Presentation to the Texas House Corrections Committee

Texas Justice Reinvestment and Probation: Accomplishments and Challenges

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Overview

Texas Justice Reinvestment and Probation Policies Are Guiding National Efforts

Challenge is to Increase and Sustain Effectiveness of Probation and Treatment Policies

Committee Should Explore Certain Key Areas to Promote Effectiveness of Probation
2007 Justice Reinvestment

Figure 1: Actual TDCJ Population at Calendar Year End Compared to Projected Population of January 2007 Before Justice Reinvestment Initiative

<table>
<thead>
<tr>
<th>Year</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison Population</td>
<td>146,059</td>
<td>149,535</td>
<td>150,476</td>
<td>153,627</td>
<td>154,682</td>
<td>155,428</td>
<td>155,345</td>
<td>155,924</td>
<td>155,062*</td>
</tr>
<tr>
<td>2007 Prison Pop. Projection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>155,706</td>
<td>157,523</td>
<td>160,847</td>
</tr>
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</table>

*Projected TDCJ population for December 2009 from the most recent projection (January 2009, LBB)

$241 million to expand in-prison and community-based treatment and diversion programs

$443 million in savings from 2008-2009

Actual population in 2009 was 154,183
Prison Population is Stable, More People Are on Probation, Parole Revocations are the Lowest and Crime is Declining

Prison population at the end of 2009 was about 1,000 lower than in September 2007 and about 9,000 lower than what the 2007 LBB baseline projection showed for December 2009.

About $474 million in reduced costs

System program and treatment capacity has increased to allow for about 5,600 offenders to be diverted from prison after the reform compared to 3,200 before the reform.

The offenders diverted from prison represent $292 million in avoided yearly incarceration costs

About 2,000 more low risk offenders are being released on parole a year after the reform but the number of parole revocations has declined by about 27% since 2006.

Felony probation population has increased by about 8% since before the reform but the yearly probation revocation rate to prison has stayed about the same at 7.5%.

The Texas population increased by 4% between 2007 and 2008 but the crime rate in Texas decreased by almost 3%.

The crime rate in 2008 was the lowest since 1985.
Probation and Treatment Policy Framework at State Level is Strongest in the Nation but Implementation is the Challenge

- Framework to promote “evidence-based practices” codified in state law and in CJAD’s administrative standards
- Funding for programs and infrastructure significantly enhanced in 2007 and maintained in 2009
- Framework to test and implement all elements of “evidence-based practices” with fidelity developed by CJAD and Justice Center in Travis County
- Ability to maintain a long-term developmental strategy for evidence-based practices at the local level, supported by a steady state funding policy and expecting accountability for outcomes continues to be the main challenge
Developmental Strategy Directed at Long-Term Fidelity in Implementation vs. Claims Routinely Made about EBP

**Technical Assistance Model**

- Community Justice Assistance Division (CJAD), TDCJ
- Funding to Selected Local Probation Departments

**Organization Wide Evidence Based Practices Model**

- Community Collaboration Strategies
- Judicial Support and Agreement
- Caseload Assignments Based on Risk and Needs
- Diagnosis Based on Validated Assessment Tools
- Progressive Sanctions for Violations
- Appropriate Targeting for “Programs”

- Differential Supervision Strategies and Conditions
- Research-based Accountability Structure
- Training and Personnel Evaluations

- Lower Recidivism

**Dates and Locations**

- 2005 Dallas
- 2005-08 Travis
- 2009-11 Bexar
Travis County Experience as the Developmental Model to Adapt in Other Major Jurisdictions in Texas
Performance Report by CJAD Shows Impact in Different Counties

<table>
<thead>
<tr>
<th>Top Ten Most Populous CSCDs</th>
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<tbody>
<tr>
<td><strong>CSCD</strong></td>
<td><strong>FY2009 Felony Population</strong></td>
</tr>
<tr>
<td>Dallas</td>
<td>32,235</td>
</tr>
<tr>
<td>Harris</td>
<td>25,456</td>
</tr>
<tr>
<td>Bexar</td>
<td>13,724</td>
</tr>
<tr>
<td>Tarrant</td>
<td>12,456</td>
</tr>
<tr>
<td>Hidalgo</td>
<td>10,268</td>
</tr>
<tr>
<td>El Paso</td>
<td>9,641</td>
</tr>
<tr>
<td>Travis</td>
<td>8,836</td>
</tr>
<tr>
<td>Cameron</td>
<td>5,335</td>
</tr>
<tr>
<td>Nueces</td>
<td>4,913</td>
</tr>
<tr>
<td>Collin</td>
<td>3,950</td>
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During this period the state spent over $57 million funding the probation department in Bexar County while the department cost the state over $59 million due to the increased revocations.
Bexar County Probation an Example of Potential Disconnect Between Policy Expectations and Operational Realities

- Bexar County has an obsolete court probation assignment unit (with each court in essence running their own “mini” probation department)
- Evidence-based practices are not in place
- Probation guidelines by each court create a hodgepodge of documents with no unifying strategy
- Obsolete court assignment structure prevents development of consistent supervision strategies
- Adult probation officers are ineffectively utilized
- Current presentence investigation process is ineffective and not based on risk and criminogenic assessment tools
- Misdemeanor cases are “over-supervised”
- Department lacks an effective computerized case management system
Bexar County Probation a Portrait of Ineffective Supervision Strategies and Waste of Limited Resources

595 persons living in this ZIP code in San Antonio were on probation

They were assigned by 22 different courts each with its own supervision and sanctioning policies

They were supervised by 113 different probation officers reporting to different courts

Given the average caseload size at the time of the review, six officers could have been assigned to supervise all the cases in this neighborhood following a uniform set of policies by the department

Blue dots = felony cases
Red dots = misdemeanor cases
Areas for the Committee to Explore

Short-term: Funding strategy if interim cuts are implemented and more cuts are expected

Example: State aid dedicated for health insurance may go up to $42 million in 2011 compared to $25 million in 2004, decreasing funding for services.

Long-term: Funding strategy based on risk of the population under supervision

Would require improvements in the use of risk assessments and tracking on this information statewide.

Abolish requirement for yearly community corrections plans and substitute with a requirement for a plan directed at producing key outcomes with expected measures for accountability.

Development of community corrections plans have become a bureaucratic exercise that has outlived its original purpose.

Consider different requirements for larger vs. smaller departments/counties.
### Areas for the Committee to Explore (cont’d)

<table>
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<tr>
<th>Change the way probation directors are hired and fired, particularly in counties with over 250,000 population</th>
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<tr>
<td>Requirement that all district and county judges agree on hiring and firing fragments accountability</td>
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<td>Expecting all judges in large jurisdictions to be appraised of best practices in probation to guide hiring and firing decisions is unrealistic and unmanageable</td>
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<td>Consider the creation of an administrative process to sanction probation violators without judicial amendment to the original court order and test in a pilot locality</td>
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<td>Article 42.12, Section 10, (d) already provides some language justifying further exploration</td>
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<td>Georgia Probation Management Act (HB-1161, 2004) may provide a framework to examine</td>
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<td>The process can also include incentives towards completion, like time credits for acquiring a GED while under supervision</td>
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Georgia Probation Options Management

Goals

Swift and more uniform responses along a progressive sanction grid

Reduction in court time and jail time

Process

When there is a violation, a probation officer can submit a petition for a hearing by the Chief Probation Officer (community option hearing)

Appeals and decisions to impose a sanction in a residential substance abuse treatment or detention center made by a Hearing Officer (which could be a magistrate in Texas)

Only the judge can revoke probation and impose a prison sanction

Source: “An Evaluation of Georgia’s Probation Options Management Act, October 24, 2007, ARS for the Georgia Department of Corrections”
Determine if policy enhancements are needed to address continual poor performance and management by departments and/or with continual poor outcomes by programs

- Withhold state funds
- “Receivership” like policy as with state agencies
- Development of a “low quality” threshold for programs that will trigger reports to oversight committees and/or trigger a stronger compliance follow-up process

* No state funding should go to departments with an organizational structure that does not allow for risk based assignments/supervision and does not have control over the assignment of probation officers
Thank You

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