

# Summary of Responses to TDCJ-CJAD Sentencing Survey



**August 2004**

**Texas Department of Criminal Justice  
Community Justice Assistance Division  
Research and Evaluation**

# TDCJ-CJAD Sentencing Survey

## Introduction

Judges and Community Supervision and Correction Department (CSCD) directors were surveyed to get their opinions regarding ways to improve the effectiveness and efficiency of community supervision. The survey was designed based on input from the CSCD Chief's Legislative Retreat in January 2004 and by Judges and CSCD directors in February 2004. The survey was given to Judges, CSCD directors, and others attending the TDCJ-CJAD Sentencing Conference in April 2004 and to Judges attending the Texas Center for Judiciary Conference in May 2004. The survey was also sent by e-mail to all CSCD directors in June 2004.

A summary of results is presented below followed by statistical tables detailing the results. Results reported in the summary combine the categories of "strongly support" and "support" in reporting survey results. A number of questions allowed narrative responses which are also summarized in this report. A copy of the full survey is attached.

Survey Respondents	Responses
Judges:	n = 76
CSCD Directors:	n = 47

# Summary of Survey Results

Responses to the survey are summarized below:

- **Early discharge:** While a majority of judges (55%) supported legislation requiring judicial review of offenders eligible for early discharge, CSCD directors did not support this proposal (29%) and there was not support for legislation requiring early discharge with discretion from either judges or CSCD directors.
- **Make state jail felons eligible for early discharge:** About 2 out of 3 judges and CSCD directors (66%) supported making State Jail felons eligible for early discharge.
- **Reducing supervision terms:** Close to half (44%) of all respondents would support reducing probation supervision terms to 5 years. There was little support for reducing terms to 3 or 4 years.
- **Local system of progressive sanctions:** Over half of judges (53%) and two-thirds of CSCD directors (68%) supported legislation directing departments to develop a local system of progressive sanctions.
- **Delegate authority to departments to amend conditions and sanction:** Close to half of judges (42%) supported delegating authority to amend supervision conditions to departments, while only 1 in 4 judges (26%) would support delegating sanctioning authority to departments, while 3 out of 4 CSCD directors supported both proposals.

# Summary of Survey Results Continued

- **More funding to departments utilizing a system of progressive sanctions:** This proposal was strongly supported by judges (77%) and CSCD directors (92%).
- **Use community supervision as a sentencing option:** Judges would be more likely to use community supervision as a sentencing option if there were more specialized caseloads (71%) or residential facilities (84%).
- **Use community supervision as an alternative to revocation:** Judges would be more likely to use community supervision as an alternative to revocation if there were more specialized caseloads (71%) or residential facilities (84%).
- **Prioritizing funding needs:** Judges ranked more treatment resources as their highest funding priority with more residential treatment as their second priority. CSCD directors ranked smaller caseloads as their highest funding priority with more treatment resources as second.
- **Narrative responses:** Narrative responses supported most of the results reported above.

# Survey Conclusions

## Early Discharge and Length of Community Supervision

- While judges and CSCD directors supported making State Jail felons eligible for early discharge and judges expressed support for reviewing eligible offenders for early discharge, there was not support for requiring early discharge.
  - Close to half of respondents supported reducing probation terms to 5 years but there was not support for changing the length of supervision below 5 years.

## Progressive Sanctions and Delegating Sanction Authority

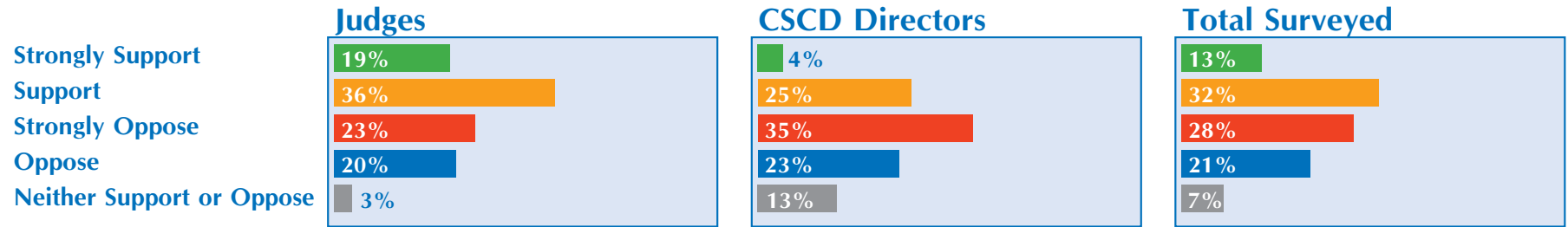
- There was support for developing local systems of progressive sanctions, especially if more funding was associated with departments utilizing progressive sanction systems, although judges did not support delegating sanctioning authority to departments.
  - A system that provided for some judicial review or oversight of local probation sanctioning authority might generate support from judges for these type of proposals.
    - For example, Oregon delegated sanctioning authority to departments but allows for judicial override within 4 days of the sanctioning decision.

## Additional Resources for Community Supervision

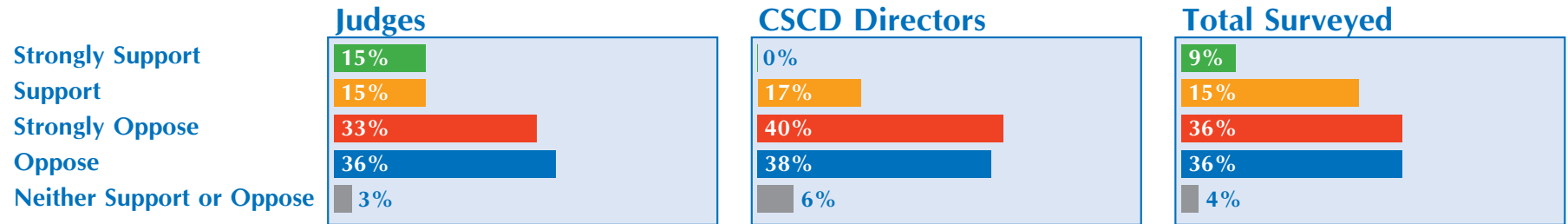
- Judges and CSCD directors ranked "more treatment resources" as either their highest or second highest priority for funding
  - Judges ranked "more treatment resources" as their highest need and "more residential resources" second
  - CSCD directors ranked "smaller caseloads" as their highest priority with "more treatment resources" second
- Judges also indicated that they would be more likely to place an offender on community supervision or use alternatives to revocation if more residential treatment and specialized caseloads were available

# Survey Results

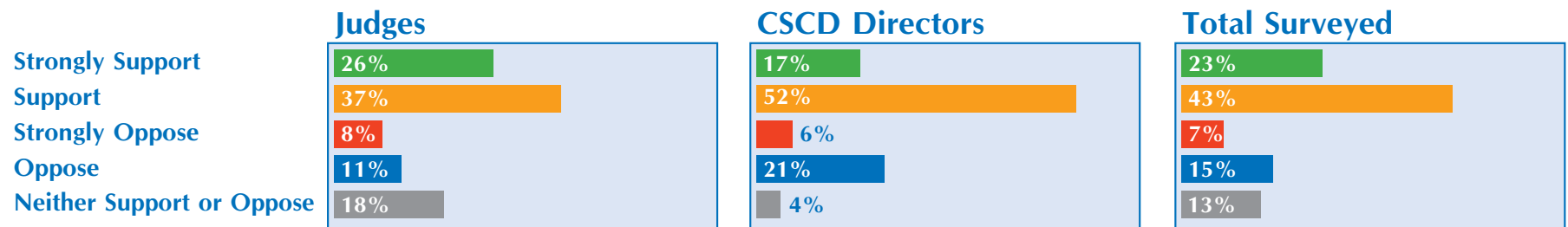
## Question 1a: Require Judicial review for early discharge



## Question 1b: Require early discharge

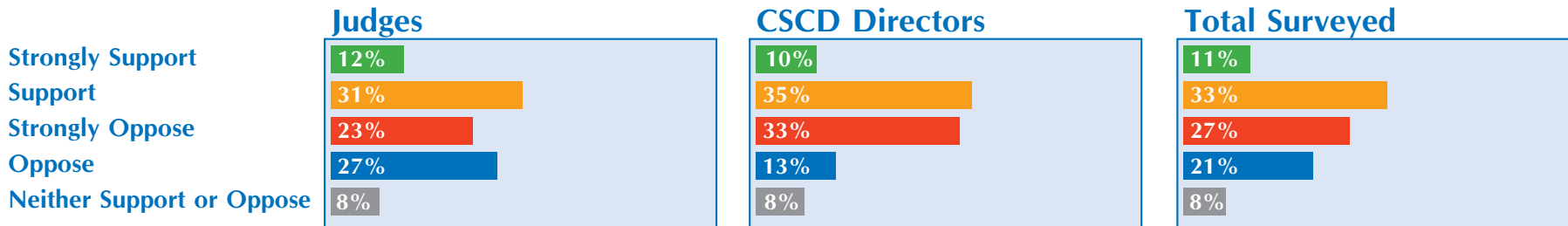


## Question 2: Make State Jail felons eligible for early discharge

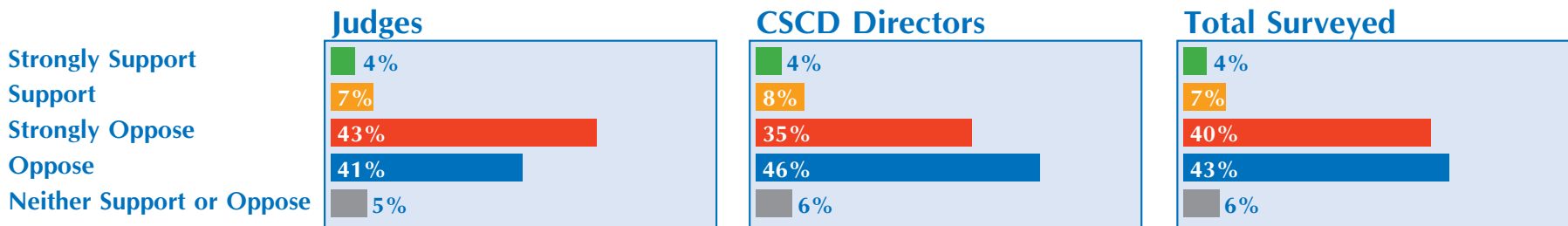


# Survey Results Continued

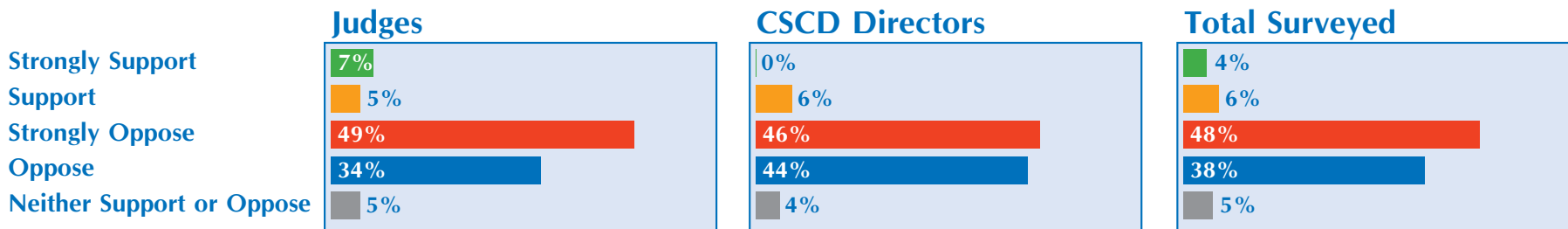
## Question 3a: Reduce length of supervision to 5 years



## Question 3b: Reduce length of supervision to 4 years

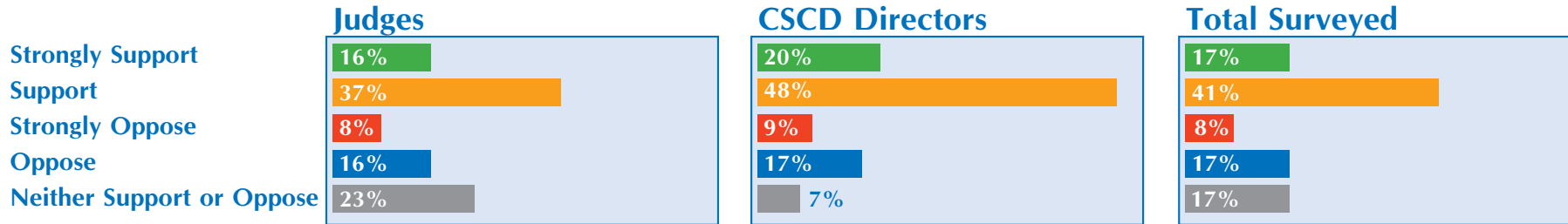


## Question 3c: Reduce length of supervision to 3 years

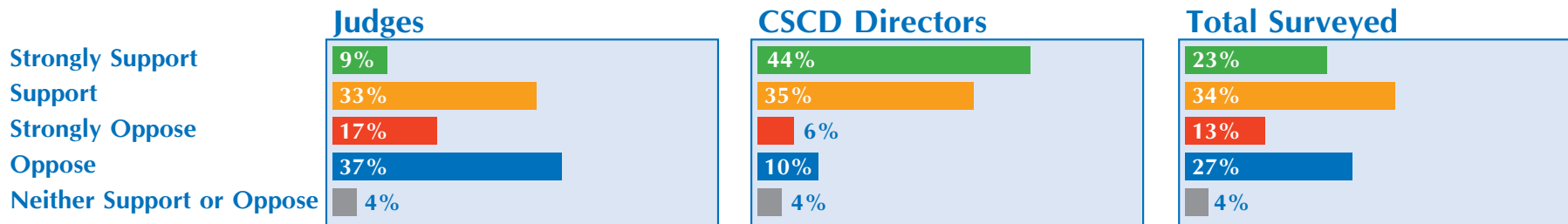


# Survey Results Continued

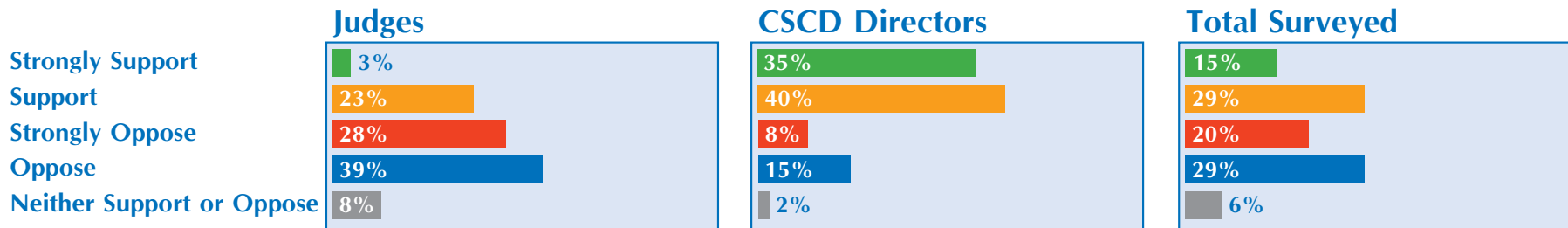
## Question 5: Develop local system of progressive sanctions



## Question 6: Legislation allowing Judges to delegate authority to department to amend conditions of supervision without probationer approval

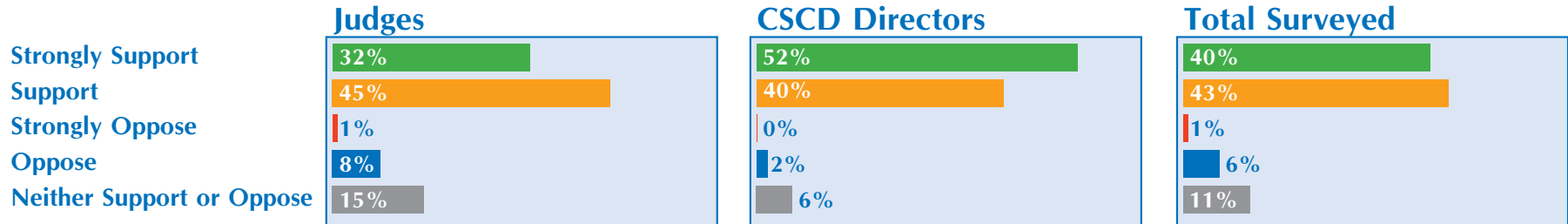


## Question 7: Delegate limited sanctioning authority to departments to include confinement in a county jail



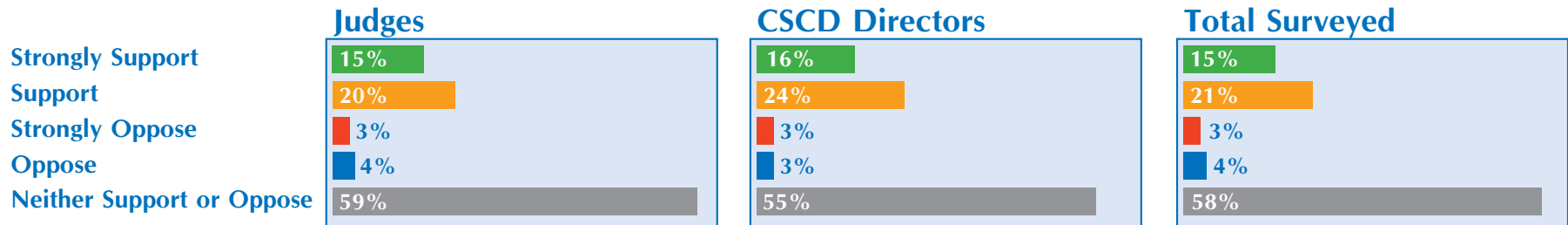
# Survey Results Continued

## Question 8: Support more funding to departments utilizing a system of progressive sanctions

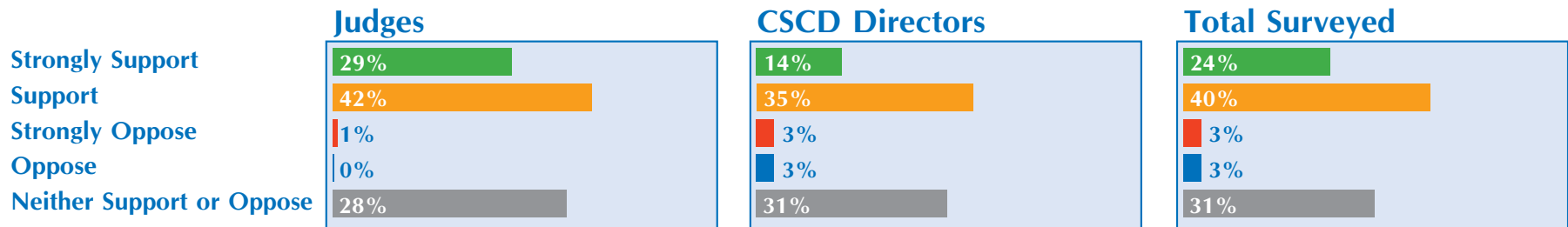


- Approximately 25% of CSCD directors did not answer questions 9 through 13 because they felt these questions were only within the authority of Judges

## Question 9: Use community supervision more if caseloads reduced by 20%

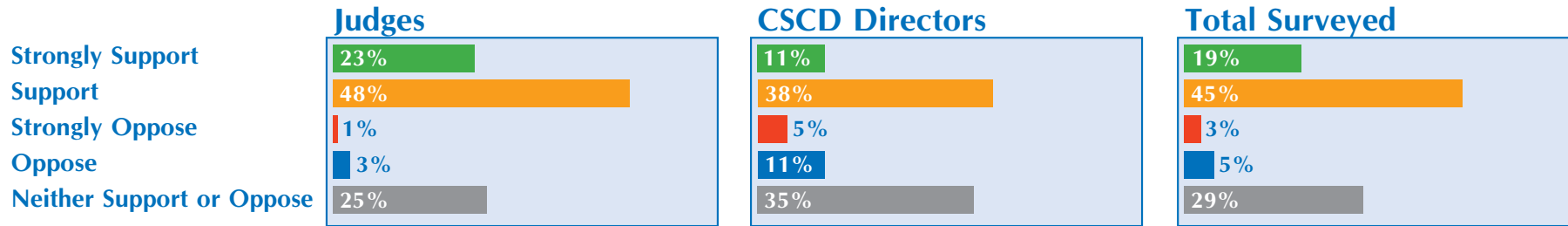


## Question 10: Use community supervision as a direct sentencing option if more specialized caseloads

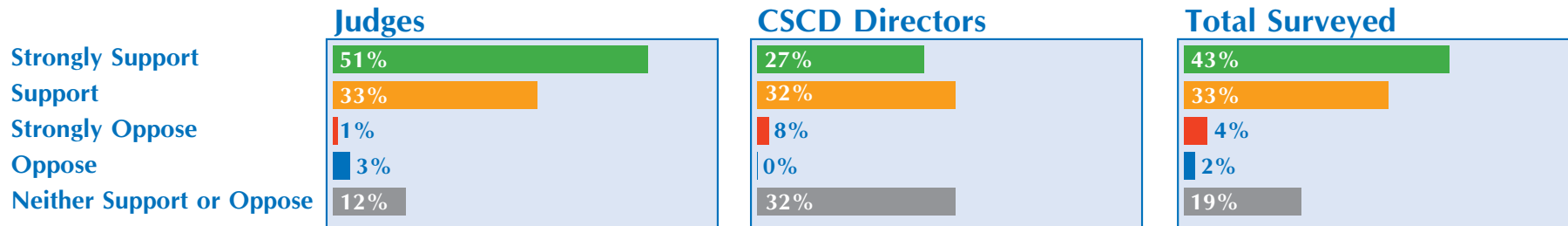


# Survey Results Continued

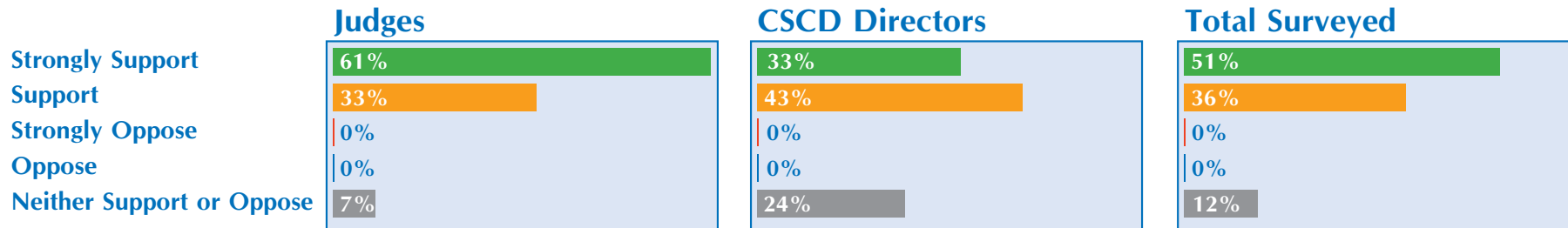
## Question 11: Use community supervision as an alternative to revocation option if more specialized caseloads



## Question 12: Use community supervision as a direct sentencing option if more residential facilities



## Question 13: Use community supervision as an alternative to revocation option if more residential facilities



# Funding Needs

## Prioritizing Funding Needs

Respondents were asked to prioritize funding needs by ranking the items below from 1 to 7, 1 being highest priority and 7 lowest priority. The scores below represent the average score for each item. The lower the score the higher the priority.

Question 14 Item	Average Score		
	Judges	CSCD Directors	Total Surveyed
Smaller Caseloads	3.75	1.77	2.97
More treatment	2.04	2.89	2.38
More sanction facilities	3.44	3.34	3.40
More residential treatment	2.39	3.72	2.92
More drug courts	4.86	4.96	4.90
Training	4.77	5.24	4.96

- Judges ranked "More treatment resources" as the highest funding priority
  - "More residential treatment" was the second funding priority for judges
- CSCD Directors ranked "Smaller caseloads" as the highest funding priority
  - "More treatment resources" was the second funding priority for judges

## Narrative Responses

Respondents were asked to provide suggestions on ways to reduce officer caseloads, make community supervision officers more effective, methods to increase early dismissals and reduce revocations, and suggestions to improve community supervision. Written comments were summarized for each question by topic and are presented below. Comments representative of each topic were selected for inclusion.

## Methods to Reduce Officer's Caseloads

### Modify Types of Supervision

Decrease the level of supervision and modify or delete terms of probation for highly compliant probationers. Increase the use of indirect supervision options such as group reporting, mail-in reporting, kiosks, or unsupervised probation with fees. Other options include combinations of these types of indirect reporting with occasional face-to-face contacts. question by topic and are presented below.

### Additional Funding

Funding is needed to hire additional Community Supervision Officers (CSOs) for basic supervision and specialized caseloads. The current system discourages early termination of probations in order to collect fees. There is concern that if caseloads are decreased, State funding to local CSCDs will also decrease.

## **Hire Additional CSOs**

The hiring of additional CSOs is needed to reduce caseloads. Other suggestions include utilizing other staff such as assistant Community Supervision Officers, clerks, or volunteers to supervise low risk or indirect supervision cases.

## **Early Termination of Probation**

Local CSCDs should create policies directing CSOs to review cases after 1/3 of the sentence or 2 years is served for possible early termination. These cases should then be presented to the judge for review. This option should only be used for probationers who have completed the terms of their probation (paid fees, completed treatment programs, etc.).

## **Reduce Probation Terms**

The maximum lengths of probation should be reduced and shorter sentences assessed for misdemeanor and non-violent offenders. Extensions could be given for violations or to allow extra time for payment of restitution to victims.

# **Methods to Make Community Supervision Officers More Effective**

## **Lower Caseloads**

Lower caseloads to a manageable level that allows CSOs to properly monitor the probationers they supervise.

## **Training and Education**

Better training is needed in the areas of effective supervision methodologies, specialized caseloads, alternatives to incarceration, motivational interviewing, cognitive restructuring, and addiction.

## **Additional Treatment Resources**

More treatment resources, programs, and alternative treatment options in the community are needed to assist offenders. Specifically, funding for treatment services, counseling services, and transportation assistance were mentioned as areas of need.

## **Give CSOs More Discretion**

Use the experience and knowledge CSOs have of defendants in sanctioning and qualifying for incentives. Give CSOs more ability to impose immediate and consistent sanctions. Give CSOs more discretion and allow creativity in dealing with a variety of offenders. Reduce the amount of paperwork to allow CSOs to spend more time in the field.

## **Increase Pay**

Increase salaries to attract better-qualified CSO staff. Offer monetary incentives or develop a pay scale make it a career path and encourage officers to stay in the field.

# **Methods to Increase Early Dismissals**

## **Case Reviews**

Require periodic review of cases with the court to ensure compliance and identify probationers eligible for early release. Early dismissal would be recommended to the court by probation and granted by the Judge based on documented change by the defendant and compliance with conditions of probation. Emphasize satisfying all requirements of probation (reporting, payment of fees/fines, treatment programs, etc.).

## **Better Treatment Resources**

Increase resources to deal with problem areas in a shorter period of time. More treatment resources that emphasize substance abuse treatment, education and job training are needed.

## **Legislation**

Mandate early dismissal through State law. Limit length of initial probation with possibility for extension.

## Use Early Dismissal as an Incentive

During sentencing, inform the probationer of the possibility of early release for complying with terms of probation. Having a "carrot" of early dismissal would motivate a defendant to comply and would help an officer in supervision. Involve prosecutors at the front-end by making early dismissal a part of a plea-bargain. Reward local CSCDs for early dismissals.

## Methods to Increase Early Dismissals

### Increase Treatment Resources

Judges are willing to consider alternatives to revocation if there are viable options available that are effective. More alternatives are needed, including substance abuse treatment, residential treatment, counseling and local resources to help meet the probationer's needs. Funding is also needed to utilize these services.

### Sanctions

Sanctions are not effective because sanctioning is not in the control of the officer and take too long to implement. Greater use of intermediate sanctions is needed including giving CSOs the ability to apply immediate sanctions for technical violations. Develop local systems of progressive sanctions for technical violations. More resources and funding for alternative sanctions are needed.

### Smaller Caseloads

Small caseloads allow CSOs to more effectively monitor their cases.

## Other Comments, Suggestions to Improve Community Supervision

More funding is needed for specialized caseloads, hiring qualified CSOs, and providing treatment services to offenders.

More treatment facilities and community resources are needed.

## Appendix: Sentencing Survey

# TDCJ-CJAD Sentencing Survey 2004

## Introduction

The attached survey is designed to get your opinions regarding ways to improve the effectiveness and efficiency of community supervision. Factors impacting the efficiency and effectiveness of community supervision are detailed below. The survey targets ideas to reduce caseloads, enhance the effectiveness of sanctions, and asks for your ideas to improve community supervision. Results of the survey will be disseminated by TDCJ-CJAD. Thank you for taking the time to complete this survey.

## Factors Impacting the Effectiveness and Efficiency of Community Supervision

### Caseloads are high

- Caseload size = 
$$\frac{116 \text{ direct supervision} + 36 \text{ indirect supervision}}{152 \text{ cases per officer}}$$

### Time to supervise each case per month

- = 120 work hours per month/152 cases
- = 47 minutes per month per case

### Probation terms are long which contribute to high caseloads

#### " Average Probation Sentence

- Texas average = 63 months
- U. S. average = 38 months

Texas probation sentence is 66% longer than U.S. average

### Declining resources associated with increased revocations for technical violations

- Technical Violations Committee report found an increase in technical revocations as resources for alternatives declined

Diversion funding declined from \$1.21 per day in 1994 to \$1.04 per day in 2000

- Technical revocations, as a percent of all revocations, increased from 46% in 1994 to 55% in 2000

### Increased Resources + "Best practices" should increase success rates

- Felony Supervision Terminations = 54% successfully terminate (FY 2003)

<b>Successful:</b>	Early discharge	= 8% (3,931/53,007)
	Expired term	= 46% (25,501/53,007)
<b>Revoked to:</b>	Prison	= 24% (12,850/53,007)
	State Jail	= 20% (10,431/53,007)
	Jail	= 2% (1,294/53,007)

**Total Terminations = 53,007 (100%)**

# TDCJ-CJAD Sentencing Survey 2004 Continued

I am a  Judge  Prosecutor  Probation  Other\_\_\_\_\_

## Policy Issues

1(a). In order to reduce the number of offenders on probation, would you support legislation to require Judicial review for early discharge for offenders that have successfully completed 1/3 of sentence or 2 years of supervision, whichever is less, with the exception of violent offenders?

- Strongly support  Strongly Oppose  Neither Support or Oppose  
 Support  Oppose

(b). In order to reduce the number of offenders on probation, would you support legislation that requires early discharge for offenders that have successfully completed 1/3 of sentence or 2 years of supervision, whichever is less, with judicial discretion being preserved for those in violation of probation and/or violent offenders to be denied early release?

- Strongly support  Strongly Oppose  Neither Support or Oppose  
 Support  Oppose

2. Would you support legislation making persons on adjudicated state jail felony supervision eligible for early discharge as described in Art 42.12 Section 20 as that section applies to all other felony supervisions?

- Strongly support  Strongly Oppose  Neither Support or Oppose  
 Support  Oppose

## TDCJ-CJAD Sentencing Survey 2004 Continued

3. With the exception of cases charged with offenses of a violent nature, offenses that involve use of a weapon, offenses that caused bodily injury or are defined under section 3g of Article 42:12., with the discretion of judges to extend supervision for up to 10 years for offenders who are in violation of supervision conditions:

(a). Would you support legislation that reduces the maximum length of probation supervision to 5 years for felony offenders?

- Strongly support    Strongly Oppose    Neither Support or Oppose  
 Support    Oppose

(b). Would you support legislation that reduces the maximum length of probation supervision to 4 years for felony offenders?

- Strongly support    Strongly Oppose    Neither Support or Oppose  
 Support    Oppose

(c). Would you support legislation that reduces the maximum length of probation supervision to 3 years for felony offenders?

- Strongly support    Strongly Oppose    Neither Support or Oppose  
 Support    Oppose

4. Please identify methods that you would suggest to reduce officer's caseloads, given limited additional state resources.

## TDCJ-CJAD Sentencing Survey 2004 Continued

5. Would you support legislation directing community supervision and corrections departments to develop a local system of progressive sanctions for supervision violations?

- Strongly support    Strongly Oppose    Neither Support or Oppose  
 Support    Oppose

6. In order to reduce workloads of the courts and allow for immediate sanctioning of offenders in violation of supervision conditions, would you support legislation that would allow delegation by judges to community supervision and corrections departments the ability and authority to amend the conditions of supervision without probationer approval (after proper notification) in order to impose immediate sanctions?

- Strongly support    Strongly Oppose    Neither Support or Oppose  
 Support    Oppose

7. In order to reduce workloads of the courts and allow for immediate sanctioning of offenders in violation of supervision conditions would you support legislation delegating limited sanctioning authority to community supervision and corrections departments to include confinement in a county jail (after proper notification) as currently authorized by Art. 42.12 Section 12 (a) for judges.

- Strongly support    Strongly Oppose    Neither Support or Oppose  
 Support    Oppose

8. Would you support more funding by TDCJ-CJAD that provides additional resources to Community Supervision and Corrections departments utilizing a system of progressive sanctions?

- Strongly support    Strongly Oppose    Neither Support or Oppose  
 Support    Oppose

# TDCJ-CJAD Sentencing Survey 2004 Continued

## Resource Issues

9. Would you use community supervision more as a sentencing option if caseloads were reduced by 20% (from 152 (116 direct and 36 indirect) to approximately 120)?

- Very likely    Very unlikely    Not a factor  
 Likely    Unlikely

10. Would you use community supervision more as a direct sentencing option if there were more specialized caseloads (e.g., sex offender, mental health, substance abuse)?

- Very likely    Very unlikely    Not a factor  
 Likely    Unlikely

11. Would you use community supervision more as an alternative to revocation if there were more specialized caseloads (e.g., sex offender, mental health, substance abuse)?

- Very likely    Very unlikely    Not a factor  
 Likely    Unlikely

12. Would you use community supervision more as a direct sentencing option if there were more residential facilities?

- Very likely    Very unlikely    Not a factor  
 Likely    Unlikely

13. Would you use community supervision more as an alternative to revocation if there were more residential facilities (e.g., Intermediate Sanction facilities, Substance Abuse Treatment facilities)?

- Very likely    Very unlikely    Not a factor  
 Likely    Unlikely

## TDCJ-CJAD Sentencing Survey 2004 Continued

14. If you were seeking additional funds for community supervision, how would you prioritize funding needs. Rank from 1 to 7, 1 being highest priority and 7 lowest priority:

Smaller caseloads \_\_\_\_\_  
More treatment resources \_\_\_\_\_  
More sanction facilities \_\_\_\_\_  
More residential treatment facilities \_\_\_\_\_  
More drug courts \_\_\_\_\_  
Training \_\_\_\_\_  
Other (please specify) \_\_\_\_\_

Please identify methods that you feel could make Community Supervision Officers more effective.

Please identify methods that you think could increase early dismissals.

Please identify methods that you think could reduce revocations.

Any other comments, suggestions to improve community supervision:

Thank you very much for your help! Please e-mail responses to [Michael.eisenberg@tdcj.state.tx.us](mailto:Michael.eisenberg@tdcj.state.tx.us) or return completed surveys to:

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