

# REDUCING REVOCATIONS CHALLENGE

HARRIS COUNTY, TEXAS

JUSTICE SYSTEM PARTNERS



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## HARRIS COUNTY, TX

### **AUTHORS**

Brian Lovins, Ph.D.

Shannon Magnuson

JUSTICE SYSTEM PARTNERS

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# EXECUTIVE SUMMARY

## HARRIS COUNTY, TX

### INTRODUCTION

As jurisdictions try to reduce mass incarceration, there is a strong desire from researchers, justice stakeholders, and advocates to use prison as little as possible and keep people in their communities as much as possible. Probation fulfills both goals. However, recent studies suggest that probation sentences, rather than providing a true *alternative to* incarceration, merely *delay* incarceration. Instead of completing probation successfully, many clients receive probation terminations (revocations) for non-compliance to probation rules (technical violations), for new law offenses (law violations), or fleeing all together (absconding). For the many clients who receive revocations, this ultimately ends in returns to custody.

In this new era of mass probation, understanding the drivers of revocations is paramount in the fight against mass incarceration, and even more importantly, helping individuals successfully complete probation and stay in their communities.

Using a mixed-methods design, this research explores the complexity of probation violations in Harris County, Texas (Houston-metro area). Findings show several predictors driving probation violations, including the number of completed office visits early in the probation process, number of conditions assigned to individuals, and positive urinalysis tests. This report describes the methods and findings in detail and offers recommendations for each of these primary drivers.

### STUDY SITE CONTEXT

Harris County Community Supervision and Corrections Department (HCCSCD) provides supervision to adults placed on pretrial intervention and post-disposition community supervision and serves approximately 50,000 people a year.

From 2000 to 2013, Harris County produced the highest rate of revocations across all CSCDs in Texas. Agency leaders identified four primary factors driving this rate: (1) onerous conditions including a menu of more than 500 conditions of probations a judge can order; (2) plea agreements driving caseload and program planning, not risk-need assessments; (3) over reliance on drug testing, and; (4) significant delays connecting clients with officers on their first appointment, leading to increases in absconding. Since 2013, HCCSCD reduced the number of available conditions, implemented the validated Texas Risk Assessment (TRAS) for programming placement, restructured drug testing, and shortened the time from placement on probation to first contact between the officer and client. Although these changes drastically improved revocation rates and the client experience, many of these factors *still* drive revocations in Harris County.

This research begins to unpack the current drivers of revocation in Harris County, Texas to understand more about *who* is returning to custody and *under what conditions*. Additionally, this study examines how, if at all, state and local policy structures, courtroom work group dynamics, and staff decision-making also play a part in driving revocations.

### RESEARCH QUESTION & METHODS

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A broad research question grounds this research: “What drives revocations and absconding in Harris County, TX?” However, the system is complex. Nested in state legislation and standards, local policies, courtroom work group composition, and front line staff decision making, there are a significant range of factors potentially affecting revocation and absconding. To gain additional insight into why people do not complete probation, this research attempts to answer several additional questions:

1. How do conditions of supervision impact individuals’ success on supervision?
2. Under what circumstances do technical violations and law violations result in a revocation? And, under what circumstances do individuals abscond?
3. Are there characteristics of individuals that increase the likelihood of completing probation?
4. Are there interaction effects by race, sex, age, offense type that may lead to variations in revocations and absconding for subgroups?
5. Are there legislation and state standards or agency policies and practices impacting completion of probation?

We use multiple data sources to explore these questions, including: administrative data, case file data, survey and interview data, and legislative policies and agency practice documents.

### FINDINGS

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Although the Harris County revocation process is similar to other sites, there are a few notable differences. The court orders a client to probation and the client is assigned to an officer’s caseload. The officer describes the probation conditions to the client (17 categories, and additional conditions associated with containment caseloads, such as: caseloads for those with sex offenses or domestic violence) and helps develop a plan to comply with the conditions. When clients are non-compliant with these conditions, an officer files a violation report to the court. The judge then reviews the report and issues a warrant, if appropriate. Following the warrant, the district attorney files a motion to adjudicate/revoke. Then, the judge either dismisses the motion or revokes the individual from probation. Revocations in Harris County almost exclusively result in returns to custody.

Although the 2013 changes drastically improved revocation rates and the client experience, many of these factors *still* drive revocations, especially for individuals revoked for technical violations.

**Who is most likely to receive a violation and/or revocation?**

Between the years 2014 to 2018, district attorneys filed motions to adjudicate/revoke on 36,980 individuals. Those most often violated included Black clients (51.7%), those on probation for a felony conviction (57.6%), and those who scored moderate (53.2%) or high (81.5%) on the TRAS.

Overall, when motions are filed, judges revoked 66.6% of all individuals. Across motions filed, the rate of revocation is consistent across several demographic factors. Specifically, judges revoked White (71%), Black (74.5%) and Hispanic (74.6%) clients at nearly equal rates, as well as those on probation for misdemeanor (69.8%) compared to individuals on probation for a felony conviction (74.8%). However, where judges diverge relates to risk score. Of motions filed, judges revoke nearly 86.3% of all clients who score high risk compared to only 61.1% of motions filed for individuals who score low risk on the TRAS.

**What types of non-compliance are most prominent among formal violations and/or revocations?**

On average, motions to revoke included eight violations, but the total violations submitted ranged from one to 102. Motions typically included violations across six of the 17 standard conditions:

1. Other allegations (68.5% of all violation reports)<sup>1</sup>
2. Failure to pay fees (46.6%),
3. New offenses (37.5%),
4. Using or possessing illegal substances (37.2%),
5. Not reporting for office appointments (29.8%), and
6. Failure to pay restitution (19.4%).

Across interviews conducted with staff, many reported a culture of using motions to revoke as a last resort. This might explain why fewer than 5% of motions included only one violation (and only 11% of those motions filed resulted in revocation), and primarily did so when alerting the court of a new offense.

**Why do violations and revocations happen, what are the drivers?**

Our findings indicate most revocations occurred very early in a person's probation experience. Across those who did not complete probation, they were more likely to:

1. Attend less than five office visits
2. Have fewer UA tests within the first three months, but more likely to test positive when they took a test
3. Scored higher on criminal history, peers, and attitudes domains on the TRAS
4. Not have a GED
5. Be younger and male<sup>2</sup>

<sup>1</sup> Other allegations refer to conditions not captured in the larger 16 categories, and include conditions such as apology letters and child support.

<sup>2</sup> We use the term "sex" throughout the report to describe sex assigned at birth. Currently administrative data does not specify gender identity nor does Harris CSCD collect this information currently. As a result, male in this sample primarily includes cis-gender men but could also include transwomen, non-binary, and gender non-conforming people who were assigned the sex of male at birth.

Specifically, for individuals on probation who were revoked while serving a misdemeanor conviction, they were revoked within the first five visits. For individuals serving felony convictions, this occurred within the 12 visits. This means, attending five or more office visits significantly predicts completion of probation, more than any other predictor measured in our data.

When turning to client level behaviors and their relationship to revocations, the number of positive urinalysis (UA) tests, especially within the first three months, and an increased ratio of missed office appointments significantly predicted technical revocations. The number of positive UA tests also predicted (albeit not much) absconding behavior.

When turning to state level policies and their relationship to revocations, the length of supervision mattered. Those with longer sentences experienced more violations or motions to revoke, but were not necessarily revoked more often. For individuals with longer community supervision sentences, in interviews they described tempering their urgency to complete programming conditions or pay fees/fines. Qualitatively, clients described feeling as though there was no rush to satisfy the court order if finishing early was not likely.

## RECOMMENDATIONS

There are several recommendations informed by these findings.

1. Develop a case management system alert flagging officers of completed fourth visits and reminding officers to give special attention to following up with their clients to ensure the next visit.
2. Consider rewriting conditions with behavior change language instead of compliance driven language. This would allow individuals room to grow, show progress, and not fear revocation for a single violation.
3. Or, reconsider eliminating all conditions related to technical violations. These specific conditions inaccurately assume clients have full agency over their compliance, for example maintaining employment/education, enrolling/participating in treatment, and paying fines/fees, while ignoring the system level barriers to access to comply with these conditions. Complete elimination of these conditions would allow staff to spend more time centering clients and their needs and less time documenting and responding to non-compliance.
4. Consider developing a structure for discontinuing drug testing following several negative drug tests, despite history of substance use or previous reoccurrence during the probation sentence.
5. Implement a parallel reinforcers continuum complementing the existing graduated sanctions matrix. This partner continuum would reward progress and acknowledge individual growth.

In this new era of mass probation, or *delayed mass incarceration*, it is paramount to understand the circumstances under which clients are returning to custody. Implementing these strategies centers the individual in the probation experience, emphasizes meaningful and responsive case management, and begins to reform several long-standing practices that do not center or serve people on probation.

INTRODUCING

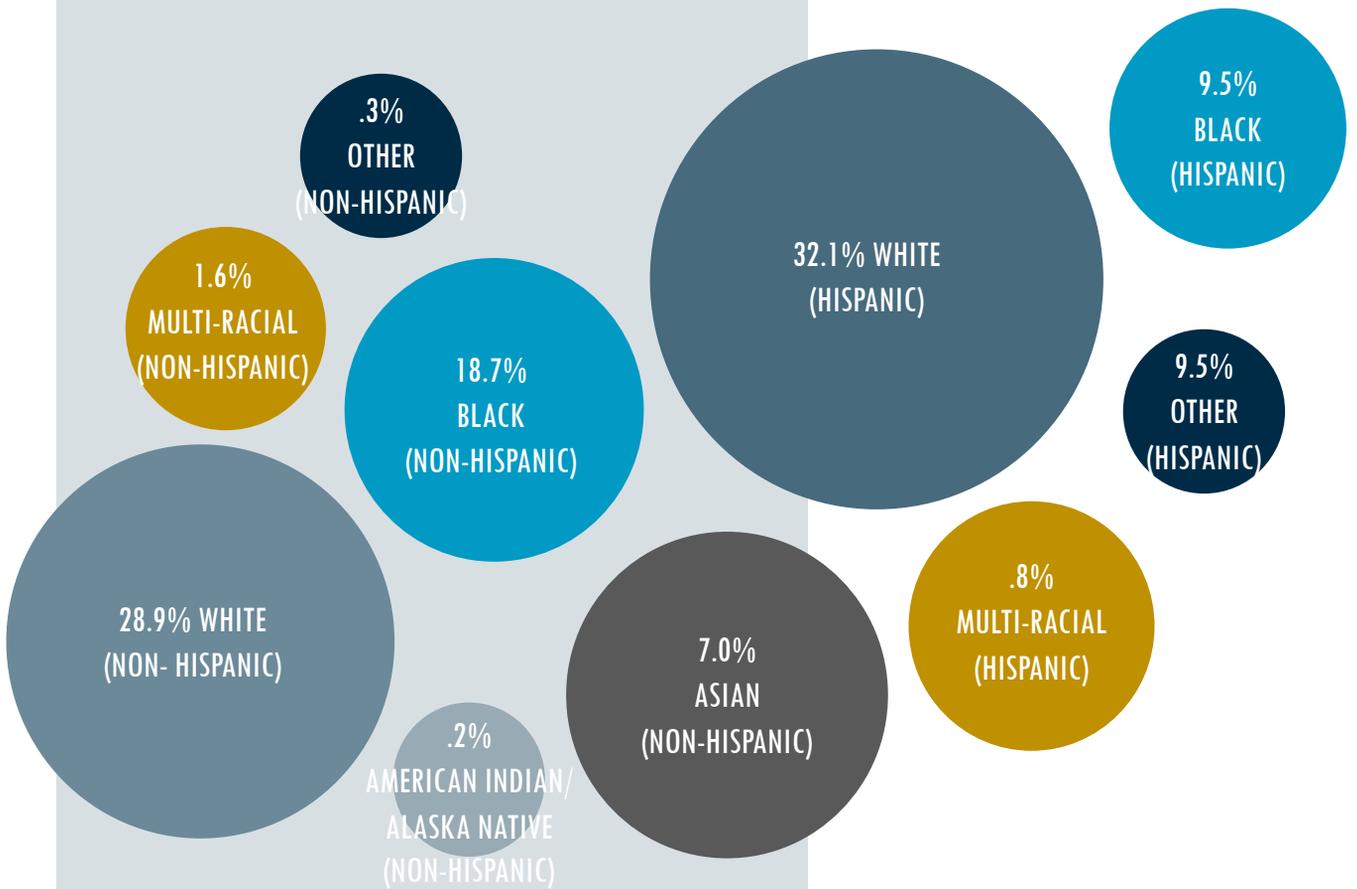
# HARRIS COUNTY

# TEXAS



# HARRIS COUNTY TEXAS

Harris County, Texas is one of the largest, most diverse counties in the country. Covering 1,777 square miles, Harris County is home to over 4.7 million people. In 2018, the median age for residents is 33.7 years of age and the median household income is \$60,232, up 2.71% from the previous year. The county has a unique mix of urban areas including county seat Houston and rural unincorporated areas throughout the northern part of the county.<sup>1</sup>



<sup>1</sup> [More Information about Harris County, TX](#)

HARRIS COUNTY

**COMMUNITY SUPERVISION &  
CORRECTIONS DEPARTMENT  
(HCCSCD)**



# OVERVIEW

## HARRIS COUNTY CSCD

The Harris County criminal justice system is made up of 22 District Courts (Felony) and 16 Criminal Courts at Law (Misdemeanor).

The Harris County Community Supervision and Corrections Department (HCCSCD) provides supervision to adults who are placed on pretrial intervention and post-disposition community supervision. Directed by Dr. Teresa May, the HCCSCD serves approximately 50,000 people through one of its many programs. With an annual state budget of \$39 million, the HCCSCD operates a 550-bed residential program, delivers in-house substance abuse training, provides assessment and referral services to people on supervision, and delivers supervision and case management across 13 locations.

The Harris County CSCD is a quasi-state-level department operating under the judicial branch of the government. The director is appointed by a board of judges and operates independently from county government. Harris County CSCD director, Dr. Teresa May, is appointed by the Harris County Board of Judges.

Dr. May runs the day-to-day operations of the department with budget oversight provided by the board. Texas Department of Criminal Justice/Community Justice Assistance Division (TDCJ/CJAD) provides administrative overview of the CSCD by tracking performance, monitoring and reviewing budgets and programs, distributing funding to the department, and enforcing the Texas standards of probation. The CSCD Director then creates policies that are locally appropriate, with the state standards setting the minimum expectation.

Historically, TDCJ/CJAD is prescriptive about the expectations of the local CSCD. However, under Director Green, TDJC/CJAD is deferring more to CSCD directors and allowing them to set many of the standards—providing CSCD directors with a significant range of discretion over how to operate based upon local context. With that said, there are still some state standards that have an impact on both violations and revocations.

The day-to-day operations of the Harris County CSCD are shaped by three main forces. To start, the authority to order a person to community supervision and the rules around that order are defined in the Texas Code of Criminal Justice Procedures. Next, CSCDs are guided by a set of standards developed and presented by the advisory committee on community supervision and corrections department management and approved by the Judicial Advisory Committee and enforced by TDCJ/CDAD. And finally, the CSCD at the direction of the Director and their staff and in concert with local stakeholders, creates local policies and practices guiding local decisions.

# WHY STUDY PROBATION REVOCATIONS

As jurisdictions try to reduce mass incarceration, there is strong desire from researchers, justice stakeholders and advocates

- to use **prison as little as possible** and
- keep **people in their communities** as much as possible.

**Probation fulfills both goals.** However, recent works suggest probation sentences are not true alternatives to incarceration, and they only *delay* incarceration. A recent study by the Council of State Governments found 50% of the individuals on community supervision do not complete their sentence successfully. Instead, many receive probation terminations (revocations) for not complying with rules of probation (technical violations), for new law offenses (law violations) or for fleeing altogether (absconding). For the many clients who receive these types of violations, many end in revocation and ultimately return to prison or jail. In fact, probation revocations across the country are responsible for sending almost 350,000 people to jails/prison each year.

In this new era of **MASS PROBATION**, understanding the drivers of returning to jails/prisons while on community supervision – probation revocations – is paramount in the fight against mass incarceration, and even more importantly, helping individuals successfully complete probation and stay in their communities.

**50%**  
OF INDIVIDUALS ON  
**PROBATION**  
IN THE UNITED STATES  
**DO NOT COMPLETE**  
PROBATION  
SUCCESSFULLY

# THE PROCESS OF REVOCATIONS IN HARRIS COUNTY, TX



## ORDERED TO PROBATION

Legislative policy (article 42.12, section 1) gives the authority of state courts to place individuals on community supervision and impose conditions of that supervision. However, another policy (42A,103) specifies the maximum number of years an individual can serve a probation term. Specifically, it states for felony cases community supervision cannot exceed 10 years, for a client charged with a third degree or state jail felony the period cannot exceed five years, and for a misdemeanor conviction the time on supervision cannot exceed two years.

## NON-COMPLIANT BEHAVIOR



Non-compliance includes any client-level behaviors which do not comply with the court ordered conditions. This could include missed appointments and drug tests, testing positive for substances, not following up with referrals to treatment or missing treatment appointments, not making regular fines/fees payments, or not actively engaged in (finding) employment. A local behavior matrix guides staff graduated responses to non-compliance. However, ultimately reporting the non-compliance to the court is at the discretion of the community supervision officer (CSO).



## COMMUNITY SUPERVISION OFFICER FILES VIOLATION\* REPORT TO COURT

The violation, \*also referred to locally as a “blue sheet”, includes the behavior(s) the officer is reporting and any other context the officer would like to provide to the judge, including descriptions of previous interventions for non-compliance.

JUDGE REVIEWS REPORT AND ISSUES WARRANT, IF APPROPRIATE



DISTRICT ATTORNEY FILES A MOTION TO REVOKE (MTR) WITH THE COURT

JUDGE DISMISSES MTR OR REVOKES INDIVIDUAL FROM PROBATION

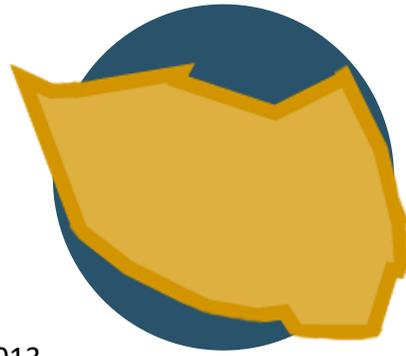


If the judge dismisses the motion, the individual returns to probation as usual.



IF REVOKED, THE INDIVIDUAL RETURNS TO CUSTODY

# HISTORY OF REVOCATIONS IN HARRIS COUNTY, TX



## REVOCATION

termination of an individual's probation supervision in the community

## PREVIOUS FACTORS DRIVING REVOCATIONS IN HARRIS COUNTY, TX

Onerous conditions, including 500 possible conditions a judge could impose on a probation client

Programming determined through plea agreements instead of a validated risk assessment

Over reliance on drug testing

Six-week time lag between probation placement and first appointment

From 2000 to 2013,

Harris County produced the highest rate of revocations across all CSCDs in Texas. Agency leaders document four primary factors driving this previous rate. First, conditions were onerous; there were more than 500 conditions that judges could select—ranging from random drug testing to those characterized as shaming conditions (wear a sign, write a public letter to the newspaper, etc.). Second, plea agreements were driving caseload and program planning, not validated risk assessments. Third, there was an over reliance on drug testing regardless of the offense type or history of substance misuse. In 2012, Harris County Community Supervision and Corrections Department (CSCD) spent more 4 million dollars to drug test 42,000 individuals. This frequent testing led to disruption of work schedules, testing people prior to receiving treatment, and ignored individuals who were increasing the number of days between using substances. Fourth, the time from placement on supervision to the individual's first appointment was often in excess of six weeks. This large gap made it difficult for justice-involved individuals to connect with their probation officer and receive answers to their initial questions about the probation experience, resulting in more people avoiding their first appointment and subsequently being identified as an absconder.

Since 2013, Harris County CSCD created a standard set of conditions, significantly reducing the number of conditions assigned to individuals. Second, they implemented widespread use of a validated risk instrument – Texas Risk Assessment (TRAS) – and assessed individuals prior to placement. Third, they restructured drug testing to focus on individuals at high risk for substance misuse. And fourth, they implemented several strategies to shorten the time from placement to first visit. As a result, revocations for technical and law violations substantively decreased each year.

# REDUCING REVOCATIONS IN HARRIS COUNTY, TX



## RESEARCH QUESTIONS

Although the 2013 Harris County CSCD changes reduced revocations, there is still a significant gap in knowledge about client behaviors while on probation, officer responses to these behaviors, and court responses to different types of behavior violations. Additionally, there is little information about the circumstances and drivers of absconding. Harris County CSCD provides a unique opportunity to explore revocations and absconding at historical baselines as well as the impact of incremental changes over the past six years. Unpacking the drivers of revocation and absconding holds purchase for how the agency can facilitate justice-involved individuals' success moving forward.

**While a broad research question grounds this study:**

**“ What drives revocations and absconding? ”**

**the research requires unpacking a complex system.**

While a broad research question grounds this research—what drives revocations and absconding—the system is complex. Nested in state legislation and standards, local policies, courtroom work group composition, and staff—there are a significant range of factors potentially affecting absconding and revocations. To gain insight into why people do not complete probation successfully, the research attempts to answer the following questions:

- 1) How do conditions of supervision impact individuals' success on supervision?
- 2) Under what circumstances do technical violations, and law violations, result in a revocation? Under what circumstances do justice-involved individuals abscond?
- 3) Are there characteristics of justice-involved individuals that increase the likelihood of being successful (or not completing probation)?
- 4) Are there interaction effects by race, ethnicity, and other legal and extralegal factors (i.e. age, sex, offense type) that may lead to variations in revocations and absconding for subgroups of justice-involved individuals?
- 5) Are there legislation and state standards or agency policies and practices that positively or negatively impact the success of individuals on supervision?



# METHODOLOGY

THIS PROJECT USED A MIXED-METHODS APPROACH TO ANSWER THE BROAD RESEARCH QUESTION: *WHAT DRIVES REVOCATIONS AND ABSCONDING?* SPECIFICALLY, WE CONSIDER TWO REVOCATION TYPES AND ABSCONDING:

TECHNICAL  
VIOLATION  
REVOCATIONS

NEW LAW  
OFFENSE  
REVOCATIONS

ABSCONDING

To understand the factors driving these outcomes, such as client behaviors, case characteristics, and individual demographics, we use multiple data sources. These sources include:



ADMINISTRATIVE  
DATA



CASE FILE  
DATA



SURVEY &  
INTERVIEW DATA



LEGISLATIVE POLICY &  
AGENCY PRACTICES

Although we used multiple data sources, the administrative data grounded subsequent analysis across other data sources. The administrative data provided by Harris County CSCD initially included 98,957 adult community supervision cases closed between January 1, 2014 and December 31, 2018. This included clients on pre-trial (PTI) supervision. Although drivers of revocations for these individuals are important and future research should consider this, their pre-adjudication status makes them characteristically unique from individuals on deferred adjudication. As a result, we removed these individuals from the data (n=11,620) leaving a remaining 87,337 individuals in the data set. If an individual had multiple consecutive cases during the timeframe, we treated each case as a unique individual (n=3,3035).

Since implementation of the risk assessment tool, the TRAS, Harris County CSCD changed many local policies (case planning, number of contacts, responding to non-compliance) to reflect the context of the individual's risk score profile. Given this new grounding of the risk score in policy, we conducted predictive analysis only with cases that included a risk assessment score (n=30,961). However, we present the demographic profile and other descriptors for the 84,302 unique individuals with closed cases between January 1, 2014 and December 31, 2018.

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## CLOSER LOOK AT THE DATA USED

### ADMINISTRATIVE DATA

First, we conducted descriptive analysis on the full sample to understand how individual client demographics, including: conviction type, sex, race/ethnicity, age, and TRAS risk level, are related to revocations. Then, to understand *the drivers of revocation* we created three matched groups. We matched clients who successfully completed supervision to clients revoked for a technical violation and randomly selected 300 clients from each group (n=600). We completed this process for individuals revoked for a new law violation (n=600) and for individuals who Harris County CSCD considers absconders (n=600) at the point of data collection. This matching process included 1,800 client cases. We present the main findings of the drivers of revocation from each of these matched groups.

### CASE FILE REVIEW

Once we understood the client-level behaviors driving revocations, we relied on case file reviews of individuals who successfully completed and individuals who were revoked to learn more about specific events. First, we developed a scoring sheet with coders used to read the case file including case notes and violation reports. This scoring sheet included questions about two specific types of events: (1) office appointments and (2) drug testing. The scoring sheet also included questions about the reports officers write to the court in response to non-compliance. We asked questions about how, if at all, officers contextualized violation reports by including progress made in various areas and/or all events of non-compliance. Data collectors used the scoring instrument to review all 1,800 case files from the matched groups.

**PERCEPTUAL DATA**

JSP collected survey and interview responses from Harris County CSCD staff and justice-involved individuals. The survey included multiple-choice questions about respondents’ perceptions about fairness, the working relationship between officers and clients, probation conditions, officer discretion, and reasons for revocations. JSP collected surveys from 95 CSCD staff and 1,715 probation clients. We provide response data throughout the findings sections to contextualize administrative data. JSP also conducted virtual interviews with five staff and 15 clients via Zoom. These interviews lasted 30 to 45 minutes. We rely on the most representative excerpts and quotes from staff and clients to contextualize administrative data.

**POLICY REVIEW**

JSP reviewed state legislation and statutes informing probation supervision practices. JSP also conducted a review of formal policies regarding client contact standards, urinalysis testing, payment of fees/fines/restitution, and motions to revoke submitted by probation officers. We incorporate policy standards and formal practices throughout the findings to contextualize administrative and case file data.



**ADMINISTRATIVE  
DATA**



**CASE FILE  
DATA**



**SURVEY &  
INTERVIEW DATA**



**LEGISLATIVE POLICY &  
AGENCY PRACTICES**

# FINDINGS OVERVIEW

For over a decade, Harris County produced the highest rates of revocations across all CSCDs in Texas. In 2013, they reviewed the main drivers of revocations and made several changes to the way they “do supervision,” including: reducing the number of conditions, relying on a validated risk assessment (TRAS) for programming placement, scaling back drug testing, and shortening the time from placement on probation to initial supervision appointment.

Although these changes drastically improved revocation rates and the client experience, many of these factors *still* drive revocations, especially for individuals revoked for technical violations.

For those individuals who did not successfully complete probation, revocation occurred early in probation. For those with underlying misdemeanor convictions they were revoked within five visits, and for individuals with felony convictions this occurred within 12 visits. Across those who unsuccessfully completed probation, they were more likely to:

- Have fewer UA tests within the first three months, but more likely to test positive for the tests they took
- Score higher risk on criminal history, peers and attitudes domain
- Not have a GED
- Be younger and male

We first provide descriptive statistics of the sample, then unpack the descriptive statistics of the predictor variables we used, and finally identify the drivers more likely to contribute to unsuccessful completion of probation.

- The overall revocation rate for 2014 to 2018 was **28.8%**.
- Motions are often filed as a last resort. Multiple iterations of violation reports are often submitted before a warrant is issued and a motion is filed.
- Across clients who return to court (44%), judges revoke 72.8% of individuals.
- When individuals who score high risk return to court, judges revoke 86.3%.
- The number of conditions does not statistically drive revocations but related to reported client anxiety about returns to custody.
- The number of positive UA tests within the first three months is a significant driver of revocations – more so than the number of UA tests.
- Absent office appointments is the strongest driver across outcomes, but particularly for clients who score moderate to high-risk.
- ***Attending five or more office significantly predicted successful completion of probation more than any other predictor.***

71.2%

COMPLETED  
PROBATION  
SUCCESSFULLY

# DEMOGRAPHICS

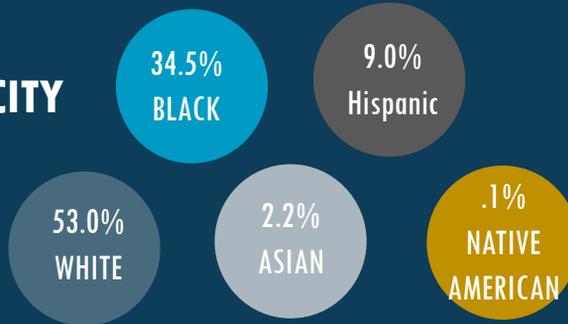
ADMINISTRATIVE DATA SAMPLE

84,302

CLOSED CASES  
2014 - 2018



## RACE<sup>2</sup>/ ETHNICITY



58.1% **MISDEMEANOR CONVICTION**

32.8 **AVERAGE AGE**

1.8 **AVERAGE TIME ON SUPERVISION (YEARS)**

<sup>2</sup> We report race as the mutually exclusive categories captured by the agency. We cannot determine individuals in the sample who identify as bi- or multiracial. We recognize multi-identities are critical for accurately reporting the true demographic profile of the sample, the client's experience, and disparities, if any.

<sup>3</sup> We use the term 'sex' to present the binary categorization as captured by the agency and not self-reported gender identity. The agency currently does not collect data on gender identity. We recognize the demographic representation of our sample may be different when considering gender identity, and could include representation from individuals who identify as non-binary, gender non-conforming, and/or transgender. We believe it is important for administrative data to consider the full spectrum of identity to more adequately understand the client experience and disparate outcomes, if any.

# ASSESSMENT AND CONDITIONS

After 2013, Harris County CSCD implemented the Texas Risk Assessment (TRAS), a validated risk instrument. This assessment includes seven primary domains: (1) criminal history, (2) education, employment and financial situation, (3) family and social support, (4) neighborhood, (5) substance use, (6) peer associations, and (7) attitudes and behavior patterns. Individuals can score: low, moderate, or high risk on each of the unique domains. Then, based upon these domain scores, the tool calculates an overall risk score.

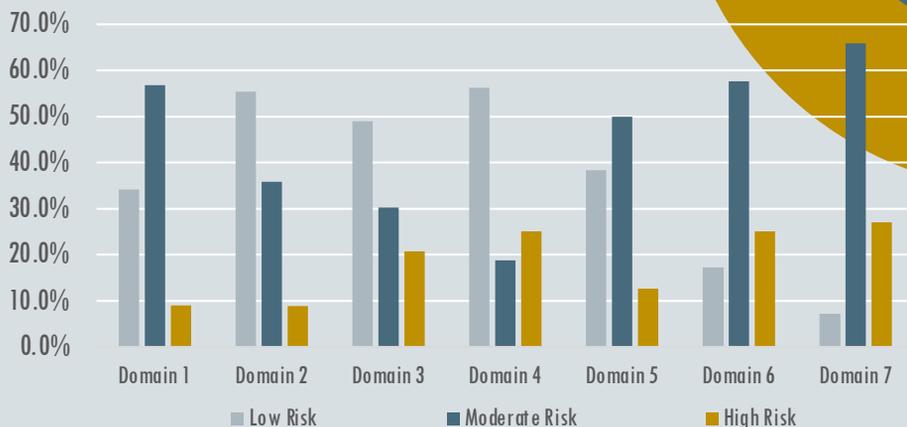
In order to improve responsiveness and the client experience, policy states (43A.301a) judges shall determine the conditions of probation *after* considering the results of the TRAS. The assessment score(s) also determine the individual's caseload placement type.



## TRAS OVERALL RISK LEVEL



## TRAS RISK SCORES BY DOMAIN



## CONDITIONS

The conditions form the basis for the expectations of a person on supervision and, if a person is found to be in violation of any condition, they are subject to revocation.

The current TX Code of Criminal Procedure (43A.301a) provides judges with a wide range of discretion in setting conditions. Although it does not allow duplication of conditions, there is no formal limit to the number or the onerousness of conditions.

In their early work to reduce revocations, Harris County CSCD acknowledged a main driver of revocations was the more than 500 unique conditions or rules judges had set across all clients on probation.

The department determined 31<sup>4</sup> unique standard condition categories and encouraged judges to set no more than one condition per category or not apply a category, if possible. In practice, this means there is *still* no standard set or specific number of conditions assigned to individuals on probation.



### CLIENT SURVEY RESPONDENTS

**77%** Reported they will be able to meet the conditions of probation

Judges, on average, assigned clients 28 conditions but the total number of conditions assigned ranged from 1 to 82 conditions. Across all possible conditions, 16 conditions were assigned to over 70% of clients.

28



**AVG NUMBER OF CONDITIONS ASSIGNED TO CLIENT**

1 - 82



**RANGE OF TOTAL CONDITIONS ASSIGNED TO CLIENTS**

16



**CONDITION CATEGORIES ASSIGNED TO AT LEAST 70% OF CLIENTS**

### MOST ASSIGNED CONDITION CATEGORIES:

**Child Support  
Education  
Employment  
Fees  
Field Visits  
Interventions**

**Reporting Housing  
No New Offense  
UA Testing  
Restitution  
No Weapons**

<sup>4</sup> These 31 categories include: DNA requirements, HCCSCD residential rules and regulations, ID requirements, PTI requirements, UA testing requirements, apologies, child support fees, class requirements (typically a single event); curfew, driving requirements, education rules, employment rules, community service, fees, fields visit requirements, other financial requirements, immigration requirements, incarceration stays, intervention requirements (typically a treatment program), breath/electronic monitoring, no contact rules, obey all laws, other, sexual offense registration, reporting to officer rules, restitution, substance use evaluations, termination ules, transfer regulations, travel/housing rules, weapon regulations, and other rules.

Judges can order community service on both misdemeanor and felony cases, and the hours they impose range up to 100 and 300 hours, respectively. Individuals placed on supervision are often required to perform community service at an approved location set by the local board of judges, and the process to sign individuals up and track their hours requires significant administrative processing.



**I was the primary caregiver for my three kids, I had to pay babysitters to watch them so I could go work for free.**



- CLIENT DISCUSSING  
'COMMUNITY SERVICE' CONDITION

**72%**

**OF CLIENT SURVEY RESPONDENTS believe conditions related to paying fines, fees, and/or victim restitution will be the hardest to meet.**



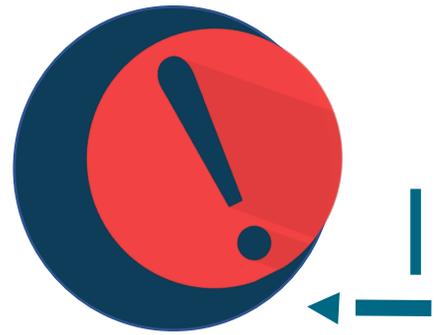
## CLIENT INTERVIEW RESPONDENTS

Across interviews with individuals on supervision, many described their long probation terms temper their urgency to complete programming conditions or pay fines. Many believed there was no rush to satisfy the court order if they would not finish early.

Conditions of supervision, like “pay fines and fees” and “complete community service”, can pose significant barriers to people on supervision who are unemployed or have limited transportation. In fact, 72% of client respondents stated paying fines, fees and restitution would be the hardest condition to maintain.

Interviews with people on supervision suggest that there are significant barriers to participating in community service hours and this condition often interferes with work and family/caretaking obligations. While few individuals return to court solely for violating community service hours, it is often grounds to mark a person as an “unsuccessful completer” versus “successful completer” at the end of their supervision. Although this completion status does not impact the individual on their current term, it does have an impact on future community supervision placement.

# CLIENT NON-COMPLIANT BEHAVIOR



Once an individual is placed on probation, the working relationship starts with the officer and client meeting to review the results of the assessments and developing a case plan to help the individual succeed while on probation. The plan includes setting the number of meetings, establishing the type of meetings (in person, home visit, etc), establishing any treatment referrals, and developing a drug testing schedule, if applicable.

As the core components of the probation experience, missing contacts with their officer and missing UA tests or testing positive are the primary behaviors measured by the agency via administrative data.

## PRIMARY MEASURED CLIENT BEHAVIORS

**MISSED CONTACTS WITH CSO**

**TESTING POSITIVE FOR SUBSTANCES**

## (MISSED) OFFICE CONTACTS

Prior to Harris County CSCD's reforms, officers were assigned to specific judges and contact standards were set by judicial policy. Each judge required a specific number of contacts and often mandated that even if a person was low risk, they must be seen more frequently. As part of Harris County CSCD's changes, they worked with the judges to allow the CSCD and CSOs the discretion to determine the number of monthly contacts. This new policy directed officers to consider individual needs and circumstances as part of determining the level of supervision.

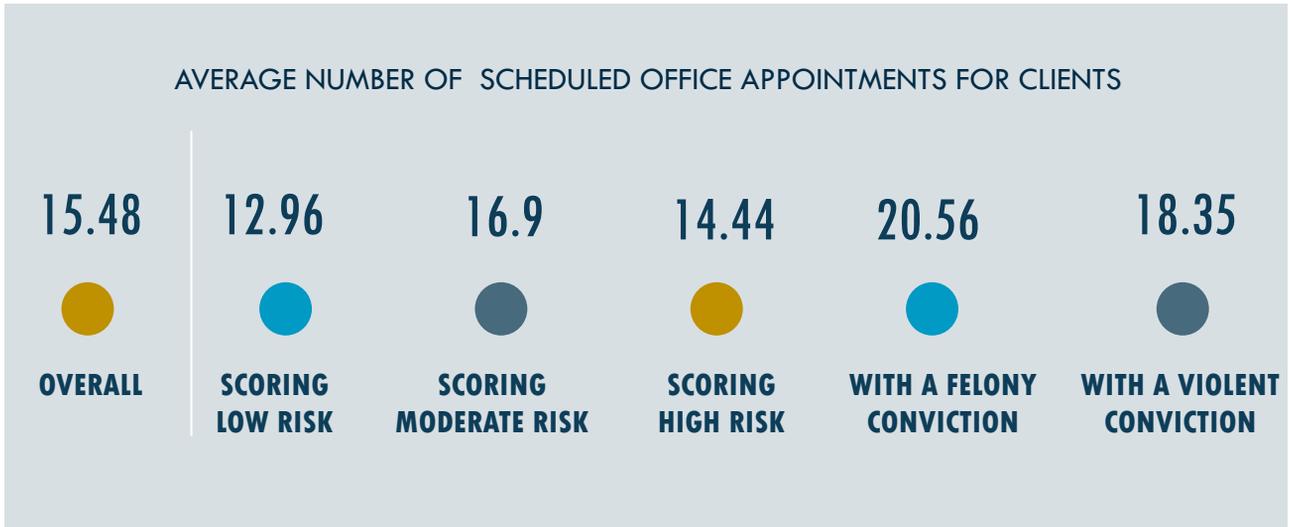
## CLIENT SURVEY RESPONDENTS



**12%**

**Believe meeting with their supervision officer will be the hardest condition to meet during their time on probation.**

## AVERAGE NUMBER OF SCHEDULED OFFICE APPOINTMENTS FOR CLIENTS



On average, clients and officers scheduled 15.48 office appointments and clients attended 91.22% of these meetings. The new policy to schedule contacts based upon individual need might help explain the varied average appointments across risk levels. Specifically, on average those scoring low risk had scheduled 12.96 appointments (average attendance 96.4%), moderate risk had scheduled 16.9 appointments (91.0%), and high risk had scheduled 14.44 appointments (84%). Individuals with the highest average scheduled appointments included those with a felony conviction (20.56 meetings scheduled, average attendance 87.7%) and violent conviction (18.35, 90.6%).

This potentially suggests that probation officers are still leaning on perceptions of risk and dangerousness to inform the number of contacts they set with clients, but not necessarily relying on the risk score specifically. The increased scheduled meetings might also be a product of these individuals simply having longer sentences because of the seriousness of their conviction. Regardless, office meetings are both an opportunity for a client to build/maintain a relationship with their officer and an opportunity to not-comply with reporting conditions and risk a violation.



**We try to connect quickly with the person – the stronger the relationship the more we can accomplish.**



**- CSO DISCUSSING THE IMPORTANCE OF OFFICE CONTACTS**



## SUBSTANCE USE & URINALYSIS TESTING

In 2012, Harris County CSCD drug tested around 42,000 individuals multiple times a year. This frequent urinalysis (UA) testing led to serious disruptions to individuals work schedules, early and frequent testing of individuals prior to receiving treatment, and ignored opportunities to reduce testing when the results were negative. The practice by the agency to drug test most individuals and test them often was a principal driver of revocations prior to reforms. In 2014, Harris County CSCD committed to significantly reducing reliance on drug testing by targeting individuals at high risk for substance misuse and by focusing on reducing testing for those who repeatedly test negative.

### CLIENT SURVEY RESPONDENTS



**9%**

**Believe not using alcohol or drugs will be the hardest probation condition to meet during their time on supervision.**

Our data reflects a reduction in the total number of individuals tested over the four-year period. However, 87% of individuals in our data submitted at least one UA test despite only 12.7% of the sample scoring high risk on the TRAS substance use domain. In fact, 88% of individuals on probation for a violent conviction and 83% of individuals on probation for a property conviction submitted at least one UA during their supervision period.

On average, individuals submitted 6.32 UA tests and tested positive 18% of the time. When individuals tested positive, they mostly tested positive for THC (49% of positive tests). Below is the full list of tested substances:

- (1) THC (49% of positive tests);
- (2) Cocaine (17.2%);
- (3) Amphetamines (14.9%);
- (4) Alcohol (13.1%);
- (5) Opiates (11.7%);
- (6) Methamphetamines (9.4%);
- (7) Benzodiazepines (5.5%);
- (8) PCP (3.6%);
- (9) Barbiturates (>1%);
- (10) SOMA (>1%), and;
- (11) Methadone (>1%).

**87%**

**OF ALL CLIENTS SUBMITTED AT LEAST 1 UA TEST**

**6.32**

**AVERAGE NUMBER OF UA SUBMISSIONS**

**0 - 281**

**RANGE OF TOTAL UA SUBMISSIONS**

Although some individuals tested positive for two or more substances per test, on average, individuals tested positive for multiple substances only one out of three positive tests.

## CLIENT NON-COMPLIANCE CONTINUED

Across these tests, the average positive rate is low at 18%. However, in 2012, the positive rate reported by CSG and Dr. Fabelo in a report to the judges, was less than 5 percent—suggesting that the CSCD was testing everyone regardless of their need. While we still found over 80% of individuals submitted at least one UA test while on supervision, the frequency and duration of drug testing was reduced significantly for those who did not score high risk on the TRAS substance use domain. Ultimately, the new policy provided CSOs with the flexibility to reduce/eliminate future drug tests based on the needs of the person (but did require at least one drug test within the first 90 days of supervision).

### AVERAGE CLIENT RATE OF POSITIVE UA TESTS OVER TIME



### RANGE OF TOTAL NEGATIVE UA TESTS PER PERSON OVER TIME



**Despite changes in policies reducing the number of people who must submit UA tests, 87% of clients provided at least one UA sample during their time on probation.**

This policy shift is reflected in the data. A little over 40% of all UA tests occur within the first three months of probation and 60% of all UA tests administered occurred within the first year of probation. Additionally, the data reflect the continued targeted testing over time as the number of tests administered decreased and the positive rate remains relatively constant over time. The concentration of positive tests early in probation might also reflect substance use/testing prior to treatment enrollment and participation – a previous driver of revocations for Harris County CSCD.

Interestingly, the rate of positive tests remains consistent and relatively low at 17-18% once an individual reaches seven months on probation. In fact, individuals who do continue to submit UA tests beyond the first three months of probation not only test negative often, but for some individuals included up to 46 negative tests within a three-month period. This suggests continued space for policy improvement to address who should receive UA tests, how often, and when they should be discontinued.



# CSO FILES VIOLATION\* REPORT

\*BLUE SHEET

The role of the CSO is to support the person in changing their behavior. However, behaviors that are non-compliant with the case plan or the probation conditions require a response. CSOs determine an appropriate level of response/intervention by vetting the behavior with a response matrix. The behavior response matrix requires staff to assess several factors before responding, including: the individual's current risk level, the seriousness of the behavior, the pattern or frequency of the behavior, what the officer attempts to achieve with responding, and if the court already has a specific condition to address the behavior.



## CSCD STAFF SURVEY RESPONDENTS

**59%** Of staff believe they have shared or a lot of discretion over how to respond to technical violation behavior.

**AS CLIENT NON-COMPLIANT BEHAVIOR OCCURS, OFFICERS VET THE BEHAVIOR USING A RESPONSE MATRIX TO ASSESS THE APPROPRIATE LEVEL OF INTERVENTION.**

**THE RESPONSE MATRIX REQUIRES STAFF TO ASSESS SEVERAL FACTORS BEFORE RESPONDING.**

**BEHAVIOR OBSERVED/DETECTED:**

**CURRENT RISK LEVEL?**

**SERIOUSNESS OF BEHAVIOR?**

**PATTERN OF BEHAVIOR?**

**CURRENT TARGET?**

**SPECIALIZED CONDITIONS?**

**SERIOUSNESS OF BEHAVIOR?**

CSOs are required to consider the seriousness of the behavior before responding. Seriousness is defined by three categories: (1) minor (non-compliant behavior), (2) major (low-level criminal), and (3) serious (criminal). Below are a few examples CSCD offers officers to help them understand these categories.



**PATTERN OF BEHAVIOR?**

Officers are trained to separate sporadic failure to comply with consistent non-compliance. As the person on supervision demonstrates consistent non-compliance in an area of target, officers are instructed to increase the level of response.

**CURRENT TARGET?**

However, before advancing a response or deciding who will respond to the non-compliant behavior (themselves, a supervisor, or the court), officers are asked to consider a litany of questions about an individual’s behavior depending on their involvement in programming. Below is the chart of questions officers must consider before responding. This allows for some discretion in determining which behaviors to elevate and which behaviors should be prioritized in the case plan.

CURRENT TARGET	
Deferred	Continue to defer? Is the behavior serious/criminal? Lead to violation? Need to be addressed immediately?
Referred, but not enrolled	Set a deadline? Any barriers? Client’s point of view?
Engaged in treatment	Right level of treatment? Lacking skill? Different type of treatment? Do we know the issue?

**SPECIALIZED CONDITIONS?**

Lastly, before an officer responds, they must assess if the non-compliance is in direct violation of a specialized condition ordered by the court. If a specific condition is related to the behavior, then an officer must defer to the court about how to proceed. Special conditions could include no contact with a specific person or a violation that is related specifically to the underlying offense.

Response Matrix		Risk Level		
		Low	Moderate	High
Seriousness of Behavior	Minor	CSO	CSO	Supervisor
	Major	CSO	Supervisor	Court
	Serious	Court	Court	Court

**RESPONDING**

This behavioral vetting process has two primary goals: (1) create a systematic hierarchy of responses, allowing officer discretion but standardizing responses to similar types of behaviors across the department and (2) to include court involvement as a last resort and only for serious behavior. Combined, Harris County CSCD intended the response matrix and previous steps to help change the work and role of officers, and transition staff into advocates for clients instead of compliance monitors and violation report managers.

**CSO REVIEW**

Supervision	Responses	Intervention
Increase contacts	Admonishment	Assessment
Increase UA tests	Written warning	Refer to intervention
Home/Community visit	Attend 4 hr community service within specified time period	Update Case Plan

**RESPONDING CONTINUED**

SUPERVISORY REVIEW		
Supervision	Responses	Intervention
Increase contacts	Admonishment	Assessment
Behavior chain	Written warning	Refer to intervention
Increase UA tests	Attend 4 hr community service within specified time period	Increase level of care

**RESPONDING CONTINUED**

COURT REVIEWS		
Court Info Memo	Blue Sheet	Instant Motion
Major behavior addressed in field	Law violation – revocation	Danger to self/others
New condition added	Change level of supervision to residential	Serious law violation in need of immediate response

Harris County CSCD measures non-compliance to conditions of probation and their responses to client behavior via violations submitted to the court in a violation report. The violation report summarizes the current behavior of a person on supervision, current violations, previous responses to non-compliance, and any other contextual information a CSO wishes to communicate with the court.



CSOs submitted “blue sheets” with an average of eight violations, but the total violations submitted ranged from 1 to 102. Motions typically included violations across six of the 17 violation categories, including: other allegations (68.5% of all violations), failure to pay fees (46.6%), new offenses (37.5%), using or possessing illegal substances (37.2%), not reporting for office appointments (29.8%), and failure to pay restitution (19.4%).

### CSCD STAFF INTERVIEW PARTICIPANTS & SURVEY RESPONDENTS

Across interviews with Harris CSCD staff, many reported a culture of using violation reports as a last resort. This might explain why fewer than 5% of blue sheets included only one violation, and primarily did so when alerting the court of a new offense.

Many staff members recognize the discretion they have responding to client violation behavior. Specifically, 23% of staff believe they have full or a lot of discretion and 36% of staff believe they have shared discretion. Combined, most staff believe they have discretion over responding to client non-compliance. Staff also ranked circumstances they believe *should* result in a revocation. Overwhelmingly, 81% of staff believe an arrest for violent crime while on supervision should lead to revocation and nearly half, 47%, believe an arrest for a similar or more serious non-violent crime should lead to revocation.

Staff reported arrests for lower-level non-violent crimes, violating conditions of supervision on multiple occasions, and individuals who stop reporting to their supervision officer are less important circumstances for revocation.



JUDGE REVIEWS REPORT AND ISSUES WARRANT, IF APPROPRIATE



The probation officer works closely with the judge who reviews the violation reports and may decide to issue a warrant. If a warrant is issued a motion is then filed with the court by the District Attorney's office.

DISTRICT ATTORNEY FILES A MOTION TO REVOKE (MTR) WITH THE COURT





# MOTION TO ADJUDICATE/REVOKE

**44.0%** MOTION RATE

## SEX

MEN 41.3%

WOMEN 36.6%

## RACE

WHITE 34.8%

BLACK 51.7%

HISPANIC 22.2%

## CONVICTION OFFENSE TYPE

MISDEMEANOR 27.3%

FELONY 57.6%

## TRAS RISK LEVEL

LOW 17.3%

LOW/MOD & MOD 53.2%

HIGH 81.5%

Between the years 2014 to 2018, DAs filed motions on 36,960 individuals. On average, individuals received a motion to revoke after 20 months or 1.6 years on probation.

Those who returned to court for an MTR primarily included Black clients (51.7%), those on probation for a felony conviction (57.6%), individuals who scored moderate (53.2%) or high (81.5%) on the TRAS assessment returned to court for a motion to revoke.



# JUDGE DISMISSES



# OR JUDGE REVOKES INDIVIDUAL FROM PROBATION

**44.0%**  
MOTION RATE

SEX		
41.3%	MEN	74.4%
36.6%	WOMEN	68.0%

RACE		
34.8%	WHITE	71.0%
51.7%	BLACK	74.5%
22.2%	HISPANIC	74.6%

CONVICTION OFFENSE TYPE		
27.3%	MISDEMEANOR	69.6%
57.6%	FELONY	74.8%

TRAS RISK LEVEL		
17.3%	LOW	61.1%
53.2%	LOW/MOD & MOD	76.6%
81.5%	HIGH	86.3%

Overall, judges revoked 72.8% of all individuals who returned to court for a motion to revoke. Across motions filed, the rate of revocation is consistent across several demographic factors including underlying probation conviction type, sex, and race.

Where judges do diverge is among TRAS risk level. Judges revoked individuals assessed as low risk less often and revoked individuals assessed as high risk more often. This is the first glimpse in our data about judicial decision-making and may be related to training judges received about the principles of RNR, how to interpret TRAS risk scores, and the actual risk scores provided to judges in the package for motion to revoke. Additionally, staff report framing their recommendations for revocation with risk-centric content/language, potentially also impacting judicial decision-making.

**72.8%**  
MOTIONS FILED ENDING  
IN REVOCATION

**STAFF REPORT FRAMING THEIR RECOMMENDATIONS FOR REVOCATION WITH RISK-CENTRIC CONTENT/LANGUAGE, POTENTIALLY IMPACTING JUDICIAL DECISION-MAKING FOR INDIVIDUALS SCORING HIGH RISK.**

# MEASURING REVOCATIONS IN PRACTICE



## Annual Revocation Rates

While measuring revocations appears to be a straightforward process, there are several ways to measure an agency's revocation rate. The first and most widely used approach is to take the total number of people on supervision in any given year and divide that by the number of people who are revoked. Often, this comes with many caveats—what do you do with people who passed away from natural causes? What about people who abscond but were not found by the end of the calendar year? How do you count a person who is only on for supervision for the last three days of the year? While these are all limitations, the use of an annual revocation rate is standard practice in measuring outcomes across probation departments.

As you see here, Harris County CSCD's revocation rate for 2017 was 11.3% for people with a felony and 15.0% for people with a misdemeanor. This method standardizes revocation rates in order to compare numbers across probation departments.

The annual revocation rate is a good measure to determine how well a probation agency does in retaining people on supervision during any given year. This measure is the standard way probation departments gauge their effectiveness year-to-year.

### REVOCATION RATE FOR HCCSCD: 2017<sup>5</sup>

11.3% **Felony Revocation Rate**

15.0% **Misdemeanor Revocation Rate**

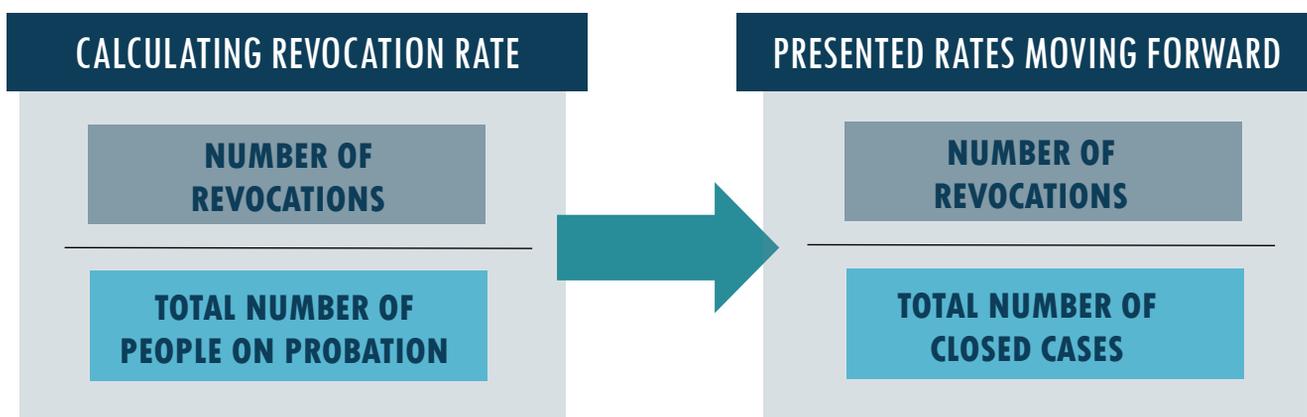
<sup>5</sup> Data provided by the TX Legislative Budget Board

**NUMBER OF  
REVOCATIONS**

**TOTAL NUMBER OF  
PEOPLE ON PROBATION**

## REVOCAION MEASUREMENT CONTINUED

Since the purpose of this study is to understand the predictors (drivers) of revocation (not the agency's effectiveness), we must analyze the data in a uniquely different way. We must analyze the data for only those that have been terminated from probation (either successfully or unsuccessfully). If we included people on active supervision in the sample, we would be trying to determine the drivers of revocation by comparing those that have been revoked to those who were either successful within that year or are still active at the end of the year. Given that some of those that are still active will ultimately be revoked, we would be comparing people who were revoked to people who might be revoked in the future. For this reason, this second set of revocation numbers cannot be compared across sites or across years but are used specifically to identify the drivers of revocation. As previously stated, this study is not a study of the effectiveness of the Harris County CSCD (that is defined by the revocation rates), but instead it is a study of what characteristics increase the likelihood of revocation.



### PREDICTED PROBABILITIES

As we examine the drivers of revocation, it is important for us to understand what characteristics are statistically significant in predicting failure. While we used logistic regression analyses to conduct the analysis, the interpretation of the results can be somewhat difficult. To make the findings more understandable, we converted the results of the logistic regression to predicted probabilities. Predicted probabilities are interpreted as the likelihood that an event is to occur (based on the independent variable while controlling for other factors). When you see a predicted probability offered, read it as “This group had a X% chance of revocation, all else equal.”

**Any rates presented from this point on describe the rate in our data set using closed cases and should only be used to contextualize predicting revocations. These rates do not reflect the publicly available revocation rates for Harris County CSCD.**

OVERVIEW

# TECHNICAL REVOCATIONS

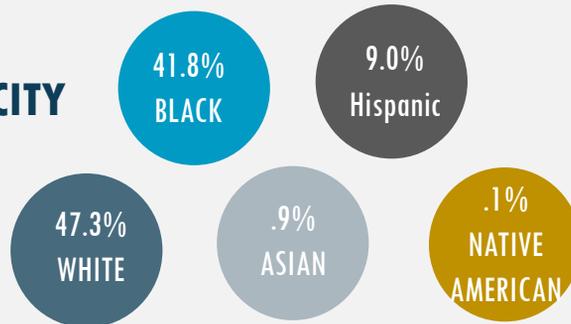
# 16.4%

OF ALL CLOSURES WERE FOR TECHNICAL VIOLATIONS

13,751

CASES CLOSED FOR TECHNICAL REVOCATIONS 2014 - 2018

## RACE / ETHNICITY



27.8% FEMALE



49.0% MISDEMEANOR CONVICTION

30.0 AVERAGE AGE

1.58 AVERAGE TIME ON SUPERVISION (YEARS)

## REVOKED FOR TECHNICAL

RATES

14.6%	19.8%	16.3%	13.8%	19.9%
WHITE	BLACK	HISPANIC	MISDEMEANOR	FELONY
12.7%	19.6%	16.7%	15.5%	
31 & YOUNGER	32 & OLDER	MEN	WOMEN	
5.0%	18.4%	33.4%		
CLIENTS SCORING LOW RISK	CLIENTS SCORING MOD RISK	CLIENTS SCORING HIGH RISK		

# DRIVERS OF TECHNICAL REVOCATIONS

Across the four years, over 13,000 individuals or 16.4% of those closed were for a technical revocation. Those who received a technical revocation were mostly men, individuals who scored low/moderate and high-risk individuals, and those with a misdemeanor conviction. When you consider the revocation rates by individual demographics, all individual characteristics are relatively consistent with each other and the overall revocation rate of 16.4% except for high risk. Individuals who score high risk receive disproportionately more technical revocations.

However, these revocation rates compare those who received technical violations to all individuals in the sample. To understand more about how these characteristics predict technical revocation compared to those who successfully completed probation, we turn to predicted probabilities.

Predicted probabilities allow us to identify the independent drivers of technical revocations compared to successful completion for individuals who otherwise look similar demographically.

When looking at the predicted probabilities chart, *risk*, more than an individual's race or sex, moderates a person's chances for technical revocation. For example, a Black individual has a 12% chance of a technical violation (base rate). However, when considering the risk of this same individual, scoring high risk increases the chances of revocation to 28% chance. This is higher than their white and Hispanic counterparts scoring high risk (23% and 24%, respectively).

While "high risk" scores do not necessarily *drive revocations*, risk scores provide insight across Harris County CSCD about *who* is revoked more often.

**While the risk score itself does not *drive* revocations, it provides a tremendous amount of insight about who is revoked more often in Harris County for technical violations.**

# TECHNICAL REVOCATIONS CONTINUED

We included three variables measuring client behavior/experience (predictor variables) to understand how these specific behaviors predict technical violations compared to successful completers when individuals look demographically the same. These predictor factors included the number of conditions assigned to the client, the ratio of absent client office visits, and the number of positive UA tests. Across these three factors, client office attendance and number of positive UA tests significantly predicted technical revocations.

## NUMBER OF POSITIVE UA TESTS & INCREASED RATIO OF ABSENT OFFICE APPOINTMENTS SIGNIFICANTLY PREDICTS TECHNICAL REVOCATIONS

Prior to reforms in Harris County, the sheer number of drug screens was driving revocations. However, during 2014 to 2018, this shifted slightly to the number of *positive UA* screens significantly predicting technical revocations. Additionally, an individual's chances for technical revocation increase when positive tests occur within the first three months on probation. Specifically, an individual with one positive UA test within the first three months on probation has a 17% chance of a technical revocation. This increases 3% for each additional UA test within the first three months of probation.

## PREDICTED PROBABILITIES

### MONTHS ON PROBATION



25%	23%	23%	28%	24%
MALE CLIENT SCORING HIGH RISK	FEMALE CLIENT SCORING HIGH RISK	WHITE CLIENT SCORING HIGH RISK	BLACK CLIENT SCORING HIGH RISK	HISPANIC CLIENT SCORING HIGH RISK
12%	11%	11%	14%	12%
MALE CLIENT SCORING MOD RISK	FEMALE CLIENT SCORING MOD RISK	WHITE CLIENT SCORING MOD RISK	BLACK CLIENT SCORING MOD RISK	HISPANIC CLIENT SCORING MOD RISK

OVERVIEW

# LAW OFFENSE REVOCATIONS

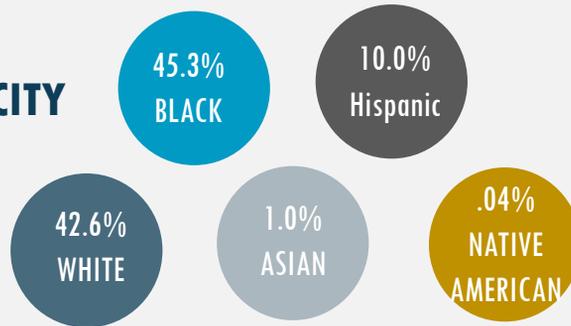
# 12.4%

OF ALL CLOSURES WERE FOR NEW LAW VIOLATIONS

10,429

CASES CLOSED FOR NEW LAW OFFENSE REVOCATIONS 2014 - 2018

## RACE / ETHNICITY



20.0% FEMALE



27.2% MISDEMEANOR CONVICTION

28.9 AVERAGE AGE

1.0 AVERAGE TIME ON SUPERVISION (YEARS)

## REVOKED FOR LAW OFFENSE

RATES

10.2%	16.9%	14.7%	6.7%	19.5%
WHITE	BLACK	HISPANIC	MISDEMEANOR	FELONY
16.4%	8.7%	14.5%	8.7%	
31 & YOUNGER	32 & OLDER	MEN	WOMEN	
2.0%	14.4%	27.4%		
CLIENTS SCORING LOW RISK	CLIENTS SCORING MOD RISK	CLIENTS SCORING HIGH RISK		

# DRIVERS OF NEW LAW OFFENSE REVOICATIONS

Across the four years, over 10,000 individuals or 12.4% of those closed were for committing a new law offense while on probation. Those who received a new law offense revocation were mostly men, individuals who scored moderate risk and those with felony convictions. When you compare the overall revocation rate, 12.4%, to the individual demographic rates, two risk categories are noticeably different than the overall rate. Individuals who score low risk are rarely revoked for a new criminal offense while 27.4% of clients who score high risk are revoked for a new law violation.

These revocation rates compare those who received new law offenses to all individuals in the sample, including those who successfully completed probation and those who did not complete for other revocation reasons. To understand more about how these characteristics predict new law offense revocations compared to those who successfully completed probation, we turn to predicted probabilities.

The overall probability for a new law offense is 6% when controlling for number of violations and length of supervision. The next page provides a detailed chart of probabilities across individual characteristics. The probability base rates, or chances of revocation, across the individual characteristics of sex, race and risk are consistent with the overall base rate. However, when considering *risk and race* together, the probability of a new law offense revocation is considerably higher.

For example, Hispanic individuals who score high risk have a 41% chance of a new law offense revocation and Black individuals who score high risk have a 36% chance of new law offense revocation.

Like technical violations, risk scores were not statistically driving revocation rates; but it does suggest that the ways in which officers and the courts respond to all violation behaviors— technical and law— is heavily contextualized by an individual's risk score, sex, age, and race.

# NEW LAW REVOCATIONS CONTINUED

We also included the three predictors to understand how client experience or probation behavior might predict new law offense revocations compared to successful completers when individuals look demographically the same. These predictor factors included the number of conditions assigned to the client, the ratio of absent client office visits, and the number of positive UA tests. All three of these factors significantly predicted new law offense violations, although this relationship was weak.

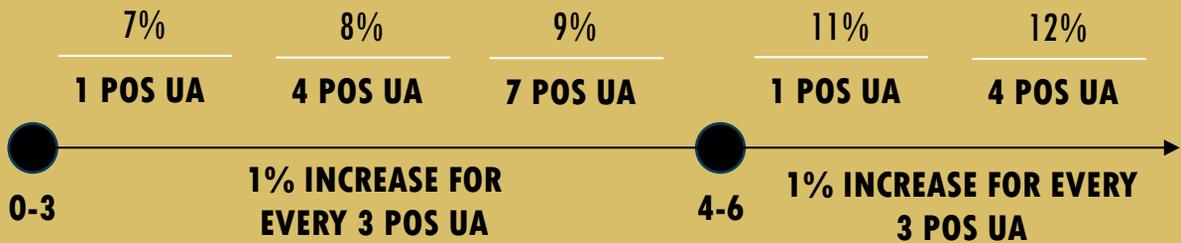
Individuals who test positive for drugs once within the first three months on probation have a 7% chance of a new law offense violation. The chance of new law offense revocation increases 1% for every three positive UA tests during the first three months of probation.

Interestingly, those with a felony conviction have a 17% chance of a new law offense revocation. This means an individual's underlying probation conviction type is more predictive than sex, race, risk score, and their number of positive UA tests.

**UNDERLYING FELONY CONVICTION – COMPARED TO SEX, RACE, RISK, DRUG USE – MORE STRONGLY PREDICTS NEW LAW OFFENSE REVOCATIONS.**

## PREDICTED PROBABILITIES

### MONTHS ON PROBATION



17%	12%	30%	36%	41%
MALE CLIENT SCORING HIGH RISK	FEMALE CLIENT SCORING HIGH RISK	WHITE CLIENT SCORING HIGH RISK	BLACK CLIENT SCORING HIGH RISK	HISPANIC CLIENT SCORING HIGH RISK
9%	6%	12%	15%	18%
MALE CLIENT SCORING MOD RISK	FEMALE CLIENT SCORING MOD RISK	WHITE CLIENT SCORING MOD RISK	BLACK CLIENT SCORING MOD RISK	HISPANIC CLIENT SCORING MOD RISK

OVERVIEW

# ABSCONDING STATUS

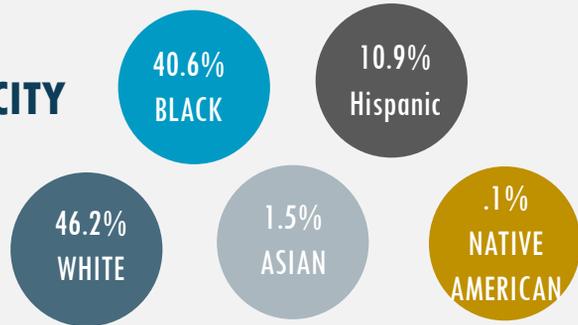
**3.2%**

OF ALL CLOSURES WERE FOR THOSE WHO ABSCONDED

**2,672**

CASES CLOSED FOR ABSCONDING 2014 - 2018

**RACE / ETHNICITY**



27.0% FEMALE



58.2% **MISDEMEANOR CONVICTION**

32.7 **AVERAGE AGE**

.98 **AVERAGE TIME ON SUPERVISION (YEARS)**

**CLOSED FOR ABSCONDING**

RATES

2.8%	3.7%	3.8%	2.4%	4.0%
<b>WHITE</b>	<b>BLACK</b>	<b>HISPANIC</b>	<b>MISDEMEANOR</b>	<b>FELONY</b>
3.2%	3.2%	3.3%	2.9%	
<b>31 &amp; YOUNGER</b>	<b>32 &amp; OLDER</b>	<b>MEN</b>	<b>WOMEN</b>	
2.0%	14.4%	27.4%		
<b>CLIENTS SCORING LOW RISK</b>	<b>CLIENTS SCORING MOD RISK</b>	<b>CLIENTS SCORING HIGH RISK</b>		

# DRIVERS OF ABSCONDING

Harris County CSCD considers an individual an 'absconder' when the individual does not have contact with the probation department for three months. Although CSCD does not label these cases as closed (as they do for individuals who receive revocations), formally the department notes that these cases are no longer receiving active supervision. At the end of 2018, Harris County CSCD considered 2,672 individuals on absconder status. Overwhelmingly, these individuals were low/moderate and moderate risk (62.2%), predominately either white (46.2%) or Black (40.6%), and within the first year of the supervision term.

The overall absconding rate is incredibly low at 3.2% and likely reflects the systematic way Harris County captures this data. Specifically, this number reflects non-active cases for individuals who have not maintained contact with the department at the end of study timeframe.

However, individuals who abscond and then are located, are subsequently returned to court. Typically, these individuals are located via new arrest and their probation is revoked for this reason, but they, at minimum, receive violations for conditions of reporting. In either situation, CSCD labels their case unsuccessful or closed by technical/new law offense revocation. Therefore, this rate reflects the number of individuals still labeled as absconders at the end of the data window, but likely underestimates the true number of individuals who ever absconded during the study period.

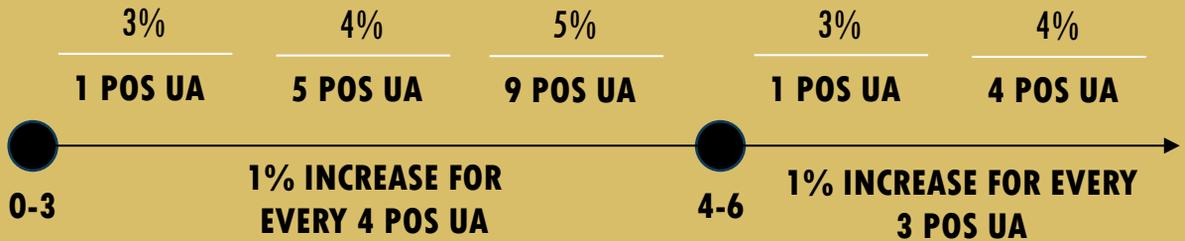
We turn to predicted probabilities to understand how individual characteristics predict absconding compared to those who successfully completed probation. The overall probability for absconding is 3% and the probability base rates for risk, sex and race are consistent with this number. However, when considering risk with either sex or race, and individual's chances for absconding increase. Across all individual characteristics, those sentenced to probation for a felony conviction have the highest chance for absconding at 9%.

Anecdotally, there is a perception among Harris County staff that clients abscond following a single or a string of positive UA tests. Some staff believe clients are nervous about revocation and will flee instead of working with their officer to address their drug use. Clients, to some extent, did corroborate anxiety about revocations over one-time non-compliance behaviors, but did not specifically draw connections between absconding and positive UA tests. The predicted probabilities for drug use during the first six months on probation do suggest that positive UA tests increase an individual’s chances for absconding, but these increases are very small. However, how the department labels absconders may cloud this connection. Recall, an individual with one positive UA had a 12% chance of a technical violation, and this increased 3% for each additional positive UA within the first three months on supervision. This might mean the drug use and absconding connection and ordering may exist but plays through in technical revocations instead of the absconding data.

**UNDERLYING FELONY CONVICTION – COMPARED TO SEX, RACE, RISK, DRUG USE – MORE STRONGLY PREDICTS ABSCONDING.**

**PREDICTED PROBABILITIES**

**MONTHS ON PROBATION**



6%	6%	5%	7%	7%
MALE CLIENT SCORING HIGH RISK	FEMALE CLIENT SCORING HIGH RISK	WHITE CLIENT SCORING HIGH RISK	BLACK CLIENT SCORING HIGH RISK	HISPANIC CLIENT SCORING HIGH RISK
3%	3%	3%	4%	4%
MALE CLIENT SCORING MOD RISK	FEMALE CLIENT SCORING MOD RISK	WHITE CLIENT SCORING MOD RISK	BLACK CLIENT SCORING MOD RISK	HISPANIC CLIENT SCORING MOD RISK

# CONSIDERING TIME ON PROBATION & REVOCATIONS

## WITHIN FIRST SIX MONTHS OF PROBATION

**START  
DATE**

**FIRST SIX  
MONTHS**

Predicted probabilities allow us to identify the independent drivers of revocations compared to successful completion for individuals who compare demographically. When we evaluate the chances of receiving a revocation of any kind within the first six months, we see few differences across individual characteristics. However, those individuals who score high risk (regardless of sex and race) have slightly higher chances of receiving a revocation of any kind. Overwhelmingly, this analysis suggests individuals are not very likely to receive a revocation within the first six months of probation supervision.

### PREDICTED PROBABILITIES

5%	5%	5%	5%	5%	6%
<b>HIGH RISK</b>	<b>HIGH MALE RISK</b>	<b>HIGH FEMALE RISK</b>	<b>HIGH RISK WHITE</b>	<b>HIGH RISK BLACK</b>	<b>HIGH RISK HISPANIC</b>
2%	2%	23%	2%	3%	3%
<b>MOD RISK</b>	<b>MOD MALE RISK</b>	<b>MOD FEMALE RISK</b>	<b>MOD RISK WHITE</b>	<b>MOD RISK BLACK</b>	<b>MOD RISK HISPANIC</b>
	2%	2%	2%	2%	2%
	<b>MALE</b>	<b>FEMALE</b>	<b>WHITE</b>	<b>BLACK</b>	<b>HISPANIC</b>

# RE-CONSIDERING TIME ON PROBATION

When comparing individuals who successfully completed probation to those who unsuccessfully completed probation, we originally conceptualized time as “months on supervision.” However, due to the agency’s policy providing discretion to officers to determine frequency of contacts at the individual level, “time” measured in months does not operate the same across clients. In this way, “number of visits” more appropriately compares individuals across risk levels and individual needs.

When looking at number of visits clients attended while on probation, about 9% of the population had four or less visits. Of those with four or less office visits, 22.9% successfully completed compared to the 65.7% of clients who successfully completed with five or more visits.

Interestingly, the unsuccessful completion rate does not change much regardless of how many more visits beyond 10 visits a person attends. In fact, of the 168 individuals with 100 or more attended office visits, the unsuccessful closure rate was 22.6% of which 60.1% were terminated for technical violations.

NUMBER OF VISITS BY COMPLETION STATUS		
Number of Visits	Successfully Completed	Unsuccessfully Completed
1	14.7%	85.3% (395)
2	16.5%	83.5% (461)
3	23.6%	76.4% (469)
4	31.7%	68.3% (527)
5	46.2%	53.8% (492)
6	48.7%	51.3% (525)
7	54.4%	45.6% (467)
8	57.1%	42.9% (533)
9	61.5%	38.5% (463)
10 or more	68.6%	31.4%
100+	77.4%	22.6%

The number of office visits is not prescribed over a set course of time nor by specific TRAS domain scores. Instead, officers are given discretion to set and adjust frequency of contacts as needed. This means measuring “length of time on supervision” to explain completion rates obscures, to some degree, the client experience and connectedness with their officer.

Across all risk scores, clients completing five or more office visits were significantly more likely to complete probation. For individuals scoring low-risk, this additional office contact increased completion by 18%. Importantly for those clients who scored moderate or high risk, an additional fifth office visit increased successful completion by 46.7% and 28.6%, respectively.

**OF THOSE WHO SUCCESSFULLY COMPLETED, NUMBER OF VISITS BY RISK LEVEL**

Risk Level	4 or Fewer Visits	5 or More Visits
Clients who score low risk	72.7%	90.7%
Clients who score mod risk	16.6%	63.3%
Clients who score high risk	5.8%	34.4%

Additionally, clients who attended four or fewer office visits were more likely to unsuccessfully complete probation via a new law or technical violation, or by absconding.

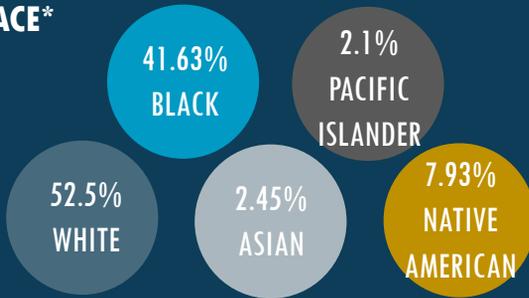
**NUMBER OF VISITS BY DISCHARGE TYPE**

Termination	% of Clients 4 or Fewer Visits	% of Clients 5 or More Visits
New Law Violation	42.7% (847)	16.2% (3,226)
Technical Violation	30.4% (611)	21.0% (4,177)
Absconder	14.0% (282)	5.7% (1,126)
Successful Completion	12.6% (251)	57.0% (11,297)

# SURVEY PROBATION CLIENTS

1,715  
CLIENT SURVEY  
RESPONDENTS

## RACE\*

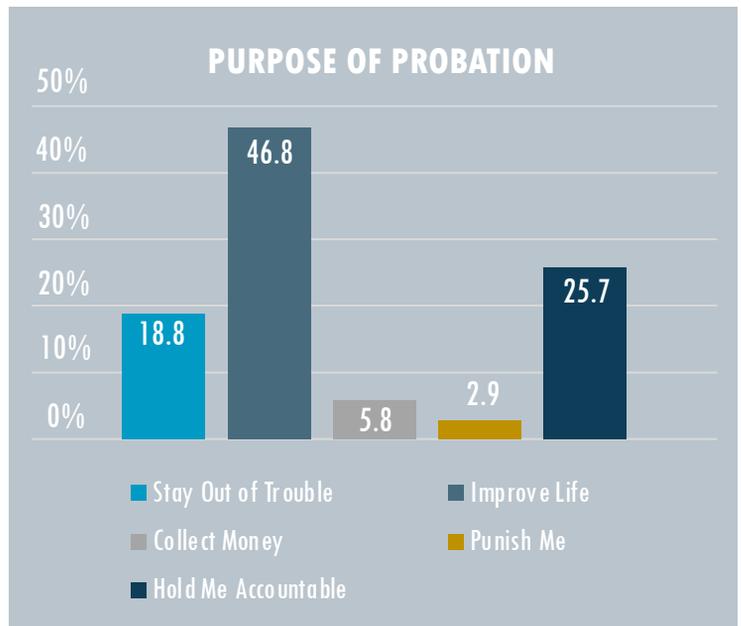


\* CLIENTS PICKED ALL THAT APPLIED



JSP collected survey responses from Harris County CSCD justice-involved individuals (N=1,715) via text. The survey included multiple-choice questions about respondent’s perceptions about fairness, the working relationship, probation conditions, and barriers to successful probation completion.

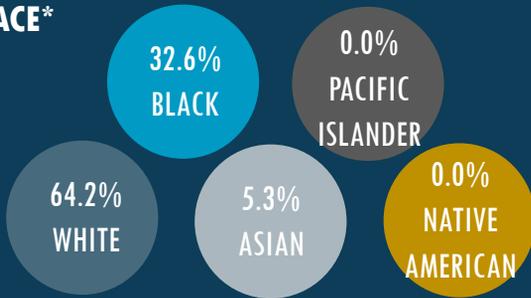
Across survey respondents, nearly half of clients, 46.8%, believe the purpose of probation is to help them improve their life. A quarter of clients believed probation’s purpose is to hold them accountable and nearly a fifth of respondents believed the purpose is to help them stay out of trouble. Most clients, 63.7%, believe they have very strong emotional and personal support to help them complete probation. However, half of clients, 51.2%, believed greater financial assistance would help them complete probation, 42.2% believed employment or a job would help them complete probation, and 21.7% believed securing reliable transportation would help them complete probation.



At the time of survey collection, clients reported they have had, on average, two supervising officers; although clients reported a range of one to 12 different officers. In a handful of respondents, they did not report a number but instead claimed “a lot,” “too many,” or in one case “so many I lost count.” When asked about their initial impressions of their officer, 91% of clients reported their officer was fair, 90% felt their officer supported them, 87% felt their officer was trustworthy, 79% felt their officer cared about them, and 74% felt their officer trusted them. 49

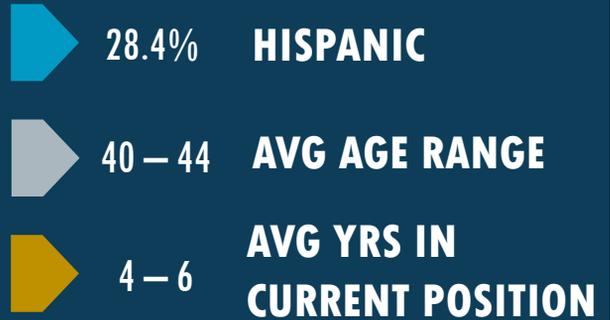
# SURVEY CSCD STAFF

## RACE\*



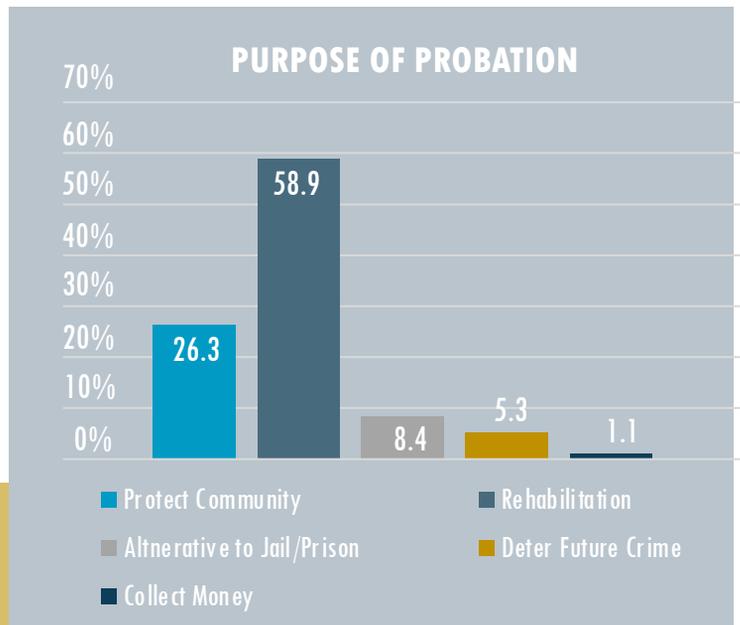
\* STAFF PICKED ALL THAT APPLIED

95  
STAFF SURVEY  
RESPONDENTS



JSP collected survey responses from Harris County CSCD staff (N=95) via email. The survey included multiple-choice questions about respondent’s perceptions about the purpose of probation and their role, officer discretion, drivers of revocation, and reasons to revoke an individual from probation.

Across survey respondents, over half of staff, 58.9%, believe the purpose of probation is to rehabilitate individuals. Over a quarter of staff believed probation’s purpose is to protect the community, and less than 10% of staff believed the purpose was to only serve as an alternative to custody, deter future crime, and to collect money. Most staff, 71.6%, believe their role is to help clients adopt more prosocial attitudes and behaviors.



## LEADING DRIVER OF REVOCATIONS



When asked about the leading driver of revocations, staff were mostly split between believing clients do not care about the consequences of their behavior and clients not having an adequate support system – despite 63% of clients reporting *they do* feel as though

they have a strong emotional support system. Although 59% of staff report believing they have shared or a lot of discretion over responding to technical violation behavior, staff report feeling as though they should have **more** discretion to respond to technical violation behaviors.

# RECOMMENDATIONS

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## **DRIVER: NUMBER OF COMPLETED OFFICE VISITS**

### **THEN:**

Harris County CSCD did not previously consider how the number of completed office visits impacted successful completion.

### **NOW:**

The number of office visits is not prescribed over a set course of time nor by specific TRAS domain scores. Instead, officers are given discretion to set and adjust frequency of contacts as needed. This means measuring “length on supervision” to explain completion rates obscures, to some degree, the client experience and connectedness with their officer. Across all outcomes of interest and across clients who score high and moderate risk, completing five or more office visits was significantly related to successful completion. After review of practice policies and protocols, we could not find any formal strategy that might explain why this number of visits creates significant changes in success rates.

### **RECOMMENDATION**

Harris County CSCD promotes the concept that clients are the center of the probation experience. In doing so, they are able to prioritize the needs of clients and adjust case plans and contacts accordingly. However, this finding suggests a need to implement strategies that secure a fifth visit across all clients – regardless of risk level, race, sex, or age. To help secure the fifth visit across-the-board, Harris County CSCD could develop case management system flagging to alert officers of completed fourth visits and to remind officers to give special attention to following up with their clients.

**DEVELOP STRATEGIES THAT SECURE THE FIFTH OFFICE VISIT**



## DRIVER: NUMBER OF CONDITIONS

### THEN:

The number of onerous conditions, including 500 conditions a judge could impose on probation, was a primary driver of revocations.

### NOW:

Although the presence and number of conditions does not *statistically* drive revocations, clients describe feeling anxious about violating them and returning to custody for “one small thing.” Some clients report CPOs provide support and reassure them they will not return to jail for one violation. This might suggest that while the number of conditions may not impact revocation rates, it may help to build and, and at times, hurt the working relationship – depending on how the officer views the purpose of probation, their role, and the circumstances under which an individual can and should be revoked from probation.

### RECOMMENDATION

The difference between the reality and perception of condition violations presents a unique barrier for clients. Current conditions are written under absolute terms and do not provide any flexibility around individual circumstances. Harris County CSCD should consider rewriting conditions with behavior change language instead of the current compliance focused language. This would allow clients room to grow and show progress, and reduce their fear of revocation for a single violation.

**REWRITE CONDITIONS WITH BEHAVIOR CHANGE LANGUAGE INSTEAD OF COMPLIANCE DRIVEN LANGUAGE. OR, RECONSIDER ELIMINATING ALL CONDITIONS LEADING TO TECHNICAL REVOCATIONS.**



## DRIVER: SUBSTANCE USE

**THEN:**

Previously, urinalysis testing was a major driver for CSCD revocations. In 2012, Harris County CSCD tested 42,000 individuals regardless of substance use history.

**NOW:**

While the number of tests is still statistically related to revocations, the number of positive UA tests within the first three months on supervision is a more significant driver of revocations than positives that occur later in a person's supervision. Interestingly, after three months the presence of testing, regardless of the result, continues to predict revocation over time.

**RECOMMENDATION**

In 2013, Harris county restructured testing to focus on individuals at high risk for substance use. However, the data from 2014-2018 show individuals who test low or moderate risk for substance use per the TRAS assessment are still submitting tests even when considering underlying conviction. Harris County should continue to reevaluate their structure for testing and consider a combination approach of TRAS substance use scores and underlying conviction offense.

Additionally, the data show positive UA tests within the first three months of probation strongly predict technical revocations. The concentration of positive tests might reflect substance use as part of the underlying conviction and delays to enrollment in treatment. Harris County CSCD should reconsider *when* violations for positive drug tests can and should be submitted to the court.

Further, some individuals submit a litany of negative tests across their time on supervision – sometimes years into their probation sentence. Harris County CSCD should consider developing a structure for *discontinuing drug testing following several negative drug tests*.

### STRATEGIES TO REDUCE REVOCATIONS IN HARRIS COUNTY, TX

- Consider a combination approach of TRAS substance use scores and underlying conviction when imposing drug testing
- Reconsider *when* violations for positive drug tests can/should be submitted to the court
- Develop a structure for discontinuing drug testing following several negative tests

## DRIVER: STAFF DECISION-MAKING

Staff report having a lot of discretion over responding to most client non-compliance and rely on their local continuum of responses to behavior instead of violations to the court. However, CSCD does not require staff to develop a continuum of reinforcements to encourage positive behavior – potentially a missed opportunity to correct behavior. When officers do submit a report to the court, they are required to make a recommendation to the judge. Staff interviewees state that when they submit a report, they either recommend revocation or defer to the court’s discretion. This reflects their perception that a return to court indicates serious non-compliance.

### RECOMMENDATION

Although the availability of the sanctions continuum potentially helps to temper the number of violation reports submitted to the court, it falls short in providing additional evidence-based approaches to manage non-compliance and change client behavior. Harris County CSCD should consider developing a reinforcers continuum to partner with their current graduated sanctions. Implementing strategies which reward progress and acknowledge individual growth may help not only to improve client behavior but may also help officers to identify client change, even within concentrated non-compliance behaviors.

