Texas Probation Association

Emerging National Trends and Texas Probation Policies

Dr. Tony Fabelo
The JFA Institute

Austin, Texas

April 2, 2007
Overview

- National Context Creating New Demands
- Capacity Gap
- Texas Potential National Impact
National Context Driving Changes

Prison Expenditures Skyrocketing

- “They Are Going to Be Released Anyway”
- “They Are Going Back to the Same Neighborhoods”
- “They Should Succeed While on Community Supervision”
- “Re-entry”
- “Justice Reinvestment”
- “Evidence Based Practices”
Relentless Increase in States Correctional Populations Since 1990

Source: USDOJ, BJS, Probation and Parole in the US, 2004
Related Increases in Justice Expenditures by All Levels of Government

Justice Expenditures

Direct expenditure by level of government, 1982-2004

- **Local**
  - Increased from $15 billion in 1982 to $100 billion in 2004
  - 366% increase from 1982 to 2004

- **State**
  - Increased from $6 billion to $50 billion
  - 480% increase from 1982 to 2004

- **Federal**
  - Increased from $4 billion to $42 billion
  - 704% increase from 1982 to 2004


- Justice expenditures increased from $36 billion in 1982 to over $193 billion in 2004
- System employed 2.4 million persons in 2003
Corrections Leading the Increases in Expenditures

Justice Expenditures

Direct expenditures for corrections has increased faster than other justice expenditures

$60.8 billion in 2003

Public Safety, Public Spending
Forecasting America’s Prison Population 2007–2011
By 2011, America’s prison population is projected to increase by 192,000 to over 1.7 million inmates. One in every 178 U.S. residents will live in prison.

Federal and state governments are projected to need as much as $15 billion in additional operational funds over the next five years.
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We Have to Release Most Offenders from Prison

95% of all state prisoners will be released from prison at some point

In 2001 there were 592,000 offenders released from prison compared to 405,400 in 1990 (45% increase)

National average time served in prison was 2.4 years in 1999; 4.4 years for violent offenders

Source: USDOJ, BJS, Reentry Trends in the US
Time served: www.albany.edu/sourcebook
We Are Not Doing a Great Job in Preventing Them from Coming Back

51.8% of those released in 1994 returned to prison within 3 years

67.5% of offenders released from prison in 1994 were rearrested after 3 years compared to 62.5% in 1983

Source: USDOJ, BJS, Reentry Trends in the US
“This year, some 600,000 inmates will be released from prison back into society.”

“We know from long experience that if they can't find work, or a home, or help, they are much more likely to commit crime and return to prison.”

“America is the land of the second chance, and when the gates of the prison open, the path ahead should lead to a better life.”

President George W. Bush
State of Union Address, January 20, 2004
Re-entry Model

Offender Accountability Plan → Prison → Risk Based Release

Risk Based Release → Transition Plan

Recovery Model
- Faith Based Communities
- Victim Restorative Justice
- Outcome Based Accountability for Program and Services
- Building Capacity in High Risk Communities

Continuum of State, Local and Community Services
- Substance Abuse, Mental Health, Physical Health, Employment, Housing, Training/Education, Healthy Families/Child Support
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40 percent of prison admissions come from two counties
Wichita to Develop Comprehensive Re-entry/Community Strategy

Prison Admissions per 1,000 Residents

Produced by The Justice Mapping Center with The JFA Institute and the Spatial Information Design Lab, GSAPP, Columbia University
Some ½ mile by ½ mile areas in Phoenix cost
the state between $1 to $2 million dollars a
year each in prison costs. South Mountain
neighborhoods alone account for over $50
million a year.
Ten of Houston’s 88 Neighborhoods Account for Almost $100 million a Year in Prison Expenditures

50% of former prisoners return to neighborhoods that account for only 15% of the City’s adult population
Policies to Reduce the High Percentage of Disconnected Youth in High Poverty Neighborhoods Are Also Critical

Another key indicator of neighborhood conditions is Disconnected Youth: 16 – 19 year-olds who are not working, not in school, and have no high school diploma.

Neighborhoods with High Rates of Disconnected Youth

<table>
<thead>
<tr>
<th>Neighborhood Name</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Downtown</td>
<td>413</td>
<td>38.2%</td>
</tr>
<tr>
<td>(2) Eastex-Jensen Area</td>
<td>401</td>
<td>20.7%</td>
</tr>
<tr>
<td>(3) Spring Branch Ctr.</td>
<td>368</td>
<td>19.8%</td>
</tr>
<tr>
<td>(4) Spring Branch East</td>
<td>308</td>
<td>18.9%</td>
</tr>
<tr>
<td>(5) Gulfton</td>
<td>527</td>
<td>18.6%</td>
</tr>
<tr>
<td>(6) Greater Greenspoint</td>
<td>362</td>
<td>16.7%</td>
</tr>
</tbody>
</table>

Neighborhoods with 300 or more 16 – 19 year olds and > 15% not working/not in school/no diploma.
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“They Should Succeed While on Community Supervision”

“Evidence Based Practices”
Probation System Has the Highest Number of Offenders

<table>
<thead>
<tr>
<th>TABLE 1</th>
<th>Adult Correctional Populations, 1980–2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>1980</td>
</tr>
<tr>
<td>Probation</td>
<td>1,118,097</td>
</tr>
<tr>
<td>Jail</td>
<td>183,988</td>
</tr>
<tr>
<td>Prison</td>
<td>319,598</td>
</tr>
<tr>
<td>Parole</td>
<td>220,438</td>
</tr>
<tr>
<td>Total Adults</td>
<td>1,842,100</td>
</tr>
<tr>
<td>% of Adults Under Corrections</td>
<td>162.8 Million</td>
</tr>
<tr>
<td>% of Adults Under Corrections</td>
<td>1.1%</td>
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</tbody>
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## Need to “Modernize” Probation with “Evidence Based Practices”

<table>
<thead>
<tr>
<th>Assessments based on scientific tools</th>
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<tr>
<td>Supervision strategies targeting criminogenic needs</td>
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<td>Progressive sanctions for violations</td>
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<tr>
<td>Effective principles for programs</td>
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<tr>
<td>Probation officer in “engagement” role</td>
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<tr>
<td>Strategies for special needs offenders</td>
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<td>Partnership and collaboration</td>
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<td>Better use of technology</td>
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<td>Accountability for outcomes</td>
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Moving from supervising “paper” (compliance) to supervising people (changing behavior)
Overview

- National Context Creating New Demands
- Capacity Gap
- Texas Potential National Impact
Rhetoric vs. Reality

Evidence Based Rhetoric ↔ Gap ↔ Implementation Realities
### Gaps

<table>
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<th>Gap</th>
<th>Description</th>
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<tbody>
<tr>
<td>Gap 1</td>
<td>Management Structure</td>
</tr>
<tr>
<td>Gap 2</td>
<td>Assessments, Supervision Strategies, Sanctioning Strategies</td>
</tr>
<tr>
<td>Gap 3</td>
<td>Emphasis on casework</td>
</tr>
</tbody>
</table>

Need to address traditional judges “fiefdoms”

Have to work in unison

Need to reduce caseloads/paperwork
Gaps (cont.)

Gap 3: Programs
- Need capacity and quality

Gap 4: Partnership and collaborations
- Need to be sustained

Gap 5: Accountability and technology
- Need expertise and integration
### You Need to Address All Inter Related Issues to Modernize Organization

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You cannot change one and not the others and expect significant changes in outcomes.
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Travis Probation System as National “Incubator” Site

Travis Community Impact Supervision

Creation of a Central Diagnosis Units Using Diagnosis Tools to Identify Risk and Needs of Offenders

Redesign Supervision Strategies and Conditions of Supervision to Match Needs of Population and Orient System to Neighborhood Based Strategies

Develop Progressive Sanctions for Non-Compliance and Diversion Programs That Meet Quality Criteria

Create Organizational Structure to Promote Accountability for Outcomes and Support the Shift to New Model
Organizational Assessment Identified Weaknesses and Strengths
Process of Organization Change Involved Department Wide Committees and “Court” Community

Travis Community Impact Supervision: An incubator site to improve probation

Dr. Tony Fabelo

The JFA Institute
Austin, Texas Office

Dr. Geraldine Nagy
Director, Travis County Community Supervision and Corrections Department

January 2006
First Goal to Streamlined Paperwork and Create a Central Diagnosis and Intake Process

Travis Community Impact Supervision

Better Diagnosis: The First Step to Improve Probation Supervision Strategies

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Director, Travis County Community Supervision and Corrections Department

June 2006
Validation of Assessment Tools as a Key Step to Assure “Court” Community

Travis Community Impact Supervision
Guiding Justice Decisions with Risk Assessment Instruments

Jason Bryl
Dr. Tony Fabelo
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Dr. Geraldino Nagy
Director, Travis County Community Supervision and Corrections Department

August 2006

Travis Community Impact Supervision
Assessing Supervision Needs: A Profile of the Travis Probation Population

Jason Bryl
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Austin, Texas Office

Dr. Geraldino Nagy
Director, Travis County Community Supervision and Corrections Department

September 2006
One Consolidated Assessment Form Created and Identification of Implementation Logistics Specified

Travis Community Impact Supervision
Resource Report: Central Diagnosis Assessment Forms

Dr. Tony Fabelo
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Director, Travis County Community Supervision and Corrections Department

November 2006

Travis Community Impact Supervision
The Logistics of Implementing a Central Diagnosis Unit

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Donna Farris, MEd, MBA
Division Director, Operations, Travis County Travis County Community Supervision and Corrections Department

January 2006
Set Process and Outcome Accountability Measuring Systems

Travis Community Impact Supervision
Outcome Tracking Reporting for Improving Probation Management Strategies

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January 2007

Travis Community Impact Supervision
Measuring Process Efficiency to Improve Probation Management Strategies

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Research Division, Travis County Community Supervision and Corrections Department

March 2007
Explore Neighborhood Based Strategies

Travis Community Impact Supervision
Thinking About Location: Orienting Probation to Neighborhood Based Supervision

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The JFA Mapping Center

Dr. Tony Fabelo
The JFA Institute
Austin, Texas Office

Dr. Geraldine Nagy
Director, Travis County Community Supervision and Corrections Department

October 2006
Probationers and Parolees Tend to Be Concentrated in “High Stake” Communities Yet Probation and Parole Do Not Coordinate Strategies and Services

Travis County Sector F

Sector F has the highest number of probationer per capita in Travis (24 per 1,000 population)

34% of prison discretionary releases to Austin are also in this area
Thinking About High Stake Communities Can Even Encourage a Better Utilization of Present Resources Like Probation Supervision

Austin, Travis County

<table>
<thead>
<tr>
<th></th>
<th>Maximum</th>
<th>Medium</th>
<th>Minimum</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Average</td>
<td>28</td>
<td>70</td>
<td>22</td>
<td>120</td>
</tr>
<tr>
<td>ZIP 78745 Counts</td>
<td>200</td>
<td>361</td>
<td>127</td>
<td>688</td>
</tr>
</tbody>
</table>

688 probationers in zip 78745 are presently assigned to 72 different officers
Probation Caseloads Could Be Organized More Effectively Around “High Stakes” Neighborhoods

Austin, Travis County

688 probationers in zip 78745 could be assigned to 6 officers working in the neighborhood instead of 72 different officers from a “central” office.
Create a Uniform Sanctioning Policy

Current Sanctions Process

Probation Violation

Department Wide Uniform Judicial Sanctioning Policy

Supervisory Hearing → Non-Compliance

Administrative Hearing → Non-Compliance

Violation Report by PO Reviewed by Supervisor

Intervention or Sanction

Revocation Recommended

Revocation Review Staffing

Intervention or Sanction

VR submitted to Court with Amended Conditions

VR submitted to Court
Progressive Sanctions and Incentives Structure

PROGRESSIVE SANCTIONS AND INCENTIVES IN TRAVIS COUNTY

COUNTY OF TRAVIS
STATE OF TEXAS

Dr. Geraldine Nagy
DIRECTOR

February 2007

GUIDELINES FOR GRADUATED VIOLATIONS

Control Condition Violation

- Failure to pay fees (e.g., fine, court costs, probation fees, DPR fees, special education fees)
- Failure to attend community service hours
- Failure to attend Adult Education/Traffic Safety classes (DV School)
- Failure to attend 120 hours of court-mandated work
- Commission of a new offense (e.g., Class C)
- Failure to obey an order placed by a court
- Failure to complete any condition
- Failure to appear for a hearing
- Failure to comply with community service
- Failure to successfully complete drug or alcohol treatment
- Possession of a firearm or prohibited weapon
- Failure to comply with any condition
- Commission of a new offense

Non-Violent Violations

Low Severity

- 1
- 1
- 1
- 1
- 1
- 1
- 1
- 1
- 1
- 1
- 1
- 1

Medium Severity

- 2
- 2
- 2
- 2
- 2
- 2
- 2
- 2
- 2
- 2
- 2
- 2

High Severity

- 3
- 3
- 3
- 3
- 3
- 3
- 3
- 3
- 3
- 3
- 3
- 3

Treatment Condition Violation

- Negative urine or blood test
- Failure to attend AA/NA meetings
- Failure to attend drug counseling
- Failure to attend cognitive classes
- Failure to participate in assessment and testing
- Failure to participate in speciated treatment
- Failure to participate in drug counseling
- Failure to attend outpatient treatment
- Failure to report to Treatment
- Failure to report to Treatment

Non-Violent Violations

Low Severity

- 1
- 1
- 1
- 1
- 1
- 1
- 1
- 1
- 1
- 1

Medium Severity

- 2
- 2
- 2
- 2
- 2
- 2
- 2
- 2
- 2

High Severity

- 3
- 3
- 3
- 3
- 3
- 3
- 3
- 3

High

Medium

Low
Next Steps

- **In process:**
  - Personnel evaluation strategy
  - Revocation analysis and tracking process
  - Review of residential facility
  - Employment pilot for drug offenders

- **Next year:**
  - Program quality inventory and “certification”
  - Monitoring compliance with organizational changes
  - Effectiveness evaluation
Reports in Web Site

Travis Community Impact Supervision

http://www.co.travis.tx.us/community_supervision/TCIS_Initiative.asp
Texas Incarceration Policy Being Reinforced with a Risk Reduction Strategy Under Consideration in the Legislature

- **Risk Containment Strategy**
  - Incapacitate to Contain Risk
  - Incarceration for Punishment and Retribution

- **Risk Reduction Strategy**
  - Change Behavior and Conditions that Creates Risk
Senate Finance Committee Proposed Probation Package

Felony Probation Population Under Supervision in FY 06
159,786

Number of Probation Revocations FY06
23,610

SAFPs (Mainly in lieu of revocation)
Present Capacity: 3,250 beds
Plan Adds: 1,800 beds

Probation Residential Treatment Beds
Present Capacity: 2,045
Plan Adds: 800 Beds

Mental Health Pre-Trial Diversion Funding
Serves 1,500 new per year

$25.6 Million

$71.1 Million

$10 Million

$10 Million + $10 million Basic Sup

$10 million

Additional Probation Outpatient Treatment
Serves 2,984 new per year

State Jail Therapeutic Treatment for 1,200 offenders added (none presently)

$5.8 Million

$25.6 Million

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Serves 1,500 new per year

$10 Million

$10 Million + $10 million Basic Sup

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$5.8 Million
TDCJ Population in FY 06: 152,889
Parole Supervision Population in FY 06:
- Jurisdiction: 101,073
- Active: 76,791

Prison Releases: 41,177
Revocations: 9,885

IPTC (In prison substance abuse beds):
- Present Capacity: 537 beds
- Plan Adds: 1,500 beds

DWI Treatment Facility:
- 500 Beds

Probation/Parole Intermediate Sanction Beds:
- Present Capacity: 439 Probation
- 1,802 Parole
- Plan Adds: 1,400 Beds

Halfway Houses:
- Present Capacity: 1,199 Beds
- Plan Adds: 600 Beds

Senate Finance Committee Proposed Treatment and ISF Package

Total Package: $211.1 Million

- $28.7 Million
- $30.1 Million
- $9.1 Million
- $10 Million

- $10 Million
- $9.1 Million
- $30.1 Million
- $28.7 Million
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Thank You