

Recommendations to Expand the Use of Social Workers in the Probation System

Dear Chairman White and Members of the Corrections Committee: My name is Kerrie Judice; I am a Policy Associate with the Texas Criminal Justice Coalition. In addition, I have my Bachelor's in Social Work and am currently a student in the Master's Social Work program at the University of Texas at Austin. Thank you for allowing me to testify today on the interim charge relating to the use of social workers in the Texas criminal justice system, specifically as it pertains to assisting individuals on probation.

VALUE OF SOCIAL WORKERS

Since the profession's inception in 1904, social workers have been employed in criminal justice settings and working with individuals who have been incarcerated.¹ Our communication skills, ability to think critically and assess for needs, capacity to address physical and psychosocial needs, and knowledge of service providers make us assets to the field of criminal justice. Additionally, social workers are trained to provide high-quality case management and understand how to work with individuals with highly complex needs.

Hiring and retaining social workers in criminal justice probation settings could reduce the number of revocations due to technical violations, thereby eliminating the cost for subsequent incarceration. Social workers' education on how to identify risk factors and barriers helps to understand the client's circumstances and the reasoning for his or her actions. Being able to ask the right questions to learn this information, and recognizing that sending them to the Texas Department of Criminal Justice (TDCJ) will not address their substance use problem, are paramount.

BENEFITS TO THE STATE

While Texas has passed significant legislation intended to improve individuals' success on probation, Texas has not reduced revocation rates. Funding incentives in the 79th (2005) and 80th (2007) Texas Legislature sought to make various improvements to enhance community supervision: reduce probation officers' caseloads to make them more manageable, increase community-based program capacity to divert more adults into treatment instead of incarceration, and implement progressive sanctions models to reduce revocation rates. In addition, the 81st (2009) Texas Legislature appropriated funding to ensure the hiring and retention of high-quality probation officers and direct staff.²

Yet while more probation officers were hired and low-risk cases were discharged more quickly, **the rate of revocations due to technical violations has remained at 50-54% for the past 12 years**. Since FY2013, these rates have actually been increasing, and Texas is now looking at similar revocation rates for technical violations as when the above-mentioned changes were first implemented. And close to half of these violations have been committed by those with charges related to substance abuse.³

Social workers bring the expertise to reverse this trend, especially when the factors driving revocation relate to substance use or mental health. For example, Todd Jermstad, Director of the Bell/Lampasas Counties Community Supervision and Corrections Department, redistributed caseloads among his staff to free up resources to hire a social worker; more specifically, low-risk cases are now handled by a probation technician, allowing for a new position to be filled by Katie Martin, LMSW. Instead of serving as a probation officer, Ms. Martin supports the probation officers who supervise high- to moderate-risk defendants. She can help to quickly identify when clients are at risk of violation due to mental health or substance use

issues, and she can develop an effective treatment plan to help the client get back on track. Having Ms. Martin assist on these cases ensures that probation officers are able to give more individualized attention to the defendants on their caseload. In a very short time, the Department has seen a 12% reduction in technical revocations⁴ – a figure that, projected statewide, would bring millions of dollars in savings to Texas.

RECOMMENDATIONS

- A. Use the Bell/Lampasas Counties Community Supervision and Corrections Division as a model.** Their incorporation of a social worker on staff has helped reduce technical revocations through more individualized attention to high- and moderate-risk probationers.
- B. Modify the probation funding formula to increase time available to high-risk cases and create fiscal flexibility to hire social workers.** People are most at risk of failing to complete probation in their first six to twelve months. This is when good supervision is most critical and requires the most time; yet probation departments receive the same level of funding for defendants in their early terms of probation as they do for those who have been on probation for years. This formula creates a disincentive to terminate probation early for low-risk cases, and it forces probation officers to spend precious time supervising defendants who have followed the rules, paid restitution, and otherwise fulfilled the terms of their probation.

Instead, the State should frontload supervision resources by paying a higher per-capita rate for probationers during the early part of their term, the standard rate for the middle part of their term, and one-half the rate during the final period. Further, the State can pay a portion of the anticipated allocation to departments that are able to terminate cases early for defendants who serve one-half the term and complete all court requirements. This funding structure would increase the amount of time that community supervision officers have to spend on high-risk cases, as well as provide greater financial flexibility for departments to hire social workers.

- C. Change the reporting requirements for low-risk individuals on probation.** One way to provide greater flexibility to local probation departments to hire social workers is to make modifications to the definition of “Direct Supervision.” According to statute, the Community Justice Assistance Division (CJAD) may only pay state aid to probation departments for “each felony defendant directly supervised by the department.”⁵ According to CJAD regulations, “direct supervision” must involve at least one face-to-face contact with an eligible Community Supervision Officer (CSO) every three months.

With legislative authorization, CJAD could modify the reporting standards to allow low-risk defendants who have completed all treatment requirements, are in compliance, are classified as low-risk, and are not yet eligible for early termination to report less frequently, or to report electronically when paying fees and completing community supervision hours.

Giving greater flexibility to departments when supervising low-risk defendants also gives them greater flexibility to hire social workers to support the high-risk CSO team.

CITATIONS

¹ Albert Roberts and David Springer, *Social Work in Juvenile and Criminal Justice Settings* (Springfield, IL: Charles C. Thomas, 2007).

² Texas Department of Criminal Justice, 2011 Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds,

https://www.tdcj.state.tx.us/documents/cjad/CJAD_Monitoring_of_DP_Reports_2011_Report_To_Governor.pdf

³ Texas Department of Criminal Justice, 2017 Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds,

https://www.tdcj.state.tx.us/documents/cjad/CJAD_Monitoring_of_DP_Reports_2017_Report_To_Governor.pdf

See also: Texas Department of Criminal Justice, 2010 Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds,

https://www.tdcj.state.tx.us/documents/cjad/CJAD_Monitoring_of_DP_Reports_2010_Report_To_Governor.pdf

⁴ Texas Department of Criminal Justice, Report 2013 – 2017 Reports to the Governor and Legislative Budget Board on the Monitoring of Community Supervision and Diversion Funds.

⁵ Government Code, Section 509.011. Payment of State Aid