



Texas Department of Criminal Justice
Community Justice Assistance Division



Texas Intermediate Sanctions Bench Manual



TEXAS DEPARTMENT OF CRIMINAL JUSTICE

GARY L. JOHNSON, EXECUTIVE DIRECTOR

COMMUNITY JUSTICE ASSISTANCE DIVISION

BONITA WHITE, DIVISION DIRECTOR

MAIN OFFICE

209 WEST 14TH STREET, SUITE 400

AUSTIN, TEXAS 78701

512-305-9300

FAX 512-305-9368

<http://www.tdcj.state.tx.us/cjad>

TEXAS BOARD OF CRIMINAL JUSTICE

**P.O. Box 13084 — Austin, Texas 78711
512-475-3250 phone — 512-305-9398 fax**

Christina Melton Crain, Chairman
Dallas, Texas

Adrian A. Arriaga
McAllen, Texas

Honorable Mary Bacon
Houston, Texas

Patricia A. Day
Dallas, Texas

Don B. Jones
Midland, Texas

Pierce Miller
San Angelo, Texas

William “Hank” H. Moody
Kerrville, Texas

Alfred C. Moran
Fort Worth, Texas

A.M. (Mac) Stringfellow
San Antonio, Texas

JUDICIAL ADVISORY COUNCIL

Honorable Larry J. Gist, Chair

Senior District Judge
Beaumont, Texas

Richard Alan Anderson

Attorney at Law
Dallas, Texas

Honorable Mary Bacon

Texas Board of Criminal Justice Liaison
Houston, Texas

Honorable Mary Anne Bramblett, Vice-Chair

41st District Court Judge
El Paso, Texas

Honorable John Creuzot

Criminal District Court #4 Judge
Dallas, Texas

Nancy Moore Eubank, Secretary

Houston, TX

Honorable Manuel R. Flores

49th District Court Judge
Laredo, Texas

Honorable E. Lee Gabriel

367th District Court Judge
Denton, Texas

Honorable George Godwin

174th District Court Judge
Houston, Texas

Honorable Sharon Keller

Presiding Judge, Court of Criminal Appeals
Austin, Texas

Leo A. Rizzuto

Director (Retired), Caldwell County CSCD
Lockhart, Texas

Ray Sumrow

Criminal District Attorney
Rockwall, Texas

Honorable Carroll Wilborn

344th District Court Judge
Anahuac, Texas

TECHNICAL VIOLATIONS COMMITTEE*

***Data and Consultation of Several Members Provided to the Intermediate Sanctions Bench Manual**

District Judges

Honorable Mary Anne Bramblett
41st District Court Judge
El Paso, Texas

Honorable Belinda Hill
230th District Court Judge
Houston, Texas

Honorable Lana Rolf McDaniel
203rd District Court Judge
Dallas, Texas

Honorable Carroll Wilborn
344th District Court Judge
Anahuac, Texas

Criminal Courts at Law

Honorable Mark Atkinson
Harris County CCL Judge
Houston, Texas

Honorable Dianne K. Jones
Dallas County Criminal Court Judge
Dallas, Texas

District Attorneys

Howard F. Meyers
Director of the Trial Division
Travis County District Attorney
Austin, Texas

Ray Sumrow
Rockwall County
Rockwall, Texas

Jerilynn Yenne
Brazoria County
Angleton, Texas

Defense Attorney

Richard Alan Anderson
Dallas, Texas

Criminal Justice Policy Council

Pablo Martinez, Ph.D.
Former Director of Special Projects, Criminal Justice Policy Council
Current Professor Texas State University, San Marcos, Texas

TECHNICAL VIOLATIONS COMMITTEE*

***Data and Consultation of Several Members Provided to the Intermediate Sanctions Bench Manual**

Texas Correctional Office on Offenders with Medical or Mental Impairments

Dee Kifowit

Executive Director, TCOOMMI
Austin, Texas

Texas Board of Pardons & Parole

Gerald L. Garrett

Chairman, BPP
Austin, Texas

CSCD Directors

Bill Coleman

Director, Hale County CSCD
Plainview, Texas

Stephen L. Enders

Director, El Paso County CSCD
El Paso, Texas

Ronald Goethals

Director, Dallas County CSCD
Dallas, Texas

Dana Hendrick

Director, San Patricio County CSCD
Sinton, Texas

Roberto Meza

Director, Webb County CSCD
Laredo, Texas

Arlene Parchman

Director, Brazos County CSCD
Bryan, Texas

Nancy Platt

Former Director, Harris County CSCD
Houston, Texas

Richard Santellana

Director, Cameron County CSCD
Brownsville, Texas

Steve Swan

Director, Liberty County CSCD
Liberty, Texas

Community Corrections Facility

Clay Childress

Facility Director, Jefferson County CSCD
Beaumont, Texas

TECHNICAL VIOLATIONS COMMITTEE*

***Data and Consultation of Several Members Provided to the Intermediate Sanctions Bench Manual**

Texas Department of Criminal Justice - Community Justice Assistance Division (TDCJ-CJAD)

Bonita White
Division Director

Geraldine Nagy, Ph.D.
Deputy Director

Gaylon Oswalt, Ph.D.
Director, Data Management

Jennifer King
Field Services Administrator

E. Anne Brockett, Ph.D.*
Planner II

Philip Bonner*
Field Services Regional Director

*Not on Technical Violations Committee, but contributors to the Texas Intermediate Sanctions Bench Manual

Other Divisions of the Texas Department of Criminal Justice

**Lt. Gen. Tom Baker, (Retired) and
Nathaniel Quarterman**
Division Director, TDCJ - State Jail Division
Austin, Texas

Pamela Russell
Former Program Supervisor
TDCJ – State Jail Division

Debbie Roberts
Division Director, TDCJ Programs & Services Division
Huntsville, Texas

TEXAS INTERMEDIATE SANCTIONS BENCH MANUAL
TABLE OF CONTENTS

Forward 8

Acknowledgements 10

Chapter One

 Introduction and Purposes of Manual 11

 Continuum of Community Corrections Sanctions 14

Chapter Two

 Imposing, Modifying, Revoking, Community
 Supervision 15

Chapter Three

 Non-Residential (Non-CCF) Community Corrections Sentencing Alternatives 28

Chapter Four

 Residential (CCF) Community Corrections Sentencing Alternatives 43

Chapter Five

 Drug Courts and Substance Abuse Treatment 63

 Substance Abuse Sentencing Alternatives 71

Chapter Six

 Information on “What Works” in Reducing Recidivism 72

APPENDICES 74

FOREWORD

In response to requests from the Texas trial judiciary concerning community corrections sanctioning options and resources in Texas, the Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) authorized the publication of this manual. The document is a collaborative effort between Texas State University, San Marcos and the TDCJ-CJAD, and was developed under the guidance of the Judicial Advisory Council. It is intended to be accessible to all components of the criminal justice system involved in fashioning appropriate correctional strategies for offenders eligible for community corrections alternatives. The primary audience for this volume is trial court judges, both District Court and County Court at Law. It is the intention of the TDCJ-CJAD that the manual be accessible to prosecutors, community corrections officials, defense attorneys, crime victims, defendants, and any other citizen with an interest in the broad array of alternatives to conventional incarceration in Texas today. The manual is provided in hard copy to all District and County Courts at Law with jurisdiction over criminal matters. It will also be accessible via the TCDJ-CJAD website and available on compact disc.

The publication of this manual was one of several recommendations by the Technical Violations Committee (March 2001), which included members from all facets of the justice system, including the courts, community supervision and corrections departments, and the state agency. In addition to the publication of this manual, the committee report recommended a significant increase in funding for diversion from institutional incarceration and predicted a 10% decrease in revocations of offenders in community corrections as one result. The Technical Violations Committee Report may be accessed through the TDCJ-CJAD website: <http://www.tdcj.state.tx.us/publications/cjad/tech-violations-rprt.pdf>.

This manual will indicate possible intermediate services and sanctions that may be imposed in lieu of incarceration, either as a direct sentence or in response to technical violations of the conditions of probation. It is intended to be a quick reference for basic information on community corrections alternatives across the state so that the resources available may be fully and efficiently utilized. The existing programs and sentencing alternatives in Texas are a progressive, appropriate response to the diverse needs of the offender population. In addition, the manual includes a concise summary of the characteristics of programs and supervision practices that are known to reduce recidivism and protect the public by reducing the likelihood of technical violations or further criminal behavior.

For purposes of simplicity, the generic and well-understood term **“Probation”** is used interchangeably with the term **“Community Supervision”** throughout this manual. The legislative decision to employ the terms **Community Supervision, Community Corrections, Texas Department of Criminal Justice-Community Justice Assistance Division (TCDJ-CJAD), Community Supervision Officers, etc.** is well understood.

It is the TDCJ-CJAD’s intent to update this publication on a regular basis. The task of accurately yet succinctly providing relevant, timely information about a dynamic justice system as diverse, vast, and complex as that in Texas has been a challenge. It is our sincere hope that this manual will be a useful resource that can be refined and improved in the future.

*Department of Criminal Justice
Texas State University, San Marcos
San Marcos, Texas 78666
(512) 245-2174*

John A. McLaren, J.D., Ph.D.
Principal Investigator

John W. Stickels, J.D.
Contributor

<http://www.cj.swt.edu/>

*Texas Department of Criminal Justice,
Community Justice Assistance Division
Austin, Texas 78701
(512) 305-9300*

E. Anne Brockett, Ph.D.
Planner II

Philip Bonner
Regional Director

Jon Murany
Graphics Specialist

<http://www.tdcj.state.tx.us/cjad>

ACKNOWLEDGEMENTS

The authors wish to express their appreciation to numerous individuals at the Texas Department of Criminal Justice and Texas State University, San Marcos without whose support and assistance this project would not be possible. The Executive Director of the Texas Department of Criminal Justice, Gary L. Johnson, and the Division Director of the Community Justice Assistance Division (TDCJ-CJAD), Bonita White, supported this project throughout. Numerous members of the TDCJ staff have provided a wealth of valuable information and knowledge to the authors. Bernie Schiff assisted greatly in the initial plan of this project before his retirement. His successor as project manager, Philip Bonner, responded quickly and accurately each time we called upon him. In addition, Geraldine Nagy, Ph.D., E. Anne Brockett, Ph.D., Gaylon Oswalt, Ph.D., Victoria Trinidad, Dawn D. Carrier, Angela Isaack, and Jon Murany have provided much-needed assistance.

The members of the Judicial Advisory Council (JAC) to the Community Justice Assistance Division, listed above, have lent their continued support and guidance to this venture. The **Technical Violations Committee**, under the guidance of the JAC, produced the report “**Strengthening Community Supervision Sanctions & Service, a Local-State Partnership**,” which recommended the production of this manual. The Honorable Larry Gist, Chair of the Judicial Advisory Council and a respected advocate for appropriate utilization of community corrections resources, provided a stable judicial anchor for the work. Research from the State of Texas Criminal Justice Policy Council was incorporated in the manual.

At Texas State University, San Marcos, the support of the Dean of the School of Applied Arts, Jaime Chahin, Ph.D., and the Chair of the Criminal Justice Department, Quint Thurman, Ph.D. was appreciated. Both of these scholars believe that public institutions of higher education should, whenever possible, be actively involved in providing what resources they have to improve public service in our state, particularly on criminal justice issues. Staff in the Department of Criminal Justice, Office of the Dean of Applied Arts, the Office of Research and Sponsored Projects, and the Office of Grants Accounting provided support to assist us in the project. Also, the authors wish to acknowledge the assistance of Autumn Hannah, Angela Weber, and Sadie Hockenberry, graduate instructional assistants.

*This document, **Texas Intermediate Sanctions Bench Manual 2003**, was developed under Contract Number 696-CJ-2-2-A0107 from the Texas Department of Criminal Justice.*

INTRODUCTION AND PURPOSE OF MANUAL CONTINUUM OF TEXAS COMMUNITY CORRECTIONS SANCTIONS

This manual is designed to provide a readily accessible source of concise information about community corrections sentencing alternatives and sanctions. This manual is provided to all Texas trial courts with jurisdiction over felony cases or Class A and B misdemeanors, and will also be available to all officers of the courts participating in sentencing dialogue and recommendations.

Community-based sanctions are used to enforce court orders and divert offenders from imprisonment. Community supervision provides a broad continuum of progressively rigorous sanctions ranging from pre-trial programs including drug-courts to placement in a community corrections facility. Most departments also have specialized caseloads (sex offenders, youthful offenders, mentally impaired offenders, etc.) supervised by officers specializing in a particular type of offender, as well as other programs which will be described in more detail in this manual.

In Texas there is a strong commitment to provide a continuum of sanctions that effectively balance risk management (controlling offenders through surveillance, intensive monitoring or enforcing limits) with risk reduction (addressing those characteristics of the offender that contribute to future criminal behavior through strategies such as changing anti-social thinking through cognitive interventions; job-skills training; or substance abuse, sex offender, and other treatment). In addition, Community Supervision and Corrections Departments (CSCDs) provide victim services including collection of victim restitution and arrange for offenders to perform community service restitution.

According to the **House Committee on Corrections Interim Report 2002**, community supervision is a cost-effective alternative for many offenders. According to the report, “When public safety and justice goals permit, community supervision provides a way of monitoring offenders, enforcing court orders with sanctions, and intervening with treatment programs when appropriate. Community supervision costs the state about \$1.01 per day per offender on direct supervision for basic supervision and another \$1.14 for specialized supervision and residential and non-residential treatment programs when averaged across all offenders under direct supervision. The total state cost of \$2.15 per offender on community supervision compares to costs of about \$40 per day for prison and about \$32 per day for state jail.” The report adds, “In FY 2001, 37 percent of prison intakes and 41 percent of state jail intakes were revocations of community supervision. It is estimated that the 20,709 felons revoked to prison or state jail during FY 2001 will ultimately cost the state \$547 million in direct incarceration costs during the period of their incarcerations.” Revocation of probation, particularly felony revocation that results in prison for technical violations (non-compliance with the conditions of probation such as: missing appointments, not paying fees and fines, with no new crime committed), has been of particular concern

to the TDCJ-CJAD and the Technical Violations Committee. As previously noted in the forward of this manual, the March 2001 report on technical violations is available from TDCJ-CJAD <http://www.tdcj.state.tx.us/publications/cjad/tech-violations-rprt.pdf>.

The intent of this manual is to provide a concise summary of community supervision options that may be appropriate in lieu of incarceration in response to technical violations of the conditions of supervision, or as a direct sentence. Chapter 2 addresses eligibility for probation supervision and the authority of judges and juries in granting it. Basic conditions in Article 42.12 of the Texas Code of Criminal Procedure are reviewed along with discussion of additional conditions that may be lawfully imposed by a trial court. In many jurisdictions, twenty or more conditions of community supervision are imposed. Conditions may require additional fees and participation in hundreds of hours of programs. The elements of Pre-sentence Investigation reports are summarized. Reduction or termination of probation is addressed. The chapter then moves to information about various options available to the trial court when there is non-compliance with one or more terms of the conditions of probation. Motions to revoke probation, detention of the defendant pending hearing, the revocation hearing due process requirements, continuation, and modification are addressed.

Chapter 3 reviews **non-residential** (non-Community Corrections Facility) probation sentencing options in Texas. Topics included are the functions of pre-trial services in pre-trial release and supervision of alleged offenders, deferred adjudication, specialized caseload supervision of several types, intensive supervision probation, electronic monitoring, community service restitution, day reporting centers, DWI probation, shock probation, and supervision for the mentally ill.

Chapter 4 addresses **residential community corrections facilities** (CCFs) sentencing alternatives. Such facilities are restitution centers, court residential treatment centers, substance abuse treatment facilities, intermediate sanction facilities, boot camps, and residential alternatives for the mentally or developmentally disabled offender. Additional information on programs in state jails and Substance Abuse Felony Punishment Facilities (SAFPFs) is provided, although these two options are not funded or supervised by the TDCJ-CJAD.

Chapter 5 provides a summary of **drug courts** and **substance abuse programs**, including Treatment Alternative to Incarceration Program (TAIP) and a set of progressive sanctions and progressively more intense services. More detailed information on SAFPfS is provided. Finally, a chart summarizing all options is provided to assist the court in determining into which program to place the defendant.

Chapter 6 provides a summary by Professor Edward Latessa, Ph.D., University of Cincinnati, and associates on research indicating “what works” in reducing recidivism in high-risk offenders.

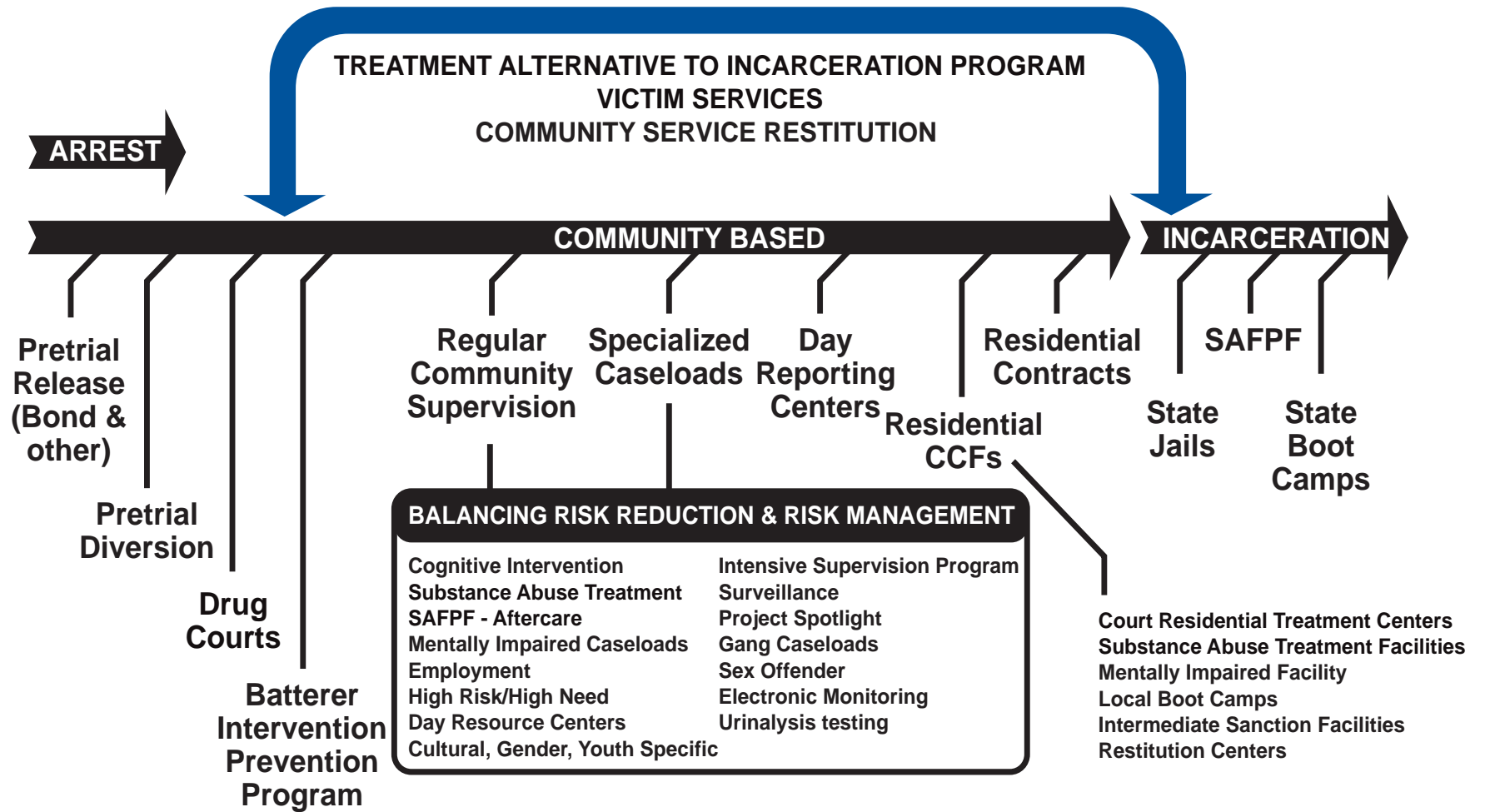
Throughout the manual, hyperlinks (such as the link to the Report on Technical Violations *supra*) guide the reader to in-depth treatises on probation and intermediate sanctions.

Abundant information about specific correction programs and initiatives in Texas are available at the Texas Department of Criminal Justice webpage at <http://www.tdcj.state.tx.us/publications/publications-ome.htm#Community%20Justice%20Assistance%20Division>.

The Bureau of Justice Statistics is an excellent source for statistical information on population trends in institutional and community corrections. The recent report “Probation and Parole in the United States, 2001” (<http://www.ojp.usdoj.gov/bjs/pub/pdf/ppus01.pdf>) is representative.

The manual provides a continuum of sanctions. Provided by the TDCJ-CJAD, the following chart illustrates the continuum as the severity of sanction progresses from pre-trial release to incarceration programs.

TEXAS COMMUNITY SUPERVISION CONTINUUM OF SANCTIONS



ELIGIBILITY AND AUTHORITY TO IMPOSE, MODIFY, AND REVOKE PROBATION

INTRODUCTION

This chapter presents, in graphic format to the extent feasible, a general review of probation eligibility in Texas, including judge and jury authority when sentencing offenders to different types of community supervision. Also addressed are procedures for modification, extension and revocation of probation. This chapter includes references to the applicable provisions of the Texas Code of Criminal Procedure and the Texas Local Government Code. Community supervision is the placement of a defendant by the court under a continuum of programs and sanctions with conditions imposed by the court for a specified period.

TCCP Art. 42.12 §2(2).

Eligibility for Community Supervision:

Both felony and misdemeanor offenders may be placed on community supervision by both judge and jury. The maximum period of community supervision for a felony is ten years. **TCCP Art. 42.12 §3(b).** The maximum period of community supervision for a misdemeanor is two years. **TCCP Art. 42.12 §3(c).**

Eligibility for Community Supervision from a Judge: Subject to certain restrictions explained below, a judge may suspend the imposition of the sentence in a felony or a misdemeanor case and place the defendant on community supervision.

Ineligibility for Community Supervision from a Judge:

1. **Felony Offenses** - A defendant is not eligible for community supervision from a judge if:
 - a. The defendant is sentenced to a term of imprisonment that exceeds ten years; or,
 - b. The defendant is sentenced to a term of confinement under **Section 12.35 of the Penal Code** (the State Jail Felony section).

2. 3G Offenses – A Judge may not grant regular community supervision if the defendant is adjudged guilty of murder, capital murder, indecency with a child by contact, aggravated kidnapping, aggravated sexual assault, aggravated robbery, certain drug offenses committed within a drug free zone, sexual assault of a child, or when a deadly weapon is used during the commission of the offense. **TCCP Art. 42.12 §3G.**

Eligibility for Community Supervision from a Jury: In order to receive community supervision from the jury, the defendant must file a sworn motion stating that the defendant has not been previously convicted of a felony offense, and the jury must find that the motion is true. If these two conditions are met, the jury may recommend to the judge that the judge suspend the imposition of the sentence and place the defendant on community supervision. If the jury so recommends, the judge is required to follow the recommendation of the jury and place the defendant on community supervision. The provisions of **Section 3G of Article 42.12** do not apply to jury recommended community supervision. **TCCP Art. 42.12 §4.**

Ineligibility for Community Supervision from a Jury: A defendant is not eligible for community supervision from a jury if:

- a. The defendant is sentenced to more than ten years confinement;
- b. The defendant is found guilty of a State Jail Felony;
- c. The defendant has a prior felony conviction; or,
- d. The defendant is guilty of certain drug offenses committed within a drug free zone.

TCCP Art. 42.12 §4.

Eligibility for Deferred Adjudication from a Judge: Subject to certain restrictions explained below, the judge may grant deferred adjudication for a misdemeanor or felony offense **including aggravated (3G) offenses.** **TCCP Art. 42.12 §5.**

Ineligibility for Deferred Adjudication from a Judge: A judge cannot grant deferred adjudication if the defendant is charged with an alcohol related driving offense or certain drug offenses. A judge may not grant deferred adjudication for the offenses of indecency with a child, sexual assault, or aggravated sexual assault if the defendant has previously been placed on community supervision for one of these offenses. **TCCP Art. 42.12 §5 (d).**

Ineligibility for Deferred Adjudication from a Jury: The jury cannot recommend deferred adjudication for any offense. **TCCP Art. 42.12 §5.**

2.1 SUMMARY OF AUTHORITY TO GRANT/RECOMMEND COMMUNITY SUPERVISION

AUTHORITY OF JUDGE	AUTHORITY OF JURY
<p>A. May not grant community supervision for capital murder or aggravated (3G) offenses.</p> <p>TCCP Art. 42.12 §3G.</p>	<p>A. May grant community supervision for aggravated (3G) offenses.</p> <p>TCCP Art. 42.12 §4.</p>
<p>B. May grant community supervision to a defendant convicted of a State Jail Felony.</p> <p>TCCP Art. 42.12 §15.</p> <p>House Bill 2668 (Effective for dispositions after 9-1-03) *Must grant community supervision for defendant with no prior felony convictions for State Jail offenses under section 481.115(b), 481.115(b)(1), 481.116(b), 481.121(b)(3) or 481.129(g)(1), Health & Safety Code.</p>	<p>B. May not grant community supervision to a defendant convicted of a State Jail Felony.</p> <p>TCCP Art. 42.12 §4.</p>
<p>C. May grant deferred adjudication for aggravated (3G) offenses.</p> <p>TCCP Art. 42.12 §5.</p>	<p>C. May not grant deferred adjudication for any offenses.</p> <p>TCCP Art. 42.12 §5.</p>
<p>D. May grant community supervision to defendants with prior felony convictions.</p> <p>TCCP Art. 42.12 §3.</p>	<p>D. May not grant community supervision to a defendant with prior felony convictions.</p> <p>TCCP Art. 42.12 §4.</p>
<p>E. May not grant community supervision to a defendant for an alcohol related driving offense.</p> <p>TCCP Art. 42.12 §5.</p>	
<p>F. Must grant community supervision when recommended by a jury.</p> <p>TCCP Art. 42.12 §4(a).</p>	
<p>G. May impose incarceration for a term of 60-120 days if jury recommended community supervision and a deadly weapon is used.</p> <p>TCCP Art. 42.12 §3G(b).</p>	

2.2 PRE-SENTENCE INVESTIGATION REPORTS

Definition: An investigation of an offender’s criminal history, family history, work history, and risks and needs, conducted by a community supervision officer. The resulting Pre-Sentence Investigation Report (PSI) is considered by the court prior to sentencing. **TCCP Art. 42.12 §9(a).**

Felony Offenses: A PSI is not required for a felony offense if the PSI is waived by the Defendant and (1) punishment is to be assessed by the jury; (2) the defendant is convicted of capital murder; (3) the only punishment available is prison; or, (4) a plea bargain exists where the punishment is prison and the judge intends to follow the agreement. **TCCP Art. 42.12 §9(g).**

Misdemeanor Offenses: A PSI is not required for a misdemeanor offense if the Defendant waives the PSI or the judge determines there is sufficient information to sentence the defendant without the necessity of a report. **TCCP Art. 42.12 §9(b).**

Disclosure of PSI to the Defendant: The Court is required to permit the defendant or the defense attorney to review and comment on the PSI and, with approval of the judge, to introduce testimony or other information alleging a factual inaccuracy in the report. **TCCP Art. 42.12 §9(e).**

Note: The statute is silent as to timing of disclosure of the PSI and whether the defendant is entitled to a copy of the PSI before sentencing. Breach of statutory mandate that presentence investigation report contains possible supervisory plan options, in case adjudication were deferred, was subject to harmless error analysis, where record disclosed data from which reviewing court could gauge likelihood that error contributed to defendant’s punishment. *Calcote v. State*, 931 S.W.2d, (Tex.App.-Houston [1 Dist.],1996 668). State would not be held to have improperly failed to disclose allegedly exculpatory evidence contained in co-defendant’s pre-sentence investigation report, where defendant’s counsel had copy of entire report for unspecified period of time, and allegedly exculpatory evidence contained in the report was brought out at trial through testimony of codefendant. *Long v. State*, 659 S.W. 2d 84. (Tex. App. 14 Dist. 1983).

Disclosure of PSI to the State: The Court is required to permit the attorney for the State to review any information in the PSI made available to the defendant. **TCCP Art. 42.12 §9(f).**

Alcohol or Drug Abuse: If the Court determines that alcohol or drug abuse may have contributed to the commission of the offense, the Court is required to direct that an evaluation be conducted to determine if treatment is appropriate and to report that evaluation to the Court. **TCCP Art. 42.12 §9(h).**

Victim Impact Statement: A crime victim has the opportunity to prepare a Victim Impact Statement describing the effect of the crime on the victim. If a victim impact statement is prepared, the Court is required to consider it before the imposition of sentence. If the defendant is sentenced to community supervision, the victim impact statement is forwarded to the supervising department and becomes part of the case file. **TCCP Art. 56.03 §(e).**

Sex Offenders: A judge is required to request an evaluation to determine the appropriateness and course of conduct necessary for the treatment, specialized supervision or rehabilitation a sex offender. **TCCP Art. 42.12 §9, 11, 13(b)**

NOTE: PRE-SENTENCE INVESTIGATIONS – OFFENDERS WITH MENTAL IMPAIRMENT:

TCCP Art. 42.12 SEC. 9(i) requires the Court to order a psychological evaluation on defendants that to the Court appear to have a mental impairment.

Cases in which competency or insanity are raised can be reversed and remanded if a psychological evaluation is not included in the Pre-Sentence Investigation report. *Garrett v State* 818 S.W.2d 227.

2.3 FELONY COMMUNITY SUPERVISION PUNISHMENT RANGES, SANCTIONS AND ALTERNATIVES

OFFENSE	COMMUNITY SUPERVISION TERM	SANCTIONS AND ALTERNATIVES
FIRST DEGREE FELONY <ul style="list-style-type: none"> • 5 to 99 Years or Life • Up to \$10,000 Fine 	<ul style="list-style-type: none"> • Finding of Guilt 5-10 Years • Deferred Up to 10 Years 	CUSTODY SANCTIONS <ul style="list-style-type: none"> • 1st, 2nd & 3rd Degree Felonies; Up to 180 Days in Jail; Condition of CS • State Jail Felonies; Up to 90 Days in Jail; Condition of CS • 90 – 180 Days Up Front Condition • 90 – 365 Days Up Front Condition; Drug Delivery PG 1, 1A or 2 • 60 – 120 Days ID TDCJ 3g Offense Granted CS by a Jury REVOCATION CUSTODY ALTERNATIVES <ul style="list-style-type: none"> • 1st, 2nd & 3rd Degree Felonies, Up to 180 Days in Jail; Condition of CS • Original and Alternative Sanctions Cannot Exceed 180 Days • State Jail Felonies; 90 – 180 Days in State Jail; Condition of CS ADDITIONAL FINE ALTERNATIVES <ul style="list-style-type: none"> • State Jail, 1st, 2nd & 3rd Degree Felonies • The Court on Finding of a Violation Can Increase the Fine up to the Statutory Maximum for the Offense, 42.12 Section 22(a) (3) TCCP TERM EXTENSION ALTERNATIVES <ul style="list-style-type: none"> • Up to 10 Years Total; 42.12 Section 22(a) (2) TCCP • Sex Offender; Up to Additional 10 Years; 42.12 Section 22(A) TCCP SUBSTANCE ABUSE INTERVENTION/RELAPSE ALTERNATIVES <ul style="list-style-type: none"> • Amend Conditions of CS Consistent with Options for Substance Abuse Treatment Referrals for Outpatient – Residential or SAFPF • Placement Specialized Caseload • Mandatory Treatment for State Jail Controlled Substance Cases Unless the Court Makes an Affirmative Finding Contrary (09/01/03) ADDITIONAL COMMUNITY SERVICE RESTITUTION ALTERNATIVES <ul style="list-style-type: none"> • To Retire Unpaid Financial Obligations Alleged in a Motion to Revoke • To Sanction Technical Violations; 42.12 Section 22 (a) (1)
SECOND DEGREE FELONY <ul style="list-style-type: none"> • 2 to 20 Years Confinement • Up To \$10,000 Fine 	<ul style="list-style-type: none"> • Finding of Guilt 2-10 Years • Deferred Up to 10 Years 	
THIRD DEGREE FELONY <ul style="list-style-type: none"> • 2 to 10 Years Confinement • Up To \$10,000 Fine 	<ul style="list-style-type: none"> • Finding of Guilt 2 – 10 Years • Deferred Up to 10 Years 	
STATE JAIL FELONY <ul style="list-style-type: none"> • 180 Days to 2 Years Confinement • Up to \$10,000 Fine • Convict as a SJ Felony, Punish as a Class A Misdemeanor TEX. PEN. CODE § 12.44(a) • Reduce and Punish as a Class A Misdemeanor TEX. PEN. CODE § 12.44 (b) 	<ul style="list-style-type: none"> • Finding of Guilt 2 – 5 Years • Deferred Up to 10 Years • Mandatory Community Supervision for Defendants with No Prior Felony Convictions for State Jail Offenses Under Section 481.115 (b), 481.115 (b) (1), 481.116 (b), 481.121 (b) (3), or 481.129 (g) (1), Health and Safety Code (Effective for Dispositions After September 1, 2003) 	

COMMENTS: No Deferred Adjudication for Intoxication Assault, Intoxication Manslaughter, Repeat Indecency with a Child, Sexual Assault, Agg. Sexual Assault if defendant has a prior community supervision for one of these offenses; 481.134 (c), (d), (e) or (f) offenses for previously convicted persons under those subsections;

TCCP Art. 42.12 Section 3g Exclusions – Court cannot grant community supervision on finding of guilt for the following: Murder (offense after 08/31/93), Capitol Murder, Indecency w/ a Child (contact) (offense after 08/31/93), Aggravated Kidnapping, Aggravated Sexual Assault, Aggravated Robbery, Sexual Assault (offense after 08/31/99), any felony with affirmative deadly weapon finding, Chapter 481 Health and Safety Code with increased punishment under Section 481.134 (c), (d), (e) or (f) if defendant has been previously convicted under more subsections.

2.4 MISDEMEANOR COMMUNITY SUPERVISION PUNISHMENT RANGES, SANCTIONS AND ALTERNATIVES

OFFENSE	COMMUNITY SUPERVISION TERM	SANCTIONS AND ALTERNATIVES
CLASS A MISDEMEANOR <ul style="list-style-type: none"> • Confinement in County Jail Not to Exceed 1 Year and/ or Fine Up to \$4,000 	Up to 2 Years	CUSTODY SANCTIONS <ul style="list-style-type: none"> • Up to 30 Days in Jail as a Condition of CS REVOCATION CUSTODY ALTERNATIVES <ul style="list-style-type: none"> • Up to 30 Days in Jail as a Condition of CS • Original and Subsequent Sanction Cannot Exceed 30 Days ADDITIONAL FINE ALTERNATIVES <ul style="list-style-type: none"> • The Court on Finding of a Violation Can Increase the Fine up to the Statutory Maximum for the Offense
CLASS B MISDEMEANOR <ul style="list-style-type: none"> • Confinement in County Jail Not to Exceed 180 Days and/or Fine Up to \$2,000 	Up to 2 Years	TERM EXTENSION ALTERNATIVES <ul style="list-style-type: none"> • Up to a Total of 3 Years When Extension is Added to Original CS Term, 42.12 Section 22(c) • If Fine, Court Costs and Restitution are Unpaid an Additional 2 Years Can Be Imposed for a Total of 5 Years CS from Date of Imposition of CS SUBSTANCE ABUSE INTERVENTION/RELAPSE ALTERNATIVES <ul style="list-style-type: none"> • Amend Conditions of CS Consistent with Options for Treatment Referrals for Outpatient or Residential • Placement Specialized Caseload
CLASS C MISDEMEANOR	Not Subject to CS	ADDITIONAL COMMUNITY SERVICE RESTITUTION ALTERNATIVES <ul style="list-style-type: none"> • To Retire Unpaid Financial Obligations Alleged in a Motion to Revoke • To Sanction Technical Violations; 42.12 Section 22 (a) (1)
COMMENTS: No Deferred Adjudication for Driving While Intoxicated in a Motor Vehicle, Boat or Airplane. No Early Termination for Misdemeanor Driving While Intoxicated in a Motor Vehicle, Boat or Airplane.		

2.5 CONDITIONS OF COMMUNITY SUPERVISION

<p style="text-align: center;">Basic Conditions of Community Supervision</p>	<p style="text-align: center;">Conditions of Community Supervision for Intoxicated Driving Offenses</p>	<p style="text-align: center;">Conditions of Community Supervision for Sex Offenses</p>
<p>The Court having jurisdiction of the case is required to determine the terms and conditions of community supervision and may, at any time during the period of supervision, modify the conditions. The basic conditions of community supervision are listed in TCCP Art. 42.12 §11.</p>	<p>Special conditions for intoxicated driving offenses include:</p> <p><u>Minimum jail</u> – not less than three (3) days confinement for a first offense; not less than five (5) days confinement for a second offense; and, not less than ten (10) days for a felony offense. If there is bodily injury as a result of the offense, a minimum of thirty (30) days of custody as a condition of probation. Vehicular involuntary manslaughter requires a minimum of 120 days in jail as a condition of probation.</p> <p><u>Vasquez vs. State 779 SW 2nd</u> the Court may impose a period of time greater than the minimum set by law under these provisions of statute, not to exceed the length of a custody provided by law; for misdemeanor, it is thirty (30) days; for a felony, it is one hundred eighty (180).</p> <p><u>Counseling</u> – mandatory drug and alcohol screening with counseling as recommended. TCCP Art. 42.12 §13 (a-1).</p> <p><u>Education</u> – the defendant shall attend and complete a DWI education program before the 181st day after sentence is imposed. The failure to successfully complete the program results in suspension of the defendant’s driver’s license. TCCP Art. 42.12 §13 (a-2).</p> <p><u>Interlock device</u> – Interlock device is discretionary for first offense but mandatory for subsequent offenses. The term of interlock is for at least 50% of the term of community supervision. TCCP Art. 42.12 §13 (k).</p>	<p>Special conditions for sex offenses include:</p> <p><u>Child Safety Zone</u> – The court must impose a “child safety zone” applicable to the defendant by ordering the defendant not to supervise or participate in any activity that regularly provides services to children or go within a specified distance of where children may be located. TCCP Art. 42.12 §13B (a).</p> <p><u>Counseling</u> – The Court must require the defendant to attend counseling. TCCP Art. 42.12 §13B (a).</p> <p><u>Victim protection</u> – The Court may prohibit victim contact. TCCP Art. 42.12 §14.</p> <p><u>Registration</u>: Exemption from registration for sex offenders is rare. The topic is addressed in TCCP Art. 62.0105. Chapter 62 addresses Sex Offender Registration.</p>

2.6 EXAMPLES OF CONDITIONS OF SUPERVISION FOR OFFENDERS PLACED ON PROBATION

Examples of Conditions of Supervision

Commit no offense against the law.
Avoid injurious and vicious habits.
Avoid persons and places of disreputable or harmful character.
Report as directed.
Permit the supervising officer to visit at home or elsewhere.
Work at suitable employment.
Stay within a particular place (county).
Pay fine and fees.
Support all dependants.
Participate in any community based program.
Reimburse the county for appointed attorney.
Submit to alcohol and drug testing.
In misdemeanor theft cases, participate in victim/offender mediation.
Reimburse the general revenue fund for amounts paid to victim; if no funds paid to victim, pay one-time fee \$50 for misdemeanor and \$100 for felony.
Reimburse law enforcement for costs associated with storage, analysis and disposal of materials or substance seized in conjunction to offense.
Pay all or part of costs for victim counseling necessitated by offense.
Make one payment to Crimestoppers not to exceed \$50.

Examples of Specialized Conditions of Community Supervision

Stay in a community based facility.
Pay a percentage of income to dependants while in a community facility.
Attend counseling in a program or facility approved and licensed by the Texas Commission on Alcohol and Drug Abuse.
Submit to Electronic Monitoring.
Submit blood sample for DNA testing.
Provide public notice of offense.
Require Sex Offender Registration.
Require certain level of educational achievement.
Require payment to child advocacy center.
Impose time to be served in a county jail.
Installation of Ignition Interlock Device (DWI).
Suspension of drivers license.
Establishment of Child-Safety Zones to be avoided.

2.7 VIOLATION OF CONDITIONS OF COMMUNITY SUPERVISION

<p style="text-align: center;">Motion to Revoke Community Supervision</p>	<p style="text-align: center;">Bail for Motion to Revoke Community Supervision</p>	<p style="text-align: center;">Time of Hearing on the Motion to Revoke Community Supervision</p>	<p style="text-align: center;">Procedure for Hearing on the Motion to Revoke Community Supervision</p>	<p style="text-align: center;">Right to an Attorney</p>	<p style="text-align: center;">Result of Hearing on Motion to Revoke Community Supervision</p>
<p>Once a violation occurs, the violation is reported to the District Attorney and a Motion to Revoke may be filed by the state. This motion alleges that the defendant has violated any of the terms of community supervision. The Motion may include an arrest warrant authorizing the arrest of the defendant. After arrest, the defendant may be detained in the county jail pending a hearing. The Motion may also contain a Notice of Hearing that orders the defendant to appear at a certain time for hearing. If the defendant fails to appear, the judge has the option of issuing an arrest warrant. TCCP Art. 42.12 § 21 (b).</p>	<p>There is no right to bail on a Motion to Revoke Community Supervision</p>	<p>If the defendant is not released on bail, upon motion of the defendant, the hearing must be conducted within twenty days from the date the motion is filed. TCCP Art. 42.12 § (b).</p>	<p>The hearing is conducted before the court without a jury. The trial judge is the sole trier of facts, the credibility of the witnesses, and the weight to be given to the evidence presented. The burden of proof is on the state to prove the allegations by a “preponderance of the evidence.” TCCP Art. 42.12 § 21 (b).</p> <p><i>Jackson v. State</i>, 915 S. W.2d 104, 105 (Tex. App. – San Antonio 1995, no pet.).</p>	<p>The defendant has the right to an attorney at the hearing. TCCP Art. 42.12 §21 (d).</p> <p>Ineffective Assistance of Counsel; Incompetence of Counsel:</p> <p>Texas courts adhere to the 2-prong test for adequacy of representation articulated in <i>Strickland v. Washington</i>, 104 S. Ct. 2052 (1984); <i>Hernandez v. State</i>, 726 S.W. 2d 53,55 (Tex. Crim. App. 1986). Defendant must show (1) counsel fell below an objective standard of reasonableness and, (2) but for counsel’s unprofessional errors, the result of the proceeding would be different.</p>	<p>After a hearing, the court may continue, extend, modify, or revoke the community supervision. If community supervision is revoked, the judge may proceed to dispose of the case as if there had been no community supervision. The judge may reduce but not extend, the original term of confinement to a term not less than the minimum prescribed for the offense of conviction. The judge must also enter the amount of restitution as of the date of revocation. TCCP Art. 42.12 §21 (b). 22 and 23.</p> <p style="text-align: center;">APPEAL</p> <p>When probation is revoked after judicial hearing and confinement is imposed, defendant may appeal the revocation. TCCP Art. 42.12 §23(b).</p>
<p>NOTE: INABILITY TO PAY FINES AND/OR FEES: If inability to pay is the only allegation contained in the Motion to Revoke, inability to pay is an affirmative defense to revocation, which the defendant must prove by a preponderance of the evidence. Tex. Code Crim. Proc. Art. 42.12 §21 (c). For a thoughtful discussion of this topic see <i>Quisenberry v. State</i> , 88 S.W. 3d 745 (Tex., App.-Waco 2002) and <i>Watts v. State</i>, 645 S.W. 2d 461 (Tex. Crim. App.1983).</p>					

2.8 VIOLATION OF DEFERRED ADJUDICATION

Motion to Adjudicate Guilt	Bail for a Motion to Adjudicate Guilt	Time of Hearing on the Motion to Revoke Deferred Adjudication	Procedure for Hearing on the Motion to Adjudicate Guilt	Right to an Attorney	Inability to Pay	Results of Hearing and Right to Appeal
<p>Once a violation occurs, the violation is reported to the District Attorney, and a Motion to Adjudicate may be filed by the state. This is a motion alleging the defendant has violated any of the terms of the order of deferred adjudication. The Motion may include an arrest warrant authorizing the arrest of the defendant. After arrest, the defendant may be detained in the county jail pending a hearing. The Motion may also contain a Notice of Hearing that orders the defendant to appear at a certain time for a hearing. If the defendant fails to appear, the judge has the option of issuing an arrest warrant. TCCP Art. 42.12 §5 and 21.</p>	<p>When the defendant’s adjudication of guilt has been deferred, the defendant is entitled to bail under Article 1, § 11 of the Texas Constitution pending an adjudication hearing. <i>Ex parte Laday</i> 594 S. W. 2d 102 (Tex. Crim. App – 1980).</p>	<p>If the defendant is not released on bail, upon motion of the defendant, the hearing must be conducted within twenty days from the date the motion is filed. TCCP Art. 42.12 §21(b).</p>	<p>The hearing is conducted before the court without a jury. The trial judge is the sole trier of facts, the credibility of witnesses, and the weight to be given to the evidence presented. The burden of proof is on the State to prove the allegations by a “preponderance of the evidence.” TCCP Art. 42.12 §5.</p>	<p>The defendant has the right to an attorney at hearing. TCCP Art. 42.12 §5. See comments on competency in Section 2.7 <i>supra</i>.</p>	<p>See comments in 3.8 <i>supra</i></p>	<p>After a hearing, the Court may continue, extend, modify, or revoke the deferred adjudication. If revoked, the judge may proceed to dispose of the case as if there had been no community supervision. The judge is limited in the sentence imposed only by the relevant statutory limits. TCCP Art. 42.12 §5 and <i>Schounmacher v. State</i>, 5. S. W. 3d 221, 223 (Tex. Crim. App. 1999).</p> <p>A defendant does not have the right to appeal the decision of the Court to adjudicate guilt. <i>Connolly v. State</i>, 983. S.W.2d 738, 739 (Tex. Crim. App. 1999).</p>

2.9 IMPOSING, MODIFYING, OR REVOKING COMMUNITY SUPERVISION

The text in the columns below provide a summary of procedure and authority for placing an offender on community supervision: changing the terms and conditions of community supervision, transferring the offender to another court in Texas, or removing an offender from community supervision due to the offender violating the conditions of his or her supervision and/or committing a new crime.

The only question presented in an appeal from an order revoking probation is whether the trial court abused its discretion, acting without guiding rules or principles. *Lloyd v. State*, 574 S.W. 2d 159,160 (Tex. Crim. App. 1978). Proof of any one of several alleged violations, by preponderance of evidence, is sufficient to support the order revoking probation. *Moses v. State*, 590 S.W. 2d 469.

Authority: Only the Court that tried and convicted the defendant may grant community supervision, impose or modify conditions of community supervision, or revoke or discharge a defendant from community supervision.
TCCP Art. 42.12 §10 (a).
 However, the Court that placed the defendant on community supervision may authorize a community supervision officer or a magistrate judge to modify the terms of community supervision for the limited purpose of transferring the defendant to different programs with the community corrections department.
TCCP Art. 42.12 §10 (d).

Transfer: Once a Defendant has been placed on community supervision, original jurisdiction of the case may be transferred to a court of the same rank in the state having geographical jurisdiction where the defendant is residing or where a violation of the conditions of community supervision occurs. **TCCP Art. 42.12 §10 (b).**

Warrant for Arrest: 1. Any court having jurisdiction where the defendant resides or violates a term of community supervision may issue a warrant for the defendant’s arrest. However, action taken after arrest must take place by the court having jurisdiction of the case at the time that action is taken.
TCCP Art. 42.12 §10 (c).

2. This statute summarizes the authority of the court to issue an Order of Arrest for Violation of Probation.
TCCP Art. 42.12 §21 (a).

3. This statute sets out the provision to arrest an offender through a Docket Entry without a warrant of any offender under community supervision by the court.
TCCP Art. 42.12 §21 (b).

INTERSTATE COMPACT FOR PROBATION & PAROLE SUPERVISION: For assistance in arranging transfer of community supervision to other states and territories please visit the TDCJ-Programs and Services Division website: <http://www.tdcj.state.tx.us/pgm&svcs/pgms&svcs-instatecom.htm>

2.10 REDUCTION OR TERMINATION OF COMMUNITY SUPERVISION

Reduction of Community Supervision	Reduction or Termination of Deferred Adjudication	Termination of Community Supervision:
<p>A judge may reduce the period of community supervision after the defendant has completed one-third of the original supervision period or two years, whichever is less, and has completed all of the terms and conditions of community supervision. TCCP Art 42.12 § 20 (a).</p> <p>However, the court cannot reduce the term of community supervision for State Jail Felons or offenses committed under Sections 49.04 to 49.08 of the Texas Penal Code (intoxicated driving offenses) or if the conviction is for an offense for which, on conviction, the defendant is required to register as a sex offender under Chapter 62 of the Texas Penal Code. TCCP Art. 42.12 §20 (b).</p>	<p>See <i>State v. Juvrud</i> , 96 S.W. 3d 550 (Tex. App. El Paso 2002)</p> <p>The Court of Appeals, Ann Crawford McClure, J., held that: (1) the State’s appeal did not implicate double jeopardy concerns, and (2) as an issue of first impression, the trial court had authority to terminate defendant’s deferred adjudication community supervision, even though defendant had served less than two years.</p> <p>Reduction or termination of deferred adjudication community supervision is discretionary and can be done at anytime during the period of community supervision.</p>	<p>When the Defendant satisfactorily completes all of the terms and conditions of community supervision and the period of supervision has expired, the judge shall discharge the defendant. TCCP Art. 42.12 §20 (a).</p>

2.11 FORMS

Practitioners may access the Felony Judgment Forms (and others) listed below at:

<http://www.courts.state.tx.us/jcit/FelonyForms/TableofContents.htm>

The online forms are interactive and printable

STANDARD COMMUNITY SUPERVISION LEGAL FORMS

Source: Office of Court Administration, State of Texas

Office of Court Administration Numbered Felony Judgment Form

Community Supervision Numbered Forms

CS1N: ORDER OF DEFERRED ADJUDICATION; COMMUNITY SUPERVISION

CS2N: ADJUDICATION OF GUILT: POST-CONVICTION COMMUNITY SUPERVISION

CS3N: ORDER IMPOSING CONDITIONS OF COMMUNITY SUPERVISION

CS4N: JUDGMENT OF CONVICTION BY COURT; COMMUNITY SUPERVISION

CS5N: JUDGMENT OF CONVICTION BY JURY; COMMUNITY SUPERVISION BY COURT

CS6N: JUDGMENT OF CONVICTION BY JURY; COMMUNITY SUPERVISION BY JURY

CS7N: RETURN FROM INSTITUTIONAL DIVISION-TDCJ; ORDER FOR SHOCK COMMUNITY SUPERVISION

CS8N: RETURN FROM STATE JAIL DIVISION-TDCJ; ORDER FOR SHOCK COMMUNITY SUPERVISION

CS9N: RETURN FROM STATE BOOT CAMP; ORDER FOR COMMUNITY SUPERVISION

Direct Sentence Numbered Forms

DS1N: ADJUDICATION OF GUILT; DIRECT SENTENCE

DS2N: JUDGMENT OF CONVICTION BY COURT; DIRECT SENTENCE

DS3N: JUDGMENT OF CONVICTION BY JURY; DIRECT SENTENCE BY COURT

DS4N: JUDGMENT OF CONVICTION BY JURY; DIRECT SENTENCE BY JURY

DS5N: JUDGMENT REVOKING COMMUNITY SUPERVISION; DIRECT SENTENCE

NON-RESIDENTIAL (NON-CCF) SENTENCING ALTERNATIVES FOR COMMUNITY SUPERVISION

INTRODUCTION

This chapter presents information about non-residential community corrections programs currently available in various regions of the state. The majority of the nearly quarter-million individuals under direct community supervision receive non-incarcerative, non-residential sanctions and services. The State of Texas funds these programs by formula and by discretionary grants, passed through TDCJ-CJAD to the CSCDs and are supplemented by payments by program participants. In some cases, county funding or federal grants also supplement the program. Each sentencing option is presented in a separate section and each contains the following information:

1. eligibility criteria;
2. the process by which the sentencing court may place a defendant in a particular program or impose a sanction;
3. options available to the court if the defendant fails to successfully complete or participate in the program/sanction as required;
4. legal citations as applicable;
5. TDCJ-CJAD Standards for CSCD and standards for using or developing a particular program or sanction;
6. the purposes and goal of the program or sanction; and,
7. hyperlinks to access more detailed information.

The spectrum of community corrections alternative sanctions in Texas and elsewhere has expanded in recent years to include many innovative programs. Some of the alternatives blur traditional distinctions between probation and institutionalization. Texas programs can be visualized as a continuum as was illustrated in the chart in Chapter 1.

Non-residential probation programs described in this chapter are:

- Pre-trial Services
- Day Reporting and Day Resource Centers
- Programs For Mentally Impaired Offenders
- Specialized Caseloads, Resources And Programs
- Battering Intervention and Prevention Programs (BIPP)
- Intensive Supervision Probation (ISP), Surveillance, and Electronic Monitoring
- Sex Offender Programs
- Non-academic Educational Programs: Cognitive-Behavioral and Life Skills
- Community Service Restitution
- Victim Services

This chapter may also inform judges and others, such as Community Justice Councils and Task Forces, with responsibility for planning and implementing community corrections programs in their jurisdictions of options they may wish to evaluate and consider for future development.

3.1 PRE-TRIAL SERVICES

Pre-trial services, including PSIs, other assessments, conditional release, supervision services and diversion programs, provide an opportunity for local criminal justice agencies to engage in collaborative ventures between several criminal justice entities designed to impact offenders at their initial entry into the system. The prosecutor's office, the county, and local community justice council play an integral role in the shaping and success of pre-trial programs in partnership with the CSCD.

CSCDs often design pre-trial programs with a range of intensity within the community from regular reporting, payment of fees and fines, referrals to appropriate agencies and ordered classes/treatment, to intensive supervision with electronic monitoring.

Generally, pre-trial services consists of one or both of the following:

- 1) Pre-trial conditional release and supervision is much like a traditional bond. The offender abides by the conditions of release and appears for trial wherein adjudication occurs or deferred adjudication is ordered for a conditional period. Pre-trial release and supervision offer county jails relief from lengthy proceedings and detentions. It is more economical than incarceration, and an offender is able to continue his/her employment. It affords magistrates a mechanism to conditionally release offenders, not normally considered for release, with stipulations of very close supervision.
- 2) Pre-trial diversion programs intervene in the prosecution of the offender, and both prosecution and conviction are deferred for a conditional period. Local criminal justice agencies must first agree on the program's agenda and proposed outcomes. Pre-trial diversion can afford youthful, first-time, nonviolent offenders an opportunity to be diverted from the system by participation in court-ordered sanctions and services.

PRE-TRIAL SERVICES

Includes several areas: 1) Pre-Trial Conditional Release: a) Surety Bond with Conditions/Cash Bond with Conditions b) Personal Recognizance Bond with Conditions; the term is limited to one year and up to a \$500.00 pre-trial fee. There may be very few requirements for supervision or there may be many. Often, defendants are supervised by CSCDs; 2) Pre-trial Diversion: a) pre-indictment with prosecution suspended and b) after filing a complaint information or indictment. Often, defendants are supervised by CSCDs. Drug Court pre-indictment diversion programs may charge a fee of up to \$1,000 and have a length of up to 18 months.

ELIGIBILITY	PLACEMENT	MODIFICATION/ REVOCATION	PROGRAMS	STATUTORY AUTHORITY
<p>BAIL: All felony and misdemeanor offenders are eligible for bail and pre-trial release except for capital offenses. Offenders qualify for unsupervised pre-trial release through personal recognizance, cash, or surety bond.</p> <p>Defendants are placed in pre-trial conditional</p>	<p>release programs by written court order or bond releasing the defendant from custody and specifying the conditions of release.</p> <p>Pre-trial Diversion cases may be supervised by Pre-trial Services.</p> <p>This may include a drug court.</p>	<p>Noncompliance with conditions of release, particularly to make court appearances, violates the order. agreement or bond provisions. Courts may then impose additional, more stringent, conditions of supervision by pre-trial services or revoke the bond or other release agreement and issue a warrant (capias).</p> <p>In pre-indictment diversion programs, the defendant may be indicted for non-compliance with the diversion program.</p>	<p>Pre-trial services conducts initial interviews and screening to provide information to the court or magistrate regarding the alleged offense severity, defendant’s criminal history, previous record within the jurisdiction, eligibility for personal recognizance bond, and stability of ties to the community.</p> <p>Efforts to encourage court appearances are a central function.</p>	<p>Texas Constituting Article 1, section 11.</p> <p>Code of Criminal Procedure, Chapter 17. (Bail)</p> <p>V.T.C.A., Government Code Section 75.403. (Harris County pre-trial services)</p> <p>V.T.C.A. Government Code Section 76.011. (Authorize pre-trial services)</p> <p>V.T.C.A. Government Code Section 509.011. (Payment of state aid)</p>

COMMENTARY: Pre-trial services have expanded to include a number of functions including screening for bail eligibility, testing for controlled substances, substance abuse treatment, assessment, counseling, education programs, cognitive training, life skills instruction, supervision and assignment to community service, electronic monitoring, and community supervision for up to one year. Pre-trial services may assume responsibility for preparation of the **Pre-sentence Investigation Report (PSI)**. Pre-trial services may be offered by a **CSCD** or a separate entity created specifically for the provision of only pre-trial services. <http://www.tdcj.state.tx.us/publications/cjad/ptr97.pdf>

3.2 DAY REPORTING CENTERS (DRCs) and DAY RESOURCE CENTERS (DRSs)

A Day Reporting Center (DRC) is a highly structured, intensive supervision, non-residential option for high-risk offenders. They were originally called “day jails” due to the daily or very frequent face-to-face contact requirement. The CSO to whom the offender reports regularly is located at the site. Emphasis is placed on reducing risk of recidivism and protecting the community. DRCs are often combined with electronic monitoring, ignition interlock devices, and frequent urinalysis. Although risk-reduction, incapacitation and intensive supervision are emphasized, there is also a focus on rehabilitation. Several DRCs have an aftercare component for those being released from residential placements. The DRCs serve as brokers and/or providers for structured community sanctions and human service activities including: community service work, substance abuse services, literacy/GED, pre-employment sessions, job placement or referral, cognitive skills and basic life skills development, and other types of non-academic education. See <http://www.tdcj.state.tx.us/publications/cjad/drc97.pdf>

A Day Resource Center (DRS) is a non-residential option for those who are assessed as having high needs. As distinguished from DRCs, the resource centers (DRS) are open to all offenders, regardless of risk level. It is generally not considered intensive supervision, and the supervising CSO may or may not be located at this center. The emphasis is not on intensive supervision or frequent reporting; therefore, utilization of the resource center is generally not a condition of community supervision. Specific components may be required, however, such as education or community service. Several DRSs have an aftercare component for those being released from residential placements.

A principal objective of the Day Resource Center is education. Offenders mandated to achieve 6th grade skill levels are a primary target of these programs. In addition, Adult Basic Education, GED Preparatory Classes, and English as a Second Language (ESL) would typically be provided. A large number of community service restitution hours are conducted under the umbrella of these centers. Individualized and group counseling sessions may occur within these centers. Additional training opportunities in cognitive, life skills and job search and retention skills are sometimes available to the community supervision population at these facilities. See <http://www.tdcj.state.tx.us/publications/cjad/drs97.pdf>

DAY REPORTING CENTERS (DRCs)

ELIGIBILITY	PLACEMENT	MODIFICATION/ REVOCATION	PROGRAMS	STATUTORY AUTHORITY
<p>Both felony and misdemeanor offenders are eligible for assignment to the DRC as a condition of community supervision. All levels of probation supervision are eligible. High-risk offenders are targeted. Eligibility typically includes the following offender characteristics:</p> <ul style="list-style-type: none"> Less serious and/or non-violent offenses; History of chemical substance use/abuse; Poor educational performance; Unstable or undeveloped community ties; Unstable/poor employment patterns. Offenders sentenced to Boot Camp or Shock Probation are eligible; Pre-trial diversion offenders are eligible if the local Community Justice Plan has so designated the Center. 	<p>Defendants can be assigned to a DRC by:</p> <ul style="list-style-type: none"> a written pre-trial intervention agreement; direct court order; or modification of an existing community supervision order. 	<p>FAILURE TO SUCCESSFULLY COMPLETE assignment or to participate as required by the legal document imposing the condition is a violation of the community supervision or pre-trial intervention agreement. Results may include: decision to prosecute pre-trial intervention participant; extension of time to complete DRC requirements; placement on a more restrictive community supervision condition; or Motion to Revoke probation.</p>	<p>A DRC is a facility to which offenders are assigned and required to report on a daily or other regular interval for a specific period of time to participate in counseling, treatment, social skill training, and/or employment training. The retributive and incapacitative components of DRCs are derived from requirements such as daily contact with a community supervision officer, curfews, and substance abuse testing. Thus, they address public safety concerns and provide a structure to facilitate rehabilitation.</p>	<p>TCCP Article 42.12 Section 11(a)(4-7).</p>

COMMENTARY: Day Reporting Centers (DRC) are highly structured non-residential facilities that offer programs for offenders with non-violent or less serious offenses and offer multiple services characterized by close supervision. Both felonies and misdemeanors are eligible for assignment to these facilities. DRCs are tailored to meet needs of the local criminal justice system and the local employable or employed offender population. According to a 1999 TDCJ-CJAD Agency brief, there are six DRCs in Texas funded by the agency. They served 9,565 offenders in 1997. Day Reporting Centers are a type of Intensive Supervision. The DRC joins other control-oriented community supervision alternatives such as house arrest/electronic monitoring, drug testing, voice verification systems, etc., as a sentencing option. See <http://www.tdcj.state.tx.us/publications/cjad/drc97.pdf>

3.3 MENTALLY IMPAIRED OFFENDERS

One of the most challenging issues in community corrections is that of the mentally impaired offender. It is estimated that about 20% of the population has a diagnosable mental health disorder and that this figure is much higher among subjects of the criminal justice system. The National Institute of Mental Health (NIMH) estimates that more than half of all mentally impaired people will be arrested. The Department of Justice has reported that 16% of offenders in prison or on community supervision have a serious mental illness. An additional 3% are considered mentally retarded or significantly developmentally delayed. Texas community supervision data is consistent with national data. In a 2002 study linking individuals under community supervision with the Mental Health/Mental Retardation (MHMR) database, a significant number of individuals, approaching 20%, were matched. These individuals and their families too often continue a downward spiral of criminal justice involvement, as most do not obtain a continuity of necessary care. There are few resources, and individuals may not know how to access what is available. Mentally impaired individuals are often unable to obtain private care because of limited financial resources. Besides general misunderstanding of these offenders, mismanagement of medication can result in side effects causing an inability to meet the requirements of supervision.

Texas Initiative

Emerging from 77th legislative session, the FY 2002 mental health initiative as well as related funding is one of the most positive programs affecting community corrections. This initiative provides for direct linkage among CSCDs, the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOMI) and MHMR agencies.

The primary method to address the issue for CSCDs is in the creation or expansion of specialized caseloads. The specialized CSOs receive specialized training, have reduced caseloads and intensive contact with offenders, and work directly with the case managers of MHMR to ensure a continuity of services. The population targeted is the “Priority Population” identified by MHMR as being most in need. The initiative is partially funded through TDCJ-CJAD diversion program grants to CSCDs, TCOOMMI, and MHMR. The Texas Juvenile Probation Commission has additional partnership funding arrangements.

Currently, 34 CSCDs, servicing 65 counties, are participating in this specialized caseload and case management initiative. They have signed Memorandums of Understanding (MOUs) with local MHMR groups and commenced providing specialized services early in FY 2002. The CSCDs are Angelina, Bexar, Brazoria, Brazos, Caldwell, Cameron, Collin, Dallas, Ector, El Paso, Fayette, Fort Bend, Grayson, Harris, Hidalgo, Hill, Hockley (regional), Hopkins, Hunt, Jack, Jefferson, Lavaca, McLennan, Montgomery, Nueces, Potter, San Patricio, Tarrant, Taylor, Tom Green, Travis, Van Zandt, Webb, Williamson.

3.4 SPECIALIZED CASELOADS

A primary strategy employed by TDCJ-CJAD and the local CSCDs is the utilization of specialized caseloads. Pursuant to this community corrections approach, specially trained community supervision officers develop unique expertise and supervise caseloads of 35-65 offenders with similar characteristics. Initially, in 1983, this approach was applied to DWI offenders. However, pursuant to the 1989 reforms initiated by House Bill 2335, CSCDs acquired greater flexibility in tailoring supervision strategies to address evolving community needs and circumstances. Currently TDCJ-CJAD provides financial assistance to support specialized caseload programs statewide. National and state research data indicates that specific populations may be best served for rehabilitation (risk/need reduction) and community protection (risk/community management) by specific strategies, including greater face-to-face and collateral agency or family contacts. Assessment should indicate that the person is at high-risk of reoffending, and should be appropriate to the caseload specialization. The predominant caseloads are sex offenders, substance abusers, mentally impaired offenders, “high risk” offenders, youthful offenders, non-English speaking offenders, gang affiliates, family violence, culturally specific and intensive supervision. The community supervision officer receives specialized training in best practices for this population. TDCJ-CJAD is receptive to funding applications for other varieties of specialized caseloads if the local CSCD provides a justification in its Community Justice Plan. See <http://www.tdcj.state.tx.us/publications/cjad/scp97.pdf>

ADDITIONAL CASELOADS, RESOURCES AND PROGRAMS

3.5 BATTERING INTERVENTION AND PREVENTION PROJECT (BIPP)

The 71st Legislature in 1989 articulated the state's formal stance against family violence by establishing the Battering Intervention and Prevention Project (BIPP). BIPP serves as the vehicle for educating the public, increasing the responsiveness of law enforcement, and ensuring the delivery of appropriate services to protect victims and to counsel batterers.

This program, administered by the TDCJ-CJAD, is authorized by TCCP Art. 42.141. Its purpose is to enhance public and professional awareness of the magnitude and dynamics of battering offenses and syndromes. The TDCJ-CJAD is authorized to contract with a nonprofit organization to deliver a variety of services to victims and defendants in an effort to maintain family coherence and break the cycle of domestic abuse.

By statute, the Texas Council on Family Violence (TCFV) and the TDCJ-CJAD must establish a committee composed of representatives from TCFV, TDCJ-CJAD, CSCDs, BIPP service providers and women's advocates to review all domestic violence programs applying for the available \$908,000 grant funding. Those entities awarded grant funds must follow the BIPP Guidelines developed by the representatives noted above.

The BIPP guidelines require that batterers intervention programs use a psycho-educational group format that should extend over at least eighteen weeks. The written educational curriculum used in these groups should, at minimum, include information on the nature of domestic violence, safety planning, attitude and belief changes, maintaining non-abusive behavior, and community service. Most family violence perpetrators are required by the court to attend intervention programs; therefore, most (90%) of program participants are referrals from the criminal justice system.

More complete information, including "Guidelines for the Battering Intervention and Prevention Program" effective December 1, 1999, are available at the TDCJ-CJAD website <http://www.tdcj.state.tx.us/publications/cjad/dmv97.pdf>

3.6 INTENSIVE SUPERVISION PROBATION (ISP), SURVEILLANCE AND ELECTRONIC MONITORING

Intensive supervision probation (ISP) and surveillance programs are highly structured specialized caseload programs considered to be among the most restrictive non-residential sanctions for offenders who have been assessed at high risk of recidivism and rearrest. These caseloads concentrate less on rehabilitation and more on managing behavior in the community so as to prevent further criminal behavior. ISP and surveillance are characterized by a ratio of few offenders to each officer, more frequent face-to-face contact, and frequent urinalysis. Risk-reduction and incapacitative tools are used, such as electronic monitoring and increased field surveillance. In the case of surveillance programs, law enforcement collaboration is common. ISP, and, in some cases, surveillance programs incorporate rehabilitative contract or other services that address high need areas, such as unemployment, cognitive skills or substance abuse. See <http://www.tdcj.state.tx.us/publications/cjad/survel97.pdf> and an overview of the concept of Intensive Supervision Programs (ISP) is located at <http://www.tdcj.state.tx.us/publications/cjad/isp97.pdf>.

ELECTRONIC MONITORING/ HOUSE ARREST

ELIGIBILITY	PLACEMENT	MODIFICATION/ REVOCATION	PROGRAMS	STATUTORY AUTHORITY
<p>A court in a county served by a CSCD with an electronic monitoring program (EM) approved by the TDCJ-CJAD may require a defendant to serve all or part of a sentence of confinement in county jail or by submitting to EM and/or house arrest. The statute does not exclude felons, but it does apply as a sentencing alternative only for sentence of confinement in jail. Defendants are eligible if the jurisdiction's CSCD has an EM program approved by the TDCJ-CJAD; the court sentences the defendant to confinement in the county jail and suspends the sentence contingent upon participation in the EM program; the defendant is eligible for community supervision.</p> <p>The primary criterion for assignment to EM is RISK, and it is reserved for high risk offenders since EM is at the outer end of the spectrum of alternatives that allow the offender to remain in the community.</p>	<p>A defendant may be required to participate in electronic monitoring by a written pre-trial intervention / deferred adjudication agreement; a direct court order; or an amended condition of the community supervision order.</p> <p>EM can be applied as an intermediate sanction at several stages of adjudication, such as: Personal Recognizance Bond condition; Pre-trial Intervention condition; condition of community supervision (normally for high risk candidate); suspension of a sentence of jail confinement subject to EM participation; substitution of payment of fines and costs for indigents; a community corrections requirement for criminal non-support offenders.</p>	<p>Failure to successfully complete this condition of community supervision violates the court order or pre-trial intervention agreement. Appropriate results include revocation of bond and issue of capias if EM is a condition of bail; prosecution of a defendant who had received deferred adjudication; extension of time in the EM program; placement in a community corrections facility; Motion to Revoke.</p>	<p>Voice tracking systems, position-tracking systems, position location systems, biometric tracking systems, and any other electronic or telecommunications system that may be used to assist in the supervision of individuals who are required to be at a predetermined location at certain times.</p>	<p>TCCP Art. 42.035; TCCP Art. 42.12 §11(a)(17); also TCCP Article 17.43 & 44 (EM and home curfew as conditions of personal recognizance bond imposed by magistrate); TCCP Article 43.09(e) to discharge fines and costs.</p>

COMMENTARY: EM involves electronic supervision of an offender's activities within the community. It permits enforcement of curfews with a minimum of a community supervision officer's time. Offenders under EM would otherwise be incarcerated in jail or a residential facility. This type of community corrections sentencing alternative allows the maintenance of community and familial bonds, the continuation of self-support, and cost savings to the state. Electronic monitoring can be applied as a condition of pre-trial release in pre-trial services programs. The technology has grown quickly from an experimental program to a commonplace community corrections alternative. The courts have rejected privacy challenges to state utilization of these devices on the same analysis as other Fourth Amendment waivers associated with deferred adjudication and conviction of a criminal offense. Recent technological advances will permit CSCDs to employ Global Positioning Devices, which will accurately log the movements of subjects throughout the day. Some pilot programs already exist, notably in Dallas County. See <http://www.tdcj.state.tx.us/publications/cjad/elm97.pdf>

3.7 SEX OFFENDER INTENSIVE SUPERVISION PROGRAMS

Offenders are identified as sex offenders if they have a current conviction or deferred adjudication for a sex offense; have a prior conviction or deferred adjudication for a sex offense and have been ordered by the jurisdictional authority to participate in sex offender supervision or treatment. Sex offenders represent a continuing challenge to corrections. There is continuing professional debate about the effectiveness of treatment protocols for this population, but most recent literature agrees that a large majority of the population can be “managed” with a combination of cognitive therapy, individual therapy, polygraph or plethysmograph examinations, and self-management skills.

Approximately 6% (10,000+) of the felony community supervision population in Texas is categorized as sex offenders. Felony sex offenders on community supervision are statutorily defined in TCCP Article 62. During FY 1997, for example, 7,971 sex offenders on community supervision received specialized supervision and/or treatment. As a standard condition of community supervision, almost half of the CSCDs require sex offenders to be screened and assessed to identify their treatment needs. Thirty-eight CSCDs had specialized sex offender caseloads. At least 113 of the 122 CSCDs (August, 1998) provided sex offender supervision, surveillance and/or treatment. This intensive supervision requires mandated registration and reporting and requires treatment by licensed therapists to reduce the risk of recidivism. See <http://www.tdcj.state.tx.us/pgm&svcs/pgms&svcs-sex-offender-mgt-grant.htm> and Article 62, Texas Code of Criminal Procedure.

3.8 EDUCATION AND EMPLOYMENT

For offenders assessed with skills below a completed six-grade level the TCCP Article 42.12, Section 1(c) requires participation in educational programs as a condition of community supervision. Please note that participation, not achievement, is statutorily imposed. Education programs appropriate for those under community supervision typically include an assessment of needs to form a baseline for evaluation of progress, and a length of participation sufficient to allow students to achieve goals. Successful approaches employ self-paced learning, individualized learning plans, student set goals, and non-traditional instructional methods.

Although there are a number of adult educational programs offered in or through CSCDs, nearly all CSCD educational programs are conducted in partnership with the Texas Education Agency’s adult education programs. Educational programs are found in both residential and non-residential settings. More detailed information on educational programs can be found in the TDCJ-CJAD Program Monograph 004, available upon request from the TDCJ-CJAD.

Criminal justice research indicates a significant relationship between crime and lack of employment. The main goal of employment programs conducted by CSCDs is long-term employment. The most effective programs synthesize academic and vocational skills, problem solving, cognitive skills, job preparedness, and job retention.

In Texas, an important means of offering employment programs is residential programs (Chapter 6). Many CCFs and contract residential service providers include employment services as a vital element of programming. The CCFs that most commonly provide employment services are restitution centers, substance abuse treatment facilities, and court residential treatment centers.

More than 2/3 of persons receiving employment services from CSCDs do so through non-residential programs. In recent years, CSCDs either developed in-house programs, contracted with the Texas Workforce Commission, or developed some combination of job preparation and placement services. CSCDs without identifiable employment programs provide employment services as components of non-residential programs, such as specialized caseload programs or day reporting centers. More detailed information regarding employment programs is available from the agency or the TDCJ-CJAD Program Monograph 006. See <http://www.tdcj.state.tx.us/publications/cjad/educ97.pdf>

3.9 NON-ACADEMIC EDUCATION

Non-academic education programs consist of a number of psycho-educational programs and classes that are instructive in various types of life skills. Some are mandatory and some are based on a referral by a community supervision officer who has assessed the offender. A number of these programs are contracted, but the majority are conducted “in-house” with trained community supervision and corrections department staff.

3.10 COGNITIVE BEHAVIORAL PROGRAMS

The prevalence of cognitive and cognitive-behavioral psycho-educational instruction is stimulated by national research on “what works” in corrections to reduce recidivism. Cognitive programs focus on modifying anti-social attitudes and teaching pro-social skills through a variety of techniques, most notably in-class practice of appropriate methods of dealing with risky or crime invoking situations. On the strength of current research, these programs are now required programming in our CCFs and specialized caseloads. Chapter 6 of this manual discusses the concepts underlying “what works” in more detail.

3.11 COMMUNITY SERVICE RESTITUTION (CSR)

CSR is defined as a non-salaried service by an offender for a civic or nonprofit organization. CSR is a common community supervision program. This is due partially to legislation mandating CSR for most offenders, and it is popular due to the versatility of CSR in promoting several concepts in criminal justice, such as *restorative* justice, and *retributive* justice. In the restorative sense, CSR promotes “making good” toward the victim and restoring society in general by positive contributions to victims and community. In the retributive sense, the offender pays a price similar to a fine as a just punishment. In addition, the offender may learn lifeskills and employment skills that aid in future employment. CSCDs may also use additional CSR in lieu of payment of other fees and fines for indigent offenders who would otherwise be in violation of their conditions of supervision.

TCCP Article 42.12 Section 16 states the Court “shall require as a condition of community supervision that the defendant work a specific number of hours of community service project or projects for organizations approved by the Judge or designated by the Department.”

The Court may exempt persons:

- physically or mentally incapable of participating in the project;
- who’s participation in the project will present a hardship on the defendant or the defendant’s dependents;
- confined in a Substance Abuse Felony Punishment Facility as a condition of community supervision;
- who there is a good cause not to require community service.

RANGE OF COMMUNITY SERVICE RESTITUTION BY SEVERITY OF OFFENSE

OFFENSE	RANGE
First-degree Felony	120 – 1000 hours
Second-degree Felony	240 – 800 hours
Third-degree Felony	140 – 600 hours
State Jail Felony	120 – 400 hours
Class A Misdemeanor	160 – 600 hours
Section 30.04 TPC/Burglary of a Vehicle	
Class A Misdemeanor	80 – 200 hours
Class B Misdemeanor	24 – 100 hours
Affirmative finding under TCCP Article 42.014 (Hate Crime): not less than 100 hours if the offense is a Misdemeanor Affirmative finding under TCCP Article 42.014 (Hate Crime): not less than 300 hours if the offense is a Felony.	

CSR constitutes a separate financial sanction and impacts the offender's employability and lifestyle. Generally, initially imposing the maximum as set by statute limits the Court's ability to subsequently utilize additional CSR as an alternative sanction for technical violations.

COMMUNITY SERVICE RESTITUTION AS AN ALTERNATIVE SANCTION FOR TECHNICAL VIOLATIONS

- Financial compliance – in instances where limitations of the offender have been demonstrated specific to the ability to pay financial sanctions set by the Court, such as fines and court costs, CSR is a viable option as a sanction for technical violations for failure to pay those items. TCCP Article 43.09 restricts CSR to retire financial obligations to no more than 16 hours per week unless the Court determines a hardship would be imposed on the defendant or the defendant's dependents.
- Other sanctionable technical violations.

FAILURE TO COMPLETE COMMUNITY SERVICE RESTITUTION

Recommended alternative sanctions for failure to complete CSR: In instances where offenders refuse or do not comply with the Court's order to complete CSR, alternative to revocation for such violations include:

- Graduated jailing as provided under TCCP Article 42.12 Section 12,
- Placement in a CCF to discharge such CSR,
- Imposition of financial sanctions in lieu of CSR under provisions of TCCP Article 42.12 Section 22 (a)(3).

3.12 VICTIM SERVICES

Texas CSCDs have gradually become more involved in providing services to crime victims. One significant function is offering the victim the opportunity to contribute pertinent information for the PSI. CSCDs also notify the victim if a defendant is placed on community supervision for sexual assault, kidnapping, aggravated robbery, or any offense resulting in serious bodily injury. The victim receives notice that the defendant is under community supervision, the conditions of community supervision, and the date, time, and location of any hearing or proceeding to modify, revoke or terminate the community supervision.

CSCDs may refer victims to other organizations that provide victim services such as the Texas Crime Victims Clearinghouse, the Crime Victims Compensation Division of the Attorney General's Office, and local services. Virtually every CSCD has a designated victims services coordinator. The TDCJ-CJAD itself first established a Victims Services Coordinator in 1993.

One of the most important victim-related functions of CSCDs is the recovery of restitution. In 2002, CSCDs collected approximately \$49,000,000 in victim restitution. The TDCJ-CJAD, as part of its continuing education function, sponsors periodic Victim Impact Panel programs to seek input from and provide information and services to crime victims. See TCCP Article 56.02(5-6); <http://www.tdcj.state.tx.us/publications/cjad/victim97.pdf>

RESIDENTIAL COMMUNITY CORRECTIONS SENTENCING ALTERNATIVES

COMMUNITY CORRECTIONS FACILITIES (CCFs) INTRODUCTION

Non-residential alternatives may not be appropriate for various reasons, and community residential intermediate sanctions utilizing full or partial confinement may be selected. The decision to select a residential option may be based on the marginal performance or failure of the probationer in non-residential probation alternatives, perceived risk to the community, either at the time of sentencing or during supervision, possible revocation action, severity of the underlying offense, previous criminal history, assessment of serious chemical dependency, employability, or a combination of these factors. CCFs offer an intermediate sanction alternative to imprisonment. They provide close supervision and confinement while permitting the probationer to retain some ties to the community and to remain under the supervision of the judicial district and CSCD. The placement of offenders in a particular CCF is not limited to jurisdictional offenders, but is open statewide as long as space is available. There may be waiting lists.

CCFs and County Correctional Centers (CCCs) are generic terms that describe residential community correctional facilities for offenders at regional and local levels of government in Texas. CCFs and CCCs may bear the same or similar titles; however, there are no CCCs in operation in Texas and none planned; therefore this chapter refers exclusively to CCFs.

The six primary CCFs for community supervision in Texas are the following:

- **Restitution Centers (RC)**
- **Court Residential Treatment Centers (CRTCs)**
- **Substance Abuse Treatment Facilities (SATFs)**
- **Intermediate Sanctions Facilities (ISFs)**
- **Boot Camps (BCs)**
- **Facilities For The Mentally Impaired Or Developmentally Disabled***

**No CCFs of this type currently in operation; alternatively, see CRTCs that include this population*

Although not CCFs, Substance Abuse Felony Punishment Facilities (SAFPFs) and State Jail Facilities are described at the end of this chapter since they are options available for those under community supervision.

4.1 Summary Guide to CCFs

Target Populations: Most CCF programs accept only non-violent offenders; most do not accept pre-trial offenders (SMART in Travis County is the only exception); most focus on felony offenders; most accept primarily those assessed at a high-risk level.

The following is a description of each CCF facility found in the following internet website location: TDCJ - Community Assistance Division - Residential Facilities <http://www.tdcj.state.tx.us/cjad/cjad-residential.htm>

Restitution Centers (RCs) are facilities for offenders who are required by the courts to work to repay their victims and society. The centers target offenders who have problems holding a job or paying court-ordered fees and who don't appear to have serious substance abuse problems. The centers require offenders to obtain full-time employment and attend education, cognitive restructuring skills and life skills programs. Restitution center residents must also perform community service restitution (CSR).

Court Residential Treatment Centers (CRTCs) treat offenders for substance abuse and alcohol dependency. The centers offer education, cognitive restructuring skills, and life skills training; they may offer vocational and employment services in the final phases of the program. The Lubbock center is the only Texas CRTC that accepts the indemnified target population of offenders who are substance abusers with mental impairments or emotional problems.

Substance Abuse Treatment Facilities (SATFs) provide treatment and rehabilitation to offenders with substance abuse problems. SATFs offer substance abuse counseling, education, cognitive restructuring skills, and life skills training. They may offer vocational training and in some cases include an employment component. (Travis, Nueces, Dallas, and Montgomery County CSCDs offer the employment component).

Intermediate Sanction Facilities (ISFs) are shorter-term detention facilities that target offenders who violate their community supervision. An ISF is an option to revoking an offender's supervision and sending him or her to prison. ISF services include education, cognitive restructuring skills, life skills training, and community service restitution.

Boot Camps (BCs) are highly structured residential punishment programs modeled after military basic training. They generally target young, first-time offenders and emphasize physical exercise, strict supervision and discipline. Besides offering education, cognitive restructuring skills, life skills training and possibly substance abuse education, the boot camps require offenders to make restitution to their victims and society. These camps are local and are operated by CSCDs; they are not the camps operated by the Institutional Division. Few BCs remain in Texas, as state and national research data indicates that this type of program's impact on recidivism reduction is significantly less than other programs.

4.2 SUMMARY GUIDE TO RESIDENTIAL COMMUNITY CORRECTIONS FACILITIES (CCFs)

Most CCFs do not accept serious, sexual or violent offenders, but there are exceptions. Most give priority placement to felons but accept misdemeanants on a space-available basis.

FACILITY TYPE	ELIGIBILITY	PLACEMENT METHOD	MODIFICATION/ REVOCATION	PERIOD OF CONFINEMENT	PROGRAMS	STATUTORY AUTHORITY
RESTITUTION CENTER (RC)	Felony or Misdemeanor; *must be able to work full time.	Probation Condition; Amended Conditions; Court Order	Increase term of confinement; Place in another CCF; Prosecute if pre-trial intervention; Impose more restrictive terms of probation; Revoke probation	Not to exceed twenty-four months	Focuses on repayment of fees, fines, restitution, child support; not the first choice for those whose primary problem is chemical dependency; cognitive restructuring skills training required; must obtain a job.	Government Code, Section 509.001 And 509.002. TCCP Art. 42.12, Section 18 (i).
INTERMEDIATE SANCTION FACILITY (ISF)	Felony or Misdemeanor; *Must need a structured environment to succeed on community supervision; may be failing regular supervision and non-residential options.	Probation Condition; Amended Conditions; Court Order	Increase term of confinement; Place in another CCF; Prosecute if pre-trial intervention; Impose more restrictive terms of probation; Revoke probation	Not to exceed twenty-four months.	Shorter-term detention facilities, targets offenders who violate their community supervision; an option to revoking an offender's supervision and sending him/her to prison. ISF services include cognitive restructuring skills, education, community service.	Government Code, Section 509.001 And 509.002. TCCP, Article 42.12, Section 18(i).
COURT RESIDENTIAL TREATMENT CENTER (CRTC)	Felony or Misdemeanor; *Assessed as having a substance abuse problem, Sub. Abuse may be combined with other mental impairment.	Probation Condition; Amended Conditions; Court Order	Prosecute if pre-trial intervention; Place in another CCF; Impose more restrictive terms of probation; Revoke probation	Not to exceed twenty-four months	Treats offenders for substance abuse and alcohol dependency. Offers education, cognitive, employment and life skills. Lubbock's center accepts substance-abusing offenders who also have mental impairments.	Government Code, Section 509.001 And 509.002. TCCP Art 42.12, Sec. 18.
BOOT CAMP (LOCAL) (BC)	Felony or Misdemeanor; *Targets youthful, first-time offenders; must be physically able to participate in a strenuous physical regime. Few BCs remain in Texas, as research data indicates that Boot Camps' impact on recidivism reduction is significantly less than other residential programs in Texas.	Probation Condition; Amended Conditions; Court Order	Prosecute if pre-trial intervention; Extend time in facility; Impose more restrictive terms of probation; Place in another CCF; Revoke probation	Not to exceed twenty-four months	Highly structured residential punishment programs modeled after military basic training. Targets young, first-time offenders and emphasizes physical exercise, strict supervision and discipline; includes education, cognitive restructuring skills, life skills training and community service restitution.	Government Code, Section 509.001 And 509.002. TCCP, Article 42.12, Section 18(i).
SUBSTANCE ABUSE TREATMENT FACILITY(SATF)	Felony or Misdemeanor; *Assessed as having a substance abuse problem; may have failed at out-patient treatment.	Pre-trial Diversion (SMART, Travis only); Probation Condition; Amended Conditions; Court Order	Prosecute if pre-trial intervention; Extend time in facility; Impose more restrictive terms of probation; Place in another CCF; Revoke probation	Not to exceed twenty-four months	Treats offenders for substance abuse and alcohol dependency. Offers education, cognitive restructuring skills, vocational and life skills.	Government Code, Section 509.001 And 509.002. TCCP, Article 42.12, Section 18(i).

- Most CCFs accept only felony cases. Check with the CCF to determine if misdemeanors are accepted

4.3 SUMMARY GUIDE TO RESIDENTIAL INCARCERATIVE FACILITIES (NON-CCFs)

Judicial discretion in each of these options may result in the offender returning to community supervision (probation) following incarceration.

FACILITY TYPE	ELIGIBILITY	PLACEMENT METHOD	MODIFICATION/ REVOCATION	PERIOD OF CONFINEMENT	PROGRAMS	STATUTORY AUTHORITY
STATE BOOT CAMPS	Felony offender, otherwise eligible for probation; 17-26 years of age; Suitable for those who can endure strenuous activity.	Pre-trial Diversion; Court Order; Motion to Revoke	Failure to successfully complete may result in offender being placed in ID, placement in a CCF or imposition of more restrictive terms.	75-90 days; review by Court at 75 days; any Community Corrections alternative, including placement in a more restrictive CCF upon completion of camp.	Rigid discipline, strict supervision and physical regimen; Educational and life skills programs; Restitution services.	TCCP Art. 42.12, Section 8(a). Located administratively in the ID (prison) division services.
SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY (SAFPF) (Administered by State Jail Division) *Described in more detail in Chapter 5.	Any felony other than sex offenders assessed as having a substance abuse problem. Offender usually has several to numerous arrests or history of incarceration; offender's circumstances compounded by very dysfunctional family and job history.	Condition of probation or parole or modification of probation or parole conditions.	Failure to successfully complete may result in revocation of parole or probation or imposition of additional terms.	Phase 1: Six month Therapeutic Community program as modification of probation/parole. Phases 2 and 3 are Treatment and Re-entry.	Intensive 3-phase substance abuse treatment; Transitional planning for aftercare and vocational placement, including 3-month residential placement after completion, then 12 months outpatient status. 4000 beds.	TCCP Art. 42.12 Sec 22 (a) (4). Located administratively in the State Jail Division; secure units

4.4 STATEWIDE LISTING OF RESIDENTIAL FACILITIES

<i>Jurisdiction</i>	<i>Facility Type</i>	<i>Operational Date</i>	<i>Funded Capacity of Facility</i>	<i>Facility Director, Address, & Telephone Number</i>	<i>CSCD Director, Address & Telephone Number</i>
Bexar County	ISF 1 ¹	May 1991	Females – 10 Males – 90 TOTAL – 100	Sylvia Gregoire 10974 Applewhite Road San Antonio, TX 78224 T: (210) 628-1080 F: (210) 628-1087 Email: Sylvia.gregoire@co.bexar.tx.us	L. Caesar Garcia 601 Dolorosa San Antonio, Texas 78207 T: (210) 335-7200 F: (210) 335-7319 Email: caesar.garcia@co.bexar.tx.us
	ISF 2 ²	June 1994	Females – 0 Males – 50 TOTAL – 50	Abel Salinas 10975-A Applewhite Road San Antonio, TX 78224 T: (210) 628-1115 F: (210) 628-1766 Email: Abel.Salinas@co.bexar.tx.us	
	RC	March 1984	Females – 0 Males – 60 TOTAL – 60	Eddie Menchaca 10975 Applewhite Road San Antonio, TX 78221 T: (210) 628-1834 F: (210) 628-6205 Email: Edward.Menchaca@co.bexar.tx.us	
Burnet County	ISF	July 1994	Females – 0 Males – 54 TOTAL – 54	Monte Blaylock 501 Coke Street Burnet, TX 78611 T: (512) 756-7628 F: (512) 756-7465 Email: isf@tstar.net	David Nantz 220 South Pierce Street Burnet, Texas 78611 T: (512) 756-5485 F: (512) 756-4371
Cameron County	RC	April 1986	Females – 0 Males – 55 TOTAL – 55	Marcos Serrano 531 South Iowa Avenue Brownsville, TX 78520 T: (956) 546-4017 F: (956) 546-7358 Email: mserrano@co.cameron.tx.us	Richard Santellana 974 East Harrison, 1st Floor Brownsville, Texas 78520 T: (956) 544-0832 F: (956) 544-0831 Email: rsante@co.cameron.tx.us

¹Drug Alcohol Probation Violators Facility (D.A.P.V.F.); similar to a Substance Abuse Treatment Facility

²Zero Tolerance Program; similar to a Boot Camp

Cass County	RC	May 1985	Females – 0 Males – 64 TOTAL – 64	LeAnn Lee 100 County Road 1202 Maud, TX 75567 T: (903) 585-2292 F: (903) 585-5855 Email: leann@netrc.org	John D. Goza, Jr P.O. Box 241 Linden, Texas 75563 T: (903) 756-7517 F: (903) 756-7069 Email: jgoza@txk.net
Collin County	ISF/RC	March 1990/March 2000	Females – 0/0 Males – 24/5 TOTAL – 29	Jane O'Brien 1710 N. McDonald McKinney, TX 75069 T: (972) 548-4247 F: (972) 547-5073 Email: cscdrf@co.collin.tx.us	Glen Johnstone 200 S. McDonald, Suite 210 McKinney, Texas 75069 T: (972) 548-4237 F: (972) 548-4688 Email: cscddir@co.collin.tx.us
Dallas County	RC	November 1985	Females – 8 Males – 42 TOTAL – 50	Joe Kellogg 811 South Akard Dallas, TX 75202 T: (214) 651-7838 F: (214) 748-7542 Email: KelloggRJ@aol.com	Ron Goethals 133 N. Industrial, 9th Floor Dallas, Texas 75207 T: (214) 653-5202 F: (214) 653-5217 Email: rgoethals@dallascounty.org
	SATF	September 1991	Females – 82 Males – 224 TOTAL – 306³	Harold Wilson (DCCSCD) Yolanda Sanchez 200 Green Road Wilmer, TX 75172 T: (972) 441-6321 F: (972) 441-6310 Email: ysanchez@cornellcompanies.com	
El Paso County	CRTC	December 1978	Females – 0 Males – 80 TOTAL – 80	Gustavo Gamez 3700 Mattox Street El Paso, TX 79925 T: (915) 772-8537 F: (915) 775-2491 Email: ggamez@co.el-paso.tx.us	Stephen Enders 800 East Overland, Suite 100 El Paso, Texas 79901 T: (915) 546-8120 F: (915) 546-8130 Email: senders@co.el-paso.tx.us
	ISF/SATF	Nov 1992/Mar2000	Females – 0/12 Males – 74/16 TOTAL – 102⁴	Gustavo Gamez 1650 Horizon Blvd. North El Paso, TX 79927 T: (915) 852-1505 F: (915) 852-2672 Email: ggamez@co.el-paso.tx.us	
	RC	January 1984	Females – 10 Males – 60 TOTAL – 70	Luis Montes 3801 Mattox El Paso, TX 79925 T: (915) 779-6174 F: (915) 778-8671 or (915) 775-8504 Email: lmontes@co.el-paso.tx.us	

³63 SATF beds are RSAT funded

⁴16 SATF beds are RSAT funded

Harris County	BC	May 1991	Females – 38 Males – 346 TOTAL – 384	Paul Becker 2310 1/2 Atascocita Road Humble, TX 77396 T: (281) 459-8009 F: (281) 459-8079 Email: paulbecker@csc.hctx.net	Mike Enax (interim) 49 San Jacinto, Annex 21 Houston, Texas 77002 T: (713) 229-9561 F: (713) 229-2426 Email: menax@csc.hctx.net
	SATF	December 1999	Females – 27 Males – 73 TOTAL – 100^s	Bob Spears 2312 Atascocita Road Humble, TX 77396 T: (281) 459-8066 F: (281) 459-8085 Email: robertspears@csc.hctx.net	
Hidalgo County	BC	June 1993	Females – 0 Males – 96 TOTAL – 96	J.C. Gomez P.O. Box 1109 Edinburg, TX 78540 T: (956) 380-3311 F: (956) 380-3324 Email: None	Joe Lopez 918 E. Bus. Hwy. 83 (P.O. Box 2528) McAllen, Texas 78502 T: (956) 661-4600 F: (956) 661-4700 Email: jl@hidalgoocscd.org
	RC	April 1986	Females – 0 Males – 64 TOTAL – 64	Raul Macias 1124 North M Road Edinburg, TX 78539 T: (956) 381-0733 F: (956) 380-2307 Email: massive@tiagris.com	
Jefferson County	RC I	January 1984	Females – 60 Males – 0 TOTAL – 60	Earlene Festervan 145 South Eleventh Street Beaumont, TX 77702 T: (409) 833-2391 F: (409) 832-3855 Email: rcl@co.jefferson.tx.us	Montie Morgan 1225 Pearl Street Beaumont, Texas 77701 T: (409) 835-8512 F: (409) 835-8782 Email: mmorgan@co.jefferson.tx.us
Lavaca County	ISF	October 1995	Females – 0 Males – 60 TOTAL – 60	Pam Russell P.O. Box 1621 Gonzales, TX 78629 T: (830) 672-3622 F: (830) 672-6705 Email: pamelagrussell@hotmail.com Keith Garner Kgarner197@yahoo.com	Linda Smith P.O. Box 330 Hallettsville, Texas 77964 T: (512) 798-4353 F: (512) 798-5904 Email: linda_foehsmith@yahoo.com
Liberty County	ISF	December 1990	Females – 0 Males – 24 TOTAL – 24	Jim Teel P.O. Box 1439 Liberty, TX 77575 T: (936) 336-4553 F: (936) 336-4567 Email: super3@libertycscd.com	Steve Swan P.O. Box 1439 Liberty, Texas 77575 T: (936) 336-4553 F: (936) 336-4567 Email: super2@libertycscd.com

^sAll 100 Beds are funded through RSAT funds

Lubbock County	CRTC <i>(takes special needs residents)</i>	March 1993	Females – 0 Males – 192 TOTAL – 192⁶	Steve Rampy 3501 N. Holly Avenue Lubbock, TX 79403 T: (806) 765-3395 F: (806) 765-3399 Email: srlccf@aol.com	Leo Gloria 701 Main Lubbock, Texas 79401 T: (806) 767-1200 F: (806) 762-1712 Email: leogloria@odsy.net
Midland County	CRTC	January 1985	Females – 0 Males – 50 TOTAL – 50	Roy Jones 215 W. Industrial (Box 3471) Midland, TX 79701 T: (915) 688-1280 F: (915) 688-1819 Email: jrr100@midlandcscd.org	Tony Molinar P.O. Box 3038 Midland, Texas 79702 T: (915) 688-1174 F: (915) 688-1865 Email: tony@MidlandCSCD.org
Montgomery County	SATF/ISF	January 1990/ October 1996	Females – 0 Males – 44/20 TOTAL – 64	Tamra McGuffey 115 Business Park Drive Willis, TX 77378 T: (936) 856-3315 F: (936) 760-6965 Email: McGuffeyt@MCDSC.org	Mel Brown, PhD. 2245 North First Street Conroe, Texas 77301 T: (936) 538-8200 F: (936) 788-8305 Email: brownmc@mcdsc.org
Nueces County	SATF	May 1991	Females – 14 Males – 104 TOTAL – 118⁷	Diana Amaya 745 North Padre Island Drive Corpus Christi, TX 78406 T: (361) 289-4242 F: (512) 289-4286 Email: damaya@nueces.esc2.net	Eddie Gonzalez 1901 Trojan Drive Corpus Christi, Texas 78416 T: (361) 854-4122 F: (361) 854-2467 Email: egonzalez@nuece.esc2.net
Rusk County	SATF	December 1994	Females – 20 Males – 50 TOTAL – 70	Liz Mealy P.O. Box 580 Overton, TX 75684 T: (903) 834-6102 F: (903) 834-6107 Email: marynttc@aol.com	Jon Johnston Courthouse, 4th Floor Henderson, Texas 75652 T: (903) 657-0362 F: (903) 657-0387 Email: ruskcsd@aol.com
San Patricio County	RC/SATF ⁸	October 1987/ February 1991	Females – 11/5 Males – 39/15 TOTAL – 50/20	Pete Trevino, Jr. 800 North Vineyard Sinton, TX 78387 T: (361) 364-4323 F: (361) 364-2768 Email: 2051a@2fords.net	Dana J. Hendrick P.O. Box 907 Sinton, Texas 78387-1073 T: (361) 364-4243 F: (361) 364-5642 Email: hendrickdk@aol.com

⁶Includes 24 TAIP-funded beds (for MR offenders) and 72 RSAT-funded beds (for dually-diagnosed offenders)

⁷Includes 24 TAIP-funded beds and 30 RSAT-funded beds

Taylor County	RC	January 1986	Females – 20 Males – 40 TOTAL – 60	Martha Reyes 1133 S. 27 th Street Abilene, TX 79602 T: (915) 691-7407 F: (915) 691-7470 Email: mreyes@abilene.com	Paul D. Hurt Old Taylor Co. Courthouse Abilene, Texas 79602 T: (915) 674-1247 F: (915) 674-1249 Email: pdhurt@bitstreet.com		
Terry County	CRTC	September 1990	Females – 14 Males – 40 TOTAL – 54⁹	David Chasteen 613 E. Bynum Brownfield, TX 79316 T: (806) 637-6677 F: (806) 637-2136 Email: ccfdir@dtmspeed.net	Serena Elmore Terry County Courthouse Brownfield, Texas 79316 T: (806) 637-2671 F: (806) 637-0495 Email: terrycscd@door.net		
Tom Green County	CRTC	June 1991	Females – 0 Males – 60 TOTAL – 60	Frank Tipton 3398 McGill San Angelo, TX 76905 T: (915) 655-7585 F: (915) 657-8485 Email: ftipton@conchovalleycscd.org	Steven T. Henderson 318 N. Bell St. San Angelo, Texas 76903 T: (915) 659-6544 F: (915) 653-5023 Email: director@conchovalleycscd.org		
Travis County	SATF	July 1991	Females – 12 Males – 64 TOTAL – 76	<table border="0"> <tr> <td> Sherri Vigil 3404 South FM 973 Del Valle, TX 78617 T: (512) 247-2021 F: (512) 247-5567 Email: Sherri.vigil@co.travis.tx.us </td> <td> Lila O'Shatz P.O. Box 1748 Austin, TX 78767 T: (512) 854-7602 F: (512) 854-4606 Email: Lila.Oshatz@co.travis.tx.us </td> </tr> </table>	Sherri Vigil 3404 South FM 973 Del Valle, TX 78617 T: (512) 247-2021 F: (512) 247-5567 Email: Sherri.vigil@co.travis.tx.us	Lila O'Shatz P.O. Box 1748 Austin, TX 78767 T: (512) 854-7602 F: (512) 854-4606 Email: Lila.Oshatz@co.travis.tx.us	Jim Rust P.O. Box 1748 Austin, Texas 78767 T: (512) 854-4600 F: (512) 854-4606 Email: jim.rust@co.travis.tx.us
Sherri Vigil 3404 South FM 973 Del Valle, TX 78617 T: (512) 247-2021 F: (512) 247-5567 Email: Sherri.vigil@co.travis.tx.us	Lila O'Shatz P.O. Box 1748 Austin, TX 78767 T: (512) 854-7602 F: (512) 854-4606 Email: Lila.Oshatz@co.travis.tx.us						
Uvalde County	CRTC <i>(takes special needs residents)</i>	April 1991	Females – 20 Males – 80 TOTAL – 100	Steve Dishman 401 East Front Street Uvalde, TX 78801 T: (830) 278-1168 F: (830) 278-4071 Email: sdishman@admin.hilconet.com	John Wilmoth Courthouse Square, Box 7 Uvalde, Texas 78801 T: (830) 278-1122 F: (830) 278-1742 Email: dircscd@ricc.net		
Williamson County SATF	November	1990	Females – 24 Males – 56 TOTAL – 80	Kay Baker 600 Alligator St.P.O. Box 488 Granger, TX 76530 T: (512) 943-1211 F: (512) 943-1210 Email: kbaker@adultprobation.net	Rick Zinsmeyer P.O. Box 251 Georgetown, Texas 78626 T: (512) 943-3500 F: (512) 943-3510 Email: zinsmeyer@adultprobation.net		

⁸San Patricio County SATF/RC does not designate a certain number of "male/female" beds for each program. There are 20 beds designated for the SATF and 50 beds designated for the Restitution center.

⁹Includes 14 RSAT funded beds for women

SUMMARY

Legend

BC	Boot Camp
CCC	County Corrections Center
CRTC	Court Residential Treatment Center
ISF	Intermediate Sanction Facility
RC	Restitution Center
SATF	Substance Abuse Treatment Facility

Gender Breakdown of Facilities

All Female facilities	1
All Male facilities	16
Co-Gender facilities	14
TOTAL	31

Vendor Operated Facilities

Collin ISF/RC:	Collin County Sheriff's Office
Dallas SATF:	Cornell Corrections Inc.
El Paso ISF/SATF:	Southern Corrections Systems, Inc.
Harris SATF:	The Turning Point, Inc.
Liberty ISF:	Liberty County/ Corrections Corp. of America
Rusk SATF:	Georgetown Hospital, System
TravisSATF:	Correctional Systems, Inc.

TOTAL Beds Available

Male	2,415
Female	387
TOTAL	2,802

Tally of Program Types/Populations

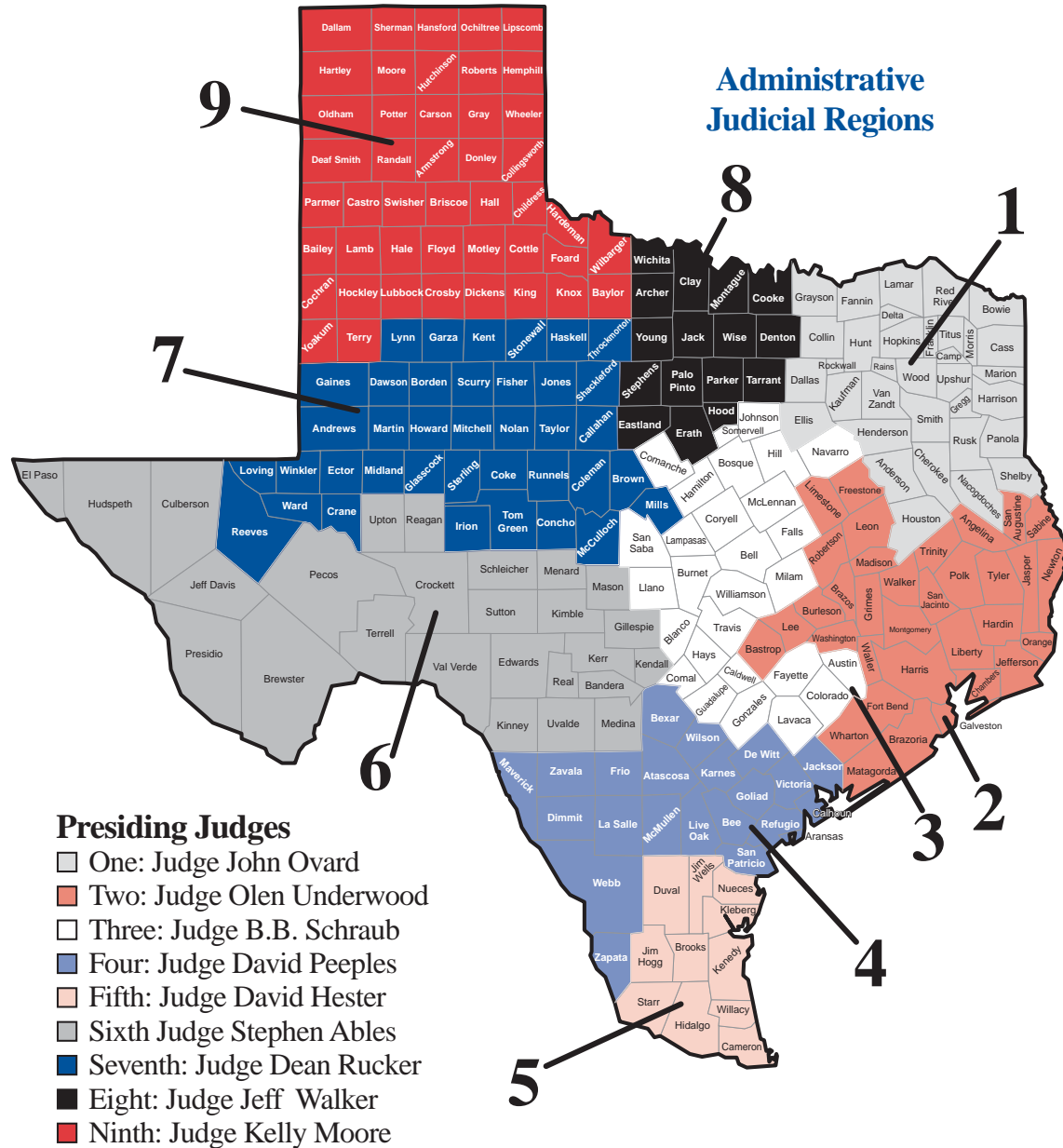
Boot Camps (2)	38 women/442 men	480
Court Residential Treatment Centers (6)	34 women/502 men	536
Intermediate Sanction Facilities (8)	10 women/396 men	406
Restitution Centers (9)	109 women/429 men	538
Substance Abuse Treatment Facilities (9)	196 women/646 men	842
TOTAL (34¹⁰)	363 women/2,415 men	2,778

Breakdown by Funding Source

DP (25)	847
CCP (5)	588
RSAT (6)	295
TAIP (2)	48
TOTAL	2,778

¹⁰Four facilities have combined programs: two SATF/ISFs; a SATF/RC; and one RC/ISFs

Maps of Judicial Regions and Community Corrections Facilities sites



Judicial District One

Residential Facilities: Type, Director's Address and Phone Number

ISF/RC

Jane O'Brien

1710 N. McDonald Street

McKinney, TX 75069

T: (972) 548-5792 F: (972) 547-5795

Email: jobrien@co.collin.tx.us

RC

Joe Kellog

811 South Akard

Dallas, TX 75202

T: (214) 651-7838 F: (214) 748-7542

Email: rgoethals@dallascounty.org

SATF

Yolanda Sanchez

200 Green Road

Wilmer, TX 75172

T: (972) 441-6160 x2006 F: (972) 441-6310

Email: ysanchez@cornellcompanies.com

SATF

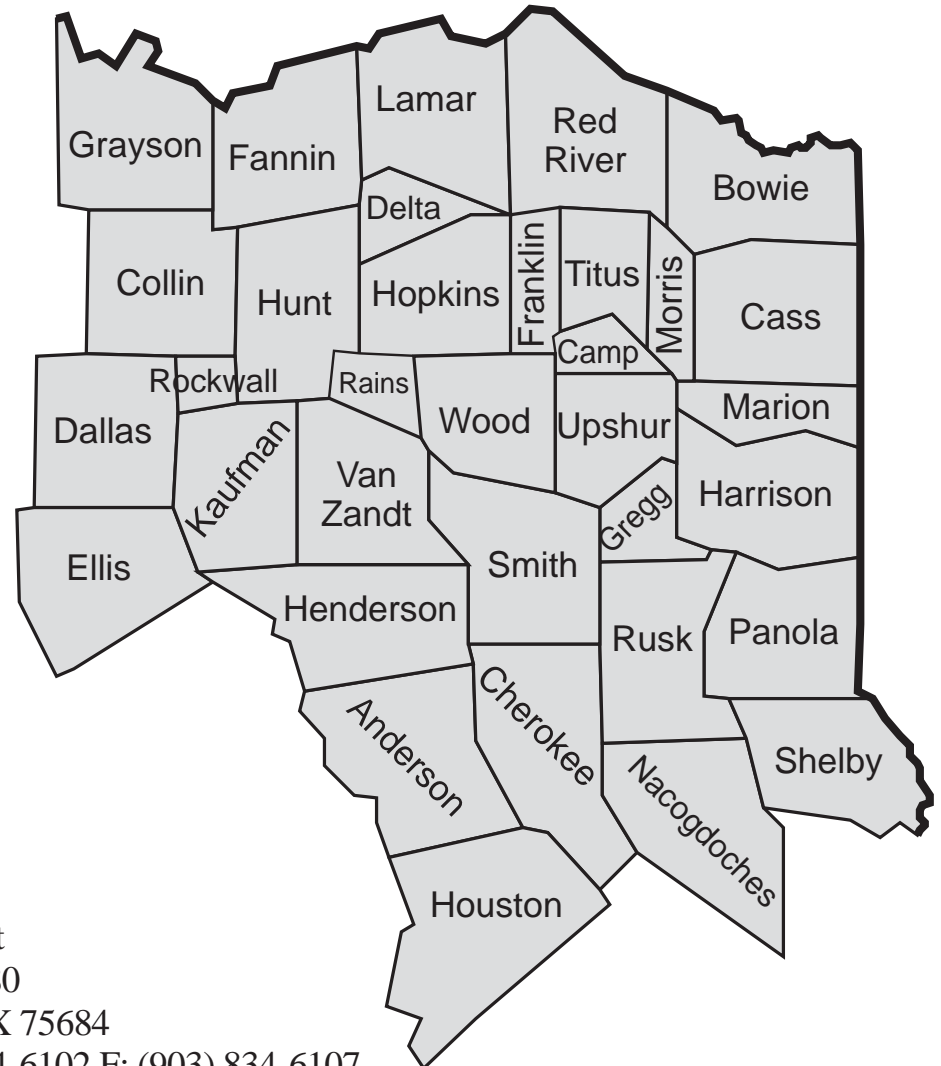
Lois Philpot

P.O. Box 580

Overton, TX 75684

T: (903) 834-6102 F: (903) 834-6107

Email: loisntcc@aol.com



Individuals may be placed in any facility statewide if space is available

Judicial District Two

Residential Facilities: Type, Director's Address and Phone Number

SATF/ISF

Tamra McGuffey
115 Business Park Drive
Willis, TX 77378
T: (936) 856-3315 F: (936) 760-6965
Email: McGuffeyt@MCDSC.org

RC

Clay Childress
4673 Washington Blvd.
Beaumont, TX 77707
T: (409) 842-1144 F: (409) 842-6679
Email: cchildress@co.jefferson.tx.us

ISF

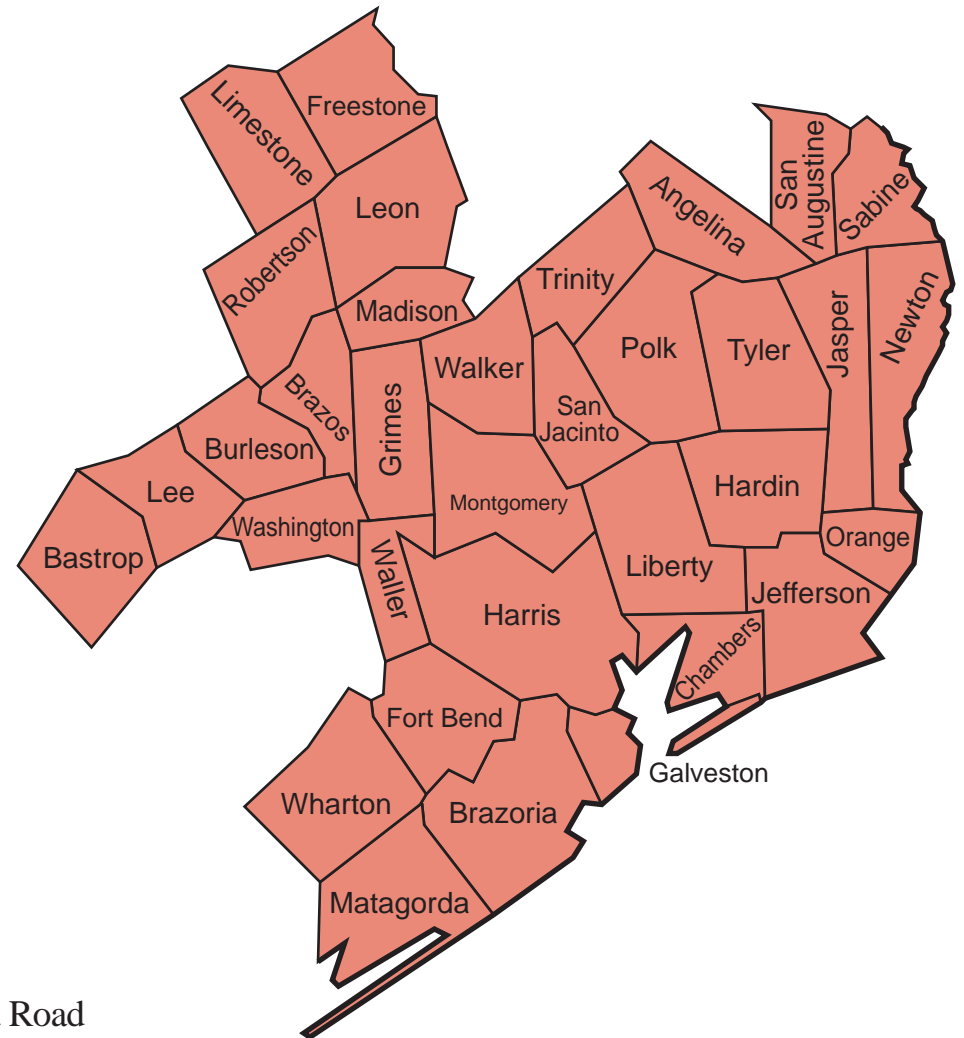
Jim Teel
P.O. Box 1439
Liberty, TX 77575
T: (936) 336-4553 F: (936) 336-4567
Email: super3@libertycscd.com

BC

Paul Becker
2310 1/2 Atascocita Road
Humble, TX 77396
T: (281) 459-8009 F: (281) 459-8079
Email: paulbecker@hctx.tx.net

SATF

Bob Spears
2312 Atascocita Road
Humble, TX 77396
T: (281) 459-8066 F: (281) 459-8079
Email: robertspears@hctx.net



Individuals may be placed in any facility statewide if space is available

Judicial District Three

Residential Facilities: Type, Director's Address and Phone Number

SATF

Sherri Vigil

3404 South FM 973

Del Valle, TX 78617

T: (512) 247-2021 F: (512) 247-5567

Email: sherri.vigil@co.travis.tx.us

SATF

Kay Baker

600 Alligator St.

P.O. Box 488

Granger, TX 76530

T: (512) 943-1211 F: (512) 943-1210

Email: kbaker@adultprobation.net

ISF

Pam Russell

4024 FM 794

Gonzales, TX 78629

T: (830) 672-3622 F: (830) 672-6705

Email: pamelagrussell@hotmail.com

ISF

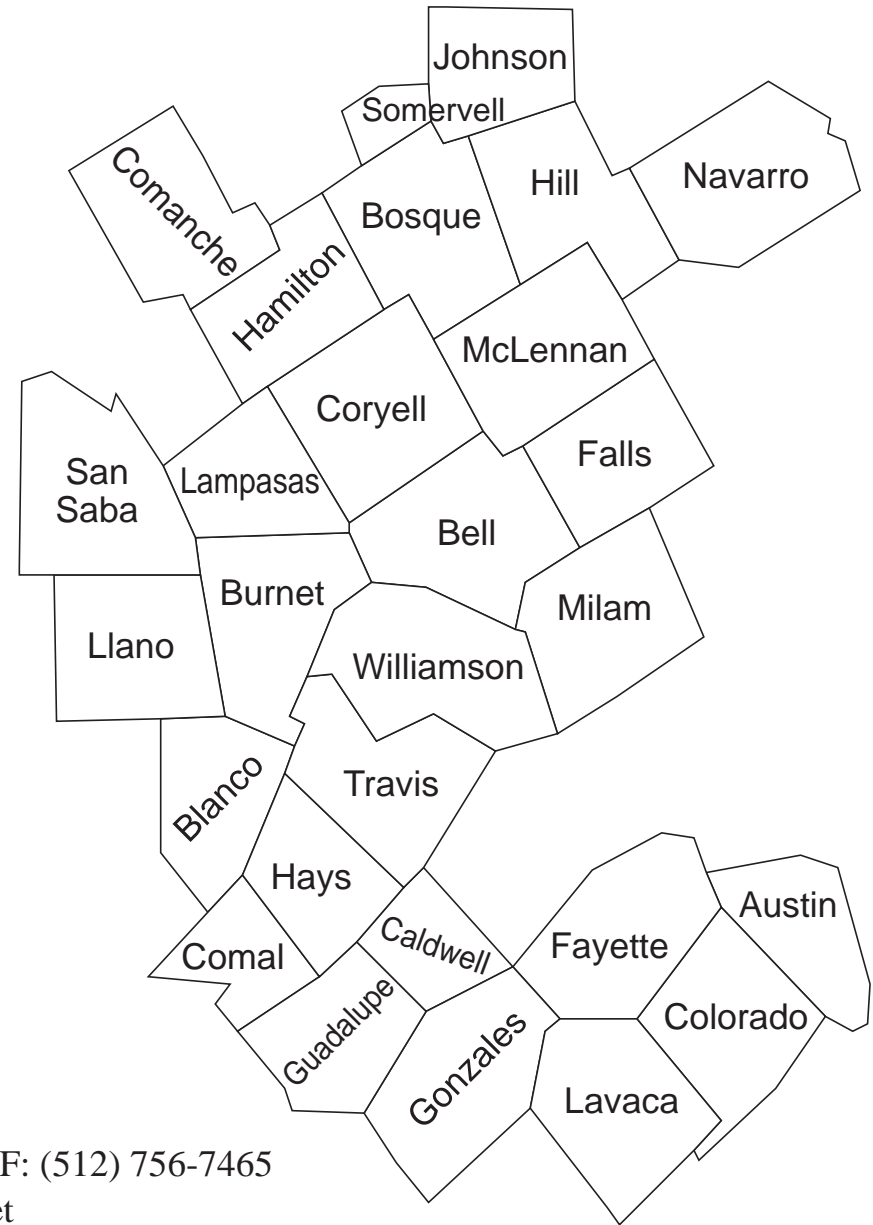
Monte Blaylock

501 Coke St.

Burnet, TX 78611

T: (512) 756-7628 F: (512) 756-7465

Email: isf@tstar.net



Individuals may be placed in any facility statewide if space is available

Judicial District Four

Residential Facilities: Type, Director's Address and Phone Number

ISF 1

Sylvia Gregoire
10975-A Applewhite Road
San Antonio, TX 78221
T: (210) 628-1080 F: (210) 628-1087
Email: Sylvia.gregoire@co.bexar.tx.us

ISF 2

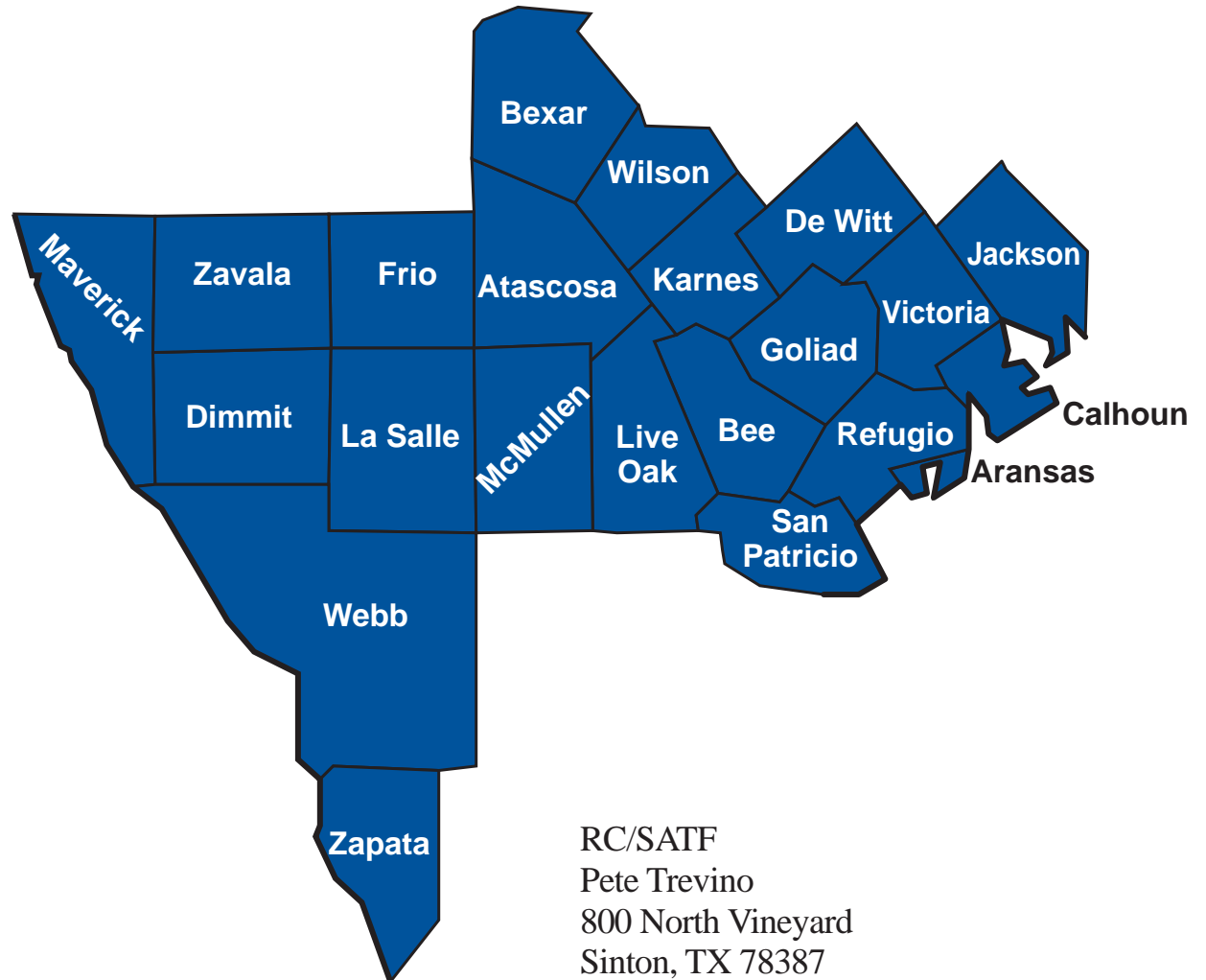
Abel Salinas
10975-A Applewhite Road
San Antonio, TX 78221
T: (210) 628-1115 F: (210) 628-1766
Email: abel.salinas@co.bexar.tx.us

RC

Eddie Manchaca
10975 Applewhite Road
San Antonio, TX 78224
T: (210) 628-1834 F: (210) 628-6205
Email: Edward.Manchaca@co.bexar.tx.us

RC/SATF

Pete Trevino
800 North Vineyard
Sinton, TX 78387
T: (361) 364-43234 F: (361) 364-2768
Email: ptrevino@pelican.net



Individuals may be placed in any facility statewide if space is available

Judicial District Five

Residential Facilities: Type, Director's Address and Phone Number

SATF

Eddie Gonzalez
Interim Director
745 North Padre Island Drive
Corpus Christi, TX 78406
T: (361) 289-4242 F: (361) 289-4286
Email: egonzales@cscdnueces.com

BC

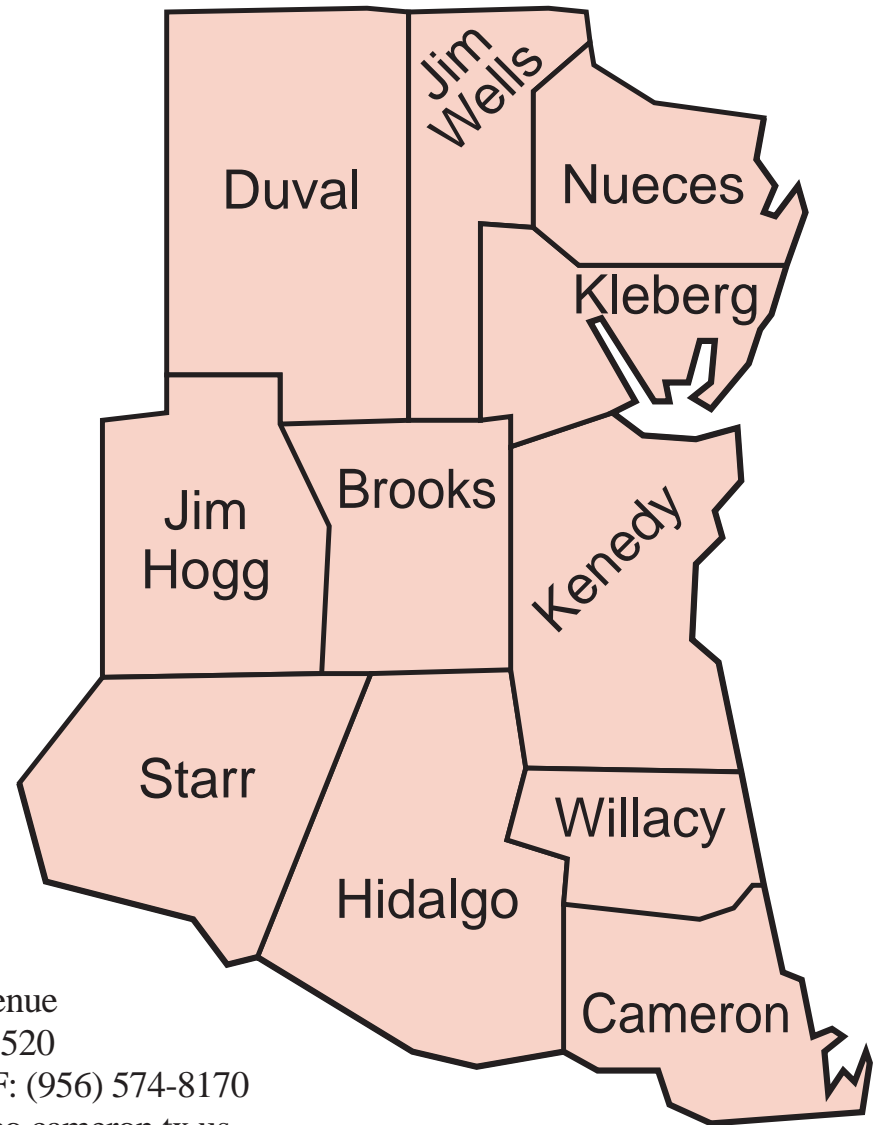
J. C. Gomez
P.O. Box 1109 / 1000 M Road
Edinburg, TX 78540
T: (956) 380-3311 F: (956) 380-3324
Email: None

RC

Raul Macias
1124 North M Road
Edinburg, TX 78539
T: (956) 381-0733 F: (956) 380-2307
Email: None

BC

Marcos Serrano
531 South Iowa Avenue
Brownsville, TX 78520
T: (956) 546-4017 F: (956) 574-8170
Email: mserrano@co.cameron.tx.us



Individuals may be placed in any facility statewide if space is available

Judicial District Six

Residential Facilities: Type, Director's Address and Phone Number

CRTC

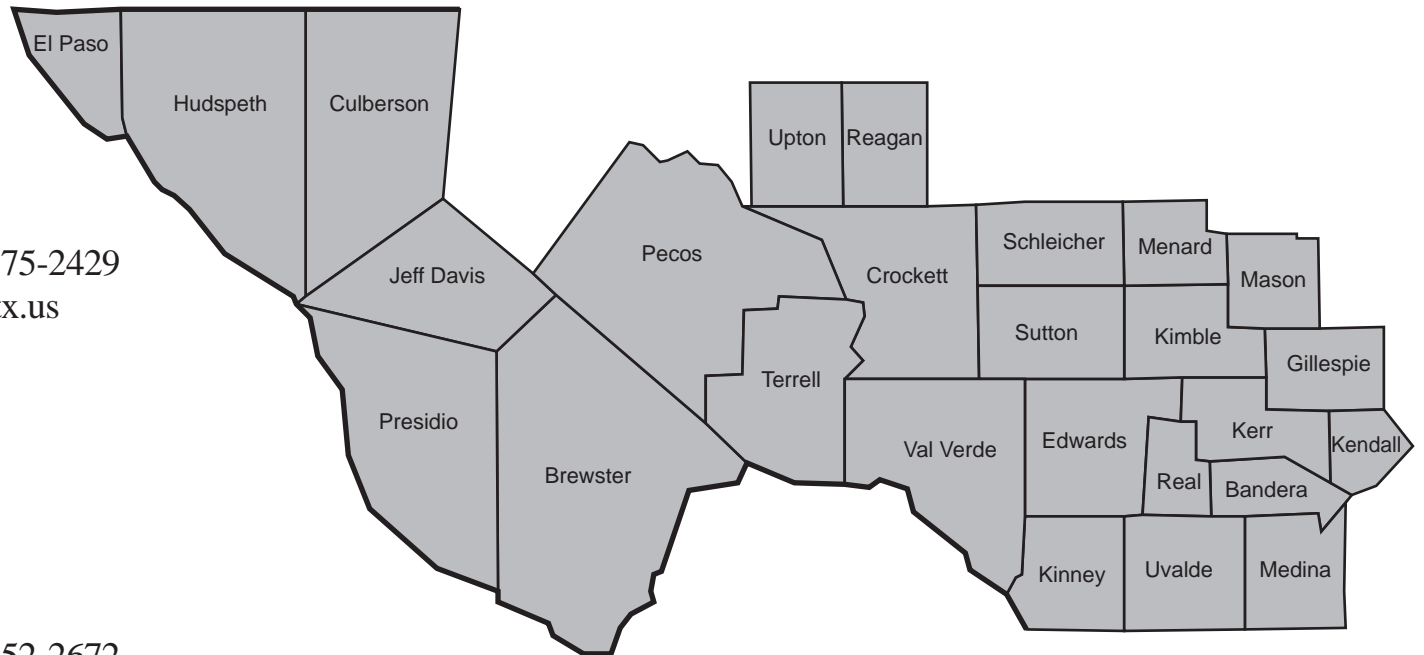
Gustavo Gamez
3700 Mattox Street
El Paso, TX 79925
T: (915) 772-8537 F: (915) 775-2429
Email: ggamez@co.el-paso.tx.us

ISF/SATF

Gustavo Gamez
Interim Director
1650 Horizon Blvd. North
El Paso, TX 79927
T: (915) 852-1631 F: (915) 852-2672
Email: ggamez@co.el-paso.tx.us

RC

Luis Montes
3801 Mattox
El Paso, TX 79925
T: (915) 779-6174 F: (915) 775-8671
Email: lmontes@co.el-paso.tx.us



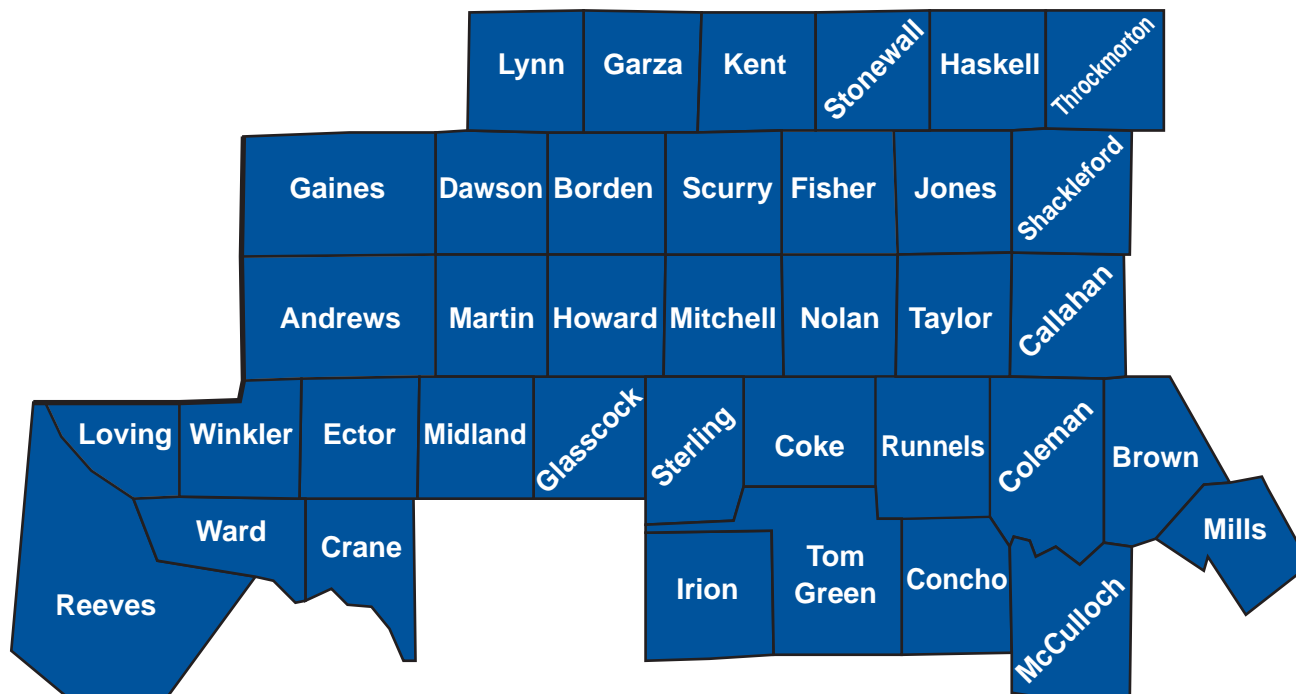
Individuals may be placed in any facility statewide if space is available

Judicial District Seven

Residential Facilities: Type, Director's Address and Phone Number

CRTC
 Roy Jones
 215 W. Industrial (Box 3471)
 Midland, TX 79701
 T: (915) 688-1280
 F: (915) 688-1819
 Email: rrjone3@aol.com

CRTC
 Frank Tipton
 3398 McGill
 San Angelo, TX 76905
 T: (915) 655-7585 F: (915) 657-8485
 Email: crtc@drbcom.com



RC
 Martha Reyes
 1133 S. 27th Street
 Abilene, TX 79602
 T: (915) 691-7407 F: (915) 691-7470
 Email: mreyes@abilene.com

Individuals may be placed in any facility statewide if space is available

Judicial District Eight

No Residential Facilities in
District Eight



Judicial District Nine

Residential Facilities: Type, Director's Address and Phone Number

CRTC

David Chasteen

613 E. Bynum

Brownfield, TX 79316

T: (806) 637-6677 F: (806) 637-2136

Email: crtcdin@gte.net

CRTC (takes special needs residents)

Steve Rampy

3501 N. Holly Avenue

Lubbock, TX 79403

T: (806) 765-3395 F: (806) 765-3399

Email: srampy4991@aol.com

Dallam	Sherman	Hansford	Ochiltree	Lipscomb				
Hartley	Moore	Hutchinson	Roberts	Hemphill				
Oldham	Potter	Carson	Gray	Wheeler				
Deaf Smith	Randall	Armstrong	Donley	Collingsworth				
Parmer	Castro	Swisher	Briscoe	Hall	Childress			
Bailey	Lamb	Hale	Floyd	Motley	Cottle	Hardeman		
Cochran	Hockley	Lubbock	Crosby	Dickens	King	Foard	Wilbarger	
Yoakum	Terry							Baylor

Individuals may be placed in any facility statewide if space is available

DRUG COURTS, AND SUBSTANCE ABUSE SENTENCING ALTERNATIVES

INTRODUCTION

This chapter presents information about substance abuse-related community corrections programs currently available in various regions, with a primary focus on Drug (treatment) Courts, specialized caseloads, and non-residential, outpatient programs. The majority of the nearly quarter-million individuals under direct community supervision receive non-incarcerative, non-residential sanctions and services. These are funded by the State of Texas by channeling formula funds and discretionary grants to the CSCDs and are supplemented by payments by program participants. In some cases, county funding or federal grants also supplement the program. Each sentencing option is presented in a separate section and each contains the following information:

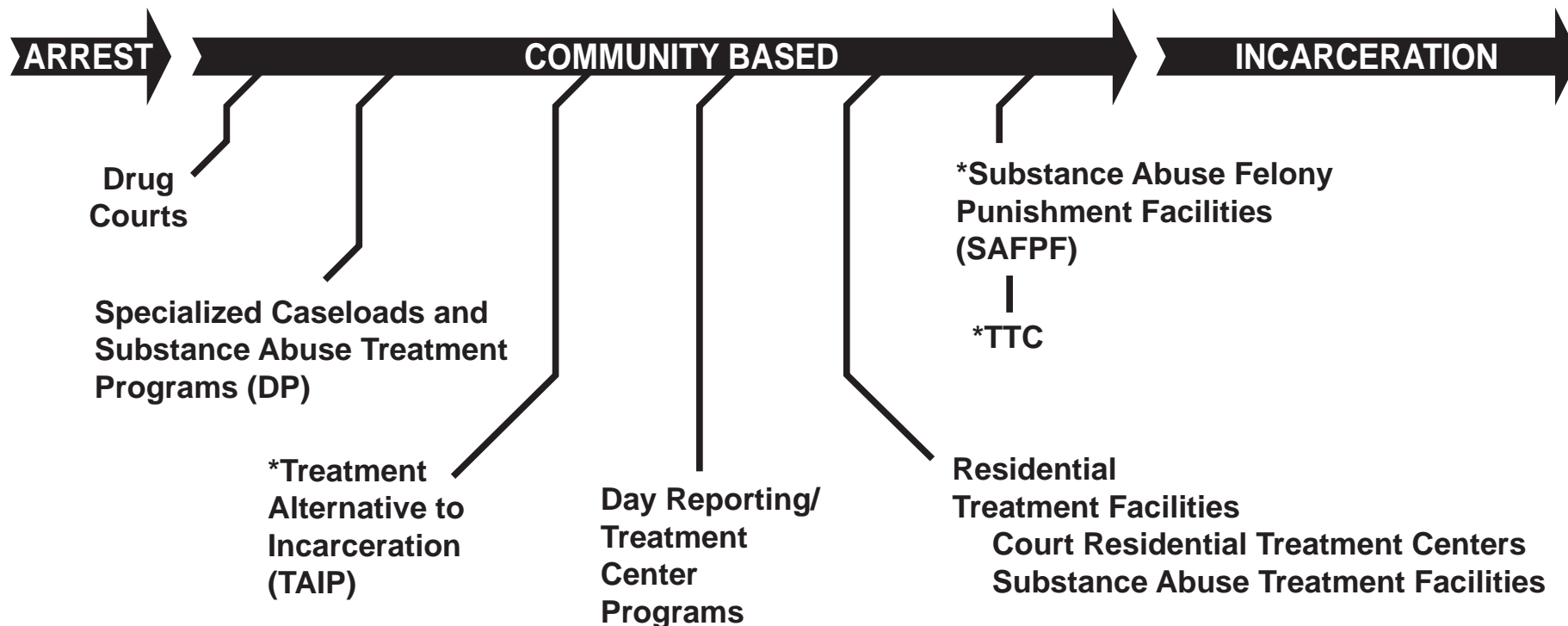
1. eligibility criteria and information for selecting a particular substance abuse program;
2. Community Justice Assistance Division (CJAD) standards for using or developing a particular program or sanction;
3. the purposes and goal of the program or sanction; and,
4. hyperlinks to access more detailed information.

The spectrum of community corrections alternative sanctions in Texas and elsewhere has expanded in recent years to include many innovative programs. Some of the alternatives blur traditional distinctions between probation and institutionalization. Texas substance abuse programs can be visualized as a continuum as illustrated in the chart on the next page of this chapter. This chapter will provide more detailed information on the “community based” options.

The non-residential substance abuse probation programs described in this chapter are:

1. Drug Courts
2. Specialized Caseloads for Substance Abuse
3. Treatment Alternative to Incarceration Program (TAIP)
4. Other Substance Abuse Treatment Options
5. Substance Abuse Felony Punishment Facilities (SAFPF)

Texas Community Supervision Substance Abuse Continuum of Sanctions



*Funding through the Substance Abuse Initiative administered by the Programs and Services Division

*SAFPF programs have a community transitional and aftercare component. However the primary component takes place within a secure State Jail facility.

5.1 DRUG COURTS

A Drug Court is a type of intensive treatment and supervision consisting of judicially led substance abuse treatment programs for offenders whose offense history or assessment indicates that they may benefit from this option. Research shows that drug courts provide extensive supervision, more comprehensive than other forms of community supervision. This encompasses monitoring by the drug court judge, weekly supervision by a community supervision officer, frequent urinalysis and treatment sessions several times weekly. Research indicates that lower recidivism is associated with drug court participation and completion (see Criminal Justice Policy Council report at <http://www.cjpc.state.tx.us>, “Initial Process and Outcome Evaluation of Drug Courts in Texas” Jan. 2003).

The drug courts also establish interagency cooperation and coordination to facilitate involvement in ongoing community treatment and court supervision. Many drug courts are configured as pre-trial programs and some are pre-indictment. An offender waives the right to a speedy trial and agrees to abide by the judge’s order in exchange for a clean criminal record. As a form of treatment intervention, drug courts divert a nonviolent drug offender from prosecution. Some drug courts have expanded their programs to include non-drug offenders who have substance abuse problems. Drug courts can serve post-adjudication defendants as well.

Research has indicated that drug courts reduce criminal behavior and drug use. Efficacy research data is available through the Department of Justice, Criminal Justice Policy Council, and other sources on file at the TDCJ-CJAD. There are several factors that contribute to the success of drug courts:

- intensive, face-to-face interaction with a judicial authority;
- immediate treatment, a continuum of swift reaction and sanctions to relapse; and,
- an environment focused intensively on marshalling community resources toward success.

Drug Courts in Texas

In 2001, H.B. 1287 authorized County Commissioners Courts to establish drug courts and required Texas counties with populations exceeding 550,000 to apply for federal and other funds to establish drug courts. The following are mandated counties: Bexar, Dallas, El Paso, Harris, Hidalgo, Tarrant, and Travis. Drug courts may also be established in counties that were not mandated. Texas counties have implemented adult drug courts primarily as a pre-trial diversion.

Currently, the size of the population served by drug courts in Texas is limited due to the judge’s weekly or biweekly interaction with a relatively small number of participants. Texas may expand the drug court concept to include satellite administrative courts. A possible expansion would include two or more administrative courts in local CSCDs with similar authority and positive factors. A community supervision officer and CSCD staff would have the same treatment format and relationship with the participants, similar to a super-intensive specialized caseload. Participants would report to the District Court Judge or Magistrate once a month.

DRUG COURTS

ELIGIBILITY	PLACEMENT	MODIFICATION/ REVOCATION	PROGRAMS	STATUTORY AUTHORITY
<p>Offenders eligible for drug courts are typically non-violent, first-time drug offenders or offenders who have committed a driving-while-intoxicated (DWI) offense. In most programs, offenders volunteer for drug courts. Drug court programs range in length from 12 to 18 months, provide court supervised treatment and involve the use of progressive sanctions to enforce program compliance. No statewide, standardized eligibility criteria exist.</p>	<p>Pre-trial Diversion; Deferred Adjudication; or Court-Ordered Condition of Probation.</p>	<p>Most programs have an initial period of tolerance for violations followed by a series of escalating sanctions associated with program non-compliance. Depending on the court, program graduation can result in dropped criminal charges, early release from supervision requirements, reduced supervision requirements, or deletion of charges from the participant's criminal record.</p>	<p>Drug courts were designed to provide court-supervised treatment as an alternative to traditional criminal sanctions. The model for drug courts assumes that a combination of judicial monitoring and supervised treatment can be more effective in reducing drug usage and crime than treatment or judicial sanctions.</p> <p>Drug Courts provide intensive supervision such as monitoring by the drug court judge, weekly supervision by a community supervision officer, frequent urinalysis, and treatment sessions several times a week. The offender waives the right to a speedy trial and agrees to abide by the judge's order in exchange for a dismissal.</p>	<p>The 77th Legislature, in House Bill 1287, authorized County Commissioners Courts to establish drug courts for persons arrested for, charged with, or convicted of certain drug or alcohol offenses.</p> <p>H.B. 1287 mandated that all Texas counties with populations exceeding 550,000 apply for federal and other funds to establish drug courts. This was preceded by a recommendation by the Texas Comptroller.</p> <p>Drug courts were established in several counties that were not mandated.</p>

COMMENTARY: Drug courts were first established in Texas in Jefferson and Travis counties in 1993. Additional courts have since been established in Dallas, El Paso, Montgomery, and Tarrant Counties. Under legislation adopted in 2001, Bexar, Harris and Hidalgo Counties are required to apply for drug court funds. The Legislature appropriated \$750,000 annually for this effort, but this appropriation will have to be supplemented with other sources of funding in order for drug courts to operate in nine jurisdictions. The budgets for the presently operating drug courts range from \$150,748 in Tarrant to \$832,330 in Travis. Drug courts involve the judge and other court officials in a non-adversarial approach to sanction and supervise and provide alcohol and drug treatment services to offenders.

The drug courts in Dallas, Jefferson, Montgomery, Tarrant and Travis Counties are relatively small, with Travis having the largest program capacity with 300 clients in FY 2001 and Tarrant having the smallest capacity with 55 clients. The Dallas program requires 4 court appearances per month in the first phase of the program while the Tarrant program requires 2 court appearances per month in the first phase. Montgomery County requires the completion of stress management, cognitive-behavioral training and education, and employment services. Jefferson County requires participation in employment services and life skills training.

Drug Courts are considered to be part of the movement towards **rehabilitation** and **restorative justice**. Jurisdictions interested in exploring funding opportunities for Drug Courts can contact the United States Department of Justice, Office of Justice Programs, Drug Court Program Office at www.ojp.usdoj.gov/dcpo or 800-421-6770. Additional information regarding the effectiveness and logistics of drug and alcohol treatment programs can be found at the website of the Texas Commission on Alcohol and Drug Abuse (TCADA), <http://www.tcada.state.tx.us/>

5.2 SPECIALIZED CASELOADS FOR SUBSTANCE ABUSE AND AFTERCARE CASELOADS

A primary strategy employed by the TDCJ-CJAD and the local CSCDs is the utilization of specialized caseloads for offenders assessed as having substance abuse problems. Specially trained community supervision officers develop unique expertise and supervise caseloads of 40-65 offenders. Probationers in these caseloads remain in the community but are supervised closely and linked to treatment. Specific strategies may include greater face-to-face and collateral agency or family contacts. Assessment should indicate that the person is at high-risk of re-offending due to substance abusing behavior. The community supervision officer receives specialized training in best practices for this population.

When individuals transition into the community from a residential or in-patient program, they have unique challenges and require support, including program elements similar to those in the facility; otherwise, they are at high-risk of relapse and community supervision failure. Substance abuse aftercare and other residential aftercare caseloads focus on providing the support, service, and supervision that will lead to a successful re-entry.

5.3 TREATMENT ALTERNATIVE TO INCARCERATION PROGRAM (TAIP)

Arrests for drug offenses, especially possession of marijuana, increased rapidly during the 1990's. In Texas in 1999, there was a slight decrease in the crime rate but drug offenses increased 5%. It is estimated that drug or alcohol abuse is involved in at least 80% of all criminal incidents. State court systems have been seeking alternatives to deal with these cases. The Treatment Alternative to Incarceration Program (TAIP) is a community corrections sentencing alternative using assessment, screening and substance abuse treatment for offenders with substance abuse problems.

TAIP was enacted by the legislature under the Texas Code of Criminal Procedure, Chapter 42.131, Section 14. The mission of TAIP is to provide the judiciary with an alternative to sentencing offenders to jail or prison, thereby increasing available prison space for non-qualifying and violent offenders. TAIP was implemented to provide offenders with screening, assessment/evaluation, referral, and placement into a licensed chemical dependency program, as appropriate. An offender is eligible for treatment with TAIP funds if it is determined that the individual is unable to afford treatment and no other programs are available to treat the offender. TAIP has served as a linkage between the community-based chemical dependency treatment providers and the criminal justice system in order to serve the chemically dependent population more effectively.

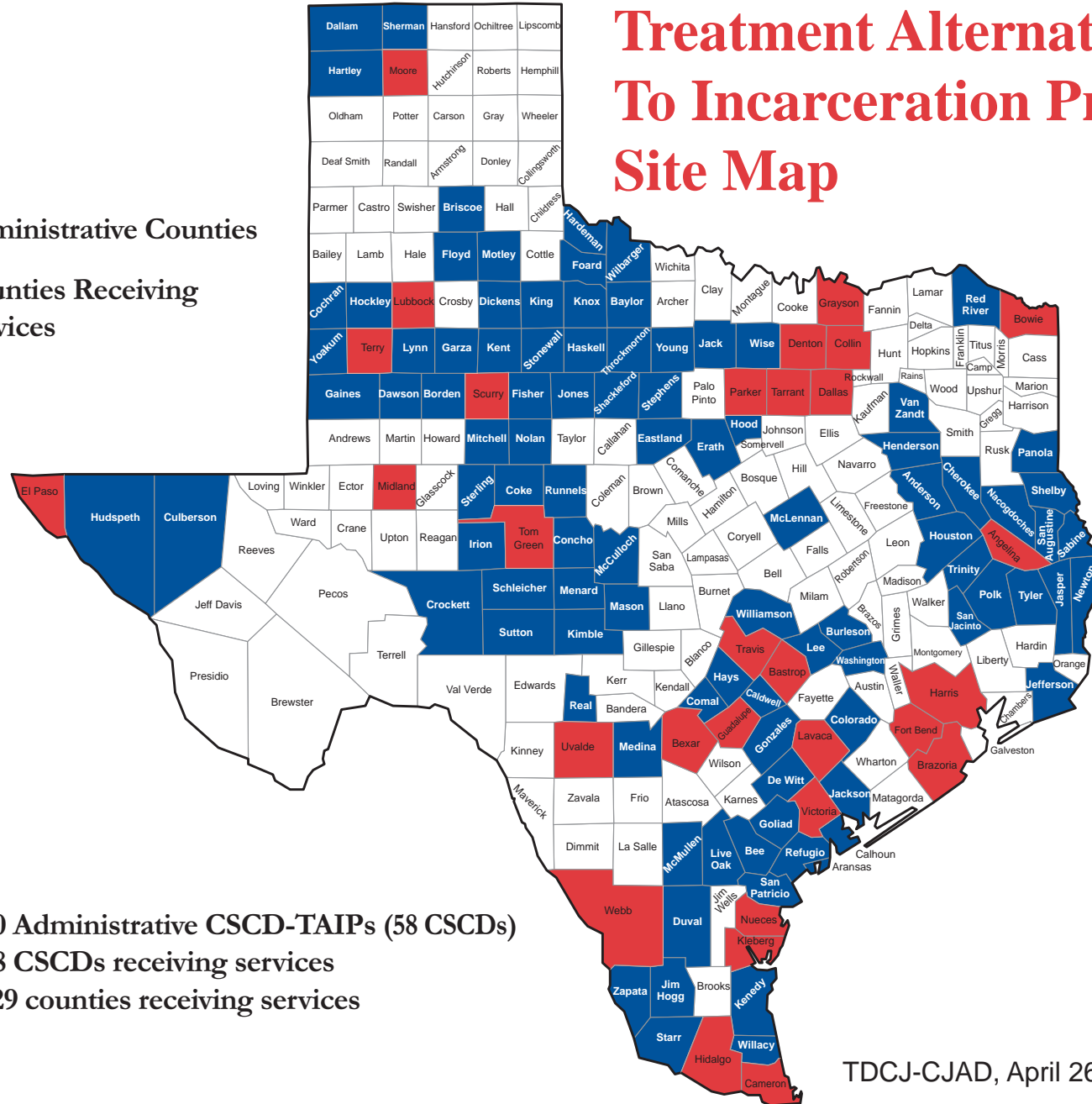
Originally administered by the Texas Commission on Alcohol and Drug Abuse (TCADA) in FY 1995, TAIP began as an \$11.2M annual program serving the six most populous Texas counties (Bexar, Dallas, El Paso, Harris, Tarrant, and Travis). Administration of TAIP was given to the TDCJ-CJAD September 1995. The law requires that the funds awarded to the TDCJ-CJAD are available statewide, and the program has grown to include rural counties with limited treatment resources. TAIP is now a \$14.5M program serving 125 counties in FY'01. As the rural counties continue to make use of the TAIP grant dollars, the program can be expected to grow beyond its current capacity.

Since TAIP provides services to 58 CSCDs, the program is able to offer treatment access to 77% of the offenders on direct community supervision statewide. TAIP also provides matching funds for Residential Substance Abuse Treatment (RSAT) grant programs utilizing federal funds through the Office of the Governor.

Please see the map of TAIP programs which follows. For further information review TDCJ-CJAD's publication on "Substance Abuse Treatment" at: <http://www.tdcj.state.tx.us/publications/cjad/subtm97.pdf>

Treatment Alternatives To Incarceration Program Site Map

- Administrative Counties
- Counties Receiving Services



Confusion may arise because Boot Camps operated by the Institutional Division of the TDCJ are also referred to as Special Alternative Incarceration Programs; clearly, the TAIP program has different goals, target population and parameters.

5.4 OTHER SUBSTANCE ABUSE PROGRAMS

Both national and state statistics show that substance abuse and related offenses, such as burglary and theft, comprise over half the direct supervision population. In Texas, these offenses represent 65.18% of crimes committed by offenders under direct supervision by CSCDs. To cope with rising numbers of offenders, whose main problem is substance abuse, CSCDs are using all resources available to them.

Prior to TAIP funds, the CSCDs had already begun to perform specialized assessments to determine the level of risk and need presented by substance abusing offenders, form specialized caseloads, contract for inpatient and outpatient programs, and operate departmental residential facilities. These programs continue in addition to TAIP because the need is so great. Generally, programs provide offenders with services such as screening, assessment, greater frequency of contact with community supervision officers, substance abuse education, cognitive training, urinalysis, group and individual counseling, and residential services, if necessary. TAIP funds help pay for some services; funds from other sources supplement the TDCJ-CJAD and TAIP funds. For example TAIP does not pay for specialized caseloads, but these are essential components of managing offenders in the community. There are several substance-abuse related services and sanctions not covered by TAIP, but they are available through continuing grants or other funding from TDCJ. For further information review TDCJ-CJAD's publication on "Substance Abuse Treatment" at <http://www.tdcj.state.tx.us/publications/cjad/subtm97.pdf>.

A new alternative has been developed that combines intensive supervision and intensive day reporting: the Day Reporting-Day Treatment Program. Currently, there is one such program in Tarrant County that commenced in FY 2002. It operates as a "day jail" and has very intensive, daily substance abuse treatment. See the information on day reporting centers in chapter 4.

In chapter 4, summaries are available on CCFs, several of which have specialized substance abuse treatment components. Please refer back to this chapter for additional substance abuse options.

Substance Abuse Treatment Resources

The Texas Commission on Alcohol and Drug Abuse (TCADA) provides a list of TCADA Licensed Treatment Facilities and Treatment Programs by county on their website at <http://www.tcada.state.tx.us/treatment/index.shtml>. In addition, the website provides a map to quickly identify screening and referral providers in your area. Finally, there is a "Guide to Effective Treatment" that can be downloaded free of charge.

- Substance Abuse Felony Punishment Facilities (SAFPFs) provide intensive treatment in a secure incarceration-type facility. SAFPFS are neither operated nor funded by the TDCJ-CJAD, but are an important resource for offenders on community supervision. The TDCJ-CJAD does provide funds for SAFPF aftercare caseloads which provide more intensive supervision for SAFPF graduates.

5.5 SUBSTANCE ABUSE FELONY PUNISHMENT FACILITIES (SAFPF)

SAFPF Treatment Components	SAFPF Eligibility Criteria	SAFPF Admission Criteria
<p><u>Unit Treatment Components</u></p> <ul style="list-style-type: none"> • Intensive six month therapeutic community program • Phase I (Orientation), a comprehensive assessment and orientation to the therapeutic community • Phase II (Main Treatment), which includes cognitive restructuring, education, skills training, offender lifestyle confrontation, family dynamics and twelve-step programs • Phase III (Re-Entry), the education of offenders in the development of social skills and the recognition of triggers or relapse <p><u>Aftercare Treatment Components</u></p> <ul style="list-style-type: none"> • Upon successful completion of the SAFPF program, defendants are placed in a community residential facility (Transitional Treatment Center) for 60-90 days • Outpatient individual and group treatment is provided for up to nine months after release from the Transitional Treatment Center 	<p><u>Legislative</u></p> <ul style="list-style-type: none"> • 1st, 2nd, 3rd degree or state jail felonies (<u>no</u> Indecency of a Child, Sexual Assault, or Aggravated Sexual Assault) • 3G offenses including aggravated kidnapping, aggravated robbery, use/finding of deadly weapon • Deferred Adjudication • Revoked probation <u>not</u> eligible • Sentence is for indefinite period of 90 to 365 days, average stay is 6 months <p><u>Administrative</u></p> <ul style="list-style-type: none"> • No detainer or pending charges • Free of acute substance abuse withdrawal - no detoxification services available at the unit • Physically and mentally capable or eligible for Special Needs SAFPF 	<p><u>Medical/Psychological Criteria</u></p> <ul style="list-style-type: none"> • Capable of participation • No medical or psychological condition requiring inpatient care or permanent infirmary care • No medical condition for which continuity of care is essential • No infectious condition requiring isolation <p><u>Special Needs Criteria</u></p> <ul style="list-style-type: none"> • Must have a current Axis I (DSM-IV-R) psychiatric diagnosis (bi-polar, major depression or schizophrenia) or • Must have a medical condition requiring ancillary services or • Must have a severe mobility impairment • Additional questions regarding special needs issues should be directed to TDCJ Health Services at (936) 437-3589
<p>CRIMINAL JUSTICE POLICY COUNCIL: The Second Biennial Report on the Performance of the TDCJ Rehabilitation Tier Programs - February 2003</p> <ul style="list-style-type: none"> • The use of the SAFPF program as a diversion from prison makes the program cost effective as offenders are sentenced to 6 months in SAFPFs in lieu of longer prison terms • The CJPC estimates that for every 100 offenders placed in the SAFPF program the state avoids \$770,000 in incarceration costs <p>CJAD AFTERCARE FUNDING: Due to the additional supervision required for continuum of care management of SAFPF graduates, supplemental funding helps departments to continue providing aftercare management services above and beyond those that regular defendants receive. A field committee assisted TDCJ-CJAD staff in establishing, and later revising, the minimum requirements for supervising SAFPF graduates during the 12 months in the continuum of care.</p>		

This chart provides a summary of information that may be used to ascertain the most effective treatment option.

5.6 SUMMARY OF OPTIONS FOR SUBSTANCE ABUSE TREATMENT REFERRALS

Most CCFs do not accept serious, sexual or violent offenders, but there are exceptions. Most give priority placement to felons but accept misdemeanants on a space-available basis.

	OUTPATIENT	DRUG COURTS DAY REPORTING/TREATMENT	RESIDENTIAL*	SAFPF
Offense	Any high or medium felony or misdemeanor assessed as needing substance abuse services.	Any high or medium felony or misdemeanor assessed as needing intensive supervision and outpatient substance abuse services.	*May be CCFs or may be contracted residential ☛ Depends on facility criteria; few CCFs accept misdemeanors but contracted residentials do so. ☛ Many CSCD facilities cannot accept Title 5 (violent) offenders. High & Med. Risk/Needs	Any felony, except sex offenses Assessed as needing restrictive and intensive services High & Med. Risk/Needs
Program Length	Indefinite – offenders generally placed as a condition of community supervision with attendance mandated until treatment is completed – often approximately six months	Drug Courts – varies from one year to 18 months Day Reporting/Day Treatment – six to nine months.	☛ Contract Residential: programs vary; generally 30-90 days, based on offender’s progress; offenders sent as a condition of community supervision ☛ CCFs=SATF/CRTC: programs/modalities vary; most have three – six month minimum, lasting up to a year (based on offender’s progress); offenders sent as a condition of community supervision	☛ Approximately nine months, plus one year of aftercare completion depends on offender’s progress; ☛ Offender sentenced to indeterminate term of 90 days to one year
Legal Issues	☛ Few arrests/legal issues ☛ Brief or no jail or prison incarcerations	☛ Few to moderate number of arrests; may be first substance abuse arrest ☛ Brief or no <u>prison</u> incarcerations ☛ Typically non-violent history	☛ Few to moderate number of arrests ☛ Brief or no <u>prison</u> incarcerations ☛ Typically non-violent history	☛ Moderate to numerous arrests ☛ May have history of <u>prison</u> incarcerations
Life Stressors ☛ Examples	Mild to Moderate ☛ Intact family with healthy support ☛ Steady/full-time employment, more than six months in the past year; some skills	Moderate to Severe ☛ Less family support with possible problems due to substance abuse (separation/divorce/alienation) ... fewer prosocial ties to the community ☛ Some steady periods of employment; has some skills	Moderate to Severe ☛ Less family support with possible problems due to substance abuse (separation/divorce/alienation) ... few prosocial ties to the community ☛ Some steady periods of employment; has some skills	Severe ☛ Major family problems, with little or no healthy support ☛ Frequent unemployment; has few job skills
Substance Abused ☛ Frequency ☛ Length of Sobriety	Use of less addictive substances (no addictive IV use) characterized by: ☛ Episodic, periodic or “recreational” use ☛ Extended lengths of sobriety or voluntary abstinence	Use of any substance characterized by... ☛ Increased/regular/routine use leading to more Life Stressors/Legal Issues; loss of control ☛ Short periods of sobriety or voluntary abstinence	Use of any substance characterized by... ☛ Increased/regular/routine use leading to more Life Stressors/Legal Issues; loss of control ☛ Short periods of sobriety or voluntary abstinence	Use of any substance characterized by... ☛ Increased/regular/routine use leading to more Life Stressors/Legal Issue; loss of control ☛ Fewer, if any, periods of sobriety or voluntary abstinence
Treatment History ☛	Generally, first time in treatment ☛ Failed at drug/alcohol education ☛ Failed at 12 step program ☛ Assessments have not shown an addiction profile (resid. treatment) OR ☛ Used as support after residential programs (including state jail and SAFPF)	☛ Failed at drug/alcohol education ☛ Has attended and/or failed at (or relapsed from) a 12 step, outpatient, aftercare, or (possibly) use of any substance characterized by... ☛ Increased/regular/routine use leading to more Life Stressors/Legal Issues; loss of control	☛ Short periods of sobriety or voluntary abstinence or inpatient program ☛ Failed at drug/alcohol education ☛ Has attended and/or failed at (or relapsed from) a 12 step, outpatient, aftercare, or (possibly) another inpatient program ☛ Increased/regular/routine use leading to more Life Stressors/Legal Issues; loss of control ☛ Short periods of sobriety or voluntary abstinence or inpatient program	Has typically attempted numerous other treatment programs (perhaps including SAFPF or other shorter TC modality) but has failed to maintain short or long term sobriety, or has absconded from less-restrictive treatment facilities
Social Supports	☛ Strong outside social supports (e.g., 12 step group, church, etc.) ☛ Non drug-using partner/family members/peer group	☛ Moderate to few outside social supports ☛ May have drug-using partner/family members/peer group	☛ Moderate to few outside social supports ☛ May have drug-using partner/family members/peer group ☛ Few outside social supports	☛ Probably has drug-using partner/family members/peer group
Motivation for Treatment	High (willing to participate)	High to Moderate (may be ambivalent or unsure about commitment to sobriety or going to treatment)	Moderate (may be ambivalent or unsure about commitment to sobriety or going to treatment)	Moderate to Low or Resistant; Higher risk to quit or abscond from non-restricted programs

WHAT WORKS IN REDUCING RECIDIVISM?

By Edward J. Latessa, Ph.D, Professor & Division Head of Criminal Justice, University of Cincinnati

“What works” is not a program or an intervention, but a body of knowledge based on over thirty years of research that has been conducted by numerous scholars in North America and Europe. Also referred to as evidence-based practice, the “what works” movement demonstrates empirically that theoretically sound, well-designed programs that meet certain conditions can appreciably reduce recidivism rates for offenders. Through the review and analysis of hundreds of studies, researchers have identified a set of principles that should guide correctional programs.

The first is the risk principle, or the “who” to target—those offenders who pose the higher risk of continued criminal conduct. This principle states that our most intensive correctional treatment and intervention programs should be reserved for higher risk offenders. Risk in this context refers to those offenders with a higher probability of recidivating. Why waste our programs on offenders who do not need them? This is a waste of resources, and more importantly, research has clearly demonstrated that when we place lower risk offenders in our more structured programs, we often increase their failure rates (and thus reduce the overall effectiveness of the program). There are several reasons this occurs. First, placing low risk offenders in with higher risk offenders only serves to increase the chances of failure for the low risk. For example, let's say that your teenage son or daughter did not use drugs, but got into some trouble with the law. Would you want them in a program or group with heavy drug users? Of course you wouldn't since it is more likely that the higher risk youth would influence your child more than the other way around.

Second, placing low risk offenders in these programs also tends to disrupt their prosocial networks; in other words, the very attributes that make them low risk become interrupted, such as school, employment, family, and so forth. Remember, if they do not have these attributes it is unlikely they are low risk to begin with. The risk principle can best be seen from a recent study of offenders in Ohio who were placed in a halfway house or community based correctional facility (CBCF). The study found that the recidivism rate for higher risk offenders who were placed in a halfway house or CBCF was reduced, while the recidivism rates for the low risk offenders that were placed in the programs actually increased.

The second principle is referred to as the need principle, or the “what” to target—criminogenic factors that are highly correlated with criminal conduct. The need principle states that programs should target crime producing needs, such as anti-social attitudes, values, and beliefs, anti-social peer associations, substance abuse, lack of problem solving and self-control skills, and other factors that are highly correlated with criminal conduct. Furthermore, programs need to ensure that the vast majority of their interventions are focused on these factors. Non-criminogenic factors such as self-esteem, physical conditioning, understanding one’s culture or history, and creative abilities will not have much effect on recidivism rates. An example of a program that tends to target non-criminogenic factors can be seen in offender based military style boot camps. These programs tend to focus on non-criminogenic factors, such as drill and ceremony, physical conditioning, discipline, self-esteem, and bonding offenders together. Because they tend to focus on non-crime producing needs, most studies show that boot camps have little impact on future criminal behavior.

The third principle is the treatment principle, or the “how”—the ways in which correctional programs should target risk and need factors. This principle states that the most effective programs are behavioral in nature. Behavioral programs have several attributes. First, they are centered on the *present* circumstances and risk factors that are responsible for the offender’s behavior. Second, they are *action* oriented rather than talk oriented. In other words, offenders do something about their difficulties rather than just talk about them. Third, they teach offenders new, prosocial skills to replace the anti-social ones (e.g. stealing, cheating, lying, etc.) through modeling, practice, and reinforcement. Examples of behavioral programs would include structured social learning programs where new skills are taught, and behaviors and attitudes are consistently reinforced, cognitive behavioral programs that target attitudes, values, peers, substance abuse, anger, etc., and family based interventions that train family on appropriate behavioral techniques. Interventions based on these approaches are very structured and emphasize the importance of modeling and behavioral rehearsal techniques that engender self-efficacy, challenge of cognitive distortions, and assist offenders in developing good problem solving and self-control skills. These strategies have been demonstrated to be effective in reducing recidivism. Non-behavioral interventions that are often used in programs would include drug and alcohol education, fear tactics and other emotional appeals, talk therapy, non-directive client centered approaches, having them read books, lectures, milieu therapy, and self-help. There is little empirical evidence that these approaches will lead to long-term reductions in recidivism.

Finally, a host of other considerations will increase correctional program effectiveness. These include targeting responsivity factors such as a lack of motivation or other barriers that can influence someone’s participation in a program. Making sure that you have well trained and interpersonally sensitive staff, providing close monitoring of offenders whereabouts and associates, assisting with other needs that the offender might have, ensuring the program is delivered as designed through quality assurance processes, and providing structured aftercare. These program attributes all enhance correctional program effectiveness.

If we put it all together we have the “who, what, and how” of correctional intervention, also known as “what works”.

Table of Appendices Reference Websites

APPENDIX A

Article 42.12, Texas Code of Criminal Procedure can be found at this website:

<http://www.capitol.state.tx.us/statutes/cptoc.html>

The Texas Government Code Sections 509.001-509-012

can be found at:

<http://www.capitol.state.tx.us/statutes/gvtoc.html>

APPENDIX B

Definitions and Acronyms from Texas Department of Criminal Justice

<http://www.tdcj.state.tx.us/definitions/definitions-home.htm>

APPENDIX C

Website: Texas Department of Criminal Justice, Community Justice Assistance Division (TCDJ-CJAD) Standards for CSCDs; Includes Substance Abuse Standards

<http://www.tdcj.state.tx.us/cjad/cjad-standards.htm>

APPENDIX D

Website: Standard Legal Forms Office of Court Administration

<http://www.courts.state.tx.us/jcit/FelonyForms/TableofContents.htm>

The online forms are interactive and printable

APPENDIX E

Website: Report of the Technical Violations Committee

<http://www.tdcj.state.tx.us/publications/cjad/tech-violations-rprt.pdf>

APPENDIX F

“Trends, Profile, and Policy Issues Related to Felony Probation Revocation in Texas”, Excerpt, Criminal Justice Policy Council, May 2002

<http://cjpc.state.tx.us/reports/parprob/felpro2.pdf>

APPENDIX G

Website: TDCJ-CJAD report on Diversion Programs

<http://www.tdcj.state.tx.us/publications/cjad/diversion-programs-rprt.pdf>

APPENDIX H

Listing of available fact sheets and information on interim charges pertinent to CJAD.

<http://tdcj.state.tx.us/publications/cjad/cjad-publications-home.htm>

APPENDIX I

Website: House Committee on Corrections

<http://www.house.state.tx.us/committees/200.htm>

APPENDIX J

Website: Senate Committee on Criminal Justice

<http://www.senate.state.tx.us/75r/senate/commit/c590/c590.htm>

APPENDIX K

Website: Interim Charges information from the Texas Criminal Defense Lawyer's Association

http://www.tcdla.com/legislation/crimjustice_interimchanges.shtml

*Please note that the address indicates interim changes, while the terminology is interim charges.