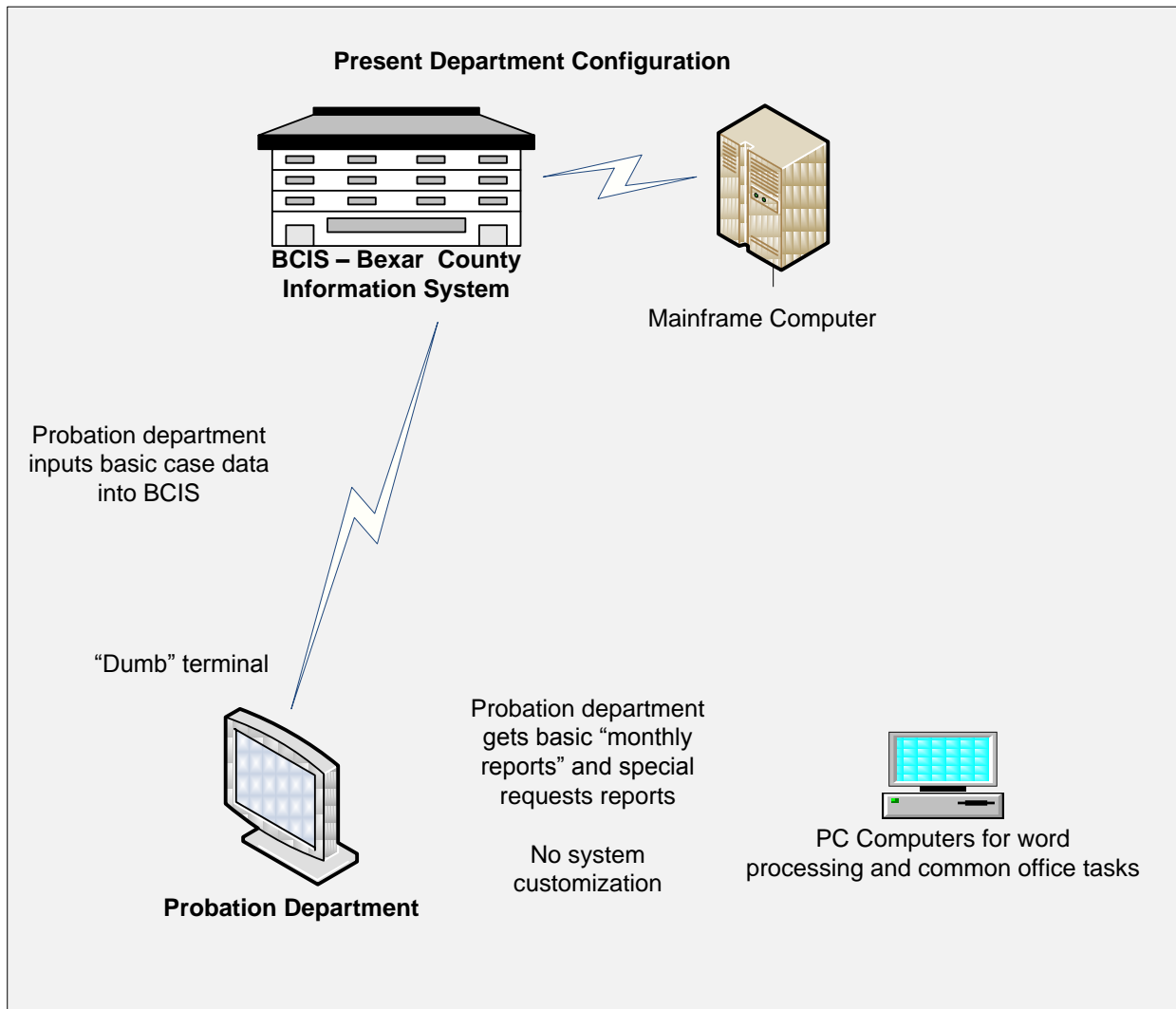
In general, the department has a “dumb” connection, meaning that data is hard to retrieve “live” as needed. For example, the department gets a monthly report from BCIS in print format that tabulates the cases each probation officer has and some of the key data points for each case. A clerk in the department has to manually sort out these printouts and make them available to over 200 probation officers by internal agency mail. Probation officers do not have the ability to access the computer on any day of the month and check their total caseloads or tap on specific records or generate useful tracking reports. Probation officers do have computers but these computers are used mainly for routine office tasks, like word processing and email. For example, an officer can get in his or her computer and type his chronologies for

¹⁶ Texas Department of Criminal Justice, Community Justice Assistance Division, Community Corrections Outcomes Study for FY 2004 Discharges, January 2007.

¹⁷ The Center for Health Care Services, “The Results of Efforts to Address Mental Illness, Substance Abuse and Homelessness in San Antonio and Bexar County”, April 2008 through March 2009.

a case in a word processing template but this template is not a database that stores the chronologies (chronologies or “chronos” are important to document the behavior of the probationer and the actions taken to address these behaviors by the officer). The probation officer mainly used the computer in lieu of handwriting. Once they type the chronologies, they print the completed form and put the form into the probationer’s paper record.

Figure 18: Depiction of the Present Information System Structure of the Bexar Probation Department and Summary of Benefits of a Case Management System



The department tried and failed in the past to buy its own computerized case management system. In 2004, they met with various vendors, including the best known in Texas, the Corrections Software Solutions (CSS). This company operates the probation case management system for most Texas departments and touted a 99% client satisfaction with their system. Apparently, the cost for buying this system was “prohibitive” as stated by department officials. In 2007 the department expanded its information technology staff and received advice from the Nueces probation department regarding that department’s designed and operated case management system. The goal was then to create a case management system that was similar

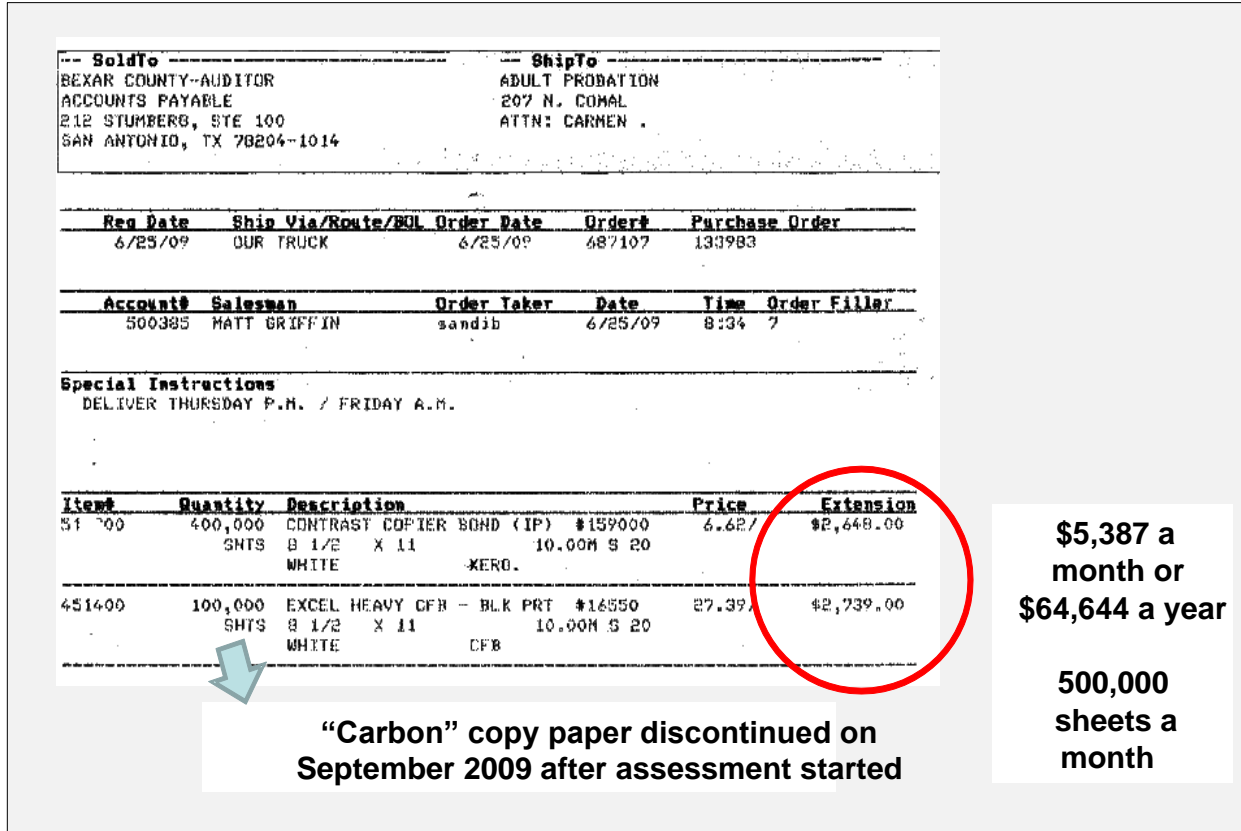
to that of Nueces by using the department's own information system staff. The reality is that the Bexar information system staff has been overwhelmed with day-to-day challenges that have not allowed them to develop their own system. More importantly, it is impossible to create an effective case management system without first reforming the redundant, inconsistent and duplicative business practices affecting most aspects of the department.

Figure 19 shows an invoice with the amount of money paid by the department each month for buying paper. The department has paid over \$5,000 buying over 500,000 sheets of paper every month. In September 2009, the department discontinued the use of the "triplicate carbon copy" paper that has been used for certain forms and will instead use regular copy paper for making triplicates. This change will save some funds. Still, the costs of paper and inefficiencies related to personnel deployed to do manual processing tasks that can be accomplished by computers are significant.

In September 2009, at the request of the assessing team, the department inquired again about the possibility of getting a vendor to provide the software and management for a computerized case management system for the department. The assessment team pointed out that just in misreporting of information to the state, the department lost over \$250,000 of state revenue that can easily support the cost of a vendor operated system. Add additional savings due to staff deployment and enough funds may be available to support a vendor operated system. Finally, the county already purchased \$210,000 in computer servers for the department that were installed in the new facility and are capable of operating a new case management system.

As of the writing of this report, the department is in the process of acquiring a vendor for the development of its computerized case management system.

Figure 19: Snapshot of Monthly Invoice to for Buying Paper for the Department



H. Other Areas for Review

The department started providing in-house training for its personnel in 2003 with the hiring of a training director but as will be discussed below the training budget for the department is too small relative to the needs of a large department. There were many training sessions conducted in FY 2008, mainly given as “orientation”. By this we mean a presentation of information as opposed to hands-on training with required practice drills. These sessions included the basic probation officer training required by CJAD and officer safety sessions. An initial training is given to probation officers concerning “how to fill out” forms and related departmental policies. There is also training related to the code of ethics and various administrative issues. However, there is no concentrated training regarding the use of risk scores and the assessment to establish supervision plans. There is also no “hands on” training involving the observation skills and immediate feedback for training purposes. Probation officers are trained “on-the-job” and this varies by court as each different court has different expectations regarding policies and procedures. During the focus groups and one-on-one interviews, the officers and managers stated that training had to be enhanced.

Regarding personnel evaluations, the main indicators of personnel performance are indicators related to the compliance with paperwork processes. Personnel evaluations are not tied to pay increases and evaluations seem to be “pro forma” to the officers and staff. There are

few indicators to evaluate effective skills in executing case supervision strategies. This will be discussed in more detail below.

I. Recent Organizational Turmoil

All the above issues underlie the root problems of the department. Still, in recent years, organizational turmoil has occurred with a transition to a new director. There are different angles to this story depending on who you talk to, but the general story pieced together from focus groups discussions, other stakeholders and examination of newspaper articles seem to go like this:

- A new director was hired in November 2003 by the District Court judges and, as described by the director, given the directive to “run a Probation Department and change its organizational culture using the leadership principles espoused in the book Good to Great by Jim Collins”;¹⁸
- The new director found a department that lacked a strong infrastructure and with a top heavy executive culture entrenched in the court assignment probation system;
- In 2005, state law was changed to allow the County Court judges to vote in the hiring and firing of probation department directors and the Bexar County Court judges started demanding inclusion in deciding the fate of the department’s director and in most recent times taking “no confidence votes” to fire the director during their meetings and challenging the District Court judges in their prior decision to hire the director;
- In December 2006, a few days before the Christmas break, the director asked employees to participate in “retention interviews” that led to a major firestorm in the department and was seen by department personnel and other stakeholders as a major strategic blunder damaging the director’s credibility;
- Other conflicts arose from staff firings and the removal of a senior administrator; allegations of urine lab testing employees taking bribes in exchange for false negatives urinalysis results; litigation alleging sexual harassment; allegations of union-busting practices against a group of officers participating in union activities; and investigations by the District Attorney’s office on various allegations.
- After a no-confidence vote on August 11, 2009 by the County Court judges, the director announced his retirement effective January 2010 pending conclusion of this assessment.; and,
- A position for a new director was posted publicly on September 11, 2009 targeting the hiring of a new director by December 2009.

To provide some balance, recent accomplishments, as recounted by the director and his executive team should be acknowledged. These include:

¹⁸ Memo to Dr. Fabelo, by Bill Fitzgerald, August 8, 2008, “Organizational Accomplishments over the Last Five Years”

- Open a Mentally Impaired Offender, 60-bed facility, the first one in Texas
- Expand the Substance Abuse Treatment Facility by 100 beds to a total of 200 beds
- Change the Zero Tolerance Facility from an outdated “boot camp” model to a “cognitive restructuring” format
- Establish an effective treatment component in the facilities and aftercare with the Center for Health Care Services, the local mental health agency
- Reduce the ratio of supervisors to staff from one to six to one to ten by reducing the number of supervisors to staff and added an administrator responsible for Compliance/Audit Issues, a Budget Director with a finance degree and a budget background working in the county
- Upgraded the Information Technology section that is working on a new Case Management System for officers and improved some databases
- Increased facility monitors starting salary from \$18,648 to \$24,576, a 25% increase; and, increase starting salaries for officers from \$27,504 to \$31,524, an increase of 14%
- Reduced the turnover rate from 17% in 2008 to 2.7% as of July 2009
- Helped establish a Felony and Misdemeanor Drug Court and a Mental Health Court
- Enabled Court Liaison Officers, who deal directly with Judges and an Intake Unit, to handle the initial paperwork for probationers
- Established an armed field specialized unit to handle the high-risk offenders in the field
- Procured an advanced cashiering system for collections that had not been updated since approximately 1984
- Established a “Wellness Program” to encourage physical and mental health among employees
- Partnered with the University of Texas at San Antonio on numerous ventures, including Restorative Justice and Internship programs

The director also sought the assistance of TDCJ-CJAD in conducting this organization assessment and provided all the support needed by the team to successfully complete the process.

The structural deficiencies discussed above and the years of turmoil leading to the retirement of the director in August 2009 have led to poor outcomes related to public safety and jail overcrowding that should be of concern to the county’s policy makers. This will be

discussed in Section VIII below. Before that section, sections IV, V, VI and VII present more in-depth analysis of the issues discussed above.

IV. Pre-sentence Investigations and Probation Intake Process

A. Overview

This section reviews the department's Pre-sentence Investigation or PSI process. This is based on the review of files, interviews with officers and examination of relevant forms and policies. The PSI process should allow the department to identify the population by different risk and criminogenic need levels. This is essential to better inform judicial officials about conditions of supervision and for the development of supervision plans. The process should be efficient in terms of the utilization of personnel resources and in terms of reducing the visits and duplication of paper work by the probationers.

B. Processing from Arrest to Pre-Sentence Investigations

The summary of findings section above reviewed the content and structure of the PSI in relation to EBP. As stated above, the Bexar CSCD's PSI does not provide for a consistent diagnosis of the risk and criminogenic profile of the offender based on proven evidence-based tools and protocols. This section expands the review of the PSI and intake process to highlight inefficiencies that have to be addressed in strengthening these processes.

Processing a defendant from arrest to intake into probation involves the exchange of information among several components of the criminal justice system. This is particularly the case in the preparation of the PSI by the Bexar CSCD. To prepare a PSI the department needs information collected by jail and court officials, the district attorney's office, defense attorneys and crime victims. This compilation of information is directed by state law to aid judicial officials in making appropriate decisions regarding the imposition of conditions of community supervision. CJAD Standards 163.31 also requires all probation departments to provide court services that include conducting "pre/post sentence investigations as ordered by the court and in accordance with the law."

PSIs are critical to the success of all aspects of the probation department operating under EBP. The PSI, if it includes the appropriate evidence-based diagnosis tools, can determine the risk and criminogenic characteristics of the population so that supervision strategies can be appropriately targeted. On the other hand, a badly designed PSI process can ineffectively consume personnel resources and not produce useful information to properly guide supervision strategies. This seems to be the case in Bexar County.

Figure 20 shows the arrest to magistration process. After a defendant is arrested he is brought before a magistrate. The magistrate reviews the arrest paperwork to determine if there is probable cause for the arrest. When appearing before the magistrate, a defendant is advised of the charges against him and his rights. This includes asking the defendant if he needs an indigent defense attorney appointed and advising the defendant on the amount of bond. At this point, the defendant can be released on bond or detained in the Bexar County Adult Detention Center. At the time of booking a case is created with a unique identifier in the Criminal Justice Information System (CJIS) and a court is assigned for the case. A future appearance before the court is also set. At this stage the probation department is not yet formally involved in collecting

information for the PSI but some information similar to what the PSI officers may collect in the future has already been collected by the Pre-Trial Services Department.

Figure 20: Arrest to Court Proceeding

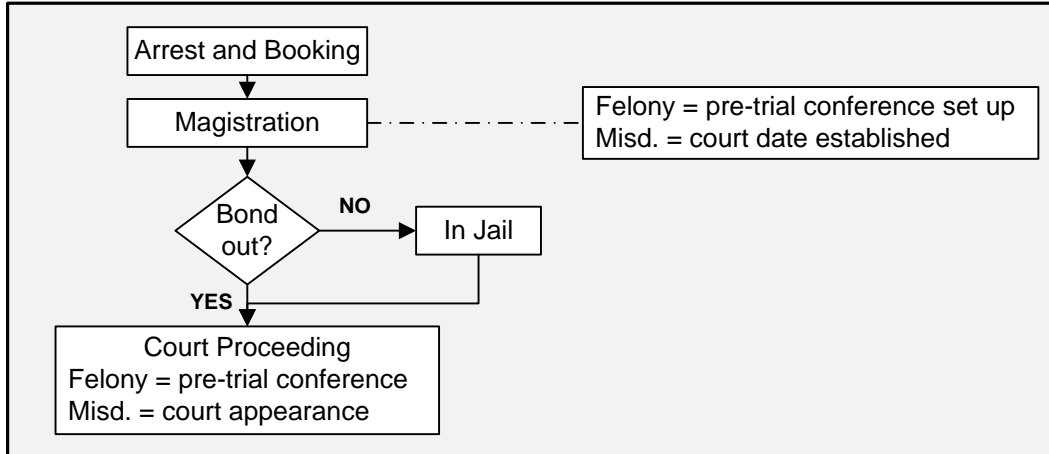
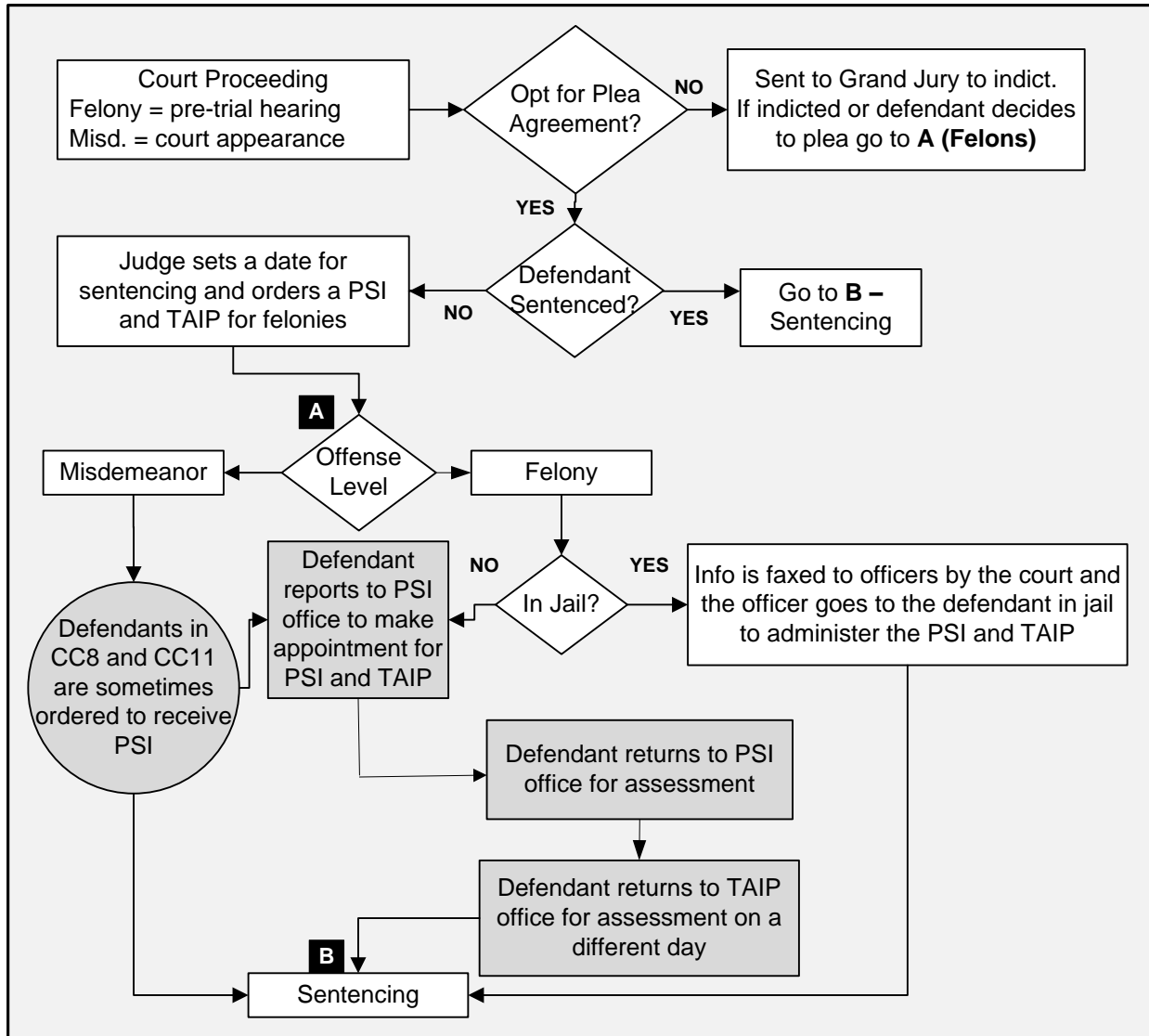


Figure 21 shows the stage that starts when a defendant attends court proceedings and a PSI is ordered by the court. It is only after the defendant chooses to plead guilty that the probation department starts its involvement with the collection of information needed for the PSI. This occurs 30 days after arrest or sooner if the defendant is in jail or enters a plea sooner. If the defendant enters a plea of no contest or a plea of guilty he may be sentenced immediately. For defendants pleading to probation, an application for probation is made and information collection necessary for the PSI is initiated. For a defendant sentenced to prison or state jail, the judge may also request a PSI although this traditionally does not happen in most jurisdictions and there is no legal requirement mandating that a PSI be completed for a prison or state jail bound defendant. Defendants placed on probation for a misdemeanor are not required to receive a PSI, although in Bexar County they are sometimes requested for defendants by County Court 8 and County Court 11.

A defendant who is on bond is required to report to the CSCD PSI Unit to make an appointment for a PSI assessment immediately after the plea request is made for supervision. The PSI Unit will also obtain an appointment for the defendant with TAIP for a substance abuse treatment needs assessment. If the defendant is in jail, the probation application is faxed from the court to the PSI Unit where the offender is assigned to an officer for the report to be done in jail. In this case, the PSI Unit will also make a referral for a TAIP assessment and an assessor with this unit will evaluate the defendant in jail.

The dark gray shapes in Figure 21 highlight the cumbersome and inefficient process defendants encounter after a judge order a PSI. Defendants have to make multiple trips to the probation department building to: a) obtain a future appointment with the PSI and TAIP offices for each assessment; and, b) return to each office to have the assessment administered. The figure also highlights the lack of a cohesive judicial policy regarding the use of PSIs for misdemeanor cases. For example, only two of the misdemeanor courts require PSIs and only for certain cases. PSIs are not usually completed for misdemeanor cases in most jurisdictions in Texas.

Figure 21: Court Proceeding to Sentencing



C. PSI Unit, PSI Format and Intake Process

PSI responsibilities are assigned to the PSI Unit of the Bexar County CSCD which is staffed by 14 full time and one part-time officer dedicated with completing PSIs and risk/needs assessments, a recently added responsibility. Four of the 15 PSI officers are designated as jail staff whose primary responsibility is to conduct PSI interviews for defendants who are not released from jail on a bond. The unit is assisted by 4 support staff.

There are three types of processes that generate PSIs. These are:

- **Bond PSIs:** These are PSIs that are completed for defendants that bond out of jail after arrest and return for a PSI appointment and interview, usually within 30 days of arrest
- **Jail PSIs:** These are PSIs that are conducted in the jail, usually within 10 days of plea agreement, for defendants who do not bond out of jail after arrest
- **Granted from Bench (GFB) PSIs:** These are PSI's that are for defendants that have pled and are granted regular probation or deferred adjudication at the time that a plea bargain agreement has been accepted by the judge

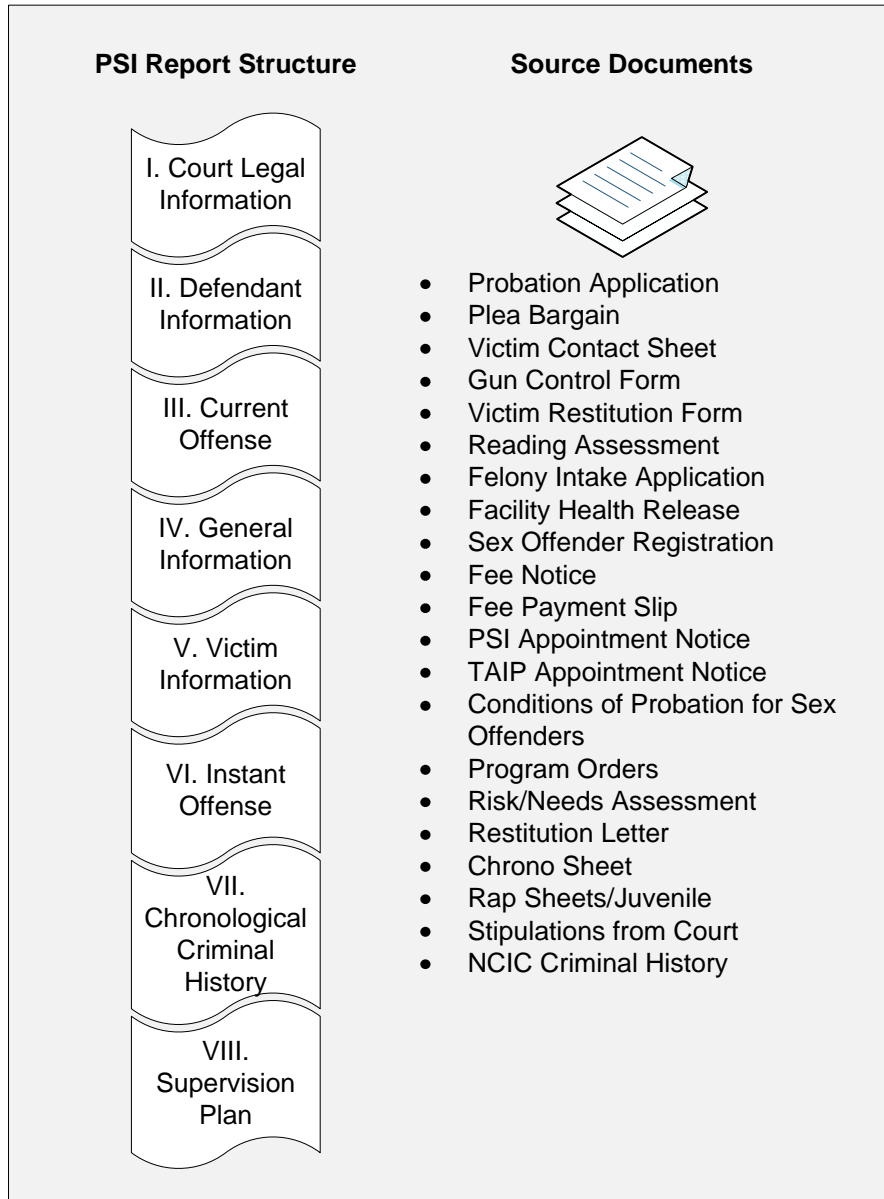
Table 9 indicates the categories of PSIs and the number of applications for PSIs received from January to June 2009. The department prepares approximately over 450 PSIs per month or about 30 PSIs per month for each PSI officer. Most are PSIs for people on bond (60%), in which the department has approximately 30 days to prepare the PSI and return it to court. However, 17% are the shortened time PSIs under the “Granted from Bench” category after the person has already been sentenced. For these PSIs, the department has more flexibility to complete the PSI as these PSIs are not returned to the court. These PSIs are shorter and they are only use by the department for setting up the record of the probationer.

Table 9: Bexar County CSCD PSI Applications Received by Category of PSI, January 2009-June 2009

	Bond	Jail	GFB	Totals
Jan-09	205	110	68	383
Feb-09	251	115	54	420
Mar-09	372	104	159	635
Apr-09	250	48	31	329
May-09	350	136	60	546
Jun-09	295	150	102	547
6 Month Total	1723	663	474	2860
Average/Month	287	111	79	477
Percentage of Monthly	60%	23%	17%	100%

Figure 22 shows the structure of the PSI and some of the source documents used to collect the information for the PSI. The department uses the Pre/Post Sentence Investigation Report template from CJAD. The PSI is not entered into a database and paper copies are disseminated manually to the Judge and Court Liaison Officer. Upon completion of the PSI and submission to the court, the recommended supervision plan may be accepted or modified by the sentencing judge.

Figure 22: Depiction of Part of PSI Report and Source Documents Used as Part of PSI

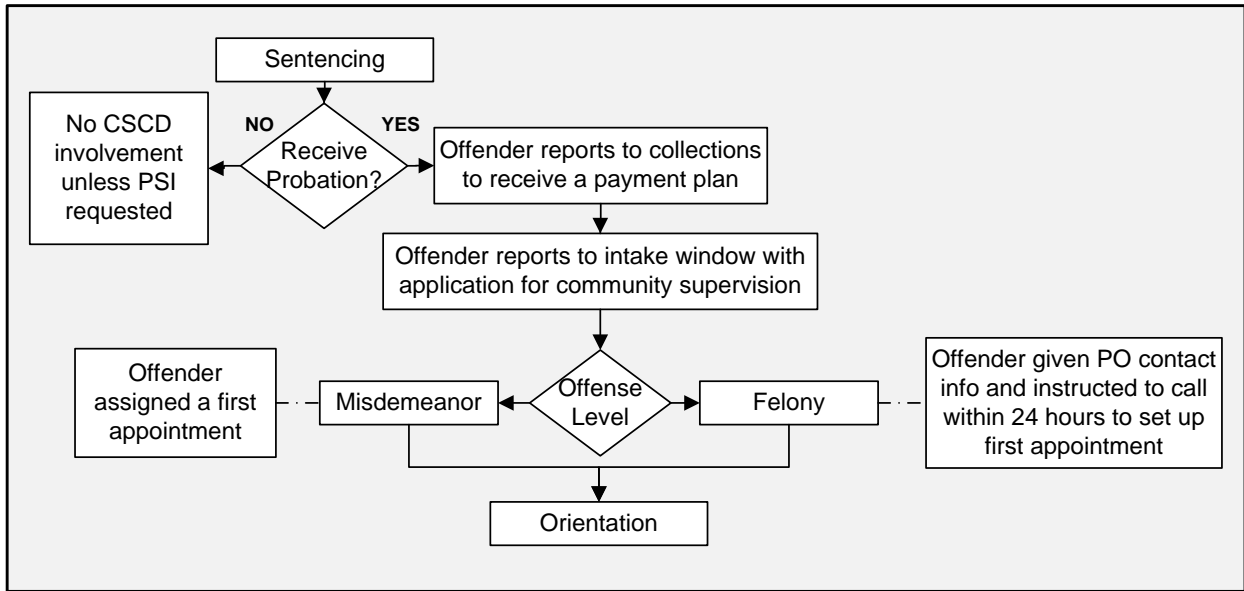


Finally, Figure 23 depicts the probation intake process. Offenders sentenced to probation are first sent to the court collections department to receive a payment plan for the financial obligations imposed by the court. This payment plan covers fines, fees and restitution. The offenders then report to the probation intake window in the CSCD building with an application for community supervision. The intake clerk takes their photograph, confirms their demographic information and has the offender sign up for orientation classes. Misdemeanants are assigned a date for their first meeting with a probation officer. Felons are given a phone

number for their probation officer and then are expected to contact the officer within 24 hours to set up an appointment.

The CSCD orientation session begins in a group setting with a Court Liaison Officer (CLO) explaining the probation handbook, the general conditions of probation and what is expected from the probationers. The probationers then meet individually with a CLO to discuss the conditions specific to their probation sentence after which both the officer and the offender sign off on the conditions. The offenders are then given a CSR Community Service Restitution (CSR) assignment. Finally, felons are required to submit a DNA swab. After all these steps are taken offenders are free to leave and the orientation process is complete.

Figure 23: Sentencing to CSCD Intake



D. Impact of Lack of Case Management System

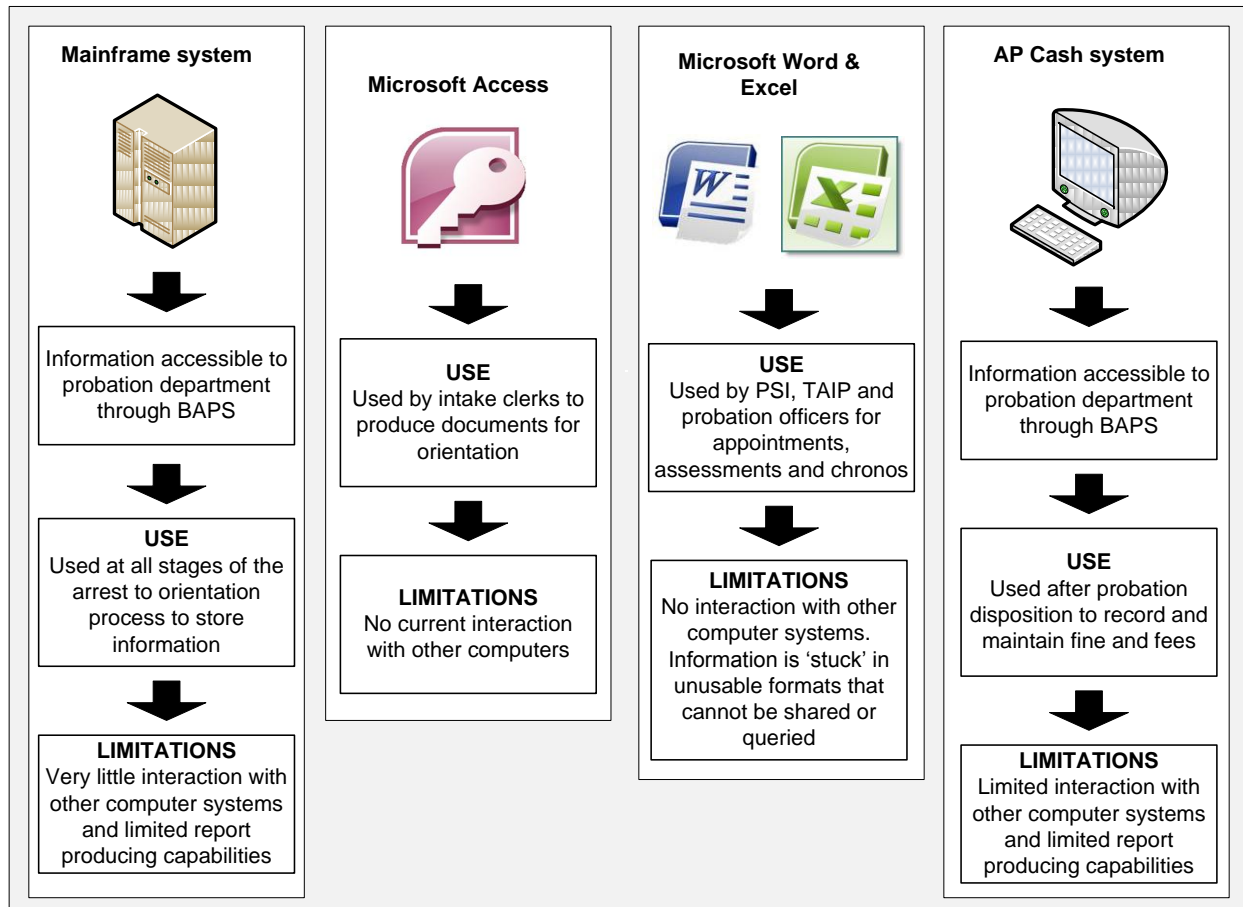
An efficient system for collecting and using information is essential to maximizing a probation department's resources. As has been discussed in the overview of findings above, the Bexar CSCD has not operated with an integrated computerized case management system. A system like this would allow access to records by multiple users in different locations, eliminate duplication of data entry, provide proper and maximum information security, allow for the production of reports and would be simple and convenient to use. The information system currently in use in Bexar County is not an integrated system but rather a conglomeration of different systems, each with their own idiosyncrasies and limitations.

There are several different computer systems currently in use in Bexar County. There is a mainframe system that links several different county entities together. Users of the mainframe system include the district and county courts, the district attorney's office and the probation department with each entity having its own limited ability to enter and extract information. The probation department uses a program called BAPS (sometimes referred to as the BA system or the host system) to extract information from the mainframe. Types of information that can be

extracted include offender data, financial records and court records. The probation department also utilizes Access databases as well as using Microsoft Word and Excel to store and record information.

Figure 24 depicts the different computer systems currently being used at each step in the arrest to CSCD orientation process. At the time of arrest and booking the sheriff's department enters the defendant's information into the mainframe computer system. Magistration and court proceedings information is also entered into the mainframe. The probation department has limited access to this information through their BAPS program.

The PSI unit uses their own computer systems. The unit has recently started using Microsoft Excel to log their appointments and write up their assessments. Microsoft Word is also used. Neither of these applications is able to be integrated with other systems and the information is not stored in a database that allows for access, updates and reporting from multiple users. Therefore, when a PSI officer enters, for example, demographic information into their Word logs they are effectively double entering the same information that is contained in another system but is unable to be electronically transferred. As previously mentioned, the PSI officer is responsible for collecting data from a number of sources as well as preparing documents required for the case. However, none of the prepared documents are in an electronic database format. When these reports are completed they are printed out and hand delivered to the courts for use in sentencing.

Figure 24: Information Systems Utilized During Arrest to Orientation Process

The TAIP unit hand logs all appointments. They generate reports in Word and hard copies are hand delivered to the courts for sentencing. Once again, because there is no integrated system, the TAIP unit is re-entering the same information that is contained in another system but is unable to be electronically transferred.

If an offender is sentenced to probation they are first expected to report to the court collections department to receive a payment plan. This information is entered in the financial computer system known as the AP cash system and is accessible through BAPS to the probation department. The offender then reports to the CSCD intake window where, if they are misdemeanants, they are assigned a first appointment with their probation officer. This assignment is hand logged. A picture of the offender is taken and entered into a Microsoft Access database and then printed out along with other demographic and court information. The hard copies are hand delivered to the clerks working in the back office. These clerks are in charge of preparing the documents needed for orientation. They do this by accessing the judicial information through the mainframe and entering it into the Access database. Some of the information entered is being reentered for the third time (previously entered by PSI and TAIP). When complete, the documents generated by the Access database contain the specific conditions for supervision and CSR requirements.

After the orientation session the signed documents are brought back to the intake clerks and the information is entered in the BAPS system. Some information such as demographics, court records, offense information and employer information is pre-populated from the mainframe into BAPS. The clerks use the imported information as a quality control check by comparing it with the information collected at the intake window for accuracy. Other information logged into BAPS includes financial and fees information and the supervision level. Once the supervision level is entered the offender is considered under direct supervision, an important distinction for CJAD records.

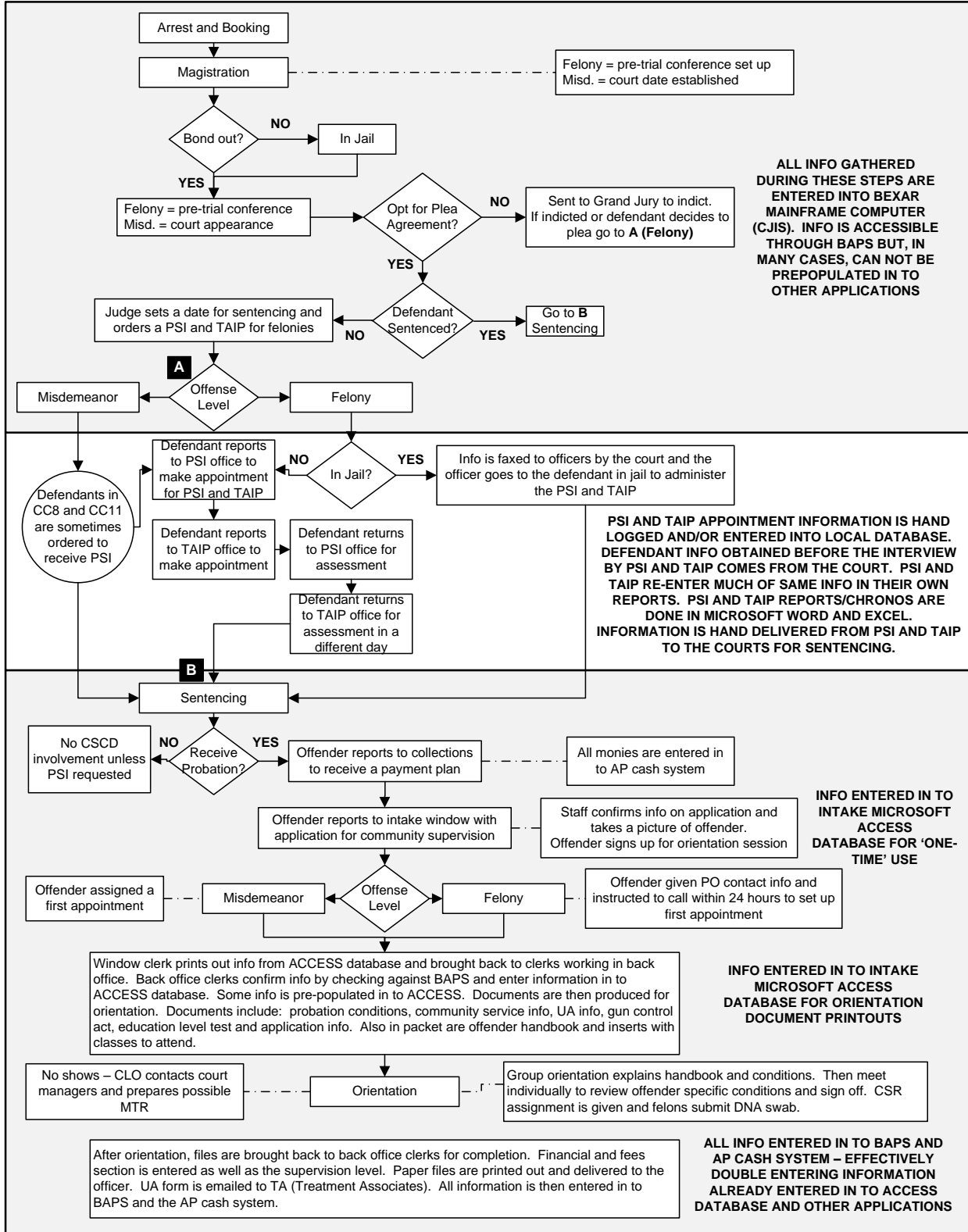
When all the information is entered into BAPS the clerk prints out the documents and they are hand delivered to the probation officer in charge of supervising that offender. Probation officers have access to BAPS but their work with the offender is not captured on an integrated computer system. The probation officers type their "chronos" in Word and save them on a personal drive and print them for the file. Most offenders are required to submit to UA testing. The results of these tests are emailed to the officer and the officer prints out a hard copy for the offender's file and may record the result in their "chronos".

Figure 25 depicts the arrest to intake process discussed above and highlights some of the obvious areas of inefficiencies caused by the lack of a department wide case management system and the lack of electronic connections to outside agency computers. By dealing with hard copy reports and by using BAPS, Access, Word, Excel and not using an integrated computerized case management system, the department is negatively impacted by:

- Redundant processes. The same information is being entered into computers multiple times at different points in the probation process. Many person-hours are being wasted entering and re-entering the same information. An electronic database formatted system would allow all users to share the information and pre-populate 'known' information in to the report they are generating.
- Inefficient processes. Lack of computerization prevents the efficient transfer of information between entities. One example is the inefficient use of time by officers having to transfer PSI and TAIP reports by hand to the judges. Another example is the utilization of one person that every morning visits judicial offices to make copies of offense reports needed to prepare the PSIs. These reports are computerized at the police department and a system that could electronically extract these reports for the PSI Unit would free-up personnel resources for other duties.
- Limited processes. The information that is entered into the reports done by the PSI unit, the TAIP unit, the intake clerks and the probation officers are basically 'one time, one use' propositions. After entering information into Word or Excel the information is 'stuck' inside the document. It cannot be shared, queried or used to generate reports. An electronic database formatted system would allow users to enter information and data that has a longer life span and multiple uses.
- Wasteful processes. The amount of paper used by a lack of computerization is a large expense. Many of these hard copies are filed and never used again. An electronic database formatted system would allow the efficient storage and use of information and a large financial savings.

Bexar County is currently working on contracting for a case management system as mentioned in the summary of findings above. A timeline for the implementation of this system is presented in the work plan section below. The new system will eventually computerize the intake and PSI process addressing some of the inefficiencies discussed here.

Figure 25: Summary of Arrest to Probation Intake Process and Highlight of Inefficiencies Due to Lack of Computerized Case Management System



E. Workload of PSI Unit

It is not clear how much time a PSI officer spends to complete a PSI but the view shared by focus group participants seem to indicate that the PSI process is not efficient and, given present staff capacity, the main driving force impacting time is the need to produce the PSIs on a timely basis for the court. The supervision unit provides some quality control by reviewing PSIs but this quality control is not part of well established review procedures.

Table 10 below shows the result of a limited exploratory workload study of the PSI Unit conducted in August 2009. Each PSI officer was asked to log how much time they spent during the day interviewing defendants, conducting business on the phone or through emails and preparing the paperwork for completing the PSI. They were also asked the number of interviews per day, number of e-mails and phone calls handled each day and average number of cases on-hand each day. The workload study did not account for other tasks like vacation or sick time or time spent in administrative meetings and that is why this study may only be considered a limited exploratory workload study.

As stated above, with 450 PSIs completed on average each month by 15 PSI officers, it seems that each PSI may take 5.8 hours to complete (22 working days in a month multiplied by 8 hours equals 176 hours divided by 30 PSIs, which equals an average of 5.86 hours). The limited workload study seems to indicate that on average a PSI officer interviews one to two persons per day and these interviews last less than an hour each. The rest of the day is spent in phone or email business (about 1 hour a day) and preparing cases (about five hours a day). At any point in time, a PSI officer seems to have about 19 cases “open” and pending completion. Therefore, it seems that a PSI takes about 6 to 8 hours to complete although the PSI officers during the focus group felt that it took longer. The process is directed at compiling basic information and forms and generating a narrative describing the offenders. Given the volume of PSIs requested and the staff capacity to meet this demand, the 6 to 8 hours may be all the time that can be spent if PSIs are going to be produced in a timely manner.

Table 10: PSI Officer Workload Study Results

	Minimum	Maximum	Mean
Hours on phone or e-mail per day	0.25	2.13	0.93
Hours spent preparing cases per day	3.86	6.66	5.32
Hours of interviewing per day	0.91	2.42	1.41
Average above			7.66
Number of interviews per day	1.05	2.17	1.47
Number of e-mails and phone calls per day	2.74	14.74	5.81
Number of on hand cases per day	5.44	37.89	18.92

The single most time consuming aspect of the PSI process is obtaining restitution information for the courts. Complete restitution information is rarely available at the time of the plea. Officers spend their time trying to contact victims and obtain the information. The victim information listed in the plea agreement is many times pulled directly from the offense report. This information, unfortunately, often turns out to be inaccurate as there is no investigation into the victim before naming him/her in the plea agreement. Unfortunately, when PSI officers begin to assess the restitution they find that the actual victim is not the person or company named by the DA but, rather, someone else.

Plea agreements by the DA often include restitution orders for cases that are going to be dismissed. An un-adjudicated offense is considered at punishment under Sec. 12.45 of the Texas Penal Code as part of a plea bargain. In an offense before the court, jeopardy attaches and restitution may be included for the un-adjudicated offenses in the judgment and conditions of supervision of the adjudicated offense consistent with Articles 42.037 (h) and 42.12 Sec 11 (b) of the Texas Code of Criminal Procedure. For example, this is often used in forgeries where multiple checks are forged and the state offers a 12.45 consideration to aggregate the cases under one case but all the victims receive restitution. It also happens in multiple property offenses committed by the same defendant. The restitution information on these TIC'S (Take into Consideration) cases is never available to the officer at the time of the plea. Officers have to request this information from the Victim Advocate or the DA at a later time in order to complete the restitution agreement.

Some plea bargain agreements do have a restitution figure. In these cases PSI officers make contact with the victim only to find out that they are not aware of the plea amount. Officers then have to report this discrepancy to the court and try to obtain a restitution amount that is agreeable with the victims. All these things take time and PSI Reports are held in various stages of completion until accurate information is obtained for the court.

Obtaining the restitution information can take many hours to assess for murder cases and cases where there are victims that are seriously injured or hospitalized. Officers rarely are given any information on the restitution concerning hospitalization or compensation for injuries. Victims will send the PSI officers large amounts of paperwork that includes insurance, deductibles, hospital, doctor, EMS bills, and Crime Victims Compensation information and it is left up to the officer to decipher what should be paid and to whom.

The Victim's Advocate division of the DA's office does contact victims in some cases but this contact is never relayed to the PSI Unit. Therefore, PSI officers are duplicating efforts. Having to report circumstances of the offense to two different offices with no explanation as to why often frustrates the victim.

F. Process Inefficiencies Highlighted by Focus Groups

Focus groups of probation officers, managers, staff and administration were used to assess the strengths and weaknesses of the department in a qualitative manner. Based on these focus groups, other inefficiencies of the PSI and intake process were highlighted. Particularly:

- **Setting up PSI and TAIP appointments.** Currently, defendants need to make appointments for the PSI and TAIP assessments in person. As the assessments are almost never done on the same day as the appointment is set up, this means that a

defendant can possibly have to come to the CSCD building four times before even being ready to go to the intake window for orientation (PSI appt., TAIP appt., PSI assessment, TAIP assessment).

- **One reporting location and limited office hours:** Failure to report for required visits is a problem that is exacerbated by the single location for probationers to report in Bexar County. Failure to report as ordered can result in an arrest warrant and incarceration in the Bexar County jail. Operating hours are 8:00 AM to 5:00 PM. Officers note that employed probationers have difficulty in reporting during these hours without jeopardizing their employment.
- **Overutilization of PSIs:** The Bexar CSCD PSI Unit completes more PSIs than any other large CSCD in Texas although they rank number three in the number of offenders placed on probation in the state. The utility of some PSIs is questionable in relation to their usage. For instance, PSIs granted from the bench (GFB) are post-sentence and may have little to do with sentencing or conditions of supervision. PSIs ordered for prison bound offenders may also have little utility or application. PSIs are not required on misdemeanor offenders. However, two misdemeanor courts routinely order PSIs while they are virtually non-existent at the other eight misdemeanor courts
- **Ineffective integration to impact design of supervision plans:** It is unknown to what extent the PSI is used by the court or probation officers in setting conditions of supervision. However, the PSI is not used in establishing a supervision plan consistent with evidence-based practices. The current supervision plan consists of a listing of programs and community supervision types that can be checked by the PSI officer. As discussed in the prior section, there is not a systematic assessment of the probationer's risk and criminogenic needs at the PSI level. Strategies for Case Supervision (SCS) is a systematic assessment of criminogenic needs that is completed at a later date by the CSO and only for high risk probationers.
- **Perception of PSI personnel conducting peripheral responsibilities:** Some of the job responsibilities of the PSI unit appear to be peripherally related to the mission of the PSI unit and appear to be very labor intensive. Increasing requests to investigate restitution for cases that are not prosecuted but must be taken into consideration when charges are dropped in a plea bargain have added considerable work requirements to the PSI unit. These responsibilities include locating, contacting and interviewing victims to ascertain the restitution required.
- **There is no initial training or in-service training for PSI officers.** Most PSI training is on-the-job training. The PSI director initially reviews reports of new officers and serves as a mentor in lieu of a training program. There is no PSI Policy and Procedures manual. While the PSI officers have assumed responsibility for completing the initial risk and needs assessment, PSI officers have not received special training in the assessment process. Inter- and intra-rater reliability testing is not conducted to assure accuracy and quality of assessment processes.
- **Judges ordering offenders to collections before CSCD intake.** A common concern among the intake staff is the amount of time it takes for an offender to go through the entire process of intake. The likelihood of a offender properly completing the steps that lead up to their first appointment with their probation officer increases if they do not have

long delays in accomplishing everything that is required. Many judges insist that offenders go to collections to set up a payment plan before going to intake for processing. However, the court staff for setting up payment plans is understaffed. There are currently four employees for payment plans and they are possibly hiring two more. It is estimated to take about one hour per individual to set up a payment plan and offenders can wait up to five hours for their turn. Some court personnel work with intake by sending offenders over to intake for processing before they have set up a payment plan and then intake sends them back which reduce time for the offenders. If this was the rule, rather than the exception, the entire process of setting up a payment plan and going through intake and orientation would run in a more smooth and efficient manner.

- **Delivery of PSI and TAIP information to the judge.** As previously mentioned, the current process of the judge receiving PSI and TAIP information involves the hand delivering of a paper file to the court. Many person hours are spent transferring information back and forth between the PSI and TAIP offices located in the probation department building and the courthouse. This process could be improved by having the information sent electronically. At the very least, the PSI and TAIP information could be scanned and emailed and/or faxed to the court.
- **Initial PO appointments for felons.** Misdemeanants are able to receive their initial PO appointment at the intake window. There is a hand logged folder that contains the schedules of officers supervising misdemeanants and offenders sign up for an appointment before attending orientation. Felons, on the other hand, are given the phone number of an officer and are supposed to contact their PO within 24 hours to make an appointment. This process is a holdover from before the probation department was housed in its current building. Felons could easily be given an appointment in the same manner as misdemeanants, thereby reducing the opportunity for offenders to fail before even getting started.

V. Supervision Strategies

A. Overview

This section reviews the department's supervision strategies. This is based on a review of files, interview with officers and examination of relevant forms and policies. The assessments and the supervision planning process should allow the department to divide the population by different risk and need levels to better utilize resources. This is particularly important as research shows that intensive treatment for offenders who do not need this level of intensity can actually be counter-productive. On the other hand, not providing adequate surveillance and more intensive intervention to the higher risk and need offenders can also be counter-productive and presents a public safety risk. Therefore, the deployment of supervision and program resources should be delivered to match as close as possible the needs and risk of the population. Moreover, the judiciary has to agree to adapt the conditions of supervision to support the supervision strategies. For example, instead of a list of standard conditions of supervision given to all offenders, few conditions may be applied to offenders at lower risk and need levels to reflect the research finding that the least intrusive intervention with these offenders may be the most effective. Supervision conditions that can support treatment or behavioral changes can also be more precisely targeted to the population that needs it the most. In Bexar County, accomplishing this is difficult given the variations in court policies discussed above.

B. Impact of Variations by Courts

In reviewing case files, there are Conditions of Probation for misdemeanor cases and Judgments for felony cases. The first 14 conditions are standard for any offender placed on probation. The special conditions of probation follow, which are more specific to the offense, such as requiring a TAIP evaluation or intensive outpatient treatment for those probated for a drug possession charge or requiring an anger management program for those probated for an assault charge. Overall, it does appear that the Special Conditions of Probation are based on the offender's offense rather than being targeted at the offender's criminogenic needs. As discussed above, when judges are provided a more thorough PSI or diagnosis report to review prior to sentencing, this can help target specific programs for probationer's needs rather than for the offense. Moreover, when 19 different courts are operating as independent units setting conditions of probation and sanctions, there is no foundation for differential supervision to be implemented in a cohesive department wide manner.

Tables 11 to 13 show the variations amongst the courts regarding responses to subsequent offenses, positive urine specimens for drugs or alcohol, setting Pre-Motion to Revoke (MTR) hearings, granting early terminations and extensions, conversion of community service restitution hours into fines, INS issues, Ignition Interlock requirements, and other issues that are unique to each court. Each court may be uniform in what conditions are imposed to the offenders within the court, but they vary dramatically with other courts. Examples of the variation in these court policies are:

Responses to Subsequent Offenses

Almost all the district courts require action to be taken within 24 hours of an offender committing a new offense. However, the manner in which they are filed varies across the

courts, which can be cumbersome for the District Attorney's office. For instance, some courts require a Violation Report to accompany the Motion to Revoke Probation as others do not, and some courts want Condition of Probation two (2) alleged on the Motion to Revoke probation if the offender is arrested for Driving While Intoxicated, while others do not.

Pre-Motion to Revoke (MTR) Hearings

Some courts use Pre-MTR Hearings while others do not. Some require a MTR to be prepared and ready to be filed if needed, while others just complete a hearing to address administrative violations such as program non-compliance, need for extensions or permission to travel or move out of state. Some require use of graduated sanctions to be utilized first while others require a hearing if an offender misses two consecutive monthly payments. The district courts do not specify when to use Pre-MTR hearings but rather the differences in how to set the hearings, such as who to contact to set up the hearing and if one needs to be staffed with the Assistant District Attorney first.

Positive Urine Specimens

When it comes to an offender submitting a positive urine test for drugs or alcohol, the sanctions to address the violation are inconsistent among the courts. Some courts request progressive sanctions, others want a Violation Report filed for any positive while others only want a Violation Report for drugs other than marijuana or alcohol, and still others want a Motion to Revoke accompanying a Violation report.

Early Terminations

Some courts have their own restrictions on certain offenses that cannot discharge early in addition to those established in Article 42.12, Section 20(b) of the Texas Code of Criminal Procedures. By state law, a probationer must complete one-third or two (2) years of his probation term, whichever is less. However, some courts will not allow those with charges for Burglary of a Vehicle, Reckless Driving or Obstruction of Passageway to be early discharged. In addition, the manner in which early termination paperwork is conducted varies, as some courts require the probationer to hire his own attorney to start the process, some allow the probation officers to initiate the paperwork and others want the probationer to submit a letter to the court. This diversity causes issues in two areas: 1) the previously discussed "my cousin's problem" and 2) various procedures for the same request.

Extensions

The courts vary on willingness to extend supervision and the process for the probationer to be extended. Some just require paperwork, others a Supplemental Report and others a Violation Report and prepared MTR. The times to submit reports vary amongst the courts as well, and some have specific instructions for bond and attorney requirements.

Community Service Restitution (CSR) Conversion

All but two of the courts allow for conversion of CSR hours, but there is no set rate, as they vary from \$5/hour to over \$12/hour. Most require the offender to work one-half of their allotted hours and be current on fees. The agencies where donations can be made vary as well, as some judges have specific non-profit organizations they use and others do not specify.

One court will allow hours to be worked in lieu of fees with judge's approval.

Immigration and Citizenship Services (ICE, formally known as INS)

Actions to be taken when an offender is to be deported from the United State also vary, but have more consistency than other issues. Most judges want a Supplemental Report filed first, and then they will revoke on a MTR if the offender is still in custody. If the offender is deported prior to the MTR being filed, some judges want the case to be held until the discharge date, some will discharge satisfactorily and others unsatisfactorily. Many want a Condition of Probation to be added with no-illegal re-entry on illegal aliens.

Ignition Interlock

For felony DWI cases, criminal code requires that an offender must have Ignition Interlock device installed on his/her vehicle for a minimum of 50 percent of the probation term. However, some courts require it to be for the full duration of probation. The courts vary in extremes if the offender does not have a vehicle, as certain courts allow the Affidavit of Non-driving to suffice while others require any member of the residence over the age of 18 that has a vehicle to have the Ignition Interlock device installed on each vehicle. If the offender does not have the device installed on a vehicle, most courts require he/she participate in the Antabuse or SCRAM program.

Table 11: Summary of Differences in Sanctioning Policies among Felony Courts

<p style="text-align: center;">Response to Subsequent Offenses</p>	<ul style="list-style-type: none"> ⌚1 Courts 144, 175, 186, *187, 226, 227, 290, 379 and 399 require a MTR within 24 hours. •2 Court 144, file MTR within 24 hours of arrest notification. Unless Class C. •3 Court 175, file VR through CLO and attach MTR to VR •4 Court 186, include violation of COP #2 when new arrest is a DWI. •5 Court *187, Misdemeanor offenses may be considered with sanction, not automatic MTR. MTRs may be amended to execute a new warrant or a Supp MTR may be filed with no warrant. •6 Court 226, Submit MTR with 24 hours. •7 Court 227, MTR for DWLS on DWI cases only. May ask for MTR with Summons for low-level violations, which requires a case setting form. Staff with manager/ADAs. •8 Court 290, no VR is needed. Offender's SID and PO's name must be on the MTR. No abbreviations. If offender is arrested for DWI, include #2, violation on MTR. If offender has no other violations and is arrested for Failure to ID or DWLS (and not on probation for DWI), PO may send VR to DA's office to determine if MTR is needed. •9 Court 379, Submit MTR within 24 hours. •10 Court 399, file on DWLS only on DWI cases.
<p style="text-align: center;">Pre-MTR Hearings</p>	<ul style="list-style-type: none"> •1 Court 144, submit VR through ADAs or SR to Judge. Request a summons. •2 Court 175, S.R. to court detailing compliance issue with officers recommendation. •3 Court 186, Schedule Informal/Compliance hearings with Court Coordinator, Bonnie Urbanek, 335-2424. Keep track of hearing dates - notice for court date is usually minimal. •4 Court 187, contact Court Coordinator, Kathy Granados, for compliance hearings and docket setting at x2242. •5 Court 226, contact Court Coordinator, Rachel Rushton, 335-2421, and request a "Special Call" setting, usually held on Wed mornings (9 am) as time permits. •6 Court 227, schedule a "Probation Status" hearing if VR is not warranted. Staff with manager first and address with ADAs. •7 N/A for Courts 290 and 379. •8 Court 399, "Summons" is used when non-compliance does not warrant a VR. "Summons" report prepared and disposed of with the MTR docket.

Table 11 (cont.)

<p>Positive Specimens</p>	<ul style="list-style-type: none"> •9 Court 144, for 1st and 2nd positives, handle in house using progressive sanctions. For alcohol, check medical history to see if offender is diabetic. Document if offender has odor of alcohol, red eyes or slurred speech. •10 Court 175 and 399, file VR on all positives. •11 Court 186, file VR w/ ADA or SR to Judge if recommendation is to continue with drug treatment. Verbal staffing with Judge on any (+) and weekly reporting are options. ADA will not sign MTR if (+) UA is the only violation. •12 Court 187, use graduated sanctions. •13 Court 226, file VR, to the ADA to include all violations, treatment programs the defendant may have completed or is currently enrolled in. •14 Court 227, for THC, use progressive sanctions if offender is agreeable. File VR on all other (+) UAs unless approved by manager for alternative. •15 Court 290, send VR to Das office utilizing the progressive sanctions model. •16 Court 379, 1st (+), use graduated sanctions. 2nd (+) submit VR •17 Court 399, File VR on all + U.A.'s with recommendation.
<p>Early Termination</p>	<ul style="list-style-type: none"> •1 Court 144, offender must have completed 1/3 of term or 2 years (whichever is less). Submit ET SR, copy of PSI and termination order. •2 Court 175, upon offender's request, submit SR and recommendation. For formal attorney request, submit SR and recommendation along with attorney's motion. •3 Court 186, usually requires attorney's motion. Clerk will forward the motion to the PO with a request for SR. In some cases, Judge will allow offender to submit written request. •4 Court 187, If eligible, probationer is to write a letter to the court. CSO to run NCIC/TCIC and submit early term supplemental report to manager for approval. •5 Court 226, the motion for early termination is filed by the defendant's attorney. After the motion is filed, the court will ask the probation officer to prepare a summary report on the case. •6 Court 227, ET SR to Judge with recommendation, must include copies of criminal history and certificates from completed programs. Note: all ETs must be approved by manager. •7 Court 290, offender can submit letter to Court once all program are complete and fees are paid. PO will submit SR with the letter from offender, or when PO receives copy of ET motion from Court. Not eligible for DWI Intoxication offenses. •8 Court 379, on State Jail cases only, submit SR and copy of PSI for Judge's approval. Attorney needs to petition the Court for all other offenses. •9 Court 399, attorney files a motion, or the offender may write a letter to the Court requesting ET. Court calls PO. Submit early term supplemental report with PSI attached and letter from defendant.

Table 11 (cont.)

<p>Extensions</p>	<ul style="list-style-type: none"> •1 Court 144, SR to Judge and attach A&A COP and waiver of counsel. •2 Court 175, at PO's discretion, submit SR and A&A COP at a minimum of 2 weeks prior to expiration. •3 Court 186, Judge can order an extension at a hearing, through an SR or in response to an email. Always attach a copy of report with A&A COP. •4 Court 187, file VR and explain offender's status. If approved, A&A COP (usually 1 year at a time). If only monies owed, submit SR. •5 Court 226, submit SR and ACOP to Judge to extend. Fully document the need for extension and give Judge options (extend, terminate unsatisfactorily/satisfactorily, file MTR) •6 Court 227, file "extension" if offender agrees and A&A for Judge's signature. Otherwise, notify manager for alternative remedy. •7 Court 290, if monies, PO will send SR to the Judge 30 to 60 days before expiration requesting extension. •8 Court 379, SR to Judge through ADA 3 months prior to expiration. Attach A&A COP and waiver of counsel. •9 Court 399, submit extension VR forwarded to ADA.
<p>CSR Conversion</p>	<ul style="list-style-type: none"> •10 Courts *144, 186, 187 and 379 accept conversion rate of \$6/hour at an approved agency. Courts 144 and 187 want offender to do ½ ordered hours. Donations for court 144 need to be given to the Food Bank. May have pre-approved agency at this rate, otherwise Food Bank will be credited by food donated. SR sent to court for Judge's decision. Must be current on fees in Court 187 and 379. •11 Court 175, Approved for a non-profit organization. •12 Court 226, offender must do ½ the hours (with exception for medical issues and sex offenders), then can make donations to a non-profit organization for the remainder of hours. Sex offenders must have someone else make the donation for them. •13 Court 227, if offender is able, must do ½ the hours, then can donate \$5/hr to the Food Bank. No food stamp/WIC donations, but rate may be reduced for medical/indigent circumstances. Must be current on fees. If non-approved agency, must be staffed with manager. •14 Court 290, no waivers; offender must do all CSR hours. •15 Court 399, SR to Judge for approval first, must perform half of the hours ordered then balance may be donated at the rate of \$5/hr to an agency designated by Judge.

Table 11 (cont.)

<p style="text-align: center;">INS</p>	<ul style="list-style-type: none"> •16 Court 144, file MTR if offender returns illegally. •17 Court 175, terminate unsatisfactorily upon expiration if there are no MTRs filed. Submit SR on cases that have expired and have an MTR filed. •18 Court 186, file termination order on expiration date. •19 Court 187, send SR to inform Court of deportation and no re-entry violations. Satisfactorily terminate upon expiration. •20 Court 226 and 399, submit SR to Court giving the options to terminate satisfactorily or unsatisfactorily. Court 226 requires support staff to run a criminal history to ensure no re-entry/re-offend. The case is terminated at expiration if no new activity occurred during the probation term. •21 Court 227, satisfactorily or unsatisfactorily termination decision to be staffed with manager and submitted to Court for Judge's signature. •22 Court 290, if offender is deported, COP that offender is not to return to the US illegally. •23 Court 379, deportation COP with no illegal re-entry on illegal aliens.
<p style="text-align: center;">Ignition Interlock</p>	<ul style="list-style-type: none"> •24 Per criminal code, must be for a minimum of 50% of probation term. •25 Court 144, installed for the duration of probation term unless otherwise specified, offender sells vehicle or no vehicle in household. •26 Court 175 and 399, ½ probation term. Offender will be required to submit notarized Affidavit for waiver. In Court 175, will need to submit SR for waiver request. •27 Court 186, must be on any household vehicle for ½ probation term. Waiver requires Affidavit of non-ownership. •28 Court 187, must be on any and all vehicles at the residence. SCRAM if offender does not own a vehicle and does not want to have device on vehicles at residence. Not allowed to drive for duration of probation term, but Judge may consider Occupational DL. •29 Court 226, required on all vehicles at the residence for ½ term, and have an attorney petition the Court for removal. Only exception is offender does not have a vehicle or access to a vehicle. Then, required to furnish a notarized non-ownership Affidavit every 90 days. • Court 227, required on all vehicles at the residence for at least ½ term or as defined on COP. For waiver, offender to go through attorney, APO to submit SR or staff case with Judge providing Affidavit of non-ownership or access to a vehicle. •30 Court 290, those on DWI must have on his vehicle and spouse's vehicle. Other adults who reside at the home and have vehicles must submit notarized Affidavit stating they will not allow offender to operate their vehicle. No alcohol (or illegal drugs) allowed in the residence. •31 Court 379, must have for ½ probation term. To request removal, submit SR. SCRAM or GPS may be substituted.

Table 12: Example of Miscellaneous Policies among Felony Courts

<p>Court 144</p>	<p>Procedure to get a Summons:</p> <ol style="list-style-type: none"> 1) VR submitted to court to file MTR 2) ADA writes on MTR to send a summons 3) Judge signs the MTR 4) Clerk does not issue a warrant and issues a summons 5) PO tries to get in touch with offender and advise of court date 6) Offender appears in court on date of summons 7) If offender does not show, a warrant is issued 8) In court, case is handled like a formal hearing, offender needs an attorney <p>•32 Judge will usually use progressive sanctions</p>
<p>Court 175</p>	<p>•33 Submit VR or SR for any other issues.</p>
<p>Court 186</p>	<p>•34 File SR for any other issue. Judge likes receiving emails, just give enough info to make an informed decision. Request legal documents from the clerk, not the CLO. CLO will route documents.</p>
<p>Court 187</p>	<p>•35 Travel Permits – within the county, approval by PO. Out of state/country, as directed by the Judge via SR.</p> <p>•36 MTR – all new offenses are to be alleged generically. MTRs should be supplemented with all allegations before the case expires. If offender admits to d/a use, the wording on the MTR should reflect the admission.</p> <p>•37 VRs are submitted to ADA through CLO or via email (not as attachment) for any violations of COP. If submitted via email, the report with reply from ADA must be printed for file. VRs are not kept in court file.</p> <p>•38 MTR with Summons – can be recommended on a VR if the offender will show up in court without warrant issued. CLO will return copy of MTR with the word Summons on the bottom with court date. It is up to the PO to give the offender the Summons to appear and copy of MTR.</p>
<p>Court 226</p>	<p>•39 Most other issues handled by submitting a SR to the Court.</p>

Table 12 (cont.)

Court 227	<ul style="list-style-type: none"> ●40 Staff with manager first, then address with ADAs and SR/Staffing with Judge as a final resolution. Court is Monday – Friday starting at 9 am.
Court 290	<ul style="list-style-type: none"> ●41 Travel Permit out of state – must have permission from Court. ●42 PO will send SR to the Court with recommendation of the action to be taken when a VR is submitted. If recommended an alternative to MTR and the DA approves (Elite, SATF, etc), a SR must be submitted to the Judge with A&A COP. ●43 All documentation must have PO’s full name and offender’s SID #.
Court 379	<ul style="list-style-type: none"> ●44 Crime Stoppers fee is \$50, due within 90 days. ●45 FTR for 2 consecutive months, file VR. ●46 No cases allowed to expire if there is money owed or programs not completed. ●47 PO to submit SR 3 months prior to expiration.
Court 399	<ul style="list-style-type: none"> ●48 SR to court for other issues unless it is a probation violation.

Table12: Summary of Differences in Sanctioning Policies among Misdemeanor Courts

<p style="text-align: center;">Response to Subsequent Offenses</p>	<ul style="list-style-type: none"> •10 Courts 1, 2, 4, 5, 6, 7, 8, 9 and 12 require a MTR within 24 hours. Court 11, ASAP and no bond. •11 Court 1, 2, 6, 9 and 12 - no VR needed. •12 In Court 1, a Municipal Court arrest will need a VR and depending on the offense, a MTR may be filed. •13 Court 4, submit 1st Amended MTR if case already has one. •14 Court 5, on same offense or Class A offenses, file MTR without bond. No VR needed but make entry in the file “per standing court order, due to the offender’s arrest for ____ MTR to be filed without bond.” On Class B and different offenses, file MTR with bond setting for the same date as the new case. Exception – if offender has a non-driving Affidavit and they are arrested for DWLS/DWLI, do a VR to see if judge wants MTR with or without bond. File on Class C offense with VR to see if it will file with or without bond. •15 Court 6, only file VR if extenuating circumstances. •16 Court 7, Judge remands without bond on all new number cases, exception of DWLS if it is the only allegation. •17 Court 8, do verbal with Judge if PI (Class C) on a DWI or related offense. If new offense is DWI, add violation of Co. #2.
<p style="text-align: center;">Pre-MTR Hearings</p>	<ul style="list-style-type: none"> •17 Court 1, use to address most violations except new arrests. Ex: fees, programs, drug use. •18 Court 2 and 4, none. Court 4, file MTR with PR bond. •19 Court 5, set for Court for any non-compliance (fees, programs, CSR, missed TAIP appt). Can be set to discuss TAIP recommendations if offender disputes them. •20 Court 6, hearings on Tues/Thurs, 2 weeks notice required, must be entered in log. No more than 5 cases set without special circumstances. Address compliance issues/arrears. A&A COP and MTR must accompany the file. •21 Court 7, rarely used, but for admonishment/compliance issues or travel out of state. Must have MTR prepared. •22 Court 8 and 9, if offender disputes restitution or TAIP recommendation, is terminated from or has not completed program by expiration deadline, desire to move out of state, delinquency or missed 2 consecutive monthly payments. Court 9 requests use of all graduated sanctions first. •23 Court 11, send signed case setting form to Court 3 weeks prior to hearing. •24 Court 12, used to address slow program compliance, delinquency, issues with Ignition Interlock, Antabuse, SCRAM, disputes of UA results/restitution and requests for out of state travel.

Table 12 (cont.)

<p>Positive Specimens</p>	<ul style="list-style-type: none"> •25 Court 1, baseline done on initial visit with PO. If (+) for coc/alcohol, set for Pre-MTR hearing and seek placement in treatment. (+) for THC, VR with request for TAIP eval with treatment. Sanctions include 1) 3 days in jail 2) \$300 fine, paid within 2 weeks 3) 3 days in jury box. •26 Court 2, 1st (+), no action, 2nd (+), file MTR, which must be 60 days after first for THC. •27 Court 4, 1st (+), file VR, 2nd (+), file MTR. •28 Court 5, 1st (+) UA – Address with Progressive Sanctions, subsequent (+) UAS – VR to court for sanction or MTRP •29 Court 6, offender must submit UA at first OV, and (+) UAs addressed with progressive sanctions. UA prior to court on Pre-MTR cases. •30 Court 7, do a VR and Judge may amend to add a sanction. Continuous (+)s, file MTR. Notify Judge if offender is (+) while out on bond. •31 Court 8, (+) for THC, set for TAIP eval. (+) for other drugs, set for Court. Confirm UA if seeking Tx, additional sanction or MTRP. •32 Court 9, use progressive sanctions. Continuous use, set for Pre-MTR or file MTR. •33 Court 11, File VR along w/ MTR. Judge usually confirms 1st (+) for THC and does not file for meth and opiates. •34 Court 12, UA at first OV. 1st (+) for THC, amend for DOEP. 1st (+) for coc/amph/opiates/alcohol, do VR with sanction options. 2nd (+) for THC, do VR with sanction options. 2nd (+) for coc/amph/opiates, file MTR. 3rd (+) for THC, file MTR.
<p>Early Termination</p>	<ul style="list-style-type: none"> •9 Court 1, PO can initiate for those with non-violent offenses, no previous criminal history, completed all programs and paid in full. Need manager approval. •10 Court 2, PO can initiate if offender is compliant 1/3 of term. No attorney is needed. •11 Court 4, 6, 9, 11 and 12, once COP are complete and monies are paid, offender writes letter to the Judge. PO submits status and early term report with letter. For Courts 9 and 11, deferred adjudication can be done at any time, regular probation at 1/3 of term. DWI's and Obstruction of Hwy are not eligible for Court 9, and Burglary of a Vehicle, Resisting/Evading Arrest and Reckless Driving are not eligible for Court 11. •12 Court 5, offender's attorney submits report. If offender does not have money for attorney, can request through PO. •13 Court 7, at ½ term, offender will tender an informal written request to PO and PO will send packet to court. •14 Court 8, offender writes letter to the Judge if has no priors/felony/assault cases or (+) UAs. No DWI, Obstruction of Hwy or DWI 2nd are eligible.

Table 12 (cont.)

<p>Extensions</p>	<ul style="list-style-type: none"> •49 Court 1, PO can initiate through SR 2 months prior to expiration, which are usually done for fees, drug use and program/treatment completion. Done at Pre-MTR or MTR hearings. •50 Court 2, PO prepares extension paperwork; no SR needed •51 Court 4, Judge does not like to extend. PO should have offender sign PR Bond and submit MTR and case setting form. •52 Court 5, At defendant's request, extensions are possible. Waiver of counsel signed by defendant is needed. •53 Court 6, no SR needed. Waiver of counsel and A&A COP for agreed amount of time. Pre-MTR if already extended. •54 Court 7 and 9, PO's discretion; Judge will extend. Court 9, PO to file waiver of counsel and can ask for reduced/no fees. •55 Court 8, Set for Court compliance hearing. •56 Court 11, Judge's discretion. Can be declined at MTR or Pre-MTR hearing. Judge will extend via SR or VR as well. • 57 Court 12 CSO has discretion on 1st extension. 2nd extension requires manager approval. Additional \$25 supervisory fee for every month case is extended.
<p>CSR Conversion</p>	<ul style="list-style-type: none"> •58 Courts 6, 8, 9, and 11 allow conversion of \$6/hour if current on fees and approved location. •59 Court 1, hours are set through CSR dept, can buy out at \$6.25/hour. PO submits SR to the Court, the Judge approves it and money order submitted to drug court coordinator and receipt to PO. •60 Court 2, can donate ½ of CSR at \$5/hour, at PO approved agency. Can do CSR in lieu of fees with Judge's approval. •61 Court 4 and 5, allow donations at approved agencies @ 5.00 per hour. •62 Court 7, none. •63 Court 8, Judge must approve if offender is not paid in full. No monetary donations. •64 Court 11, agencies are Salvation Army and Red Cross. •65 Court 12, file SR for conversion for fine/court costs only. 8 hours CSR = \$100. SR to buy out and only to Food Bank or CAM. Conversion of \$12.50 per hour.
<p>INS</p>	<ul style="list-style-type: none"> •66 Courts 1 and 4, once notified, file SR to inform Judge and see if MTR is to be filed. •67 Courts 2 and 6, SR to Judge for directions. •68 Court 5, normally offender is in jail and gets revoked in the jail court before deportation. •69 Court 7, if offender has MTR and ICE hold, Judge will revoke so offender can be deported. If offender is deported without hearing, Judge withdraws MTR and term unsatisfactorily. •70 Court 8, if deported, do verbal with Judge for directions. •71 Court 9, if deported, file MTR. •72 Court 11, if deported, SR to Judge and put as 1st option "file MTR" and 2nd option "term case unsatisfactorily." •73 Court 12, generally handled through Auxiliary Court.

Table 12 (cont.)

<p>Ignition Interlock</p>	<ul style="list-style-type: none"> •74 Court 1, offender has 30 days to get installed. If not, set for Pre-MTR hearing immediately. Violations for alcohol = set for Pre-MTR hearing. •75 Court 2, if Affidavit is signed, no device needed. If there is evidence the offender is driving, Judge will revoke immediately. IID on all cases until valid DL is provided. Minimum of 6 months on all IID, SCRAM, Antabuse. •76 Court 4, Ignition Interlock required. If offender does not have a vehicle, PO informs Judge for direction. Obstruction of Highway – Defendants attorney to approach Judge of defendant does not have a vehicle. It can be removed even with violations via SR. If MTRP alleges II violations submit SR. If no violations, Judge will remove. •77 Court 5, file VR or set for compliance hearing. •78 Court 6, must have for ½ term of probation. If no vehicle, signed Affidavit and SCRAM/Antabuse. Manager must approve IID removal forms prior to submitting to Court. •79 Court 7, rare, so case by case basis. •80 Court 8, if BAC is higher than .15 at time of arrest, IID for full term. If judge does not specify term of IID, offender can be set for court at ½ term for Judge to decide. If violations, set for Court. If offender reports for initial interview without device installed, set for Court. If offender is on DWI-2nd and has high BAC violation, file MTR. If offender does not have a vehicle, set for Court so Judge can A&A COP for non-driving Affidavit along with SCRAM or Antabuse. •81 Court 9, for violations, set Pre-MTR. Duration is ½ term. If offender is not driving, Affidavit and SCRAM/Antabuse. For removal, prepare for CLO to staff with Judge. •82 Court 11, on all DWI-2nd and some DWI-1st cases. If offender does not have vehicle, Affidavit and Antabuse. •83 Court 12, for full term unless otherwise specified. If no vehicle, file SR prior to installation deadline and requests Affidavit and SCRAM/Antabuse.
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Table 13: Example of Miscellaneous Policies among Misdemeanor Courts

Court 1	<ul style="list-style-type: none"> •84 Judge Alonso considers his court a drug court; therefore, treatment is always the 1st option and he is open to recommendations from the PO.
Court 2	<ul style="list-style-type: none"> •85 FTR for 2 months/4 weekly (DROP/ISP), file MTR. •86 TAIP recs – no residential treatment if offender is employed (will lose job) or has to pay. •87 No Antabuse/outpatient if offender is to pay, can do AA/NA 2-3/wk instead. •88 Indicate on SR if TAIP is paying 100% or 50% and if offender is employed. •89 SRs need to be brief and to the point. •90 On check cases, no DA or merchant fees, and only checks within 2 years are included as of date of probation is granted.
Court 4	<ul style="list-style-type: none"> •91 If insurance is required, refer to their insurance company. •92 If SR-22 is required, refer to DPS on Pat Booker Rd.
Court 5	<ul style="list-style-type: none"> •93 Check with Court PO or Manager.
Court 6	<ul style="list-style-type: none"> •94 All paperwork must have Judge’s signature; PO’s cannot sign for Judge.
Court 7	<ul style="list-style-type: none"> •95 Court-rushed UA exam if offender has an MTR but has not reported to probation since bonding out. Recall for next day appearance (instead of same day) for pending UA result. If (+), offender goes into custody. If (-), reset to monitor progress. •96 Offender reports weekly to probation with UAs when MTR is open.
Court 8	<ul style="list-style-type: none"> •97 FTR for 2 consecutive months, file MTR. •98 FTR for job counseling for 2 consecutive days, file MTR •99 FTR for 2 consecutive weekly UAs/weekly reporting, file MTR. •100 Offender misses initial appt, set for Court. •101 Offender misses Antabuse, set for Court. If unable to give case setting due to FTR, file MTR after 6 misses of Antabuse. •102 Offender misses Antabuse initial/rescheduled appointment, set for court. •103 SCRAM violation, file MTR, address SCRAM time frame immediately. •104 If TAIP recommends residential treatment, set for Court. •105 Contact Court PO for other issues.
Court 9	<ul style="list-style-type: none"> •106 FTR for 2 consecutive months, file MTR. •107 Non-compliance with Antabuse, set for Court. •108 Placement in residential treatment, set for Court. •109 Contact Court PO with other issues.
Court 11	<ul style="list-style-type: none"> •110 All on bond for a MTR to report and UA weekly.
Court 12	<ul style="list-style-type: none"> •111 Coordinator is Patty Garcia 335-2783.

The inconsistencies above and others not mentioned here can be addressed in reasonable manners by developing “court guidelines” that make supervision policies more cohesive. A “court guidelines” provided to officers for unique circumstances for each court can be simplified if the courts can agree on the same policy for common situations. For example, a probation officer should file a Motion to Revoke Probation for all subsequent offenses, and for subsequent DWI charges, allege the second condition of probation. For MTRs and positive drug tests, a progressive sanction guideline, as discussed in an earlier section, can guide discretion uniformly. Specifically, the department should:

- Alleviate differences regarding responses to subsequent offenses by establishing one protocol about subsequent offenses, and having an established procedure from the time the probation officer files the Motion to Revoke Probation until the judge signs for a warrant or summons.
- Establish one policy procedure for early terminations, which can be any of the above or another idea, and have a department approved form that can be given to the probationer with information and instructions for Early Terminations. This eliminates the inconsistency of procedures from various courts, and provides the offender explicit instructions of what to do and what to expect.
- Develop one process for sentence extensions for all the courts, such as submitting a Supplemental Report to the Court requesting an extension, with justification, and then the judge can decide if he/she is to extend the person. At this time the judge can request other action to be taken.
- Establish the eligibility criteria and protocol for CSR hour conversion and a departmental policy. For instance, after an offender completes one-half of his required CSR hours, the remaining hours may be converted to a fine at \$___/hour or be donated to one of the approved non-profit organizations.
- Establish a departmental policy on actions to be taken when an illegal alien is taken into custody by ICE. Each judge can have his/her own disposition of how to discharge the case (satisfactorily/unsatisfactorily/revocation), but the procedure to get to that point should be consistent for all courts.
- Establish a departmental policy that states the protocol when a judge orders Ignition Interlock and what to do for violations and failure to comply. Specify time requirements for the offender to have the device installed or program started should also be specified.
- Finally the department can create a section of the guidelines specifically for miscellaneous situations. This will make it easy for an officer to reference one page and see all the listed items for each specific judge. For example, a judge may want a court-rushed UA exam for an offender who fails to report to probation after bonding out on a MTR. This would be appropriate information for this section, as it does not fall into any of the other ones and is specific to a certain judge.

By establishing “Court Guidelines” that are unified across the judiciary, the officers will be able to refer to a departmental manual for how to complete the specific task, which is the same sanction for each Court. An officer will know in general what the action to be taken is for a violation, but can review the miscellaneous sections for any further requirements.

Court Liaison Officers (CLOs) should become fluent with established departmental guidelines to problem solve issues than refer straight to court with Supplemental Reports and MTR's. Flowcharts allow for a visual picture to guide an officer on the procedures to complete for specific tasks. The Court Guidelines can be distributed electronically and updates can be made as needed and then emailed out to the officers quickly for efficient use.

C. Supervision Plans and Progressive Sanctions

Essential elements of an EBP model include effective assessment practices, differentiated supervision strategies and organization assessments to maintain model fidelity. The assessments are used to divide the population into different classifications to be subjected to different supervision strategies. In "laymen's terms," offenders can be classified into three general categories. These are:

Low Risk offenders: These are the offenders who have committed minor law violations who are mainly pro-social citizens, need minimum supervision, and should only be required to report on time and pay their fines and fees. The main goal of supervision strategies for these offenders is to report on time and pay their fines and fees.

Social Problem offenders: These are the offenders who are mainly pro-social people that have gotten in trouble with the law because of a substance abuse or mental health problem. These offenders require a supervision strategy oriented at changing their behavior with the use of programs and progressive sanctions. The main goal of supervision strategies for these offenders is to change their behavior to reduce their criminogenic risks.

High Risk "last chance" offenders: These are offenders that would be in prison if not for a "last chance" given to them. They are high risk offenders that need a controlled environment in which non-compliance with rules of supervision leads to a revocation. The main goal of supervision strategies for these offenders is quick sanctioning and revocation. Mainly surveillance, although strategies to change behavior and reduce criminogenic needs should also be important.

The risk assessment instrument used by Bexar County CSCD is the one widely used by other probation departments in Texas, which is the risk instrument developed by Wisconsin in the late 1970's and usually referred to as the "Wisconsin Risk Assessment." The risk instrument consists of 11 items that have been associated with recidivism. The items are weighted, and when the "scores" for each item are added, a total score is computed that places the offender into one of three levels of risk: minimum, medium and high. Those at a minimum risk level score between 0 and 7, a medium level score between 8 and 14, and a high risk level are those scoring 15 and higher.

A review of files selected by the Justice Center research team and the Bexar County officials was completed to determine the quality of supervision strategies on August 14, 2009 and August 21, 2009. The files were evaluated by a probation officer working in the assessment team with experience in EBP file reviews (the officer does not work in the Bexar CSCD). The main goal was to examine the substance of each case to see if the actions stated in the file reflected effective supervision strategies and get familiar with the structure of the files. This was not a random based audit like the ones that have been conducted by CJAD. As mentioned above, CJAD's audits have found problems with case management and

documentation issues.

Table 14 shows the type of cases reviewed and the summary indicators, with the last column reflecting the view of the assessor regarding over compliance with policies that match EBP.

Table 14: Summary of Cases Reviewed to Learn File Structure and Compliance Issues

Offense	Initial Risk and Need Scores	Reassessments Done and Date	Status At Time of Review
Indecent Exposure	0/2 on 6/16/09 min/min	N/A	Compliant
DWI	14/20 on 1/15/09 med/med	N/A	Pre-MTR
Assault with Bodily Injury, Married	18/15 on 1/9/09 max/med	N/A	Somewhat compliant
Obstruction of Highway, Intoxicated	2/10 on 3/6/09 min/min	N/A	Somewhat compliant
DWI, 2 nd	6/9 on 1/18/08 min/min	1/6 on 12/9/08 min/min	Modified for IOP on 11/14/08
Deadly Conduct	8/0 on 10/2/08 med/min	13/4 on 12/23/08 med/min (Per audit, 4 mistakes on risk scores)	Somewhat compliant
Obstruction of Highway, Intoxicated	3/1 on 5/5/08 min/min	0/0 on 5/26/09 min/min	Compliant

During a focus group, probation officers stated that the initial risk and needs assessment must be completed within the first 30 days of probation. Reassessments are to be completed every year thereafter, or when a major change occurs. The data as noted in the table above does not support the EBP model or the Bexar County policy. For instance, for the probationer on DWI, 2nd, his risk and needs scores decreased on December 8, 2008, which was less than one month after his conditions of probation were modified for him to complete an Intensive Outpatient Program. In addition, he was probated on his 2nd DWI charges, but scores on the reassessment reflect alcohol being a low risk factor. This should actually be higher due to the need for additional treatment and his second DWI offense.

As previously noted, offenders in Bexar County, particularly misdemeanor offenders, tend to be “over supervised.” Four of the above seven offenders are on minimum supervision. However, they were supervised the same as medium and maximum offenders as Bexar County does not have specialized “low risk” caseloads. These probationers also were given the same conditions of probation from courts as medium and maximum cases. This can cause harm as discussed previously: a) low risk offenders placed in programs with medium and maximum

cases can increase exposure to negative associations; b) increased supervision disrupts pro-social factors they already have implement in their lives; and, c) some low risk offenders may be manipulated by higher risk offender. For practices to be effective per EBP, offenders that are truly low risk should have fewer special conditions of probation, report less frequently and be left alone to pay their monies and complete minimum required classes ordered by the court.

The excessive minimum cases may also be a factor of the risk and needs assessments not being completed correctly by the officer. As noted in the table above, there were four mistakes made on the risk assessment when the file was audited by a supervisor. Probation officers are taught in their introductory training how to complete the risk and needs forms, but there is no system in place to routinely monitor the quality of the scoring process and to independently assess if the scoring is accurate. Concentrated training and ongoing refresher courses over time regarding the use of risk scores may help to correct this issue and place offenders in more accurate risk categories.

During a focus group of probation officers, the risk and needs process was discussed at length and the officers were encouraged to speak candidly about how assessments are completed. Officers stated that they do them at or just after the offender's first office visit, and then reassess once per year or "as needed." However, if an offender has an issue, they may not perform a reassessment as it will increase the risk score and, therefore, may increase the supervision level. Conceptually, the higher the risk score, the more contacts the offender should have with the officer. If an offender is on minimum supervision, he or she may report by mail or on Saturdays, but only if allowed by the Court. When officers were asked what they think of the Risk / Needs assessment, they stated that it is important to classify offenders into supervision levels. One officer stated that doing the Wisconsin assessment forces her to look at parts of an offender's life that she may not routinely ask during a regular office visit, such as family issues, mental health issues and criminal history.

When asked about percentages of supervision levels offenders that fall into on any chosen regular caseload, all officers stated that a small percentage score as maximum cases (level two), as officers can manipulate the tool for a lower level. Officers supervising felony caseloads state that the majority of their cases are medium levels (level three) and some are minimum levels (level four). Officers supervising misdemeanor courts state that the majority of cases are at the minimum level and some of their caseload is at a medium level. Again, if there is little or no differentiation between supervision of low risk and medium/high risk offenders, more harm than good can be done with over supervision.

The Wisconsin Risk and Need Assessment should provide court and probation officials with a mechanism to differentiate the risk and programmatic needs of offenders, and provide appropriate interventions based on these distinctions. Probation officers then need to engage in the design of a supervision plan with offenders through "motivational interviewing." This involves more than a traditional interview by the probation officer, as the officer has to provide the right context and questions to identify the offender's own strengths and weaknesses and get "buy in" from the offender that his supervision plan is actually oriented at helping him address some of his behavioral or personal needs. The supervision plan should address not only the conditions of probation imposed by the courts, but also move beyond that to identify specific objectives related to addressing behavioral changes (like cognitive skill development), providing treatment (for substance abuse), and assisting the offender (by connecting the offender with community services and support systems). In developing a supervision approach, the officer should consider the motivation, learning styles, gender, age and culture of the offenders to be

successful, the so-called “responsivity principle.”

Figure 26 below shows an example of the present supervision plan use for a credit card abuse case. The policy of Supervision Plans in Bexar County CSCD has changed three times over the past several years. The first implementation was done in the “I” format, and the offender had to sign the plan. This changed to the officer writing it in the third person, and the offender did not have to sign it. The most recent adaptation reverted back to the original way, and the offender and the officer both sign the plan written in the first person, the “I” format. The current plan consists of the offenders name, date, cause number and supervision level at the top, and then the officer writes up the plan divided into four sections: a problem statement, behavior objectives, the offender’s action plan and the officer’s action plan.

Figure 26: Example of a Supervision Plan for Credit Card Abuse

<p>Problem Statement</p> <p>“I stole my neighbor’s credit card and used it to buy electronic equipment that I was unable to afford myself.”</p> <p>Behavior Objectives</p> <p>“For the next year, I will use techniques learned during recommended classes and/or discussions with my probation officer to meet financial needs.”</p> <p>Offender Action Plan</p> <p>I will attend and successfully complete all recommended classes as instructed and will provide proper recommendation to my probation officer upon request. I will discuss with my probation officer how I am applying techniques learned to my life on a daily basis. I will pay restitution if ordered.</p> <p>Probation Officer Action Plan</p> <p>Probation Officer will verify that the offender attends and successfully completes the recommended program(s), will discuss with the offender how the offender is applying techniques learned on a daily basis and verify restitution is paid, if ordered.</p>
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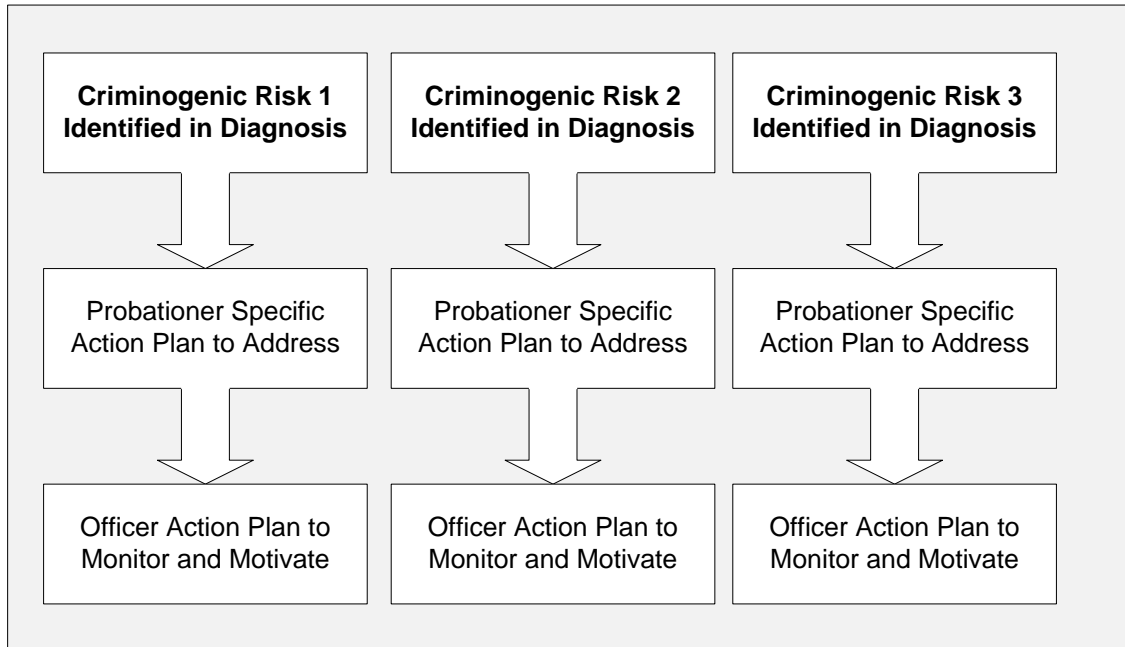
According to some managers, the supervision plan is an item that is rarely used once completed, and is an item to check off from the required procedural list required by CJAD. In addition, there was a discrepancy amongst managers about how many issues can be addressed in a Supervision Plan. Each manager went to a different training session on Supervision Plans, and two were told that they could only address one issue at a time. Two others were told they could address more than one issue in the plan if they are needed. All agreed that it is better to address all the needs in the plan, as the offender does not have just one problem at a time. In a way officers are currently doing this in their appointments, as some are supervising dual diagnosed offenders and discuss both mental health issues and substance abuse problems.

Officers state the theory is to discuss problems and needs with the offender and let the offender come up with his biggest need. The probation officer then helps define behavioral

changes for the offender to make, how he can make these defined changes, and finally, how the officer helps him change. Officers state that this is a good idea, but they typically do not use them during their office visits. Instead, they use the Conditions of Probation Checklist, which is usually the top sheet of paper in the file. Officers state they do the plan as it is part of their audit, but rarely look at, use or adjust it for changes or progress made by the offender. Officers elaborated that they get to know their offenders during office visits, and knowing them and talking about their actions and needs is the supervision plan, a piece of paper stating it is not necessary as issues are notated in the chronological entries. Officers state that since the Conditions of Probation can be reflective of an offender's needs, these issues are usually covered when conversation is stimulated by the Conditions of Probation Checklist.

The Conditions of Probation Checklist consists of listing all the Conditions of Probation, then mark a backslash line (/) with the date when the referral has been made, and a forward slash (\) over the backslash, with date, upon completion. These symbols make an X when the Condition of Probation has been completed. This list helps the officer know at a glance what Conditions of Probation the offender is currently working on or participating in, such as a treatment program, CSR, Ignition Interlock Device, etc. However, this list does not show the criminogenic needs the offender has to address and work on to prevent criminal behavior.

Figure 27 below shows an EBP supervision plan that addresses criminogenic needs and forces the probation officer to concentrate in addressing these needs. Supervision Agreements that define criminogenic needs are instrumental in file assessment and determining progress, or lack thereof, in a treatment program. The supervision strategies of the officer should correlate with the needs of the offender for most successful supervision. Appropriate sanctions should also be applied when the offender is non-compliant with Conditions of Probation and treatment requirements.

Figure 27: Structure of an EBP Supervision Plan

During the focus group with probation officers, many stated that they use progressive sanctions in their daily casework. However, the courts seem to vary in the scope and intensity of sanctions. For example, if an offender tests positive on a drug test, the officer will schedule a TAIP evaluation if using progressive sanctions and the offender will be required to follow the TAIP recommendations. The diversity arises when some courts want Violation Reports for “hard” drugs while others do not, and one court will not let offenders participate in a residential treatment program.

There does not appear to be an official Progressive Sanctions Model as a reference guide for officers to use to address technical violations. In the FY 2010 – 2011 Community Justice Plan for Bexar County CSCD, a Progressive Sanctions and Incentives Supervision Model was drafted laying out a mission, overview, requirements for three different levels of supervision (maximum, medium and minimum), and graduated sanctions strategies for both regular caseloads and specialized caseloads (sex offender and gang). In the graduated sanctions strategies section, sanctions are categorized as In-House Sanctions, those that are imposed by the officer without having to amend the Conditions of Probation, and Court-Ordered Sanctions, those that require amended Conditions of Probation via a Supplemental or Violation Report and prepared Altered and Amended Conditions. Furthermore, the most frequent conditions of probation that are violated each have a section with the specific stages of graduated sanctions. These conditions include new offenses, substance abuse, maintaining employment, failure to report, failure to pay, failure to perform CSR, failure to participate in a court-ordered program or service and miscellaneous violations. It then specifies the special conditions that are related to sex offenders and gangs, each in their own respective section. This is a great foundation for a progressive sanctions model, and can be updated as needed or color coded for specific stages.

Also in the FY 2010 – 2011 Community Justice Plan for Bexar County CSCD, a section addressing graduated incentives discusses the importance of positive reinforcements for

effective supervision. Some examples of incentives include verbal praise, certificates of achievement, reduction in office reporting, increase in reporting by mail, reduction of fines, bus and clothing vouchers, early termination, reduction in CSR hours and “fish bowl” prizes, where a probationer would draw to win a nominal prize, such as a pencil, candy, coupons, etc. The department needs to set guidelines to determine when a probationer is eligible for each of the incentives for consistency amongst the officers. Currently, the only incentives mentioned by officers are reporting by mail for minimum level offenders, travel permits and Saturday reporting.

Finally, based on the focus groups, probation officers seem very willing to apply new EBP strategies in their daily casework but feel that high caseload levels of 140 and higher make implementation difficult. Some quotes from officers as stated in focus groups reflect their feelings and show the challenges faced by the department in its modernization efforts. Selected quotes from probation officers are:

“We act more like secretaries due to high caseloads”

“Prepare files, refer to programs and verify offenders are going to them but don’t have the time to engage in really understanding who probationers are progressing in the program”

“We understand the concept of the changes of criminogenic needs, but we need more time to do everything that they asked us to do.”

“We need lower caseloads to allow more time spent on criminogenic needs rather than just compliance with conditions of probation”

“Office visits are short, and we are multi-tasking in duties, such as making/returning phone calls, responding to emails, making referral packets and copies between office visits”

“We have to document issues in multiple forms and this is repetitive”

“We have to handle crises, which include phone calls from offenders that take time”

VI. Mapping Analysis

This section reviews the geographical distribution of the probationers in Bexar County. The analysis was done by Justice Mapping Systems (JMS). JMS has conducted these types of analysis in other localities to visualize the impact of the geographical concentration of persons under justice system supervision on the demand for services, like re-entry or probation resources.

Figure 28 shows a map of Bexar County depicting the geographical distribution of the probation population, with the center diamond depicting the location of the probation department. As we discussed above, Bexar County has only one reporting location for probationers, which is the main building located in downtown San Antonio. Yet, the probation population in Bexar County is spread over a significant geographical area. Over 350 probationers reside in each of 14 ZIP codes, some significantly away from the main probation office. Unlike Bexar County, Harris, Dallas and Travis Counties provide probationers with multiple locations to report across the county. This facilitates supervision practices and help probationers meet their reporting requirements.

Figure 28: Geographical Distribution of the Probation Population in Bexar County by ZIP Code Area

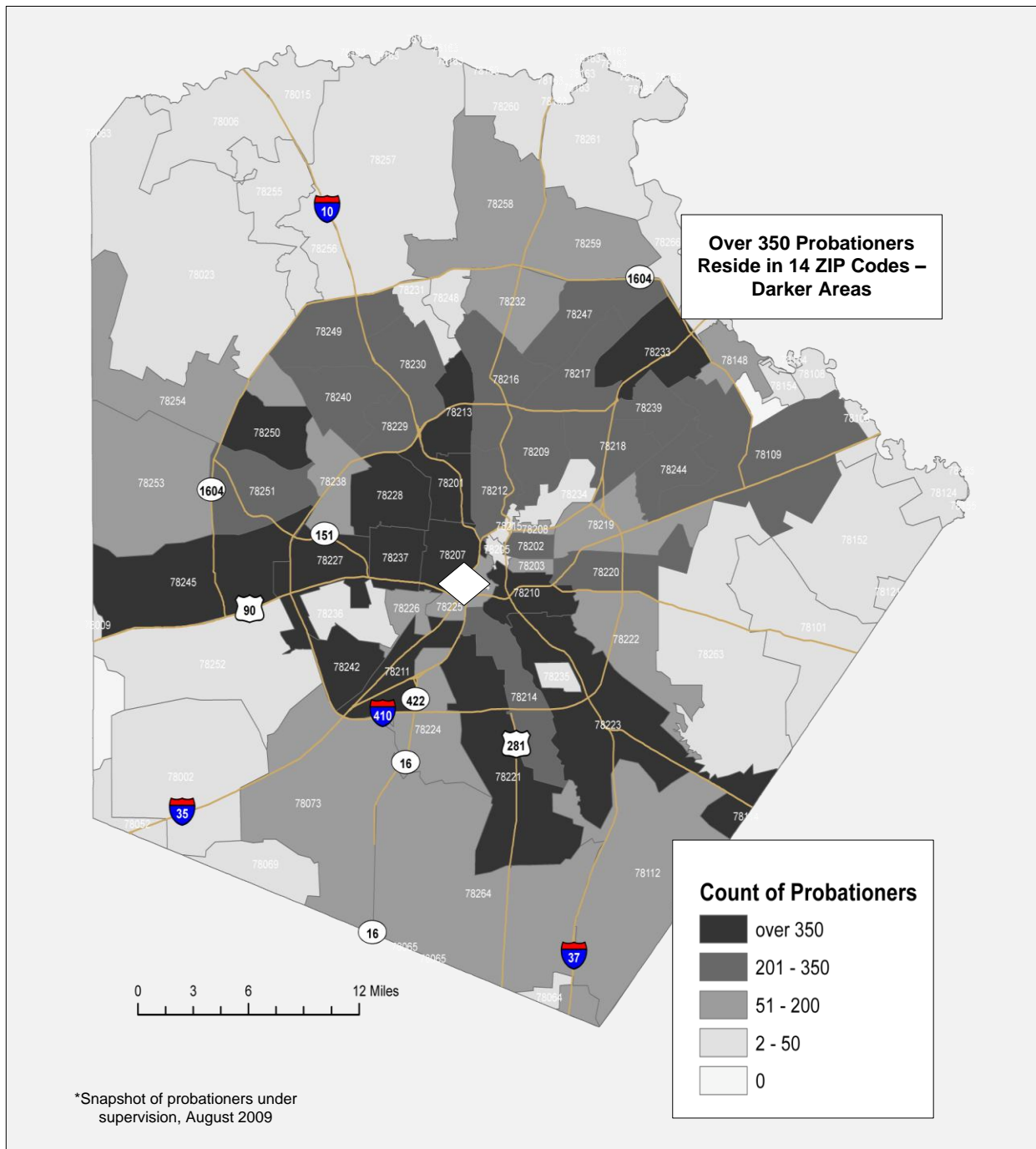


Figure 29 shows the typical geographical distribution of cases under regular supervision for one felony and for one misdemeanor officer. A typical officer has cases in 35 different ZIP codes. This is due to the court assignment system that does not allow for a more rational deployment of cases, as cases are assigned to officers working in specific courts on a rotation system.

Figure 29: Geographical Distribution of Cases by for a Typical Regular Supervision Officer

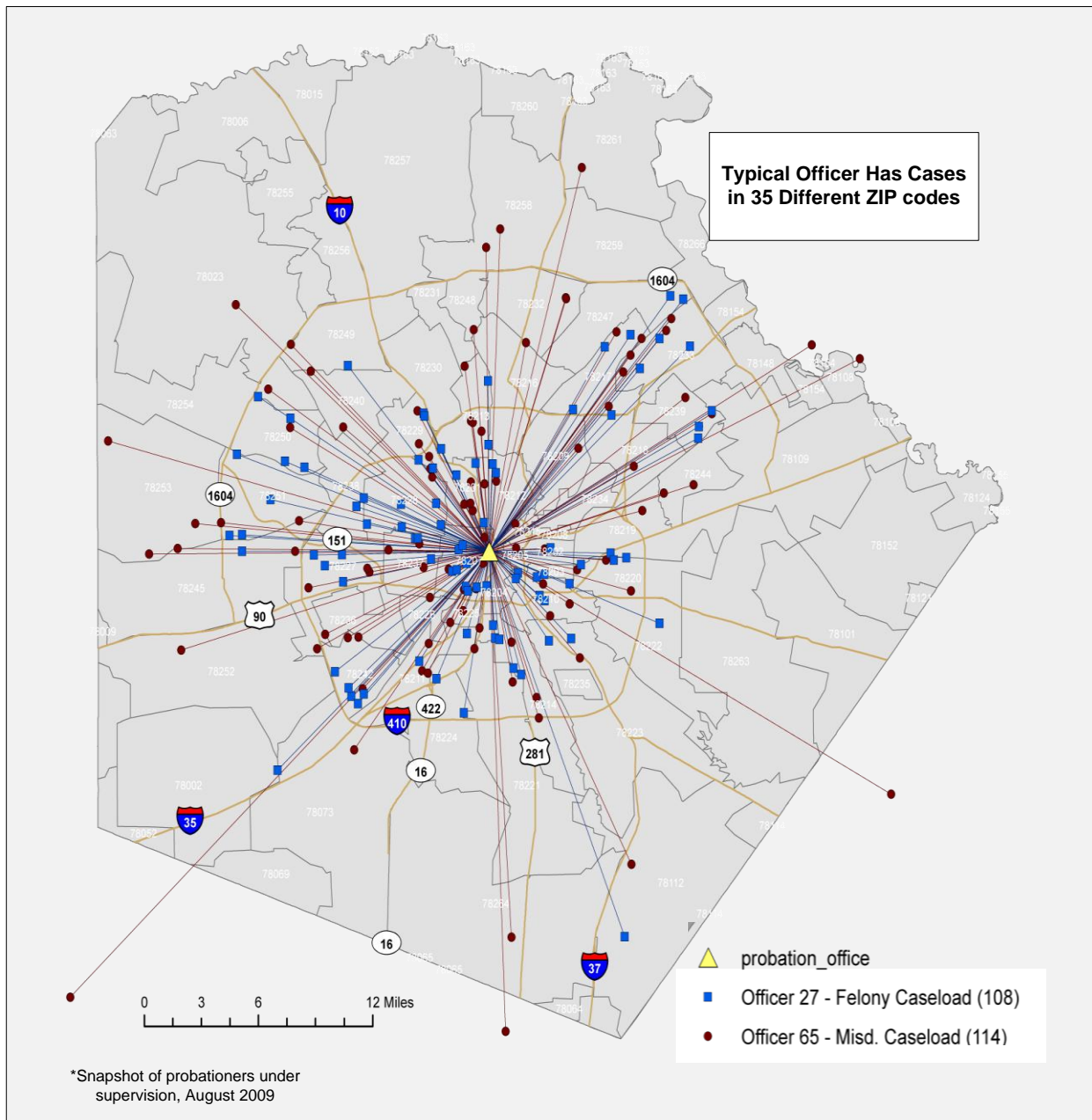


Figure 30 shows deployment of officers in a sample ZIP code or neighborhood. In this neighborhood, 595 probationers were being supervised by 113 different probation officers responding to 22 different courts. Given the present size of the caseloads in the department (about 110 per officer), these same probationers could be supervised by six officers dedicated to that area. This would maximize the use of resources and allow for better supervision. Officers can learn the neighborhood and the resources available there to assist the probationers and also learn about criminogenic forces in the area that can negatively impact the success of the supervision practices.

Figure 30: Deployment of Probation Officers in a Sample Neighborhood in Bexar County

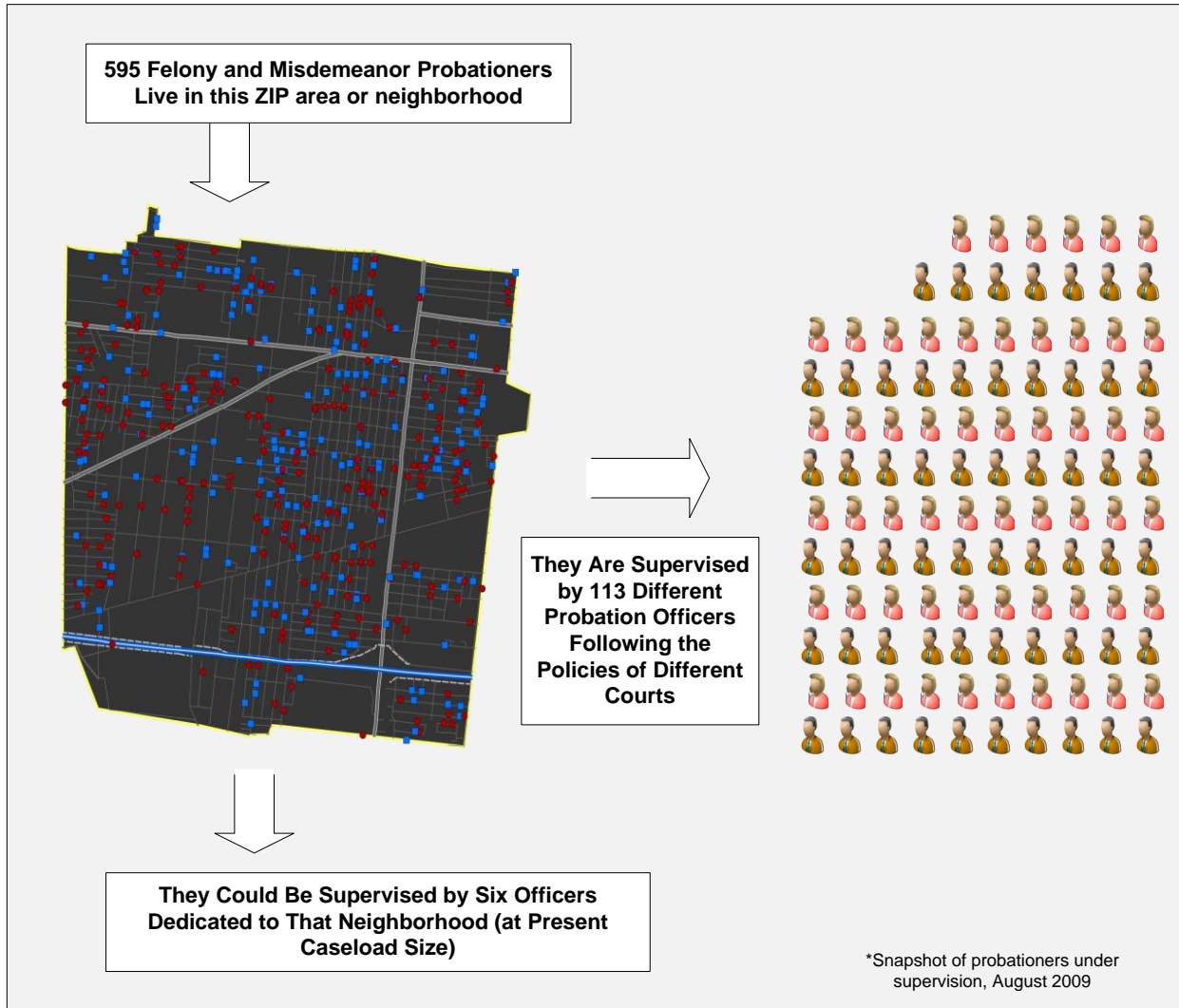
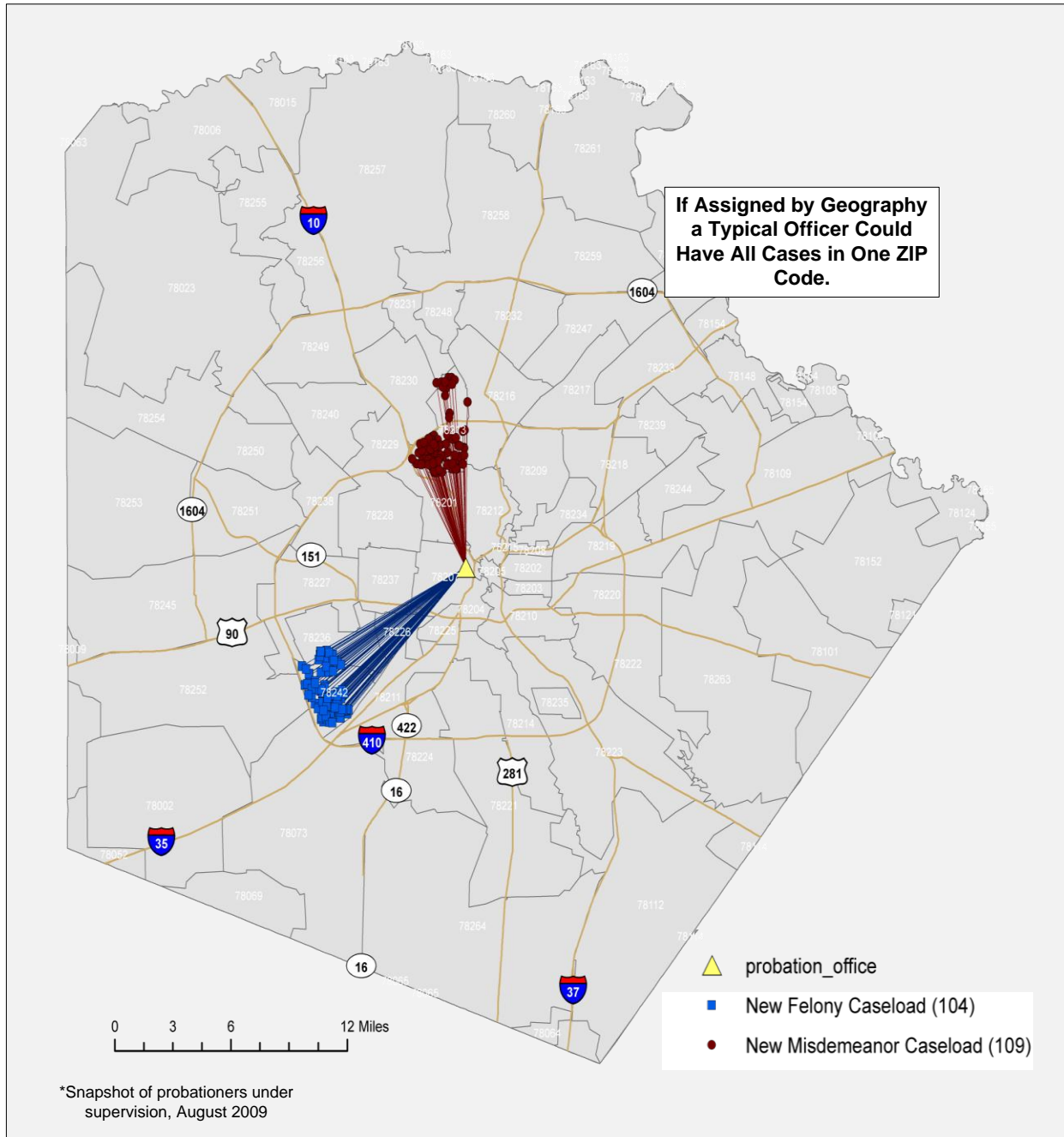


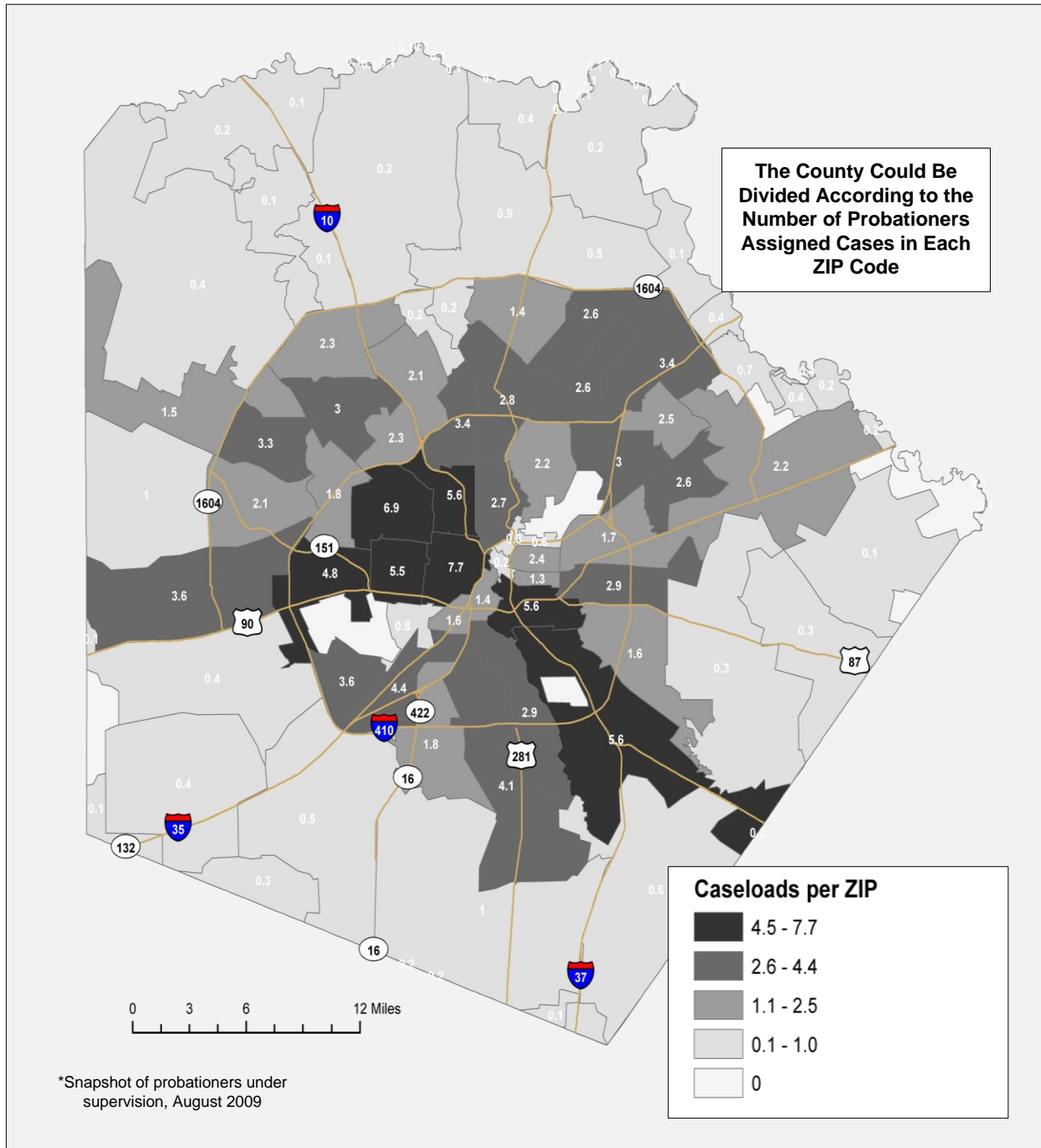
Figure 31 shows how when re-assigned by geography, officer can have caseloads that reside in only one or two ZIP codes. A typical officer could have all cases in only one ZIP code as depicted in the map.

Figure 31: Depiction of Cases Reassigned by Geography in One ZIP Code



Finally, Figure 32 depicts the potential geographical distribution of caseloads if officers could be responsible for all probationers in a single ZIP code. The county could be divided according to the number of officers responsible for probationers in each ZIP code, with ZIP areas having 4 to 8 caseloads and others having lower, depending on the distribution of the probation population.

Figure 32: Potential Geographical Distribution of Caseloads Assuming Officers Were Assigned Along a Neighborhood Supervision Model



VII. Review of Personnel Evaluation and Training Policies

A. Overview

This section reviews the department's policies and practices regarding training and personnel evaluations. This is based on a review of files, interview with officers and examination of relevant forms and policies. The Human Resources policies and procedures were reviewed as well as training policies and procedures. A sampling of personnel files were reviewed for content and organization. Training records and schedules were also reviewed. A series of staff interviews and focus groups were conducted to collect feedback on a variety of issues related to the department's personnel policies, performance measurement and training programs.

B. Personnel Hiring and Turnover Rate

Bexar County CSCD personnel policies provide staff and management with the procedures and guidelines pertaining to employment and personnel management. The CSCD Director is responsible for the final selection and employment of all employees within the department. The department's methods of recruiting and selecting candidates to fill vacancies include, but are not limited to promotion from within the department; transfer from within the department; public announcement and competitive consideration; referral from a job training program; appointment by the CSCD Director; or selection of qualified candidates from an eligibility list.¹⁹

The CSCD Director retains the authority to appoint an individual from within the department or outside the department to a vacant position without posting the position. Vacancies for which there will be competitive consideration are posted within the department, and may simultaneously be posted on the Bexar County website, Texas Workforce Commission website, and websites of local colleges, universities, newspapers or other appropriate external sources.

The Human Resource Office screens applicants to ensure they meet the minimum qualifications. The CSCD Director (Chief) is ultimately responsible for hiring employees to fill vacancies. Starting salaries for most positions are set and not negotiable. In the event a position is filled for which a salary rate has not been established, the salary is negotiated through the CSCD Director with an offer being made to a prospective employee, based on the availability of funding.

Newly hired employees are required to report to the HR Office as well as the Bexar County Auditor's Office on or before their first day of employment to be "in-processed." During in-processing employees are provided with information about the benefits programs and human resources policies and procedures. Newly hired employees are scheduled for New Hire Orientation Training by the Training Office.

Newly hired or re-hired employees serve a six-month introductory period beginning on the effective date of hire and may receive at least one performance evaluation during the initial

¹⁹ An eligibility list is a record of applicants for the same or a similar position for which recruitment was conducted within the preceding 180 days. (Bexar County CSCD Human Resources Policies and Procedures, 3.01 Methods of Recruitment & Selection).

six-month employment period to aid the employee and management in determining the competency of the new employee in their position.

The decision to re-hire an eligible former employee rests solely with the CSCD Director. There is no recourse for a former employee not re-hired or a former employee who is offered a position within a lower job classification and/or base pay than the former employee's prior position and/or base pay with the department.

Process for hiring new staff consists of the following six steps:

- Applicant fills out application
- HR reviews all applications submitted in person, mailed in, faxed in or e-mailed to ensure applicants meet at least the minimum qualifications
- Applicants meeting the minimum qualifications for the position applied for may be called in for an interview
- A minimum of three staff will interview applicants for vacant positions; applicant signs job description at time of interview; interview panel typically consists of an Assistant Chief and at least two managers; HR Director may sit in on the panel interview; HR Director will participate in the panel interview when needed
- Once the panel makes an initial selection, the applicant will be advised they are under consideration for the position and a background check is conducted
- If the applicant clears the background check, they are made a conditional offer of employment, pending a physical and drug test.

The entire process may take from 2 to 4 weeks.

When newly hired or rehired employees report for work, they go directly to HR and complete employment paperwork. The new hires are then sent to their assigned work location (court). Within their first 30 to 90 days employees attend new hire orientation (held in a group setting for employees starting during the same period). During this training department policies and procedures are explained to them.

Employees in the same unclassified named position are paid the same salary regardless of their tenure with the department or time in that position.²⁰ To maintain fairness and equity within the department pay structure, employees in classified positions may not receive a merit increase or salary adjustment above the maximum pay in the employee's pay range.²¹ Employees whose salaries are capped may receive cost of living increases.

Table 15 below shows the starting salaries for Community Supervision Officers, Community Correction Facility (CCF) Security Monitors and Clerical Staff. Over the past seven years, the starting salary for a CSO has increased by 12.75%. Bexar County CSCD has no career ladder or mechanism for granting merit based pay increases. Due to budgetary constraints, pay increases were suspended for FY 2009.

²⁰ Unclassified positions are positions with a set salary that are exempt from established salary ranges. Salaries for unclassified positions are set by the CSCD Director. (Bexar County CSCD Human Resource Policies and Procedures, 5.02 Salary Classification and Salary Caps).

²¹ Classified positions are positions (FLSA exempt and non-exempt) assigned to a specific pay range. (Bexar County CSCD Human Resource Policies and Procedures, 5.02 Salary Classification and Salary Caps).

Table 15: Bexar County CSCD Starting Monthly Salaries, 2002-2009

Position	2002	2003	2004	2005	2006	2007	2008	2009	Percent Increase 2002-2009
CSO	\$2,292	\$2,292	\$2,292	\$2,292	\$2,550	\$2,550	\$2,627	\$2,627	12.75%
CCF Monitor	\$1,554	\$1,554	\$1,554	\$1,949	\$1,949	\$1,988	\$1,988	\$2,048	24.41%
Clerical	\$1,500	\$1,500	\$1,500	\$1,500	\$1,615	\$1,647	\$1,697	\$1,697	11.61%

Source: Bexar County CSCD, Human Resources Department.

Employees are required to work overtime if directed to by their manager. Employees may not work overtime without prior approval of their manager.

Table 16 shows the number and length of service of Community Supervision Officers (CSO) or probation officers. More than one-half of the CSOs have been with the department for less than five years. The department employs approximately 475 employees in a variety of positions, including offender supervision, administrative support, medical support, IT support, and management.

Table 16: Length of Service of Bexar County CSCD Community Supervision Officers

Number of CSOs	Years of Service	Percentage
17	> 20	7%
37	16 – 20	15%
47	10 – 15	19%
18	6 – 9	7%
129	5 or Less	52%
248		100%

Source: Bexar County CSCD, Human Resources Department

Table 17 below shows the staff turnover rates in the department, for all staff and for the CSO staff from 2005 to 2008. The turnover rate increased in 2008 after decreasing in 2007. As previously stated, there is no career ladder and no mechanism in place to facilitate merit increases. Other than an across the board cost of living adjustment, employees can only receive a pay increase by promoting, stipends or salary adjustments. The CSO turnover rate for the first seven months of calendar year 2009 was approximately 2.74%. The lower rate may be attributable to the downturn in the economy.

Table 17: Bexar County CSCD Staff Turnover Rates Calendar Years 2005 through 2008

Year	All CSCD Staff	CSO Staff Only
2005	14%	15%
2006	20%	19%
2007	15%	10%
2008	18%	17%

Source: Bexar County CSCD, Human Resource Department

C. Personnel Evaluation Policies

Newly hired or rehired employees are evaluated after 90 days and again after 180 days during their initial six-month employment period. Thereafter, employees are evaluated annually. Court Managers evaluate CSO line staff and Court Liaison Officers, the Assistant Chiefs evaluate the Court Managers and the CSCD Director conducts performance evaluations on the Director of Operations and the Human Resource Director. The Human Resource Director sends email reminders to Court Managers when employee performance evaluations are due. All CSCD employees are evaluated during the same time period (December – February).

The performance evaluation tool currently being used by the Bexar County CSCD was borrowed from Yavapai County Probation Department in Arizona. Bexar County CSCD revised their form to “fit their specific needs.”²² There are tables presented in the pages that follow which list the evaluation categories for the four positions reviewed, Community Supervision Officer (CSO), CCF Security Monitor, Court Liaison Officer (CLO) and Manager. The number of tasks evaluated under each category has been identified as measuring paperwork or processes or measuring tasks related to casework. Casework related tasks include those directly related to changing an offender’s behavior. Changes in offender behavior are measured in terms of recidivism. Paperwork or process related tasks are directly related to case file management, completion of forms or following standard operating procedures.

The performance rating categories are defined as:²³

- **Exceeds Performance Requirements and Expectation:** Employee exceeded performance even in the most difficult and complex parts of the position, including taking on responsibility for extra or unique tasks. Performed duties and responsibilities with very little need for direction. Decisions and recommendations were always sound and often in unstructured, non-routine areas of position responsibilities. Employee was often innovative; initiated, planned for, and accomplished worthwhile objectives, whether self-initiated or established by others.
- **Meets Performance Requirements and Expectations:** Employee thoroughly met the performance standards for the position. No improvement or very little is needed in order to be considered fully successful in all aspects of the position. Employee’s performance was fully competent and reliable, maintained with only general directions and a minimum of supervision. Decisions and recommendations were always sound in the routine areas

²² Memorandum dated September 19, 2009 from Leticia Esquivel, HR Director, Bexar County CSCD.

²³ Reference Performance Evaluation forms provided by Bexar County CSCD, Human Resources Department. Copies of these forms can be found in Appendix A.

of position responsibilities and were generally sound in less structured, non-routine areas of position responsibilities. Employee demonstrated initiative and accomplished established objectives.

- Below – Improved Performance Required: Employee did not always complete or consistently meet one of more of the performance standards for the position. Employee did not always complete assignments on time or comprehensively, therefore employee did not thoroughly meet required standards of performance. A greater-than-expected level of supervision was required for position objectives to be met. Improvement is required in the areas where deficiencies are noted.

The Community Supervision Officer Performance Evaluation Form measures nine individual performance domains separated into two categories, work related factors and traits and characteristics. Performance for these domains are graded using three performance measure ratings, “Exceeds,” “Meets,” and “Below.” No numeric value is assigned to these ratings for purposes of scoring. The ratings are simply tallied according to category and the overall performance rating is calculated based on the frequency of each rating.

Table 18 shows the different domains by which the performance of CSOs is measured. As explained below, of all the domains measured, 79% are related to paper work or process related tasks with a minority of the domains or 21% measuring casework related tasks. The five domains under Work Related Factors are:

- Planning and Organizing Work – 5 tasks measure PO performance with regard to efficiency in responding to inquiries, formulating practical plans, following up on probationer’s missed appointments and seeing probationers during scheduled office visits per department policy. Three of the five tasks evaluated under this category are casework related.
- CJAD/Policy Knowledge and Compliance – 6 tasks measure PO performance with regard to their ability to follow CJAD and department policies required for direct funding, the department’s dress code, safety policies and practices and maintaining probationer contacts per policy, following CJAD ethics policies and maintaining the appropriate number of training hours per policy. One of the six tasks evaluated under this category is directly related to casework, the other five are directly related to paperwork and process related goals.
- Documentation/Casework Management – 4 tasks measure PO performance with regard to their ability to document pertinent information, use evidence-based practices (this task is not defined; it is unknown what type of evidence based practices is being measured here), accessing/reassessing cases as required and data entry skills. Of the four tasks measured under this evaluation category, two can be attributed to casework while two are clearly related to paperwork and process related goals.
- Field Contacts – 1 task measures PO performance related to making contacts according to policy and procedures. This task is directly related to paperwork or process related goals.

- Timely and Accurate Motions and Reports – 3 tasks measure PO performance related to preparing accurate and timely reports, court paperwork, supplemental reports and supporting documentation. All three of the tasks measured under this evaluation category are directly related to paperwork or process goals.

The four domains under Traits and Characteristics are:

- Personal Presentation/Contributions – 6 tasks measure PO performance with regard to maintaining an orderly work space, professional attitude, teamwork and representing the department with professionalism. Five of the six tasks measured under this evaluation category measure performance related to paperwork or process compliance.
- Collections – 1 task measures PO performance with regard to their ability to collect probation fees. This task is directly related to paperwork and process compliance.
- Safety – 2 tasks measure PO performance with regard to their ability to exhibit personal safety and report unsafe conditions. Both tasks are related to paperwork or process compliance goals.
- Attendance – 5 tasks measure PO performance with regard to the number of vacation and sick leave hours taken during the reporting period. Additionally, this category measures whether the officer has taken leave without pay, the number of LWOP hours used, whether he or she reports to work on time and submits leave requests in accordance with established department policies. All of the tasks measured under this evaluation category are related to paperwork or process compliance goals.

Table 18: Community Supervision Officer Evaluation Categories

Evaluation Category	Total Tasks	Paperwork or Process Related Tasks	Casework Related Tasks
Planning and Organizing Work	5	2	3
CJAD/Policy Knowledge and Compliance	6	5	1
Documentation/Casework Management	4	2	2
Field Contacts	1	1	0
Timely and Accurate Motions and Reports	3	3	0
Personal Presentation/Contributions	6	5	1
Collections	1	1	0
Safety	2	2	0
Attendance	5	5	0
Total	33	26	7
Percentage of total	100%	79%	21%

Source: Performance Appraisal Form, Community Supervision Officer, Bexar County CSCD

Domains and tasks evaluated under Work Related Factors are the following:

Planning and Organizing work –

- Responds to all inquiries in a timely and efficient manner
- Follows up on probationer’s missed appointments
- Formulates practical plans and schedules
- Sees probationers scheduled for office visits per policy
- Sees scheduled probationers promptly upon report

CJAD/Policy Knowledge and Compliance –

- Probationer’s residency requirements understood and applied as required for direct funding
- Probationer contact maintained at least every 90 days
- Dress code policy
- Safety policy/Safe practices
- CJAD Code of Ethics
- Maintains training hours per policy

Documentation/Casework Management –

- Documents pertinent information from all sources, i.e. treatment agencies, law enforcement, private physicians and treatment facilities
- Utilizes evidence-based practices

- Assess/reassess appropriate cases when required
- Inputs data into BAPS and PS3 by last working day of each month

Field Contacts –

- Makes contacts in accordance with policy and procedure

Timely and Accurate Motions and Reports –

- Prepares accurate factual, concise, and clear violation reports with supporting documentation
- Daily reviews arrest information and promptly responds by staffing, writing, and submitting court paperwork
- Promptly responds to requests for written reports, i.e. supplemental reports, special requests from courts, etc.

Domains and tasks evaluated under Traits and Characteristics are the following:

Personal Presentation/Contributions –

- Maintains an orderly and professional work space
- Takes initiative and corrects situations which need improvement
- Displays professionalism and a positive attitude towards others
- Demonstrates an ability to effectively utilize all available resources and uses creativity and innovation when appropriate
- Demonstrates willingness to achieve collective objectives and promotes teamwork in the office
- Represents the department with professionalism when dealing with external and internal contacts

Collections –

- Exceeds = 60% or above
- Meets = 50-59%
- Improvement Needed = Less than 49%
- Mitigating Circumstances

Safety –

- Exhibits personal safety
- Reports unsafe conditions

Attendance –

- Hours off for vacation
- Hours off for sick leave
- Hours of leave without pay
- Reports to work on time
- Time off requests submitted in accordance with department policy
- Mitigating Circumstances

Collections refer to the percentage of probation fees collected by the probation officers during their evaluation period. Historically, statistics were kept on how much each court and each individual CSO collected and percentages (CSO collections as a percentage of total collections for a particular court) were calculated based on those numbers. This performance measure is still included on the performance evaluation form, however, this measure is no longer used to evaluate a CSO's performance.

The evaluation categories reviewed above provide a solid framework for evaluating probation officers but most of the items within each category evaluate compliance with established processes and paperwork procedures. Personnel are evaluated on meeting process goals rather than outcomes that relate to changing offender behavior. While complying with processing procedures is an important part of the probation officer's job, the majority of tasks evaluated emphasize process issues rather than casework management. To facilitate a department wide change to the evidence-based practices model, it will be necessary to change the personnel evaluation system to better reflect the skills required under the model.

A review of the performance domains used to evaluate employee performance for Court Liaison Officers, Managers and CCF Security Monitors staff was also conducted but is not discussed here. The evaluation protocols follow the same structure as for the CSOs. As with the CSOs evaluation most of the domains measure paper work or process indicators. However, in these positions the required case work is minimal, or for the CCF Security Monitors, not an expected part of the job.

Finally, in addition to the annual performance evaluation instrument available to the Assistant Chiefs and the CSCD Director for evaluating management staff, Bexar County CSCD offers a 360 evaluation form available to staff on the department intranet site to provide input and feedback on their managers without having to give their names. The 360 evaluations were submitted to the Assistant Chiefs' secretary who then shared the submitted 360 evaluations with the Assistant Chiefs' regarding their managers. The Assistant Chiefs' would then review the submitted 360 evaluations with the managers. The 360 evaluations were not retained or put into an employees' personnel file. However, a review of personnel files, performance evaluation forms and staff interviews conducted during the assessment process indicates the 360 evaluation form was not widely used by employees.

D. Training Policies and Procedures

Bexar County CSCD encourages its employees to take advantage of educational or training opportunities and professional memberships that are related to and will enhance the performance of their work for the department. The inclusion of all personnel in training programs establishes a common understanding of objectives and policies.

The Training Director has the responsibility for planning and coordinating all training programs to conform to policy requirements. It was anticipated that a Training Advisory Committee would be created to assist the Training Director with the development and planning necessary for an in-house training program with specific sessions for each calendar year and to conduct a formal evaluation of all orientation, in-service and specialized training programs conducted by Bexar County CSCD. It was further anticipated that this advisory committee would develop a needs assessment that identified job related training needs on an annual basis. To date, the Advisory Committee has not been created.

Based on interviews with the current Training Director, plans for a written report, to be submitted to the CSCD Director annually, regarding the effectiveness of all orientation, in-service and specialized training is being developed. It is anticipated that this report will include a needs assessment for employee training, space and equipment. The anticipated training programs will include modules on:

- Orientation for new employees
- In-service training in the existing practices
- Procedures and skills necessary for working with client populations
- Professional development and techniques in keeping with the latest career information
- Professional and career advancement training

A New Employee Work Based Skills (NEWBS) training program was developed to provide CSOs with the basic skills necessary to accomplish their job duties prior to attending the Certification training mandated by CJAD standards. This training program, conducted over the course of three (3) days, covers a variety of topics critical to developing community supervision officer skills. The NEWBS training program is new to the department and was implemented during the last half of fiscal year 2009.

This training is designed to provide an overview of the Bexar County CSCD, what it means to be a CSO and a review of the skills necessary to be successful as a CSO. During the first day of NEWBS training, employees are provided an overview of the department, a summary of what being a CSO is all about, a review of the forms, documents and processes necessary to set up probation files, a review of the conditions of probation, interview skills and report taking techniques.

The second day of NEWBS training covers documents (including procedures for chronological entries), offender risk and needs, supervision planning, MTR's/VR's and SR's, and a review of progressive sanctions. The final day reviews basic information and updates, referrals and resources, time management skills and the BAPS system. During FY 2009, 30 CSOs attended and completed the NEWBS training program.

The CSCD Director, Assistant Chiefs, Community Correction Facility (CCF) directors and assistant directors, CSO supervisory staff, CSOs and residential CSOs with less than four (4) years of experience are required to complete a minimum of 80 hours of professional, skill-based training each biennium. At least 40 hours of the required professional skill-based training must be on topics related to the case management work of a CSO. Training hours that exceed the required 80 hours may be carried forward into the next biennium (up to a maximum of 40 hours).

CSCD staff with more than four (4) years of experience at the close of business on August 31 of any biennium are required to complete only 40 hours of documented professional, skill-based training each biennium. Training hours that exceed the required 40 hours may be carried forward into the next biennium (up to a maximum of 20 hours).

Community Corrections Facility (CCF) direct care staff are required to receive training in ethics, discrimination and sexual harassment, first aid procedures, cardiopulmonary resuscitation (CPR) procedures, and HIV/AIDS education. Direct care staff with less than four (4) years of experience at the close of business on August 31 of any biennium is required to

complete a minimum of 40 hours of documented professional, skill-based training per biennium. A minimum of 20 hours of training per biennium must be specific to the needs of the offender population served by the facility. All direct care staff of a residential facility are required to complete case management training offered by the Texas Department of Criminal Justice, Community Justice Assistance Division (TDCJ-CJAD) prior to the first anniversary of their date of hire.

Direct care staff with four (4) or more years of experience at the close of business on August 31 of any biennium are required to complete at least 20 hours of documented professional, skill-based training each biennium.

Bexar County CSCD employees are encouraged to attend professional conferences to assure continual professional development and to facilitate the exchange of information and concepts. Employees who fail to complete the required number of training hours during a biennium will be ineligible to serve as a CSO until the required hours are completed.

The mission of the training department is to enrich the quality of services provided by Bexar County CSCD staff and enhance the case management aspect of the organization. In order to accomplish this goal, training participants are expected to conduct themselves in a professional manner at all times. Any misconduct by a participant will result in dismissal from the training, the class being repeated, and possible disciplinary actions.

Employee's who are unable to attend training for which they have been scheduled are required to provide notice to their supervisor or manager as soon as practical in advance of the scheduled training, if possible. An employee scheduled for training who fails to give advance notice of non-attendance through his or her immediate supervisor or manager to the Training Director is required to submit a memo documenting their reason for non-attendance. Failure to follow these procedures may result in disciplinary action.

The training program currently being developed will include the following criteria for professional, skill-based training:

- Specific objectives for participants focused on behavioral learning, as a result of the training program, participants will learn a skill or gain knowledge in actual day-to-day community supervision work; and
- Case management topics that will provide knowledge to reinforce or update skills related to evidence based practices, motivational interviewing, progressive sanctions or specific knowledge to enhance the participants' performance.

Department policy requires newly hired supervision officers to attend and complete CJAD Certification training within his or her first year of employment and attend and complete Strategies for Case Supervision training within the first two years of employment. In accordance with statute, each employee of the CSCD shall attend an HIV-AIDS training program within the first year of employment.

Some professional positions within the department do not require the hired individual to be a certified supervision officer, but do require they have certain licenses or certifications. If the job description for a position requires that the individual maintain his or her license or certification in order to fulfill his or her job duties, the department will support training attendance

required for the maintenance of the specific license or certification. For employees that are certified supervision officers and have a specialized, related license, the department will support training to maintain their license, when possible and in conjunction with the training needs of the department.

It is the responsibility of the Training Director to develop curriculum, implement programs and schedule all training. Notification of scheduled training is posted on the department's Intranet. An employee who wishes to attend training is encouraged to submit a training request to his or her manager. Training topics are selected by the employee or manager to develop job related skills or to address areas in need of improvement. Once the manager approves the request, it is forwarded to the Training Director for review and scheduling. Training requests may be denied by the Training Director if the request is received after an established application deadline, training requested is not relevant to the employee's job duties, comparable training hours have already been completed, location of training (out-of-state training as a general rule is not considered) and for business reasons (shift coverage, needs of the unit or financial considerations).

Confirmation of attendance at a scheduled training session is mandatory. In order to receive documented credit for training, employees must submit verification of attendance to the Training Director. Staff is not considered to be in compliance with CJAD standards unless they provide a copy of the training certificate to the Training Director within five (5) working days of returning from the training.

Table 19 provides a summary of the number of training sessions held each month, the number of participants in each class and the length of each training session in hours. During fiscal year 2009, the Training Department held a variety of training sessions. As a result of diligent training efforts, the Training Department was able to provide nearly 1,000 hours of required or requested training.

Table 19: Bexar County CSCD Training Sessions Fiscal Year 2009

Date	Number of Training Sessions Held	Number of Participants Receiving Training	Number of Training Hours Provided
09/2008	16	178	80
10/2008	6	39	84
11/2008	8	50	145.5
12/2008	10	68	116.5
01/2009	19	119	110
02/2009	23	318	116
03/2009	11	165	82
04/2009	7	70	38
05/2009	13	252	73.5
06/2009	14	247	82
07/2009	8	162	69
08/2009	7	116	44

Source: Bexar County CSCD, Training Department

E. Observations Regarding Personnel Evaluations

The judges maintain a significant amount of control and influence over the department's daily operations. This influence indirectly impacts operational issues such as hiring decisions, performance evaluations and employee work assignments. It was reported during a focus group discussion that incidents occur where CSO assignments are modified if a particular judge objects to a particular staff assignment. While the judge cannot directly influence a CSO's performance evaluation, their opinions and perspectives have an indirect affect. A recurring sentiment from staff is that this is part of the "legacy" from the prior administration.

Regarding performance evaluations, multiple staff commented that no performance feedback is offered during the reporting year. At evaluation time (which occurs at the same time for all CSCD employees), employees are often handed their evaluation form and instructed to "read and sign," others are expected to write their own evaluations, rendering the performance evaluation system ineffective at best. Additionally, concerns were raised regarding the rating criteria (Exceeds, Meets and Below) being vague and insufficient to describe employee performance. Management and supervisors "don't know what the job standard (task) is actually measuring." It was expressed by staff participating in the focus groups and interviews that employee performance evaluations should be meaningful.

There are 19 different courts resulting in 19 different processes for conducting performance evaluations (not including the new courts created in September 2009). Managers and supervisors "don't know when to do evaluations," or "what should and should not be written on evaluation forms." There are no formal written instructions on how to maintain files and no formal written standards for conducting evaluations.

Staff perceptions of the evaluation system included:

- "If you receive a bad evaluation, the employee gets transferred to a different shift, often a less busy shift." The message to employees is poor performance is rewarded with less work and good performance is rewarded with more work.
- "Good employees have to pick up the slack for the poor performers." Regardless of individual employee performance, good or bad performers receive the same rate of pay.
- "Employees can't or won't receive all exceeds because 'no one is perfect.'" Performance evaluations have no meaning for the majority of staff participating in the focus groups and interviews. Staff repeatedly commented that they are often expected to write their own objectives and goals.

Promotional opportunities are not handled consistently, some managers give tests to determine which candidate is best suited for promotion while some managers do not, even though the promotional opportunities are for comparable positions. Managers and supervisors stated judges often exercise influence over promotional decisions.

Staff at all levels participating in the focus groups concur there is no incentive to improve skills or job performance as no pay differential is offered for increased education levels, experience or skill development. Under current department policies all employees in comparable positions make the same rate of pay. The issue of tenure tied to higher pay was raised repeatedly.

Support staff participating in the focus groups and interviews stated they do not feel appreciated or recognized by upper management; feeling forgotten at pay raise time. “The appreciation breaks are a joke.”

F. Observations Regarding Training

CJAD sets the standards for mandatory training required to obtain and maintain a CSO certification. The Training Director (and assistant) keeps a list of who is certified and who isn't as well as which employees need what training to keep and maintain their certification. Tabulation and recording of data is all done manually in a spreadsheet. However, when employees move or promote to a different court it is difficult to keep up with their training needs and requirements. There is no centralized database to facilitate the sharing of data between HR and Training or Training and the various courts.

The prior administration offered no “refresher” training beyond that provided during initial hire with the department. FY 2009 represents the first year under the current administration that the Training Department has been fully staffed. On-going continuing education programs present a unique set of challenges due to fiscal constraints and the perception that department trainers are not taken seriously. Attendance at scheduled training sessions continues to be a challenge in that classes are scheduled and employees do not attend or notify the Training Department that they will not be attending. Training resources are meager at best and this approach to classroom training depletes these resources further, with no measureable benefit received by the department.

Judges often circumvent the Training Director/Coordinator by going directly to the CSCD budget officer to request funding for a specific training class for “their” CSO. The cost of all training fees and travel associated with training classes are paid from the departments training budget. There is no separate budgetary line item for travel.

Bexar County CSCD Training Director indicated the initial training budget for fiscal year 2009 was \$80,000 but was subsequently reduced to \$23,757 because of the department's financial situation.²⁴ The Training Department spent approximately \$24,000 to train an estimated 475 employees, roughly \$50.01 per employee.²⁵

The Training Director has been working diligently to develop a training curriculum for the department that addresses CJAD training requirements as well as providing training for skill development. Curriculum development for skills-based training is an on-going process. The NEWBS training program, which was implemented in FY 2009, is provided to employees with less than 60 days of Bexar County CSCD work experience.

NEWBS training is very basic and not specifically tailored for each court. There are currently 19 different courts and therefore 19 different ways to do things. Newly hired CSOs are required to perform their job duties in accordance with the processes and expectations unique

²⁴ Actual training expenses (registration fees) for FY 2009 were recorded at \$23,757. (Bexar County CSCD, Budget Office, FY 2009 Expense report dated 7/29/09).

²⁵ Additional expenses totaling \$20,169.80 were attributed to training for FY 2009 however, these expenses were travel related including hotel, per diem and mileage, not related to skill development or improvement. (Bexar County CSCD, Budget Office, FY 2009 Expense report dated 7/29/09).

to the court they are assigned to.

There does not seem to be any correlation between performance measurement (employee performance evaluations) and identified training needs. Instances of remedial or supplemental training identified during performance review were documented in personnel files, however, there was no indication of any follow up or coordination with the Training Director to ensure employees were scheduled for or completed the identified training. No indication was made on subsequent evaluations as to whether training was received, made available or completed by the employee or if the training was received whether it made a difference in the performance it was identified to correct.

Some managers' perceptions regarding the department's training program are:

- "Training Director (coordinator) is fighting external forces and budget constraints – and losing the battle." CSOs are receiving training but not necessarily effective training.
- "Training is based on what the budget will support and reactions from CSCD Administration not developed with input from Managers." Training should be an institutionalized process.

Some employee perceptions regarding training provided by the department:

- "There are no written instruction or operations manuals, only on the job training."
- "Training for daily operations should be provided by supervisors and managers. When employees don't know what to do (regarding job function or task) they are written up instead of given the needed training."

Documented policies and procedures should be made available to all employees.

G. Observations Regarding the Organization

Under the prior administrations the department infrastructure was not grown or nurtured. Judges directed or dictated the direction of the department. Employees continue today to refer to "their court and their judge." There is an overall perception that employees work for the judge and not the department. Judges form relationships with the CSO's assigned to their court. As a result of these relationships, employees take their issues (including personnel matters) to their judge and not their manager. Changes in department policy are quickly relayed to the judges. One manager noted during a focus group discussion that the Department is organized in a manner that promotes "jumping the chain of command."

There is a great deal of confusion and frustration for CSOs regarding daily management. CSOs routinely receive instructions or direction from their judges while trying to follow department established policies, procedures and chain of command. Recurring complaints voiced during focus group discussions included "who are we suppose to report to?" and "Who do we work for?"

The Managers that participated in focus group discussions expressed similar frustrations concerning department policies. They are expected to enforce department policies but the

policies are vague, often with no clear direction or background. The issue of organizational leadership was raised repeatedly. Managers indicated there is an absence of policy direction within the department and expressed a desire for stronger leadership at the executive level of the department.

There is currently no ability to share files between the Human Resource and Training departments, creating an overwhelming sense of frustration. Each section keeps their own records manually using spreadsheets or Access databases. As a result, communication and coordination of records for handling newly hired employees is very difficult.

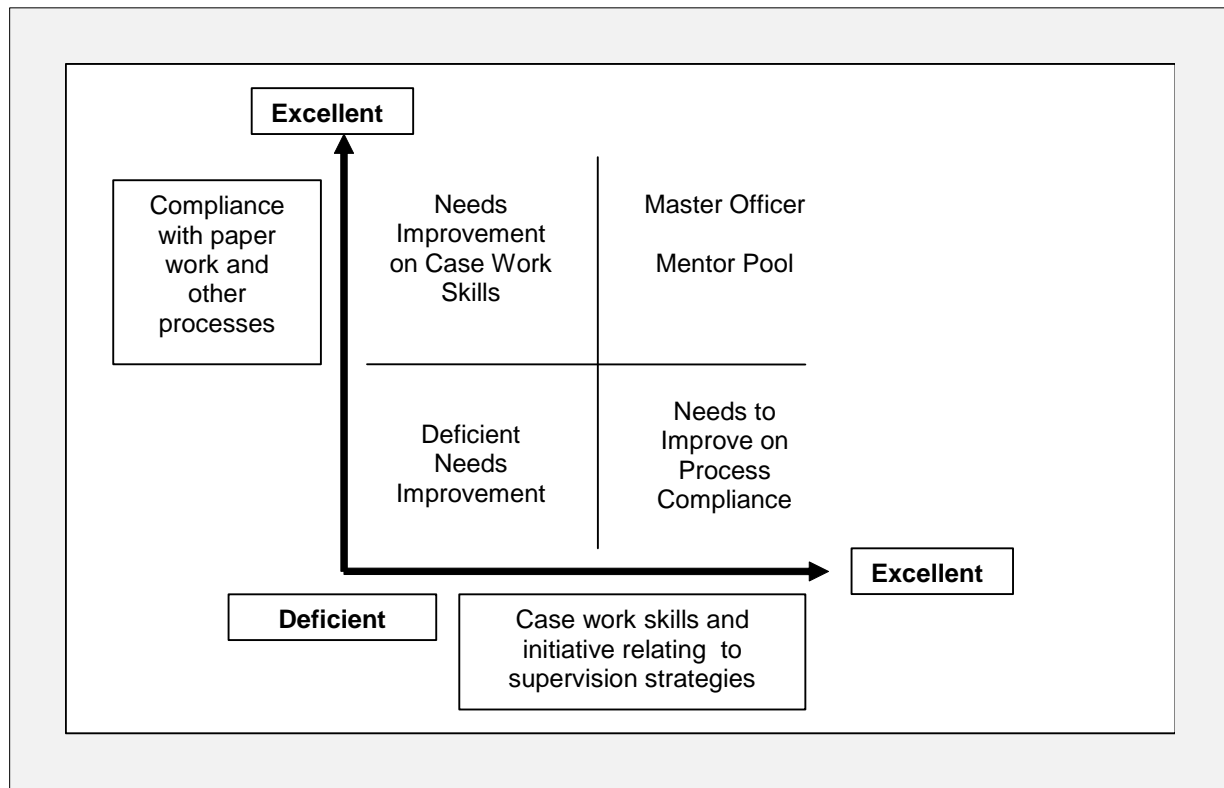
The lack of automation was a concern raised by all staff groups participating in the focus groups and interviews. This lack of automation equates to no efficient means of sharing information among CSCD staff. Offender files are kept manually, transported to court manually and returned to the CSO managing the case manually. File updates are made and placed in files manually. Keeping up with paperwork and waiting on files is time consuming and frustrating. Staff noted that “when individual computers are upgraded or replaced, data and information is typically lost.”

The issue of personal safety was raised by several different staff groups. There is no segregated entrance for staff; most employees use the main entrance, mixing with probationers when entering the building. Staff indicated that resources are needed to protect themselves stating “there is no separation between security monitors and receptionists and the probationers on each floor.” The Main floor security screeners are “told to call the Sheriff’s Office if there is a problem, what are we suppose to do until the SO arrives?”

H. Recommendations

Figure 33 below shows the recommended concept for a matrix instrument to be developed and adopted for a new personnel evaluation system. The main indicators currently used to measure personnel performance are related to compliance with paperwork processes. The department should develop and adopt a “matrix” evaluation system that considers indicators of both compliance with processes and indicators that measure effective skills in executing case supervision strategies. The department should establish a “mentoring” peer review process directed at giving feedback to probation officers to improve their skills and this process should not be tied to decisions about pay raises.

Figure 33: Recommended Concept for Matrix Instrument to be Developed and Adopted for the New Personnel Evaluation System



Other recommendations to consider in this area, as a work plan for improving the department is developed, include the following:

Regarding personnel evaluations:

- Develop a career ladder that would allow for merit increases. Merit increases should be performance based. The Department's approach to developing a career ladder should consider tenure, experience, knowledge and skills. A set of core goals applicable to all CSOs should be developed that support organizational changes toward Evidence Based Practices (EBP). Additionally, the department should consider having individual community supervision officers set specific goals with their supervisors and managers regarding their performance, skills and knowledge attainment during the evaluation year and then tie performance pay to whether employees meet or exceed these goals.
- Promotional opportunities should be handled consistently across the department.
- Retention tools should be created to enable the Department to keep good staff. The Department has dedicated and talented employees, however, there is no mechanism for rewarding or retaining them.
- The personnel performance evaluation system should be applied consistently and fairly regardless of which court personnel are assigned to. Providing written

guidelines and documentation for evaluators and employees that clearly identify goals, objectives and performance expectations is critical to a successful transition to EBP.

- Communication between management and line staff should be improved to ensure a clear understanding of job expectations.

Regarding training:

- Training programs and opportunities should be standardized across the department to bring consistency. Training decisions should be made cooperatively between the managers and supervisors and the Training Department.
- Sufficient funding is needed to develop and maintain a high quality training program. Department training represents an investment in its employees. The current training program is not holistic, does not consider the department's "big picture," and is most often reactive training provided to cure an audit deficiency.
- The department's training program should include modules that enhance officer safety, such as training to deal with issues like hostage situations and the use of restraints in Mentally Impaired Offender facilities.
- Remedial safety training should be provided at recurring intervals. The current training program provides for one week of safety training when an employee starts work with the CSCD, which includes classroom instruction, self-defense, safety awareness, etc. This appears to be a one-time training with no follow up training available according to information gathered from focus groups. No documentation was provided to indicate recurring training was available to staff

Regarding organization issues:

- The successful implementation of the EBP model for probation services is contingent on the support and reinforcement of administrators. Clearly identifying goals, responsibilities and expectations in a written manual, with respect to the personnel evaluation system, will facilitate organizational change.
- The department should create a mechanism for collecting staff input to identify viable cost savings opportunities. Often it is the front-line employees that have the best vantage point for identifying efficiencies.
- The department should explore opportunities to develop or purchase an automated case management system. Organizational efficiencies can be realized by automating forms and sharing information electronically.

VIII. Public Safety Outcomes

A. Overview

This section presents an analysis of available data to understand the type of population under supervision in Bexar County, revocation trends and recidivism rates. The analysis was conducted in comparison with Texas other most populous counties when possible.

Table 20 shows the percent distribution by level of supervision of felons and misdemeanants receiving direct probation supervision in the five largest CSCDs in Texas in June 2009. This is the latest data available and, although Bexar has had problems reporting this type of information to the state, this month is of better quality than prior months or years. In comparison with the other counties, Bexar has the highest percentage of probationers under minimum supervision: 43% for felons and 53% for misdemeanants. The county with the next highest percentage of probationers in minimum supervision is Tarrant with 21% of the felons and 37% of the misdemeanants receiving minimum supervision.

Table 20: Percent Distribution by Level of Supervision of Felons and Misdemeanants Receiving Direct Probation Supervision in Five Largest Texas CSCDs, June 2009

Felons Receiving Direct Supervision Percent Distribution by Level of Supervision					
Level of Supervision	Bexar	Dallas	Harris	Tarrant	Travis
Level 1 (Highest)	0%	1%	0%	0%	0%
Level 2 (Maximum)	17%	25%	19%	31%	45%
Level 3 (Medium)	37%	52%	72%	48%	36%
Level 4 (Minimum)	43%	19%	5%	21%	18%
Residential	3%	3%	3%	0%	1%

Misdemeanants Receiving Direct Supervision Percent Distribution by Level of Supervision					
Level of Supervision	Bexar	Dallas	Harris	Tarrant	Travis
Level 1 (Highest)	0%	0%	0%	0%	0%
Level 2 (Maximum)	17%	9%	5%	22%	20%
Level 3 (Medium)	30%	64%	92%	41%	46%
Level 4 (Minimum)	52%	27%	3%	37%	34%
Residential	0%	0%	0%	0%	0%

Source: Level of Supervision, June 2009, MCSCR

Assuming that the reports from Bexar for this month, as shown above, are correct and assuming that the supervision level assignment is done correctly, then Bexar should have the best outcomes in terms of revocations and recidivism of all the counties as Bexar has the highest percentage of offenders under minimum supervision. Of course, the EBP research is clear in that lack of differentiated supervision strategies and over supervising low risk offenders actually increases failure rates as was previously discussed. In Bexar, although the largest percentage of probationers are under minimum supervision, offenders are “over-supervised”, particularly misdemeanor offenders. This, along with a lack of a well administered system of progressive sanctions, may negatively impact outcomes in relation to other counties.

B. Revocation Trends

Table 21 shows the number of felony and misdemeanor revocations in the five largest CSCDs in Texas from 2005 to 2008. Bexar County had the largest increase in felony revocations (79%) and the largest increase in misdemeanor revocations (25%) among the five counties between FY 2005 and FY 2008. In FY 2008, Bexar County had 3,445 misdemeanor revocations. This is 1,401 more than Harris County and nearly double the misdemeanor revocations in Dallas County.

Table 21: Felony and Misdemeanor Revocations in Five Largest Community Supervision and Corrections Departments (CSCDs) in Texas, FY 2005 - FY 2008

County	FY 2005		FY 2008		% Change FY05-FY08	
	Felons	Misd.	Felons	Misd.	Felons	Misd.
Bexar	815	2,761	1,459	3,445	79.0%	24.8%
Dallas	3,178	2,087	2,841	1,818	-10.6%	-12.9%
Harris	3,548	1,987	3,067	2,044	-13.6%	2.9%
Tarrant	1,709	1,491	1,438	1,032	-15.8%	-30.8%
Travis	1,043	906	846	992	-18.9%	9.5%
State of Texas	24,021	25,807	23,989	26,499	-0.1%	2.7%

Source: Texas Department of Criminal Justice, Community Justice Assistance Division Statistics

Table 22 shows the felony and misdemeanor revocation rates in the five largest CSCDs in Texas from 2005 to 2008. Bexar had the highest misdemeanor revocation rate in FY 2005 (21.1%) and in FY 2008 (22.9%) among the five counties. In FY 2005, Bexar had the lowest felony revocation rate (6.6%) among the five counties and ranked below the state average (10.1%) in felony revocations. In FY 2008, Bexar had a felony revocation rate higher than the state average (11% for Bexar and 9.7% for state).

Table 22: Felony and Misdemeanor Revocation Rates in Five Most Populous Counties, FY 2005 - FY 2008

County	FY 2005		FY 2008	
	Felons	Misd.	Felons	Misd.
Bexar	6.6%	21.1%	11.0%	22.9%
Dallas	11.5%	9.0%	9.1%	9.0%
Harris	13.9%	14.8%	12.6%	16.1%
Tarrant	14.5%	15.6%	11.2%	13.5%
Travis	10.1%	8.3%	9.1%	10.2%
State of Texas	10.1%	13.4%	9.7%	14.3%

Source: Texas Department of Criminal Justice, Community Justice Assistance Division Statistics

Table 23 shows the number of felony and misdemeanor technical revocations (revocations without a new sentence) in the five largest CSCDs in Texas from 2005 to 2008. Bexar County had the largest number of misdemeanor technical revocations in FY 2005 (2,251) and in FY 2008 (2,940) among the five counties. Bexar had the largest increase in misdemeanor technical revocations (30.6%) between FY 2005 and FY 2008 and the largest increase in felony technical revocations (78.6%).

Table 23: Felony and Misdemeanor Technical Revocations in Five Largest Community Supervision and Corrections Departments (CSCDs) in Texas, FY 2005 – FY 2008

County	FY 2005		FY 2008		% Change FY05-FY08	
	Felons	Misd.	Felons	Misd.	Felons	Misd.
Bexar	477	2,251	854	2,940	78.6%	30.6%
Dallas	2,174	1,536	1,515	1,236	-30.3%	-19.5%
Harris	2,194	1,305	2,028	1,365	-7.5%	4.6%
Tarrant	1,012	890	761	673	-24.8%	-24.4%
Travis	608	531	318	443	-47.7%	-16.6%
State of Texas	13,504	17,259	12,788	17,720	-5.3%	2.7%

Source: Texas Department of Criminal Justice, Community Justice Assistance Division Statistics

Table 24 shows the felony and misdemeanor technical revocation rates in the five largest CSCDs in Texas from 2005 to 2008. Bexar County had the highest misdemeanor revocation rate in FY 2005 (17.2%) and in FY 2008 (19.5%).

Table 24: Felony and Misdemeanor Technical Revocation Rates in Five Most Populous Counties, FY 2005 - FY 2008

County	FY 2005		FY 2008	
	Felons	Misd.	Felons	Misd.
Bexar	3.9%	17.2%	6.5%	19.5%
Dallas	7.9%	6.7%	4.9%	6.1%
Harris	8.6%	9.7%	8.4%	10.7%
Tarrant	8.6%	9.3%	5.9%	8.8%
Travis	5.9%	4.9%	3.4%	4.6%
State of Texas	5.7%	9.0%	5.2%	9.5%

Source: Texas Department of Criminal Justice, Community Justice Assistance Division Statistics

Table 25 shows the number of felony probation revocations in Bexar CSCD and Dallas CSCD from 1999-2008. The state, from 2005 to 2008, has spent over \$45 million in the department and more than that since the late nineties and the results are not what the state is expecting for this investment. In Dallas, felony probation revocations started declining in 2003 and have continued to decline. In contrast the revocations in Bexar have increased since then. Between 1999 and 2008, the felony revocations increased in Bexar by 134% while declining in Dallas by 19%.

Table 25: Felony Probation Revocations in Bexar CSCD and Dallas CSCD, 1999-2008

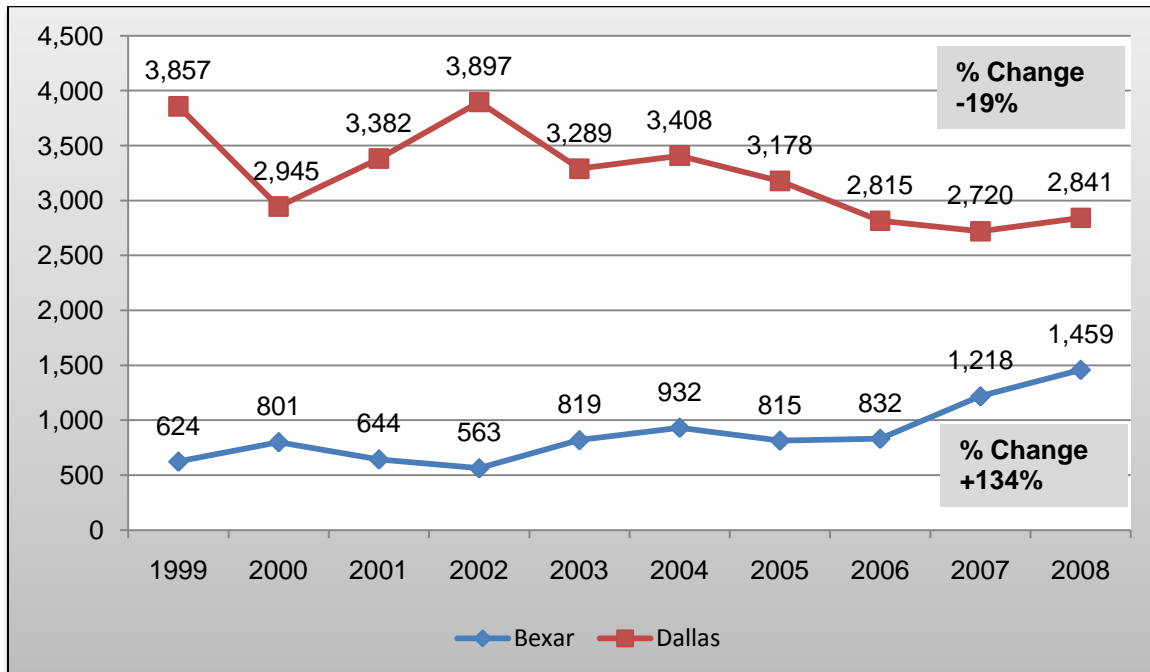


Table 26 shows the number of misdemeanor probation revocations in Bexar CSCD and Dallas CSCD from 1999-2008. Misdemeanor probation revocations in Dallas started declining in 2002 and have continued to decline since then. In Bexar the misdemeanor revocations have increased since then. Between 1999 and 2008, the misdemeanor revocations increased in Bexar by 26% while declining in Dallas by 38%.

Table 26: Misdemeanor Probation Revocations in Bexar CSCD and Dallas CSCD, 1999-2008

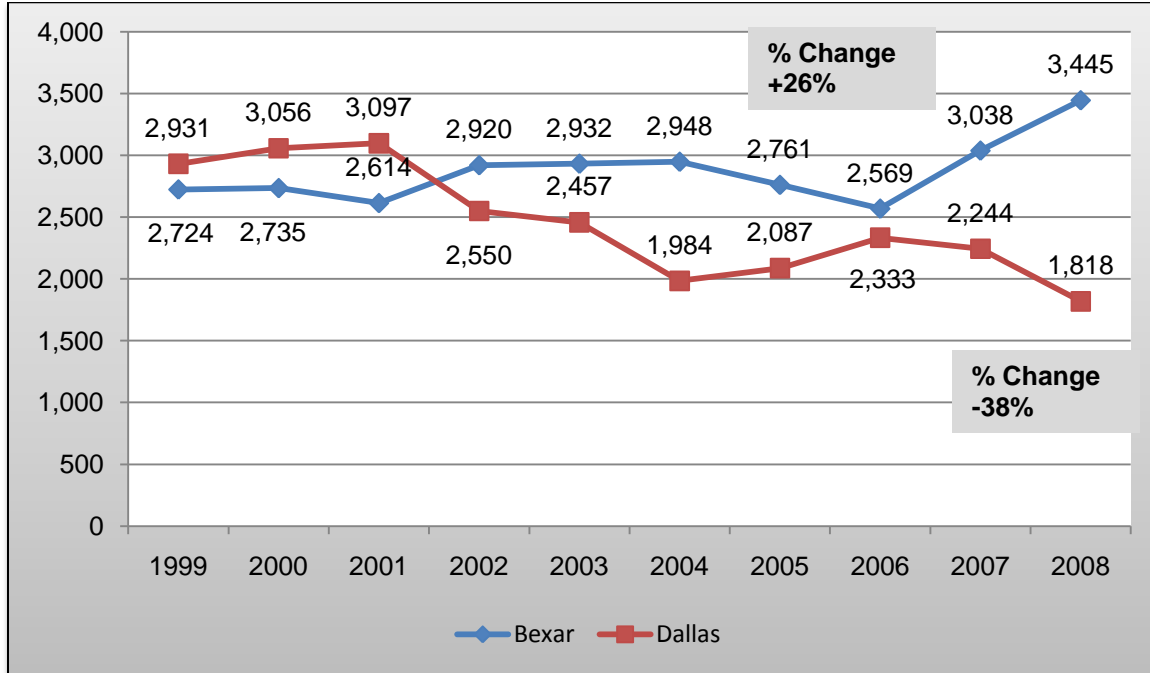
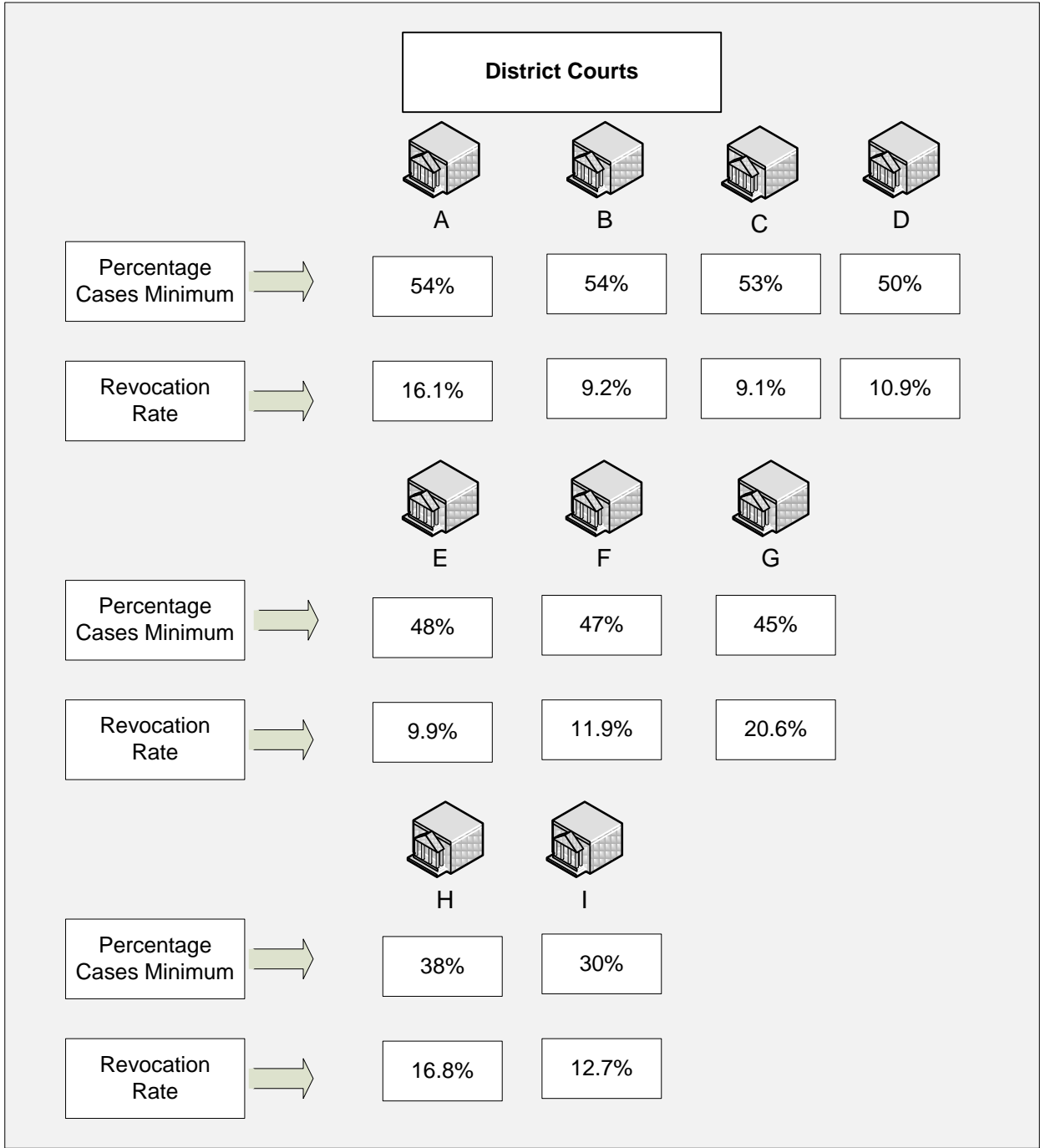


Figure 34 shows the percent of cases supervised under minimum supervision and the overall revocation rate by District Courts, September 2008 – August 2009. The revocation rate equals the number of revocations by each court from September 2008 to August 2009 divided by the average number of probationers under the supervision of each court. The supervision level refers to the percent of the population under supervision that was under Minimum Supervision. The results are fairly inconsistent by court, reflecting the inconsistencies in sanction and supervision strategies. There are four courts that have over 50% of their population under Minimum Supervision. One of these courts has a revocation rate over 16% while another has a revocation rate of about 9%. Three courts have about 45% of their population under Minimum Supervision. One of these courts has a revocation rate of close to 21% while another has a revocation rate of about 10%. Of the two remaining courts, one has about 38% of their population under Minimum Supervision and a revocation rate of almost 17%. The other court that has about 30% of the population under Minimum Supervision has a revocation rate of 13%. The two courts with the lowest percentage of their population in Minimum Supervision have revocation rates as high as the courts with the highest percentage of their population under Minimum Supervision. No data were available to conduct the same analysis for the County Courts misdemeanor cases.

Figure 34: Percent of Cases Supervised under Minimum Supervision and Overall Revocation Rate by District Courts, September 2008 – August 2009



Note: Revocation rate equals the number of revocations by each court divided by the average numbers of probationers under the supervision of each court from September 2008 to August 2009. The risk level refers to the % of the population under supervision that was under Minimum Supervision. Courts not identified but data reflect the true values for specific district courts.

C. Re-arrests Rates, Jail Population and Crime Rates

Figure 35 below presents a different set of outcome information produced by research from the Justice Center with the best available data at the time and not previously available. The figure shows the one-year re-arrest rates by risk levels for felons placed under supervision in Bexar CSCD in comparison with the Travis CSCD as described in the figure. Bexar County felons were more likely to be re-arrested one year after placement under supervision than Travis County felons. Note that the group selected in Travis was a group of offenders placed on probation after Travis County had fully implemented the EBP model referred to earlier in this document. Felons classified as low and medium risk in Bexar County had almost twice the re-arrest rates than those in Travis. Only for offenders classified as high risk did Bexar offenders have a slightly lower re-arrest rate (28% vs. 31%) and this may be the result of Bexar having misclassified offenders by risk level as we know that the risk assessments conducted in Bexar do not meet the strict quality control as in Travis. In other words, some of the Bexar offenders classified as high risk may actually have a lower risk level, therefore, lowering the re-arrest figures for this group in comparison with Travis which is more likely to classify high risk offenders correctly.

Figure 35: One Year Re-arrest Rates by Risk Levels for Felons Placed under Supervision in Bexar CSCD and Travis CSCD

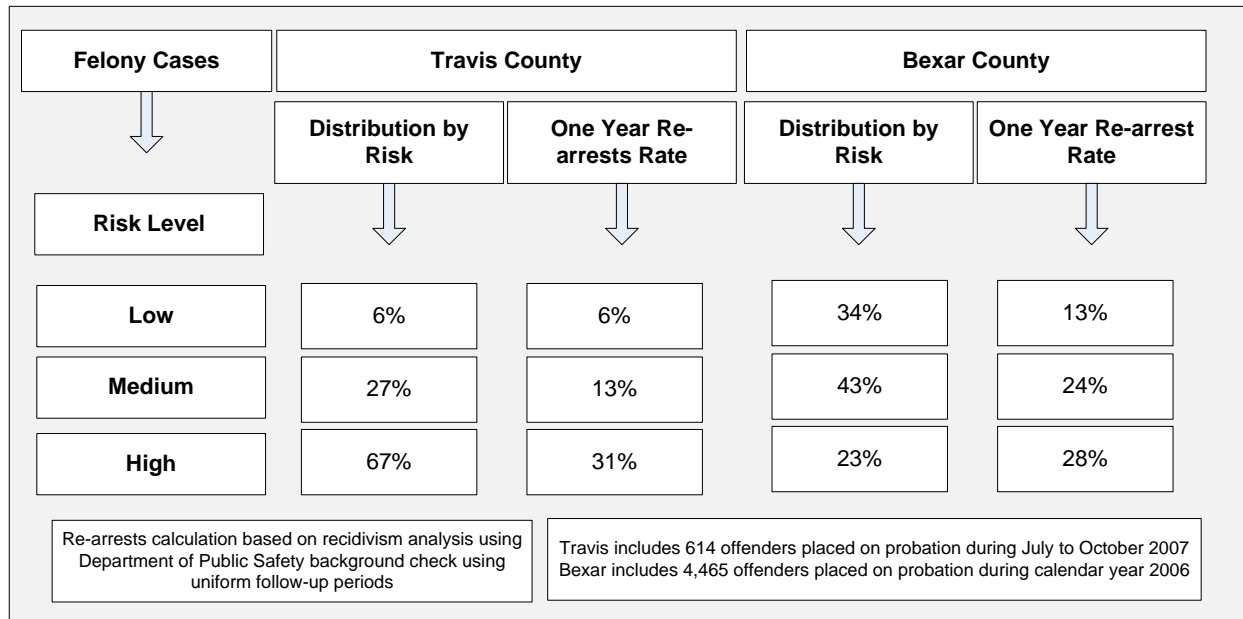


Figure 36 shows the two-year re-arrest rates by risk level for misdemeanants placed under supervision in Bexar CSCD in comparison with the Travis CSCD as described in the figure. As with the felons, Bexar County misdemeanants were more likely to be re-arrested two years after placement under supervision than Travis County misdemeanors. Note that, unlike the group of felons discussed above, the misdemeanor group selected in Travis was a group of offenders placed on probation before Travis County had fully implemented the EBP model referred earlier in this document. (No data was accessible to the Justice Center to select a post-reform group.) Misdemeanants classified as low and medium risk had higher re-arrest rates in

Bexar in comparison with Travis. Only for offenders classified as high risk did Bexar offenders have a lower re-arrest rate (44% vs. 49%) and, as discussed above for felons, this may be the result of Bexar having misclassified offenders by risk level.

Figure 36: Two-Year Re-arrests Rates by Risk Levels for Misdemeanors Placed under Supervision in Bexar CSCD and Travis CSCD

Misdemeanor Cases	Travis County		Bexar County	
	Distribution by Risk	Two Year Re-arrest Rate	Distribution by Risk	Two Year Re-arrest Rate
Risk Level				
Low	39%	14%	49%	22%
Medium	37%	27%	31%	32%
High	24%	49%	20%	44%

Re-arrests calculation based on recidivism analysis using Department of Public Safety background check using uniform follow-up periods	Travis includes 7,260 offenders placed on probation during 2006 Bexar includes 13,377 offenders placed on probation during calendar year 2006
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Table 27 shows the Bexar County Jail Population from August 2000 to August 2009. The county's jail population increased every year since 2003, hitting an all time high this year. As is well known locally, jail overcrowding is a big issue consuming resources and frustrating local officials. Approximately 22% of the Bexar County jail population is for misdemeanor offenders compared to 16% in Harris County and 9% in Dallas. This higher percentage may be a reflection of the higher revocation policies for misdemeanor probationers discussed above.

Table 27: Bexar County Jail Population, August 2000 to August 2009

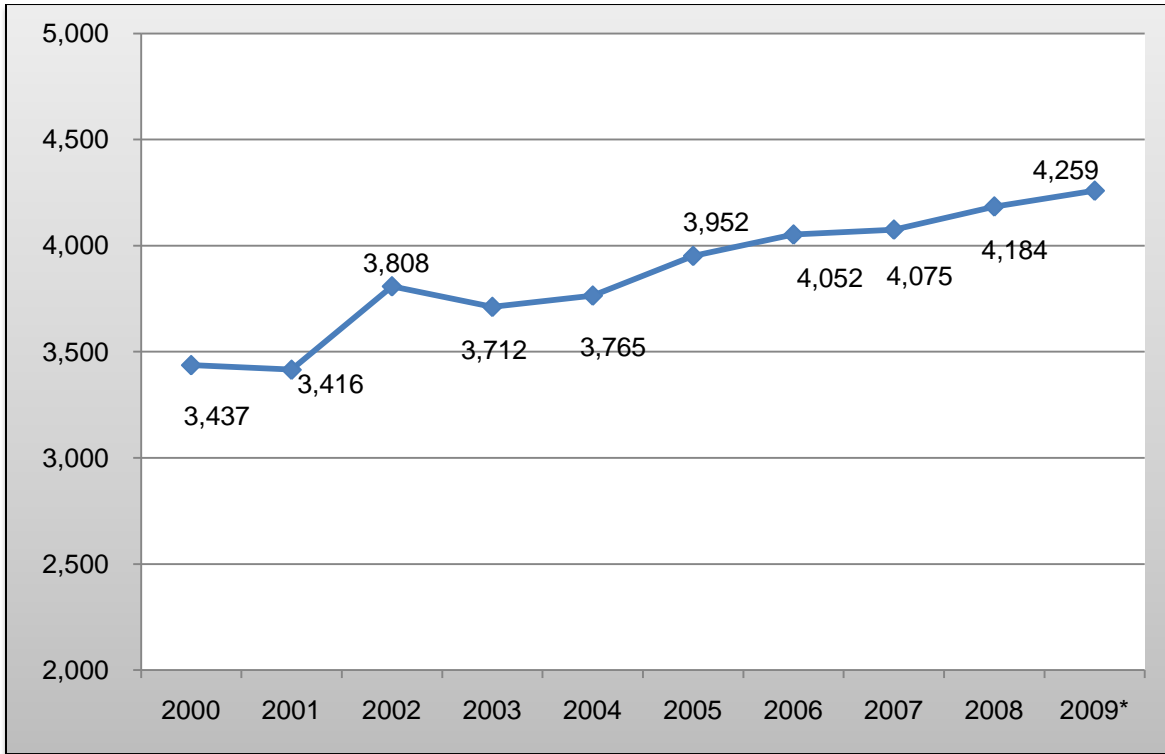
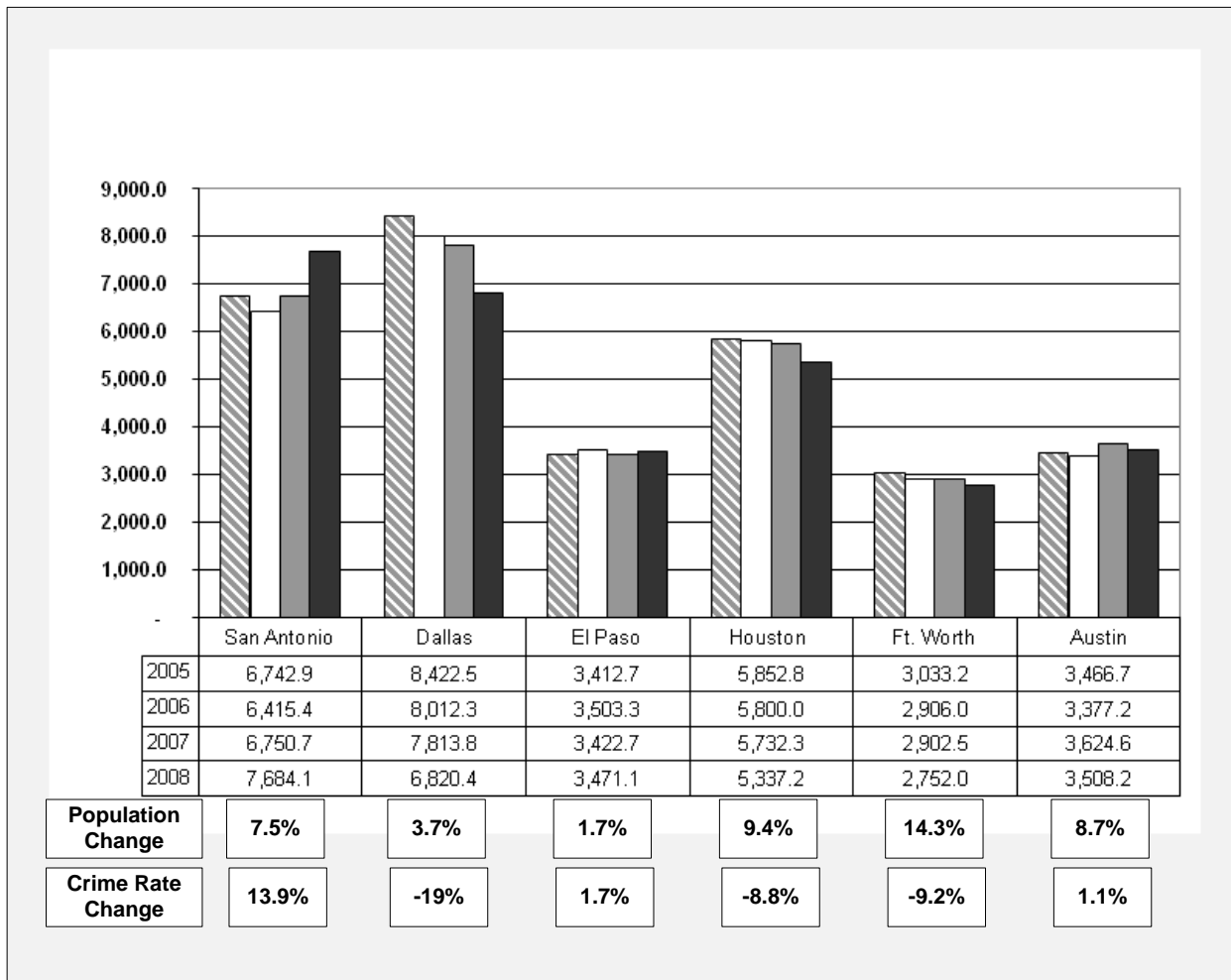


Table 28 shows the population and crime rate change in Texas largest cities, 2005-2008. These are the figures reported by each police department in Texas to the Federal Bureau of Investigation (FBI). Crime in San Antonio has increased. Although it is not possible to estimate how much of the crime increase is due to a dysfunctional probation system, it is reasonable to say that these dysfunctions are not going to result in a reduction of crime. As shown below, during 2005-2008 all the major Texas cities experienced population increases, with the San Antonio's population increasing over 7%. The crime rate decreased in Dallas, Houston and Ft. Worth and increased by slightly over 1% in El Paso and Austin. For San Antonio the crime rate increased by almost 14%, the largest increase of all the major cities. Moreover, in 2008 San Antonio had the highest crime rate of the major cities, surpassing Dallas for the first time and with almost twice the crime rate of Austin.

Table 28: Population and Crime Rate Change in Texas Largest Cities, Crime Rate per 100,000 Population



Local officials in San Antonio claim that the increase in reported crime in 2008 is a reflection of statistical improvements in the reporting of crime statistics by the police department. The police department reported that an audit of the reporting program “revealed that clearance rates had not been reported, some offenses had been mistakenly classified and others were reported more than once” with the tallying of aggravated assaults having being under reported.²⁶ Considering this reporting issue is important, yet the preponderance of the evidence based on revocations rates, recidivism rates and crime rates is that San Antonio and Bexar County officials should pay strong attention to the effectiveness of the probation department as most offenders who are under supervision in the community are under the supervision of the probation department. High failure rates for probationers mean that probationers are committing crimes that may be prevented if the probation system was utilizing more effective supervision strategies.

²⁶ San Antonio Express-News, May 5, 3009 “San Antonio crime increase tops in Texas”.

IX. Recommendations and Work Plan to Implement Improvements

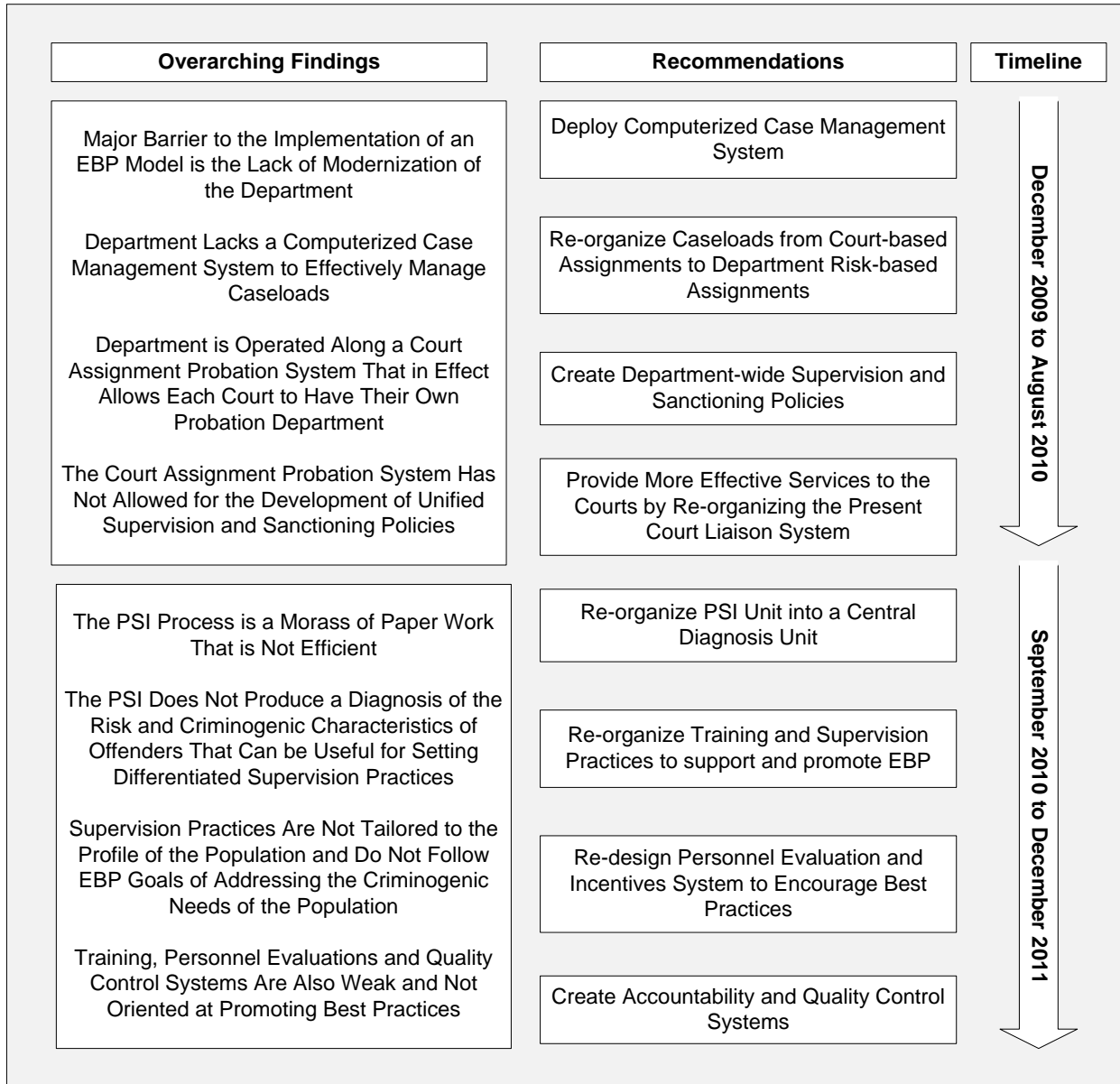
A. Major Findings and Recommendations

Figure 37 below shows the major findings of the organizational assessment and the recommendations and general timeline to implement these recommendations (a more detailed timeline is presented below). This organizational assessment has been an interactive process between the technical assistance team, the probation department officials and judiciary that identified the weaknesses in the department in relation to an organization-wide EBP model. The assessment shows that the major barrier to the implementation of an EBP model is the lack of modernization of the department. The department lacks a computerized case management system to effectively manage caseloads. More importantly, the department is operated along a court assignment probation system that in effect allows each court to have their own probation department. This has not allowed for the development of unified supervision and sanctioning policies. The PSI process is a morass of paper work that is not efficient. The PSI does not produce a diagnosis of the risk and criminogenic characteristics of offenders that can be useful for setting differentiated supervision practices. Supervision practices are not tailored to the profile of the population and do not follow the EBP goals of addressing the criminogenic needs of the population. Training, personnel evaluations and quality control systems are also weak and not oriented at promoting best practices. Therefore, all these areas have to be addressed to move the organization to more effective practices.

The first recommendation is to modernize the department so the structure can support evidence-based practices. To accomplish this it is necessary to: a) deploy a computerized case management system; b) re-organize caseloads from court-based assignments to department risk-based assignments; c) create department-wide supervision and sanctioning policies; and d) provide more effective services to the courts by re-organizing the present Court Liaisons system. This can be accomplished between December 2009 and August 2010 assuming the continuation of the re-organization effort started as part of this assessment. Once the modernization is complete it is then important to: a) re-organize the PSI unit into a Central Diagnosis Unit; b) re-organize training and supervision practices to support and promote EBP; c) re-design the personnel evaluation and incentives system to encourage best practices; and, d) create accountability and quality control systems. This phase should be accomplished from September 2010 to December 2011.

The technical assistance team and the executive management team of the department (composed of the Director and his division directors) worked together to develop a work plan to achieve the above goals. The department has developed a “modernization strategic plan” that identified short-term and long-term tasks. It created committees in each of the critical areas to design and manage the needed changes in key areas and created an intranet “bulletin board” that is accessible to all employees. This bulletin board can be used by staff to transmit ideas and concerns to each committee in a transparent manner.

Figure 37: Overview of Main Findings, Recommendations and Implementation Timeline



B. Work Plan

The first recommendation to modernize the department is the adoption of a computerized case management system. The department leadership moved in October and November 2009 to consider contracting with the Corrections Software Solutions (CSS) of Austin, Texas for implementation of the case management system. The CSS case management software is utilized by over 160 probation departments, including three out of every four probation departments of Texas. It includes the following components: Case Chronologicals, Offender Photo Library, ID Cards, Assessment Tools, Pre-Sentence Reports, Letters & Forms,

Legal Documents, Archiving of all Letters, Forms & Legals. File Scanning. Import Emails into Case, Mapping of Offenders Work/Home, Training Module, Reports for Court & Administration, Batch Delinquency Letters, Batch Notification Letters, Victim Restitution, Bank Reconciliation, Reports with Pie Charts/Graphs, Data Sharing for Internet Reporting, Data Sharing with Drug Testing Agencies, Paperless Office Capabilities, and Appointment Module.²⁷ However, at the time of this report, the contract has not been executed pending follow-up of procurement procedures that may include other vendors besides CSS if a sole source contracting provision is not approved. The department expects to execute a contract with a vendor by mid-January.

Figure 38 shows the timeline for the implementation of a case management system assuming that execution a contract by mid-January 2010. The system will should go “live” by March. At this time, the system will be available to all staff and probation officers in the department. The probation officers will start populating the chronologies once the system is working. After March 2010 other enhancements are expected, like tying the system to the financial and jail tracking systems, developing accountability reports for management purposes and developing a diagnosis module that can mimic the process to be adopted as part of these recommendations.

Figure 38: Timeline for Implementation of Case Management System

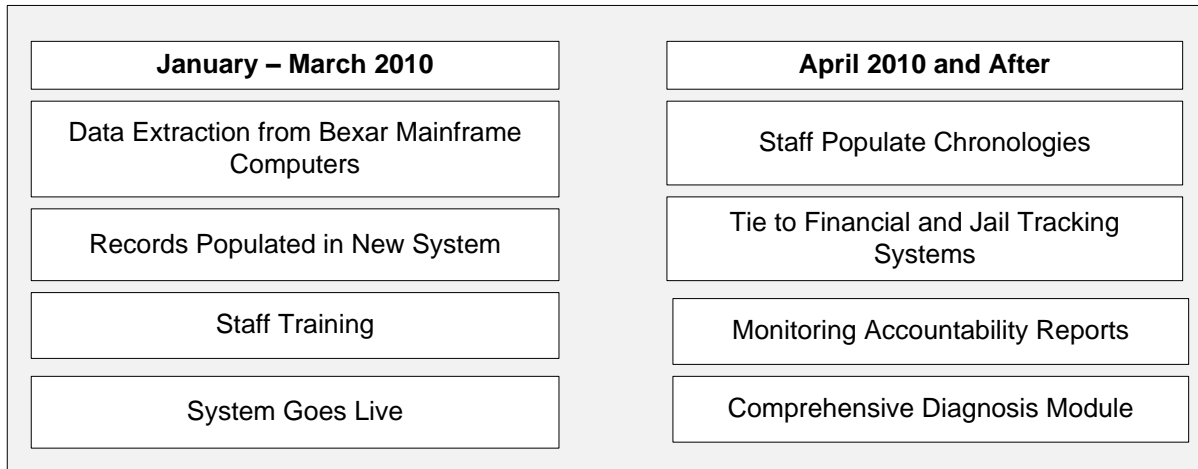


Figure 39 shows the next major modernization task which involves the re-organization of the department away from a court unit assignment system to one in which the probation department manages the deployment of caseloads. The goal is to initially re-design the intake office of the department to be able to acquire from the PSI Unit the risk and needs of the offender, and to be able to conduct risk assessment for the misdemeanors. This risk information is needed to make caseload assignments to the department’s unit. These units include two newly created ones, the low risk and regular supervision units, and two units already in place, the specialized and home visit supervision units. The main tasks being conducted by the department committees include: a) re-design intake protocols and train intake personnel; b) develop uniform supervision and progressive sanctions policies for the department; c) study the workload of Court Liaison Officers (CLOs) to make recommendations to re-design those services; and, d) develop protocols for re-assessing cases before re-deployment.

²⁷ See: www.correctionssoftware.com

Figure 39: Modernization of Intake and Case Assignment Process

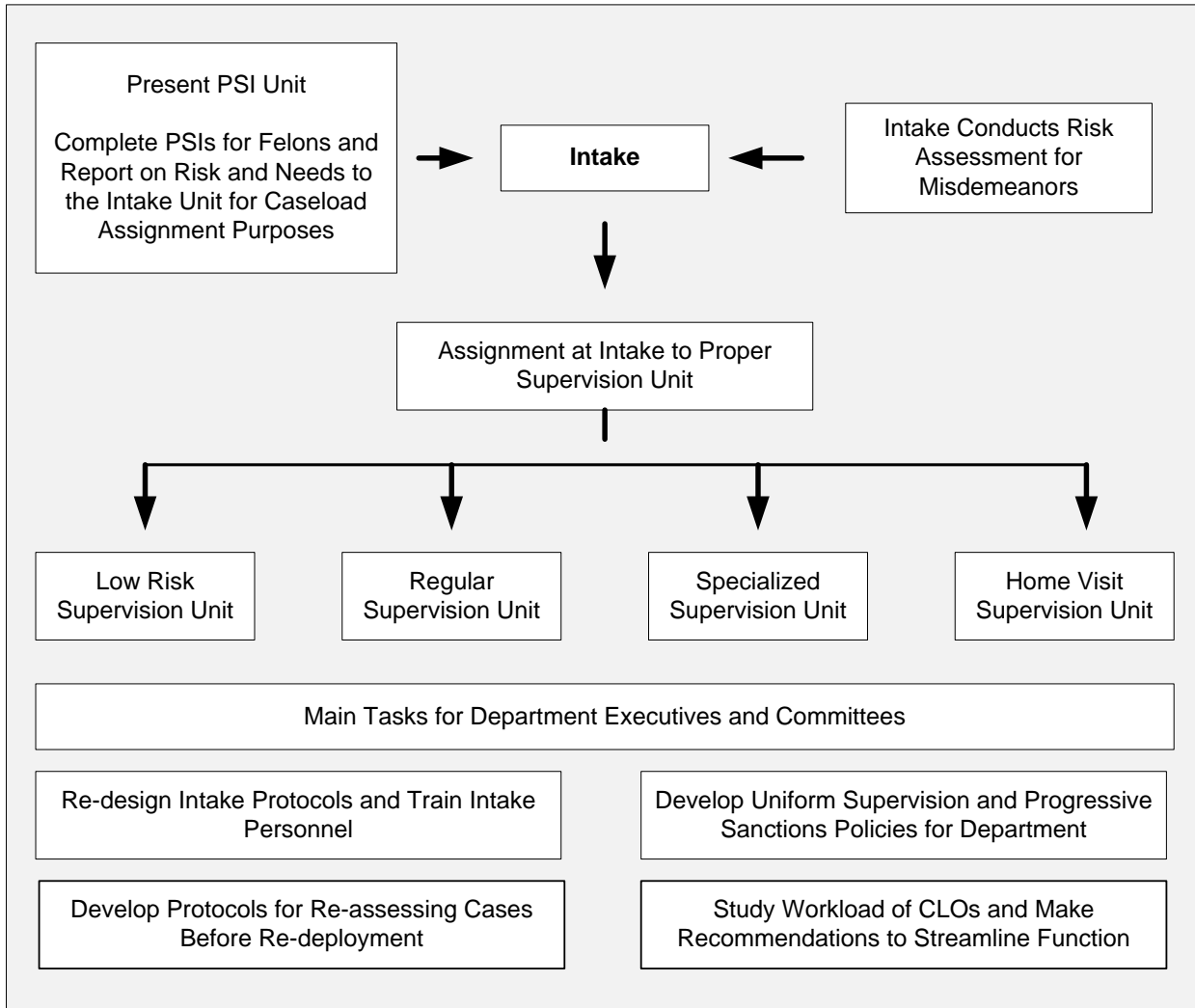


Figure 40 shows the major modernization task after the modernization steps discussed above, namely the re-organization of the PSI Unit into a Central Diagnosis Unit. The goal is to create a “diagnosis process” that provides consistent protocols to determine the risk and criminogenic profiles of the probationers as determined by the use of evidence-based tools. The main tasks being conducted by the department committees include: a) review of present PSI forms and protocols to streamline processes; b) re-validate risk assessments for Bexar County felony and misdemeanor populations; c) develop new central diagnosis protocols; d) develop and implement training and quality assurance protocols; and e) computerized processes as part of computerized the case management system.

Figure 40: Tasks Related to the Development of Central Diagnosis Unit

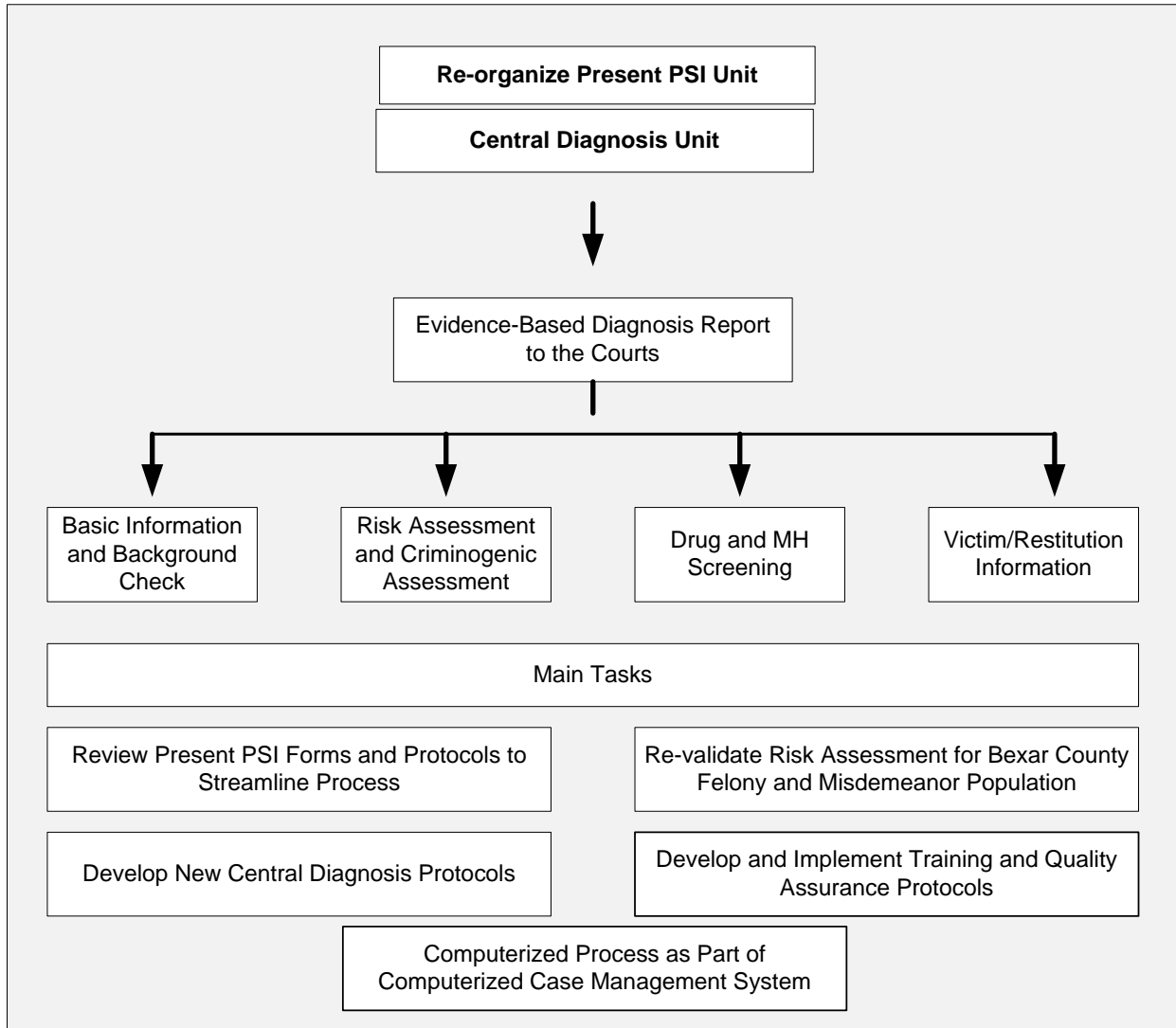
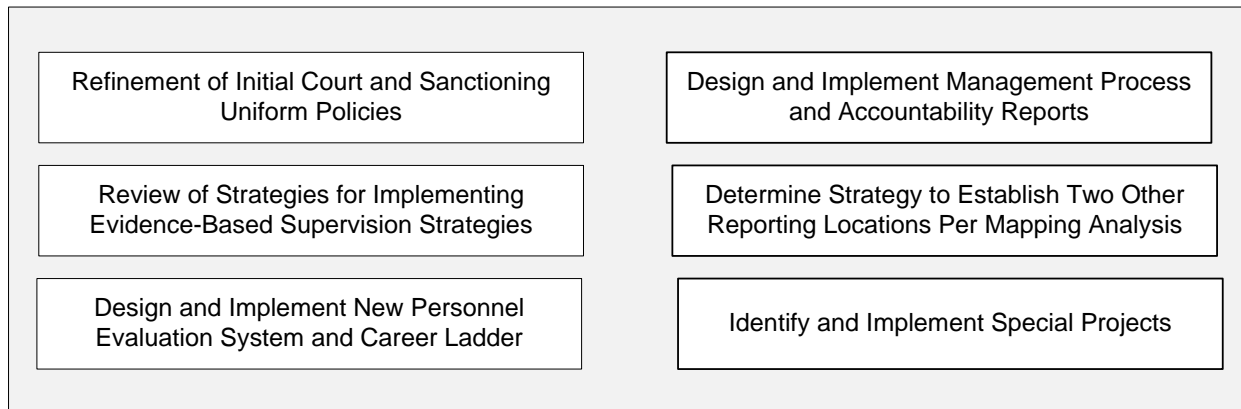


Figure 41 shows other tasks that have to be conducted in parallel or after the modernization process has been completed. The initial uniform court policies and progressive sanctions have to be reviewed again and refinements made based on the experience of the judges and probation administrators. Supervision plans and the structure of the chronologies maintain by officers have to be re-design to identify top criminogenic needs that need to be addressed during supervision. A new personnel evaluation system along the lines suggested earlier, namely, emphasizing casework skills that should be developed along with policies related to establishing a career ladder. Protocols to generate reports for management to monitor process efficiency indicators and outcomes have to be designed relying on the technology of the new case management system. Strategies to establish additional reporting

locations based on mapping analysis showing the largest concentration of probationers should be developed and presented for funding consideration to the Commissioners Court (as the county has to pay for the physical locations of the new offices). Finally, special projects need to be indentify to conduct the needed research to support implementation efforts (like researching the most effective use of urinalysis testing or the workload process for Court Liaisons Officers).

Figure 41: Other Areas of Implementation of Evidence-Based Practices



C. Timelines

Figure 42 and 43 show the timelines for accomplishing the modernization of the department and transitioning to an EBP model. This timeline assumes a continuation of the present activities of this project by the new director of the department and with the support of the judiciary. Major milestones are highlighted with a check mark. These include: case management system going “live” in February 2010; start new intake and case deployment process in June 2010; create a new court services unit in August 2010; redesign of supervision plans and generate new process accountability measures report in September 2010; implement new diagnosis processes and unit in January 2011 and implement new personnel evaluation system and career ladder in January 2012.

If the present technical assistance team stays involve in the project, the timeline shows the team independently reporting to the judiciary on the progress of the project in May 2010; January 2011 and conducting a two-year reassessment by December 2011. The role of the team will be to: a) facilitate the work with the committees and judiciary to move the project forward; b) conduct special studies like the validation of the risk assessment or researching the best policy concerning the use of urinalysis; c) conduct fidelity tests, like quality testing of the new diagnosis process; and d) develop the process reports and final re-assessment report for the judiciary.

Figure 42: Timeline for Modernization and EBP Organizational Model Implementation, December 2009-September 2010

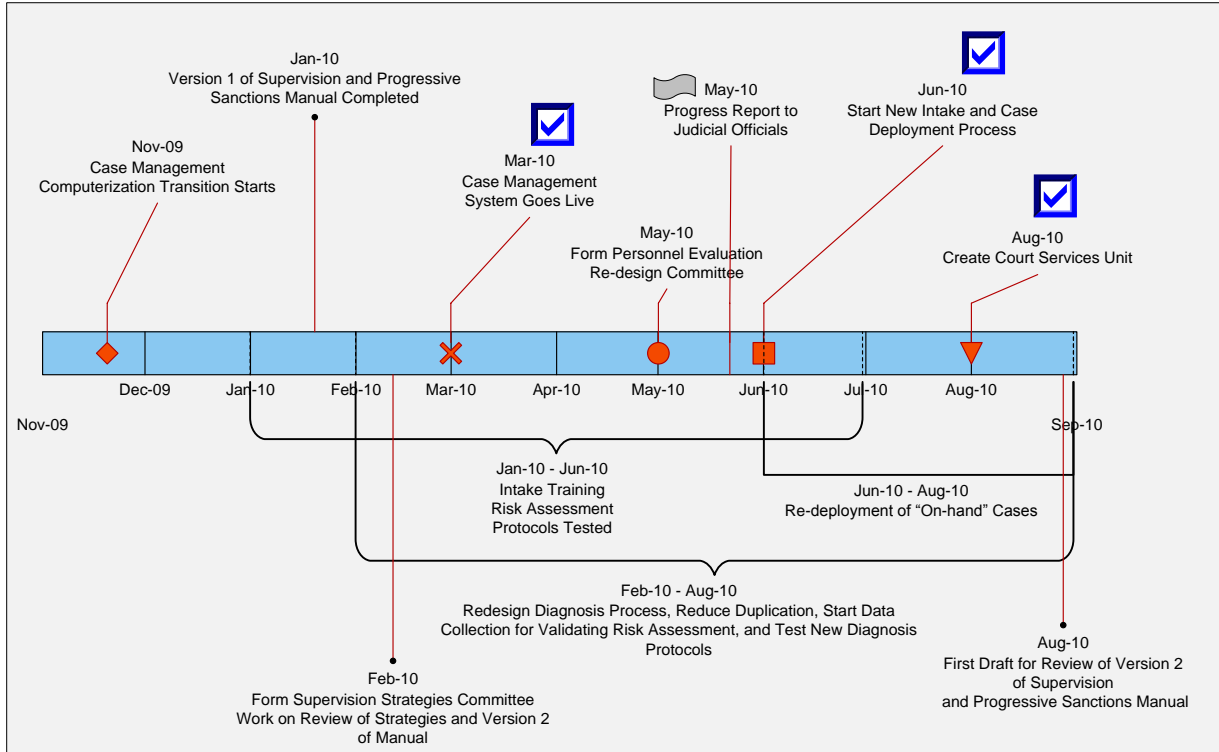


Figure 43: Timeline for Modernization and EBP Organizational Model Implementation, September 2010-December 2011

