

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



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# Executive Summary



## INTRODUCTION

The 79th Texas Legislature allocated approximately \$27.7 million per year in new diversion program (DP) funds to the Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) for Strategy A.1.2. Diversion Programs. These funds are intended to strengthen community supervision by reducing caseloads, utilizing progressive sanctions models, and providing more community supervision options by funding residential treatment and aftercare.

## APPROPRIATION RIDER REQUIREMENTS FOR DIVERSION PROGRAMS (STRATEGY A.1.2.)

### Caseload Reduction

Appropriation Rider 71 states that \$14,092,422 per year "shall be used to fund additional community supervision officers to reduce caseloads consisting of medium and high risk offenders."

#### Funding Eligibility:

- Caseload Reduction Grant: Community Supervision and Corrections Departments (CSCDs) with average caseload sizes above 95.
- Aftercare Caseload Grant: CSCDs with existing Community Corrections Facilities (CCFs) were eligible to apply for caseload reduction funding to employ Community Supervision Officers (CSOs) for aftercare caseloads for offenders returning to the community from CCF programs.

### Progressive Sanctions

Appropriation Rider 72 specifies that TDCJ-CJAD shall give preference to CSCDs using a progressive sanctions model.

#### Funding Eligibility:

- CSCDs agreed to develop and utilize a progressive sanctions model for their departments.
- Departments were required to submit their locally developed progressive sanctions model to TDCJ-CJAD.
- Progressive Sanctions Models were based on elements described in several legislative bills.

### Residential Treatment and Sanction Beds

Appropriation Rider 73 states that \$13,637,500 shall be expended each year "on additional residential treatment and sanction beds." The rider also directs TDCJ-CJAD to give preference in the distribution of these funds to CSCDs:

#### Funding Eligibility:

- CSCDs having access to currently existing, unfunded residential treatment and sanction beds.
- CSCDs having higher rates of community supervision technical revocations.

# Executive Summary



Funding decisions were based on existing non-funded beds, CSCD revocation rates and cost effectiveness. Some of these funds were utilized to support Residential Substance Abuse Treatment (RSAT) beds that received less federal funds for FY 2006-2007.

## METHODOLOGY FOR ALLOCATING NEW DIVERSION PROGRAM FUNDS

TDCJ-CJAD sent out a Diversion Program Funding Announcement to all CSCDs July 1, 2005, informing the departments of the additional diversion program funding, the appropriation rider requirements, application requirements, special grant conditions, training opportunities regarding the application for funds, and the categories of funding.

The categories of funding included:

- Caseload reduction funding including aftercare specialized caseloads
- Residential funding

Based on grant proposals received from CSCDs and evaluations by TDCJ-CJAD staff, grant awards were made in the following categories:

- Caseload reduction diversion grants were allocated totaling \$14,092,422 for FY 2006
  - 25 caseload reduction grants
  - 9 aftercare specialized caseloads
  - 1 pilot program grant
- Residential treatment diversions grants were allocated totaling \$13,437,500\* for FY 2006
  - 4 new residential treatment facilities
  - 5 grants to avoid the loss of previously funded RSAT beds
  - 2 aftercare treatment grants

## MONITORING, ACCOUNTABILITY AND EVALUATION

As required by Appropriation Rider 79, TDCJ-CJAD has developed an accountability system to track the impact and effectiveness of diversion program funds. TDCJ-CJAD will be providing quarterly reports to each CSCD summarizing their activities during the quarter and how those activities compare to FY 2005 performance for the CSCD. Statewide performance will be tracked in a similar manner.

Evaluation criteria to be monitored include:

- Change in Felony Probation Placements compared to FY 2005
- Average Community Correctional Facility Population compared to FY 2005
- Numeric Increase in Community Supervision Officers Employed compared to FY 2005
- Numeric Reduction in Caseload Size compared to FY 2005
- Percent Reduction in Felony Revocations compared to FY 2005
- Percent Reduction in Felony Technical Revocations compared to FY 2005
- Percent Reduction in Felony Termination Revocation rate compared to FY 2005
- Percent Increase in Felony Early Discharges compared to FY 2005

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

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## INTRODUCTION

A number of studies, including the Senate Committee on Criminal Justice Interim Report 2004 and the House Committee on Corrections/Appropriations Interim Report 2004 recommended strengthening community supervision in an effort to address the growing revocation rate of felons on community supervision.

In response to these studies and recommendations, the 79th Texas Legislature allocated an additional \$27.7 million per year in new diversion program funds to the TDCJ-CJAD for Strategy A.1.2. Diversion Programs for FY 2006-2007. These funds were directed at reducing caseload sizes, utilizing progressive sanctions models, and providing funding for residential treatment and aftercare.

## APPROPRIATION RIDER REQUIREMENTS FOR DIVERSION PROGRAMS (STRATEGY A.1.2.)

Three appropriation riders directed TDCJ-CJAD to target these funds for specific purposes:

- **Rider 71. Probation Caseload Reduction.** Out of funds appropriated above to the Texas Department of Criminal Justice in Strategy A.1.2. Diversion Programs, \$14,092,422 in fiscal year 2006 and \$14,092,422 in fiscal year 2007 shall be used to fund additional community supervision officers to reduce caseloads consisting of medium and high risk offenders.
- **Rider 72. Progressive Sanctions Model.** It is the intent of the Legislature that the Community Justice Assistance Division of the Texas Department of Criminal Justice shall encourage community supervision and corrections departments to employ the progressive sanctions community supervision model. To the maximum extent possible and from funds appropriated to the Texas Department of Criminal Justice in Strategy A.1.2. Diversion Programs, the Community Justice Assistance Division shall give preference to community supervision and corrections departments using the progressive sanctions community supervision model to make a positive impact on the criminal justice system.
- **Rider 73. Residential Treatment and Sanction Beds Funding.** Out of the funds appropriated above in Strategy A.1.2. Diversion Programs, \$13,637,500 shall be expended in fiscal year 2006 and \$13,637,500 shall be expended in fiscal year 2007 for additional residential treatment and sanction beds. In distribution of these funds, the Community Justice Assistance Division of the Texas Department of Criminal Justice shall give preference to community supervision and corrections departments having access to currently existing, unfunded residential treatment and sanction beds. The Community Justice Assistance Division shall also give preference to community supervision and corrections departments that have higher rates of community supervision technical revocations in order to maximize the positive effect on the criminal justice system.

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A fourth rider requires TDCJ to develop an accountability system to track the positive impact of these funds on the criminal justice system as described below in Rider 79.

- **Rider 79. Monitoring of Community Supervision Diversion Funds.** From funds appropriated above, the Texas Department of Criminal Justice (TDCJ) shall develop a specific accountability system for tracking community supervision funds targeted at making a positive impact on the criminal justice system.

In addition to implementing the recommendations made by the State Auditor's Office in the September 2004 report (Report No. 05-002) to the Texas Department of Criminal Justice to increase the accuracy and completeness of information used to allocate funds for adult probation services and to improve the monitoring agreements made with the community supervision and corrections departments (CSCDs), the agency shall implement a monitoring system so that the use of funds appropriated in Strategies A.1.2., A.1.3., and A.1.4. can be specifically identified.

The agency shall produce, on an annual basis, detailed monitoring, tracking, utilization, and effectiveness information on the above mentioned funds. This information shall include information on the impact of any new initiatives. Examples include, but are not limited to, number of offenders served, number of residential beds funded, number of community supervision officers hired, and caseload sizes. The agency shall provide documentation regarding the methodology used to distribute the funds. In addition to any other requests for information, the agency shall report the above information for the previous fiscal year to the Legislative Budget Board and the Governor's Office by December 1st of each year.

This first report will document the methodology established for allocating these funds consistent with the Legislative riders described above, the allocation of those funds to CSCDs, and the accountability system established to monitor the impact of these funds on the criminal justice system.

## METHODOLOGY FOR ALLOCATING NEW DIVERSION PROGRAM FUNDS

TDCJ-CJAD sent out a Diversion Program Funding Announcement to all CSCDs July 1, 2005, informing the departments of the additional diversion program funding, the appropriation rider requirements, application requirements, special grant conditions, training opportunities regarding the application for funds, and the categories of funding.

The categories of funding included:

- Caseload reduction funding including aftercare specialized caseloads
- Residential funding

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## CASELOAD REDUCTION

Appropriation riders established parameters for allocating diversion program funds for caseload reduction funding:

- Caseload reduction funds shall be used to fund additional community supervision officers to reduce caseloads consisting of medium and high risk offenders
- The General Appropriations Act efficiency measure established a target of reducing caseloads to 95
- CSCDs must establish a local progressive sanctions system
- TDCJ-CJAD required CSCDs to establish revocation reduction goals of at least 10% annually to meet legislative intent of reducing revocations

CSCDs with an average caseload size of 95 or less were ineligible for funding. The number of officers necessary to reduce average caseloads to 95, for CSCDs with average caseloads above 95, was calculated. The funds allocated for caseload reduction were allocated in proportion to the number of officers needed for each CSCD. Due to variation in salary, benefits, and the amount of funds available, it was recognized that funds allocated may not be sufficient to reduce caseloads to 95 in all departments.

CSCDs with existing CCFs were eligible to apply for caseload reduction funding to employ CSOs for aftercare specialized caseloads for medium and high risk offenders returning to the community from CCF programs.

Departments were required to submit proposals that addressed the parameters detailed above regarding the use of a local progressive sanctions system, establishment of a goal to reduce revocations by 10% or more, employment of additional CSOs, and plans to target medium and high risk offenders.

The chart below details CSCDs receiving caseload reduction funding for FY 2006 as directed by Rider 71:

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

<sup>1</sup> Received both the caseload reduction grant and the aftercare caseload grant.

<sup>2</sup> Received caseload reduction grant and pilot program grant.

<sup>3</sup> Only received the aftercare caseload grant.

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## RESIDENTIAL TREATMENT BEDS

Appropriation riders established parameters for allocating funding for residential treatment and sanction beds funds:

- Preference was given to departments where there were currently existing, unfunded residential treatment and sanction beds
- Preference was given to departments that have higher rates of community supervision technical revocations

Grant conditions similar to the caseload reduction funding were also required:

- CSCDs must establish a local progressive sanctions system
- TDCJ-CJAD required CSCDs to establish revocation reduction goals of at least 10% annually to meet legislative intent of reducing revocations

In addition to funding new residential treatment beds, approximately \$2.59 million was allocated to avoid the loss of federally funded RSAT beds that were not fully funded for FY 2006-2007. This funding supported approximately 135 of the 277 RSAT beds that would have been closed due to federal funding reductions.

Additional aftercare treatment for substance abuse treatment of medium and high risk offenders was funded in Harris and Montgomery counties.

The table below details residential treatment funding as directed by Rider 73:

Residential Beds as directed by Rider 73	Beds	FY 2006
<b>Funding for New Beds</b>		
Bexar	100	\$ 1,835,274
El Paso	28	\$ 401,624
Harris	300	\$ 5,957,847
Tom Green	60	\$ 1,514,158
<b>Funding to Support RSAT Beds</b>	135	\$ 2,590,856
<b>Additional Funding Allocated for Aftercare Treatment</b>		
Harris (to be utilized throughout the biennium)		\$ 1,092,741
Montgomery		\$ 45,000
<b>Total Allocated</b>	<b>623</b>	<b>\$13,437,500*</b>

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

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## MONITORING, ACCOUNTABILITY AND EVALUATION

Appropriation Rider 79 requires TDCJ-CJAD to "develop a specific accountability system for tracking community supervision funds targeted at making a positive impact on the criminal justice system". The rider specifies tracking information on the number of offenders served, number of residential beds funded, number of community supervision officers hired, and caseload sizes.

To address this requirement, TDCJ-CJAD has established eight evaluation criteria to determine impact of new diversion funding on the criminal justice system. These criteria are listed below and indicate FY 2005 information for the state. As will be detailed below, a system will be developed to report this information for FY 2006 to CSCDs and the state and compare to FY 2005 performance.

### EVALUATION CRITERIA FOR NEW DIVERSION PROGRAM FUNDING FY 2006: FY 2005 STATEWIDE MEASURES

#### *PLACEMENTS*

Change in Felony Probation Placements compared to FY 2005

- FY 2005 Felony Placements: 56,441

Average Community Correctional Facility Population compared to FY 2005

- FY 2005 Average Community Correctional Facility Population: 2,331

#### *OFFICERS AND CASELOAD SIZE*

Numeric Increase in Community Supervision Officers Employed compared to FY 2005

- FY 2005 Community Supervision Officers: 3,357

Numeric Reduction in Caseload Size compared to FY 2005

- FY 2005 Average Regular Direct Caseload Size: 119

#### *REVOCATIONS AND TERMINATIONS*

Percent Reduction in Felony Revocations compared to FY 2005

- FY 2005 Felony Revocations to TDCJ: 24,030

Percent Reduction in Felony Technical Revocations compared to FY 2005

- FY 2005 Felony Technical Revocations: 52.0%

Percent Reduction in Felony Termination Revocation rate compared to FY 2005

- FY 2005 Felony Termination Revocation Rate: 47.2%

Percent Increase in Felony Early Discharges compared to FY 2005

- FY 2005 Percent of Felony Terminations by Early Discharge: 7.8%

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## EVALUATION CRITERIA MONITORING WEBSITE

To provide the State and CSCDs access to information on progress associated with the new diversion funding, a monitoring and accountability website is being developed. The website will provide each CSCD and the State access to information regarding FY 2005 baseline performance and quarterly comparison on FY 2006 performance.

An abbreviated example of the proposed website information is provided below to illustrate this concept.

EVALUATION CRITERIA WEBSITE (EXAMPLE INFORMATION)					
CSCD A	FY 2005 Baseline	FY 2005 Monthly Averages	FY 2006 1st Quarter Totals	FY 2006 1st Quarter Average	Percent Change FY 2006
Felony Placements	1200	100	360	120	+20%
Average Number of Officers	120	120	130	130	+8%
Felony Revocations	2400	200	540	180	-10%
Early Supervision Discharges	240	20	75	25	+25%

## CHALLENGES TO GOAL ACHIEVEMENT

It should be recognized, that even with additional funds, other factors pose challenges to achieving desired goals. Some examples illustrating these challenges include:

- Offenders on probation in Louisiana from Hurricane Katrina, now under supervision in Texas, are not funded by the State, and may increase caseload sizes. Compounding this problem, some offenders in departments affected by Hurricane Rita have moved, been unable to pay supervision fees, or are currently evacuees waiting to return to their department.
- The felony supervision population was projected to decline in FY 2006-2007 while current trends indicate increases in the felony supervision population. For example, HB 2668 (passed by the 78th Legislature) has been associated with the recent increase in the felony offender population, as some offenders have been diverted from state jail to probation. This increases the population of drug and property offenders on supervision, who have traditionally had higher than average revocation rates and may impact efforts to reduce felony revocations.

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## SUMMARY

The 79th Texas Legislature appropriated an additional \$55.5 million for the biennium in diversion program funds to TDCJ-CJAD with the goal of reducing felony revocations to prison. By appropriation riders they targeted three methodologies to achieve this goal:

- Reduce caseload sizes for community supervision officers
- Increase residential treatment beds as alternatives to revocations
- Utilize progressive sanctions systems to reduce revocations for offenders violating supervision conditions

The General Appropriations Act required TDCJ-CJAD to develop an accountability system to monitor progress in implementing rider requirements and achieving the primary goal of reducing felony revocations to prison.

TDCJ-CJAD disseminated a Diversion Program Funding Announcement July 1, 2005 specifying funding categories and requirements for funding. In August 2005, proposals were received, reviewed, and grant awards announced in September and October 2005. Funded departments are in the process of employing new officers, establishing new residential facilities, and implementing progressive sanctions. TDCJ-CJAD has developed an accountability system for monitoring the impact of these funds. TDCJ-CJAD will monitor performance throughout the biennium.