

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



December 1, 2012

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

**TEXAS BOARD OF CRIMINAL JUSTICE**

P. O. Box 13084  
Austin, Texas 78711  
Phone (512) 475-3250  
Fax (512) 305-9398

**Mr. Oliver J. Bell, Chairman**  
**Houston, TX**

Mr. Tom Mechler, Vice-Chairman  
Amarillo, TX

Mr. Leopoldo R. Vasquez III, Secretary  
Houston, TX

Mr. John "Eric" Gambrell, Member  
Highland Park, TX

The Honorable Larry J. Gist, Member  
Beaumont, TX

Ms. Carmen Villanueva-Hiles, Member  
Palmhurst, TX

Ms. Janice Harris Lord, Member  
Arlington, TX

Mr. R. Terrell McCombs, Member  
San Antonio, TX

Mr. J. David Nelson, Member  
Lubbock, TX

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

**Brad Livingston, Executive Director**

Bryan Collier, Deputy Executive Director

Carey A. Welebob, Division Director  
Community Justice Assistance Division



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

**JUDICIAL ADVISORY COUNCIL**

**The Honorable Mary Anne Bramblett, Chair**  
**41st District Court Judge**  
**El Paso, TX**

The Honorable Rose Guerra Reyna, Vice-Chair  
206th District Court Judge  
Edinburg, TX

The Honorable Carroll Wilborn, Secretary  
344th District Court Judge  
Anahuac, TX

Mr. Gregory T. Brewer, Member  
McKinney, TX

Ms. Joan Buschor, Member  
Houston, TX

The Honorable Caprice Cospers, Member  
Director, Harris County Office of  
Criminal Justice Coordination  
Houston, TX

The Honorable John C. Creuzot, Member  
Presiding Judge, Criminal District Court No. 4  
Dallas, TX

Mr. Daniel K. Hagood, Member  
Attorney At Law  
Dallas, TX

Mr. Leighton Iles, Member  
Director, Tarrant County CSCD  
Fort Worth, TX

The Honorable Sharon Keller, Member  
Presiding Judge, Court of Criminal Appeals  
Austin, TX

Mr. William R. Turner, Member  
Brazos County District Attorney  
Bryan, TX

The Honorable Bradley Underwood, Member  
364th District Court Judge  
Lubbock, TX



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

**TABLE OF CONTENTS**

5	Introduction
8	Effectiveness of Diversion Funds Allocated by the Texas Legislature
15	Perspectives on Revocations
18	Felony Cohort Study Update: A Changing Population
20	Perspectives on Recidivism
22	Summary
23	Prison Diversion Progressive Sanctions Program
25	Appendices
26	Appendix A: History of Targeted Diversion Program Funding
27	Appendix B: Definitions of Evaluation Criteria
28	Appendix C: FY2012 Felony Revocations by CSCD



## INTRODUCTION

The 79th, 80th, and 81st Texas Legislatures appropriated significant new funding for community supervision in Texas. Appropriation riders for the FY2006-2007, FY2008-2009, and FY2010-2011 biennia directed that the available funds target high-risk offenders and the reduction of revocations by increasing treatment resources. The 82nd Texas Legislature continued to fund the additional treatment resources, although appropriations riders no longer directed the expenditure of the additional funding (an overview of the history of targeted diversion program funding is available in Appendix A).

Throughout the FY2012-2013 biennium, the Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) continues to use the additional funds, along with existing Diversion Program funding, to implement the state leadership's strategy of reducing caseloads, increasing the availability of substance abuse treatment options, promoting evidence-based progressive sanctions models, and providing community sentencing options through expanded residential treatment and aftercare.

The Legislature requires TDCJ-CJAD to publish an annual monitoring report on the impact of funding targeted at making a positive impact on the criminal justice system. 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.

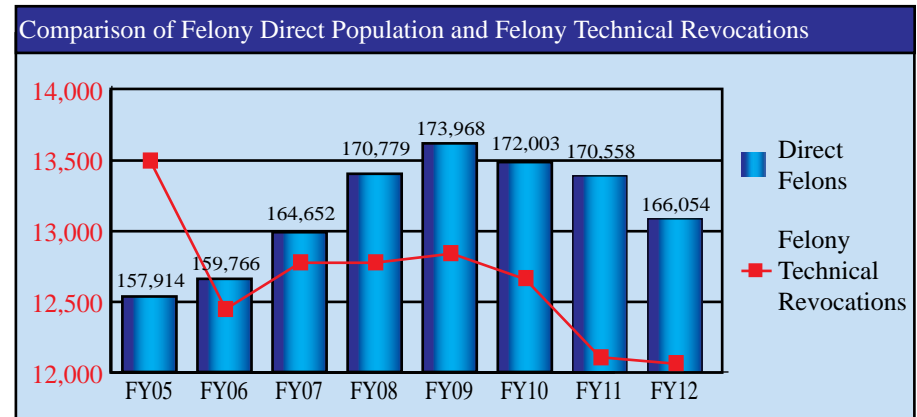
The current report documents changes since FY2005 in the community supervision population. FY2005 is used as a baseline for evaluation, as additional diversion funding was first distributed in FY2006. Previous reports compared changes between Community Supervision and Corrections Departments (CSCDs) that received additional diversion funding and those that did not. These comparisons are no longer applicable, as the additional diversion funding has been incorporated into existing funding to CSCDs to achieve the overall goal of enhancing treatment resources and decreasing caseload sizes to reduce revocations to TDCJ.



# Introduction

Since FY2005, more offenders are reported as supervised on direct supervision and are eligible to use treatment resources. 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 community supervision officer (CSO) every three (3) months. 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.

The felony direct community supervision population increased 5.2% from August 31, 2005 (157,914 offenders) to August 31, 2012 (166,054 offenders), while the number of felony technical revocations decreased 10.9% between FY2005 (13,504) and FY2012 (12,034). This results in a larger proportion of probationers reported as supervised on direct supervision (67.7% in FY2005 compared to 71.7% in FY2012) and using treatment resources.



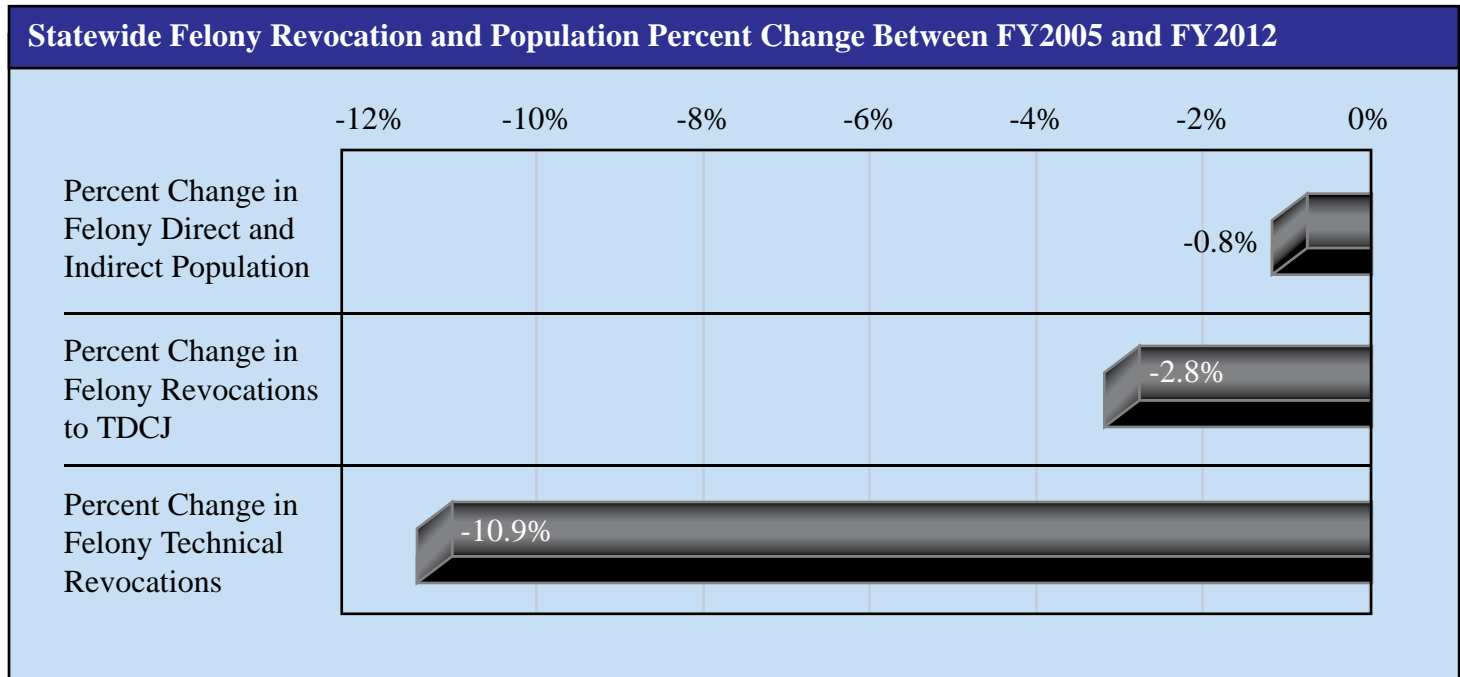
Felony Population								
	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Felony Direct and Indirect Population	233,152	233,929	236,617	241,021	241,414	238,951	236,478	231,376
Felony Direct Population	157,914	159,766	164,652	170,779	173,968	172,003	170,558	166,054

The felony direct and indirect population decreased 0.8% from FY2005 to FY2012. The felony direct and indirect population decreased 2.2% (5,102 offenders) between FY2011 and FY2012.



# Introduction

As the following chart demonstrates, felony revocations to TDCJ decreased at a greater rate than the felony direct and indirect population. Additionally, decreases in felony technical revocations have outpaced decreases in total felony revocations to TDCJ and the felony direct and indirect population, indicating that CSCDs continue to use alternatives to incarceration for offenders violating conditions of community supervision.





# Effectiveness of Diversion Funds Allocated by the Texas Legislature

## MONITORING EFFECTIVENESS

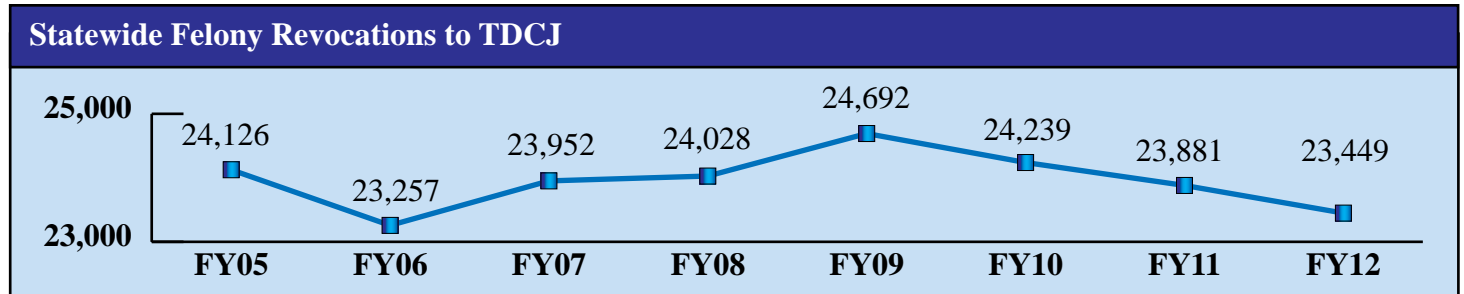
TDCJ-CJAD's annual Monitoring Report analyzes specific evaluation criteria to monitor the impact of funding intended to divert probationers from prison. With the exception of historical evaluation criteria, data in this report has been calculated using information from the Community Supervision Tracking System-Intermediate System (CSTS-ISYS). The evaluation criteria are listed below, and definitions of each are located in Appendix B.

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





# Effectiveness of Diversion Funds Allocated by the Texas Legislature



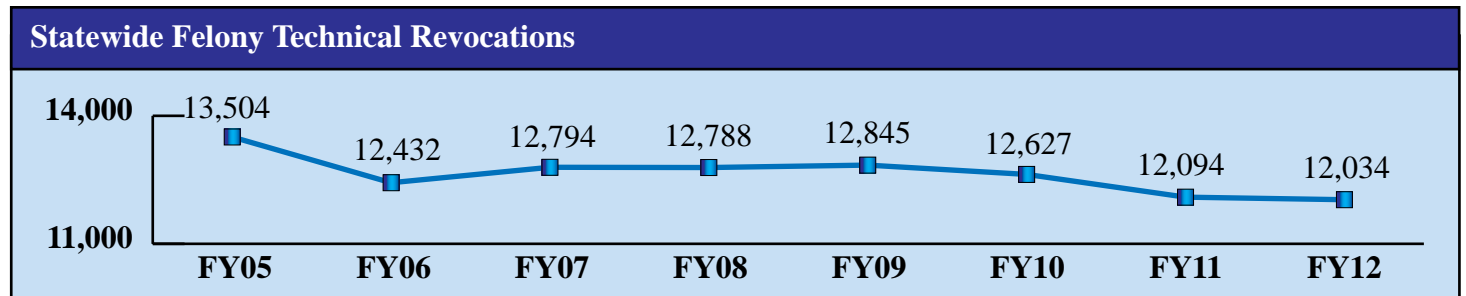
Felony revocations to TDCJ in FY2012 represent a 2.8% decrease from FY2005 (677 fewer felony revocations) and a 1.8% decrease from FY2011 (432 fewer felony revocations). However, the percentage of revocations to TDCJ for a technical violation of community supervision conditions increased from 48.5% in FY2011 to 49.0% in FY2012.

Offense Type	% of Revocations to TDCJ
Violent	19.3%
Property	33.4%
DWI	7.2%
Controlled Substance	30.9%
Other	9.2%

The above table shows the percentage of felony revocations by offense type. When comparing similar, previously published data, it should be noted that offenses were re-classified in FY2012, at the request of the Legislative Budget Board, to more accurately group offense types.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature



Felony technical revocations decreased 10.9% from FY2005 to FY2012, representing 1,470 fewer technical revocations. 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 zones, or not avoiding contact with a victim as ordered).

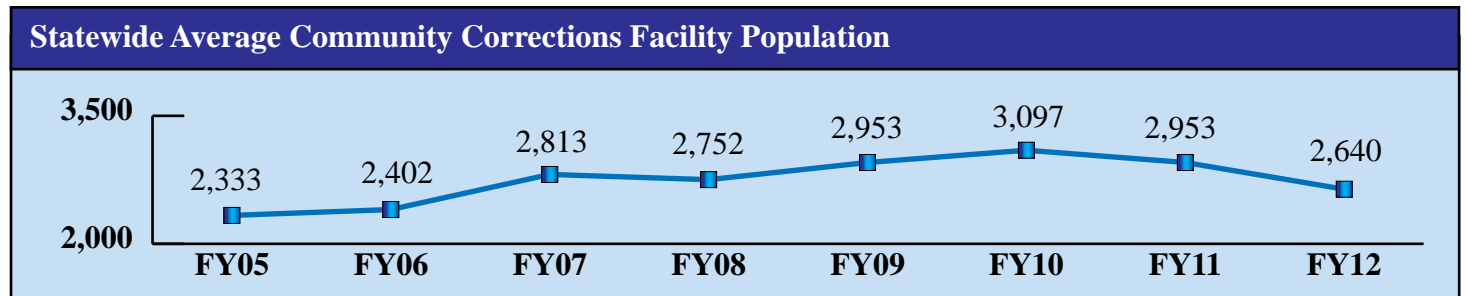
Offense Type	% of Felony Technical Revocations
Violent	17.5%
Property	33.4%
DWI	7.2%
Controlled Substance	33.2%
Other	8.7%

The above table shows the percentage of felony technical revocations by offense type. When comparing similar, previously published data, it should be noted that offenses were re-classified in FY2012 to more accurately group offense types.

Although the specifics of each case cannot be analyzed at the state level, CSCDs report that whether or not an offender has absconded from community supervision strongly impacts the decision to revoke an offender's community supervision. In FY2012, approximately 39% of offenders revoked to TDCJ for technical violations had absconded in the year prior to revocation, a slight increase from 36% in FY2011. 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 the court has issued a bond forfeiture warrant.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature

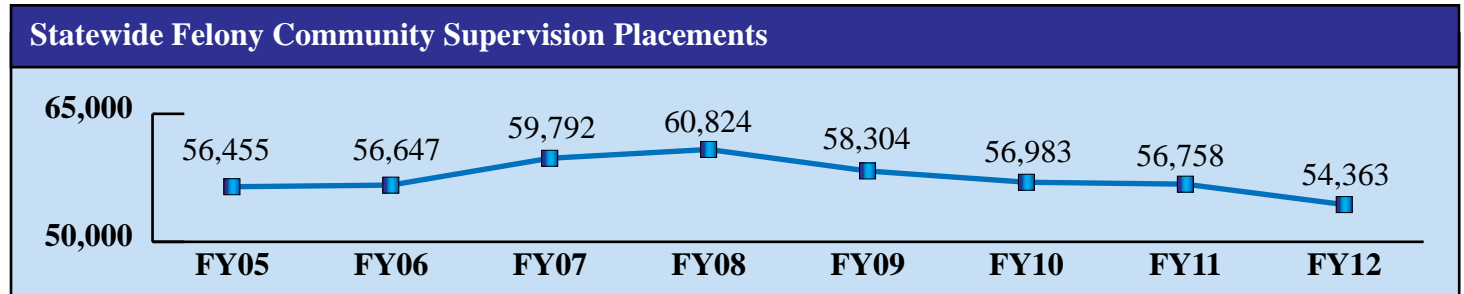


The 79th, 80th, and 81st Texas Legislatures appropriated additional diversion funding for residential treatment beds. As those treatment beds were operationalized, the statewide average CCF population increased 32.7% to a maximum of 3,097 in FY2010.

In FY2012, funding reductions closed five (5) residential facilities resulting in a loss of 181 residential beds. In addition, one (1) 90-bed facility in El Paso was closed for 8 months in FY2012 due to building maintenance issues. The closure of these beds during FY2012 resulted in a 10.6% decrease in the overall average CCF population between FY2011 and FY2012. However, due to the significant investments in residential treatment beds, the current statewide average CCF population represents approximately 300 more treatment beds used in FY2012 than in FY2005.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature



After initial increases in felony community supervision placements between FY2005 and FY2008, felony community supervision placements have decreased 10.6% since FY2008. The most significant decreases were in the 10 largest departments (identified on page 15), which represent approximately 63% of the decrease between FY2011 and FY2012.

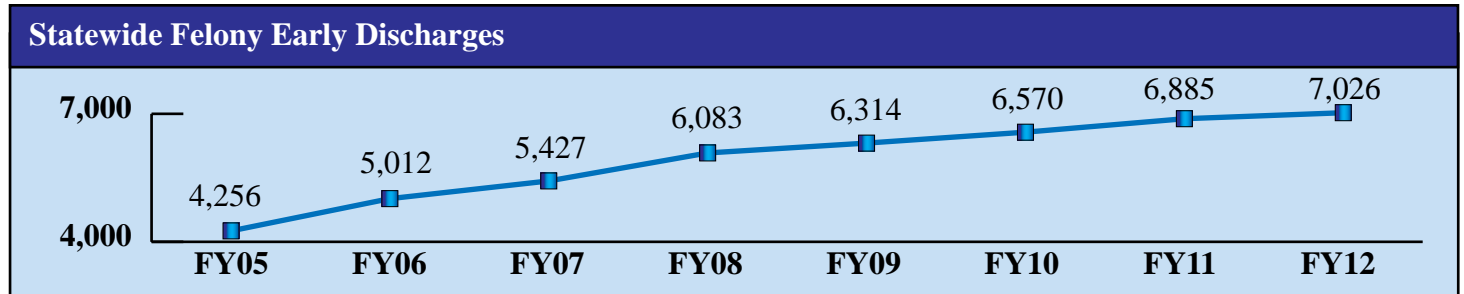
Offender level information regarding risk to re-offend became available in FY2010 when TDCJ-CJAD began using CSTS-ISYS as the source of community supervision population data. Currently, CSCDs use a modified version of the Wisconsin Risk/Needs Assessment to classify offenders as having minimum, medium, or maximum needs and risk to re-offend. The table below shows the risk and needs classification of felony offenders placed on community supervision in FY2010 and FY2012.

	Risk level		Needs level	
	FY2010	FY2012	FY2010	FY2012
Minimum	22.1%	20.3%	39.9%	39.7%
Medium	38.8%	36.6%	48.7%	47.6%
Maximum	39.1%	43.1%	11.4%	12.7%

Between FY2010 and FY2012, the percentage of felony placements classified as maximum risk increased from 39.1% to 43.1% while the percentage of felony placements classified as minimum risk decreased from 22.1% to 20.3%. A similar trend can be noted in the needs levels of felony placements during the same timeframe. In FY2010, 11.4% of felony placements were classified as maximum needs and this percentage increased to 12.7% in FY2012.



# Effectiveness of Diversion Funds Allocated by the Texas Legislature

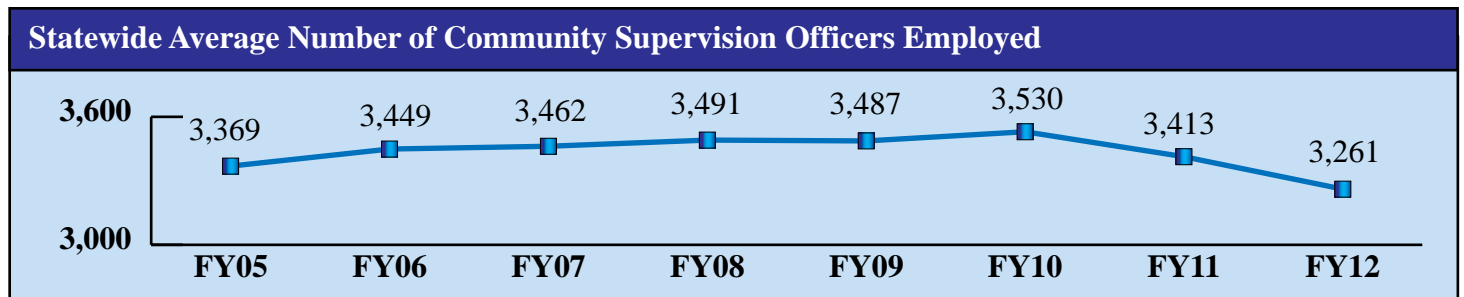


Felony early discharges from community supervision (as provided in Article 42.12 of the *Texas Code of Criminal Procedure*) have consistently increased statewide since FY2005. Statewide, felony early discharges increased 65.1% from FY2005 to FY2012.

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 greater, 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. 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.

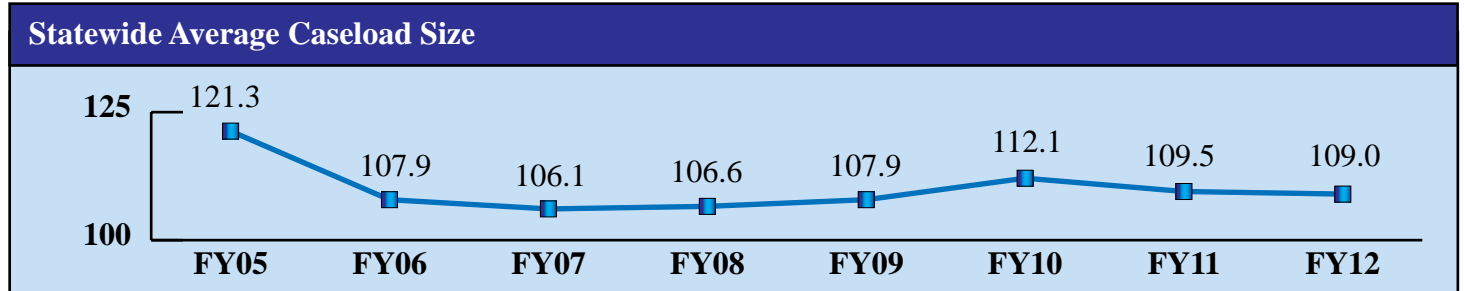


# Effectiveness of Diversion Funds Allocated by the Texas Legislature



Statewide, the average number of CSOs employed decreased 3.2% between FY2005 and FY2012 and 4.5% between FY2011 and FY2012.

The decrease in the number of CSOs employed reported in FY2012, as compared to FY2011, is primarily a result of increased reporting accuracy rather than an actual reduction in CSOs employed. While reviewing the data reported by CSCDs, TDCJ-CJAD discovered that some CSCDs were submitting reports that did not conform to the official report instructions. While historical data is over-representative of the number of CSOs employed who supervise at least one direct offender, the overall trend is representative of the trend in the number of CSOs employed between FY2005 and FY2012.



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

Statewide, the average caseload size has decreased 10.1% from FY2005 to FY2012. The decrease in CSOs employed, discussed in the previous section, did not significantly impact the average caseload size because the majority of the CSOs reported incorrectly did not supervise direct felony, direct misdemeanor, or pretrial offenders and were not included in the average caseload size calculation. The number of CSOs included in the average caseload size calculation remained relatively stable while the population of offenders supervised by those CSOs decreased 0.7% from FY2011, which led to the slight decrease in average caseload size between FY2011 and FY2012.



# Perspectives on Revocations

## PERSPECTIVES ON REVOCATIONS FOR THE TEN MOST POPULOUS CSCDS

The chart below lists changes in revocations between FY2005 and FY2012 in the ten most populous CSCDs.

Ten Most Populous CSCDs, FY2005 to FY2012						
CSCD	FY2012 Felony Direct and Indirect Population	Percent Change in Statewide Felony Direct and Indirect Population (FY2005 to FY2012)	FY2005 Felony Revocations to TDCJ	FY2012 Felony Revocations to TDCJ	Change in Felony Revocations to TDCJ (FY2005 to FY2012)	Percent Change in Felony Revocations to TDCJ
Dallas	31,487	15.6%	3,183	2,457	-726	-22.8%
Harris	26,574	4.8%	3,549	2,916	-633	-17.8%
Bexar	15,507	24.8%	816	1,583	767	94.0%
Tarrant	11,363	-2.3%	1,733	1,659	-74	-4.3%
Hidalgo	9,186	-12.3%	703	666	-37	-5.3%
El Paso	8,567	-27.9%	594	359	-235	-39.6%
Travis	7,829	-22.5%	1,052	714	-338	-32.1%
Cameron	5,282	-5.9%	357	437	80	22.4%
Nueces	4,019	-7.5%	505	514	9	1.8%
Collin	3,852	12.9%	239	440	201	84.1%

Dallas CSCD (726) and Harris CSCD (633) had the largest decreases in felony revocations to TDCJ between FY2005 and FY2012, while El Paso CSCD (39.6%) and Travis CSCD (32.1%) had the largest percentage decreases in the same timeframe. Bexar CSCD (767) and Collin CSCD (201) reported the greatest numeric increases in felony revocations to TDCJ as well as the greatest percentage increases in felony revocations to TDCJ (94.0% and 84.1%, respectively).

In addition to the reported increases in felony revocations between FY2005 and FY2012 (94.0%), Bexar CSCD also reported an increase between FY2011 and FY2012 (8.1%). Cameron CSCD reported a 22.4% increase in felony revocations between FY2005 and FY2012 and a 4.8% increase in felony revocations between FY2011 and FY2012. Cameron CSCD has reported a number of factors that have contributed to the increase in felony





# Perspectives on Revocations

revocations to TDCJ, including more aggressive absconder apprehension and increased monitoring of compliance with community supervision conditions to increase community safety. To address these issues, Cameron CSCD has begun to implement the use of evidence-based principles for effective intervention, including more consistent use of progressive sanctions.

Despite an increase in felony revocations to TDCJ between FY2005 (239) and FY2012 (440), Collin CSCD reported a decrease of 7.8% between FY2011 (477 felony revocations) and FY2012 (440 felony revocations).

One method of evaluating revocations is to compare a CSCD's percent of the statewide felony population to the percent of the statewide felony revocations to TDCJ. Ideally, these two percentages should be the same. A CSCD with a higher percentage of felony revocations to TDCJ than percentage of the statewide felony population would have revoked a disproportionate number of offenders. Conversely, a CSCD with a larger percentage of the statewide felony population than percentage of felony revocations would have revoked a smaller proportion of offenders than would be expected for a CSCD of that size. The following chart provides details on changes in revocations between FY2011 and FY2012.

Ten Most Populous CSCDs, FY2011 to FY2012							
CSCD	FY2012 Felony Population	Percent Change in Felony Population from 2011	Percent of FY2012 State Felony Population	FY2011 Felony Revocations to TDCJ	FY2012 Felony Revocations to TDCJ	Percent Change in Felony Revocations to TDCJ	Percent of FY2012 Statewide Felony Revocations
Dallas	31,487	-0.8%	13.6%	2,955	2,457	-16.9%	10.5%
Harris	26,574	-1.4%	11.5%	3,122	2,916	-6.6%	12.4%
Bexar	15,507	0.2%	6.7%	1,465	1,583	8.1%	6.8%
Tarrant	11,363	-0.6%	4.9%	1,369	1,659	21.2%	7.1%
Hidalgo	9,186	-14.6%	4.0%	661	666	0.8%	2.8%
El Paso	8,567	-5.1%	3.7%	406	359	-11.6%	1.5%
Travis	7,829	-4.1%	3.4%	750	714	-4.8%	3.0%
Cameron	5,282	0.5%	2.3%	417	437	4.8%	1.9%
Nueces	4,019	-5.3%	1.7%	527	514	-2.5%	2.2%
Collin	3,852	1.9%	1.7%	477	440	-7.8%	1.9%

For example, although Cameron CSCD had a 4.8% increase in revocations from FY2011 to FY2012, the percentage of statewide felony revocations was 1.9%, below Cameron CSCD's statewide proportion of felony population of 2.3%.



## Perspectives on Revocations

In contrast, Tarrant CSCD increased felony revocations to TDCJ by 290 from FY2011 to FY2012; that number represents a 21.2% increase in revocations. Tarrant CSCD's percentage of the felony population is 4.9% of the state, while their revocations represent 7.1% of the felony revocations to TDCJ statewide. The CSCD recently began auditing revocations between FY2010 and FY2012 to examine reasons for the observed increase in revocations. Initial results indicate that due to several issues relating to data collection and reporting, FY2011 revocations were under-reported. However, the observed trend of a decrease in revocations between FY2010 and FY2011 and an increase between FY2011 and FY2012 is accurate. Therefore, a more in-depth audit of FY2012 revocations is being conducted to examine reasons behind the increase.

Although the percentage of felony revocations to TDCJ is similar to their percentage of the statewide felony population, the continuing increases in revocations in Bexar CSCD are noteworthy. In FY2013, Bexar CSCD will be conducting research to determine the factors that increase felony revocations.

TDCJ-CJAD has been working with Collin CSCD since January 2009 to address issues leading to the increasing numbers of revocations to TDCJ. Collin CSCD indicated that they would be moving toward a more proactive rather than reactive approach to supervising offenders. Initial results show a decrease in revocations between FY2011 and FY2012 and TDCJ-CJAD will continue to support Collin CSCD in efforts to reduce revocations to TDCJ.

Changes in Hidalgo CSCD's felony direct and indirect population are more likely due to reporting changes rather than changes in the population.

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



# Felony Cohort Study Update: A Changing Population

## FELONY COHORT STUDY UPDATE: A CHANGING POPULATION

In August 2010, TDCJ-CJAD initiated a study using CSTS-ISYS data to track felony offenders for two years following their original placement on community supervision. Results discussed in previous Monitoring Reports (published in 2010 and 2011) showed that felony offenders originally placed on community supervision each year were increasingly at higher risk to reoffend than felony offenders placed in FY2005. This trend continues when examining the FY2010 felony cohort. In addition, the FY2010 cohort active on community supervision after two years remains at a higher risk to re-offend than the FY2005 cohort.

Offense Type at Felony Placement		
Offense Type	FY2005	FY2010
Violent	16.5%	17.9%
Property	29.0%	30.4%
DWI	7.2%	9.1%
Controlled Substance	38.1%	32.2%
Other	9.2%	10.4%

Note: Offenses were re-classified in FY2012 to more accurately group offense types. FY2005 percentages may differ from previously published data due to the re-classification.

The percentage of offenders placed on community supervision for a felony controlled substance offense decreased from 38.1% in FY2005 to 32.2% in FY2010. All other categories of offenses showed increases between FY2005 and FY2010.

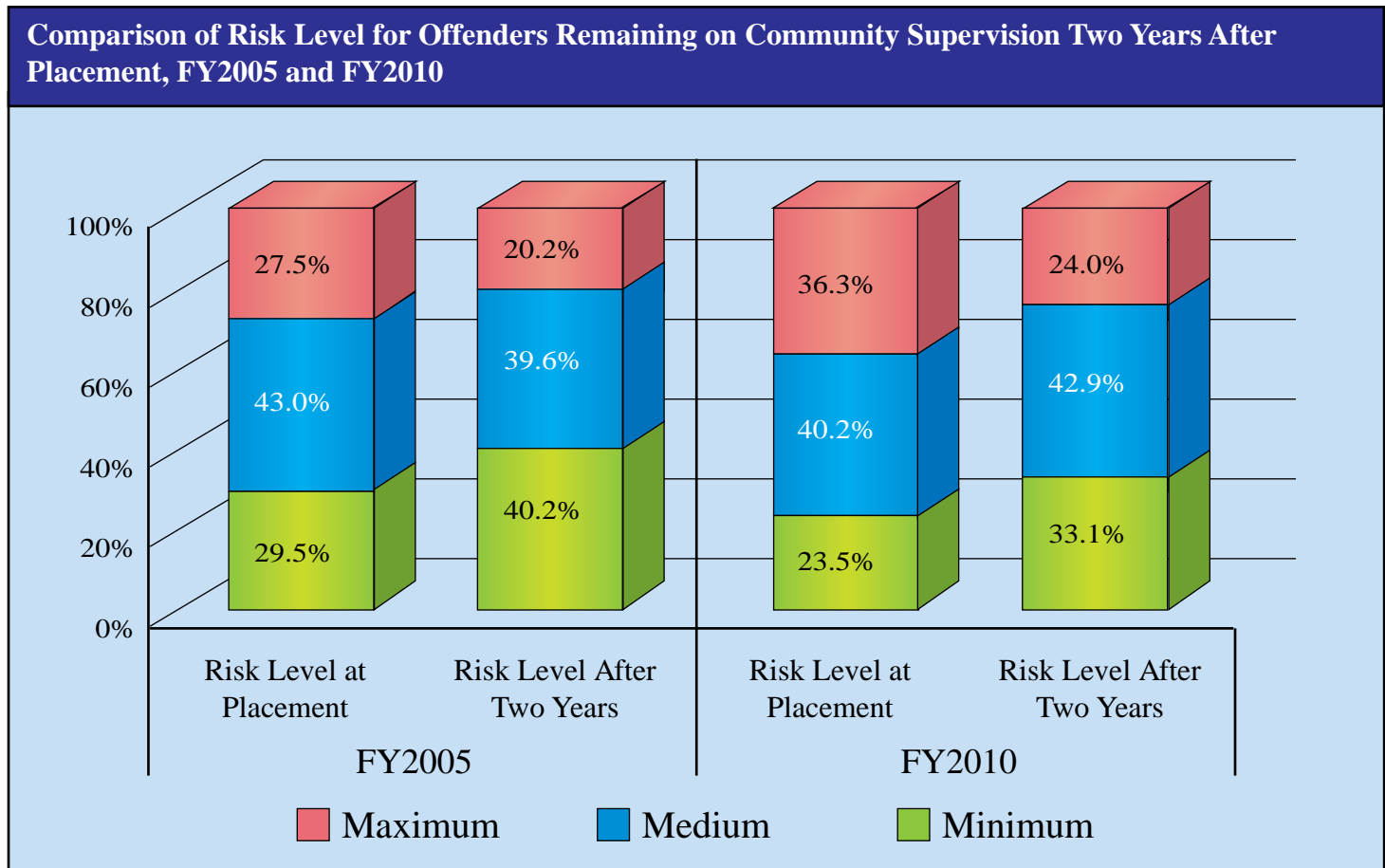
The increasing percentage of offenders placed for offenses other than controlled substances means that it is increasingly important to identify appropriate treatment and supervision programming that will be effective at decreasing the risk to re-offend.

Supervision Status of Offenders Active Two Years After Placement		
	FY2005	FY2010
Direct Supervision	68.4%	78.8%
Residential	1.1%	1.3%
Indirect Supervision	30.5%	19.9%

Two years after placement, 78.8% of FY2010 placements were under direct supervision compared to 68.4% for FY2005 placements. Although the percentage of offenders in a residential facility two years after placement has increased slightly, it decreased from 1.8% in the FY2009 sample due to the closure of residential facilities discussed earlier in this report. As a result, CSCDs are directly supervising more offenders in the community.



# Felony Cohort Study Update: A Changing Population



The above chart shows the risk level for offenders in the FY2005 and FY2010 felony cohort samples at the time of placement and the risk level two years later for offenders remaining on community supervision. In the FY2005 sample, 27.5% of offenders remaining active two years later were classified as maximum risk at the time of placement on community supervision. This percentage decreased to 20.2% two years after placement on community supervision, indicating that some issues leading to increased risk to re-offend had been impacted while on community supervision. A similar trend is observed in the FY2010 sample; however, the percentage of offenders classified as maximum risk at placement (36.3%) and after two years (24.0%) was greater than in the FY2005 sample. This indicates that departments are working with a more challenging, higher risk population but are also addressing factors associated with risk to re-offend.



## RE-ARREST RATES OF FELONY OFFENDERS ORIGINALLY PLACED ON COMMUNITY SUPERVISION IN FY2005 AND FY2010

Random samples of offenders originally placed on community supervision in FY2005 and FY2010 were drawn from the Felony Cohort Study samples (discussed on page 18) to calculate and track re-arrest rates. The FY2005 sample contains 25,920 offenders and the FY2010 sample contains 27,724 offenders. The random samples were compared to the complete Felony Cohort Study samples to ensure consistency across demographic, offense, community supervision status, and termination reason variables. Two-year re-arrest rates were calculated using Computerized Criminal History (CCH) information obtained from the Texas Department of Public Safety.

The overall two-year re-arrest rate for the FY2005 sample was 34.4% (8,914 offenders). The overall two-year re-arrest rate for the FY2010 sample was 31.8% (8,811 offenders), which was a decrease from the FY2005 sample.

### Offenders Remaining on Community Supervision Two Years after Placement

Two-Year Re-Arrest Rates for Offenders Under Community Supervision Two Years After Placement		
	FY2005	FY2010
<b>Offense Type at Placement</b>		
Violent	25.7%	24.0%
Property	32.0%	28.6%
DWI	16.9%	11.5%
Controlled Substance	27.1%	23.6%
Other	26.5%	25.9%
<b>Supervision Level</b>		
Direct	25.8%	22.2%
Indirect	33.3%	32.8%
<b>Risk Level at Placement</b>		
Minimum	20.2%	16.0%
Medium	26.0%	23.5%
Maximum	34.3%	30.5%

Of offenders who remained on community supervision two years after placement, the percentage that were arrested within two years decreased between FY2005 and FY2010. Offenders whose most severe offense at placement was a property offense had the highest recidivism rates in both FY2005 and FY2010, while DWI offenders had the lowest re-arrest rates in both FY2005 and FY2010.

Offenders under direct supervision were re-arrested at lower rates than offenders under indirect supervision. As expected, minimum risk offenders had lower recidivism rates than both medium and maximum risk offenders.



# Perspectives on Recidivism

## Offenders Terminated from Community Supervision within Two Years of Placement

Re-Arrest Rates for Offenders Terminated from Community Supervision Within Two Years of Placement, by Termination Reason		
	FY2005	FY2010
Revocation	64.2%	66.6%
Expiration of Supervision Term	14.9%	12.7%
Early Discharge	10.5%	9.9%
Other	32.4%	20.3%

The percentage of revoked offenders that were re-arrested within two years of placement increased from 64.2% for the FY2005 sample to 66.6% for the FY2010 sample. Recidivism rates decreased between FY2005 and FY2010 for offenders whose community supervision term expired, were discharged early, or terminated community supervision for other reasons.

Re-Arrest Rates of Offenders Revoked Within Two Years of Placement		
	FY2005	FY2010
<b>Offense Type at Placement</b>		
Violent	60.4%	62.9%
Property	69.5%	70.3%
DWI	61.1%	52.8%
Controlled Substance	60.9%	65.3%
Other	67.1%	70.7%
<b>Risk Level at Placement</b>		
Minimum	59.8%	60.8%
Medium	63.7%	65.2%
Maximum	63.0%	70.3%

Re-arrest rates increased for revoked offenders in the FY2010 sample when compared to the FY2005 sample for all offense types except DWI, which decreased from 61.1% to 52.8%. Although re-arrest rates increased between FY2005 and FY2010 for all risk levels, re-arrest rates increased the greatest for maximum risk offenders (from 63.0% in the FY2005 sample to 70.3% in the FY2010 sample).



## SUMMARY

Treatment resources provided by additional funding appropriated for the purpose of diverting offenders from prison has resulted in:

- Decreasing revocations to TDCJ;
- Decreasing technical revocations;
- Increasing early terminations as departments incorporate early termination as an incentive for compliance with community supervision conditions; and
- Increasing use of treatment services aimed at reducing risk to re-offend.

However, positive steps taken toward reducing revocations to TDCJ also mean CSCDs are supervising a more challenging population. As successful offenders are rewarded with early termination, the population under supervision is increasingly comprised of offenders with greater risk and needs levels. In addition, the percentage of new placements to probation that are classified as medium or maximum risk to re-offend is increasing, meaning CSCDs must continue to target resources and treatment programming toward the offenders most at risk to re-offend.





# Prison Diversion Progressive Sanctions Program

## PRISON DIVERSION PROGRESSIVE SANCTIONS PROGRAM

Section 509.016 of the *Texas Government Code* outlines the state leadership’s strategy for TDCJ-CJAD’s application of diversion funding. 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 shall give preference to those CSCDs that present to the division a plan that will target medium-risk and high-risk defendants and use progressive sanction models that adhere to the components set forth in Section 469.001, *Health and Safety Code* and contains some, if not all, of the components listed in Section 509.016 (b) (1)-(14), *Texas Government Code*.

Consistent with these Legislative mandates, TDCJ-CJAD has adopted a review process that favors proposals for diversion funding that contain a progressive sanctions model. In 2012, TDCJ-CJAD identified 85 CSCDs that have submitted progressive sanctions models or components of a progressive sanctions model as part of their Community Justice Plan (CJP). The 85 CSCDs listed below have jurisdiction over 91.4% of the felony direct population.

CSCDs with Progressive Sanctions Models for FY2012-2013					
Anderson	Collin	Hardin	Kendall	Parker	Upshur
Angelina	Comanche	Harris	Kleberg	Parmer	Uvalde
Atascosa	Dallas	Haskell	Lavaca	Pecos	Val Verde
Bastrop	Deaf Smith	Hidalgo	Liberty	Polk	Van Zandt
Bell	Denton	Hill	Lubbock	Potter	Victoria
Bexar	Ector	Hockley	McLennan	Reeves	Walker
Bowie	Ellis	Hood	Midland	Rusk	Webb
Brazoria	El Paso	Hopkins	Milam	San Patricio	Wichita
Brazos	Fannin	Howard	Montgomery	Scurry	Williamson
Burnet	Floyd	Hunt	Moore	Tarrant	Wood
Caldwell	Fort Bend	Jack	Nolan	Taylor	
Cameron	Galveston	Jefferson	Nueces	Terry	
Cass	Grayson	Jim Wells	Orange	Tom Green	
Cherokee	Gregg	Johnson	Palo Pinto	Travis	
Childress	Guadalupe	Jones	Panola	Tyler	



# Prison Diversion Progressive Sanctions Program

To assess the impact of the preference for a CJP that contains a progressive sanctions model, revocations and technical revocations were examined for the following groups of CSCDs:

**PSM and DP** – 66 CSCDs with a progressive sanctions model or components of a progressive sanctions model in the CJP that received diversion program funding (these CSCDs have jurisdiction over 86.0% of the felony direct population).

**PSM and No DP** – 19 CSCDs with a progressive sanctions model or components of a progressive sanctions model in the CJP that did not receive diversion program funding (these CSCDs have jurisdiction over 5.4% of the felony direct population).

**No PSM and No DP** – 36 CSCDs without a progressive sanctions model or components of a progressive sanctions model in the CJP that did not receive diversion program funding (these CSCDs have jurisdiction over 8.6% of the felony direct population).

	Percent Change in Felony Revocations to TDCJ (FY2005 and FY2012)	Percent Change in Felony Technical Revocations (FY2005 and FY2012)
PSM and DP	-4.5%	-13.4%
PSM and No DP	-3.5%	1.8%
No PSM and No DP	13.9%	5.9%

CSCDs that had a progressive sanctions model or components of a progressive sanctions model in the CJP showed reductions in felony revocations to TDCJ; however, CSCDs without a progressive sanctions model or components of a progressive sanctions model in the CJP showed increases between FY2005 and FY2012. In addition, CSCDs that had a progressive sanction model or components of a progressive sanction model in the CJP and received diversion program funding were the only group to show reductions in felony technical revocations. CSCDs that had progressive sanctions models or components of a progressive sanction model in the CJP and received diversion program funding demonstrated the greatest reductions in felony revocations to TDCJ (a 4.5% decrease between FY2005 and FY2012).

The analysis indicates that implementation of a progressive sanctions model or components of progressive sanctions model may be one factor impacting the reduction of felony revocations to TDCJ and technical revocations.



- 26 Appendix A: History of Targeted Diversion Program Funding
- 27 Appendix B: Definitions of Evaluation Criteria
- 28 Appendix C: FY2012 Felony Revocations by CSCD



## Additional Funding Provided by the 79th-82nd Texas Legislatures

**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

**82nd Legislature**

- Continued to fund additional treatment resources, previously appropriated
- Eliminated appropriations riders that directed expenditure of additional funding:
  - Rider 75: Diversion Program Funding
  - Rider 78: Targeted Substance Abuse Treatment Funding



Appropriations Rider 52 (General Appropriations Act 2011) 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 is the Community Supervision Tracking System-Intermediate System (CSTS-ISYS). Evaluation criteria definitions have changed slightly from reports published prior to 2010 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 Community Correctional 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.

**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” as reported to CSTS-ISYS.

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

**Community Supervision Officers (CSOs) Employed:** The average number of CSOs employed during the reporting period who supervise at least one direct case. The source of this data is the “Total Number of CSOs” as reported on the Monthly Community Supervision Staff Report.

**Average Caseload Size:** The number of direct and pretrial offenders per regular community supervision officer (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.



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		23,449		11,479		49.0%
Harris	11.5%	2,916	12.4%	1,676	14.6%	57.5%
Dallas	13.6%	2,457	10.5%	1,244	10.8%	50.6%
Tarrant	4.9%	1,659	7.1%	765	6.7%	46.1%
Bexar	6.7%	1,583	6.8%	708	6.2%	44.7%
Travis	3.4%	714	3.0%	263	2.3%	36.8%
Hidalgo	4.0%	666	2.8%	339	3.0%	50.9%
Nueces	1.7%	514	2.2%	220	1.9%	42.8%
Collin	1.7%	440	1.9%	233	2.0%	53.0%
Cameron	2.3%	437	1.9%	219	1.9%	50.1%
Jefferson	1.4%	428	1.8%	219	1.9%	51.2%
Potter	1.3%	405	1.7%	207	1.8%	51.1%
El Paso	3.7%	359	1.5%	142	1.2%	39.6%
Bell	1.4%	355	1.5%	124	1.1%	34.9%
Montgomery	1.0%	343	1.5%	176	1.5%	51.3%
Brazoria	1.0%	303	1.3%	115	1.0%	38.0%
Smith	0.8%	279	1.2%	191	1.7%	68.5%
Taylor	0.9%	266	1.1%	100	0.9%	37.6%
Galveston	0.9%	258	1.1%	82	0.7%	31.8%
Victoria	1.2%	258	1.1%	59	0.5%	22.9%
McLennan	0.9%	248	1.1%	133	1.2%	53.6%
Denton	1.2%	236	1.0%	90	0.8%	38.1%
Caldwell	1.0%	230	1.0%	86	0.7%	37.4%
Johnson	1.0%	228	1.0%	137	1.2%	60.1%
Bowie	0.7%	212	0.9%	113	1.0%	53.3%
Grayson	0.7%	208	0.9%	137	1.2%	65.9%
Williamson	0.8%	208	0.9%	118	1.0%	56.7%
Ector	0.7%	205	0.9%	126	1.1%	61.5%
Tom Green	0.8%	200	0.9%	101	0.9%	50.5%



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
Lubbock	1.3%	199	0.8%	65	0.6%	32.7%
Liberty	0.7%	198	0.8%	84	0.7%	42.4%
Polk	0.5%	197	0.8%	118	1.0%	59.9%
Brazos	0.6%	173	0.7%	55	0.5%	31.8%
Gregg	0.6%	172	0.7%	121	1.1%	70.3%
Midland	0.8%	170	0.7%	90	0.8%	52.9%
Angelina	0.7%	164	0.7%	97	0.9%	59.1%
Hopkins	0.5%	160	0.7%	83	0.7%	51.9%
Fort Bend	1.1%	154	0.7%	46	0.4%	29.9%
San Patricio	0.7%	141	0.6%	72	0.6%	51.1%
Rockwall	0.2%	136	0.6%	82	0.7%	60.3%
Kaufman	0.5%	133	0.6%	89	0.8%	66.9%
Kerr	0.4%	133	0.6%	56	0.5%	42.1%
Bastrop	0.5%	131	0.6%	53	0.5%	40.5%
Ellis	0.6%	131	0.6%	60	0.5%	45.8%
Matagorda	0.4%	129	0.6%	37	0.3%	28.7%
Atascosa	0.5%	127	0.5%	57	0.5%	44.9%
Henderson	0.3%	124	0.5%	73	0.6%	58.9%
Wichita	0.5%	124	0.5%	63	0.5%	50.8%
Jasper	0.4%	120	0.5%	54	0.5%	45.0%
Hunt	0.4%	117	0.5%	112	1.0%	95.7%
Parker	0.4%	115	0.5%	36	0.3%	31.3%
Nacogdoches	0.4%	114	0.5%	51	0.4%	44.7%
Walker	0.4%	109	0.5%	41	0.4%	37.6%
Orange	0.5%	106	0.4%	58	0.5%	54.7%
Anderson	0.4%	103	0.4%	48	0.4%	46.6%
Guadalupe	0.3%	103	0.4%	48	0.4%	46.6%
Lamar	0.3%	98	0.4%	45	0.4%	45.9%
Coryell	0.2%	96	0.4%	48	0.4%	50.0%





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
Hale	0.2%	96	0.4%	57	0.5%	59.4%
Limestone	0.2%	90	0.4%	50	0.4%	55.6%
Brown	0.3%	83	0.4%	30	0.3%	36.1%
Webb	0.8%	83	0.4%	51	0.4%	61.4%
Navarro	0.5%	80	0.3%	40	0.3%	50.0%
Hill	0.3%	76	0.3%	37	0.3%	48.7%
Upshur	0.3%	76	0.3%	47	0.4%	61.8%
Hood	0.2%	74	0.3%	44	0.4%	59.5%
Morris	0.4%	74	0.3%	27	0.2%	36.5%
Harrison	0.3%	73	0.3%	33	0.3%	45.2%
Wood	0.2%	73	0.3%	44	0.4%	60.3%
Panola	0.4%	70	0.3%	38	0.3%	54.3%
Starr	0.7%	67	0.3%	17	0.1%	25.4%
Kleberg	0.4%	66	0.3%	29	0.3%	43.9%
Hardin	0.3%	64	0.3%	34	0.3%	53.1%
Uvalde	0.3%	64	0.3%	34	0.3%	53.1%
Burnet	0.3%	63	0.3%	32	0.3%	50.8%
Childress	0.4%	62	0.3%	40	0.3%	64.5%
Fannin	0.2%	61	0.3%	31	0.3%	50.8%
Cherokee	0.2%	59	0.2%	31	0.3%	52.5%
Van Zandt	0.2%	58	0.2%	41	0.4%	70.7%
Palo Pinto	0.2%	57	0.2%	30	0.3%	52.6%
Dawson	0.2%	56	0.2%	45	0.4%	80.4%
Falls	0.2%	53	0.2%	28	0.2%	52.8%
Jack	0.3%	49	0.2%	15	0.1%	30.6%
Lavaca	0.3%	49	0.2%	22	0.2%	44.9%
Moore	0.2%	48	0.2%	30	0.3%	62.5%
Montague	0.2%	46	0.2%	20	0.2%	43.5%
Deaf Smith	0.2%	45	0.2%	23	0.2%	51.1%



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
Nolan	0.2%	45	0.2%	22	0.2%	48.9%
Eastland	0.2%	44	0.2%	1	0.0%	2.3%
Fayette	0.3%	42	0.2%	26	0.2%	61.9%
Howard	0.2%	42	0.2%	15	0.1%	35.7%
Rusk	0.2%	42	0.2%	35	0.3%	83.3%
Erath	0.1%	40	0.2%	12	0.1%	30.0%
Pecos	0.2%	40	0.2%	18	0.2%	45.0%
Cass	0.2%	39	0.2%	17	0.1%	43.6%
Comanche	0.1%	37	0.2%	20	0.2%	54.1%
Cooke	0.1%	37	0.2%	20	0.2%	54.1%
Milam	0.1%	37	0.2%	4	0.0%	10.8%
Reeves	0.2%	37	0.2%	29	0.3%	78.4%
Young	0.2%	35	0.1%	23	0.2%	65.7%
Gray	0.2%	34	0.1%	10	0.9%	29.4%
Jim Wells	0.5%	32	0.1%	7	0.0%	21.9%
Kendall	0.1%	29	0.1%	14	0.1%	48.3%
Hockley	0.1%	26	0.1%	12	0.1%	46.2%
Val Verde	0.2%	26	0.1%	7	0.0%	26.9%
Wilbarger	0.1%	25	0.1%	16	0.1%	64.0%
McCulloch	0.1%	24	0.1%	10	0.0%	41.7%
Maverick	0.2%	23	0.1%	8	0.0%	34.8%
Scurry	0.1%	23	0.1%	10	0.1%	43.5%
Andrews	0.1%	21	0.1%	8	0.0%	38.1%
Tyler	0.1%	21	0.1%	12	0.1%	57.1%
Hutchinson	0.1%	20	0.1%	14	0.1%	70.0%
Jones	0.1%	20	0.1%	8	0.0%	40.0%
Terry	0.1%	19	0.1%	4	0.0%	21.1%
Parmer	0.1%	18	0.1%	7	0.0%	38.9%
Wheeler	0.1%	18	0.1%	1	0.0%	5.6%



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	0.0%	12	0.0%	7	0.0%	58.3%
Winkler	0.0%	11	0.0%	6	0.0%	54.5%
Lamb	0.1%	10	0.0%	7	0.0%	70.0%
Floyd	0.0%	6	0.0%	4	0.0%	66.7%
Baylor	0.1%	5	0.0%	0	0.0%	0.0%
Crane	0.0%	2	0.0%	0	0.0%	0.0%



## ACKNOWLEDGEMENTS

### REPORT PREPARED BY:

Aimee Perez, Director of Research and Evaluation  
Sharisa Jones, Research Specialist  
Jennifer Geffken, Technical Writer  
Neal Carter, Graphic Designer

### WITH THE ASSISTANCE OF:

Carey A. Welebob  
Manny Rodriguez  
Marcia Roberts  
Lynn Arneson  
Dustin Johnson, Ph.D.  
Jason Clement

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
COMMUNITY JUSTICE ASSISTANCE DIVISION  
209 W. 14TH STREET, SUITE #400  
AUSTIN, TEXAS 78701  
(512) 305-9300**

**[WWW.TDCJ.TEXAS.GOV](http://WWW.TDCJ.TEXAS.GOV)**

