

**SUBJECT:** Confidential performance evaluations for community supervision officers

**COMMITTEE:** Corrections — favorable, without amendment

**VOTE:** 5 ayes — Hightower, Allen, Edwards, Gray, Marchant  
0 nays  
4 absent — Alexander, Farrar, Hupp, Serna

**WITNESSES:** For — Dee Simpson  
Against — None

**BACKGROUND :** The Government Code provides that the judges who try criminal cases in each judicial district must establish a community supervision and corrections (probation) department and employ district personnel as necessary to conduct presentence investigations, supervise and rehabilitate defendants placed on community supervision, enforce the conditions of community supervision, and staff community corrections facilities. Local probation departments are authorized to expend county, district and state funds subject to certain statutory limitations.

The Texas Public Information (Open Records) Act in the Government Code generally requires the public disclosure of information maintained by “governmental bodies,” including a board, commission, department, committee, institution, agency or office that is within or is created by the executive or legislative branch of state government. The judiciary is not a “governmental body” under the act.

In August 1996, the Attorney General issued an opinion that community supervision and corrections departments are governmental bodies and not part of the judiciary for purposes of the Texas Open Records Act.

**DIGEST:** HB 1667 would amend the Government Code to make confidential documents evaluating the performance of community supervision and corrections officers who supervise defendants placed on community supervision.

The bill would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

**SUPPORTERS  
SAY:**

HB 1667 is necessary to prevent performance evaluations of community supervision officers from being turned over to any person who requests them. Due to the sensitive nature of this work, disclosing such records could disrupt the effective supervision of defendants and the proper execution of department duties. For example, some defendants have tried to use evaluations of their community supervision officers as evidence in their probation revocation hearings. HB 1667 would prevent such abuse of performance evaluations.

This bill would not carve out new territory for undeserved protection from the open records law. Rather, it would give community supervision officers the same confidentiality for performance evaluations that is already provided to teachers and administrators by the Education Code.

**OPPONENTS  
SAY:**

HB 1667 would close off information that rightfully belongs to the public. Each additional exemption for a certain type of record or employee erodes the integrity of the open records law. In addition, making these performance evaluations confidential would undermine the accountability community supervision officers owe to the public they serve.