

SUBJECT: Grant program for progressive sanctions model for probation violations

COMMITTEE: Corrections — favorable, without amendment

VOTE: 6 ayes — Madden, Hochberg, McReynolds, Dunnam, Haggerty, Jones
0 nays
1 absent — Oliveira

SENATE VOTE: On final passage, April 12 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — Penny Rayfield, Austin/Travis County Reentry Roundtable; Ana Yanez-Correa, Texas Criminal Justice Coalition; Clifford Gay;
(*Registered, but did not testify:* Jennifer Carr, The Texas Catholic Conference; Mark Mendez, Tarrant County)

Against — None

DIGEST: SB 166 would require the Criminal Justice Assistance Division (CJAD) of the Texas Department of Criminal Justice (TDCJ) to make grants to selected local probation departments to implement a system of progressive sanctions to reduce probation revocation rates.

When making grants, CJAD would have to give priority to departments that serve counties with probation revocation rates that significantly exceed the statewide average, those that historically have exceeded the statewide average, or those that have demonstrated success using a progressive sanction system to reduce their probation revocation rates.

SB 166 would list 14 components, some of which would have to be in a local department's progressive sanction plan to receive a grant. They would include an evidence-based assessment process, reduced and specialized caseloads, increased monitoring, shortened terms of probation with increased supervision during the earliest part of the term, strategies that reduce the number of technical violations, and graduated sanctions and incentives. CJAD also would have to give preference to programs

targeting medium-risk and high-risk defendants that included certain characteristics of drug court programs in current law.

CJAD would have to report on the grants to the TDCJ board by December 1 of even-numbered years. The report would have to identify the local departments receiving the grants and describe each program and its success in reducing revocations. The report also would have to include an analysis of the scope, effectiveness, and cost benefit of the programs and a comparison of those programs to similar ones in existence before March 1, 2005. The report would have to be forwarded to the lieutenant governor and the speaker of the House by December 15 of even-numbered years.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007. CJAD would have to develop the criteria and review grant proposals as soon as possible after the bill's effective date and begin making grants by September 30, 2007.

**SUPPORTERS
SAY:**

SB 166 would codify a successful grant program that is working to improve the probation system in Texas by encouraging local probation departments to handle probation violations with a progressive sanctions model. SB 166 would codify this current policy of CJAD because some local probation departments have been reluctant to implement the model without having the parameters specified in statute.

Progressive sanctions models guide local probation departments in handling probation violations appropriately through graduated sanctions and incentives that can reduce the number of probationers who are sent to prison for technical violations. In some cases, these technical violations do not warrant using a prison bed for a probationer, and SB 166 would give the local probation departments incentives to work with offenders to improve their success on probation. Public safety would be ensured because decisions about revocations still would be made by judges who would not receive the funding. Judges would have complete discretion to continue to revoke probation and send offenders to prison.

The state's prisons currently are operating at capacity, and public safety is enhanced when space is reserved for violent and habitual criminals. By helping to ensure that fewer probationers are sent to prison for technical violations that do not affect public safety, SB 166 could reduce the state's need to expand prison capacity.

The progressive sanctions model of probation supervision that would be implemented through the grants provided by SB 166 has proven successful in the last two years in reducing probation revocation rates, lowering caseloads, and increasing early discharges from probation. For example, Dallas County had a 12 percent reduction in probation revocations in fiscal 2006 compared with their number in fiscal 2005, and El Paso County had a 23 percent reduction. The 26 probation departments that implemented a progressive sanctions model had 1,155 fewer net revocations in fiscal 2006 than in fiscal 2005. Revocations in 23 counties that declined the additional funding and did not implement a progressive sanctions model increased their revocations by 378 over their number in fiscal 2005.

**OPPONENTS
SAY:**

The state should not codify a policy that gives probation departments financial disincentives to revoke probation for technical or any other violations. This could result in some probationers remaining in the free world on probation when they should have their probation revoked and be sent to prison. Some technical violations of probation are serious and warrant revocation. For example, absconding from probation or coming in contact with a victim both could be technical parole violations warranting a probation revocation.