

# Presentation to the Texas House Corrections Committee

## **Texas Justice Reinvestment and Probation: Accomplishments and Challenges**

**March 16, 2010**

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Director of Research**



# Overview

Texas Justice Reinvestment and Probation Policies Are Guiding National Efforts

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

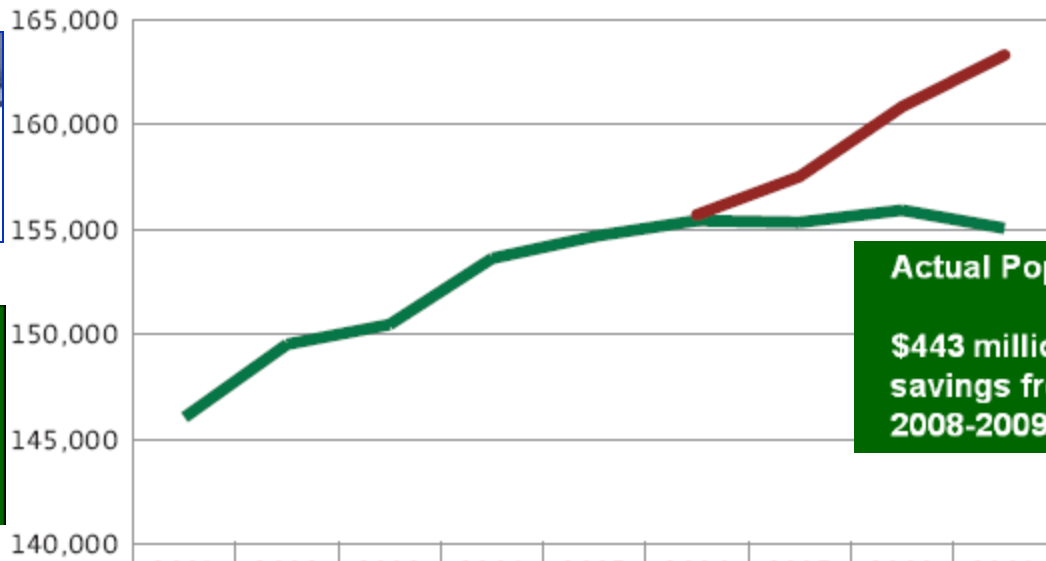
Committee Should Explore Certain Key Areas to Promote Effectiveness of Probation

# 2007 Justice Reinvestment

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



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



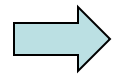
**Actual Population**  
**\$443 million in savings from 2008-2009**

	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Prison Population</b>	146,059	149,535	150,476	153,627	154,682	155,428	155,345	155,924	155,062*
<b>2007 Prison Pop. Projection</b>						155,706	157,523	160,847	163,312

Actual population in 2009 was 154,183

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

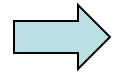
# Prison Population is Stable, More People Are on Probation, Parole Revocations are the Lowest and Crime is Declining



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

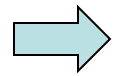
About \$474 million in reduced costs

\$36 million saved annually in contracted capacity

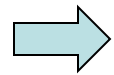


System program and treatment capacity has increased to allow for about 5,600 offenders to be diverted from prison after the reform compared to 3,200 before the reform

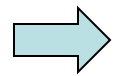
The offenders diverted from prison represent \$292 million in avoided yearly incarceration costs



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



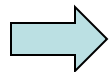
Felony probation population has increased by about 8% since before the reform but the yearly probation revocation rate to prison has stayed about the same at 7.5%



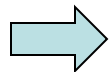
The Texas population increased by 4% between 2007 and 2008 but the crime rate in Texas decreased by almost 3%

The crime rate in 2008 was the lowest since 1985

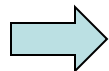
# Probation and Treatment Policy Framework at State Level is Strongest in the Nation but Implementation is the Challenge



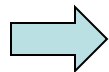
Framework to promote “evidence-based practices” codified in state law and in CJAD’s administrative standards



Funding for programs and infrastructure significantly enhanced in 2007 and maintained in 2009



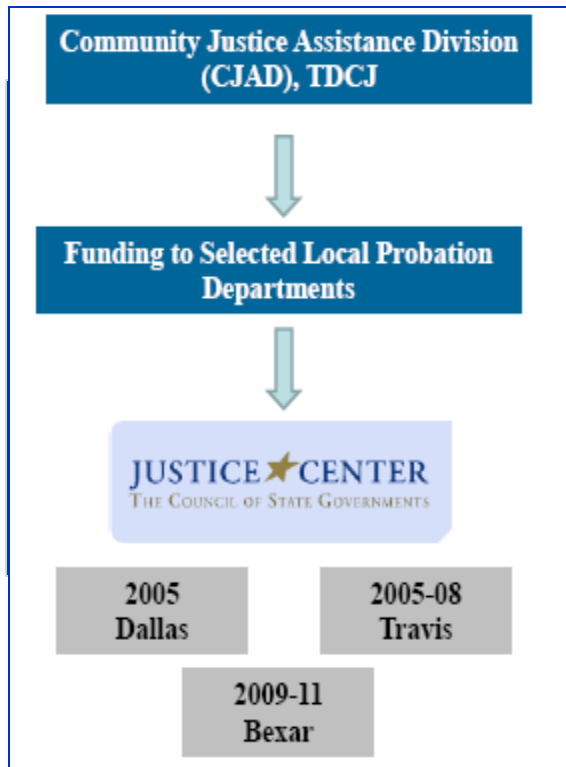
Framework to test and implement all elements of “evidence-based practices” with fidelity developed by CJAD and Justice Center in Travis County



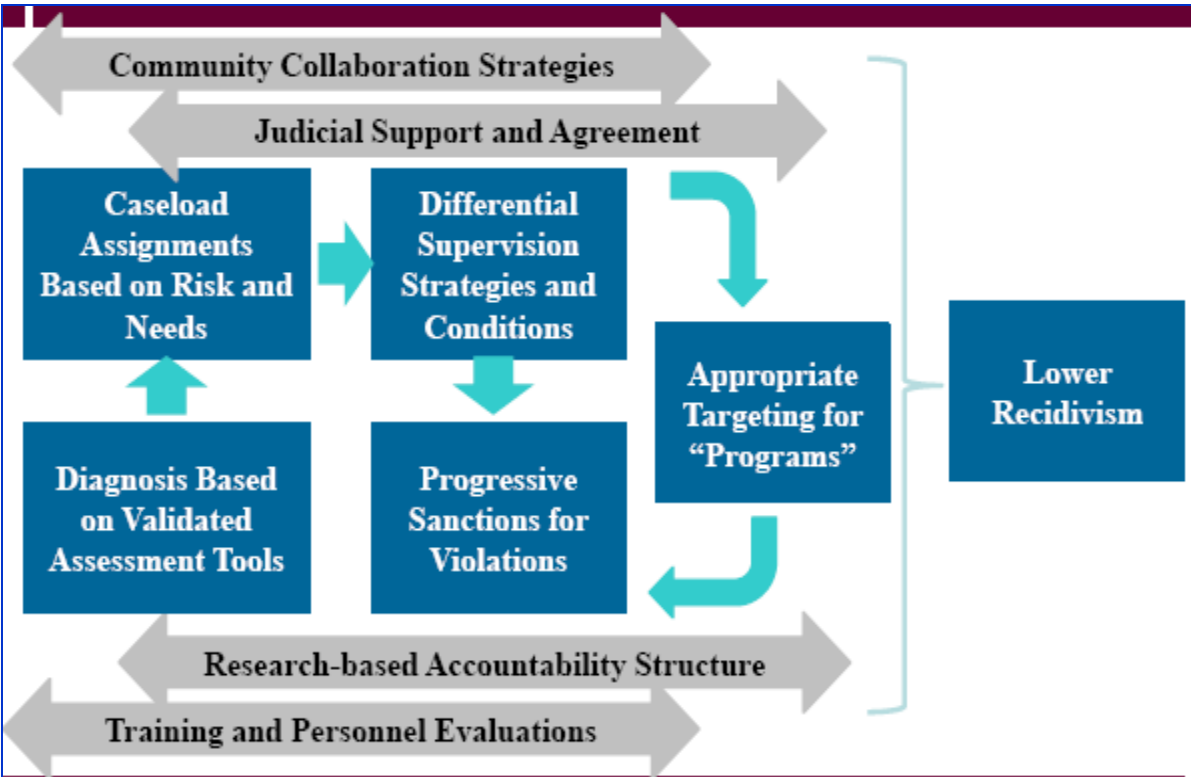
Ability to maintain a long-term developmental strategy for evidence-based practices at the local level, supported by a steady state funding policy and expecting accountability for outcomes continues to be the main challenge

# Developmental Strategy Directed at Long-Term Fidelity in Implementation vs. Claims Routinely Made about EBP

## Technical Assistance Model



## Organization Wide Evidence Based Practices Model



# Travis County Experience as the Developmental Model to Adapt in Other Major Jurisdictions in Texas



- [TCIS - Challenges in Implementing a Personnel Evaluation System](#)
- [2008 TCIS Progress Report](#)
- [2007 TCIS Progress Report](#)
- [Incubator I - TCIS: An Incubator Site to Improve Probation](#)
- [Incubator II - Better Diagnosis: The First Step to Improve Probation](#)
- [Incubator III - Guiding Justice Decisions with Risk Assessment Instruments](#)
- [Incubator IV - Assessing Supervision Needs: A Profile of the Travis Probation Department](#)
- [Incubator V - Thinking About Location: Orienting Probation to Neighborhoods](#)
- [Incubator VI - Resource Report: Central Diagnosis Assessment Forms](#)
- [Incubator VII - The Logistics of Implementing a Central Diagnosis Unit](#)
- [Incubator VIII - Outcome Tracking Reporting for Improving Probation Management](#)
- [Incubator IX - Measuring Process Efficiency to Improve Probation Management](#)
- [Incubator X - Strengthening the Management and Treatment of Sex Offenders](#)
- [Incubator XI - TCIS Two Year Department Reassessment](#)

**Ten Strategies to Sustaining More Effective Practices in a Probation Department**

March 2009

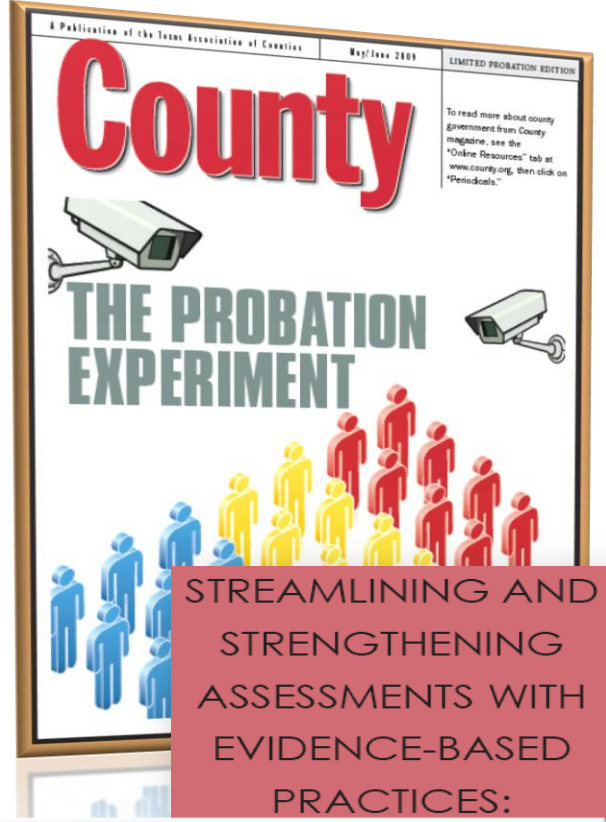
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Prepared by the Council of State Governments Justice Center, with the support of the Texas Department of Criminal Justice, Community Justice Assistance Division and Travis County Community Supervision and Corrections Department

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**STREAMLINING AND STRENGTHENING ASSESSMENTS WITH EVIDENCE-BASED PRACTICES:**


Tony Fabelo, Ph.D. and Geraldine F. Nagy, Ph.D.  
American Probation and Parole Association 43


**THE TRAVIS COUNTY EXPERIENCE**

# Performance Report by CJAD Shows Impact in Different Counties

Top Ten Most Populous CSCDs

CSCD	FY2009 Felony Population	Percent of State Felony Population	FY2004-2005 Revocations	FY2008-2009 Revocations	Change in Revocations	Percent Change in Revocations
Dallas	32,235	13.35%	6,596	5,862	-734	-11.1%
Harris	25,456	10.54%	7,409	6,224	-1,185	-16.0%
Bexar	13,724	5.68%	1,750	2,889	1,139	65.1%
Tarrant	12,456	5.16%	3,304	2,981	-323	-9.8%
Hidalgo	10,268	4.25%	1,409	1,375	-34	-2.4%
El Paso	9,641	3.99%	1,243	1,101	-142	-11.4%
Travis	8,836	3.66%	2,060	1,646	-414	-20.1%
Cameron	5,335	2.21%	703	668	-35	-5.0%
Nueces	4,913	2.04%	1,034	1,251	217	21.0%
Collin	3,950	1.64%	465	891	426	91.6%

 Decrease in Revocations

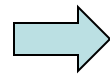
 Increase in Revocations

**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**

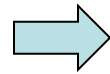




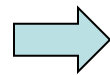
# Bexar County Probation an Example of Potential Disconnect Between Policy Expectations and Operational Realities



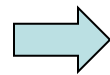
Bexar County has an obsolete court probation assignment unit (with each court in essence running their own “mini” probation department)



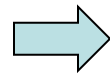
Evidence-based practices are not in place



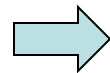
Probation guidelines by each court create a hodgepodge of documents with no unifying strategy



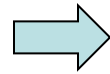
Obsolete court assignment structure prevents development of consistent supervision strategies



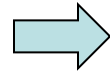
Adult probation officers are ineffectively utilized



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

**JUSTICE CENTER**  
THE COUNCIL OF STATE GOVERNMENTS  
*Collaborative Approaches to Public Safety*

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

December 2008

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Eric Cadors, Justice Mapping Systems

Prepared by the Council of State Governments Justice Center, with the support of the  
Texas Department of Criminal Justice, Community Justice Assistance Division and Bexar  
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# Bexar County Probation a Portrait of Ineffective Supervision Strategies and Waste of Limited Resources

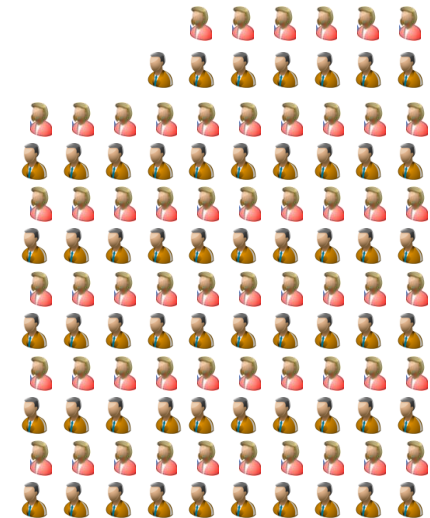
595 persons living in this ZIP code in San Antonio were on probation



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



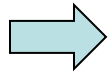
They were supervised by 113 different probation officers reporting to different courts



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

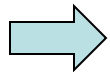
Blue dots = felony cases  
Red dots = misdemeanor cases

# Areas for the Committee to Explore



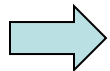
Short-term: Funding strategy if interim cuts are implemented and more cuts are expected

Example: State aid dedicated for health insurance may go up to \$42 million in 2011 compared to \$25 million 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

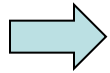


Abolish requirement for yearly community corrections plans and substitute with a requirement for a plan directed at producing key outcomes with expected measures for accountability

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

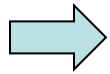
# Areas for the Committee to Explore (cont'd)



Change the way probation directors are hired and fired, particularly in counties with over 250,000 population

Requirement that all district and county judges agree on hiring and firing fragments accountability

Expecting all judges in large jurisdictions to be appraised of best practices in probation to guide hiring and firing decisions is unrealistic and unmanageable



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

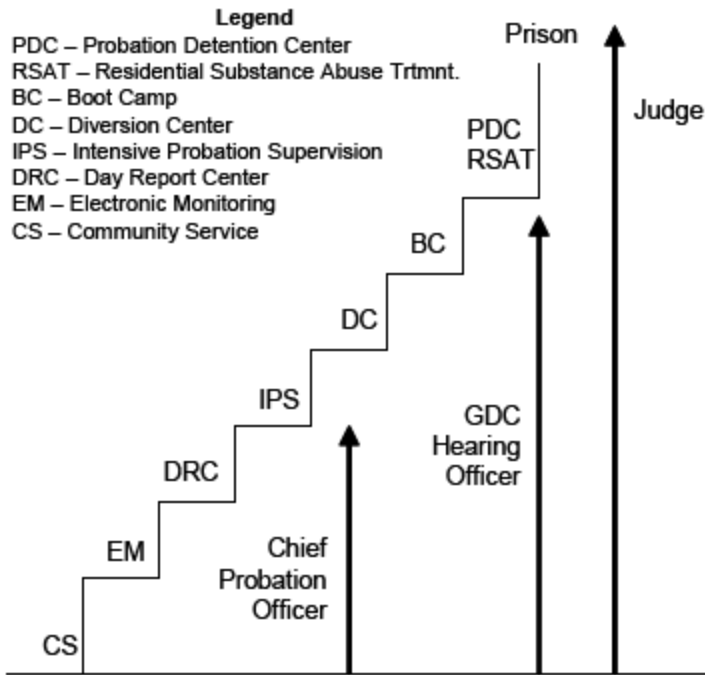
Article 42.12, Section 10, (d) already provides some language justifying further exploration

Georgia Probation Management Act (HB-1161, 2004) may provide a framework to examine

The process can also include incentives towards completion, like time credits for acquiring a GED while under supervision

# Georgia Probation Options Management

**Figure 1. POM Graduated Sanctions & Decision Authority**



## Goals

Swift and more uniform responses along a progressive sanction grid

Reduction in court time and jail time

## Process

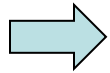
When there is a violation, a probation officer can submit a petition for a hearing by the Chief Probation Officer (community option hearing)

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

# Areas for the Committee to Explore (cont'd)



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



## CONTACT

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