Objectives

• This session will provide a basic overview of community supervision (formerly known as adult probation) in Texas, including its definition, establishment of departments, functions of CSOs, relationship to counties, funding, and benefits to local communities.
Objectives

- Have a better understanding of community supervision
- Learn how community supervision benefits communities
- Comprehend the interaction of community supervision and county government in Texas.
Community Supervision in Texas is an “Odd Animal” that Serves many Masters!
What is Community Supervision?

Community supervision is “the placement of a defendant by a court under a continuum of programs and sanctions, with conditions imposed by the court for a specified period during which criminal proceedings are deferred … or a sentence of imprisonment or confinement … is probated and the imposition of sentence is suspended in whole or in part.” (TCCP 42A.001)
How are CSCD’s Formed?

Chapter 76, Sections 76.002, 76.004 of the *Texas Government Code* provides that the district judge or judges trying criminal cases and the statutory county court judges trying criminal cases in the county or counties served by the judicial district are to establish a community supervision and corrections department, appoint a director and fiscal officer, and approve the department’s budget and strategic plan.
CSCD’s

• CSCD directors are under the authority of the district and county criminal court judges and CSCD employees are under the authority of the CSCD director – not the judges;
• There are 122 CSCD’s in the State’s 254 counties;
• CSCD’s are organized within judicial districts (some are multi-county); and,
• Statewide, there are 3,037 Community Supervision Officers (CSO’s) as of February, 2019.
Benefits and Personnel Policies

- CSCD employees are not state, county, or judicial district employees, but are employees of the CSCD they serve.

- State insurance is provided for employees and is paid for by the CSCD.
Benefits and Personnel Policies (cont’d)

- Employees are governed by personnel policies and benefits at least equal to personnel policies for and benefits of other employees of that county.

- CSCD salaries are not paid by counties.

(Government Code, Section 76.006)
How are CSCD’s Governed by the State?

• Overseen by a division of the Texas Department of Criminal Justice—the Community Justice Assistance Division (CJAD)
• As per the Government Code, Section 509.002, CJAD facilitates the efficient and effective delivery of community based penalties and programs based on the local needs;
• CJAD’s mission is to help Texas communities protect the public, rehabilitate offenders and serve the victims of those offenders.
How are CSCD’s Governed by the State? (cont’d)

• CJAD conducts program audits and annual financial audits by an outside auditor are required.

• In accordance with the Government Code Section 493.003(b), the Judicial Advisory Council advises the Texas Board of Criminal Justice and the division director of CJAD on matters of interest to the judiciary, reports to the Board on the status and needs of community corrections, and reviews and makes recommendations to CJAD on funding for CSCD’s.
How are CSCD’s Governed by the State? (cont’d)

CSCD’s must follow CJAD Standards, which are designed to:

• continue community supervision and corrections as a viable criminal justice sanction
• assist departments in providing protection to communities
• rehabilitate offenders
• establish minimum uniform community supervision standards
CSCD / CSO Functions

• CSO’s protect the community through the proactive provision of services to offenders and through rapid action when violations of the conditions occur.

• CSCD’s serve the courts, the local community, victims, and offenders.
CSCD / CSO Functions (cont’d)

Community Supervision Officers serve as:

- investigators for the Courts via pre-sentence reports and upon violation of the conditions
- counselors and rehabilitators of offenders
- protectors of the community from acts committed by probationers
- contact points for victims of crimes
- collectors of court-ordered funds
- users of progressive sanctions to hold offenders accountable
- brokers of community resources for offenders.
CSCD / CSO Functions (cont’d)

• Upon violation of the conditions, including committing new criminal offenses, failure to attend programs aimed at rehabilitating the offender, and absconding, among others, the CSO has options that can be imposed by the CSO and/or the Court, to include:

• Admonish the offender;
CSCD / CSO Functions (cont’d)

• Modify the conditions, requiring more stringent control over the offender, extension of the period of supervision, or additional program requirements, including residential placement;

• Or, the CSO may request that a motion to revoke supervision or motion to proceed with adjudication be filed so that the Court can consider revocation of supervision and incarceration of the offender.
One of the most important functions of CSO’s early in the supervision process is to identify the problem areas that led to the criminal offense, such as substance abuse, peer association, or criminal attitudes, and offer a myriad of programs and services to address those problem areas, leading the offender to establish a more pro-social lifestyle.
CSCD / CSO Functions (cont’d)

Community Supervision Officers statewide use a standardized assessment instrument call the Texas Risk Assessment System (TRAS) to assist in identifying criminogenic needs and assessing risk level.

If need areas can be uncovered and resolved, the offender is less likely to commit new offenses, thereby offering increased protection to the local community.
Felons and Misdemeanants Placed under Supervision by Texas Courts

- As a snapshot, at the end of Fiscal Year 2018, there were 230,074 individuals under Direct Community Supervision.

- Of that figure, approximately 152,796 are felons and 77,278 are misdemeanants.
Direct Supervision Offense Profile FY 2018

- Felons
  - Other: 40,000
  - DWI: 60,000
  - Drugs: 80,000
  - Property Offense: 100,000
  - Violent Offense: 120,000

- Misdemeanants
  - Other: 40,000
  - DWI: 60,000
  - Drugs: 80,000
  - Property Offense: 100,000
  - Violent Offense: 120,000

Total:
- Felons: 300,000
- Misdemeanants: 300,000
Race/Ethnicity Offenders under Direct Supervision in FY 2018

- Hispanic: 37%
- White: 40%
- Black: 21%
- Other: 2%
Gender of Offenders under Direct Supervision FY 2018

Gender

- Male: 72%
- Female: 28%
Overview of Funding

Statewide, approximately 2/3 of CSCD funding comes from the Legislature through CJAD, and the remaining funds are raised through the collection of supervision fees.
Funding

• Basic Supervision funding is computed by calculating $0.70 per day for misdemeanor placements for 182 days and approximately $1.03 per day for each day felons are directly supervised in the jurisdiction.

• Compare this with $47.50 per day to house prisoners. The State cost is about $376 per year for supervising felony probationers vs. $17,338 per year for incarceration.
Funding (cont’d)

- Community Corrections Program funds are distributed based on the proportion of Texas felons directly supervised in your jurisdiction, and the population of your county in relation to the rest of the State.
- Diversion Program funds are competitive grants that must be used for programs to divert offenders from incarceration.
- Treatment Alternatives to Incarceration Program funds are also competitive grants that must be used to divert offenders from incarceration through substance abuse treatment.
What Financial Responsibilities Do Offenders Have?

- Probationers pay between $25.00 and $60.00 per month in supervision fees (TCCP 42A.652)
- In addition, they pay restitution, fines, court costs, attorney fees, program fees, and other fees allowed by law (TCCP 42A.651)
- For every $1.00 appropriated for community supervision, offenders contributed $0.98 in support of victims, counties, and the State.
What Financial Responsibilities Do Offenders Have? (cont’d)

$155 million collected in supervision fees by CSCDs in FY 2018 was used for CSCD operations.

$39.8 million collected in restitution by CSCDs in FY 2018 went to the victims of crimes committed by probationers.

Additional collections went to counties and the State in the form of fines and court costs.
What are Counties Required to Provide to CSCD’s?

• The county or counties served by a department shall provide physical facilities, equipment, and utilities for a department *(Texas Government Code, Section 76.008)*
What do CSCD’s do for my County?

- Puts money back into counties
- Community supervision operational costs are NOT locally funded
- Removes offenders out of local jails
- Allows most probationers to work, thus they pay taxes, and support their dependents
- Identifies problem areas for probationers and offers treatment
- Court can impose original sentence if probationer does not cooperate
What do CSCD’s do for my County? (cont’d)

- In FY 2018, probationers paid $39,863,744 in restitution;
- 6,267,417 hours of community service performed by 143,268 defendants (CSR) in local communities in Texas; and,
- At $7.25 per hour, the value of the CSR to the local communities was $45,438,772.
Community supervision in Texas has progressed in developing innovative and researched-based programming over the past two decades. Your local CSCD’s work diligently to:

• protect the communities in which the staff members and you live and work
• rehabilitate offenders using evidence-based programming
• serve the courts, victims, and communities
• hold offenders accountable when they are not compliant with the requirements of supervision
How can I have input into CSCD operations?

VISIT with your local CSCD’s. Learn how we operate and what we do! We are always happy to talk about our services.
Resources

- Texas Public Policy Foundation
- TDCJ Statistical Report Fiscal Year 2018