

## Excessive and Duplicative Conditions of Community Supervision Prevent Rehabilitation & Increase Probation Officers' Workloads

### *Basing Probation Conditions on a Validated and Individualized Risk and Needs Assessment Helps Probation Officers Address the Factors that Increase the Risk of Criminal Activity*

Last year, there were more than 22,000 probation revocations to prison or state jail, and more than 54 percent were due to the probationer's inability to abide by the conditions of supervision.<sup>1</sup> People on probation must abide by a host of conditions that are often unrealistic and not based on a validated risk and needs assessment of each individual.

Excessive or unrealistic conditions have two effects.<sup>2</sup> First, they increase the amount of work a probation officer must complete. In many departments, one officer must supervise up to 120 probationers.<sup>3</sup> Second, onerous conditions increase the likelihood and number of probation violations, leading to revocations and incarceration. Texas spends approximately \$70 million annually incarcerating people just for *technical* violations of probation.<sup>4</sup>

Validated risk and needs assessments identify and address the specific factors that may lead to a return to criminal activity. However, there is strong evidence that risk and needs assessments are being utilized to merely categorize probationers according to risk, and they are used less often to actually set the conditions to promote rehabilitation.<sup>5</sup>

#### **HB 2883 by Rep. Allen**

- Decreases costly probation revocations by utilizing validated risk and needs assessments to set probation conditions.
- Ensures that conditions are minimal and non-duplicative to achieve rehabilitation and successful completion of probation.
- Ensures proper use of state resources by basing placement in state-funded treatment programs on a validated assessment.

#### KEY FINDINGS

- The majority of placements onto probation are for drug-related offenses,<sup>6</sup> yet the conditions of community supervision often place unrealistic demands on people who are battling addiction and mental illness. It is not surprising, therefore, that the majority of individuals revoked to state jail or prison are those convicted of drug possession.<sup>7</sup>
- Evidence-based probation practices include: (1) utilizing validated risk and needs assessments to identify factors that increase the risk of crime, (2) individualizing probation conditions to target rehabilitative resources to those with the highest need, and (3) tailoring interventions based on an individual's ability to meet those conditions. Those departments that utilize these approaches decrease probation revocations by up to 18 percent.<sup>8</sup>

#### COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 2883 BY REPRESENTATIVE ALLEN

- Conditions of community supervision should be based on an individualized assessment of risk and needs, and should be intended to address the factors that lead to criminal involvement.
- Conditions should be minimal and non-duplicative to achieve rehabilitation, with consideration given to the probationer's ability to satisfy set conditions while meeting work, education, community service, and financial obligations.
- Before placing someone in a costly and intensive substance abuse treatment facility, the court should review the findings of a validated assessment to determine the right type and level of treatment.

*Citations on reverse.*

## Citations

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<sup>1</sup> Texas Department of Criminal Justice, Community Justice Assistance Division, *Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds*, December 1, 2016,

[https://www.tdcj.state.tx.us/documents/cjad/CJAD\\_Monitoring\\_of\\_DP\\_Reports\\_2016\\_Report\\_To\\_Governor.pdf](https://www.tdcj.state.tx.us/documents/cjad/CJAD_Monitoring_of_DP_Reports_2016_Report_To_Governor.pdf).

<sup>2</sup> Kelly, William, *Criminal Justice at the Crossroads: Transforming Crime and Punishment*, Columbia University Press, New York, 2015, e-book location 4154.

<sup>3</sup> Information from Texas Criminal Justice Coalition's personal communications with Carey Welebob, Director of the Criminal Justice Assistance Division of the Texas Department of Public Safety, and Arnold Patrick, Executive Director of the Hidalgo County Community Supervision and Corrections Department.

<sup>4</sup> Revocations for technical violations total 12,207 people per year. Subtracting the number of people who absconded leaves 6,640 people sent to TDCJ each year on purely technical reasons. Presuming that 15 percent had a prior criminal record with violent or sexual offenses (the typical average), we can further reduce the number to 5,644. According to the Legislative Budget Board, 54% of revoked individuals (3,047 people) went to prison; we conservatively estimate they served 335 days at an average cost of \$51.72 per day (using the transfer facility rate), or \$52 million total. Another 40% (2,257 people) went to state jail; we estimate they served 150 days (based on past data requests to TDCJ) at an average cost of \$52.88 per day (using the state jail rate), or \$18 million total. As such, the combined estimated cost to the state for technical revocations is approximately \$70 million.

<sup>5</sup> Kelly, *Crossroads*, e-book location 4267.

<sup>6</sup> TDCJ, Community Justice Assistance Division, FY14 Placements Offender Profile, data request received by Texas Criminal Justice Coalition, January 2016.

<sup>7</sup> Texas Department of Criminal Justice, Community Justice Assistance Division, 2016 Parole Terminations, Provided by TDJC in February 2017.

<sup>8</sup> Kelly, *Crossroads*, e-book location 4307.