

152207

# ALTERNATIVES TO INCARCERATION:

## A Texas Perspective



JAN 5 1995

ACQUISITIONS

Presented by:

**Paul T. Garner, Audit Manager  
State Auditor's Office  
Austin, Texas**

**July 25, 1994**

152207

**U.S. Department of Justice  
National Institute of Justice**

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# Projected Increase in Correctional Capacity, FY 1994-1996

## Correctional Beds Added to Capacity by Type

	Prisons*	State Detention/ Transfer Facilities	Substance Abuse Felony Punishment Facilities	State Jails	Total
FY 1994	16,967	10,000	1,175	0	28,142
FY 1995	15,445	0	7,253	20,418	43,116
FY 1996 (By 12/95)	1,008	500	0	3,724	5,232

## Projected Correctional Capacity by Type

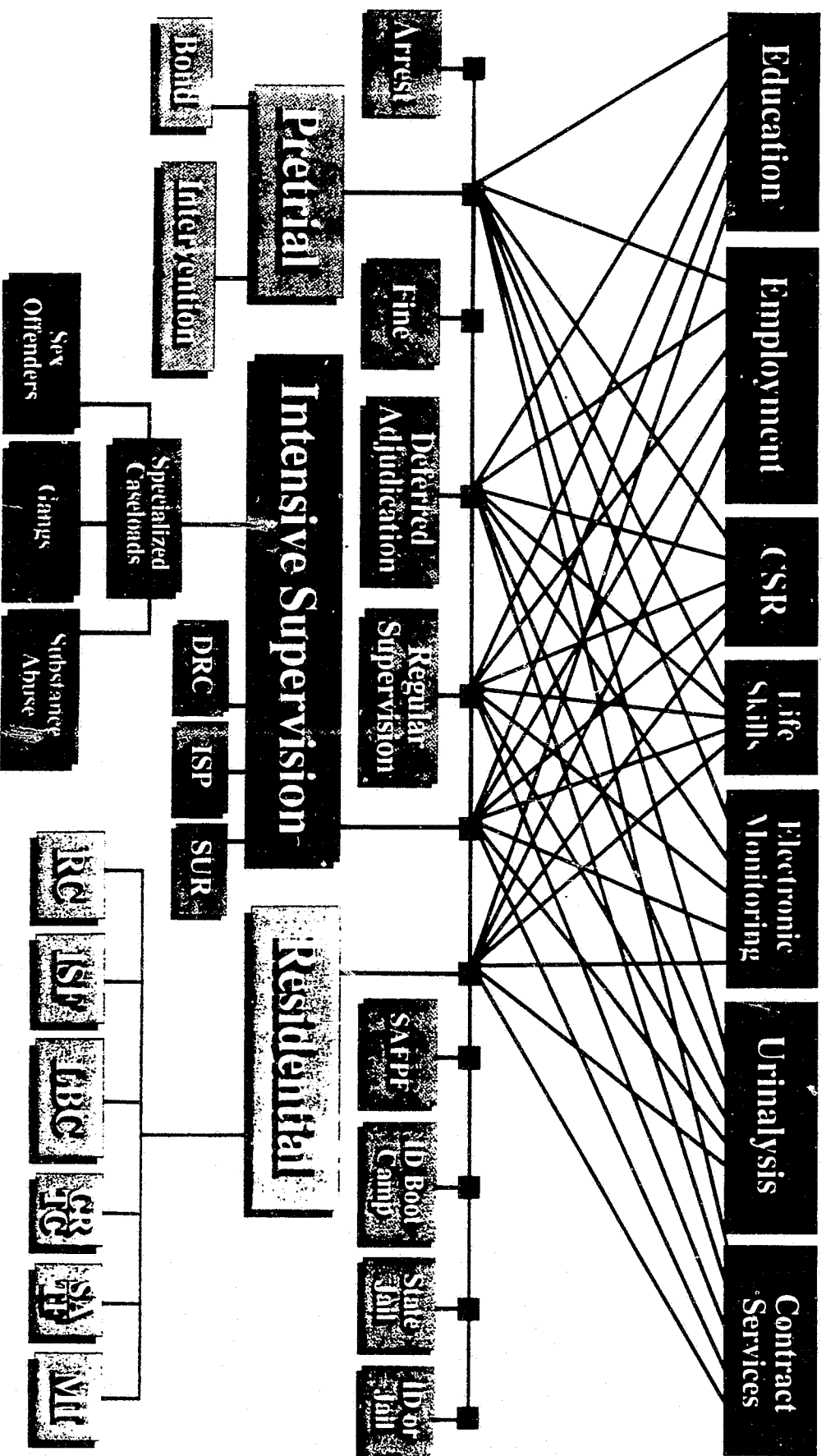
	Prisons*	State Detention/ Transfer Facilities	Substance Abuse Felony Punishment Facilities	State Jails	Total
FY 1993	63,989	3,030	1,572	0	68,591
FY 1994	80,956	13,030	2,747	0	96,733
FY 1995	96,401	13,030	10,000	20,418	139,849
FY 1996 (By 12/95)	97,409	13,530	10,000	24,142	145,081

- **Correctional capacity in Texas will increase by 112% between September 1993 and December 1995**
- **Texas may have the largest correctional system in the nation by the end of 1995**
  - ✓ The above capacity accounts for the state jail Mode 2 accelerated schedule and includes the emergency capacity authorized by the board of the Texas Department of Criminal Justice in January 1994 (15,463 beds)
  - ✓ The above capacity does not include 1,860 beds in private detention facilities and 1,314 beds in temporary detention facilities, however, these capacities are incorporated in the model to make the projection

\* Prisons include ID System I & II, Work Program, Boot Camp, private prisons, and psychiatric facilities  
Hospital capacity is not included

# COMMUNITY CORRECTIONS IN TEXAS

## *A Continuum of Sanctions*



## **CONTINUUM OF SANCTIONS**

Probationers can be placed into any number of supervision programs which make up what is often referred to as a continuum of sanctions; "continuum," because there is a progression and/or a regression from one sanction (intervention/punishment) to another. The wide range of community supervision (probation) programs vary in levels of restriction.

### **REGULAR SUPERVISION**

Probation or Community Supervision is defined as the supervised release of a convicted defendant by a court under a continuum of programs and sanctions with conditions imposed by the court for a specified period during which the imposition of sentence is suspended.

The law suggests the conditions which the court might impose on the offender, but allows the court to modify or alter any of the conditions at any time. Under the 4-tier system, community supervision officers can move probationers from one type of supervision to another as needs or intervention strategies dictate. Regular supervision, or basic probation, falls into Levels 4 through 2 (minimum, medium, and maximum supervision, non-special programs) of the 4-tier system. The majority of offenders are supervised in regular probation and assigned basic probation conditions.

### **INTENSIVE SUPERVISION**

An "umbrella term" for several types of intensive supervision of probationers. Each type of intensive probation is geared toward meeting specific problems of high-risk and/or high-need offenders. Types of intensive probation include Day Reporting Centers (DRC), Intensive Supervision Probation (ISP), Surveillance Probation (SUR), and Specialized Caseloads (SCP).

#### **Day Reporting Centers (DRC)**

Day Reporting Centers are highly structured non-residential facilities which provide programs consisting of supervision, reporting, employment, counseling, education, and community resource referrals to probationers. Service provider agencies arrange to be available in this central location to allow probationers ease of access. Acting much like a marketplace for self-improvement opportunities, the Day Reporting Centers centralize and streamline the delivery of services to needy offenders.

#### **Intensive Supervision Probation (ISP)**

Intensive Supervision Probation (ISP) has more opportunity to provide an increased level of surveillance and supervision of each probationer. The ISP officer determines risk/needs levels of the probationer, develops an individualized supervision plan, and arranges for the probationer to receive any needed special services to ensure public safety and promote responsible behavior.

Offenders placed into ISP have a documentable need indicator of drug dependency, alcohol dependency, chronic unemployment, limited mental capacity or emotional problems, prior commitments to jail or prison, prior convictions, and/or the seriousness of their offense indicates greater needs/risks. Placement into ISP is a result of a direct court order, alternative to revocation, or shock probation.

### **Surveillance Probation (SUR)**

A mandatory curfew is required, and frequent drug/alcohol screenings are performed. Offenders may also be required to participate in treatment for any special problems they may have (i.e., substance abuse) and could be placed on electronic monitoring.

The criteria for a surveillance program is based on the defendant having a documented pattern of serious non-compliance while at a less restrictive supervision level, a motion to revoke filed for a law violation, and matched the profile of offenders historically sent to prison or jail in that jurisdiction.

## **SPECIALIZED SUPERVISION**

Specialized supervision refers to the grouping of probationers who share the same type of problem for supervision by a probation officer experienced and trained in that problem area.

Supervision tools, such as electronic monitoring, can be used along with other conditions and restrictions of probation.

### **Substance Abuse Felony Punishment Facilities (SAFPF)**

A major undertaking established by the Legislature in 1991 was the creation of Substance Abuse Felony Punishment Facilities to be operated by the Community Justice Assistance Division.

The program offers the courts a sentencing alternative for offenders with substance abuse problems and chemical dependencies.

Designed for non-assaultive felony offenders with substance abuse problems, the substance abuse felony punishment facilities have been jointly developed by the Institutional Division, the Pardons and Paroles Division, and the Community Justice Assistance Division of the Texas Department of Criminal Justice and the Texas Commission on Alcohol and Drug Abuse (TCADA).

Facility designs for 500- and 1,000-bed units were finalized during fiscal year 1993, site locations for 20 facilities to be constructed or remodeled were chosen by the Board, and therapeutic strategies and programming, along with security procedures, were negotiated.

During the fiscal year, there were a total of 1,567 SAFPF beds available, and before the end of fiscal year 1993, there will be 175 more SAFPF beds in operation. During fiscal year 1993, approximately 1,842 offenders were served in SAFPFs.

## **RESIDENTIAL SERVICES**

Residential facilities provide the courts with a sentencing alternative designed to:

- Reduce jail/prison overcrowding.
- Provide public protection by ensuring a level of security in a 24-hour supervision program.
- Provide an intermediate sanction for offenders.
- Provide services that target reintegration of the offender back into the community.

There are a variety of residential services programs in use in Texas community corrections.

### **Restitution Centers (RC)**

Restitution Centers provide close supervision and a highly structured environment, which promotes safety to the community and responsibility to the probationer. The probationer is confined to the center, except to go to their place of employment, to perform community service work, or to attend education or rehabilitation programs.

A resident remains in the restitution center from three months to one year, with progress reports to the court occurring at 90-day intervals. While residents in the center, probationers are required to be employed, perform community service work, attend any special classes or counseling which may be a condition of their probation, and complete daily chores at the center.

Residents' pay covers part of the cost of their room and board, restitution to their victim, support of their family, repayment of court costs, and payment of fines and fees. An additional economic benefit is that by remaining in the community and working, the residents are also paying taxes.

### **Intermediate Sanction Facility (ISF)**

An Intermediate Sanction Facility provides short-term detention for probation violators and other offenders as deemed appropriate by local jurisdictions.

## **Local Boot Camp (LBC)**

The Local Boot Camp Program incorporates strict rules of order and behavior. The program involves hard work, exercise, cleaning duties, job and life skills training, substance abuse counseling, and education classes. Length of time a probationer may be required to stay in a boot camp runs from 90 to 180 days. The typical target offender population for the boot camp program are young, first-time offenders in need of the discipline offered through the boot camp regime.

## **Court Residential Treatment Centers (CRTC)**

Court Residential Treatment Centers (CRTC) provide services and treatment for offenders with problems in a variety of areas, such as alcohol dependency, substance abuse, mental problems, and emotional difficulties. A large number of offenders have one or more of the problems listed, but the problem is more pronounced in offenders identified as "special needs" offenders. Special needs offenders require a structured environment in which to be supervised and treated for their problem areas.

Placement into a CRTC spans anywhere from one month to 24 months. Regular evaluations are made of the offender's behavior, attitude, and progress at the center and filed with the sentencing judge. A judge may also place offenders in a CRTC as a pretrial condition.

## **Substance Abuse Treatment Facility (SATF)**

A Substance Abuse Treatment Facility (SATF) is a residential program designed specifically to deal with one type of special need: chemical abuse treatment. Educational and vocational skills are also frequently included in the treatment programs.

## **Mentally Impaired (MI)**

Mentally Impaired Facilities.

## **Other Facilities**

County Correctional Centers are facilities operated by the county sheriff to house and provide work programs and counseling for eligible defendants and probationers or for probation violators to serve a term of confinement. They differ from jails, both physically in their architectural requirements and the program design for residents.

Some Community Supervision and Corrections Departments operate "combination facilities." These are facilities which provide more than one function, such as a facility which operates a restitution center program and a court residential treatment center program.



Funding for Contract Residential Services (CRS) enables departments which do not have sufficient need to justify implementing their own residential facility to still have access to residential services when needed. Departments can contract for beds in a restitution center, court residential treatment center, boot camp, mental health center, etc.

## **ELECTRONIC MONITORING**

Electronic monitoring is used to monitor the absence or presence of individuals at a given residence, at a specified time. Electronic monitoring may involve attaching to an individual's wrist or ankle a device which transmits signals to a central computer which records the offender's location. There are a variety of electronic monitoring devices marketed.

Electronic monitoring is a tool, rather than an individual program, and may be used in conjunction with any non-residential, community-based supervision programs. It serves as an enhancement to supervision which can reduce the county jail and/or prison commitment rates.

The Texas Code of Criminal Procedure allows for flexibility in the use of electronic monitoring as noted below:

- personal bond
- pretrial release/diversion
- regular supervision
- in lieu of a sentence of confinement to jail
- in lieu of jail as a condition of probation
- in lieu of payment of a fine/costs
- as a condition of an appeal bond
- as a condition of an appeal

## **ANCILLARY PROGRAMS**

A variety of other innovative programs are available through community corrections to address the wide range of needs among offenders in the State of Texas.

### **Battering and Intervention Prevention Program**

Contracts are made with non-profit organizations to provide counseling or treatment to batterers, using an approach of direct intervention on an individual or group basis. These contracts are established only in counties which have a shelter center available for the victims of the batterer. The programs include training to law enforcement, prosecutors, judges, probations officers, and others on the dynamics of family violence, treatment options, and program activities. A system is set up for receiving referrals from the courts and for reporting back to the courts as to whether or not the batterer is in compliance with the treatment program.

## **Community Service Restitution (CSR)**

CSR is a condition of probation which mandates that a defendant work a specified number of hours at a community service project in order to make restitution to the community for the crime committed. The court may also require a defendant to service CSR in lieu of confinement in a county jail under certain conditions. The defendant is not paid for services performed while accruing CSR hours.

## **Contract Services**

Any service deemed necessary by the courts, departments, or communities to deal effectively with their offender population, and which are available in that community through an outside agency, may be contracted. Some types of services which were contracted during fiscal year 1993 include drug screening, literacy programs, residential services, sex offender programs, and substance abuse treatment.

## **Employment Services**

Many departments employ probation officers trained in assisting probationers in finding employment. Other departments coordinate directly with the Texas Employment Commission (TEC) for job placement of probationers.

## **Literacy and Education Programs**

A variety of local programs are used in teaching probationers literacy skills. New innovative approaches using computer software and self-paced skills development programs are among the latest technology being applied to get offenders functioning at acceptable levels of literacy. Classes assisting probationers in earning their GED are also arranged by Community Supervision and Corrections Departments (CSCD).

## **Pretrial and Presentence Services**

In certain instances, a judge may place defendants under the supervision of the local CSCD prior to a defendant's trial or, upon conviction, prior to sentencing of the defendant. The defendant must comply with certain conditions and possibly pay a supervision fee while under pretrial/presentence supervision. Programs utilized during pretrial/presentence supervision are aimed at target groups such as first-time offenders, indigent offenders who can't afford to make bond, or DWI offenders. Pretrial and presentence services help alleviate crowded jails by offering an alternative means of supervision while awaiting trial or sentencing.

## STATE JAIL FACILITIES

The 73rd Legislature rewrote parts of the Texas Code of Criminal Procedure to provide for a new category of punishment for felony offenders (fourth-degree felonies). Any person committing a crime classified as a fourth-degree felony can be sent to a state jail facility as their punishment. State jail facilities will be developed by both the Community Justice Assistance Division and the Institutional Division of the Texas Department of Criminal Justice.

The Board of Criminal Justice has outlined 13 regions for state jail facilities. The larger 1,000- and 2,000-bed units will be the first facilities built in 9 of the 13 regions defined. Other smaller 667- and 1000-bed units, will follow suit. The first state jail facilities are expected to come on line in fiscal year 1995.