



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



December 1, 2010

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

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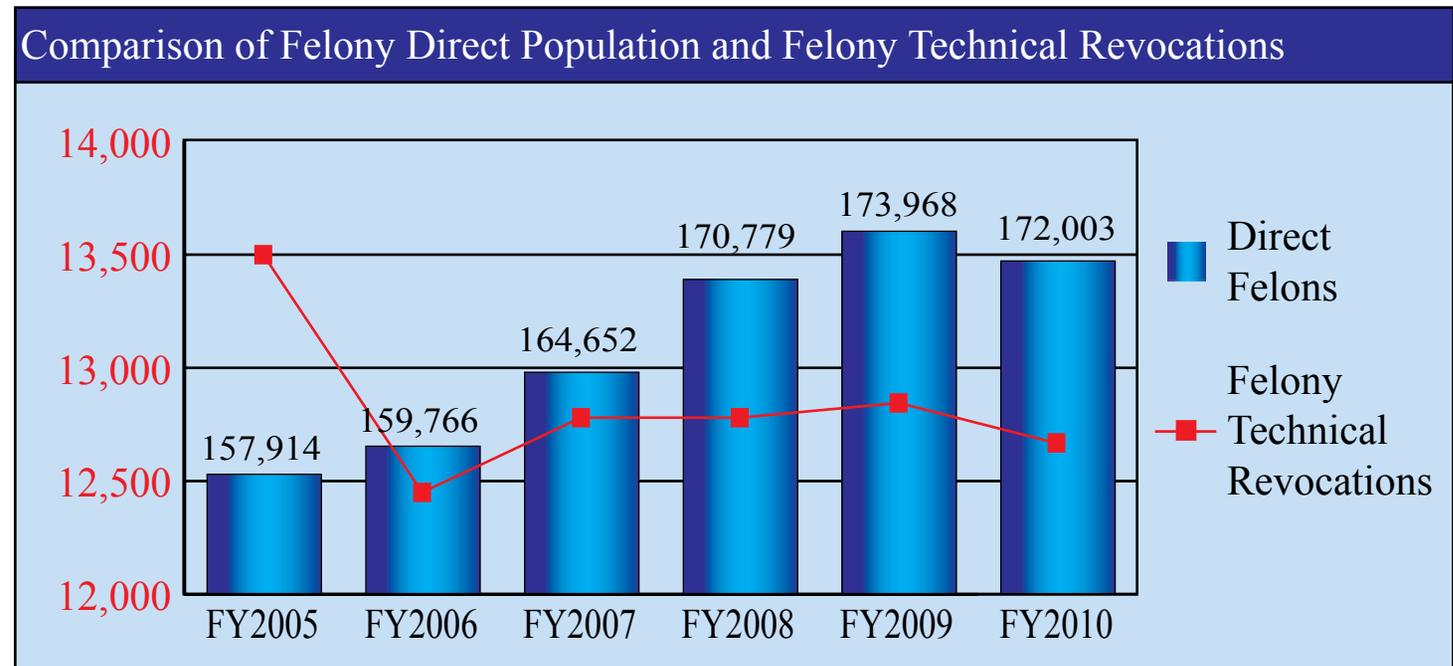


## INTRODUCTION

The 79th, 80th, and 81st Texas Legislatures appropriated significant new funding for community supervision in Texas, as detailed on page 6. Those funds target high-risk offenders and reduction of revocations while increasing resources so that proactive treatment intervention and sentencing options are available to all Texas criminal courts. The state leadership’s strategy centers on strengthening community supervision by reducing caseloads, increasing availability of substance abuse treatment options, promoting evidence-based progressive sanctions models, and providing more community sentencing options through expanded residential treatment and aftercare.

The Legislature requires the Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) to publish an annual monitoring report on the impact of this new funding. This report will further document the impact 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 the Monitoring of Community Supervision Diversion Funds* (the Monitoring Report) and is available on the TDCJ website.

The felony direct community supervision population increased 8.9% from August 31, 2005 (157,914 offenders) to August 31, 2010 (172,003 offenders). The additional diversion funding from the 79th, 80th, and 81st Texas Legislatures provides resources to Community Supervision and Corrections Departments (CSCDs) to work with offenders and keep them in the community while maintaining public safety.



# History of Targeted Diversion Program Funding

## HISTORY OF TARGETED DIVERSION PROGRAM FUNDING

Information on the allocation of additional diversion funding provided by the 79th and 80th Texas Legislatures was detailed in previous Monitoring Reports. Additional funding amounts from the last three Texas Legislatures are presented in the chart below, followed by a detailed discussion of TDCJ-CJAD activities to implement additional funding provided by the 81st 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
- \$17.5 million Basic Supervision funding
  - \$10.0 million increase in Basic Supervision funding
  - \$7.5 million increase due to increases in population projections

##### TDCJ Operated

- \$63.1 million increase for 1,500 new Substance Abuse Felony Punishment Facility (SAFPF) 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 the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)

#### 81st Legislature

- \$11.1 million increase for increased population projections in Basic Supervision funding
- \$13.1 million increase for community supervision officers and direct care staff salary increases
  - 3.5% salary increase in FY2010
  - an additional 3.5% salary increase in FY2011
- \$23.7 million increase to biennialize SAFPF, ISF, and CCF beds



# History of Targeted Diversion Program Funding

## Implementation of Funding Provided by the 81st Texas Legislature

In addition to Basic Supervision funds for increased population projections, the 81st Texas Legislature provided additional funding to increase salaries to recruit and retain Community Supervision Officers (CSOs) and direct care staff in CSCDs, as well as biennialize treatment beds originally funded by the 80th Texas Legislature.

### Salary Increases for Community Supervision Officers and Direct Care Staff

The 81st Texas Legislature appropriated “\$4,375,000 in fiscal year 2010 and \$8,750,000 in fiscal year 2011” for TDCJ-CJAD to provide CSOs and direct care staff with “a three and a half percent increase in salaries in fiscal year 2010 and an additional three and a half percent increase in fiscal year 2011 based on the employee’s annual compensation as of August 31, 2009.”

### CSCD Operated Resources for Community Supervision

Rider 75.a. (outpatient substance abuse treatment) and Rider 75.b. (residential substance abuse treatment) funds were biennialized by the 81st Texas Legislature and distributed to CSCDs in FY2010 (detailed in Appendix A). TDCJ-CJAD also received \$1 million for each year of the FY2010-2011 biennium in Rider 78 funding for targeted substance abuse treatment (detailed in Appendix B).

### TDCJ Operated Resources for Community Supervision

The 81st Legislature appropriated funds to biennialize both Substance Abuse Felony Punishment Facility (SAFPF) and State-Contracted Intermediate Sanction Facility (SC-ISF) beds that are available to district courts statewide.

**Substance Abuse Felony Punishment Facilities** provide intensive substance abuse treatment in a secure setting for felony offenders assessed as having severe substance dependence. Adult probation utilizes approximately 90% of TDCJ’s total SAFPF beds. SAFPFs are operated by TDCJ and are available as a sentencing option when offenders are assessed with a high substance abuse treatment need or when other, less intensive programs have been unsuccessful for offenders with substance abuse related issues.

**State-Contracted Intermediate Sanction Facilities** provide an intermediate sanction to revocation that removes offenders from the community and places them in a secure facility. SC-ISFs provide courts a judicial sanction in lieu of revocation. Based on an assessment of the offender’s risk and needs, probationers can be placed in one of three program tracks:

- 90-day substance abuse treatment,
- 90-day cognitive program, or
- 45-day substance abuse relapse prevention treatment.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature

## MEASURING EFFECTIVENESS

As the Texas Legislature appropriated additional diversion funding to community supervision, TDCJ-CJAD has been able to provide diversion funding to an increasing number of CSCDs each biennium. For this report, CSCDs were classified as either “Received Additional Diversion Funding” or “Did Not Receive Additional Diversion Funding.” Data is reported based on classification as of FY2010 to facilitate comparisons to previous years.

% of Statewide Felony Direct Population	Category
81%	<b>Received Additional Diversion Funding</b> CSCDs (52) which received funding from the additional diversion funds appropriated by the 79th, 80th, and/or 81st Texas Legislatures.
19%	<b>Did Not Receive Additional Diversion Funding</b> CSCDs (70) which never received funding from the additional diversion funds appropriated by the 79th, 80th, and 81st Texas Legislatures.

Note: The CSO and direct care staff salary increases appropriated by the 81st Legislature are not included in these categories because they are available to all CSCDs.

Where appropriate, FY2005 is used as a baseline against which to evaluate results, as additional diversion funding was first distributed in FY2006.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature

The felony direct and indirect population increased 2.5% from FY2005 to FY2010, and the number of offenders under direct supervision increased 9% in the same timeframe.

<b>Felony Direct and Indirect Population by Funding</b>						
	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>
<b>Felony Direct and Indirect Population</b>	<b>233,152</b>	<b>233,929</b>	<b>236,617</b>	<b>241,021</b>	<b>241,414</b>	<b>238,951</b>
Received Additional Diversion Funding	184,222	184,810	186,257	190,144	191,192	191,079
Did Not Receive Additional Diversion Funding	48,930	49,119	50,360	50,877	50,222	47,872
<b>Felony Direct Population</b>	<b>157,914</b>	<b>159,766</b>	<b>164,652</b>	<b>170,779</b>	<b>173,968</b>	<b>172,003</b>
Received Additional Diversion Funding	126,497	128,114	131,421	136,708	139,463	138,774
Did Not Receive Additional Diversion Funding	31,417	31,652	33,231	34,071	34,505	33,229

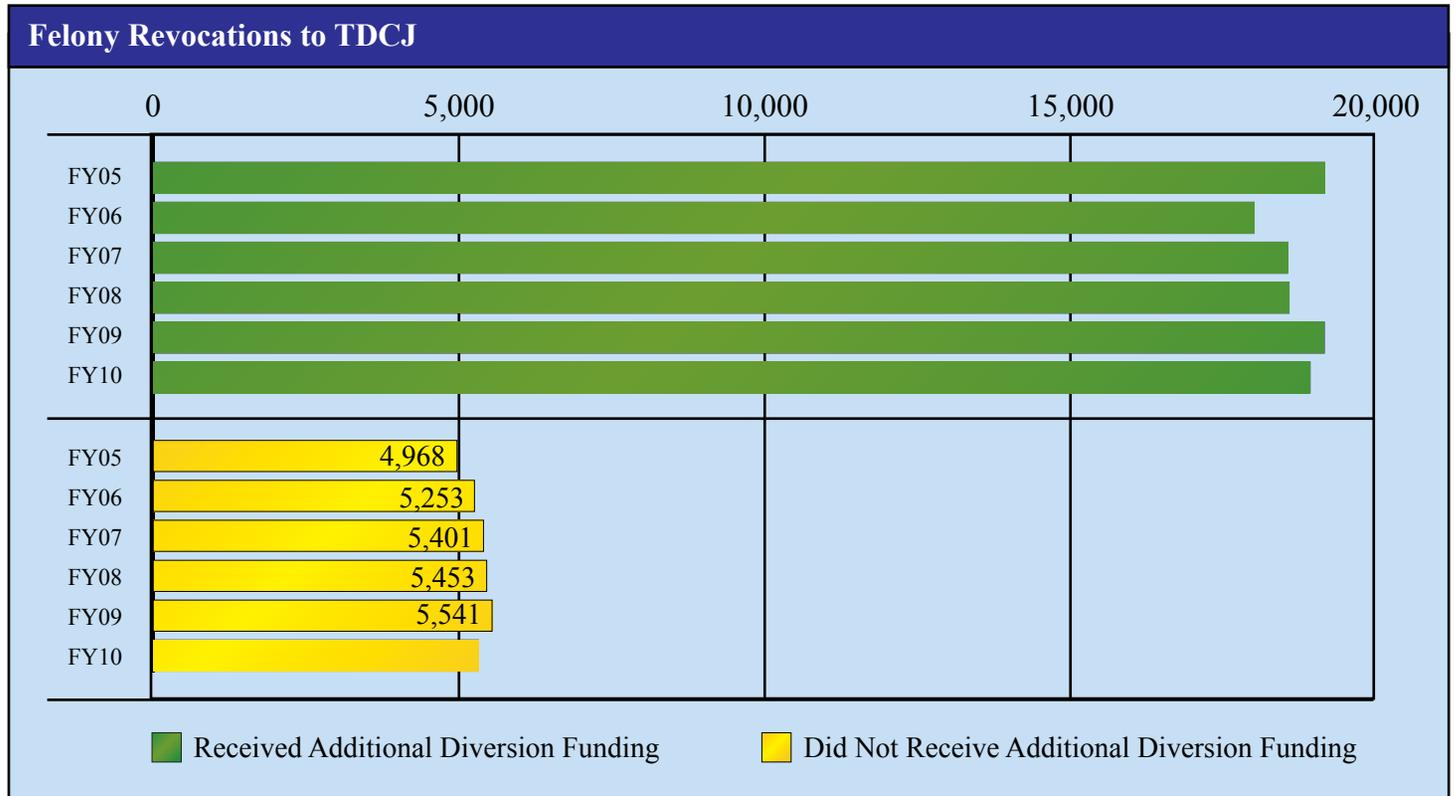
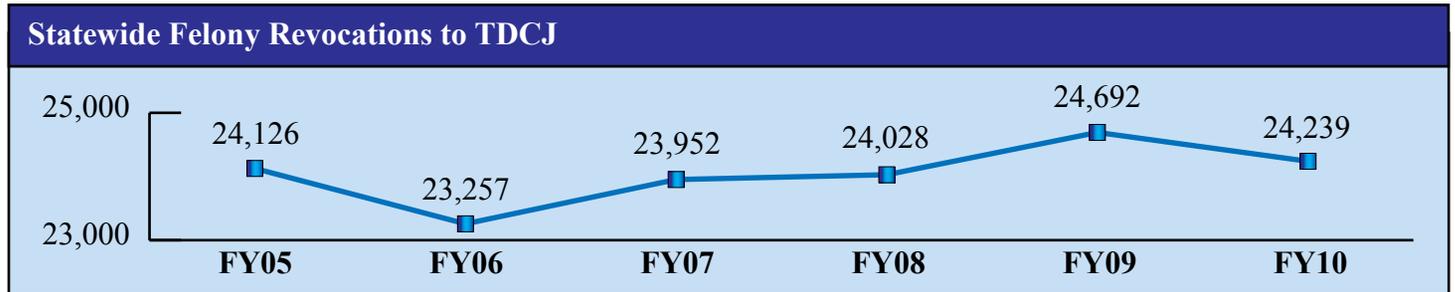
Offenders are considered under direct supervision if they are legally on community supervision, work or reside in the jurisdiction in which they are being supervised, and receive a minimum of one (1) face-to-face contact with a CSO every three (3) months. Direct supervision begins at the time of initial face-to-face contact with an eligible CSO. Local CSCDs may maintain direct supervision of offenders living and/or working in adjoining jurisdictions if the CSCD has documented approval from the adjoining jurisdictions. Offenders are classified as indirect when they do not meet the criteria for direct supervision.

TDCJ-CJAD’s annual Monitoring Report analyzes specific evaluation criteria to monitor the impact of additional diversion funding appropriated by the 79th, 80th, and 81st Texas Legislatures. Previous Monitoring Reports used data from the Monthly Community Supervision and Corrections Report (MCSCR); this report uses data from the Community Supervision Tracking System-Intermediate System (CSTS-ISYS), as detailed in Appendix C. The evaluation criteria are listed below, and definitions of each are located in Appendix D:

- Felony Revocations to TDCJ-Correctional Institutions Division (CID)
- Felony Technical Revocations
- Average Community Corrections Facility Population
- Felony Probation Placements
- Felony Early Discharges
- Community Supervision Officers Employed
- Average Caseload Size



# Effectiveness of Diversion Funds Allocated by the Texas Legislature



Despite fluctuations over past years, felony revocations to TDCJ in FY2010 represent a 0.5% increase from FY2005 (113 felony revocations). Felony revocations to TDCJ from CSCDs which did not receive additional diversion funding increased 7.1% (352 revocations) while felony revocations in CSCDs which received additional diversion funding decreased 1.2%, representing 239 fewer revocations in FY2010 than in FY2005.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature

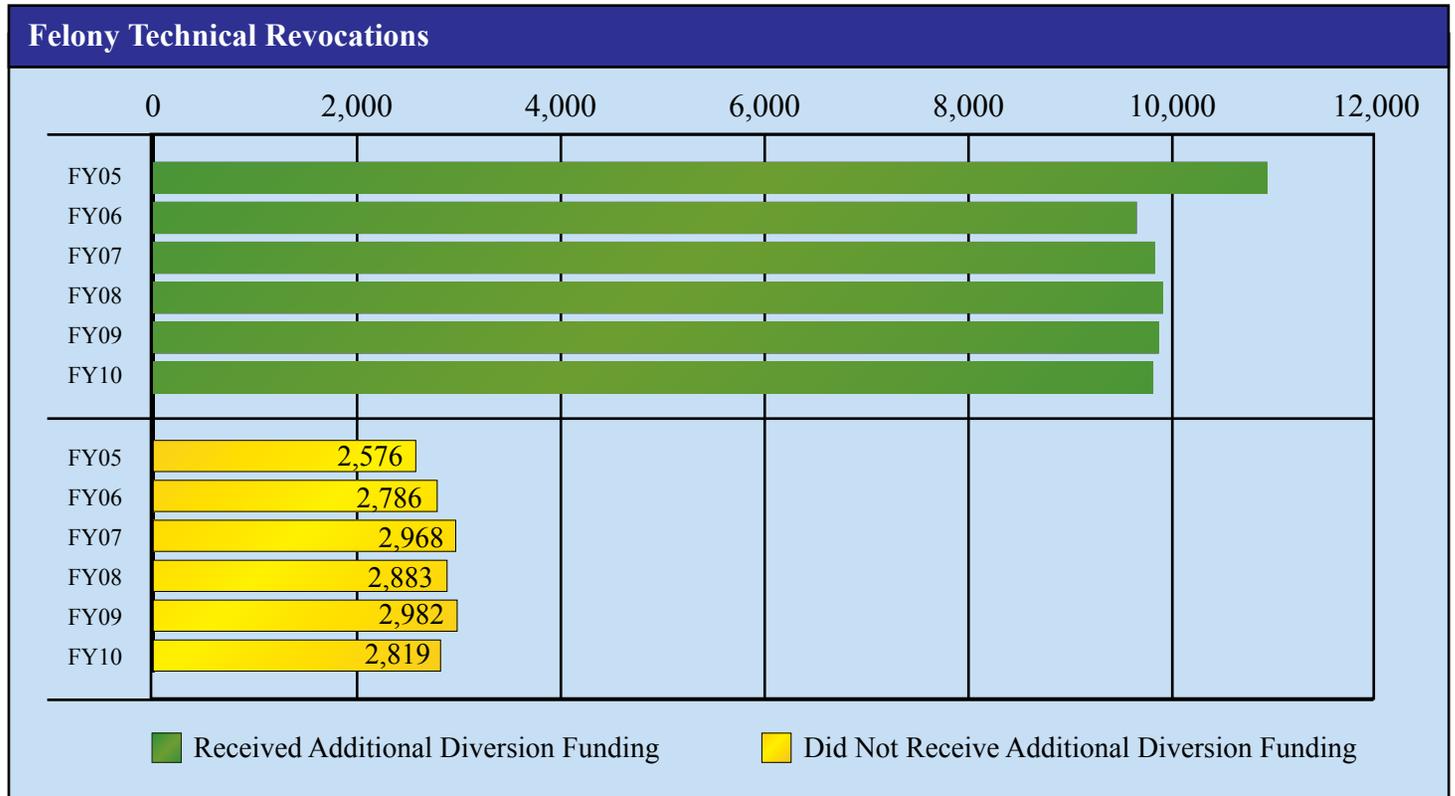
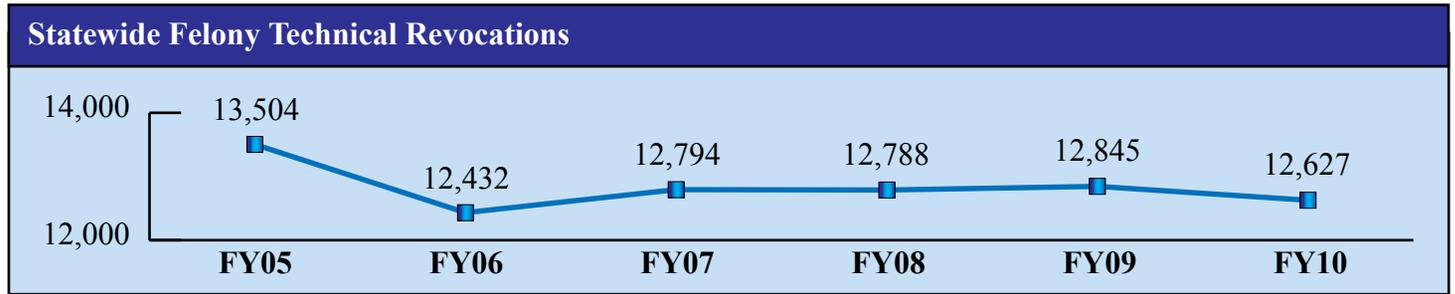
In FY2010, there were 24,239 felony revocations to TDCJ, of which 48.8% were a result of technical violations of community supervision conditions. CSCDs receiving additional diversion funding revoked 18,919 felony offenders to TDCJ (78% of all felony revocations to TDCJ) while CSCDs not receiving additional funding revoked the remaining 5,320 felony offenders (22% of all felony revocations to TDCJ). As noted on page 8, CSCDs that did not receive additional diversion funding represent 19% of the statewide felony direct population, yet comprise 22% of all felony revocations to TDCJ.

Felony Revocations to TDCJ by Offense Type, Funding Source			
Offense Type	CSCDs Receiving Additional Diversion Funding	CSCDs Not Receiving Additional Diversion Funding	Total
Violent	20.1%	14.5%	18.9%
Property	31.8%	32.6%	32.0%
DWI	7.0%	8.6%	7.3%
Controlled Substance	34.2%	35.3%	34.4%
Other	6.9%	9.0%	7.4%

As the above table shows, CSCDs receiving additional diversion funding revoked a greater percentage of violent offenders to TDCJ than CSCDs that did not receive additional diversion funding. CSCDs receiving additional diversion funding revoked a smaller percentage of controlled substance (34.2%) and DWI (7.0%) offenders to TDCJ than CSCDs not receiving additional diversion funding (35.3% and 8.6%, respectively), which could be a result of the additional treatment resources available in the CSCDs receiving additional diversion funding.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature



Felony technical revocations remained relatively stable in FY2010 compared to FY2009, with a 1.7% decrease. However, FY2010 represents a 6.5% decrease in felony technical revocations from FY2005, or 877 technical revocations. CSCDs which received additional diversion funding revoked 1,120 fewer offenders for technical violations in FY2010 than in FY2005, representing a 10.2% decrease, while CSCDs not receiving additional diversion funding increased felony technical revocations by 9.4% in the same timeframe.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature

As shown below, CSCDs which received additional diversion funding revoked a smaller percentage of controlled substance and DWI offenders for technical reasons than CSCDs which did not receive additional diversion funding.

Technical Revocations by Funding Source and Offense Type			
Offense Type	Received Additional Diversion Funding	Did Not Receiving Additional Diversion Funding	Total
Violent	18.3%	12.4%	17.0%
Property	31.7%	32.6%	31.9%
DWI	6.3%	8.5%	6.8%
Controlled Substance	37.1%	37.8%	37.2%
Other	6.6%	8.7%	7.1%

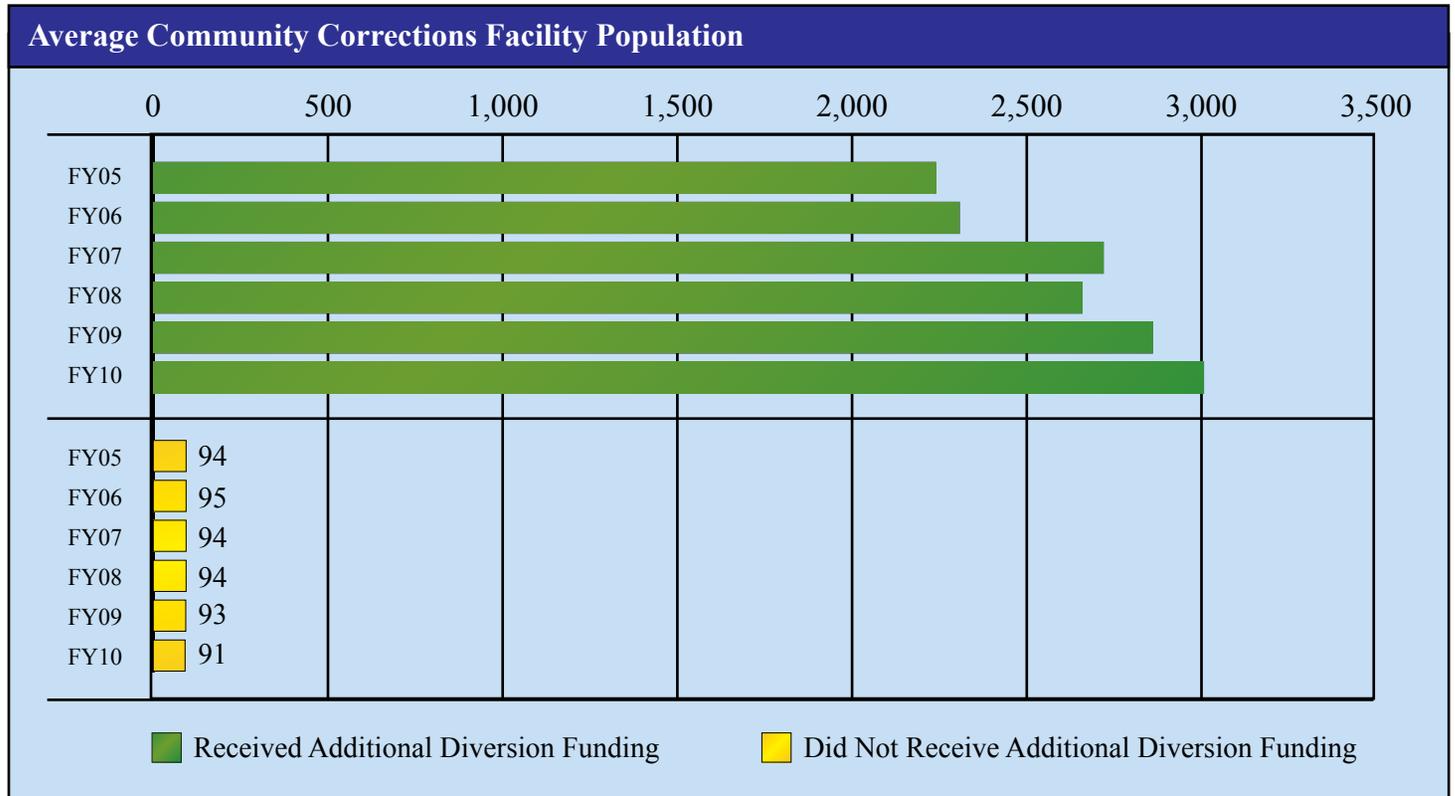
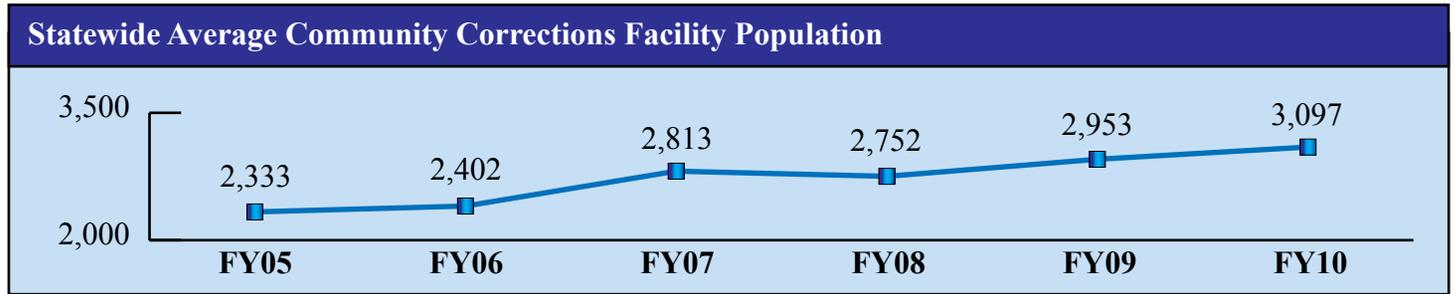
In CSCDs receiving additional diversion funding, 48.1% of revocations to TDCJ occurred as a result of a technical violation. For CSCDs not receiving additional diversion funding, 51.1% of revocations to TDCJ were a result of a technical violation.

Technical violations of conditions of community supervision can vary widely from those having little impact on public safety (such as not paying fines, fees and court costs, missing an office appointment, or not doing community service) to more significant public safety violations (such as absconding from supervision, violating child safety zone regulations, or not avoiding contact with a victim as ordered). Although the specifics of each case cannot be analyzed at the state level, the table below provides some characteristics of offenses that could impact the decision to revoke an offender for a technical violation of community supervision.

Approximately 40% of offenders revoked to TDCJ for technical violations had absconded in the year prior to revocation. Absconders are offenders who are known to have left the jurisdiction without authorization or who have not personally contacted their CSO within 90 days and either (1) have an active Motion to Revoke (MTR) or Motion to Adjudicate Probation filed and an unserved capias for their arrest; or (2) have been arrested on an MTR or Motion to Adjudicate Probation but have failed to appear for the MTR hearing and a bond forfeiture warrant has been issued by the court.

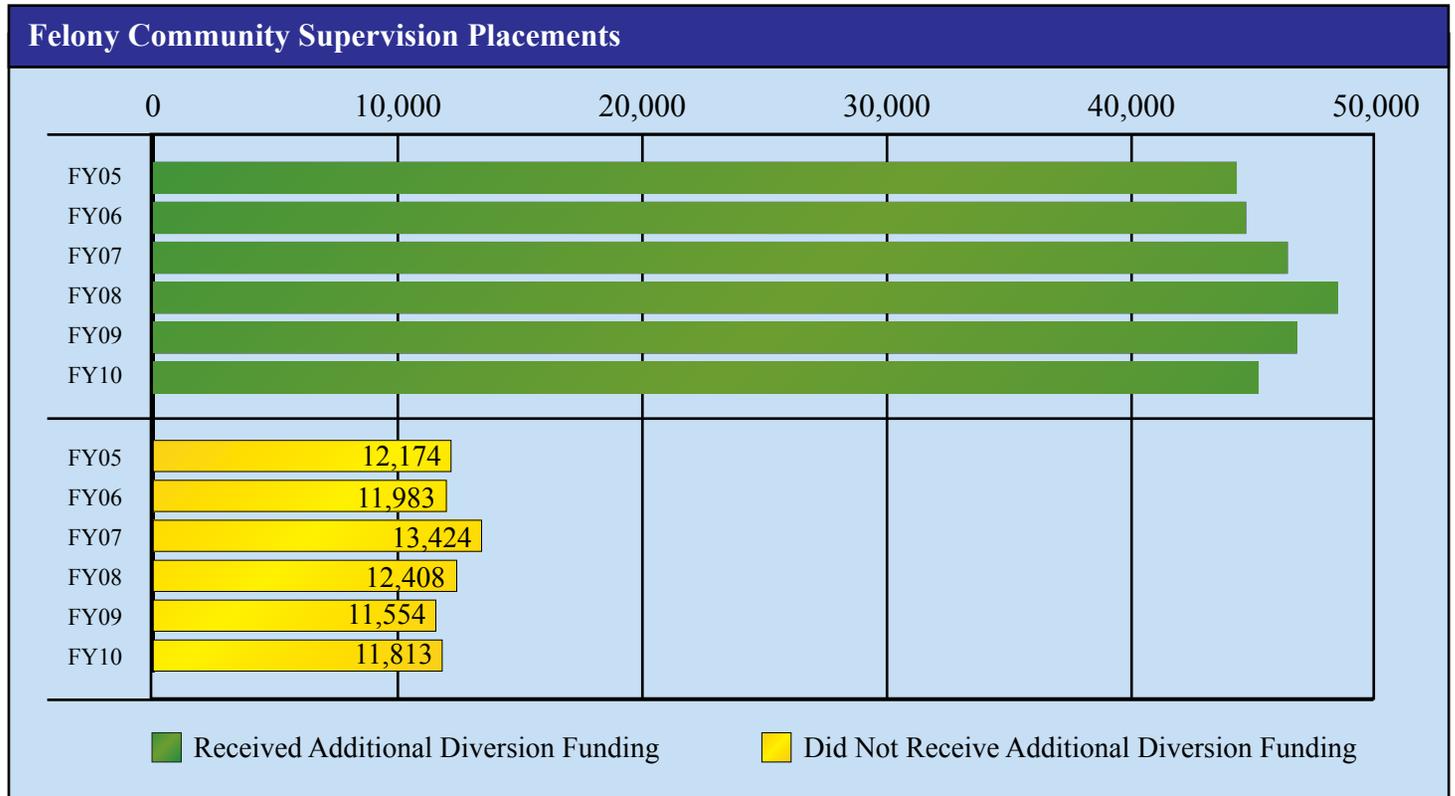
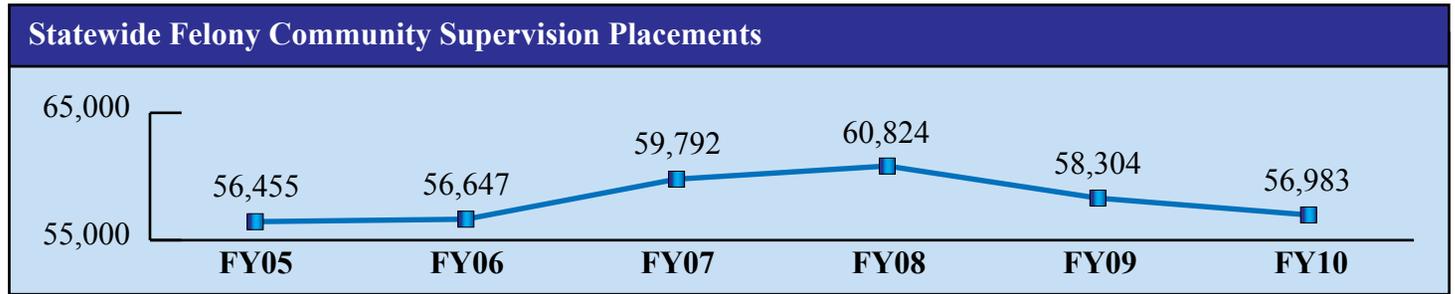


# Effectiveness of Diversion Funds Allocated by the Texas Legislature



The 79th and 80th Texas Legislatures included additional diversion funding for residential treatment beds, and the 81st Texas Legislature sustained that effort with continued funding. Since FY2005, the statewide average CCF population has increased 33% as additional treatment beds have been operationalized. In FY2005, CSCDs that received additional diversion funding had an average CCF population of 2,239 offenders; in FY2010, the average CCF population was 3,006, representing an increased average CCF population of 767 offenders.

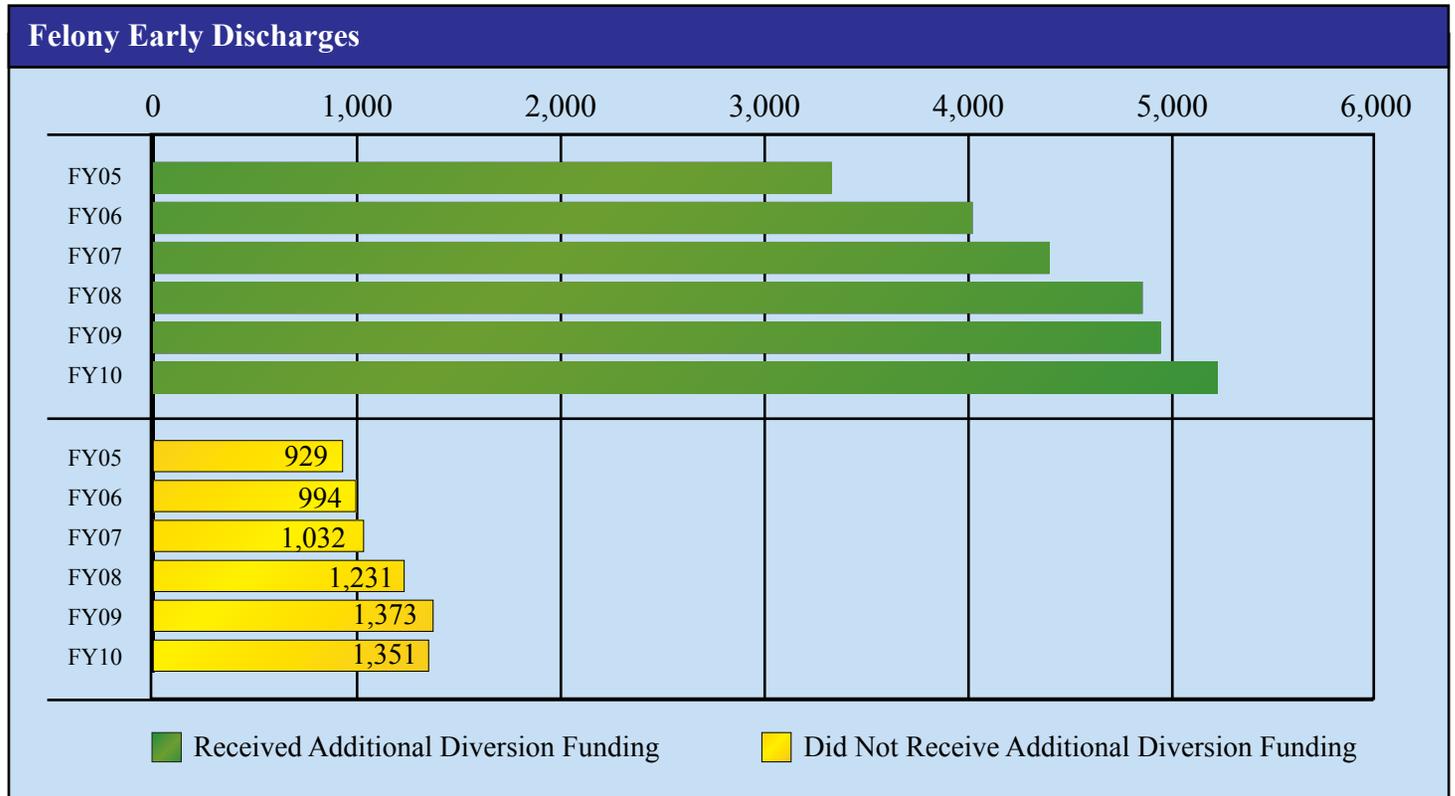
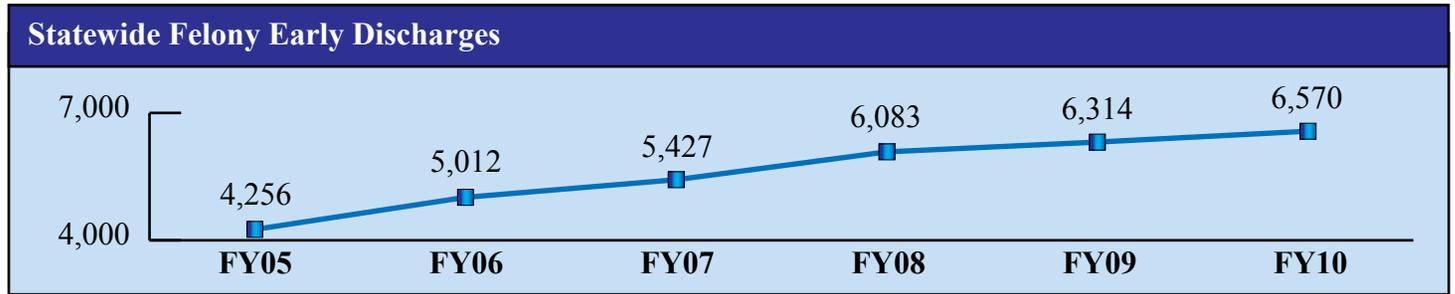
# Effectiveness of Diversion Funds Allocated by the Texas Legislature



After initial increases in felony placements between FY2005 and FY2008, felony placements have decreased 6.3% since FY2008. CSCDs receiving additional diversion funding decreased felony placements 6.7% between FY2008 and FY2010, and CSCDs not receiving additional diversion funding decreased felony placements 4.8% in the same timeframe. However, FY2010 felony placements represent an increase from the baseline year of FY2005. Felony placements in CSCDs receiving additional diversion funding increased 2% between FY2005 and FY2010 but decreased 3% in CSCDs not receiving additional diversion funding.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature



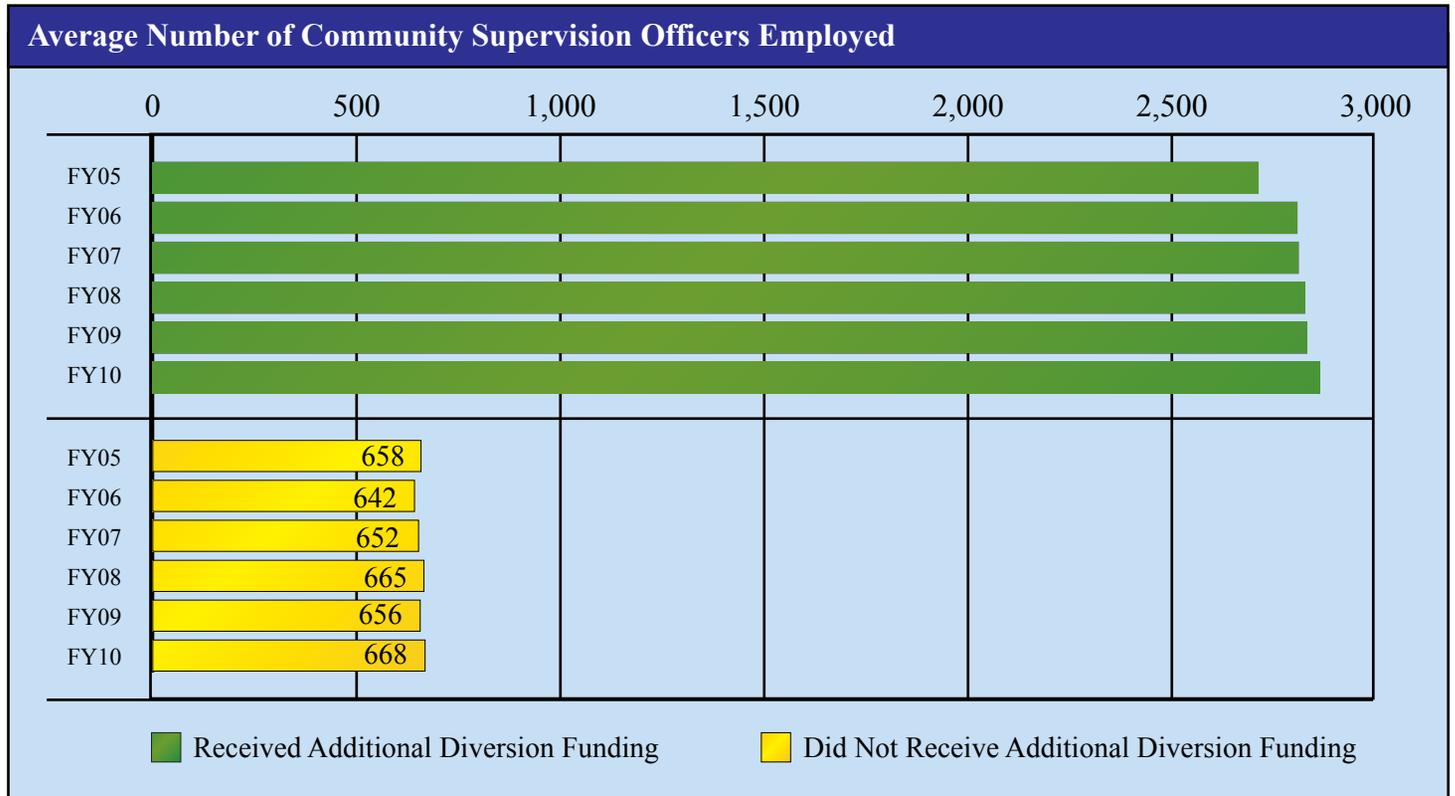
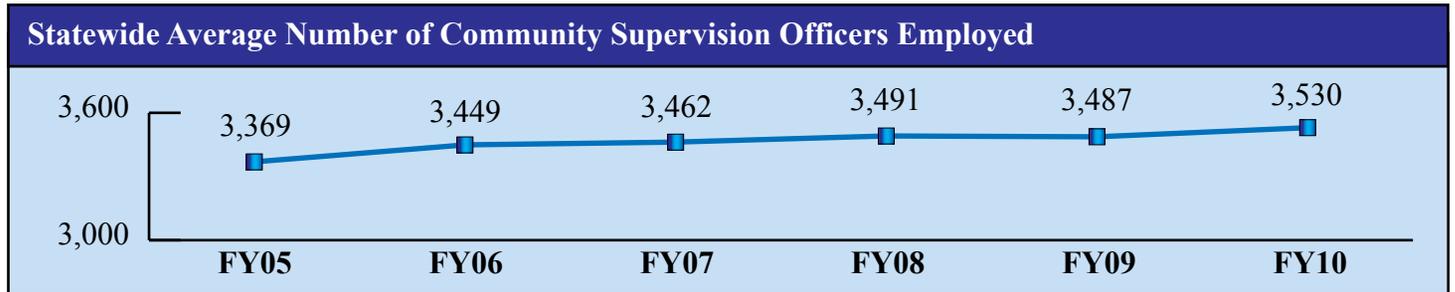
The 80th Texas Legislature (HB 1678) mandated a judicial review of all probation cases upon completion of one-half of the original community supervision period or two years of community supervision, whichever is more, to determine eligibility for a reduction of community supervision term or termination of community supervision. This law applied to defendants initially placed on community supervision after September 1, 2007, making the first cases eligible for review in September 2009. However, under pre-existing provisions of law, many CSCDs had already incorporated early discharge for probationers into their local progressive sanctions models (which apply to all probationers) as an incentive for probationers to successfully comply with their conditions of probation and to decrease caseload sizes.

# Effectiveness of Diversion Funds Allocated by the Texas Legislature

Felony early discharges from community supervision (as provided in Article 42.12 of the *Texas Code of Criminal Procedure*) have consistently increased statewide since FY2005. Statewide, felony early discharges increased 4.1% from FY2009 to FY2010 and 54.4% from FY2005 to FY2010. CSCDs receiving additional diversion funding increased felony early discharges 56.9% from FY2005 to FY2010 and 5.6% from FY2009 to FY2010. Although felony early discharges decreased 1.6% between FY2009 and FY2010 in CSCDs not receiving additional diversion funding, FY2010 felony early discharges represent a 45.4% increase from FY2005.



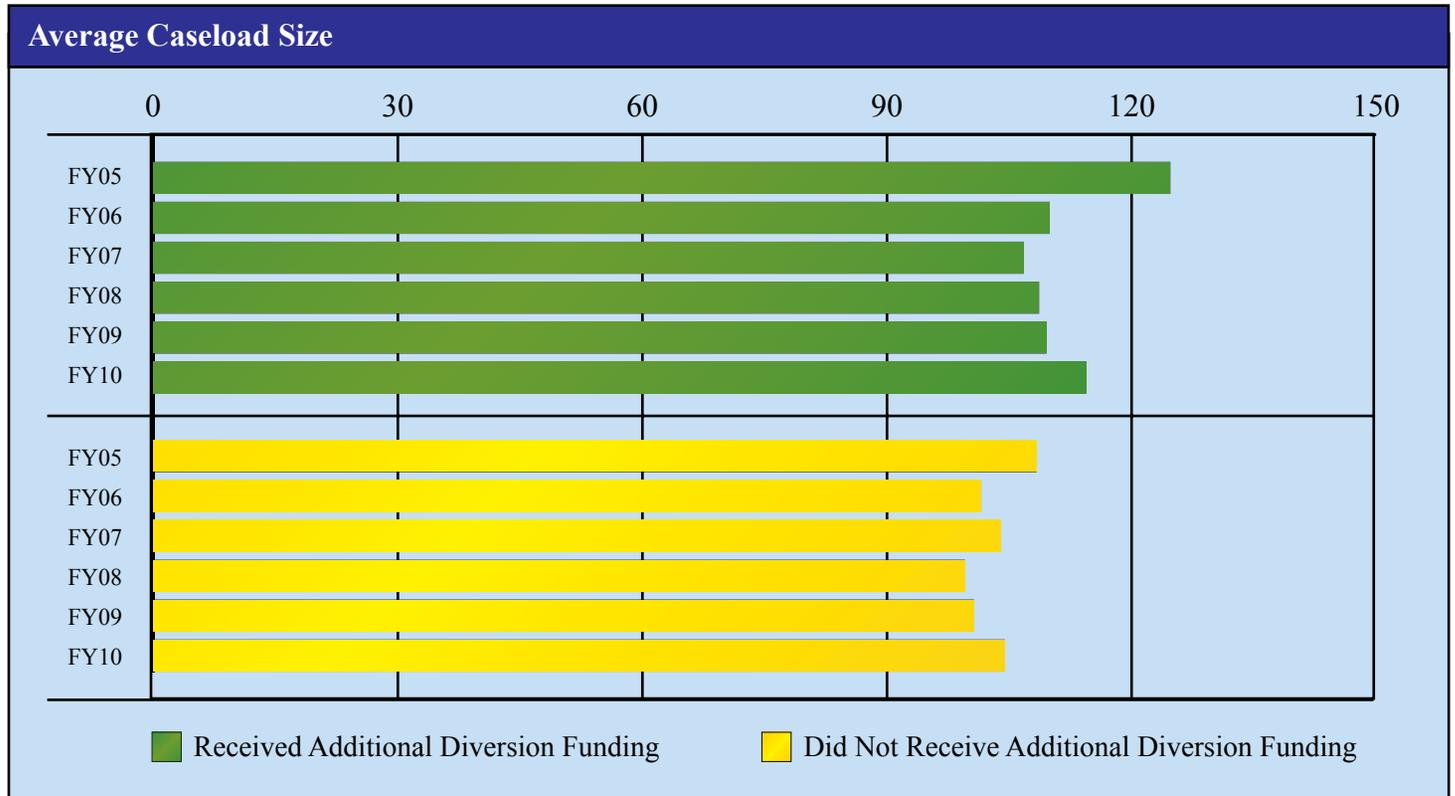
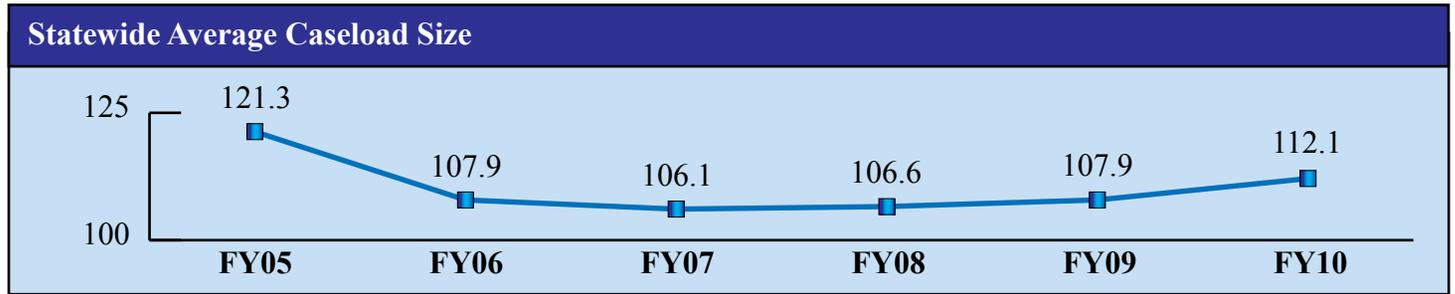
# Effectiveness of Diversion Funds Allocated by the Texas Legislature



Statewide, the average number of CSOs employed increased 4.8% between FY2005 and FY2010. CSDs receiving additional diversion funding have steadily increased CSOs employed each year, resulting in a 5.6% increase between FY2005 and FY2010. CSDs which did not receive additional diversion funding increased CSOs employed by 1.5% in the same timeframe.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature



Statewide, the average caseload size has decreased 7.6% from FY2005 to FY2010; however, it increased 3.9% from FY2009 to FY2010. In CSCDs receiving additional diversion funding, the average caseload size has steadily increased since FY2007 and increased 4.5% between FY2009 and FY2010. CSCDs which did not receive additional diversion funding have increased the average caseload size each year since FY2008 and increased 3.8% between FY2009 and FY2010.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature

The average caseload size is calculated by dividing the direct felony, direct misdemeanor, and pretrial population by the number of regular community supervision officers. Offenders are considered to be under pretrial supervision if they participate in a court-approved pretrial supervision program operated or contracted by the CSCD.

The increase in average caseload size can be attributed to an increase in the population under supervision. Between FY2005 and FY2010, the population under direct and pretrial supervision has increased 3.9%, with CSCDs receiving additional diversion funding experiencing a 5.0% growth in direct and pretrial population.



# Felony Cohort Study: A Changing Population

## FELONY COHORT STUDY: A CHANGING POPULATION

In August 2010, TDCJ-CJAD initiated a study of 208,879 felony offenders placed on community supervision between FY2005 and FY2008. This study utilized a sample of original felony community supervision placements selected from CSTS-ISYS and tracked for two years after the date of placement to identify community supervision status.

<b>Risk and Offense at Felony Placement</b>				
	<b>FY2005</b>	<b>FY2006</b>	<b>FY2007</b>	<b>FY2008</b>
<b>Risk Level at Placement</b>				
Minimum	27.3%	27.3%	26.6%	24.2%
Medium	41.7%	43.1%	41.7%	40.7%
Maximum	31.0%	29.6%	31.7%	35.1%
<b>Offense Type</b>				
Violent	16.9%	16.6%	16.1%	16.6%
Property	29.0%	28.3%	27.5%	27.6%
DWI	7.8%	7.9%	8.5%	8.5%
Controlled Substance	38.1%	38.8%	39.5%	38.8%
Other	8.2%	8.4%	8.4%	8.5%

An increasing percentage of felony offenders placed on community supervision were classified as maximum risk. In FY2005, 31% of felony placements were classified as maximum risk compared to 35.1% in FY2008. In CSCDs that received additional diversion funding, the percentage classified as maximum risk increased from 32.5% in FY2005 to 36.7% in FY2008 while the percentage increased from 25.9% to 28.7% during the same timeframe in CSCDs not receiving additional diversion funding.

The percentage of felony offenders placed on community supervision for controlled substance offenses increased slightly. Offenders placed for controlled substance offenses increased from 38.1% in FY2005 to 38.8% in FY2008. The percentage of offenders placed for a controlled substance increased in CSCDs receiving additional diversion funding (from 38.1% in FY2005 placements to 39.1% in FY2008 placements), but decreased in CSCDs not receiving additional diversion funding (from 38.1% in FY2005 placements to 37.4% in FY2008 placements).



# Felony Cohort Study: A Changing Population

Supervision Status of Offenders Active Two Years After Placement				
	FY2005	FY2006	FY2007	FY2008
Direct Supervision	68.4%	74.9%	76.8%	77.5%
Residential	1.1%	1.4%	1.5%	1.5%
Indirect Supervision	30.5%	23.7%	21.7%	21.0%

Of offenders still active two years after placement, a larger percentage of offenders were under direct supervision or in a residential treatment facility.

Community Supervision Status of Offenders Two Years After Placement				
Two Year Status	FY2005	FY2006	FY2007	FY2008
Active	71.8%	70.0%	70.0%	69.5%
Terminated	28.2%	30.0%	30.0%	30.5%

A smaller percentage of offenders are active on supervision after two years due to an increasing percentage of terminations because of early discharge from community supervision. Two years after placement, 71.8% of the FY2005 felony placement sample was active on supervision compared to 69.5% of the FY2008 sample. However, as the table below shows, in FY2005 early discharge was the termination reason for 5.8% of offenders who terminated within two years of original placement compared to 10.5% in FY2008.

Reason for Termination for Offenders Terminated within Two Years of Placement				
Reason for Termination	FY2005	FY2006	FY2007	FY2008
Revocation	75.3%	70.4%	68.5%	67.6%
Expiration of Supervision Term	14.8%	17.9%	16.6%	15.6%
Early Discharge	5.8%	6.7%	9.2%	10.5%
Other	4.1%	5.0%	5.7%	6.3%

A smaller percentage of offenders were terminated within two years due to revocation in the FY2008 sample compared to the FY2005 sample. For FY2005 placements that terminated within two years of placement, 75.3% were terminated because of revocation. 67.6% of FY2008 placements that terminated within two years terminated due to revocation.



# Perspectives on Revocations

## PERSPECTIVES ON REVOCATIONS FOR THE TEN MOST POPULOUS CSCDS

TDCJ-CJAD and the CSCDs have continued to work together to keep felony offenders on community supervision and decrease revocations. The chart below illustrates changes in revocations between FY2005 and FY2010 in the ten most populous CSCDs.

Ten Most Populous CSCDs						
CSCD	FY2010 Felony Direct and Indirect Population	Percent Change in Statewide Felony Direct and Indirect Population (FY2005 to FY2010)	FY2005 Felony Revocations to TDCJ	FY2010 Felony Revocations to TDCJ	Change in Felony Revocations to TDCJ (FY2005 to FY2010)	Percent Change in Felony Revocations to TDCJ
Dallas	32,607	19.7%	3,183	3,149	-34	-1.1%
Harris	27,457	8.2%	3,549	3,134	-415	-11.7%
Bexar	14,702	18.3%	816	1,327	511	62.6%
Tarrant	11,322	-2.7%	1,733	1,479	-254	-14.7%
Hidalgo	10,473	-0.1%	703	710	7	1.0%
El Paso	9,313	-21.7%	594	436	-158	-26.6%
Travis	8,553	-15.4%	1,052	774	-278	-26.4%
Cameron	5,264	-6.3%	357	337	-20	-5.6%
Nueces	4,533	4.3%	505	580	75	14.9%
Collin	3,957	16.0%	239	469	230	96.2%

Numerically, Harris County CSCD (415) had the largest decrease in felony revocations. El Paso CSCD decreased felony revocations by 26.6%, the largest percentage decrease by any of the ten most populous CSCDs.

A number of CSCDs had more revocations in FY2010 than in FY2005. Although Bexar, Hidalgo, and Nueces County CSCDs increased revocations from FY2005 to FY2010, all three CSCDs decreased revocations from FY2009 to FY2010. The chart on the following page provides details on changes in revocations between FY2009 and FY2010. TDCJ-CJAD will continue to work with Collin County CSCD to identify and assist them with factors contributing to the increase in the number of felony offenders revoked.



# Perspectives on Revocations

The chart below illustrates changes in the felony population, felony revocations, and revocation proportionality from FY2009 to FY2010 for the ten most populous CSCDs. All of the CSCDs below received additional diversion funding beginning in FY2006.

Ten Most Populous CSCDs							
CSCD	FY2010 Felony Population	Percent Change in Felony Population from 2009	Percent of FY2010 State Felony Population	FY2009 Felony Revocations to TDCJ	FY2010 Felony Revocations to TDCJ	Percent Change in Felony Revocations to TDCJ	Percent of FY2010 Statewide Felony Revocations
Dallas	32,607	1.2%	13.6%	3,021	3,149	4.2%	13.0%
Harris	27,457	7.9%	11.5%	3,157	3,134	-0.7%	12.9%
Bexar	14,702	7.1%	6.2%	1,421	1,327	-6.6%	5.5%
Tarrant	11,322	-9.1%	4.7%	1,540	1,479	-4.0%	6.1%
Hidalgo	10,473	2.0%	4.4%	713	710	-0.4%	2.9%
El Paso	9,313	-3.4%	3.9%	557	436	-21.7%	1.8%
Travis	8,553	-3.2%	3.6%	800	774	-3.3%	3.2%
Cameron	5,264	-1.3%	2.2%	371	337	-9.2%	1.4%
Nueces	4,533	-7.7%	1.9%	692	580	-16.2%	2.4%
Collin	3,957	0.2%	1.7%	433	469	8.3%	1.9%

Historically, CSCDs can reduce revocations and still represent a disproportionate number of revocations when comparing the percent of the felony population to the percent of felons revoked. For example, Bexar County CSCD decreased felony revocations by 94 from FY2009 to FY2010; that number represents a 6.6% reduction in revocations. Just as important as the reduction in revocations, Bexar County CSCD's percentage of the felony population is 6.2% of the state, while their revocations represent 5.5% of the felony revocations statewide. Likewise, Dallas County CSCD had a 4.2% increase in revocations while the percentage of statewide revocations remained at 13.0%, below Dallas County CSCD's statewide proportion of felony direct population of 13.6%.

Felony revocations to TDCJ for all CSCDs are detailed in Appendix E.



# Summary

## SUMMARY

Local CSCDs have utilized the investments made by the 79th, 80th, and 81st Texas Legislatures to address the changing nature of the population under supervision.

- Offenders are receiving more treatment, as evidenced by increased utilization of residential treatment beds, substance abuse outpatient services, and aftercare services.
- Additional CSOs have been hired to supervise the increasing supervision population.
- The percentage of revocations for a technical violation within two years of placements has decreased in CSCDs receiving additional diversion funding.

CSCDs are serving a larger population that is higher risk and requires more supervision and intervention by CSOs. With a lower percentage of offenders active on community supervision and more offenders terminated early, the increase in the number of new placements contributes to a higher percentage of the population that has a greater propensity to reoffend, especially when more of these offenders are classified as maximum risk.

Offenders who are complying with the conditions of community supervision are being granted early terminations at a greater rate due to changes in legislation. The CSCDs are incorporating early termination as an incentive for compliance with the terms of community supervision. The average caseload size for CSOs supervising direct cases as a primary job function has increased from FY2009 to FY2010. CSOs are supervising an increasing number of offenders because the supervision population is increasing.

Finally, comparing FY2005 to FY2010, the revocation rate has decreased, falling from 16.4% in FY2005 to 14.7% in FY2010.



# Prison Diversion Progressive Sanctions Program

## PRISON DIVERSION PROGRESSIVE SANCTIONS PROGRAM

SB 166 of the 80th Texas Legislature added Section 509.016 to the Texas Government Code outlining the state leadership’s strategy for TDCJ-CJAD’s application of the newly infused diversion funding. Targeting medium and high risk offenders, the statute calls for the implementation of progressive sanctions models that “reduce the revocation rate of defendants placed on community supervision.” In funding discretionary diversion grants, TDCJ-CJAD must give preference to those CSCDs that establish progressive sanctions models that are predicated on evidence-based assessments and a list of recommended strategies [Sec. 509.016 (b) (1)-(14)TGC]. Rider 71, 81st Legislature, further directs that such preferential funding be done “to the maximum extent possible.”

Consistent with these Legislative mandates, TDCJ-CJAD has adopted a review process that favors proposals for diversion funding that contain a progressive sanctions model. Since the 79th Legislature, 52 CSCDs have obtained newly targeted diversion funding. Those 52 CSCDs have jurisdiction over 81% of the direct community supervision population of Texas. In 2010, TDCJ-CJAD identified 72 CSCDs that have submitted progressive sanctions models as part of their Community Justice Plan. The 72 CSCDs have jurisdiction over 86.8% of the community supervision population of Texas and are listed below.

CSCDs with Progressive Sanctions Models for FY2010-2011					
Anderson	Childress	Harris	Kendall	Nueces	Taylor
Angelina	Collin	Haskell	Kleberg	Orange	Terry
Atascosa	Dallas	Henderson	Lavaca	Palo Pinto	Tom Green
Bell	Dawson	Hidalgo	Liberty	Panola	Travis
Bexar	Deaf Smith	Hill	Lubbock	Parker	Upshur
Bowie	Denton	Hockley	Matagorda	Parmer	Uvalde
Brazoria	Ellis	Hood	McLennan	Polk	Van Zandt
Brazos	El Paso	Jack	Midland	Potter	Victoria
Burnet	Fort Bend	Jefferson	Milam	Reeves	Webb
Caldwell	Grayson	Jim Wells	Montgomery	San Patricio	Wichita
Cameron	Gregg	Johnson	Moore	Scurry	Williamson
Cass	Guadalupe	Jones	Nolan	Tarrant	Wood



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## APPENDIX A: INITIAL DISTRIBUTION OF FY2010 RIDER 75 DIVERSION PROGRAM FUNDING

FY2010 Outpatient Treatment as Directed by Rider 75a			
CSCD	Grant Amount	CSCD	Grant Amount
Angelina	\$56,671	Lavaca	\$8,160
Bell	\$15,000	Lubbock	\$210,823
Bexar	\$184,593	Midland	\$61,854
Brazoria	\$191,472	Moore	\$12,102
Brazos	\$40,229	Nueces	\$155,290
Caldwell	\$199,444	Potter	\$187,930
Cameron	\$82,147	Reeves	\$69,160
Dallas	\$521,383	Scurry	\$115,316
Deaf Smith	\$35,050	Tarrant	\$60,327
El Paso	\$277,994	Taylor	\$88,469
Ellis	\$51,175	Tom Green	\$125,303
Fort Bend	\$126,000	Travis	\$630,444
Grayson	\$209,725	Upshur	\$35,157
Harris	\$821,706	Uvalde	\$7,030
Hill	\$57,510	Victoria	\$34,769
Jefferson	\$105,250	Webb	\$75,377
Kleberg	\$119,938		
<b>Total Allocated</b>			<b>\$4,972,798</b>
<b>Unobligated</b>			<b>\$27,202</b>
<i>FY2010 Legislative Appropriation</i>			<i>\$5,000,000</i>



**APPENDIX A: INITIAL DISTRIBUTION OF FY2010 RIDER 75  
DIVERSION PROGRAM FUNDING**

<b>FY2010 Residential Beds as Directed by Rider 75b (as of August 31, 2010)</b>					
<b>CSCD</b>	<b>Beds</b>	<b>Grant Amount</b>	<b>CSCD</b>	<b>Beds</b>	<b>Grant Amount</b>
Bexar	58	\$1,127,797	Hidalgo	96	\$1,612,200
Bowie	100	\$2,412,604	Lubbock	48	\$164,772
Cass	8	\$101,359	Nueces	21	\$361,085
Dallas	60	\$1,488,909	Terry	14	\$203,116
El Paso	64	\$1,002,196	Tom Green	150	\$4,564,736
Gregg	52	\$1,150,955	Travis	35	\$981,059
Harris	19	\$528,947	Uvalde	20	\$438,000
<b>Total Residential Beds</b>				<b>745</b>	<b>\$16,137,735</b>
<b>FY2010 Contract Residential</b>					
<b>CSCD</b>	<b>Grant Amount</b>		<b>CSCD</b>	<b>Grant Amount</b>	
Caldwell	\$93,206		Tarrant	\$287,154	
Dallas	\$569,547		Tom Green	\$90,675	
Denton	\$36,000		Travis	\$440,000	
Fort Bend	\$215,833		Victoria	\$33,000	
Scurry	\$53,670				
<b>Total Contract Residential</b>				<b>\$1,819,085</b>	
<b>Total Allocated</b>				<b>\$17,956,820</b>	
<b>Unobligated</b>				<b>\$47,903</b>	
<i>FY2010 Legislative Appropriation</i>				<i>\$18,004,723</i>	



**APPENDIX B: INITIAL DISTRIBUTION OF FY2010 RIDER 78 TARGETED SUBSTANCE ABUSE TREATMENT FUNDING**

<b>FY2010 Targeted Substance Abuse Treatment Funding as Directed by Rider 78</b>			
<b>CSCD</b>	<b>2010 Funding Amount</b>	<b>CSCD</b>	<b>2010 Funding Amount</b>
Bowie	\$145,637	Jim Wells	\$51,763
Brazoria	\$90,916	Lavaca	\$19,008
Cass	\$101,116	Nueces	\$107,450
Childress	\$30,800	Orange	\$27,530
Dallas	\$105,389	Palo Pinto	\$45,050
Deaf Smith	\$41,250	Taylor	\$61,078
Fort Bend	\$111,242	Tom Green	\$42,713
Guadalupe	\$19,058		
<i>FY2010 Legislative Appropriation</i>			<i>\$1,000,000</i>



TDCJ-CJAD has published previous Monitoring Reports using data collected in the Monthly Community Supervision and Corrections Report (MCSCR). CSCDs submitted aggregate data on placements, terminations, and number of offenders under supervision in the MCSCR to TDCJ-CJAD. The statewide MCSCR database was used as the official source for aggregated statewide probation data.

The 74th Texas Legislature (1995) mandated the creation of corrections tracking for all offenders under the supervision of criminal justice agencies. TDCJ developed the Community Supervision Tracking System (CSTS), a database that collects detailed information about individual offenders under community supervision. TDCJ-CJAD developed the Intermediate System (ISYS) to facilitate the data submission process to CSTS, solving the problem of consolidating data from different databases maintained by the 122 local CSCDs.

FY2010 is the first year evaluation criteria have been calculated using data obtained from CSTS-ISYS, a database that collects detailed demographic, offense, supervision, risk/needs assessment, and program participation information about offenders under community supervision. CSTS-ISYS accepts a wide range of data fields that are not contained in CSTS; therefore, a subset of ISYS data is submitted to CSTS daily. April 2010 was the last date TDCJ-CJAD required CSCDs to submit an MCSCR. Although CSCDs were reporting to CSTS-ISYS and submitting the MCSCR prior to that date, the information was used to verify accuracy prior to relying solely on CSTS-ISYS for data. Once an acceptable level of accuracy was achieved, TDCJ-CJAD discontinued use of the MCSCR.

**With the exception of historical evaluation criteria, all data in this report has been calculated using information from CSTS-ISYS.**

An individual-level data source can be more accurate because summary data can be more easily verified by supporting identification of each offender counted in a given number. For example, CSTS-ISYS identifies 24,239 felony revocations to TDCJ in FY2010. Each of these felony revocations can be identified and analyzed in greater detail using demographic, offense, and revocation information. The change to CSTS-ISYS reporting represents a significant step forward in data quality and integrity. Offender-level data enables TDCJ-CJAD to conduct more detailed audits of programs, data, and offender eligibility for funding purposes.

As CSTS-ISYS was developed, a top priority was ensuring that MCSCR reporting rules were applied to CSTS-ISYS reporting, as much as possible, to keep data consistent with prior reporting. However, inherent differences exist between the two data sources. As CSTS-ISYS data is now subject to the same rules being applied at the state rather than local level, differences in reported numbers are to be expected. CSCDs are focusing more closely on data reporting as it becomes an increasingly important tool for TDCJ-CJAD to fund and evaluate programs.



Appropriations Rider 67 (GAA 2009) requires TDCJ-CJAD to develop an accountability system to track the effectiveness of diversion program funding targeted at making a positive impact on the criminal justice system. TDCJ-CJAD tracks seven evaluation criteria, which are discussed in this report. The primary source of data for the evaluation criteria discussed in this report is the Community Supervision Tracking System – Intermediate System (CSTS-ISYS). Evaluation criteria definitions have changed slightly from previous reports to accommodate the differences between an aggregate reporting system and offender-level data.

The evaluation criteria definitions and data sources used for this report are detailed below:

**Felony Revocations to TDCJ:** The total number of felony revocations to state jail and TDCJ during the reporting period. The source of this data is the number of felony revocations to state jail and TDCJ as reported to CSTS-ISYS.

**Felony Technical Revocations:** The total number of “Other Reasons for Revocation” during the reporting period. The source of this data is the number of felony revocations with a revocation reason identified as “Other Reasons for Revocation” as reported to CSTS-ISYS.

**Average 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. The source of this data is the biannual Caseload Report.

**Felony Early Terminations:** The total number of felony early terminations during the reporting period. The source of this data is the number of felony “Early Terminations” as reported to CSTS-ISYS.

**Felony Community Supervision Placements:** Total number of felony community supervision placements during the reporting period. The source of this data is felony “Community Supervision Placements” reported to CSTS-ISYS.

**Average Community Corrections Facility (CCF) Population:** The average CCF population for the reporting period. The source of this data is the Community Corrections Facilities population as reported on the Monthly Community Supervision Program Report.

**Community Supervision Officers (CSOs) Employed:** The average number of CSOs employed during the reporting period. The source of this data is the “Number of Paid Full-Time CSOs” and “Number of Paid Part-Time CSOs” as reported on the MCSCR for September 2009 – April 2010 and the “Total Number of CSOs” as reported on the Monthly Community Supervision Staff Report for May 2010 – August 2010. The definition of a CSO is the same for both the MCSCR and Monthly Community Supervision Staff Report.



CSCD	Percent of Statewide Felony Direct and Indirect Population	Felony Revocations to TDCJ	Percent of Statewide Felony Revocations to TDCJ	Felony Technical Revocations to TDCJ	Percent of Statewide Felony Technical Revocations	Percent of Felony Revocations to TDCJ for Technical Violations
Statewide		24,239		11,823		48.8%
Dallas	13.6%	3,149	13.0%	1,584	13.4%	50.3%
Harris	11.5%	3,134	12.9%	1,917	16.2%	61.2%
Tarrant	4.7%	1,479	6.1%	683	5.8%	46.2%
Bexar	6.2%	1,327	5.5%	545	4.6%	41.1%
Travis	3.6%	774	3.2%	271	2.3%	35.0%
Hidalgo	4.4%	710	2.9%	299	2.5%	42.1%
Nueces	1.9%	580	2.4%	243	2.1%	41.9%
Collin	1.7%	469	1.9%	260	2.2%	55.4%
El Paso	3.9%	436	1.8%	206	1.7%	47.2%
Potter	1.4%	423	1.7%	187	1.6%	44.2%
Jefferson	1.4%	422	1.7%	183	1.5%	43.4%
Smith	0.8%	390	1.6%	256	2.2%	65.6%
Galveston	0.9%	339	1.4%	135	1.1%	39.8%
Cameron	2.2%	337	1.4%	137	1.2%	40.7%
Lubbock	1.4%	310	1.3%	109	0.9%	35.2%
Montgomery	1.1%	303	1.3%	144	1.2%	47.5%
Brazoria	0.9%	294	1.2%	121	1.0%	41.2%
Bell	1.4%	294	1.2%	107	0.9%	36.4%
Denton	1.1%	273	1.1%	118	1.0%	43.2%
McLennan	0.9%	271	1.1%	168	1.4%	62.0%
Caldwell	1.1%	266	1.1%	102	0.9%	38.3%
Taylor	0.9%	261	1.1%	103	0.9%	39.5%
Midland	0.8%	241	1.0%	149	1.3%	61.8%
Johnson	1.1%	232	1.0%	120	1.0%	51.7%
Victoria	1.2%	231	1.0%	35	0.3%	15.2%
Williamson	0.8%	230	0.9%	141	1.2%	61.3%
Grayson	0.7%	189	0.8%	126	1.1%	66.7%
Ellis	0.6%	186	0.8%	98	0.8%	52.7%



Received Additional Diversion Funding

Did Not Receive Additional Diversion Funding

CSCD	Percent of Statewide Felony Direct and Indirect Population	Felony Revocations to TDCJ	Percent of Statewide Felony Revocations to TDCJ	Felony Technical Revocations to TDCJ	Percent of Statewide Felony Technical Revocations	Percent of Felony Revocations to TDCJ for Technical Violations
Liberty	0.7%	183	0.8%	79	0.7%	43.2%
Tom Green	0.9%	179	0.7%	86	0.7%	48.0%
Fort Bend	0.9%	166	0.7%	48	0.4%	28.9%
Kerr	0.4%	163	0.7%	75	0.6%	46.0%
Ector	0.5%	159	0.7%	87	0.7%	54.7%
Hopkins	0.5%	158	0.7%	76	0.6%	48.1%
Brazos	0.6%	156	0.6%	53	0.5%	34.0%
Polk	0.5%	156	0.6%	77	0.7%	49.4%
Angelina	0.7%	147	0.6%	69	0.6%	46.9%
Bastrop	0.6%	140	0.6%	66	0.6%	47.1%
Gregg	0.5%	137	0.6%	97	0.8%	70.8%
San Patricio	0.7%	135	0.6%	69	0.6%	51.1%
Matagorda	0.5%	131	0.5%	34	0.3%	26.0%
Anderson	0.4%	130	0.5%	76	0.6%	58.5%
Atascosa	0.5%	130	0.5%	68	0.6%	52.3%
Nacogdoches	0.4%	127	0.5%	52	0.4%	40.9%
Rockwall	0.2%	124	0.5%	71	0.6%	57.3%
Bowie	0.6%	117	0.5%	54	0.5%	46.2%
Parker	0.4%	115	0.5%	35	0.3%	30.4%
Orange	0.4%	114	0.5%	53	0.5%	46.5%
Hunt	0.4%	113	0.5%	113	1.0%	100.0%
Henderson	0.3%	112	0.5%	66	0.6%	58.9%
Guadalupe	0.3%	111	0.5%	49	0.4%	44.1%
Wichita	0.5%	108	0.4%	73	0.6%	67.6%
Walker	0.4%	99	0.4%	43	0.4%	43.4%
Uvalde	0.3%	95	0.4%	64	0.5%	67.4%
Limestone	0.3%	95	0.4%	50	0.4%	52.6%
Brown	0.3%	92	0.4%	44	0.4%	47.8%
Hill	0.3%	91	0.4%	44	0.4%	48.4%



Received Additional Diversion Funding

Did Not Receive Additional Diversion Funding

CSCD	Percent of Statewide Felony Direct and Indirect Population	Felony Revocations to TDCJ	Percent of Statewide Felony Revocations to TDCJ	Felony Technical Revocations to TDCJ	Percent of Statewide Felony Technical Revocations	Percent of Felony Revocations to TDCJ for Technical Violations
Jasper	0.3%	91	0.4%	46	0.4%	50.5%
Kaufman	0.4%	88	0.4%	64	0.5%	72.7%
Lamar	0.3%	88	0.4%	51	0.4%	58.0%
Hale	0.2%	87	0.4%	50	0.4%	57.5%
Kleberg	0.4%	82	0.3%	43	0.4%	52.4%
Lavaca	0.3%	80	0.3%	28	0.2%	35.0%
Coryell	0.2%	74	0.3%	38	0.3%	51.4%
Dawson	0.3%	73	0.3%	56	0.5%	76.7%
Upshur	0.3%	72	0.3%	34	0.3%	47.2%
Hood	0.2%	72	0.3%	50	0.4%	69.4%
Morris	0.4%	72	0.3%	34	0.3%	47.2%
Panola	0.4%	70	0.3%	41	0.4%	58.6%
Palo Pinto	0.2%	66	0.3%	18	0.2%	27.3%
Eastland	0.1%	64	0.3%	2	0.0%	3.1%
Jack	0.2%	63	0.3%	23	0.2%	36.5%
Falls	0.2%	62	0.3%	25	0.2%	40.3%
Childress	0.4%	61	0.3%	17	0.1%	27.9%
Harrison	0.3%	60	0.2%	25	0.2%	41.7%
Burnet	0.3%	59	0.2%	40	0.3%	67.8%
Navarro	0.4%	59	0.2%	30	0.3%	50.8%
Deaf Smith	0.2%	55	0.2%	31	0.3%	56.4%
Moore	0.2%	54	0.2%	35	0.3%	64.8%
Nolan	0.2%	54	0.2%	27	0.2%	50.0%
Starr	0.6%	53	0.2%	22	0.2%	41.5%
Rusk	0.2%	52	0.2%	31	0.3%	59.6%
Wood	0.2%	52	0.2%	28	0.2%	53.8%
Webb	0.8%	49	0.2%	23	0.2%	46.9%
Fayette	0.3%	49	0.2%	49	0.4%	100.0%
Milam	0.1%	49	0.2%	0	0.0%	0.0%



Received Additional Diversion Funding

Did Not Receive Additional Diversion Funding

CSCD	Percent of Statewide Felony Direct and Indirect Population	Felony Revocations to TDCJ	Percent of Statewide Felony Revocations to TDCJ	Felony Technical Revocations to TDCJ	Percent of Statewide Felony Technical Revocations	Percent of Felony Revocations to TDCJ for Technical Violations
Cooke	0.2%	47	0.2%	24	0.2%	51.1%
Fannin	0.2%	46	0.2%	24	0.2%	52.2%
Hardin	0.2%	46	0.2%	14	0.1%	30.4%
Van Zandt	0.2%	43	0.2%	29	0.3%	67.4%
Gray	0.1%	41	0.2%	11	0.1%	26.8%
Comanche	0.2%	38	0.2%	27	0.2%	71.1%
Montague	0.2%	38	0.2%	16	0.1%	42.1%
Reeves	0.2%	37	0.2%	26	0.2%	70.3%
Howard	0.2%	37	0.2%	21	0.2%	56.8%
Jim Wells	0.4%	36	0.1%	4	0.0%	11.1%
Hutchinson	0.1%	36	0.1%	25	0.2%	69.4%
Maverick	0.2%	36	0.1%	12	0.1%	33.3%
Jones	0.1%	35	0.1%	16	0.1%	45.7%
Erath	0.2%	35	0.1%	11	0.1%	31.4%
Terry	0.2%	33	0.1%	16	0.1%	48.5%
Cass	0.2%	30	0.1%	13	0.1%	43.3%
Pecos	0.2%	30	0.1%	12	0.1%	40.0%
Scurry	0.1%	28	0.1%	13	0.1%	46.4%
Andrews	0.1%	28	0.1%	14	0.1%	50.0%
Val Verde	0.2%	28	0.1%	12	0.1%	42.9%
Wheeler	0.1%	28	0.1%	0	0.0%	0.0%
Kendall	0.1%	25	0.1%	8	0.1%	32.0%
Tyler	0.1%	24	0.1%	7	0.1%	29.2%
Winkler	0.0%	22	0.1%	18	0.2%	81.8%
Young	0.2%	20	0.1%	14	0.1%	70.0%
Wilbarger	0.1%	20	0.1%	13	0.1%	65.0%
Hockley	0.1%	19	0.1%	4	0.0%	21.1%
McCulloch	0.1%	17	0.1%	8	0.1%	47.1%
Crockett	0.1%	16	0.1%	9	0.1%	56.3%



Received Additional Diversion Funding

Did Not Receive Additional Diversion Funding

CSCD	Percent of Statewide Felony Direct and Indirect Population	Felony Revocations to TDCJ	Percent of Statewide Felony Revocations to TDCJ	Felony Technical Revocations to TDCJ	Percent of Statewide Felony Technical Revocations	Percent of Felony Revocations to TDCJ for Technical Violations
Haskell	0.1%	15	0.1%	4	0.0%	26.7%
Cherokee	0.2%	13	0.0%	5	0.0%	38.5%
Floyd	0.0%	13	0.0%	3	0.0%	23.1%
Lamb	0.1%	13	0.0%	3	0.0%	23.1%
Parmer	0.1%	12	0.0%	7	0.1%	58.3%
Baylor	0.1%	7	0.0%	0	0.0%	0.0%
Crane	0.0%	4	0.0%	1	0.0%	25.0%

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## ACKNOWLEDGEMENTS

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