Community supervision is usually the first “step” in the right direction for most offenders. Community Supervision Officers (CSOs) supervise, advise, guide and support offenders who are trying to get on the right track. CSOs help offenders in their transition to being a contributing member of society.

Objectives:

1.

2.

3.

4.

5.

Slide 2

Objectives

• This session will provide a basic overview of community supervision (formerly known as adult probation) in Texas, including its definition, establishment of departments, relationship to counties, funding, budget and benefits to local communities.
Objectives
• Have a better understanding of community supervision
• Learn how community supervision benefits communities
• Comprehend the interaction of community supervision and county government in Texas.

Community Supervision in Texas is an “Odd Animal” that Serves many Masters!

What is Community Supervision?
Community supervision is “the placement of a _________ by a court under a continuum of programs and sanctions, with conditions imposed by the court for a specified period during which criminal proceedings are deferred … or a sentence of imprisonment or confinement … is probated and the imposition of sentence is suspended in whole or in part.” (TCCP 42.12, Section 2)
What do CSCD’s do for my county?

The Mission of the Department is:

• to enforce the orders of the ________ in a fair and equitable manner,
• to protect society by timely responding to probation violations ,
• to monitor ________ for potential conflicts with or risks to society,
• to supervise effective programs and sentencing alternatives to minimize cost of the criminal justice system without increasing risk to the community,
• to provide an atmosphere and opportunity to facilitate positive changes in the offenders, and
• to maintain and improve professional liaisons with other law enforcement and social service agencies.

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What are counties required to provide to CSCD's?
In accordance with Texas Government Code §76.008, the county or counties served by a CSCD shall provide, at a minimum, the following facilities, equipment and utilities for the department.

- Minimum _________ for CSCDs. Each CSO shall be provided a private office. Each office shall have the necessary lighting, air conditioning, equipment, privacy, and environment to provide and promote the delivery of professional community corrections services.
- Minimum _________ for CSCDs. Each CSCD office shall be provided adequate utilities necessary to provide efficient and professional community corrections services.
- Minimum _________ for CSCDs. Each CSO shall be furnished adequate furniture, telephone, and other equipment as necessary and consistent with efficient office operations. Adequate insurance, maintenance, and repair of the CSCD's equipment shall be maintained.
- __________. Each CSCD office providing direct court services shall be located in the courthouse or as near the courthouse as practically possible to promote prompt and efficient services to the court.
- ______________. Satellite CSCD offices shall be established in the area of the judicial district to provide efficient supervision of and service to offenders as dictated by population, caseload size, or geographical distance.
How are CSCD's formed?

"Community corrections facility" means a physical structure, established by the _______ described by Section 76.002 after authorization of the establishment of the structure has been included in the local community justice plan, that is operated by a department or operated for a department by an entity under contract with the department, for the purpose of treating persons who have been placed on community supervision or who are participating in a drug court program established under Chapter 469, Health and Safety Code, and providing services and programs to modify criminal behavior, deter criminal activity, protect the public, and restore victims of crime. The term includes:
(A) a restitution center;
(B) a court residential treatment facility;
(C) a substance abuse treatment facility;
(D) a custody facility or ________;
(E) a facility for an ________ with a mental impairment, as defined by Section 614.001, Health and Safety Code; and
(F) an intermediate sanction facility.

CSCD's

Community supervision and corrections departments are responsible for supervising ________ placed on community supervision as defined above. Chapter 76 of The Government Code and Section 42.131 of The Texas Code of Criminal Procedure define community supervision and corrections departments and explain how they are governed. Departments are established by the district judges, who appoint a director, who then employs officers and other staff as necessary to conduct pre-sentence investigations, supervise and assist in the rehabilitation of defendants placed on community supervision, and enforce the conditions of supervision. Employees of the department are subject to the management of the criminal court judges as well as the director of the department. Judicial authority over CSCD's in Texas is referred to as local autonomy - the local judiciary, in conjunction with each department's director, sets local policy and makes decisions about local CSCD's at that level. Although CSCD's are often referred to by the name of the county they serve, CSCD's are not governed by county government. CSCD's do offer benefits
to employees at least equal to the benefits received by employees in the largest county they
serve, and receive facilities, utilities, and equipment from counties.

Benefits and Personnel Policies

Persons employed with the Community Justice Assistance Division (CJAD) are also ________
employees, but CSCD employees are considered employees of the department, which is a
political entity of the ________ districts they serve. Thus, CJAD oversees CSCD operations, but
CSCD employees are not employees of CJAD or of the State, except for purposes of Workers'
Compensation claims, and for purposes of certain lawsuits.

Benefits and Personnel Policies (cont’d)

The judge appoints or the judges appoint CSCD employees as necessary to accomplish these
tasks, and the ________ districts served by a CSCD pay the employees' salaries. As section
76.006 of the Government Code stipulates, these employees generally are not state employees,
although they are state employees for limited purposes: Subsection (c) expressly deems CSCD
employees "state employees for the purposes of Chapter 104, Civil Practice and Remedies Code,
which governs state liability for public servants' conduct, and Chapter 501, Labor Code, which
concerns state employees' workers' compensation insurance coverage.
At present, CSCD employees' benefits are provided under a contract with one of the _________ that the CSCD serves. CSCD employees are then governed by the personnel policies of that county, and both employees and retired employees receive benefits "equal to . . . benefits of other employees of that county." CSCD employees and retired employees are "eligible to participate in the group benefits program established under" chapter 1551 of the Insurance Code, as provided by section 1551.114 of the Insurance Code.

How can I have input into CSCD operations?

A department, _________, municipality or any combination of those entities may establish community correction facilities, including restitution centers, residential treatment centers, substance abuse treatment facilities or boot camps. Prior to establishing such a facility, the district judge(s) must establish a community justice council. This council provides continuing policy guidance and direction for the development of criminal justice plans and community corrections facilities and programs.

Members of community justice councils are all ________officials with jobs related to public safety. These councils must receive CJAD recognition as a properly formed council each year. Community justice councils may appoint community justice task forces to provide support staff for developing community justice plans. Non-elected, appointed officials with jobs pertaining to public safety serve on these task forces.

Each criminal justice council must prepare a community justice _______ and submit it to the Texas Board of Criminal Justice by March 1 of each year. The plan outlines the community’s objectives and commitment to a continuum of community-based criminal justice sanctions. These community justice plans must be approved by the applicable district judges.
How are CSCD’s governed by the state?

The Community Justice Assistance Division (CJAD) administers ______ community supervision in Texas. The division does not work directly with offenders but distributes state aid to local community supervision and corrections departments (CSCDs) that do. CJAD’s role is ensuring that services are provided in accordance with community justice plans.

Texas has 122 CSCDs responsible for _____ counties. Organized within local judicial districts, the CSCDs receive partial funding and administrative support from the Texas Department of Criminal Justice. Based on a statewide average, 65 percent of a CSCD’s operating budget is state funded and allocated by CJAD. Other funds, such as court-ordered fees, meet the remaining budget needs of a CSCD. County governments provide CSCDs with office space and equipment.

How are CSCD’s Governed by the State? (cont’d)

The Judicial ________ Council (JAC) provides guidance to CJAD and advises the Board of the Texas Department of Criminal Justice on matters pertaining to CJAD. The JAC is composed of 12 members appointed by the Presiding Judge of the Court of Criminal Appeals and the Chief Justice of the Supreme Court of Texas. The Probation Advisory Committee provides consultation to CJAD and the JAC on issues of importance to community supervision in Texas. Its members,
mainly directors of CSCD's, are appointed from each judicial administrative region by the Chair of the JAC.

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How are CSCD’s Governed by the State? (cont’d)

CJAD considers its primary responsibilities the following: distribution of ______ aid to CSCD's in compliance with CJAD standards; making grant awards to local CSCD's, municipalities, counties, and nonprofit organizations; providing ________ assistance in the development of community justice plans and community corrections programs, as well as in the establishment of community justice councils and task forces; providing training, certification, and continuing education for community supervision officers; supplying technical assistance in data collection systems; monitoring fiscal expenditures of those receiving state aid and grant funds; and, auditing CSCD's to ensure compliance with standards and law.

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Felons and Misdemeanants Placed under Supervision by Texas Courts

• As a snapshot, in Fiscal Year 2009, there were 426,259 individuals under Community Supervision.

• Of that figure, approximately 249,082 are felons and 177,177 are misdemeanants.
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Direct Supervision Offense Profile 2009

Race/Ethnicity Offenders under Direct Supervision 2009

Gender of Offenders under Direct Supervision 2009
Overview of Funding

TDCJ-CJAD distributes funds to community supervision and correction departments (CSCDs). The 81st Texas Legislature provided $_____ million dollars in funding. Additionally, they receive funds by collecting court-ordered fees from offenders, and through support of their local governments, they have office space, equipment and other operational necessaries.

A CSCD applies for funding by submitting a community justice plan (CJP) to TDCJ-CJAD. The CJP outlines a CSCD’s existing programs and services and may request funding for new programs and services. As a mandate of the Texas Legislature, the CJP is subject to approval of district judges and a community justice council.

To decide which programs to fund, TDCJ-CJAD considers how well the program will meet offenders’ needs and what other funding the departments already receives. CJAD allocates funds over a _____-year period according to specific formulae and categories.

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Phase II: 2016
9/21/2010

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Funding (cont’d)

CJAD allocates funds over a two-year period according to specific formulae and categories:

• ________ Supervision Funds cover the basic operating costs of the CSCD in providing services to offenders, such as employees’ salaries, training, supplies and other essentials. The amount of funding a CSCD receives is determined by the number of direct and pretrial felons and misdemeanant placements.

• ________ Corrections Program Funds are based on the ratio of felons placed directly on community supervision and the population of the counties in the jurisdiction.

• ________ Program Grants are awarded to select CSCDs for literacy, substance abuse and similar programs that are effective alternatives to incarcerating offenders.

• Treatment Alternatives to ________ Program Grants (TAIP grants) are awarded to select CSCDs to offer substance abuse screening, assessment, referral and treatment to offenders who do not qualify for or cannot afford any other treatment.

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What Financial Responsibilities Do Offenders Have?

Sec. 19. (a) Except as otherwise provided by this subsection, a judge granting community supervision shall fix a fee of not less than $____ and not more than $____ per month to be paid to the court by the defendant during the community supervision period. The judge may make
payment of the fee a condition of granting or continuing the community supervision. The judge may waive or reduce the fee or suspend a monthly payment of the fee if the judge determines that payment of the fee would cause the defendant a significant financial hardship.

(b) The judge shall deposit the fees received under Subsection (a) of this section in the special fund of the county treasury, to be used for the same purposes for which state aid may be used under Chapter 76, Government Code.

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What Financial Responsibilities Do Offenders Have? (cont’d)

Sect. 19. (e) If the judge grants community supervision to a defendant convicted of an offense under Section 21.08, 21.11, 22.011, 22.021, 25.02, 43.25, or 43.26, Penal Code, the judge shall require as a condition of community supervision that the defendant pay to the community corrections and supervision department officer supervising the defendant a community supervision fee of $___ each month during the period of community supervision. The fee is in addition to court costs or any other fee imposed on the defendant.

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Recent Legislative Funding

• 81st Session- $44.2 million, to include
  • $11.1 M increase in basic supervision funds
  • $13.1 M increase for CSO salaries
• 80th Session- $59.8 million, to include
  • $17.5 M increase in basic supervision funds
  • $42.3 M increase for treatment beds
• 79th Session- $55.5 million per biennium
  • To reduce caseloads & provide treatment beds

During the past three legislative sessions, the Texas Legislature has strengthened community supervision by reducing caseloads, increasing availability of substance abuse treatment options, reducing __________ to prison by utilizing progressive sanctions models, and providing more community supervision options for residential treatment and aftercare.
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Impact of Increased Budget

- Allowed CSCDs to work with offenders in the community prior to revoking them to prison.
- Recruit and retain quality staff
- Creation of the Community Supervision Tracking System

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CSCD/CSO Functions

- CSO’s protect the community through the proactive provision of services to offenders and through rapid action when violations of the conditions occur.
- CSCD’s serve the courts, the local community, victims, and offenders.

CSCD/CSO Functions

CSCDs supervise ______ placed on Community Supervision by the District and County Courts at Law.

CSCDs provide supervision with a goal toward ____________ to persons placed on Community Supervision by the Courts. They offer programs and services for the purpose of effective sentencing options, controlling and reducing criminal behavior and providing for the needs of crime victims.

CSCDs hold offenders accountable for their actions and facilitate a positive change in their behavior, utilizing community-based services and sanctions whenever possible. They strive to provide supervision designed to offer offenders the opportunity to make pro-social changes in their behavior.

CSCDs strive to help fine tune the community supervision needs of the offenders, as well as maintain the accountability of the safety and welfare of the community. Their success in rehabilitation of offenders is an investment toward the quality of community life.
CSCD/CSO Functions (cont’d)

Experienced Probation Officers prepare between ____ and ____ reports for the Judiciary annually. The reports include investigation of the offender's criminal history, previous terms of community supervision or incarceration, the offender's family of origin, his or her current residence and family relations, the educational and employment histories, physical and mental health as well as drug and alcohol addiction histories, any previous treatment history, military history, past and present gang involvement, history of violence and use of weapons and his or her financial situation. The officers are required to research available community resources, analyze the data they have collected and make specific recommendations as to the potential for rehabilitation, risk to the community, and sentencing options available to the Courts.

CSCD/CSO Functions (cont’d)

One of the most important functions of CSO's early in the supervision process is to identify the problem areas that led to the criminal offense, such as substance abuse, anger issues, or criminal thinking, and offer a myriad of programs and services to address those problem areas, leading the offender to establish a more pro-social lifestyle. If problem areas can be uncovered and resolved, the offender is less likely to commit new offenses, thereby offering increased protection to the local community.

CSCD/CSO Functions (cont’d)

Adult Probation Officers maintain responsibility for the day to day supervision and community surveillance of all adults who have been sentenced to probation by the Court. When an offender is placed on probation, Adult Probation Officers are responsible for referring these individuals to agencies which provide the services necessary to address the problems relating to their criminality. "_________" probationers to community service agencies is a fundamental casework
tool in redirecting an offender's antisocial behavior. Adult Probation utilizes "Evidence Based Practices" to provide the best assessments and interventions that will lead to reduced recidivism.

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CSCD/CSO Functions (cont’d)

For selected felony offenders, _________ Probation Supervision is a viable sentencing alternative to commitment to the Department of Corrections. Intensive Probation provides a program of high accountability and structure which emphasizes maintenance of regular employment, fiscal responsibility, abstinence from illicit drug use, public service work and the development of a permanent crime-free lifestyle.

Intensive Probation Supervision is a minimum of _____ months. Each probationer is supervised at a level based on their risk and performance. The probationers are seen by a team of Intensive Probation Officers numerous times per week and must abide by a strictly enforced curfew. Probationers that successfully complete IPS are then assigned to a Probation Officer who will provide supervision for the remainder of their sentence to probation.

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Community Supervision in Texas has progressed in developing innovative and researched-based programming over the past two decades. Your local CSCD’s work diligently to:

- protect the communities in which the staff members and you live and work
- rehabilitate offenders using evidence-based programming
- serve the courts, victims, and communities
- hold offenders accountable when they are not compliant with the requirements of supervision

Summary
The Community Supervision and Corrections Department (formerly known as Adult Probation) has a responsibility to the Courts, the individual ordered to complete a term of community supervision (probation), and the community. The CSCD supervises both misdemeanor and felony offenders who have plead guilty or have been found guilty by a Judge or jury. As an alternative to jail or imprisonment, community supervision is designed to provide an option for sentencing
courts whereby the offender is provided structured programs and an opportunity to receive educational, counseling, and/or rehabilitative services.

The State Legislature develops laws and the criminal justice system is charged with both enforcing those laws and sentencing offenders. The criminal justice system consists of three parts. Law enforcement investigates and apprehends suspected law violators, otherwise known as defendants or offenders. The courts determine the innocence or guilt of offenders and sentence them. Offenders often receive a suspended sentence, which places them under a term of community supervision, a part of the court system in Texas. The corrections component includes jails and prisons, which provide the facilities for the incarceration and rehabilitation of convicted law offenders.

In Texas, community supervision is a function of the local court system, so it is a judicial function, whereas parole is a State function for which authority rests in the executive branch of government. Community supervision is authorized and defined in The Code of Criminal Procedure, Article 42.12. This article forms the basis from which community supervision operates.

Under Texas law, there are five major types of community supervision:
- Regular felony and misdemeanor community supervision
- Deferred adjudication community supervision
- Shock community supervision
- State jail felony community supervision
- Pre-trial intervention and diversion

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Resources
- http://www.tdcj.state.tx.us/
- http://www.co.brazos.tx.us/departments/cscd/
- Texas Public Policy Foundation
- TDCJ Statistical Report Fiscal Year 200

- Texas Community Justice Assistance Division
- Texas Department of Criminal Justice
- Texas Government Code
- Brazos County CSCD