

PROGRESSIVE SANCTIONS MODEL:

(Fifth Amended-February 10, 2012)

(Sixth Amended September 1, 2019)

See Texas Government Code, § 509.016.

Proposal: Judicially Sanctioned Graduated Sanctions and Incentives Model for Probationers

Our judiciary has given careful consideration of a general practice model that offers both sanctions and incentives mutually beneficial to offenders, officers and society. This model will officer guidance to officers; provide sure, swift and consistent responses for violations of probation and reward those offenders who take responsibility for their probation

Purpose: To create a proactive supervision system that employs both graduated rewards and sanctions to improve overall compliance with the conditions of supervision and to protect the public by modifying offender behavior.

Definition: Graduated Sanctions- Structured, incremental responses to non-compliant behavior while under supervision. Incentives- rewards for compliant behavior while under supervision.

Empirical evidence supports a proactive supervision process. Swift, certain and progressive responses to non-compliant behavior sends the offenders a clear message that such behavior is not tolerated and that offenders are accountable for their own behavior. It also creates a perception of fairness in the mind of the probationer by implementing consistent sanctions for probation infraction. Such a proactive supervision process can also serve both experienced and inexperienced probation officers by removing discretion that often results in cross inconsistencies for handling probation violations. Haphazard responses to violations can reinforce an offender's perception that certain officers will tolerate certain violations while other officers will not. By having a court adopted and sanctioned progressive model, officer concerns of exercising authority outside of the judicial system can also be reduced.

From concepts to practices, there are five objectives that must be closely followed and monitored 1) make certain the offender understands what is required of them and the consequences for not doing what is required, 2) insure adherence to the progressive sanctions model, 3) treat the offender with the same respect and dignity as you would want to be treated, 4) recognize and reward the probationer for their progress and 5) insure due process through administrative review when infractions are contested, and ultimately through judicial review, when the administrative review is contested.

Adult Probation Graduated Sanctions Model

Behavior: Positive Urinalysis

Without Medical Prescription

Sanction

1st positive

- * Report to Probation Office and submit to urine/alcohol Testing **for more frequent random urinalysis**
- AND
- * Serve 4 days in jail (Friday 6pm thru Monday 6am)
- AND
- * EXTEND PROBATION TERM if necessary to comply with above sanction

2nd positive

- ** Attend and complete or repeat an Out-Patient/In-Patient Substance Abuse Counseling Program as determined by a substance abuse evaluation – i.e. AA/NA
- AND
- ** Serve 15 days in jail
- AND
- ** EXTEND PROBATION TERM if necessary to comply with above sanction
- OR
- File ROV with State Prosecutor

* These sanctions should not include offenders who have recently completed an intensive inpatient treatment modality or display serious drug or alcohol use as positive ua's may indicate relapse issues requiring a need for court intervention.

Behavior: Positive Urinalysis

Without Prior Substance Abuse or Medical Prescription

Sanction

1st positive

- * Participate and Successfully complete the Drug Offender Education Program as directed by Hood County CSCD
- AND
- * Serve 4 days in jail (Friday 6pm thru Monday 6am)
- AND
- * EXTEND PROBATION TERM if necessary to comply with above sanction

* These sanctions should not include offenders who have recently completed an intensive inpatient treatment modality or display serious drug or alcohol use as positive ua's may indicate relapse issues requiring a need for court intervention.

Behavior: Failure to Report
Without Valid Reason

Sanction

1 st time	* Verbal Warning
2 nd time	** 4 days in jail (Fri. 6pm thru Mon. 6am) AND *** Weekly reporting for 12 weeks
3 rd time	*** File ROV with state prosecutor

Behavior: Failure to Pay
Without Valid Reason

Sanction

1 st time	* Verbal warning unless otherwise noted in court order
2 nd time within 60 days of first infraction	** Administrative hearing AND/OR ** Probation extension if necessary AND ** Modified payment schedule to weekly vs. monthly if necessary
3 rd time within 90 days of second infraction	*** 4 days in jail (Fri 6pm thru Mon. 6am)

Behavior: Failure to Comply with Treatment Requirements
Without Valid Reason

Sanction

1 st time	* Administrative hearing
2 nd time	** Weekly reporting for duration of treatment or 12 weeks whichever is less
3 rd time	*** File report of violation with State Prosecutor

Behavior: Failure to Perform CSR
Without Valid Reason

Sanction

1 ST time	* Verbal Warning
2 nd time	** Administrative hearing
3 rd time	*** 4 days in jail (Fri. 6pm thru Mon. 6am) jail AND *** Weekly reporting for 12 weeks or until CSR hours are current whichever is less
4 th time	**** File report of violation with the State

Behavior: New Arrest

Sanction

Request a copy of the offense report and notify the state prosecutor advising of the arrest.

These graduated sanctions for technical violations of probation are to be used as a *general* practice. In the event there is some extenuating or unusual circumstance that the officer feels would lend to reconsideration of these policies, the officer is to immediately staff the matter with the CSCD Director or his designee to discuss appropriate alternatives.

Adult Probation Incentives Model

Good Progressive Sanctions Models should include not only a process for graduated sanctions in the event of violations but also should include incentives for compliant behavior. The following is a judicially accepted model for offenders who remain in compliance with their conditions of probation.

Felony Incentives

For every **90 days** of compliant behavior, CSR hours will reduce by 24 hours. Any community service hours being performed for payment of fines' are not eligible for reduction.

In addition, persons on direct supervision who have completed ½ of their probation term and are found to be in substantial compliance with their conditions of probation may be eligible for reporting a minimum of 1 time every 90 days.

Misdemeanor Incentives

For every **45 days** of compliant behavior community service hours will be reduced by 8 hours. Any community service hours being performed for payment of fines' are not eligible for reduction.

Said incentive shall not include periods of confinement or treatment (in-patient) without a report from the jail and or treatment administrator as to an individual's acceptable conduct and program participation while in treatment or incarcerated.

State Jail and 3rd Degree Felony Time Credits

Individuals who qualify under HB1205 requirements shall receive the following time credits towards reducing their community supervision when eligible.

- Obtaining a high school diploma or GED: 90 days
- Obtaining an associate's degree: 120 days
- Court Cost Paid: 15 days
- Attorney's fees paid: 30 days
- Restitution paid: 60 days
- Completion of alcohol or substance abuse counseling or treatment: 90 days
- Completion of vocational, technical, or career education training: 60 days
- Completion of parenting class or parental responsibility program: 30 days
- Completion of anger management program: 30 days
- Completion of life skills training program: 30 days

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