



WRITTEN TESTIMONY

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REGARDING HOUSE BILL 1678

SENATE COMMITTEE ON CRIMINAL JUSTICE

MAY 15, 2007

Dear Members of the Committee,

My name is Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition. Thank you for allowing me this opportunity to present testimony regarding House Bill 1678.

Creating short but strong probation terms is crucial to maximizing the efficiency of the probation system. By targeting resources to address the highest-risk populations, departments can increase public safety while also cutting the red tape that is currently preventing non-violent, low-risk individuals from successfully managing their lives while under supervision. An incentive approach to early release and program completion will encourage probation compliance without creating a side-effect of unnecessary revocations that flood our prisons.

CORRECTING PROBATION IS FUNDAMENTAL TO PREVENTING PRISON OVER-CROWDING.

Texas prisons are currently filled to capacity, and the State is expected to require 11,000 new beds by 2011 if current rates of incarceration go unchanged. Some have advocated for the construction of new prisons to handle this crisis, but this proposal would be costly and fail to correct the fundamental cause of over-crowding: high rates of recidivism among offenders, which creates a revolving back door for institutional facilities. Texas can avoid the bandage approach of prison construction and address over-crowding at its root by correcting policies that lead to high rates of offender recidivism – especially probation revocations, which comprise 33% of state prison intakes and 41% of state jail intakes. Strengthening the probation structure to provide supervision and services to offenders who need them most can reduce this level of failure.

WHAT DOES H.B. 1678 DO?

- Allows the successful completion of a treatment program to count against a deferred adjudication sentence, state jail, or county jail term;
- Reduces maximum probation lengths from ten to five years ONLY for third degree felony drug and property crimes;
- Gives judges discretion to impose or not impose onerous community service requirements for all levels of offenders;
- Allows a judge to continue probation for the full term for offenders who threaten public safety;
- Eliminates caps on community service hour requirements;
- Mandates early release review after half of the probation period is served, unless the defendant has not paid all fines to his/her best ability or completed required treatment or counseling;
- Requires judges to issue a written list of unfulfilled requirements to probationers whose early release is denied;
- Requires a showing of good cause prior to extending supervision;
- Allows credit or debit card payment of fines/fees; and
- Excludes 3g offenders, registered sex offenders, and alcohol-related offenses including DWI.

H.B. 1678 WILL ALLOW DEPARTMENTS TO FOCUS PROBATION OFFICERS AND RESOURCES WHERE THEY ARE NEEDED MOST BY REDUCING UNNECESSARY SUPERVISION.

Strengthening and shortening probation terms will increase probation officers' effectiveness in promoting success by freeing up more resources for intense supervision of high-risk individuals during the critical period of their terms. For the majority of offenders, supervision should be

heaviest during the early critical period (the first 6 months) of probation terms, when they are most likely to recidivate, with officer caseloads adjusted accordingly. Limiting time spent supervising non-violent property and drug offenders can leave officers with additional time to supervise individuals who are convicted of more serious crimes or who pose a flight risk or threat to public safety. H.B.1678 will reduce crime and save taxpayers money by eliminating needless spending on long, ineffective supervision.

EARLY RELEASE AND OTHER INCENTIVES SHOULD BE USED TO ENCOURAGE GOOD PROBATIONER PERFORMANCE.

By implementing more uniform requirements during judicial evaluation of early release, probation departments can give offenders concrete and meaningful incentives to complete their requirements and pay their fines in a timely and effective manner, thereby increasing individual's success while on probation and saving taxpayers money.

This logic also applies to sanctions imposed for individuals who violate the terms of their probation: by emphasizing the completion of requirements rather than the punishments associated with non-compliance, departments can provide probationers with a roadmap to success while still holding them accountable for taking initiative and responsibility.

INDIVIDUALIZED TERMS OF SUPERVISION BEST ENSURE SUCCESSFUL COMPLIANCE.

Texas probation departments must have the resources to provide individually tailored supervision and services for each probationer. Adopting flexible and realistic penalties for probationer misconduct can improve morale and eliminate unnecessary revocations. Also, by eliminating mandatory community service and implementing requirements for treatment and counseling for those who need it, departments can address probationers' direct criminogenic (criminal tendency) needs instead of levying burdensome requirements that are likely to have little effect on their success.

PROBATION DEPARTMENTS MUST IMPLEMENT SHORTER AND STRONGER PROBATION TERMS.

- **Mandate a supervision strategy that includes front-loaded supervision and risk-classification.** Probation departments should apply the highest level of supervision to probationers with the highest risk of recidivism; supervision should also be focused on the first six months. High supervision should include more direct contact with probation officers and stricter requirements and penalties.
- **Provide funds to hire more probation officers to reduce caseloads and end “paperwork supervision.”** Departmental policies should redirect personnel time away from bureaucratic supervision and towards more personal contact and community interaction.

By allowing departments to move towards more individualized and efficient probation supervision, H.B. 1678 is a crucial measure in improving probation, reducing over-crowding, encouraging probationer success, and increasing public safety.

I appreciate the opportunity to testify before the committee, and to offer our organization's thoughts and recommendations on this important issue. I hope that you will vote to pass H.B. 1678 in order to maximize the benefits of Texas' probation program.