Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds

December 1, 2008

Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds

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INTRODUCTION

The 79th Legislature allocated approximately $55.5 million in new funds for Strategy A.1.2. Diversion Programs for the FY2006-2007 biennium. As a result of this funding, the Texas Department of Criminal Justice – Community Justice Assistance Division (TDCJ-CJAD) awarded:

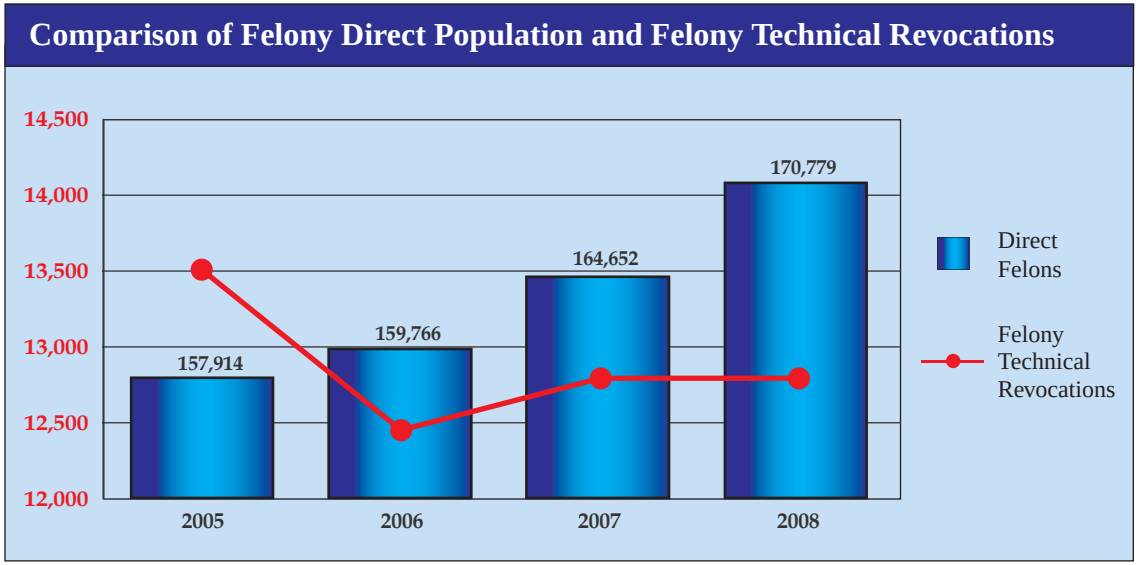
- 26 caseload reduction and aftercare caseload diversion grants, and
- 11 residential treatment diversion grants.

Additionally, the 80th Legislature provided significant new funding intended to further strengthen community supervision. This new funding allowed TDCJ-CJAD to award an additional 35 outpatient substance abuse treatment grants and provide for new residential treatment beds. These funds are intended to strengthen community supervision by reducing caseloads, increasing availability of substance abuse treatment options, reducing revocations to prison by utilizing progressive sanctions models, and providing more community supervision options for residential treatment and aftercare.

As a result of this new funding and related legislation, the legislature required TDCJ-CJAD to publish annually a monitoring report on the impact of this new funding (the full text of each reporting requirement is available in later sections). This report will further document the impact that these new initiatives have had on community supervision in Texas. This series of reports has been published since 2005 under the title of *Report to the Governor and Legislative Budget Board on Monitoring of Community Supervision Diversion Funds* and is available on the TDCJ website.

IMPACT OF ADDITIONAL DIVERSION FUNDING

The felony direct probation population has been rising since FY2005, to a total of 170,779 in FY2008. At the same time, felony revocations, and especially felony technical revocations, have either gone down or increased slightly.



Introduction

Since FY2006, this expansion in Diversion Program funding has been distributed to 48 Community Supervision and Corrections Departments (CSCDs) statewide. These 48 CSCDs account for 78% of the direct and indirect felons on community supervision in Texas. Since FY2006, these funds have added 1,020 new residential beds and retained 135 Residential Substance Abuse Treatment (RSAT) beds that would have been lost due to cuts in federal programs and approximately 179 contract residential beds.

Cumulatively, departments receiving additional diversion funding had fewer felony revocations in FY2008 than in FY2005, while revocations for departments not receiving any additional diversion funding increased. The following pages provide detailed information on the impact and outcome of:

- Additional diversion funds allocated by the 79th and 80th Texas Legislatures
- Senate Bill (SB) 166: Caseload Reduction
- House Bill (HB) 530: DWI Court Funding
- Rider 89: Medically Targeted Substance Abuse Treatment

EFFECTIVENESS OF DIVERSION FUNDS ALLOCATED BY THE 79TH AND 80TH TEXAS LEGISLATURES

Detailed information on the allocation of the additional diversion funding provided by the 79th and 80th Texas Legislatures was reported in previous December 1st reports. The legislature directed that funding preference should be given to CSCDs using a progressive sanctions model. The following chart is a brief summary of the recent funding allocated by the Texas Legislature.

Additional Funding Provided by the Texas Legislature

79th Legislature

Provided an additional $55.5 million per biennium intended to

- reduce caseloads and
- provide additional residential treatment beds.

80th Legislature

Provided significant new funding intended to further strengthen community supervision.

CSCD Operated

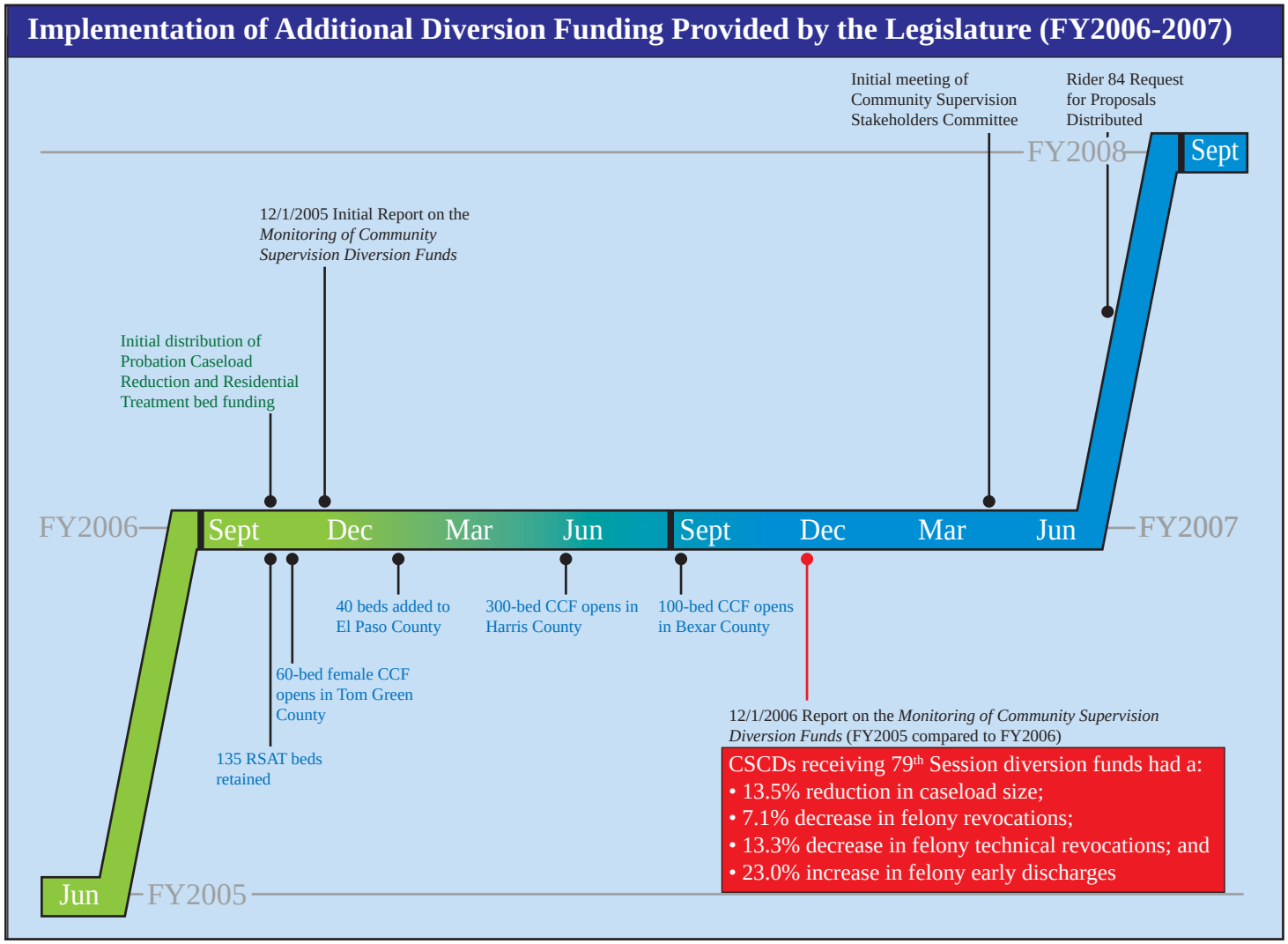
- $32.3 million increase for 800 new Community Corrections Facility (CCF) beds
- $10.0 million increase in Outpatient Substance Abuse Treatment
- $10.0 million increase in Basic Supervision funding
  - an additional $7.5 million due to increase in population projections

TDCJ Operated

- $63.1 million increase for 1,500 new Substance Abuse Felony Punishment (SAFP) treatment beds
- $28.8 million increase for 1,400 new Intermediate Sanction Facility (ISF) beds (shared with parole)
- $10.0 million increase for Mental Health treatment through Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)

Implementation of Funding Provided by the 79th Texas Legislature

The following timeline shows the major milestones achieved in implementing the new diversion program funding provided by the 79th Texas Legislature. Detailed information regarding this funding is provided in the previous December 1st reports.



Implementation of Funding Provided by the 80th Texas Legislature

The implementation of the new funding allocated by the 80th Texas Legislature began in April 2007 when TDCJ-CJAD established the Community Supervision Stakeholders Committee (CSSC) to aid the division with the effective and efficient implementation of the new diversion funding. The CSSC is composed of a diverse representation of community supervision practitioners who include representatives from the:

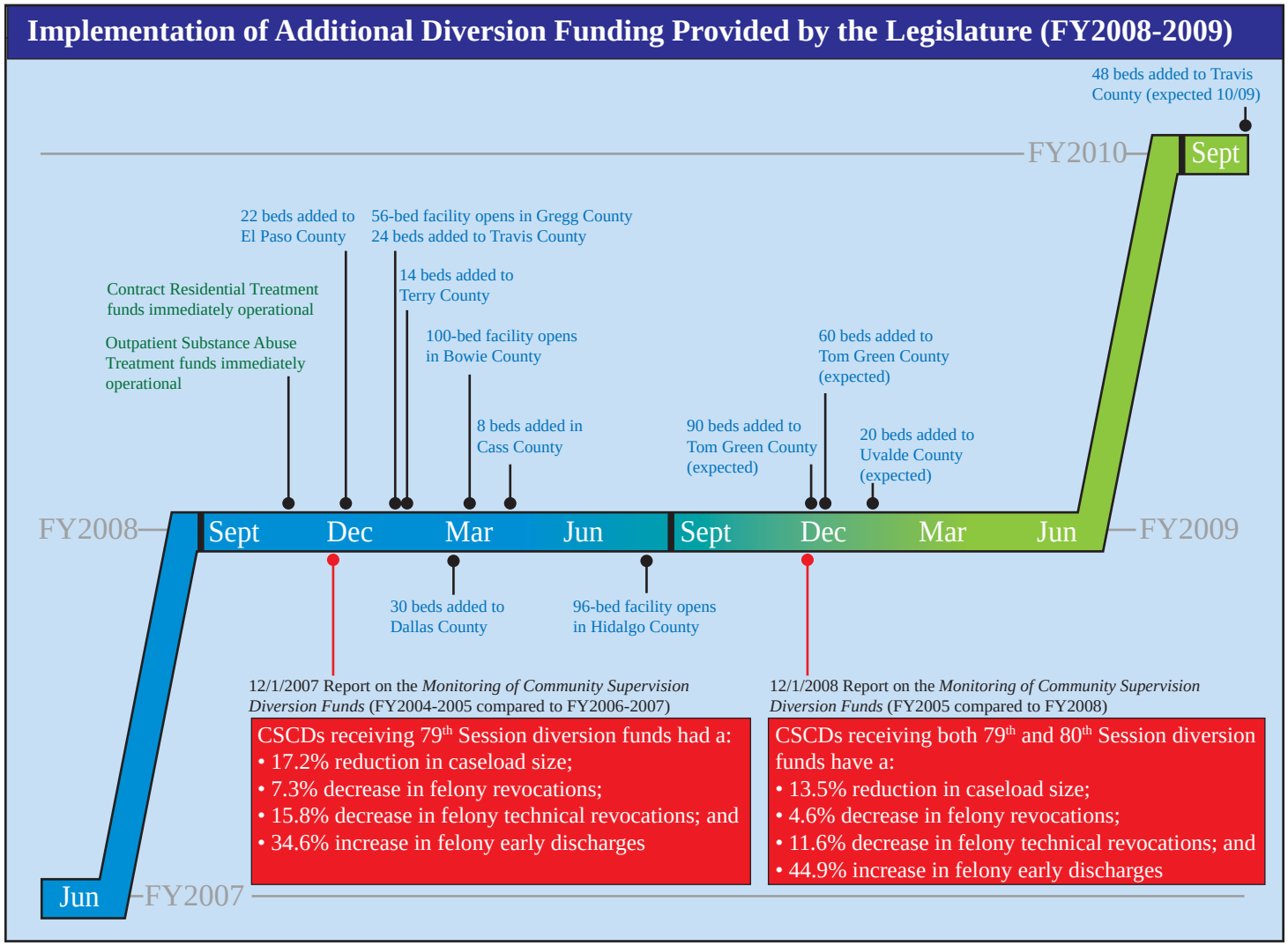
- Judicial Advisory Council
- Probation Advisory Committee
- Strategic Planning Committee
- Texas Probation Association
- Texas Department of Criminal Justice

Since the inception of this committee in April of 2007, there have been nine implementation meetings. The committee recommended that:

- TDCJ operate the Intermediate Sanction Facility (ISF) beds on behalf of the CSCDs.
- These ISFs should include
  - a cognitive treatment track,
  - a substance abuse treatment track, and
  - a substance abuse relapse track.
- Diversion grant funds be used to expand outpatient substance abuse treatment to departments that historically did not have access to the treatment.

The committee continues work on the expansion of:

- An assessment-driven community supervision substance abuse treatment continuum available statewide to encourage the appropriate placement and treatment of offenders; and
- Trainings and education sessions about the continuum and additional diversion initiatives for CSCD staff, judges, district attorneys, and other interested parties.



CSCD OPERATED RESOURCES FOR COMMUNITY SUPERVISION

As reported previously, a request for proposals (RFP) for Rider 84.a. (outpatient substance abuse treatment) and Rider 84.c. (residential substance abuse treatment) funding provided by the 80th Legislature was distributed to CSCDs on July 3, 2007. This new funding was distributed to CSCDs on October 29, 2007. Some portions of this funding became operational immediately as CSCDs were able to expand existing contracts with local treatment providers. The distribution of Riders 84.a. and 84.c. funds for FY2008 are detailed in Appendix A.

In November 2007, the Judicial Advisory Council and TDCJ-CJAD hosted the biennial Sentencing Conference (for judges, district attorneys, defense attorneys, and CSCD directors) to inform attendees about the new diversion funding, goals, and the most effective utilization of these new resources. Additionally, TDCJ-CJAD, in partnership with the Correctional Management Institute of Texas, focused its June 2008 SKILLS for Effective Intervention Conference (for community supervision officers and mid-level supervisors) on the skills and information needed to successfully implement this funding in local communities.

TDCJ OPERATED RESOURCES FOR COMMUNITY SUPERVISION

In addition to the new funding provided directly to the CSCDs, the 80th Legislature also provided TDCJ with funds to strengthen community supervision. All CSCDs have access to Substance Abuse Felony Punishment (SAFP) facility beds, and will have access to Intermediate Sanction Facility (ISF) beds once they are operational.

Substance Abuse Felony Punishment Facilities

Prior to the 80th Legislature, there were 3,250 SAFP beds in TDCJ, and the 80th Legislature provided funding for an additional 1,500 beds. Adult probation utilizes approximately 90% of the agency's total SAFP beds. To date, 676 of the new SAFP beds have been made operational. TDCJ is currently evaluating responses to the most recent RFP, which closed November 14, 2008, for the remaining beds.

Intermediate Sanction Facilities

As noted above, the Community Supervision Stakeholders Committee recommended that TDCJ manage the operation of the ISF beds allocated by Rider 84.b. of the 2007 *General Appropriations Act* (*GAA*). In July of 2007, TDCJ issued an RFP for the 1,400 (700 each for probation and parole) additional ISF beds funded by the 80th Legislature. This RFP included a preference for urban locations to maintain the local nature of community corrections facilities. To date, 273 of the parole ISF beds have been made operational. TDCJ is currently evaluating responses to the most recent RFP which closed November 14, 2008, for the remaining parole and probation ISF beds.

Mental Health Treatment

The 80th Legislature allocated $10 million, for the FY2008-2009 biennium, to the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) to provide mental health services, medications, and continuity of care to juvenile and adult offenders with mental impairments. TCOOMMI and TDCJ-CJAD have targeted a portion of the new funds for 190 residential treatment beds for offenders with mental illnesses and a substance abuse disorder. These targeted beds, located in Bexar, Dallas and Harris counties, provide the courts with a much-needed alternative to incarceration for dually diagnosed probationers.

MONITORING

TDCJ-CJAD developed new audit plans to monitor the new diversion funds:

- Caseload reduction audits to determine accuracy of caseload reports submitted to TDCJ-CJAD;
- Progressive sanctions audits to determine if departments met requirements of the progressive sanctions model and if the models were being implemented as designed;
- Aftercare program audits to review compliance with requirements of aftercare caseload programs; and
- Revocation audits to ensure the effective delivery of programs and services through proper application of progressive sanctions prior to filing a motion to revoke.

MEASURING EFFECTIVENESS

The December 1, 2005 *Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds* established and subsequent reports used evaluation criteria to monitor the impact of new diversion funds. TDCJ-CJAD is using seven criteria in this report to monitor the impact of the additional diversion funding appropriated by the 80th Texas Legislature. The evaluation criteria are listed below, and definitions of each are in Appendix B:

- Percent Reduction in Felony Revocations
- Percent Reduction in Felony Technical Revocations to TDCJ-CID
- Percent Reduction in Caseload Size
- Percent Increase in Felony Early Discharges
- Change in Felony Probation Placements
- Average Community Corrections Facility Population
- Numeric Increase in Community Supervision Officers Employed

In addition to this yearly report, TDCJ-CJAD has established a website to report and compare statewide and CSCD-specific monitoring results for each of the evaluation criteria since the new funding from the 79th Legislature. The evaluation criteria website can be accessed via the TDCJ website at www.tdcj.state.tx.us. Click the "Adult Probation (CJAD)" Quick Link on the right side, and then click the icon labeled "Monitoring of Community Supervision Diversion Funds."

Previous reports organized CSCDs into three categories: Received New Funding, Did Not Receive New Funding, and Declined New Funding. In order to continue monitoring the effectiveness of diversion funds provided by the 79th Legislature, while at the same time analyzing the effectiveness of new funds provided by the 80th Legislature, CSCDs have been organized into three new categories for this report.

Effectiveness of Diversion Funds Allocated by the 79th and 80th Texas Legislatures

Three Categories of CSCDs	
% of Statewide Felony Population	**Category**
66%	**FY2006-2007 and FY2008-2009 Diversion Funded** CSCDs (26) which received funding from the additional diversion funds appropriated by the 79th and 80th Texas Legislature. One CSCD continued FY2006-2007 additional diversion funding and did not receive new FY2008-2009 diversion funding.
12%	**FY2008-2009 Diversion Funded Only** CSCDs (22) which received funding from the additional diversion funds appropriated by the 80th Texas Legislature that did not receive diversion funds in FY2006-2007.
22%	**Did Not Receive New Funding** CSCDs (74) which did not receive any of the additional diversion funds appropriated in FY2006-2007 or FY2008-2009.

Additional diversion monies were first distributed in the FY2006-2007 biennium. As the most recent fiscal year prior to the new FY2006-2007 diversion funding, **FY2005 was used as a baseline** against which to evaluate FY2008 results. Changes in the evaluation criteria between FY2005 and FY2008 were calculated and used to assess effectiveness.

OUTCOME RESULTS

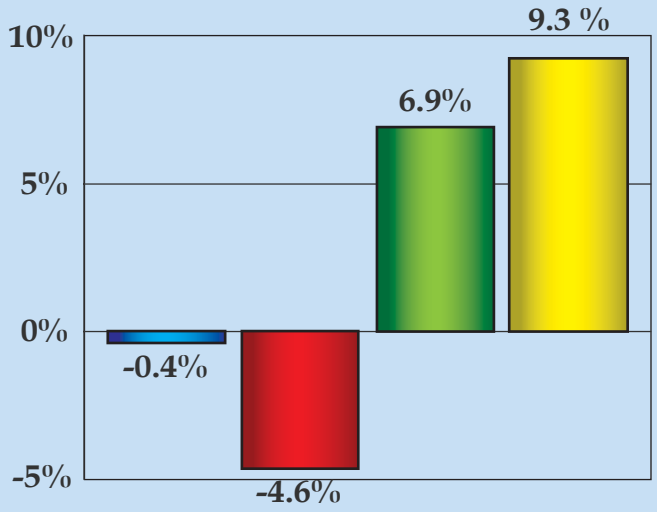
Analysis of the evaluation criteria shows that CSCDs receiving additional diversion funding had the most positive outcomes. Cumulatively, departments that received additional diversion funding in FY2006-2007 and FY2008-2009 had the largest:

- Reductions in felony revocations;
- Reductions in technical revocations;
- Increase in early discharges;
- Reductions in caseload size; and
- Increase in felony community supervision placements.

Departments receiving only FY2008-2009 diversion funding have more positive outcomes than departments which have not received any additional diversion funding. Additionally, because this was an implementation year, complete results are not expected until FY2009 and will be reported in the FY2009 *Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds.*

Felony Revocations

Percent Reduction in Felony Revocations, Compared to FY2005



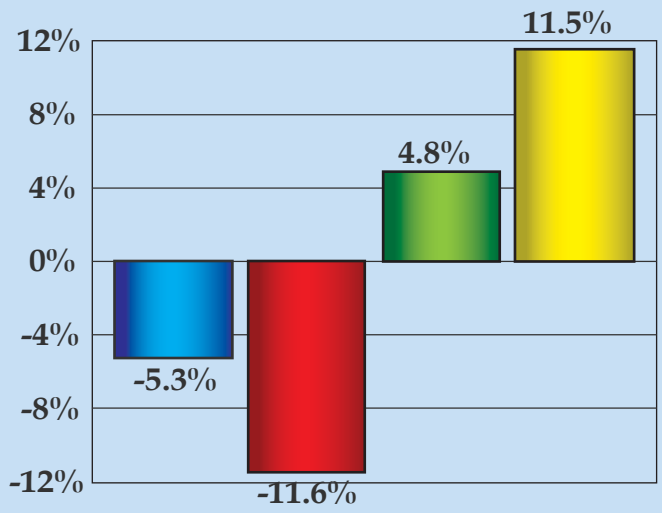
	FY2005	FY2008	Numeric Change
Statewide	24,126	24,028	-98
FY2006 - 2007 & FY2008 - 2009 Diversion Funded	16,404	15,651	-753
FY2008 - 2009 Diversion Funded	2,563	2,739	176
Did Not Receive New Funding	5,159	5,638	479

Departments receiving FY2006-2007 and FY2008-2009 diversion funding had 753 fewer felony revocations to the Texas Department of Criminal Justice – Correctional Institutions Division (TDCJ-CID) in FY2008 than in FY2005, representing a 4.6% decrease. Departments not receiving any additional diversion funding had an increase of 9.3% (479 revocations).

Departments receiving funding beginning in the FY2008-2009 biennium had an increase of 6.9% in felony revocations to TDCJ compared to FY2005; however, there was a 0.8% decrease in felony revocations to TDCJ from FY2007 to FY2008 indicating positive results from the implementation of the new funding. Changes in felony revocations for all CSCDs are presented in Appendix C.

Felony Technical Revocations

Percent Reduction in Felony Technical Revocations, Compared to FY2005



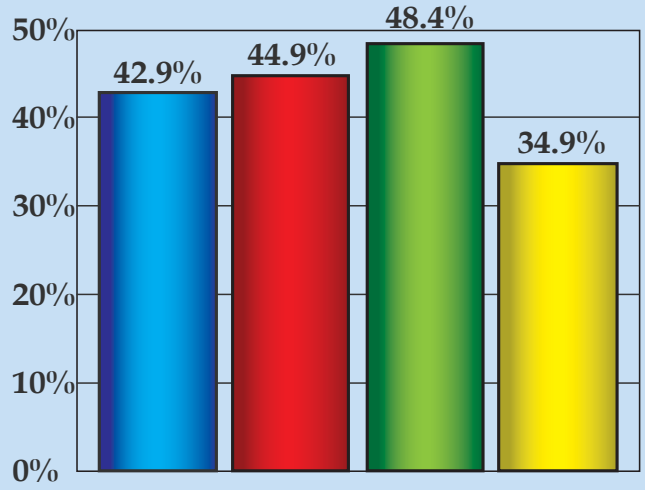
	FY2005	FY2008	Numeric Change
Statewide	13,504	12,788	-716
FY2006 - 2007 & FY2008 - 2009 Diversion Funded	9,437	8,347	-1,090
FY2008 - 2009 Diversion Funded	1,383	1,449	66
Did Not Receive New Funding	2,684	2,992	308

Statewide, felony technical revocations declined 5.3%. Departments receiving FY2006-2007 and FY2008-2009 diversion funding had an 11.6% reduction in felony technical revocations while departments receiving no funding had an 11.5% increase in felony technical revocations.

Departments receiving funding beginning in the FY2008-2009 biennium had a 4.8% increase in felony technical revocations compared to FY2005; however, there was a 2.1% decrease in felony technical revocations from FY2007 to FY2008 indicating positive results from the implementation of the additional diversion funding. These positive results appear to be a result of requirements that funded departments utilize progressive sanctions models in initial responses to technical violations of community supervision conditions, combined with increased funding.

Felony Early Discharges

Percent Increase in Felony Early Discharges, Compared to FY2005

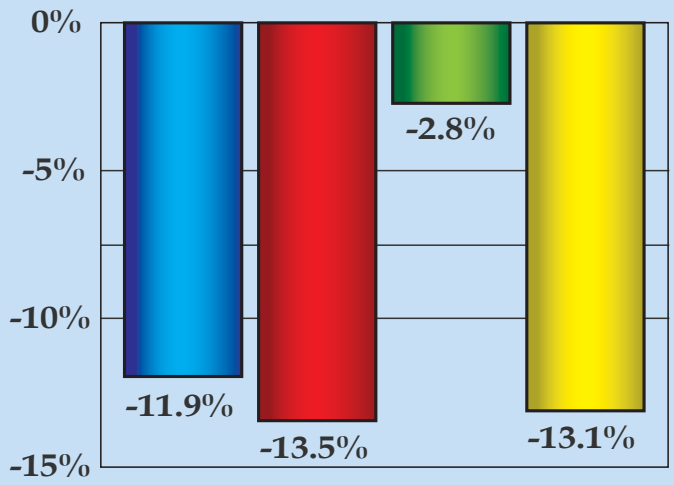


	FY2005	FY2008	Numeric Change
Statewide	4,256	6,083	1,827
FY2006 - 2007 & FY2008 - 2009 Diversion Funded	2,942	4,263	1,321
FY2008 - 2009 Diversion Funded	353	524	171
Did Not Receive New Funding	961	1,296	335

Early discharge for successful probationers was incorporated in progressive sanctions models to provide incentives for probationers to be successful and to decrease caseload sizes. Early discharge from community supervision for successful probationers (as provided in Article 42.12 of the Texas Code of Criminal Procedure) increased by 42.9% statewide. CSCDs receiving additional funding in FY2006-2007 and FY2008-2009 increased early discharges 44.9% from FY2005 to FY2008 while departments that received no additional funding increased early discharges 34.9%.

Caseload Size

Percent Reduction in Caseload Size, Compared to FY2005

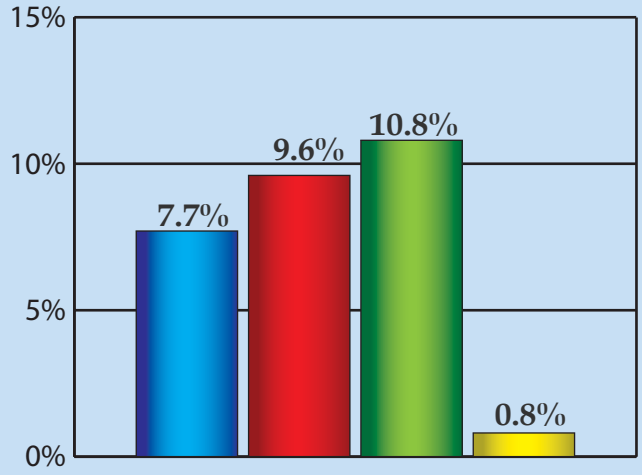


	FY2005	FY2008	Numeric Change
Statewide	121	106.6	-14.4
FY2006 - 2007 & FY2008 - 2009 Diversion Funded	125.5	108.5	-17
FY2008 - 2009 Diversion Funded	101.8	99.0	-2.8
Did Not Receive New Funding	120.8	105.0	-15.8

In FY2008, caseload size decreased 11.9% statewide compared to FY2005, led by a 13.5% reduction in caseload size for departments receiving additional diversion funding in FY2006-2007 and FY2008-2009.

Felony Community Supervision Placements

Percent Increase in Felony Community Supervision Placements, Compared to FY2005



	FY2005	FY2008	Numeric Change
Statewide	56,455	60,824	4,369
FY2006 - 2007 & FY2008 - 2009 Diversion Funded	37,567	41,187	3,620
FY2008 - 2009 Diversion Funded	5,962	6,603	641
Did Not Receive New Funding	12,926	13,034	108

Felony community supervision placements increased 7.7% statewide compared to FY2005. CSCDs receiving additional diversion funding in FY2006-2007 and FY2008-2009 increased felony community supervision placements by 9.6% and CSCDs receiving additional diversion funding in FY2008-2009 increased felony community supervision placements 10.8%. CSCDs receiving no additional diversion funding increased felony placements by 0.8%.

Increases in felony community supervision placements contributed to increases in the felony direct and indirect community supervision population. The statewide felony direct and indirect community supervision population increased 3.1% from FY2005 to FY2008. However, the number of felony revocations to TDCJ-CID statewide decreased 0.4% in the same timeframe.

Effectiveness of Diversion Funds Allocated by the 79th and 80th Texas Legislatures

The final two evaluation criteria are the average community corrections facility population and the number of community supervision officers employed. Results statewide and for the three categories are displayed in the following two charts.

Average Community Corrections Facility Population, Compared to FY2005				
Categories	**FY2005**	**FY2008**	**Numeric Change**	**% Change**
Statewide	2,333	2,752	419	18.0%
FY2006-2007 & FY2008-2009 Diversion Funded	1,853	2,223	370	20.0%
FY2008-2009 Diversion Funded	386	435	49	12.7%
Did Not Receive New Funding	94	94	0	0.0%

Community Supervision Officers Employed, Compared to FY2005				
Categories	**FY2005**	**FY2008**	**Numeric Change**	**% Change**
Statewide	3,369	3,491	122	3.6%
FY2006-2007 & FY2008-2009 Diversion Funded	2,207	2,356	149	6.8%
FY2008-2009 Diversion Funded	466	446	-20	-4.3%
Did Not Receive New Funding	696	689	-7	-1.0%

Despite the 3.1% increase in direct and indirect felony offenders under community supervision, felony revocations to TDCJ have decreased 0.4%, *one indicator that the investments in community supervision by the 79th and 80th Texas Legislatures are providing positive results.*

MOVING FORWARD

Increasing Successful Probationers

TDCJ-CJAD and the CSCDs are working together to decrease felony revocations with the new funding provided by the legislature. The following chart highlights the ten largest CSCDs (all of which received funding from both the 79th and 80th Legislative Sessions) and captures their felony revocations from FY2005 to FY2008.

Top Ten Most Populous CSCDs

CSCD	FY2008 Felony Population	Percent of State Felony Population	FY2005 Revocations	FY2008 Revocations	Change in Revocations	Percent Change in Revocations
Dallas	31,701	13.2%	3,183	2,841	-342	-10.7%
Harris	24,456	10.2%	3,549	3,067	-482	-13.6%
Bexar	13,280	5.5%	816	1,468	652	79.9%
Tarrant	12,357	5.1%	1,733	1,441	-292	-16.8%
Hidalgo	10,386	4.3%	703	662	-41	-5.8
El Paso	10,026	4.2%	594	544	-50	-8.4%
Travis	9,196	3.8%	1,052	846	-206	-19.6%
Cameron	5,348	2.2%	357	297	-60	-16.8%
Nueces	5,018	2.1%	505	559	54	10.7%
Collin	3,932	1.6%	239	458	219	91.6%

Decrease in Revocations Increase in Revocations

Despite new funding, a number of CSCDs still have increasing felony revocation rates. TDCJ-CJAD is requesting an explanation and a plan from CSCDs with the highest increases in revocations despite significant new funding and treatment options. The division will be working with those CSCDs.

Recruit and Retain Quality Community Supervision Officers and Direct Care Staff

One of the challenges to reducing felony revocations is recruiting and retaining a qualified workforce. The TDCJ Legislative Appropriations Request (LAR) to the 81st legislature specifies that in order to have a positive impact on public safety, community supervision must be able to:

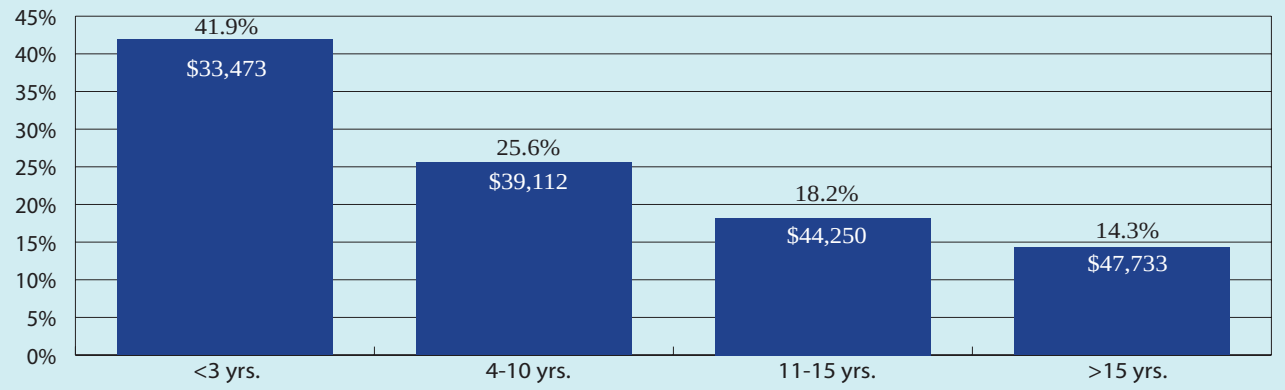
- Recruit and retain high-quality community supervision officers and direct care staff to provide vital offender supervision, and
- Maintain resources needed for successful offender behavior change.

High levels of voluntary turnover by probation officers and direct care staff in CSCDs have contributed to unstable caseload sizes, inexperienced staff, training issues, decreased quality of supervision, and lower staff morale. In March 2008, at the request of the Probation Advisory Committee, TDCJ-CJAD facilitated surveys with the CSCDs to provide specific salary and turnover data for community supervision officers and direct care staff. The significant findings of the surveys are outlined below.

2008 Salary Survey

The salary survey utilized CSCD personnel records for demographic, salary, education, and job duty data for all CSOs and other CSCD direct care staff employed by a CSCD on December 31, 2007.

Years in Current Job Classification and Average Salary (Community Supervision Officers, excluding CSCD Administrators)



Years in Current Job Classification indicate the number of years a probation officer has been employed in their current position or a position with similar job duties and functions. For example, a probation officer who has 2 years experience as a regular CSO and 3 years experience as a CSO supervising a specialized caseload would be counted as having 5 years in the current job classification.

Community Supervision Officers

- 41.9% of probation officers have been in their current job classification 3 years or less. Probation officers with 3 years or less experience earn an average salary of $33,473.
  - This represents an increase from a 2002 survey conducted by CJAD which found approximately 33% of CSOs had been in their current position for 3 years or less.
  - 23.6% of full-time probation officers have been in their current job classification one year or less. The average salary for a beginning probation officer (employed one year or less) is $32,703.

Direct Care and Program Staff

- 52.9% of counselors and program staff earn $35,000 or less per year.
- 44.3% of counselors and program staff have been in their current job classification 3 years or less. Counselors and program staff with 3 years or less experience earn an average salary of $33,190.

Residential Staff

- 66.8% of residential staff earn $30,000 or less per year.
- 33.2% of residential staff earn $25,000 or less per year.
- 52.0% of residential staff have been in their current job classification 3 year or less. Residential staff with 3 years or less experience earn an average salary of $25,623.

There is a growing shortage of experienced probation officers and direct care staff in CSCDs.

1 out of 4 current probation officers has one year or less of job related experience and earns an average salary of $32,703.

In 2002, 3 out of 10 probation officers had three years or less of job related experience.

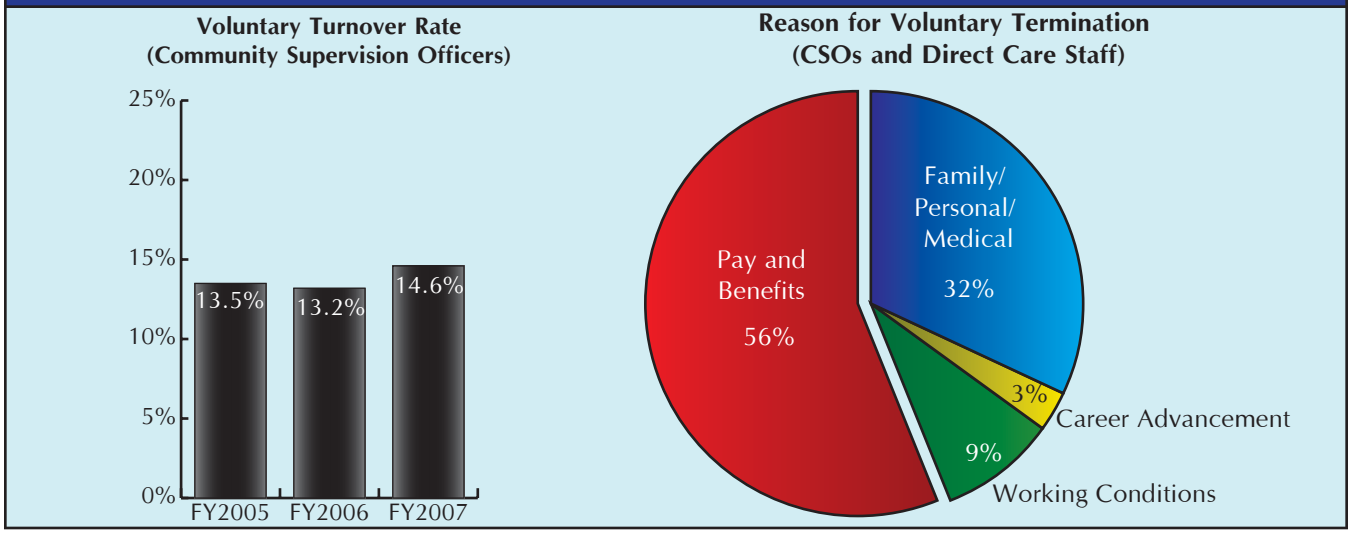
In 2008, 4 out of 10 current probation officers have three years or less of job related experience.

1 out of 2 residential staff has three years or less of job related experience and earns an average salary of $25,623.

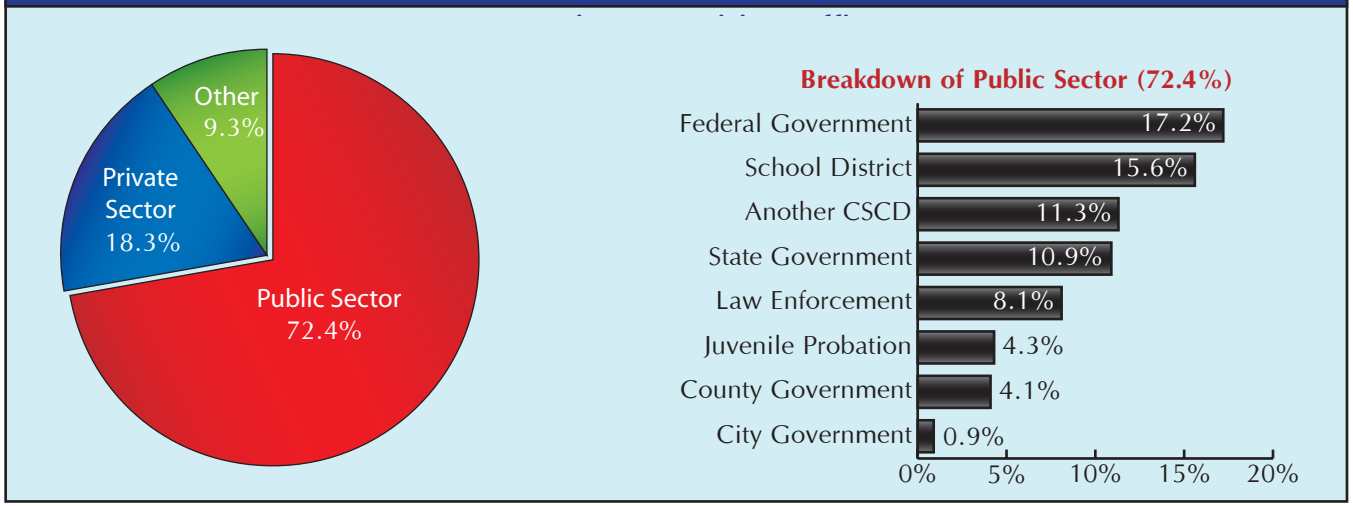
2008 Turnover Survey

The turnover survey utilized CSCD personnel records for voluntary and retirement turnover data for FY2005-FY2007 and departure data for all staff who terminated employment with the CSCD in FY2007, including departure reason and departure destination. Below, the first chart shows voluntary turnover rates and reasons for voluntary termination; the second chart singles out CSOs to show the reported destinations for their voluntary termination.

Voluntary Turnover Rate and Reasons for Voluntary Termination



Reported Destinations for Voluntary Terminations of Community Supervision Officers



PRISON DIVERSION PROGRESSIVE SANCTIONS PROGRAM

Senate Bill (SB) 166 from the 80th Texas Legislature added §509.016 to the Texas Government Code, which required TDCJ-CJAD to "*provide grants to selected departments for the implementation of a system of progressive sanctions designed to reduce the revocation rate of defendants placed on community supervision*." Additionally, §509.016(c) states:

> *The division shall, not later than December 1 of each even-numbered year, provide a report to the board. The report must state the number of departments receiving grants under this section, identify those departments by name, and describe for each department receiving a grant the components of the department's program and the success of the department in reducing revocations. The report must also contain an analysis of the scope, effectiveness, and cost benefit of programs funded by grants provided under this section and a comparison of those programs to similar programs in existence in various departments before March 1, 2005. The division may include in the report any other information the division determines will be beneficial to the board or the legislature. The board shall forward the report to the lieutenant governor and the speaker of the house of representatives not later than December 15 of each even-numbered year.*

This comprehensive report is intended to fulfill the reporting requirements of this section. TDCJ-CJAD gave grant funding preference to CSCDs that:

- agreed to develop and utilize progressive sanctions models for their departments,
- submitted their locally developed progressive sanctions models to TDCJ-CJAD, and
- based their progressive sanctions models on the elements described in SB166.

The components of the progressive sanctions models the CSCDs were required to submit are listed in Appendix D: Progressive Sanctions Supervision Model.

As referenced earlier in the report, revocations by CSCD are provided in the chart in Appendix C: Revocations by CSCD. In order to remain consistent with the entirety of this report the chart represents changes in revocation between FY2005 and FY2008.

HOUSE BILL (HB) 530 AND DWI COURT FUNDING

House Bill (HB) 530 expanded the number of counties required to establish drug courts, instituted a fee to help fund drug courts, and established drug court programs for persons arrested for, charged with, or convicted of a DWI offense. Additionally, a contingency rider (Article IX, Section 19.08[b]) to this legislation required TDCJ to transfer $270,000 from strategy C.1.10 Contracted Temporary Capacity to Strategy A.1.2 Diversion Programs in FY2008 for the purpose of providing grants to DWI courts or drug courts operating dual DWI/Drug Court programs. No funding was appropriated for this transfer in FY2009. In addition, the rider requires:

> *Counties receiving these grants shall be required to report historical and annual information on DWI offenders to the Community Justice Assistance Division of the Department of Criminal Justice. The Community Justice Assistance Division shall create a uniform data collection instrument to record the progress of the offenders in those programs and shall submit a report on the implementation and effectiveness of the programs to the Legislative Budget Board and the Governor by December 1 of each year.*

TDCJ-CJAD developed and distributed to CSCDs a request for program proposals for DWI drug court funds. The request for proposals was distributed on August 30, 2007 with a deadline of receiving proposals September 24, 2007. Harris County CSCD was awarded a one-time diversion grant for $270,000 for DWI drug court services.

DWI Drug Court Implementation Timeline		
2007	August 30	Request for proposals distributed to CSCDs.
	September 24	Deadline for CSCDs to submit proposals for DWI Court program.
	December 26	Harris County CSCD met with core group of participating Harris County judges to discuss supervision of DWI Court clients.
2008	January 3	TDCJ-CJAD awards Harris County CSCD with a DWI Court grant for $270,000.
	January 5	The first participant began the DWI Court program supervised by a CSO assigned to the court.
	January 7	Harris County CSCD staff met with Harris County judges to discuss implementation issues.
	January 16	Harris County CSCD met with TDCJ-CJAD Research and Evaluation Unit to discuss uniform data collection instrument and evaluation study methodology.
	January 31	Harris County CSCD conducts training on the program for judges and officers involved in the program.
	March 27	Harris County CSCD provides substance abuse overview class to train officers on programs, dynamics of abuse and relapse, treatment modalities, and monitoring systems. The class was repeated two more times during FY2008.
	May	DWI Court program fully operational in 10 of the 15 Harris County Criminal Courts At Law.

Harris County DWI Court Program

The Harris County CSCD DWI Court program is a 24-month program that incorporates the 10 essential characteristics of a drug court program (as stipulated in §469.001, Health and Safety Code) for repeat misdemeanor DWI offenders. The first three phases include approximately 12 months of substance abuse treatment while the fourth phase includes an additional 12 months of aftercare. Participants may also be required to complete residential substance abuse treatment.

All participants are tested randomly for drugs and alcohol and may be monitored using ignition interlock devices. Participants attend individual and group counseling sessions and 12-step program meetings, attend court, meet with a community supervision officer, attend a DWI repeat offender course, and pay fees. Participants are rewarded when compliant with program rules and participation conditions; they are sanctioned for violations of program rules and participation conditions.

Ten Harris County Criminal Courts at Law are participating in the DWI court program as of the date of this publication.

Harris County Criminal Courts Participating in DWI Court Program

Criminal Court At Law	Judge
No. 4	Judge James E. Anderson
No. 5	Judge Margaret Harris
No. 7	Judge Pam Derbyshire
No. 8	Judge Jay Karahan
No. 9	Judge Analia Wilkerson
No. 10	Judge Sherman Ross
No. 11	Judge Diane Bull
No. 12	Judge Robin Brown
No. 13	Judge Mark Atkinson
No. 15	Judge Jean Spradling Hughes

Implementation Challenges

Harris County CSCD has cited difficulties in finding offenders who are willing to participate in the program. Like drug courts, DWI courts are intensive long-term programs that require participants to commit to the demands of the program. Drug court programs can offer incentives, such as dismissed criminal cases and shortened sentences, if participants successfully complete the program. However, statutory limitations prevent DWI courts from offering these incentives. Harris County CSCD stated that:

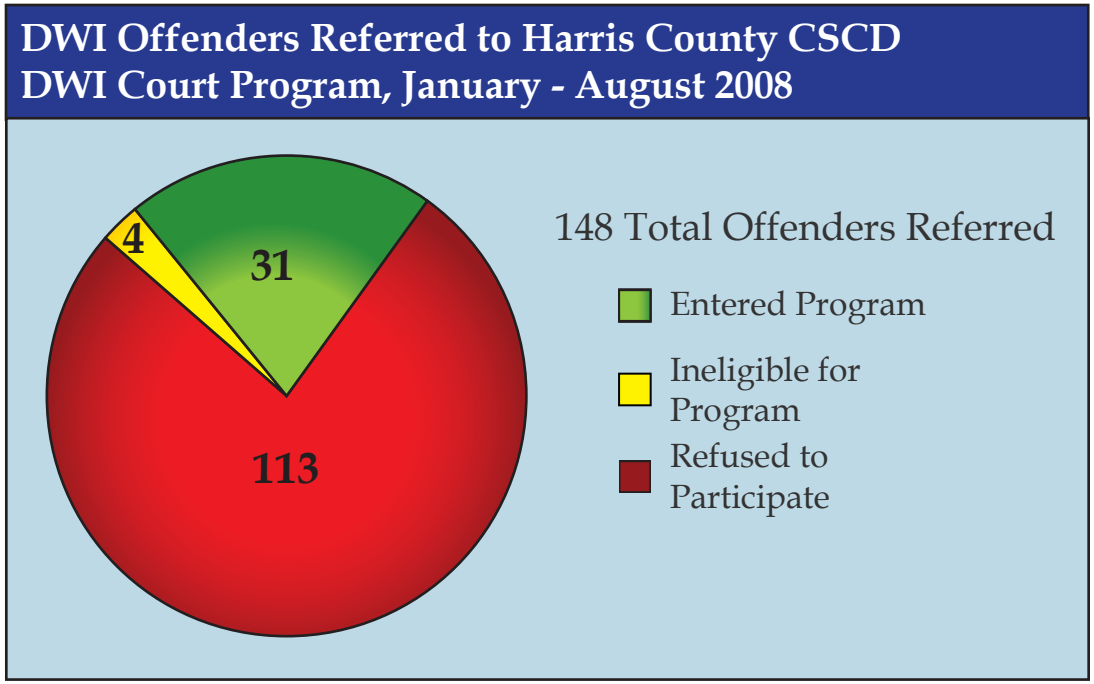
> *"...the absence of any legislative statutes requiring second time DWI offenders to enter this program along with the lack of legal incentives for doing so has resulted in enrollment being much lower than anticipated. Jail time, even long term, seems to be the easier route for most defendants to take."*

It is important to note that statewide, DWI probation placements have dropped from 58,203 in FY2005 to 39,927 in FY2007.

Coordinating exchange of information between the participating entities has posed a challenge for Harris County CSCD. DWI Court programs require communication among a number of entities (CSCDs, judges, court personnel, and staff from the district attorney's office). Plans have been developed to address communication issues during FY2009.

The Harris County CSCD DWI Court began serving offenders on January 5, 2008, since that time 31 offenders have entered the program. As of August 31, 2008, 30 offenders were participating in the program (one offender's supervision was transferred to his jurisdiction of residence). Due to the length of the program, there have been no program completions, and therefore no successful discharges, to date. However, of the 31 offenders who entered the program, Harris County reports:

> *"The community and the clients appear to be benefitting from the enhanced level of supervision and treatment."*



RIDER 89: MEDICALLY TARGETED SUBSTANCE ABUSE TREATMENT

Article V, Rider 89 of the 2007 *General Appropriations Act (GAA)* stipulates that:

> *"From funds appropriated above in Strategy A.1.2, Diversion Programs, $1,000,000 in fiscal year 2008 and $1,000,000 in fiscal year 2009 may be used to provide physician supervised acute medical treatment for methamphetamine and/or cocaine-addicted offenders within the context of an integrated approach that combines medical and psychosocial treatment approaches. The treatment should not be chronic in nature and should not utilize substitute medications that are known to be addictive. Treatment should be administered in an outpatient setting in conjunction with ongoing psychosocial care and medical oversight provided by the contracting entity. The agency shall submit a report to the Legislative Budget Board and the Governor's Office summarizing the effectiveness of the treatment program by December 1, 2008.*
>
> *It is the intent of the Legislature that the Department of Criminal Justice shall give preference to those counties with the greatest need in order to maximize the positive effect of reducing recidivism and providing alternatives to incarceration within the criminal justice system."*

TDCJ-CJAD issued a request for proposals to the CSCDs in September 2007 and issued subsequent requests in October 2007 and June 2008. Three CSCDs received Rider 89 funds for FY2008.

Rider 89 Funds FY2008	
CSCD	Grant Amount
Dallas	$492,715
Harris	$384,950
Nueces	$122,335
TOTAL	$1,000,000

As of the publication of this report:

- Dallas County CSCD continues to hire and train program staff, and their contract with the vendor remains to be finalized by December 2008;
- Harris County CSCD continues to seek a vendor and finalize their program budget; and
- Nueces County CSCD has submitted a program budget and is reviewing the details of their vendor contract.

Below is a timeline detailing TDCJ-CJAD's activities and efforts to implement Rider 89 funds for FY2008:

Rider 89 Implementation Timeline		
2007	September 5	TDCJ-CJAD distributed request for proposals to the 15 CSCDs with the largest direct offender population.
	October 22	TDCJ-CJAD distributed request for proposals to all CSCDs.
	October/ November	TDCJ-CJAD received proposals from Caldwell, Collin, Denton, Lubbock, and Nueces County CSCDs.
	October	TDCJ-CJAD notified Denton County CSCD their RFP was not accepted because of a lack of progressive sanctions model.
	December 20	To comply with the Rider, TDCJ-CJAD notified Caldwell, Collin, Lubbock, and Nueces County CSCDs that funds would not be released until an RFP from a vendor was in place.
2008	March 25	Collin County CSCD notified TDCJ-CJAD they dropped out of consideration for Rider 89 funds.
	March 26	Caldwell County CSCD notified TDCJ-CJAD they dropped out of consideration for Rider 89 funds because they were unable to find a vendor to provide services.
	June 24	TDCJ-CJAD received notice from Lubbock County CSCD declining funding for FY2008 because they were unable to finalize an inter-local agreement with their local MHMR service provider.
	July 23	TDCJ-CJAD distributed request for proposals to Bexar, Dallas, and Harris County CSCDs to use Rider 89 funds for dual diagnosis offenders who are cocaine or methamphetamine addicted and suffer from mental illness.
	July 28	TDCJ-CJAD received proposal from Dallas County CSCD.
	August 1	TDCJ-CJAD received proposal from Harris County CSCD.
	August 25	Final grant award statements for Dallas, Harris and Nueces CSCDs were executed.

APPENDICES

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APPENDIX A: DISTRIBUTION OF FY2008 RIDER 84 DIVERSION PROGRAM FUNDING

FY2008 Outpatient Treatment as Directed by Rider 84a			
CSCD	**FY2008 Grant**	**CSCD**	**FY2008 Grant**
Angelina	$56,671	Lubbock	$210,823
Bell	$15,000	McLennan	$14,400
Bexar	$184,593	Midland	$61,854
Brazoria	$191,472	Moore	$12,102
Brazos	$40,229	Nueces	$58,771
Caldwell	$199,444	Orange	$15,000
Cameron	$123,221	Potter	$187,930
Dallas	$521,383	Reeves	$71,232
Deaf Smith	$35,050	Scurry	$115,316
El Paso	$277,994	Tarrant	$60,327
Ellis	$102,350	Taylor	$88,469
Fort Bend	$126,000	Tom Green	$125,303
Grayson	$209,725	Travis	$630,444
Harris	$821,706	Upshur	$35,157
Hill	$57,510	Uvalde	$7,030
Jefferson	$105,250	Victoria	$34,769
Kleberg	$119,938	Webb	$75,377
Lavaca	$8,160		
Total Allocated			**$5,000,000**

APPENDIX A: DISTRIBUTION OF FY2008 RIDER 84 DIVERSION PROGRAM FUNDING

FY2008 Residential Beds as Directed by Rider 84c (as of August 31, 2008)					
CSCD	**Beds**	**Grant Amount**	**CSCD**	**Beds**	**Grant Amount**
Bowie	100	$1,900,000	Terry	14	$203,116
Cass	8	$101,359	Tom Green (expected)	90	$645,517
Dallas	30	$744,455	Tom Green (expected)	60	$418,928
El Paso	22	$388,303	Travis	24	$580,350
Gregg	56	$937,302	Uvalde (expected)	20	$190,000
Hidalgo	96	$453,050	Funding to Support Lost Beds	144	$2,809,657
Additional Funding Allocated for Residential/Aftercare Treatment					$1,101,280
Total Residential Beds				***664***	***$10,473,317***
FY2008 Contract Residential Beds					
Angelina		$328,560	Lubbock		$169,311
Bell		$120,000	Orange		$50,000
Brazoria		$57,451	Parker		$42,954
Collin		$4,000	Potter		$125,145
Dallas		$694,547	San Patricio		$118,237
Denton		$48,000	Scurry		$71,560
Ellis		$30,000	Tarrant		$287,154
El Paso		$125,000	Tom Green		$115,675
Fort Bend		$590,368	Travis		$643,460
Hidalgo		$14,000	Victoria		$48,000
Kendall		$28,500	Webb		$68,500
Total Contract Residential					***$3,780,422***
Total Allocated					**$14,253,739**

APPENDIX B: DEFINITIONS OF EVALUATION CRITERIA

Appropriations Rider 79 (GAA 2007) requires TDCJ-CJAD to develop an accountability system to track the impact of new diversion program funding targeted at making a positive impact on the criminal justice system. TDCJ-CJAD has identified eight evaluation criteria to track, seven of which are discussed in this report. The TDCJ-CJAD website reports data by quarter comparing the first quarter of FY2005 to the first quarter of FY2006. The website will be updated each quarter of the Fiscal Year. The primary source of data for the Evaluation Criteria website is the Monthly Community Supervision and Corrections Report (MCSCR). The MCSCR is a monthly report submitted by Community Supervision and Corrections Departments (CSCDs) reporting aggregate counts of activities. The evaluation criteria definitions and data sources are detailed below:

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

Caseload Size: The number of direct and pretrial offenders per regular CSO who supervises at least one direct case and spends at least 50% of his or her time on supervision or supervision-related duties.

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.

Felony Community Supervision Placements: Total number of felony community supervision placements in the quarter. The source of this data is Felony Community Supervision Placements as reported on the 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.

APPENDIX C: REVOCATIONS BY CSCD, FY2005 VS. FY2008 (BY NUMERIC CHANGE), PERCENT POPULATION UPDATED 12/9/2008

CSCD	FY2005	FY2008	Numeric Change FY2005-2008	Percent Change FY2005-2008	Percent Change Direct and Indirect Population FY2005-2008
Statewide	24,126	24,028	-98	-0.4%	3.1%
Harris	3,549	3,067	-482	-13.6%	-5.1%
Dallas	3,183	2,841	-342	-10.7%	12.8%
Tarrant	1,733	1,441	-292	-16.8%	7.4%
Travis	1,052	846	-206	-19.6%	-9.5%
Ector	219	152	-67	-30.6%	5.1%
Potter	455	389	-66	-14.5%	1.2%
Denton	294	231	-63	-21.4%	19.5%
Jefferson	454	392	-62	-13.7%	-2.0%
Lubbock	433	371	-62	-14.3%	-1.9%
Cameron	357	297	-60	-16.8%	-3.4%
El Paso	594	544	-50	-8.4%	-13.2%
Wichita	164	115	-49	-29.9%	-11.4%
Kleberg	99	54	-45	-45.5%	-5.6%
Hidalgo	703	662	-41	-5.8%	-1.0%
McLennan	311	272	-39	-12.5%	7.3%
Bowie	147	110	-37	-25.2%	11.0%
Hale	113	82	-31	-27.4%	-11.1%
Howard	72	44	-28	-38.9%	6.6%
Rockwall	94	67	-27	-28.7%	7.6%
Hill	79	54	-25	-31.6%	17.1%
Montague	54	32	-22	-40.7%	10.0%
Brown	79	59	-20	-25.3%	-10.2%
Wood	63	43	-20	-31.7%	7.0%
Angelina	165	146	-19	-11.5%	1.1%
Dawson	62	43	-19	-30.6%	12.1%
Palo Pinto	54	35	-19	-35.2%	48.4%
Webb	100	81	-19	-19.0%	-14.3%
Falls	82	66	-16	-19.5%	1.4%
Fannin	62	47	-15	-24.2%	-4.9%
Fort Bend	158	143	-15	-9.5%	10.5%
Comanche	60	46	-14	-23.3%	7.7%
Caldwell	287	274	-13	-4.5%	2.7%
Nacogdoches	104	91	-13	-12.5%	13.8%

FY2006-2007 and FY2008-2009 Diversion Funded

FY2008-2009 Diversion Funded

Did Not Receive New Funding

APPENDIX C: REVOCATIONS BY CSCD, FY2005 VS. FY2008 (BY NUMERIC CHANGE), PERCENT POPULATION UPDATED 12/9/2008

CSCD	FY2005	FY2008	Numeric Change FY2005-2008	Percent Change FY2005-2008	Percent Change Direct and Indirect Population FY2005-2008
Childress	34	22	-12	-35.3%	17.5%
Lavaca	75	63	-12	-16.0%	4.5%
Andrews	37	26	-11	-29.7%	21.8%
Burnet[1]	70	59	-11	-15.7%	-1.6%
Cherokee	34	24	-10	-29.4%	-13.1%
Moore	48	38	-10	-20.8%	11.6%
Gregg	111	102	-9	-8.1%	12.2%
Starr	38	29	-9	-23.7%	7.5%
Tom Green	233	224	-9	-3.9%	10.6%
Nolan	54	46	-8	-14.8%	8.0%
Pecos	40	32	-8	-20.0%	-19.5%
Floyd	15	8	-7	-46.7%	-17.3%
Lamar	89	82	-7	-7.9%	8.3%
Baylor	13	7	-6	-46.2%	5.1%
Deaf Smith	61	55	-6	-9.8%	-6.8%
Fayette	67	61	-6	-9.0%	-8.3%
Gray	42	37	-5	-11.9%	39.0%
Crockett	19	16	-3	-15.8%	-2.4%
Bell	336	334	-2	-0.6%	-5.6%
Cass	43	41	-2	-4.7%	4.2%
Panola	63	61	-2	-3.2%	11.2%
Crane	5	4	-1	-20.0%	-9.6%
Jim Wells	11	11	0	0.0%	-23.2%
Bastrop	181	182	1	0.6%	-4.8%
Hardin	44	45	1	2.3%	-13.6%
Haskell	21	22	1	4.8%	13.2%
Hockley	36	37	1	2.8%	-7.6%
Uvalde	65	66	1	1.5%	-2.5%
Young	22	23	1	4.5%	-1.1%
Orange	146	148	2	1.4%	-12.5%
Lamb	17	20	3	17.6%	2.1%
Tyler	15	18	3	20.0%	4.3%
Winkler	14	17	3	21.4%	15.9%
Scurry	15	20	5	33.3%	9.0%

FY2006-2007 and FY2008-2009 Diversion Funded

FY2008-2009 Diversion Funded

Did Not Receive New Funding

[1]Burnet County CSCD received FY2006-2007 Diversion Funding Only

APPENDIX C: REVOCATIONS BY CSCD, FY2005 VS. FY2008 (BY NUMERIC CHANGE), PERCENT POPULATION UPDATED 12/9/2008

CSCD	FY2005	FY2008	Numeric Change FY2005-2008	Percent Change FY2005-2008	Percent Change Direct and Indirect Population FY2005-2008
Wilbarger	13	18	5	38.5%	10.0%
Anderson	101	107	6	5.9%	21.3%
Kendall	20	26	6	30.0%	1.7%
Parmer	5	11	6	120.0%	-7.1%
Cooke	38	45	7	18.4%	29.3%
Wheeler	10	17	7	70.0%	31.7%
Erath	56	64	8	14.3%	13.4%
Jones	20	29	9	45.0%	8.9%
Midland	179	188	9	5.0%	22.6%
Upshur	70	79	9	12.9%	-3.8%
Val Verde	23	32	9	39.1%	-4.0%
Hunt	132	142	10	7.6%	12.6%
McCulloch	14	24	10	71.4%	-18.0%
Brazoria	263	274	11	4.2%	4.1%
Harrison	57	68	11	19.3%	29.0%
Hood	68	79	11	16.2%	3.5%
Jack	65	76	11	16.9%	16.3%
Terry	24	36	12	50.0%	4.4%
Hutchinson	47	60	13	27.7%	4.4%
Limestone	87	100	13	14.9%	-9.6%
Milam	36	49	13	36.1%	11.5%
Montgomery	257	270	13	5.1%	5.5%
Coryell	50	64	14	28.0%	13.1%
Kaufman	20	34	14	70.0%	13.4%
Van Zandt	43	58	15	34.9%	8.3%
Atascosa	106	127	21	19.8%	3.6%
Matagorda	102	124	22	21.6%	3.2%
Rusk	20	43	23	115.0%	34.6%
Guadalupe	92	116	24	26.1%	2.0%
Navarro	79	105	26	32.9%	1.8%
Eastland	22	49	27	122.7%	63.2%
Reeves	29	56	27	93.1%	3.3%
Johnson	194	222	28	14.4%	7.2%
Walker	109	137	28	25.7%	-8.5%
Maverick	18	48	30	166.7%	10.5%

FY2006-2007 and FY2008-2009 Diversion Funded

FY2008-2009 Diversion Funded

Did Not Receive New Funding

APPENDIX C: REVOCATIONS BY CSCD, FY2005 VS. FY2008 (BY NUMERIC CHANGE), PERCENT POPULATION UPDATED 12/9/2008

CSCD	FY2005	FY2008	Numeric Change FY2005-2008	Percent Change FY2005-2008	Percent Change Direct and Indirect Population FY2005-2008
San Patricio	86	117	31	36.0%	15.0%
Liberty	122	154	32	26.2%	4.6%
Hopkins	131	165	34	26.0%	9.1%
Parker	91	127	36	39.6%	23.3%
Jasper	43	81	38	88.4%	-4.0%
Brazos	126	165	39	31.0%	2.8%
Morris	46	90	44	95.7%	50.9%
Henderson	120	166	46	38.3%	9.8%
Kerr	99	145	46	46.5%	-1.2%
Taylor	209	259	50	23.9%	7.1%
Victoria	148	198	50	33.8%	11.5%
Williamson	228	278	50	21.9%	16.7%
Nueces	505	559	54	10.7%	13.4%
Smith	316	370	54	17.1%	16.5%
Polk	137	198	61	44.5%	4.0%
Ellis	183	250	67	36.6%	9.9%
Grayson	138	217	79	57.2%	19.9%
Galveston	325	469	144	44.3%	-9.3%
Collin	239	458	219	91.6%	18.5%
Bexar	816	1,468	652	79.9%	7.8%

FY2006-2007 and FY2008-2009 Diversion Funded

FY2008-2009 Diversion Funded

Did Not Receive New Funding

APPENDIX D: PROGRESSIVE SANCTIONS SUPERVISION MODEL

(from July 1, 2006 Diversion Program Funding Announcement)

An acceptable Progressive Sanctions Supervision Model or Court must include the following components:

1. Reduced and specialized caseloads for supervision officers, which may include components such as substance abuse testing of defendants;

   (Explanation: Medium and High Risk offenders will be supervised on reduced and/or specialized caseloads and may use services such as substance abuse testing only as a tool and not as the primary focus of the program.)

2. The creation, designation, and fiscal support of courts and associated infrastructure necessary to increase judicial oversight and reduce revocations;

   (Explanation: Increased use of the courts and judicial intervention is to be used when administering sanctions and incentives.)

3. Increased monitoring and field contact by supervision officers;

   (Explanation: Field contacts should be specific as to quantity and quality in accordance with the Special Grant Conditions.)

4. Shortened terms of community supervision, with increased supervision during the earliest part of the term;

   (Explanation: Contact and supervision is differential based on Risk and Needs levels which are typically higher at the beginning of the supervision term; therefore, increased supervision should occur at the earliest part of probation Defendants should not be kept under supervision for excessively long terms if successful completion of probation conditions warrants early termination.)

5. Graduated sanctions and incentives, offered to a defendant by both the departments and courts served by the department;

   (Explanation: Sanctions are to be spelled out specifically for each violation and should be graduated according to the severity of the violation, severity of the initial offense and risk to the community. A system of incentives will also be developed by the CSCD in conjunction with the Court, and well defined to the community supervision officer. Both sanctions and incentives should be clear and specific and easily understood by the defendant.)

6. The use of inpatient and outpatient treatment options, including substance abuse treatment, mental health treatment, and cognitive and behavioral programs for defendants. For identified need areas, TDCJ-CJAD approved assessment/evaluation instruments should be utilized to ensure offender placement into appropriate levels of treatment/intervention.

APPENDIX D: PROGRESSIVE SANCTIONS SUPERVISION MODEL

(from July 1, 2006 Diversion Program Funding Announcement)

(Explanation: All available treatment resources should be identified and used.)

7. The use of intermediate sanctions facilities;

(Explanation: ISFs should be used as part of the progressive sanctions when numerous other interventions have been attempted but have failed to prevent the offender from continuing to violate conditions of supervision.

8. The use of community corrections beds; (Explanation: Community corrections beds including various types of treatment facilities and restitution centers will be used as part of the sanctions and services. Jail time should be considered before a defendant is ordered into a community corrections facility.)

9. Early termination strategies and capabilities; (Explanation: Early termination strategies should be spelled out specifically, including time frames for judicial review, and used as an appropriate incentive.)

10. Gang intervention strategies; (Explanation: Gang intervention strategies should be developed, including identification of gang members and services used for high risk offenders.)

11. Risk assessment techniques and reassessment techniques; and (Explanation: The type of Risk/Needs assessments and reassessments used will be identified. Determining risk/needs levels is integral to determining the amount of contact and supervision needed and to focusing sanctions and services on medium and high risk offenders.)

12. A method of tracking and reporting revocations. (Explanation: It is crucial to have a method of tracking and reporting revocations as well as successful completions of programs.)

ACKNOWLEDGEMENTS

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