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**2021 FACT SHEET**  
**HB 2384**

## **HB 2384: The Community Supervision Success Plan**

### **PROBATION SUCCESS RATES VARY FROM COUNTY TO COUNTY, WITH NO INCENTIVE TO IMPROVE**

Community supervision (probation) success rates vary widely across Texas, with some courts achieving a 70 percent completion rate among those on felony supervision, and other courts' rates falling as low as 30 percent.<sup>1</sup> The wide variance in unsuccessful completion rates results in more than 20,000 people being revoked from probation and sent to prison each year,<sup>2</sup> **costing the state \$1.3 million per day.**<sup>3</sup>

#### **IN SHORT**

HB 2384 ties probation grant funding to the utilization of probation best-practices, which will facilitate higher probation success rates across Texas.

Texas' decentralized probation system may be a contributor to these inconsistent outcomes: 123 independent community supervision and corrections departments (CSCDs) are accountable to county and district courts in the region.<sup>4</sup> Aside from enforcing minimum standards, the state does not regulate policies with regard to revocations – respecting the discretion of the courts.<sup>5</sup> As a result, courts differ widely in how they supervise probation clients and handle violations.

Despite the lack of uniform standards and varying success rates, CSCDs receive substantial state funding through the Community Justice Assistance Division (CJAD) of the Texas Department of Criminal Justice; in FY 2021, that funding exceeded \$240 million.<sup>6</sup> **CSCDs with high success rates receive the same basic allocation from the state as those with low success rates**, resulting in little incentive for low-performing departments to achieve higher success rates.

### **KEY FINDINGS**

- In 2019, a vast number of Texas counties saw probation failure rates well above the state average; in certain counties, 70 percent of those revocations were not for new crimes but for “technical” violations of probation conditions (e.g., a missed appointment with a probation officer, inability to pay restitution, traveling outside of a strict geographical boundary).<sup>7</sup>
- Factors associated with high revocation rates include technical violations, overly-long supervision terms, lack of standard guidance for courts and probation departments on when to revoke a person to incarceration, lack of resources to address substance use disorders, and fees that create an insurmountable cost burden to clients.<sup>8</sup>
- Counties with higher probation success rates focus their efforts on case management and tailor interventions to meet the needs of clients, whereas counties with lower probation success rates focus on surveillance, and judges are less likely to have a conversation with the probationer regarding a revocation decision.
- A current probation client in a low-performing county shared that, within 8 months, she had been transferred five times to a different officer's caseload due to officer turnover, and each officer had a different approach to probation. And like many others, this client admits that it is easier to complete a jail sentence than successfully complete probation.<sup>9</sup>

## **COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 2384 BY REPRESENTATIVE SHERMAN, SR.**

This bill aims to improve probation success rates across Texas by leveraging best-practices from counties with high success rates. The “community supervision success plan” includes the following components:

1. CJAD will create an annual report for judges containing judges’ rate of probation completions in relation to other courts and the state as a whole, helping to inform decision-making around needed improvements.
2. CJAD will award grant funding to probation departments and judges with higher-than-average success rates, enabling them to provide training and technical assistance to other departments and courts to help them increase their success rates.
3. With grant funding, probation departments can hire Certified Peer Support Specialists, Certified Recovery Coaches, and Certified Reentry Support Specialists to help individuals successfully complete all probation requirements, prevent revocation, and provide relapse prevention support.
4. CJAD will allow probation departments to implement a “caseload reduction program” so probation officers can prioritize clients with a higher risk of recidivism and reduce their overall caseload.

### **Citations**

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<sup>1</sup> Texas Department of Criminal Justice (TDCJ), *FY 2019 Probation Fact Sheet*, received from TDCJ in June 2020. Methodology: examined the number of felony community supervision terminations each year for each Community Supervision and Corrections Department. The proportion of those terminations that were successful constituted the probation success rate.

<sup>2</sup> Community Justice Assistance Division (CJAD), *Report to the Governor and the Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds*, December 1, 2019, [https://www.tdcj.texas.gov/documents/cjad/CJAD\\_Monitoring\\_of\\_DP\\_Reports\\_2019\\_Report\\_To\\_Governor.pdf](https://www.tdcj.texas.gov/documents/cjad/CJAD_Monitoring_of_DP_Reports_2019_Report_To_Governor.pdf).

<sup>3</sup> Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report Fiscal Years 2019 and 2020*, January 2021, [https://www.lbb.state.tx.us/Documents/Publications/Policy\\_Report/6292\\_CJDA\\_Uniform\\_Cost.pdf](https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6292_CJDA_Uniform_Cost.pdf). Methodology: It costs \$64.35 per day to incarcerate an individual; multiplying \$64.35 by 20,363 (the number of annual felony probation revocations resulting in a prison sentence) totals \$1.3 million per day.

<sup>4</sup> TDCJ, *Community Supervision and Corrections Department Directory*, [https://www.tdcj.texas.gov/documents/CSCD\\_directory.pdf](https://www.tdcj.texas.gov/documents/CSCD_directory.pdf).

<sup>5</sup> TDCJ-CJAD, *Enforcing Standards/Guidelines*, <https://www.tdcj.texas.gov/divisions/cjad/standards.html>.

<sup>6</sup> Legislative Budget Board, *General Appropriations Act for the 2020-21 Biennium*, TDCJ budget Goal A: Provide Prison Diversions, 594, [https://www.lbb.state.tx.us/Documents/GAA/General\\_Appropriations\\_Act\\_2020\\_2021.pdf](https://www.lbb.state.tx.us/Documents/GAA/General_Appropriations_Act_2020_2021.pdf).

<sup>7</sup> TDCJ, *FY 2019 Probation Fact Sheet*, received from TDCJ in June 2020.

<sup>8</sup> Cecelia Klingele, “Understanding Revocation from Community Supervision,” last modified July 2019, <https://repository.law.wisc.edu/s/uwlaw/media/303570>.

<sup>9</sup> Texas Criminal Justice Coalition interview with current probationer, October 2020.