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# The Rebound Act: Incentivizing Better Performance in Community Supervision

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Community supervision in Texas is in crisis. Even as crime and incarceration rates in the Lone Star State fall, Texas still has one of the highest “justice-involvement” rates in the country, largely because of the number of people on community supervision. Texas’s community supervision system too often fails in its primary goal of rehabilitating offenders and reintegrating them into society. Besides the obvious social ramifications of these supervision failures—broken families and broken lives—they are a serious fiscal issue: more than 23,000 admissions to Texas state prisons every year are the result of supervision failures, costing taxpayers more than half a billion dollars annually. Meanwhile, the huge number of cases overstresses probation and parole officers, whose large caseloads make it difficult for them to focus on higher-risk supervisees.

Fundamentally, reforming community supervision<sup>1</sup> requires changing supervision practices. Re-incarcerations during supervised release thwart meaningful reductions in the rate of justice involvement. Reform efforts must effectively target failures in community supervision, rehabilitation, and the re-entry process if they are to alleviate Texas’s over-stressed corrections system and reduce its rate of justice involvement.

One method that has effectively addressed community supervision failures in other states is performance incentive funding. This funding rewards probation and parole districts for successful reductions in supervision failures, based on the implementation of evidence-based practices, returning to them a share of the costs averted when supervisees successfully avoid incarceration.

Expanding incentive funding opportunities for local field offices and districts gives probation and parole officers—the persons with the best knowledge of what works and what doesn’t in terms of rehabilitation—a more direct stake in the success of their programs.

Our performance incentive funding model is based on programs that have been successful around the country. If Texas adopts this model and passes the proposed “Rebound Act,” we estimate that over \$18 million will be saved annually, and 2,300 prison admissions will be avoided every year.

Reforming probation and parole in order to reduce the number of people on active supervision is also a critical part of the criminal justice system’s response to the COVID-19 crisis. Especially in large, urban departments with thousands of supervisees, in-person reporting is a serious safety issue during a viral pandemic. This is true for both supervisees, who often spend hours in waiting rooms while reporting in-person, and officers, who meets dozens of supervisees every day. Moreover, the use of jail sanctions for technical violations puts supervisees at high risk, since jails (especially large jails in cities like Chicago and New York) have been shown to be vectors for the spread of coronavirus. Supervision offices have already responded to the danger: a survey by the American Probation and Parole Association, a professional group for supervision officers and executives, found that 92 percent of offices had suspended in-person visitation and 62 percent had suspended arrests for technical violations in response to the pandemic.

The reality is that coronavirus will be with us for many months or years to come, requiring

<sup>1</sup> “Community supervision” is a blanket term for two separate programs, probation and parole. *Probation* is a form of community supervision that offenders often serve in lieu of or in addition to a prison or jail sentence. Probationers are supervised and monitored by a probation officer, who ensures their compliance with conditions of supervision. *Parole* is granted after a defendant has already served part of his sentence and the appropriate body—in Texas, the Board of Pardons and Parole—agrees that rehabilitative and public safety factors support early release into the community. Like those on probation, individuals on parole meet regularly with a supervision officer and are subject to supervision conditions.

adjustments to the operations of all of our institutions, including the criminal justice system. Reducing the number of supervisees overall will reduce the number of persons reporting every week to county and city probation offices and court houses, which will reduce the chance that these busy places will cause the virus to spread further. Reducing the number of supervisees revoked for technical violations will permit greater distancing in jails and reduce the number of people exposed to the virus in those institutions. Capping the length of supervision sentences, reducing the use of incarceration as a sanction, and using evidence-based practices to move people off the supervision rolls and into productive lives is not just smart public safety reform, but a vital public health measure.

## TEXAS CORRECTIONS IS AT A CRISIS POINT

Overall, Texas has one of the highest justice-involvement rates in the country and indeed, of any polity in the world, even though its crime rates are only slightly higher than the national average. This high rate of justice involvement has persisted, despite recent drops in the crime and incarceration rates, in large part because of the explosive growth of community supervision.

According to the Texas Department of Public Safety, the crime rate in Texas has fallen steadily in recent years. In 2018, incidents of most forms of violent crime fell from the prior year, including a 6.2 percent drop in the murder rate, while property crimes fell substantially, with nearly 12 percent drops in the robbery and burglary rates.<sup>2</sup> This drop is just the latest in a decade-long trend, with the

total crime rate falling from 4,494.7 per 100,000 persons in 2008 to 2,776.6 crimes per 100,000 in 2018.<sup>3</sup> Texas's crime rate is only slightly higher than the national average, placing it 22nd among the 50 states and the District of Columbia, and is much lower than surrounding states such as New Mexico (#2), Louisiana (#4), and Oklahoma (#8).<sup>4</sup> But Texas's incarceration rate (though it has fallen in recent years) remains very high. Counting state prisons, jails, immigration centers, and juvenile justice facilities, 891 of every 100,000 Texans are behind bars, or about 250,000 people. America has the highest incarceration rate in the world at 698 persons per 100,000—but Texas's rate is 27 percent higher than the national average. Indeed, if Texas were its own country, its incarceration rate would be the seventh highest in the world, after six other U.S. states.<sup>5</sup>

But incarceration is just the tip of the criminal justice iceberg in the Lone Star State. Texas's community supervision rate of 2,328 per 100,000 is one of the highest in the country—about a third higher than the national rate, and the highest of any of its surrounding states.<sup>6</sup> In 2018, almost 475,000 Texans were under some form of supervision, the largest population in the country in absolute terms.<sup>7</sup> This high rate of supervision, in turn, gives rise to increased incarceration: about 23,000 persons in Texas prisons are there as a result of a supervision violations, at an annual cost to the state of \$519 million. “Technical” supervision violations—that is, violations of supervision that do not constitute a new crime and have little real effect on public safety—account for \$38 million of this total amount. Overall, nearly half—47 percent—of all prison admissions in Texas are for supervision

<sup>2</sup> “2018 Crime in Texas.” Texas Department of Public Safety. 2019. [https://www.dps.texas.gov/administration/crime\\_records/pages/crimestatistics.htm](https://www.dps.texas.gov/administration/crime_records/pages/crimestatistics.htm).

<sup>3</sup> *Id.*; “2008 Crime in Texas.” Texas Department of Public Safety. 2009. [https://www.dps.texas.gov/administration/crime\\_records/pages/crimestatistics.htm](https://www.dps.texas.gov/administration/crime_records/pages/crimestatistics.htm).

<sup>4</sup> “Crime in the United States, 2018.” Federal Bureau of Investigation. 2019. <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/>.

<sup>5</sup> See generally “Texas State Profile.” Prison Policy Initiative. 2018. <https://www.prisonpolicy.org/profiles/TX.html>; Peter Wagner and Wendy Sawyer. “States of Incarceration: The Global Context 2018.” Prison Policy Initiative. June 2018. <https://www.prisonpolicy.org/global/2018.html>.

<sup>6</sup> Danielle Kaebler. “Probation and Parole in the United States 2016.” U.S. Department of Justice, Bureau of Justice Statistics. April 2018. <https://www.bjs.gov/content/pub/pdf/ppus16.pdf>.

<sup>7</sup> “Correctional Control 2018: Incarceration and supervision by state.” Prison Policy Initiative. 2018.

violations.<sup>8</sup> In 2018, of approximately 23,000 total probation revocations, more than half of them, or 12,489, were for technical violations.<sup>9</sup>

Community supervision is supposed to be the path from jail or prison back to normal life for people in the criminal justice system. But incarcerated persons exiting to community supervision face severe challenges as they attempt to re-enter society. People released from Texas prisons receive little assistance, typically a bus ticket and a minimal amount of “gate money.”<sup>10</sup> Many struggle with drug abuse or alcoholism. Most have poor educational credentials: a 2014 report from the Texas Department of Criminal Justice found that one-third of supervisees have no GED or high school diploma, and more than 15,000 supervisees had not gone beyond the 8th grade.<sup>11</sup> Their search for steady employment—the single most important factor in reducing recidivism—is hampered by state laws that lock felons out of almost all licensed professions, including cutting hair, arranging flowers, or driving a truck. The Texas State Law Library, for example, lists thousands of restrictions and disqualifications that convicted felons face under state law.<sup>12</sup> As a result of these impediments to employment, the jobless rate for formerly incarcerated people is 27 percent, which is higher than national unemployment rates during the Great Depression.<sup>13</sup> We can expect that those rates will skyrocket as a result of the coronavirus pandemic currently causing massive job losses in this country.

In Texas, the enormous number of people on community supervision also makes it difficult for

probation and parole officers to address supervisees’ needs. Texas Government Code § 508.1142 sets a maximum number of parolees per officer (60 for regular parolees, and lesser numbers for more intensively supervised parolees). But a 2010 state auditor’s report found that caseloads regularly exceed 80 per officer, which necessarily means that officers cannot give adequate attention to supervisees who need the most assistance.<sup>14</sup> In 2018, the statewide average caseload for all supervision officers (probation and parole) was 108.7. (Specialized caseloads were lower.)<sup>15</sup>

## SUPERVISION REFORM: CHALLENGES AND OPPORTUNITIES

The causes of the too-frequent failure of supervision in Texas are many and complex. But in short, community supervision in Texas is too long and too costly.

Too long. Under Texas law, felony supervision can extend up to ten years for certain felonies, and the minimum term of supervision is no less than the minimum term of imprisonment for a particular crime. And while probation for misdemeanors is not to exceed two years, a judge can extend it to three years “for good cause” and up to an additional two years beyond that for supervision violations, including failure to pay fines, fees, and court costs.<sup>16</sup> As a result, actual Texas supervision terms are quite lengthy. More than 22 percent of all Texas supervisees have sentences that extend beyond five years—including 23.6 percent of supervisees

<sup>8</sup> “Confined and Costly: How Supervision Violations Are Filling Prisons and Burdening Budgets.” Council of State Governments Justice Center. October 2019. <https://csjusticecenter.org/confinedandcostly/>.

<sup>9</sup> Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds.” Texas Department of Criminal Justice. December 1, 2018.

<sup>10</sup> John Biewen. “Hard Time: Life After Prison.” American Public Radio. March 2003. <http://americanradioworks.publicradio.org/features/hardtime/>.

<sup>11</sup> “Statistical Report Fiscal Year 2014.” Texas Department of Criminal Justice. 2014.

<sup>12</sup> [https://www.tdcj.texas.gov/documents/Statistical\\_Report\\_FY2014.pdf](https://www.tdcj.texas.gov/documents/Statistical_Report_FY2014.pdf).

<sup>13</sup> “Restrictions on Convicted Felons in Texas.” Texas State Law Library. <https://www.sll.texas.gov/library-resources/collections/restrictions-on-convicted-felons/?view=home>

<sup>13</sup> Lucius Couloute and Daniel Kopf. “Out of Prison & Out of Work: Unemployment among formerly incarcerated people.” Prison Policy Initiative. July 2018. <https://www.prisonpolicy.org/reports/outofwork.html>.

<sup>14</sup> Grant Stitchfield. “Most Texas Parole Officers Say They Are Overworked.” NBCDFW.com. Jan. 10, 2011. <https://www.nbcdfw.com/news/local/most-texas-parole-officers-say-they-are-overworked/1914800/>.

<sup>15</sup> “Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds.” Texas Department of Criminal Justice. December 1, 2018. [https://www.tdcj.texas.gov/documents/cjad/CJAD\\_Monitoring\\_of\\_DP\\_Reports\\_2018\\_Report\\_To\\_Governor.pdf](https://www.tdcj.texas.gov/documents/cjad/CJAD_Monitoring_of_DP_Reports_2018_Report_To_Governor.pdf).

<sup>16</sup> Tex. C. Crim. P. art. 42A.053.

deemed by the state’s own risk assessment protocol as “low risk.”<sup>17</sup> Nearly 6,500 of the state’s 111,000 parolees have been under supervision for more than 10 years.<sup>18</sup>

But these lengthy supervision terms are simply not supported by evidence. The vast majority of new crimes are committed by persons in the first two years after release,<sup>19</sup> and there is no evidence that extending supervision terms beyond that period reduces recidivism.<sup>20</sup> Continued supervision after two successful years does little to reduce or prevent crime and deprives people of their full liberty unnecessarily while straining the resources of supervision offices—all for no benefit. Possibly the best evidence that Texas probation sentences are too long is the growing phenomena of misdemeanor defendants (especially in DUI and minor drug possession cases) who willingly choose jail time and a fine over probation, because in the end it will get them out of the justice system far more quickly and with much less intrusion into their daily lives than a probation sentence. (Not incidentally, it usually means they will not receive substance abuse treatment not receive.)<sup>21</sup> Likewise, at least a quarter of Texas probationers who are offered modification of their probation terms after a technical violation choose to go to prison rather than accept a modification, because the prison term will be shorter and less intrusive than an extended probation sentence.<sup>22</sup> When incarceration is preferable to probation, something about probation has gone wrong.

Too costly. Supervisees in Texas are required to pay a supervision fee of “not less than \$25 and not more than \$60 per month.”<sup>23</sup> Despite this range, a study of four Texas jurisdictions found that actual fees charged clustered at the high end, at \$50 to \$60 per month.<sup>24</sup> As fees must be paid each month regardless of the length of supervision, monthly fees can add up to thousands of dollars over the course of several years, in addition to hefty fines and court costs. Collecting these fees, the study found, are a major focus for supervision officers, since 40 to 60 percent of department budgets are funded by these fees.<sup>25</sup> And while Texas state law prohibits revoking supervision solely for failure to pay fees, at least 55 percent of revocations list failure to pay supervision fees as one ground for revocation. Further, officers reported that difficulty in paying fees is among the most common causes of a probationer failing to report as required.<sup>26</sup> The high cost of supervision and the way fees fund probation officers not only sets supervisees up for failure, it also creates real conflicts of interest, as probation officers are disincentivized from working to help terminate supervisees early or waive fees for those who truly are unable to pay.

But despite these impediments to reducing the supervision rate, the Texas legislature has shown a willingness to address supervision failures, including through evidence-based supervision practices. In In 2005, Texas pledged \$55 million in incentive-based funding to probation departments that used graduated sanctions—that is, increasingly serious administrative sanctions, short of reincarceration—to try to reduce technical

<sup>17</sup> “Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds.” Texas Department of Criminal Justice. December 1, 2018. [https://www.tdcj.texas.gov/documents/cjad/CJAD\\_Monitoring\\_of\\_DP\\_Reports\\_2018\\_Report\\_To\\_Governor.pdf](https://www.tdcj.texas.gov/documents/cjad/CJAD_Monitoring_of_DP_Reports_2018_Report_To_Governor.pdf).

<sup>18</sup> “Statistical Report Fiscal Year 2018.” Texas Department of Criminal Justice. [https://www.tdcj.texas.gov/documents/Statistical\\_Report\\_FY2018.pdf](https://www.tdcj.texas.gov/documents/Statistical_Report_FY2018.pdf).

<sup>19</sup> “Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010.” U.S. Department of Justice, Bureau of Justice Statistics. 2016. <https://bjs.gov/content/pub/pdf/rprt05p0510.pdf>.

<sup>20</sup> James Austin. “Reducing America’s Correctional Populations: A Strategic Plan.” *Justice Research Policy*, vol. 12, p. 9. 2010. <https://journals.sagepub.com/doi/abs/10.3818/JRP.12.1.2010.9>.

<sup>21</sup> Brandi Grissom. “Go Directly to Jail.” *Texas Tribune*, Sept. 28, 2010. <https://www.texastribune.org/2010/09/28/many-choosing-jail-time-over-probation/>.

<sup>22</sup> Dustin Johnson. “Technical Revocations Among Felons: Unraveling the Process.” Texas Department of Criminal Justice. 2019. [https://www.tdcj.texas.gov/documents/Technical\\_Revocations\\_Among\\_Felons.pdf](https://www.tdcj.texas.gov/documents/Technical_Revocations_Among_Felons.pdf).

<sup>23</sup> Tex. Code Crim. Proc. art. 42.12 § 19(a).

<sup>24</sup> Ebony L. Ruhland, Jason P. Robey, Ronald P. Corbett, Jr., and Kevin R. Reitz. “Exploring Supervision Fees In Four Probation Jurisdictions in Texas.” Robina Institute. 2017. [https://robainstitute.umn.edu/sites/robainstitute.umn.edu/files/robina\\_fee\\_summary\\_report\\_web4.pdf](https://robainstitute.umn.edu/sites/robainstitute.umn.edu/files/robina_fee_summary_report_web4.pdf).

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

revocations by 10 percent. Departments that participated reduced technical violation revocations by 13.4 percent; revocations increased in non-participating counties by 5.9 percent.<sup>27</sup>

Then, in 2011, the legislature passed SB 1055, which created an incentive funding program, under which counties set targets to reduce the number of nonviolent commitments to incarceration, including supervision.<sup>28</sup> Participation was intended to be completely voluntary, and counties could choose to partner with other counties to set and achieve their desired targets. Participating counties would receive an up-front, lump sum of the anticipated state savings and could use the money to fund programs necessary to meet their reduction goals. Unfortunately, the state has yet to find provide up-front funding, so SB 1055 has never been implemented.

More can be done to drive down the supervision rate, by revising the Texas Code of Criminal Procedure to limit probation terms and incentivizing probation and parole offices to adopt evidence-based practices that have been proven to reduce recidivism and revocations. In the upcoming term, Texas legislators should prioritize policy reforms that target recidivism, rehabilitation, and community supervision in order to reduce the justice-involved population.

## OUR PROPOSAL: PROBATION CAPS AND PERFORMANCE INCENTIVE FUNDING

We have two principal recommendations. First, we believe that the Texas Code of Criminal Procedure should be revised to cap all probation sentences—even those given in lieu of a period of

incarceration—at no more than five years. Permitting judges to terminate supervision terms early, as the Texas Code now permits, is an important safety valve. But there is no evidence at all that lengthy probation terms increase public safety. Most supervision failures occur in the first year or two, and there is no evidence that extending supervision terms beyond that period reduces recidivism or increases public safety. The Minnesota Sentencing Guidelines Commission recently relied on national research and its own analysis of Minnesota probationers in moving to cap most probation sentences at five years, joining more than 30 other states that have done so.<sup>29</sup> Texas should join them.

We also recommend rewarding probation and parole departments for successfully rehabilitating people on community supervision. Under our proposal, supervision offices would be entitled to additional funding if they reduce the percentage of probationers and parolees that return to incarceration for technical violations or reoffending compared to the historical rate for that field office or district. The additional funding would come from a percentage of the projected savings on each individual not returned, based on the estimated marginal cost of the time that person would have spent in incarceration. Those savings would then be reinvested into rehabilitation programs and reducing caseloads, promoting a virtuous cycle in which the best methods scale and win.

The combination of these two proposed reforms—capping probation at a maximum of five years, and providing incentive funding for evidence-based practices that reduce revocations—should also help to ease the burden that excessive supervision fees place on probationers. The Rebound Act does not

<sup>27</sup> Greg Glod, “Incentivizing Results: Lessons From Other States’ Probation Funding Formula Reforms and Recommendations to Texas Lawmaker.” Texas Public Policy Foundation, January 2017. <https://files.texaspolicy.com/uploads/2018/08/16103231/2016-11-PP27-IncentivizingResults-CEJ-GregGlod.pdf>.

<sup>28</sup> SB 1055 82(R), <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=82R&Bill=SB1055>.

<sup>29</sup> Peter Callaghan, “Sentencing guidelines commission votes to impose five-year limit on probation in Minnesota.” *Minnesota Post*, January 10, 2020. <https://www.minnpost.com/state-government/2020/01/sentencing-guidelines-commission-votes-to-impose-five-year-limit-on-probation-in-minnesota/>. See also Minnesota Sentencing Guidelines, “Probation Revocations,” p. 2, Nov. 2016 (finding that most probation revocations occur within the first two years).

directly address supervision fees (though certainly, Texas should consider moving away from its current model, which substantially funds supervision offices through “user” fees.) But with overall shorter probation sentences, supervisees will have to pay less overall in monthly supervision fees. And by directing incentive payments to supervision offices that successfully reduce revocations, the state can take the budgetary pressure off these offices, which results in far too many supervisees having their probation revoked in part because of unpaid fees. Easing the inherent conflict of interest that causes Texas supervision officers to waste valuable time acting as bill collectors can create additional capacity for interventions that help successfully reintegrate supervisees.

By realigning incentives so that probation and parole offices are rewarded for reducing re-incarceration rates, Texas can help thousands stay out of prison and start new lives.

## EVIDENCE FROM OTHER STATES

Several states have demonstrated that performance incentive programs can shift the behavior of community supervision departments and achieve measurable outcomes. Since 2007, nine states have implemented Performance Incentive Funding programs (PIF) in their criminal justice systems. Besides the important example of Texas’s 2005 move to provide incentive funding to departments that reduced revocations, notable examples include Illinois and California.

Illinois has implemented more than one incentive program, but the first one was focused on juvenile corrections. In the first three years, four pilot sites reduced the number of juveniles admitted to youth corrections facilities by 51 percent.<sup>30</sup> The adult

version of the program offered incentives to counties that reduced recidivism by 25 percent and assessed penalties to counties if they were unsuccessful. The program has expanded to 45 counties across Illinois, offering \$7 million in additional funding in 2018 alone.<sup>31</sup> A recent meta-study found that 17 out of 17 performance-based funding programs reduced prison populations or slowed prison population growth.<sup>32</sup>

In 2009, California passed Senate Bill 678, which created a shared-savings incentive reward of up to 45 percent for county probation departments that reduced re-incarceration rates for felony probationers. The incentive encouraged probation departments to innovate their rehabilitation and supervision strategies. Counties experimented with hiring social workers, partnered with universities, and became more selective about the providers they used for substance abuse treatment, cognitive behavioral therapy, and transitional housing. The results of SB 678 were impressive: in 2010, 23 percent fewer probationers had their supervision revoked, 53 out of 58 counties reduced their revocation rates, and statewide violent crime dropped more quickly than in any year in the previous decade. These reductions kept 27,000 people out of prison between 2010 and 2013. Additionally, in 2011 alone, county probation departments were awarded almost \$90 million for their performance enhancements, and the state saved twice that amount.<sup>33</sup> Between 2009 and 2017, SB 678 achieved over \$1 billion in estimated savings to California taxpayers. Surprisingly, the risk levels of supervision caseloads increased during this same period, but reincarceration rates still declined,

<sup>30</sup> Redeploy Illinois. <http://www.redeployillinois.org/>.

<sup>31</sup> “Annual Report to the Governor and General Assembly on the Implementation and Projected Impact of Adult Redeploy Illinois.” Adult Redeploy Illinois. November 2019. <https://ari.icjia-api.cloud/uploads/ARISFY2018AnnualReport%20-20191204T14021996.pdf>

<sup>32</sup> Nancy LaVigne. “Justice Reinvestment Initiative State Assessment Report.” Urban Institute. 2014. <https://www.urban.org/sites/default/files/publication/22211/412994-Justice-Reinvestment-Initiative-State-Assessment-Report.PDF>.

<sup>33</sup> Susan K. Urahn. “The Power of Incentives for Performance.” *Governing*. August 22, 2012. <https://www.governing.com/columns/mgmt-insights/col-performance-incentive-funding-corrections-probationers.html>.

suggesting that rehabilitation efforts were working despite a change in the risk pool.<sup>34</sup>

## THE REBOUND ACT: A PROPOSAL FOR REFORM

In Texas, adult felony community supervision is administered city and county departments (which sometimes cover more than one jurisdiction). We propose a model that offers localized incentives to these offices. Our funding model looks like this:

- Calculate the baseline return-to-incarceration rate for each of the supervision departments in Texas.
- If an office reduces the re-incarceration rate below the baseline in a subsequent year, that office is entitled to 45 percent of the annual savings based on the projected marginal cost of incarceration.
- Of the savings allocated to successful offices, 50 percent will go towards evidence-based rehabilitation, and the remainder to hiring new personnel, retaining existing personnel through performance bonuses, and reducing caseloads.

Effective incentive structures like those in Illinois and California could help Texas reduce its burgeoning community supervision rolls. Incentive funding can foster the natural adoption of more effective strategies, encouraging better performance through locally tailored practices. A performance-based funding program in Texas could have a massive impact on the lives of thousands of people in the criminal justice system while improving the

safety of communities across the state and saving tens of millions of dollars.

## CONCLUSION

Probation and parole failures are substantial contributors to Texas's prison population, and they have made it even more challenging for Texas to reduce its incarcerated population. The impacts of other policy reforms attempted by the state have undoubtedly been stifled by the cycle of release and re-incarceration created by current probation and parole practices. Capping probation terms and adopting incentive funding for probation and parole will foster system-wide change and bring much needed results: an estimated 2,300 people averted annually, and \$100 million in savings for Texas taxpayers. At the same time, reinvesting a portion of the savings that result from reduced incarceration and recidivism doubles down on effective ideas. Expanded funding for community supervision programs with proven results can do more than just avert the overcrowding crisis in the Texas corrections system. By incentivizing smart, evidence-based reforms, the legislature can help citizens in the criminal justice system peacefully return to their homes and families, making our communities safer.

<sup>34</sup> "2019 Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program." Judicial Council of California. October 28, 2019. <http://www.courts.ca.gov/documents/lr-2019-ca-community-corrections-performance-incentives-act-2019-pc-1232.pdf>.