

# Texas Department of Criminal Justice

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# Community Supervision and Corrections in Texas



Presentation to House Committee on Corrections

March 22, 2006

# 79th Legislature, House Committee on Corrections, Interim Charge #2

Examine the probation system and reforms debated during the 79th Legislature, including using strategies such as graduated sanctions and specialized courts for reducing revocations and recidivism. Study the organization and cost of our probation system and make recommendations about how to prioritize and strengthen general supervision.

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# Community Supervision in Texas



# Community Supervision in Texas

## National Perspective

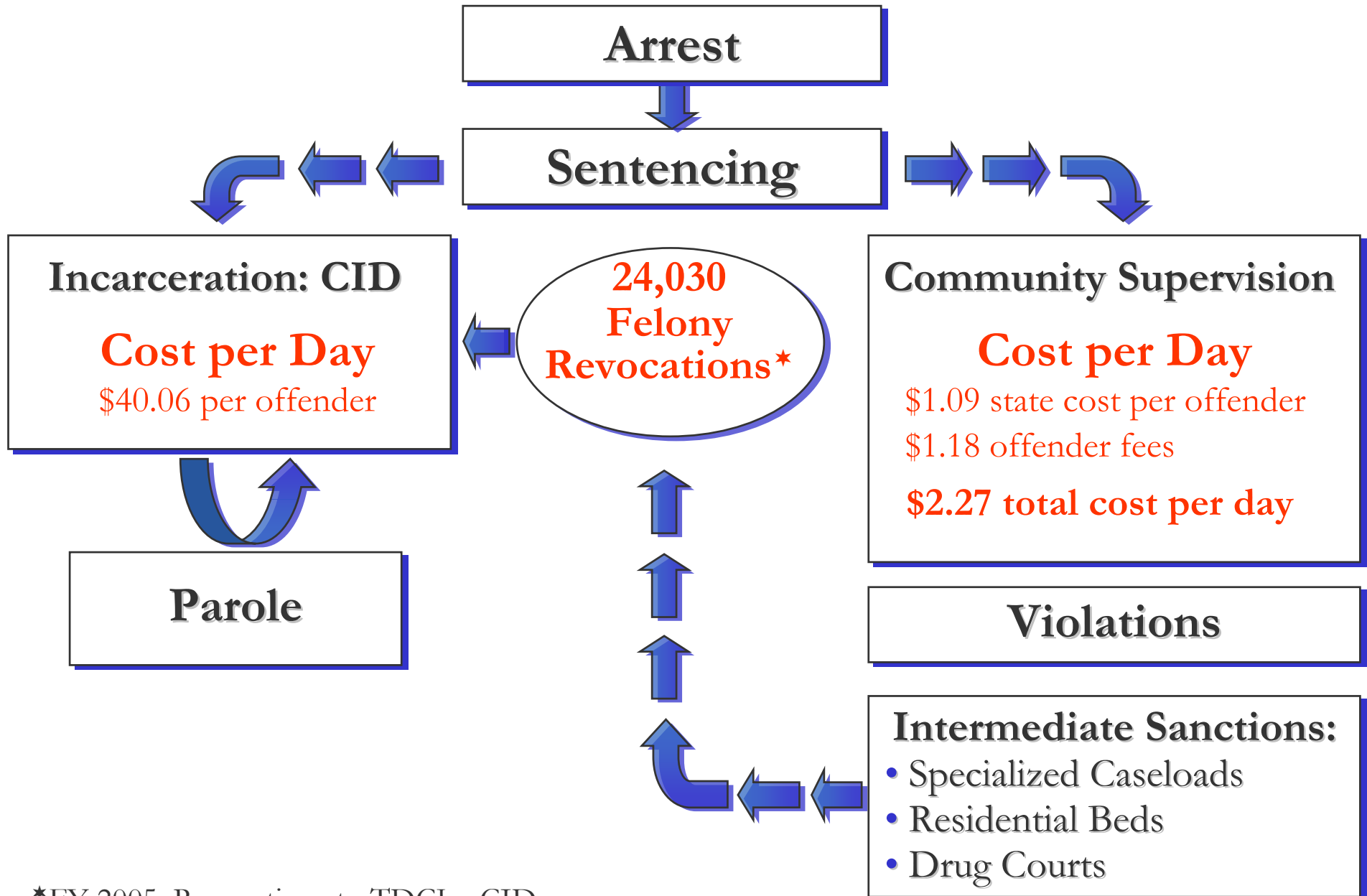
Texas has the largest Probation Population in the United States

Selected States	Probation Population ( Bureau of Justice Statistics, 2004)
Texas	429,857*
California	384,852
Florida	281,170
Ohio	227,891
Michigan	176,083
United States Total	4,151,125

\*FY 2005, from TDCJ-CJAD

# Community Supervision in Texas

## Texas Criminal Justice System



\*FY 2005, Revocations to TDCJ – CID

# Community Supervision in Texas

## Vision

“The heart of an effective community supervision system is a well-trained, experienced community supervision officer who has a manageable caseload and local options to treat and sanction individuals.”

## TDCJ-CJAD Mission Statement

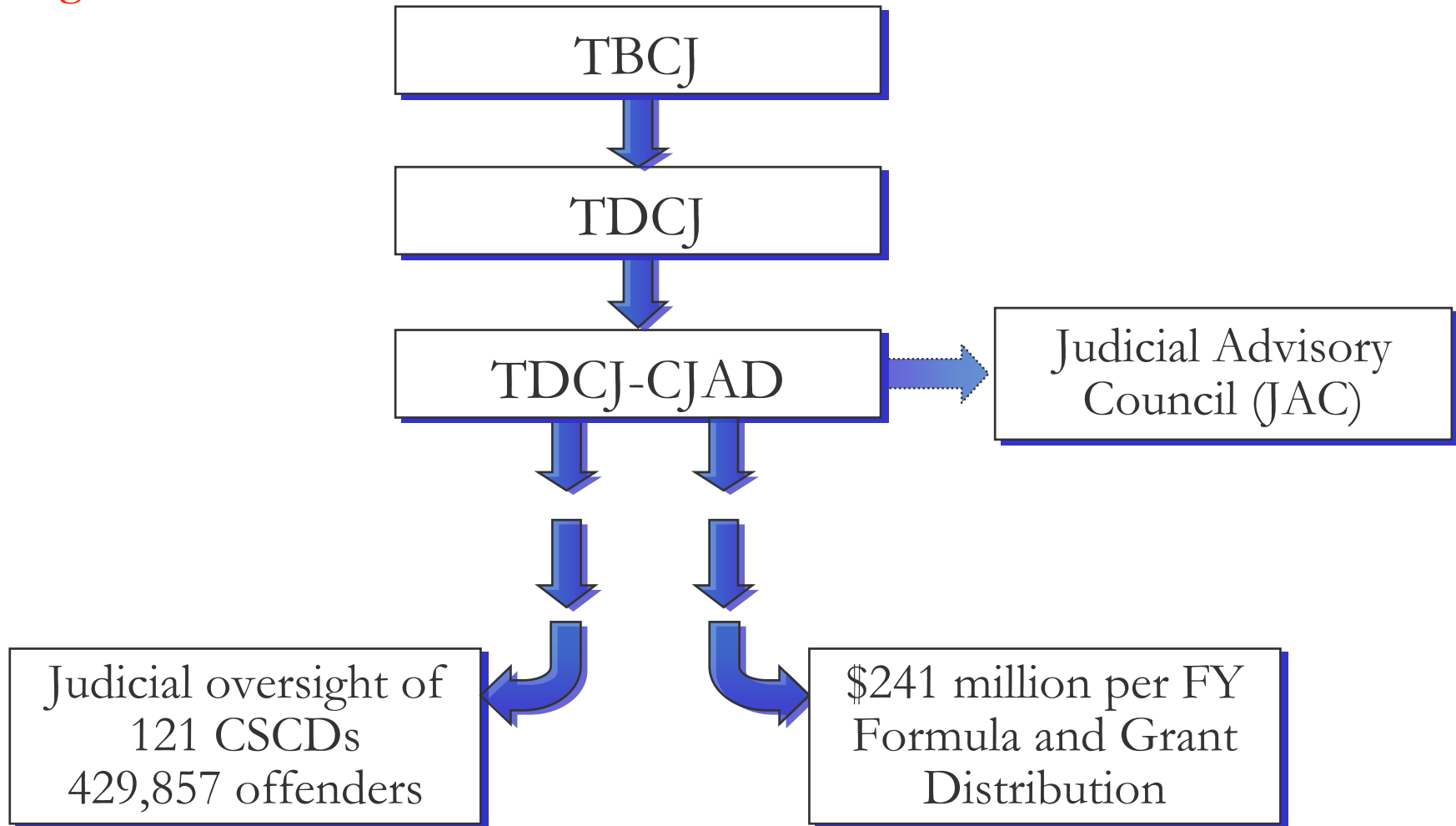
“Our mission is to help Texas communities protect the public, help rehabilitate offenders and serve the victims of those offenders. We do this by developing sound public policy that leads to effective, community-based programs and services.”

## Statutory Information

- Government Code 76, Community Supervision and Corrections Departments (CSCDs)
- Government Code 509, Community Justice Assistance Division
- Code of Criminal Procedure, Article 42.12
- TDCJ-CJAD Standards: Texas Administrative Code 161 and 163

# Community Supervision in Texas

## Organizational Structure



The TDCJ-CJAD is advised by the 12 member Judicial Advisory Council composed of judges and citizens as well as the Probation Advisory Committee (PAC) composed of CSCD Directors and other professionals in the criminal justice system.

# Community Supervision in Texas

## Role of Community Supervision and Corrections Departments (CSCDs):

- Supervise and rehabilitate offenders sentenced to community supervision
- Monitor compliance with court-ordered conditions
- Offer a continuum of sanctions, regular reporting and specialized caseloads, residential confinement/programs, residential and non-residential treatment/correctional programs

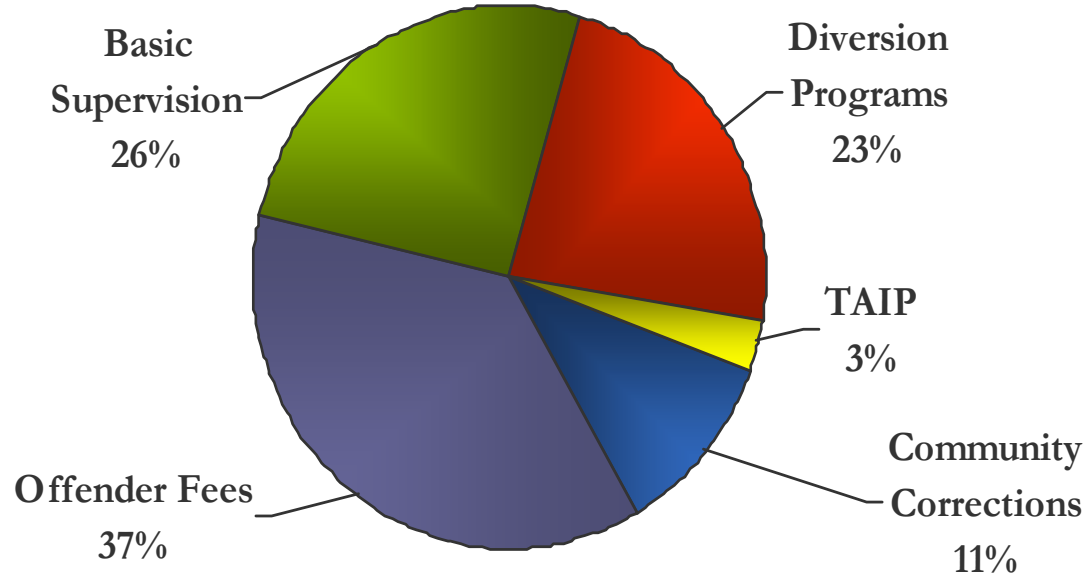
## TDCJ-CJAD is responsible for:

- Distribution of formula and grant funds
- Developing standards, including best-practice treatment standards
- Approval of Community Justice Plans and budgets
- Conducting program and fiscal audits
- Providing training and certification of community supervision officers



# Community Supervision in Texas

## Sources of Funding for Community Supervision



State of Texas Funding	FY 2006
Basic Supervision	\$98 million
Diversion Programs	\$89 million
Community Corrections	\$43 million
TAIP	\$11 million
<b>Total</b>	<b>\$241 million*</b>

Offender Fees Collected	FY 2005
Supervision Fees	\$127 million
Program Participation Fees	\$15 million
<b>Total Offender Fees Collected</b>	<b>\$142 million</b>

\* The above figures are rounded.

The Substance Abuse Felony Punishment program and the Mental Health Initiative provide substance abuse treatment and mental health services to probationers, respectively. Those funds are not included in the amounts listed above.

# Community Supervision in Texas

## Sources of Funding for Community Supervision (continued)

### Formula Funds

- Requirements
  - Must comply with TDCJ-CJAD Standards
  - Residential programs are evaluated to determine their effectiveness at reducing recidivism
- Basic Supervision (BS)
  - Funds to provide basic community supervision services that meet required levels of supervision
  - Funds are distributed to each CSCD based on the previous calendar year's number of misdemeanor placements, direct felonies and pre-trial counts of offenders on community supervision, in comparison to the State's totals
- Community Corrections (CC)
  - Provide aid to community-based correctional programs for alternatives to incarceration
  - Based on the previous calendar year's direct felony offender count and the county's civil population from the latest census

### Grant Funds

- Treatment Alternative to Incarceration Program (TAIP)
  - TAIP is the primary statewide community-based substance abuse treatment program that targets probationers
- Diversion Program (DP)
  - DP funds target the diversion of felons from incarceration

# Community Supervision in Texas

## Sources of Funding for Community Supervision (continued)

### Grant Funds (continued)

#### ■ Requirements

- Submission of signed special grant conditions
  - ▶ Ensures that all funded programs have the essential components that reduce recidivism
- Program proposal and budget scores
  - ▶ Level of need for the program within the region
  - ▶ Non-duplication of programs and services
  - ▶ Comparison of projected output data to actual output data
- Previous program, fiscal and compliance audits
- Budget and fiscal analysis
  - ▶ Fund Balance
  - ▶ Percent capacity (Community Corrections Facilities only)
  - ▶ Proposed allowable overhead and administrative cost

#### ■ Accountability

- Enhanced standards based on research
  - ▶ Analysis of risk level and risk factors of offender population and sentencing trends in specific locales
  - ▶ Outcome studies (Recidivism rates)
- Monitoring
  - ▶ Program audits
  - ▶ Research-based audit tools
  - ▶ Special grant conditions

# Community Supervision in Texas

## Sources of Funding for Community Supervision (continued)

### Grant Funds (continued)

- Accountability (continued)
  - Termination of programs based on:
    - ▶ Poor outcomes
    - ▶ Program proposal did not indicate the utilization of program components with demonstrated effectiveness as measured by recidivism studies (National Institute of Corrections; National Institute of Justice)
- Grants targeted towards the diversion of felons from incarceration
  - Provide a sentencing alternative at the time of conviction
  - Provide a sanctioning alternative to revocation when there is a violation of the conditions of supervision
  - Provide interventions which reduce risk factors and future criminal behavior (risk reduction)

Residential Programs <sup>1</sup>	26
Non-Residential Programs <sup>2</sup>	151
Batterer Intervention and Prevention Programs	30
Treatment Alternative to Incarceration Programs	29

<sup>1</sup> 2 additional facilities will begin operations in Bexar and Harris Counties during FY 2006

<sup>2</sup> Diversion funded programs including specialized caseloads with interventions, drug courts, etc.

**Legislative Focus on  
Strengthening Community Supervision**



# Legislative Focus on Strengthening Community Supervision

## 77th Legislative Interim Charges (2002)

### House Committee on Corrections

- Study community supervision caseloads, the effect of officer-to-offender ratios and the impact of caseload reductions on revocations and incarceration costs to the state.
- Study the quality and availability of residential facilities and the potential cost savings of enhanced alternatives to long-term incarceration.
- Review the fees assessed on adult offenders and their impacts on community supervision and parole. Consider offenders' abilities to pay supervision fees and any impact on revocations of parole.

### Senate Committee on Criminal Justice

- Review available rehabilitation programs that provide alternatives to incarceration for non-violent, drug-dependent offenders to determine their effectiveness, and recommend for further use any suitable community-based programs that safely reduce recidivism among such offenders.
- Study the impact that the revocation of technical violators of community supervision has upon the state's prison population, and make recommendations for reducing the revocation rate among such offenders without unduly interfering with local judges' discretion.

# Legislative Focus on Strengthening Community Supervision

## 78th Legislative Interim Charges (2004)

### House Committee on Corrections

- Review the effectiveness, efficiency and funding mechanisms of the community supervision and parole supervision systems. Examine accountability for various community supervision programs administered through local community supervision and corrections departments. Study the advisability, methods and costs of creating a progressive sanctions model for the adult criminal justice system. (Joint Charge with Appropriations)
- Study the criminal justice mental health initiative in coordination with the Texas Correctional Office on Offenders with Medical or Mental Impairments.

### Senate Committee on Criminal Justice

- Study and identify best practices for probation and community supervision programs including: the Community Justice Assistance Division; local probation management structure; the use of Drug Courts and the courts' impact on recidivism; programs to reduce underage drinking; mental health issues and continuity of care; use of the Community Supervision Tracking System (CSTS) and other data issues related to Criminal Justice information system components; and the implementation of HB 2668. Make recommendations for legislative changes to achieve best practices.

# Legislative Focus on Strengthening Community Supervision

## Reports Focusing on Strengthening Community Supervision

- Technical Violations Committee Report 2001
- House Committee on Corrections Interim Report 2002
- Senate Committee on Criminal Justice Interim Report 2002
- Criminal Justice Policy Council 2003
- TDCJ-CJAD Sentencing Survey 2004
- House Committee on Corrections Interim Report 2004
- Senate Committee on Criminal Justice Interim Report 2004

## Recommendations for Strengthening Community Supervision

### Reducing caseload sizes for Community Supervision Officers

- High Caseloads
  - 116 direct cases

Increasing residential treatment and sanction resources for prison diversions and increasing outpatient services for offenders needing substance abuse treatment services

- Declining alternatives to incarceration
  - The number of community correction facility beds declined by 41% (4,751 to 2,800) from 1995-2004

Developing a system of progressive sanctions to address technical violations

- High percentage of technical revocations
  - 54% of revocations are reported as technical violations of supervision conditions



# Legislative Focus on Strengthening Community Supervision

## 79<sup>th</sup> Texas Legislature - New Diversion Program Funding

CSCDs were required to establish goals of reducing revocations by 10% or more

### FY 2006-2007 Diversion Funding Appropriation Rider Requirements



### Rider 71. Probation Caseload Reduction

- Specifies that \$14,092,422 in FY 2006 and \$14,092,422 in FY 2007 shall be used to fund additional community supervision officers to reduce caseloads consisting of medium and high risk offenders

Rider 71. Probation Caseload Reduction Grants							
CSCDs	Grant Amount	CSCDs	Grant Amount	CSCDs	Grant Amount	CSCDs	Grant Amount
Angelina	\$85,409	Collin	\$370,104	Kleberg	\$56,939	San Patricio	\$43,036 <sup>3</sup>
Bexar	\$1,887,904 <sup>1</sup>	Dallas	\$2,135,215	Lubbock	\$434,203 <sup>1</sup>	Tarrant	\$1,366,537
Brazoria	\$170,817	El Paso	\$744,428 <sup>1</sup>	McLennan	\$142,347	Taylor	\$199,286
Brazos	\$199,286	Harris	\$2,440,446 <sup>1</sup>	Montgomery	\$156,235 <sup>1</sup>	Tom Green	\$127,357 <sup>1</sup>
Burnet	\$28,469	Hidalgo	\$1,053,373	Nueces	\$412,858 <sup>1</sup>	Travis	\$1,016,771 <sup>2</sup>
Caldwell	\$227,756	Hill	\$28,469	Orange	\$85,408		
Cameron	\$309,665 <sup>1</sup>	Jefferson	\$142,348	Potter	\$227,756		
<b>Total Allocated</b>							<b>\$14,092,422</b>

<sup>1</sup> Received both the caseload reduction grant and the aftercare caseload grant.  
<sup>2</sup> Received caseload reduction grant and pilot program grant.  
<sup>3</sup> Received only the aftercare caseload grant.

# Legislative Focus on Strengthening Community Supervision

## 79<sup>th</sup> Texas Legislature - New Diversion Program Funding (continued)

### Rider 72. Progressive Sanctions Model

- Specifies that it is the intent of the Legislature, that to the maximum extent possible and from funds appropriated for diversion programs, TDCJ-CJAD shall give preference to community supervision and corrections departments using a progressive sanctions model.
  - CSCDs receiving new diversion funding are required to implement local progressive sanctions to respond to supervision violations (For more information on progressive sanctions models see Appendix A: Progressive Sanctions Models)
- TDCJ-CJAD has provided technical assistance and training for Judges, Prosecutors, Defense Attorneys and CSCD personnel in the development and implementation of a local progressive sanctions model.
  - Development
    - ▶ To help CSCDs develop plans regarding the diversion funding requirements, TDCJ-CJAD provided training on the history, development and use of progressive sanctions models
    - ▶ Provided 5 developmental trainings during the Summer of FY 2005
  - Implementation
    - ▶ To give CSCDs additional assistance and analysis of their progressive sanctions models, TDCJ-CJAD provided advanced trainings facilitated by Dr. Edward Latessa, of the University of Cincinnati, and Dr. Anne Brockett-Volpe, Adjunct Professor of Texas State University
    - ▶ Provided 2 advanced trainings during January 2006
  - Conferences
    - ▶ 3<sup>rd</sup> Annual Sentencing Conference took place during November 2005 and provided training to Judges, Prosecutors, Defense Attorneys and key CSCD personnel
    - ▶ 18th Annual Skills for Effective Intervention Conference will take place in July of 2006 and will provide training to Community Supervision Officers

# Legislative Focus on Strengthening Community Supervision

## 79<sup>th</sup> Texas Legislature - New Diversion Program Funding (continued)

### Rider 73. Residential Treatment and Sanction Beds

- Specifies that \$13,637,500 in FY 2006 and \$13,637,500 in FY 2007 be expended for additional residential treatment and sanction beds. TDCJ-CJAD shall give preference to community supervision and corrections departments having access to existing unfunded residential treatment and sanction beds. Preference shall also be given to departments that have higher rates of technical revocations in order to maximize the positive effect on the criminal justice system.

Rider 73. Residential Treatment and Sanction Beds Grants	Beds	Grant Amount
Funding for New Beds		
Bexar	100	\$1,835,274
El Paso	28	\$401,624
Harris	300	\$5,957,847
Tom Green (Regional West Texas facility)	60	\$1,514,158
Funding to Support RSAT Beds	135	\$2,590,856
Additional Funding Allocated for Aftercare Treatment		
Harris (to be utilized throughout the biennium)		\$1,092,741
Montgomery		\$45,000
<b>Total Allocated</b>	<b>623</b>	<b>\$13,437,500*</b>

\* \$200,000 remains unallocated and will be used to cover unforeseen expenses

# Legislative Focus on Strengthening Community Supervision

## 79<sup>th</sup> Texas Legislature - New Diversion Program Funding (continued)

### Rider 79. Monitoring of Community Supervision Diversion Funds

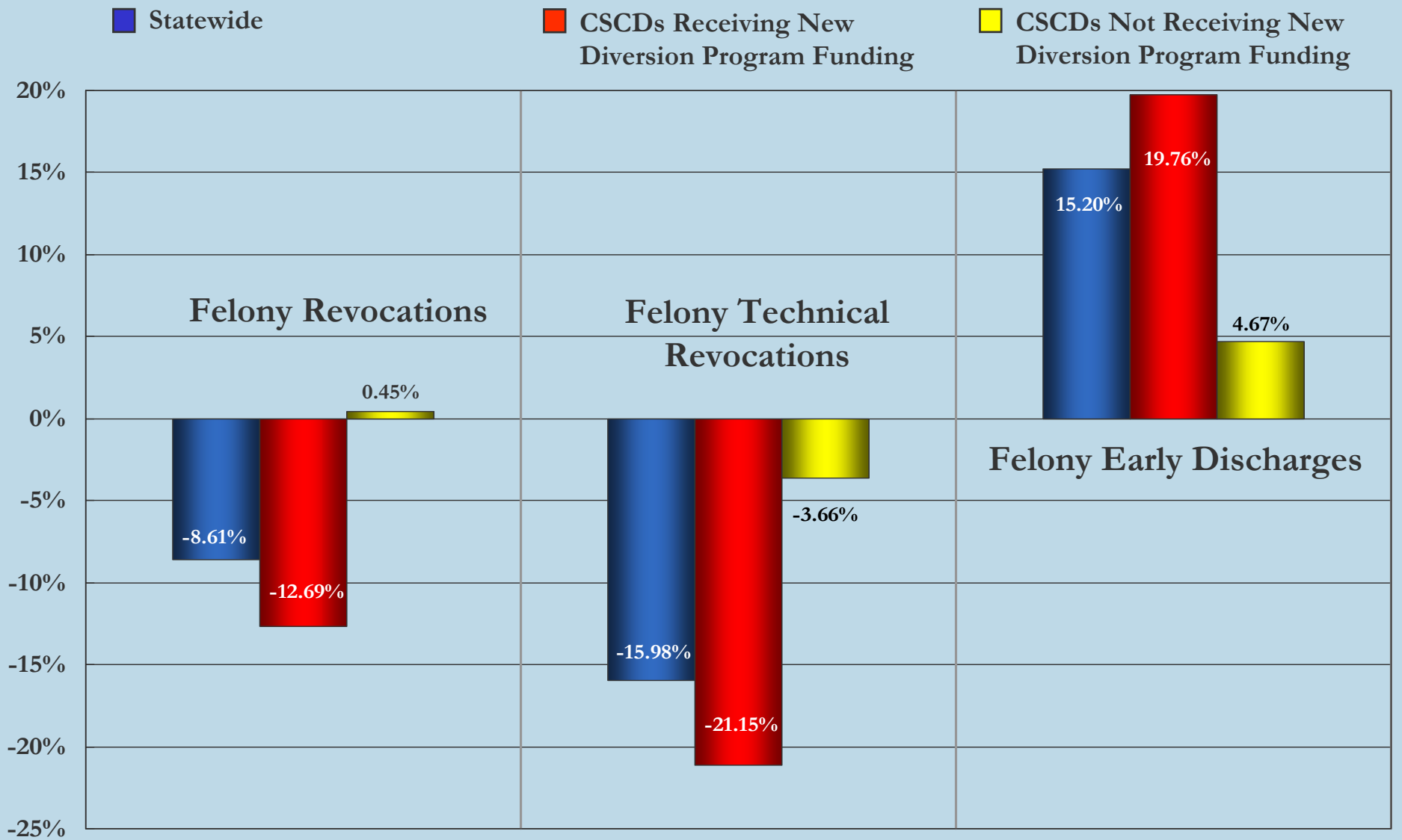
- Specifies that TDCJ-CJAD shall develop a specific accountability system for monitoring, tracking, utilization, and effectiveness of diversion funds
- Eight evaluation criteria have been established to track the impact and effectiveness of diversion funds (For more information see Appendix B: Evaluation Criteria Definitions)
  - Change in Felony Probation Placements compared to FY 2005
  - Average Community Correctional Facility Population compared to FY 2005
  - Numeric Increase in Community Supervision Officers Employed compared to FY 2005
  - Numeric Reduction in Caseload Size compared to FY 2005
  - Percent Reduction in Felony Revocations to TDCJ-CID compared to FY 2005
  - Percent Reduction in Felony Technical Revocations compared to FY 2005
  - Percent Reduction in Felony Termination Revocation Rate compared to FY 2005
  - Percent Increase in Felony Early Discharges compared to FY 2005
- The measures for FY 2006 will be reported quarterly, contrasting FY 2005 performance to FY 2006 performance

# Legislative Focus on Strengthening Community Supervision

## 79<sup>th</sup> Texas Legislature - New Diversion Program Funding (continued)

### Rider 79. Monitoring of Community Supervision Diversion Funds (continued)

#### Evaluation Criteria Highlights, September 2005 – January 2006



## 79<sup>th</sup> Texas Legislature - New Diversion Program Funding (continued)

### Rider 79. Monitoring of Community Supervision Diversion Funds (continued)

- Comparing statewide FY 2005 data with FY 2006 results, additional diversion program funding impacted the first 5 months of FY 2006 by contributing to:
  - 860 fewer felony revocations to TDCJ-CID
  - 915 fewer felony technical revocations to TDCJ-CID
  - 237 more felony early discharges from community supervision
  - 142 more Community Supervision Officers (CSOs) working with offenders
- TDCJ-CJAD is still in the initial phase of implementing funding. This data represents the first 5 months of the 24 month funding period of this biennium. Some of these funds are still being operationalized.
  - The CSCDs continue to hire CSOs with the new diversion program funding and to replace officers who were promoted into positions working with medium and high risk offenders.
  - Two additional facilities will open during FY 2006, including the Bexar County facility on April 1, 2006 and the Harris County facility on June 1, 2006.

# Legislative Focus on Strengthening Community Supervision

## Monitoring of Community Supervision Diversion Funds (continued)

Statewide Evaluation Criteria, September 2005 – January 2006				
Criteria	FY 2005 Baseline	FY 2005 (Sept – Jan)	FY 2006 (Sept – Jan)	Percent Change
Felony Probation Placements	56,454	22,808	22,684	<b>-.54%</b>
Average CCF Population	2,332	2,197	2,287	<b>4.14%</b>
Average CSOs	3,372	3,353	3,495	<b>4.26%</b>
Felony Revocations to TDCJ-CID	24,030	9,986	9,126	<b>-8.61%</b>
Felony Technical Revocations	13,455	5,726	4,811	<b>-15.98%</b>
Felony Revocation Rate	47%	47%	45%	<b>-4.26%</b>
Felony Early Discharges	4,249	1,559	1,796	<b>15.20%</b>
Caseload Size	116	The first quarter caseload size report indicates an average caseload size of 121; the second quarter report will be available in April 2006.		

- As represented above, a website, reporting these results on a quarterly basis, is currently being used
  - The website can be found through the main TDCJ webpage (<http://www.tdcj.state.tx.us/>); click on the Adult Probation Quick Link and then on the icon labeled “Monitoring of Community Supervision Diversion Funds”
- The website reports the results of the evaluation criteria data for each of the 121 CSCDs as well as statewide totals, it is noted on the website which CSCDs received the new Diversion Program funding

# Community Supervision Initiatives





# Community Supervision Initiatives

“The most important finding from the intermediate sanctions literature is that programs must deliver high ‘doses’ of both treatment and surveillance to assure public safety and reduce recidivism. ‘Treatment’ alone is not enough, nor is ‘surveillance’ by itself adequate. Programs that can increase offender-to-officer contact and provide treatment have reduced recidivism.”

Joan Petersilia, Ph.D.

*In Crime: Public Policies for Crime Control*, James Q. Wilson and Joan Petersilia (Eds.), ICS Press, Oakland, California, 2002.

## Evidence Based Practices (EBP)

Research has demonstrated that the implementation of EBP will reduce recidivism.

EBP components include:

- **Assessment of Risk:** The right people in the right programs
- **Assessment of Crime Producing Needs:** Programs target crime-producing behaviors
- **Research-based Strategies:** Programs use structured cognitive-behavioral curricula that target antisocial thinking and other factors related to criminality
- **Motivation:** The programs have a motivation component and trained staff on strategies to strengthen program compliance and completion
- **Peers/Family:** Programs strengthen the family/pro-social peers
- **Aftercare:** Post-release supervision/services are provided to offenders
- **Quality Control:** Programs are evaluated using a research-based process evaluation targeting the critical components of effective programs to ensure that the program is being delivered as it was designed

# Community Supervision Initiatives

## Evidence Based Practices (EBP)

Since 1999, TDCJ-CJAD and CSCDs have focused on implementing effective programming based on local and national research proven to reduce recidivism

- Training and Technical Assistance
  - Trained over 300 Community Supervision Officers and 30 trainers in conducting a cognitive-behavioral program for offenders called “Thinking for a Change”; also provided funding to CSCDs for Motivational Interviewing for Community Supervision Officers
  - Trained teams and provided technical assistance to Community Corrections Facilities (CCFs) to redesign programs and ensure that research-based treatment strategies are utilized
  - The annual Sentencing Conference brings together local sentencing officials with state leadership to discuss the effective and efficient use of community-based sanctions
  - The annual Skills for Effective Intervention Conference has focused on evidence based practices and highlights modules which use research to indicate outcomes
  
- Standards, Programs and Evaluations
  - TDCJ-CJAD incorporated evidence based practices into the Substance Abuse Treatment Standards as required by Texas Government Code §509.015
  - Require the CSCDs’ Community Justice Plans to show how their programs incorporate evidence based practices
  - Began evaluating CCFs using research-based instruments that measure the quality of programs
  - Process evaluations for grant programs

# Community Supervision Initiatives

## Funding Advisory Committee

- Members include the JAC, PAC, CSCDs and TDCJ-CJAD
- The Funding Advisory Committee was established to find solutions to current funding challenges in an effort to increase the effectiveness of community supervision funding
  - Examples for this committee's consideration:
    - ▶ The current methods of per capita funding and reliance on supervision fees are disincentives to early dismissals and shorter probation periods, which have been considered by the legislature.
    - ▶ Additionally, a growing number of CSCD employees are, or will be, eligible to retire soon. This population will result in an increase in the amount of current operational expenses needed to fund retiree insurance.

## Research Council

- Members include CSCD directors, CSCD research and administrative staff, 2 university professors, and TDCJ-CJAD
- The Research Council was established to advise TDCJ-CJAD on research issues, share research conducted locally, and aid in developing collaborative research projects

# Community Supervision Initiatives

## Community Supervision and Tracking System (CSTS) Resource Advisory Committee

- Members include key stakeholders from the JAC, PAC, CSCDs, private software vendors, and TDCJ-CJAD
- CSTS is a statewide offender tracking system for offenders under community supervision. The system is part of the Criminal Justice Information System, which provides information to all areas of the Criminal Justice System
- The Resource Advisory Committee has been established to provide input and guidance during the final implementation of CSTS. After this final implementation stage, all funding and statistical operations will be conducted using the data provided through CSTS

## Strategic Planning Committee

- Members include key stakeholders from the JAC, PAC, CSCDs and TDCJ-CJAD
- Established by the PAC to review the needs of community supervision in Texas and plan for the future
- The committee has developed vision, mission and strategy statements which are currently being reviewed by the CSCDs, JAC, and TDCJ-CJAD for further development

# Appendices



# Appendix A: Progressive Sanctions Models

Progressive Sanctions are a system wide approach designed to give community supervision options for quickly responding to offender violations. Responses are individualized in order to maximize the offender's compliance with conditions of supervision, which, in turn, results in reduced incarceration.

- Progressive Sanctions Program Mission
  - Reduce total felony revocations to TDCJ-CID
  - Enhance community safety by swift, appropriate responses
  - Enhance offenders' successful program completions
  - Increase community supervision completion
- Progressive Sanctions models are able to:
  - Enforce offender compliance
  - Respond to violations
  - Allow for incentives
  - Take into account
    - ▶ Risk/Needs assessment levels of the offender
    - ▶ Criminogenic needs
    - ▶ Severity of the violations
    - ▶ Risk posed by the offender
    - ▶ Threat to community safety posed by the violation

## Appendix B: Evaluation Criteria Definitions

**Felony Probation Placements:** Total number of felony probation placements in the quarter. The source of this data is Felony Community Supervision Placements as reported on the Monthly Community Supervision and Corrections Report (MCSCR).

**Average Community Correctional Facility (CCF) Population:** The average CCF population for the quarter. The source of this data is the Community Corrections Facilities population as reported on the MCSCR.

**Community Supervision Officers (CSOs) Employed:** The average number of CSOs employed in the quarter. The source of this data is the Number of Paid Full-time CSOs as reported on the MCSCR.

**Felony Revocations to TDCJ:** The total number of felony revocations to State Jail and TDCJ during the quarter. The source of this data is the number of Felony Revocations to State Jail and TDCJ as reported on the MCSCR.

**Felony Technical Revocations:** The total number of “Other Reasons for Revocation” reported during the quarter. The source of this data is the number of felony revocations reported as “Other Reasons for Revocation” in the Reasons for Revocations as reported on the MCSCR.

**Felony Termination Revocation rate:** This measure examines the percent of offenders terminating supervision by revocation. This measure is calculated by dividing all felony revocations in the quarter by early terminations plus expirations plus all felony revocations in the quarter.

**Early Terminations:** The total number of felony early terminations reported during the quarter. The source of this data is the number of felony Early Terminations as reported on the MCSCR.