

The Texas Probation Executive Development Program

Using Best-Practice Standards to Manage Probation Caseloads During a Reduction in Force Mandate

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By

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ABSTRACT

On top of facing underfunding issues for several years now, probation departments across Texas face additional financial losses due to the COVID-19 pandemic, which began in March 2020 and continues to be an issue today. In response to underfunding concerns, the Hidalgo County CSCD began utilizing best-practice standards to develop programs to manage a high volume of probationers with less staff while managing minimal risk simultaneously. The slow but steady transition started in 2012 and continues to be a big part of the organization's restructuring process. As the department faced a reduction in force mandate due to additional financial losses due to the COVID-19 pandemic, it accelerated the transition of utilizing best-practice standards to become more efficient and remain financially solvent.

Hidalgo County CSCD administrators faced the dilemma of drastically reducing the number of CSCD personnel without completely overwhelming the organization's workload, which had to operate with less staff due to COVID-19 financial losses. The Reduced Risk Program created in 2012 to supervise low-risk probationers was used to redistribute a high volume of cases of nine officers furloughed within months after the pandemic emerged. The Reduced Risk Program continues to be viewed as a viable solution should financial issues continue to plague the department over an extended period.

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INTRODUCTION

While the concern to stop the COVID-19 spread to save lives was necessary and justifiable, the COVID-19 Pandemic also presented financial and operational challenges to probation departments across Texas. Like in most departments in Texas, Hidalgo County faced a reduction in intake placements which also affected funding. In addition, the courts came to an almost standstill during the Pandemic to stop the spread of COVID-19. This created challenges for probation departments over time. In the fiscal year 2019, before the COVID-19 Pandemic, a total of 5,548 new cases were placed on probation in Hidalgo County, and the number of monthly new placements averaged 555. In contrast, a total of 2,538 new cases were placed on probation during the COVID-19 fiscal year 2020, representing a 54% drop in probation cases. The average number of placements also dropped to 254 cases monthly.

Considering the drastic drop in probation placements, the Hidalgo County CSCD was forced to initiate a reduction in force mandate. The reduction in force mandate included a hiring freeze commencing in March 2020 and offered six-month furloughs beginning in June 2020 for employees who preferred to be out due to COVID-19 related concerns. Additionally, officer positions were not filled as people left the workforce via retirement or new employment opportunities. As a result, a total of nine probation officers were placed on furlough in June 2020. The furloughed caseloads had to be distributed among the remaining officers at the organization.

In May 2020, the 52 direct line officers carried a caseload of a direct caseload of 98 cases per officer. A total of 9 probation officers elected to be placed on extended furloughs meaning that 896 active cases needed to be distributed among the 43 remaining officers by June 2020. If the department had elected to distribute the cases evenly among the remaining officers, their caseloads would have jumped to an average of 118 cases per officer. Determining how to restructure the

department with a sudden reduction in the workforce without overwhelming the workloads was one of the biggest challenges faced during this transitional phase. The department had to figure out a way to disperse as many cases into their existing programs to not overwhelm the officers with a sudden influx of cases due to furloughs. In an attempt to maximize efficiency and effectiveness, the department used best practice guidelines to deal with restructuring challenges due to a reduction in force mandate.

POSITION

The literature in best practice standards supports reserving treatment and interventions for high-risk offenders while applying minimal sanctions for low-risk offenders to reduce recidivism (Latessa & Lowenkamp, Spring 2006). Similarly, following risk and need principles are important when developing interventions and supervision (Lowenkamp, Smith, & Latessa, December 2006). These principle findings help assist organizations in restructuring due to a reduction in force mandate. For example, maximizing capacity to a program designed to provide low-intensity supervision for low-risk probationers could be a crucial component in distributing probation files not to overwhelm officers.

In an attempt to align the department with the "What Works" literature, the Hidalgo County Community Supervision and Corrections Department created the Reduced Risk Program in 2012. The use of the reduced risk program was vital in accomplishing this goal. This program provides supervision services to low-risk (level 4) probationers, including felony and misdemeanor cases not assigned to already existing specialized caseloads. The reduced risk program is designed to provide low-intensity supervision for probationers scoring level 4 on the Texas Risk Assessment System. Because the program is designed to provide low-intensity supervision, the reduced risk officers can carry a caseload not to exceed 275 probationers. The Hidalgo County Reduced Risk

Program consists of six community supervision officers and has a program capacity of supervising 1,650 low-risk probationers. When the program is at capacity, the six assigned officers to the reduced risk program monitor the equivalency of 16 caseloads consisting of 103 assigned direct cases. This strategy allowed the department to shrink the number of officers by ten positions without compromising supervision risk.

Additionally, the reduced risk program allows the department to reduce the caseloads of direct supervision officers to focus additional time and resources on level 1, level 2, and level 3 probationers who have higher risks and needs. To qualify for the program, probationers must score level 4 on the TRAS. In addition, probationers shall not have a high restitution balance, shall have over one year left on supervision, and must not test positive for drugs or alcohol for at least six months before placement in the program.

While taking a closer look at the 896 cases that were to be distributed due to furloughed positions, there were a total of 216 level 4 cases and 680 level 1, 2, and 3 cases. Additionally, direct line officers were asked to examine all level 4 cases to see if they met RRP criteria. A total of 376 cases were transferred to the reduced risk program in May 2020. This transfer of low-risk cases to the program allowed for an equitable redistribution of the 896 level 1, 2, and 3 cases among the remaining direct caseload officers, while maximizing level 4 cases to the reduced risk caseload. An additional level 4 officer supervised cases that did not meet the reduced risk caseload criteria. After distributing the caseloads of the nine furloughed officers' caseloads of direct line officers increased from an average of 98 direct cases in May 2020 to an average of 106 direct cases in June 2020. Considering we had essentially eliminated nine probation officer positions, the increase in caseloads among the remaining direct line officers did not increase to unmanageable levels. The availability of the Reduced Risk Program assisted with this process.

COUNTER ARGUMENTS

An opposing argument that is commonly raised is that reduced caseloads improve probation outcomes. Because the reduced risk caseload can have up to 275 cases assigned per officer, some would argue that the quality of supervision in these cases is compromised and ineffective. However, because low-risk probationers have fewer needs, there is no need to provide high-intensity supervision. In addition, some studies have determined that reduced caseloads improve probation outcomes when organizations utilize evidence-based principles. For example, Jalbert and Rhodes found that reducing probation officer caseloads can reduce criminal recidivism when delivered in a setting where probation officers apply evidence-based practice (Jalbert & Rhodes, 2012).

Further, they concluded that officers with reduced caseloads are better able to identify treatment needs and are better able to direct resources and interventions to individuals in need of services (Jalbert & Rhodes, 2012). Additionally, Jalbert, Rhodes, and Flygare found that reduced caseloads coupled with treatment services improved probation outcomes for high-risk offenders (Jalbert, Rhodes, & Flygare, Testing Probation Outcomes in an Evidence-Based Practice Setting: Reduced Caseload Size and Intensive Supervision Effectiveness, 2010). The Hidalgo County CSCD, Reduced Risk Program, does increase the caseload of low-risk supervision officers. However, it also simultaneously reduces the caseloads of direct line officers who supervise higher-risk probationers, allowing better treatment services and interventions for individuals who need it most.

Considering that probation departments in Texas began adopting evidence-based practices since the implementation of the Texas Risk Assessment System in January of 2015, the focus has shifted to transforming and creating an organizational culture that embodies best practice

standards. The transformation includes monitoring probationers based on risk and needs along with providing responsive treatment services to address criminogenic needs. In addition, departments have shifted supervision strategies based on these standards. Part of that transition includes creating caseloads that are aligned with best-practice standards where resources are focused on providing treatment services for high-risk probationers, and low-risk probationers are supervised accordingly. Since low-risk probationers also have low needs, there is no need to manage them at the same level as medium or high-risk probationers. This supervision practice allows for creating the reduced risk caseload program with a higher number of cases assigned per officer.

Positive outcomes for low-risk probationers supervised in low-intensity supervision by officers with more assigned cases are achievable. For example, Barnes et al. found that reduced supervision intensity did not increase the likelihood of re-offending by low-risk probationers while at the same time officers were assigned a higher number of cases (Barnes, Hyatt, Ahlman, & Kent, 2012). In addition, findings suggest that low-intensity supervision, when paired with a validated risk assessment, allows departments to manage large probationer populations while focusing resources on high-risk probationers (Barnes, Hyatt, Ahlman, & Kent, 2012).

The Texas Risk Assessment System (TRAS) allows agencies to identify risks and needs probation officers should focus on during supervision. The Hidalgo County CSCD has relied on the TRAS to determine probationer risk levels and the intensity of supervision and placement in the Reduced Risk Program. Utilizing the TRAS scores to assess risk and needs levels and program eligibility has been effective thus far, although RRP officers manage a large caseload of low-risk offenders. From program inception in 2012 to Sept 2021, the Hidalgo County Reduced Risk Program has closed 4,483 program participants and has maintained a benchmark of 83% successful

completion rate. In a policy essay published in *Criminology & Public Policy*, Edward Latessa recommends that community supervision agencies consider reducing supervision levels and shift resources to probationers who pose a higher risk of re-offending (Latessa E. J., 2016). The Hidalgo County Reduced Risk program was developed with that goal in mind. The Hidalgo County Reduced Risk Program was created to shift resources to probationers in most need and reduce the harm of over supervision of low-risk offenders and is aligned with evidence-based practice standards.

RECOMMENDATION

As probation departments across Texas continue to face financial challenges due to COVID-19, legislative budget cuts, and unfunded legislative mandates, shifting to using best practice standards to reduce the workforce while supervising more probationers should be considered. Probation departments in Texas are being asked to do more without adequate funding. Probation departments in Texas should consider creating Reduced Risk Caseloads, which can supervise a higher volume of low-risk probationers with fewer probation officers. A Reduced Caseload Program option allows probation departments to reduce community supervision personnel and save money. As mentioned earlier, the Reduced Risk Program in Hidalgo County has the capacity that allows six officers to supervise the same number of probationers that is equivalent to 16 probation officers carrying an average caseload of 103 each. The department did not fill ten probation officer positions with the help of this program, which allowed the department to cut approximately \$500,000.00 from their yearly budget in salaries. Half a million dollars in salary savings can be helpful in any situation, especially in a time of financial crisis, such as the financial losses suffered during the COVID-19 pandemic.

While some might hesitate to assign 275 low-risk cases to one officer, the Texas Risk Assessment System has been predictive and helpful in determining risk. As department administrators, we must learn to trust the validated assessment instruments that have been created and designed to help us make informed policy decisions based on many years of research findings. Since its inception, the Reduced Risk Program has serviced a high volume of cases and has maintained a high benchmark over nine years. For example, in September 2021, the Hidalgo County Reduced Risk Program listed 1062 cases assigned to the program and still can supervise an additional 588 cases. At the same time, direct-line officers carry an average caseload of 87 direct cases. This information is crucial in determining future hiring practices should additional probation officer positions become vacant or if the COVID-19 financial losses continue to be a factor.

The Criminal Justice Assistance Division recently issued new reporting guidelines effective September 1, 2021, allowing for video conferencing, teleconferencing, or kiosk reporting for low-risk probationers. These new reporting guidelines will help expand program capacity and make it easier for probation officers to manage the voluminous low-risk caseloads. Unfortunately, since it appears like adequately funding probation departments does not seem to be a legislative priority at this time, probation departments are left to adapt as best they can. Developing a Reduced Risk Program to supervise low-risk offenders is an option probation departments should consider to increase efficiency and save money. Additionally, probation departments should also continue to utilize supervision technology advances to provide low-intensity supervision and services for low-risk probationers.

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