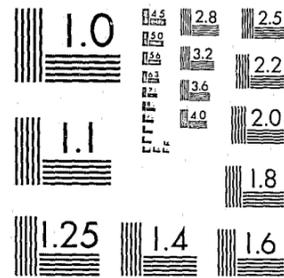


National Criminal Justice Reference Service

ncjrs

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963 A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

08/04/82

TEXAS ADULT PROBATION MANUAL II



76814

November, 1980

U.S. Department of Justice 76814
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Malcolm MacDonald

Texas Adult Probation Commission

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

~~TEXAS ADULT PROBATION MANUAL II~~

1980

A Product of The
TCA/TPA Adult Probation Study Committee
For Direct Services
Manual Update Subcommittee

NCJRS

APR 9 1981

ACQUISITIONS

TABLE OF CONTENTS

	Page
FOREWORD	iii
CHAPTER I PROBATION	
A. Definition	1
B. Origins of Probation	1
C. Advantages of Probation	1
D. Probation in Texas	4
E. Parole: A Companion Service	5
CHAPTER II TEXAS ADULT PROBATION COMMISSION	
A. Creation and Purposes of TAPC	8
B. Organization of TAPC	8
C. State Aid Funds	10
CHAPTER III ORGANIZATION OF A PROBATION DEPARTMENT	
A. Organizational Structure	11
B. Probation Team Concept	12
C. Job Descriptions	12
D. Selection and Hiring of Personnel	15
CHAPTER IV SUGGESTED POLICIES	
A. Code of Ethics	16
B. Guidelines for Relationships with Probationers and Agencies	17
C. Officer Identification Cards	17
D. Business Cards	17
E. Fringe Benefits	17
F. Salaries	18
G. Personnel Evaluations	18
H. Relationships with Persons Under Supervision	19
I. Adjustment Within Departments	21
J. Personal Qualifications for the Position	23
K. Relationship to Community	24
L. Other Personnel Policies	25
CHAPTER V RULES AND CONDITIONS OF PROBATION	
A. Rules of Probation	26
B. Special Conditions	32
CHAPTER VI TRANSFER SUPERVISION	
A. Intrastate Transfer (Within Texas)	33
B. Out of State Supervision	36
C. Special Reports	44
D. Time Factors Related to Interstate Compact Cases (Informal Procedures)	45

CHAPTER VII VIOLATIONS, DISCHARGES AND WARRANT PROCEDURES	
A. Violation of Probation	47
B. Discharges	48
C. Bench Warrant Procedures	49
CHAPTER VIII PRE-TRIAL RELEASE	
A. General Description	51
B. The Legal Authority for Pre-Trial Release in Texas	52
C. Administration of a Personal Bond Program	53
D. Funding Restrictions	56
CHAPTER IX INTERVIEWING	
A. General Functions of the Interview	57
B. Types of Interviews	57
C. Principles of Interviewing	58
D. Summary	60
CHAPTER X PRE-SENTENCE INVESTIGATION REPORT	
A. Development	61
B. Deferred Sentencing	67
C. Technical Assistance	70
CHAPTER XI SUPERVISION AND TREATMENT	
A. Case Classification in Texas	71
B. Classification of Probationers for Supervision	71
C. Assuming Supervision	72
D. Relationship Between Officer and Probationer	74
E. Special Supervision Problems	76
F. Confidentiality	81
G. Statistical Reports	83
H. The Daily Worksheet	84
I. Officer's Monthly Statistical Report	88
J. Quarterly Report	89
CHAPTER XII COMMUNITY RESOURCES AND VOLUNTEERS	
A. Community Resources	90
B. Volunteers	90
C. Administration of Volunteer Program	91
D. Technical Assistance for Community Resources and Volunteers	92
APPENDIX A: Texas Code of Criminal Procedure,	
Article 42.12: Adult Probation, Parole and Mandatory Supervision Law	
Article 42.121: Texas Adult Probation Commission	
Article 42.13: Misdemeanor Adult Probation and Supervision Law	
APPENDIX B: Forms Utilized in Adult Probation Services	
APPENDIX C: Glossary of Legal Terms	

FOREWORD

The original Texas Adult Probation Manual was written in 1975. In the light of the changes in adult probation since that year, especially with the creation of the Texas Adult Probation Commission, the TCA/TPA Adult Probation Study Committee for Direct Services, chaired by Mr. Charles Hawkes, undertook as one of its projects the updating of this manual. Mr. Hawkes was assisted in this project by Mr. Don Smith who chaired the Manual Update Subcommittee. Other subcommittee members who participated in the revision process included:

Dana Hendrick	Lydia Champion
Tommy McWilliams	J. C. Ledbetter
Bill Edrington	Eugene Upshaw
Julia Jorgensen	Frank Lozito
Roy Robb	Giles Garmon
Carlos Tapia	Carroll Moseley

Since adult probation in Texas is a function of the judicial districts, there are differences in policies and procedures from one adult probation department to another. These differences demonstrate the concept of adult probation being part of community corrections--responsive to the particular community. Therefore this Manual should be viewed as a guide for adult probation officers, not as the specific policy or procedure for a particular adult probation department.

The subcommittee was provided technical assistance by Ms. Jo Lynn Wheeler, a student intern from Southwest Texas State University. The Program Services Division of the Texas Adult Probation Commission cooperated with the subcommittee through its review, editing and publication of the Texas Adult Probation Manual II.

Several manuals have been developed by the Texas Adult Probation Commission. These include: Records Confidentiality for Adult Probation Offices: A Guideline; Manual for the Probation Case Classification System; and Texas Probation Law: A Manual for Probation Officers. Probation officers should consider these manuals as supplements to the Texas Adult Probation Manual II.

The Texas Adult Probation Manual II is a publication which will be updated at least once each biennium. You are encouraged to submit suggestions concerning revisions or additions to Malcolm MacDonald, Program Services Division, Texas Adult Probation Commission, 812 San Antonio Street, Suite 400, Austin, Texas 78701, at your convenience.

CHAPTER I
PROBATION

CHAPTER I - PROBATION

A. DEFINITION (1)

Probation may be defined in a number of ways but the simplest explanation is as follows. Probation is a method of disposition of a sentence which may be imposed on a person found guilty of a crime. The offender remains in the community under the jurisdiction of the court and subject to the supervision of a probation officer. If the person complies with the conditions of probation set by the court, the probationary status is terminated and the probationer is discharged from the court's jurisdiction. If the probationer does not comply, the court may impose another type of sentence, including commitment to an institution. [1]

B. ORIGINS OF PROBATION

The origins of probation are generally traced to a number of practices which existed in English and then American courts, some dating from the medieval era. These practices included judicial reprieve from the imposition or execution of a sentence for a period of time, personal recognizance (also known as "binding over") with or without bail, and provisional release on bail. It should be noted that each of these practices involved the suspension of a sentence. [2]

The first official probation in the United States is usually credited to the efforts of John Augustus of Boston, Massachusetts. Augustus, a bootmaker by trade, was struck by compassion for a drunkard while observing local court proceedings one day in 1841. Before sentence was passed, Augustus had the opportunity to confer with the man and became convinced he would remain sober if given another chance. The court permitted Augustus to set bail for the man and set a probationary period of three weeks, at the end of which the man was to appear in court again for sentencing. In his diary relating this incident, Augustus actually uses the word "probation" to describe the period of suspended sentence. When the man appeared in court three weeks later, he had kept his promise to remain sober, and the judge imposed only a fine and court costs rather than the common sentence of imprisonment. [3]

C. ADVANTAGES OF PROBATION

The advantages of probation must begin with the recognition that it is a substitute not for a long term but for a short term commitment to a correctional institution. This is done because a short-term confinement often does not provide ample time to rehabilitate the offender, who is frequently discharged into the community without any supervision.

The interests of the public are paramount in the handling of every offender. Probation therefore is not a satisfactory substitute for commitment to an institution unless the interests of the public are taken into consideration. Some important facts for considering probation are as follows:

- 1) The offender can remain in the community to lead a normal life and learn to assume the responsibilities of a law-abiding member of society. Since ultimate adjustment must be in the community and not in the institution, the probationer is in the best situation in which to develop the qualities needed for this adjustment.
- 2) The probationer can support himself or herself, discharge family obligations and make restitution or reparation to those who have suffered from the crime.
- 3) The offender does not experience the kind of isolation from normal social contacts and responsibilities which come with incarceration. Commitment to a penal institution often leaves the person embittered, stigmatized as a convict, further schooled in crime through association with other prisoners and unfit to take up life in society.
- 4) The offender does not face the task of successfully adjusting to the community alone, but is under the supervision of a probation officer who guides and assists the probationer, acts as counselor, confidant and friend, as well as a representative of the law.

Authorities agree generally that probation is a casework service offered to persons released under supervision. This service is geared to meet the needs of the probationer on an individualized basis and includes the utilization of all the skills, techniques, and resources available to assist the probationer. As with many professions, a sound and complete understanding of the philosophy of probation comes only through experience, application, and dedication of self to the work. There is a lack of written material on the subject, and much ignorance and misunderstanding exists about the real purpose of probation. The general public often views probation as an undesirable by-product of politics, or reacts to cases of "unjustified" leniency. Unfortunately, many people get their information from publicity which is often erroneous. There is even considerable misunderstanding by those who are active in the field of probation work.

What then is probation in principle and in practice? In effect it is a delicate phase of the correctional process. It is that point where the product of the correctional effort is once again exposed to society. It is the testing ground where it can be determined whether or not the individual can deal with the pressures of normal social existence. Similarly it is a period wherein society, through the courts, is allowed to determine whether its welfare will be enhanced or endangered by the presence of the offender.

In this most trying of social situations, the probation officer must maintain a position between the probationer and society, understanding of and loyal to both. To discharge all responsibilities, the probation officer must possess skills of a counselor and case-

worker. Mature judgement, an understanding of society's position, and an ability to maintain mental and emotional stability in the face of ambiguity, are important attributes of a probation officer. The officer must be capable of drawing upon all the skills generally accepted in the field of social work and at the same time have the abilities attendant to the more authoritative processes.

This fine balance is necessary if the probation experience is to be successful. Without it, efforts to effect a complete and permanent reconciliation and readjustment between the offender and society are generally fruitless. Damage is usually done by those who fail to grasp the full meaning of probation or who lack awareness of its proper perspective.

In order for probation to fully achieve its purpose, the following conditions must be met.

- 1) The probation department should be impartial, non-political, professionally competent and able to give the time necessary for full consideration of each probationer's case.
- 2) The probation authority should have complete and reliable information concerning the probationer, including background data and information regarding the situation which will confront the probationer upon release to probation.
- 3) Through its public and private social service agencies, and in cooperation with the probation service, the community should accept the responsibility for improving home and neighborhood conditions in preparation for the offender's release back to society.
- 4) The probation program of treatment and training should be an integral part of a system of criminal justice.
- 5) The probated offender should be carefully supervised and promptly imprisoned or otherwise disciplined if demonstrated capacity and willingness to fulfill obligations of a law-abiding citizen are not forthcoming.
- 6) The supervision of the probated offender should be exercised by qualified, trained persons who are experienced in the task of guiding social readjustment.
- 7) The state, the judicial district and the county should provide adequate financial support for a probation system, including sufficient personnel selected and retained in office upon the basis of merit.
- 8) The public should recognize the necessity of giving the probationer a fair opportunity to earn an honest living and maintain self-respect in order that rehabilitation can be achieved and the public can be adequately protected.

D. PROBATION IN TEXAS

In a 1969 criminal justice monograph an extended review of a survey of the status of adult probation in Texas is presented. [4] The following paragraphs are based on chapters two and seven of this monograph.

The legal beginnings of probation in Texas may be traced to the passage of a suspended sentence law by the State Legislature in 1913. The law applied to most first time felony offenders. Suspension of a sentence could only be made by a jury.

The original statute was amended in 1931 to permit judges as well as juries to suspend sentence. The law was again amended in 1941 to change the basis of revocation. The original law had provided for revocation only by commission of another felony offense. The 1941 amendment specified several misdemeanors for which revocation could also be ordered.

Supervised probation was first authorized in Texas with the enactment of the Adult Probation and Parole Law in 1947. This statute provided for the appointment of probation officers in the various district courts by a Director of Probation and Parole, but this portion of the act was not put into effect because the Legislature failed to appropriate funds for this purpose. This act authorized only the courts to grant probation, excluded as eligible for probation those cases in which the maximum punishment assessed is greater than ten years, suggested nine conditions to be imposed with probation, and outlined the procedure for early termination of probation.

Ten years later a second Adult Probation and Parole Law was enacted by the Legislature. The most significant feature of this 1957 legislation was the separation of parole and probation, the former to be administered by the State and the latter by county governments. This law also clarified the rules for dismissal from probation.

Several important changes in Texas probation law occurred in 1965. First, probation was authorized for misdemeanor as well as felony cases. Second, probation became permissible for all felony offenders if the maximum sentence did not exceed ten years. Third, both judge and jury were empowered to grant probation but the latter's powers were restricted to first offenders in felony cases. Judges retained the right to set the conditions of probation, but juries were limited to the conditions outlined in the 1947 statute. Finally, the Suspended Sentence Law of 1913 was repealed.

In 1967 the basic law was further amended to permit courts to assess a probation fee to be paid by the probationer and not to exceed \$10.00 per month. During the 65th legislative session, 1977, this fee was raised to \$15.00. Another change brought about during this session concerned the educational qualifications

for probation officers. Effective September 1, 1978, a person who was not an officer as of this date, must have acquired a bachelor's degree and one year of graduate study or one year of full time experience in fields approved by the Texas Adult Probation Commission to become a probation officer.

Statewide coordination of adult probation services came about by the creation of the Texas Adult Probation Commission (TAPC) by Senate Bill 39 of the 65th session of the Texas Legislature. The Commission consists of six district judges and three citizens and has as its purposes:

- (1) to make probation services available throughout the State;
- (2) to improve the effectiveness of probation services;
- (3) to provide alternatives to incarceration by providing financial aid to judicial districts for the establishment and improvement of probation services and other community-based correctional programs and facilities other than jails or prisons; and
- (4) to establish uniform probation administration standards.

As of April, 1980 there were 107 independent, autonomous, judicial district adult probation departments in Texas; 93 were participating in the state-aid program funded by the Texas Adult Probation Commission. These 93 departments serve 225 of the 254 counties and approximately 97.53% of the Texas population. (See Chapter II for additional information about the TAPC.)

E. PAROLE: A COMPANION SERVICE

Probably no phase of penology has been so bitterly attacked or so zealously defended as parole. The critics' opinions are often based on a lack of understanding of what parole actually is, or are related to the questionable operation of some particular parole system. Of all the functions of government perhaps none is less understood than parole.

Parole, as we know it today, is the logical result of the change in society's concepts of crime and punishment. Practically all individuals committed to prison are eventually released. Society has recognized that the commission of a criminal offense does not, in itself, make the offender irredeemable.

Parole is neither clemency nor a means of rewarding good conduct, nor a right of a prison inmate. Parole is a protective measure designed to bridge the gap between the abnormal environment of prison and the free surroundings of the community. Protection of society is

offered by providing for the return to prison of those persons who have shown themselves unable to adjust without the commission of new offenses. Parole also provides the means for testing the efficiency of the prison program. Parole is an important step in the entire correctional process because parole failure signifies failure in total. The successful adjustment of an offender in society is the best protection that the social order could have.

The basic parole law of the State of Texas provides that the Board of Pardons and Paroles is authorized to release on parole, with the approval of the Governor, any person confined in any penal or correctional institution of this State. The period of parole shall be equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served. All paroles shall be issued upon order of the Board, duly adopted and approved by the Governor. [5] A prisoner under sentence of death is not eligible for parole. Eligibility for release on parole is determined when either: 1) actual time served equals one third of the maximum sentence or 20 calendar years, whichever is less; or 2) calendar time plus good conduct time equals one third of the maximum sentence imposed or 20 years, whichever is less.

To implement the law, when an inmate is received at the Texas Department of Corrections (TDC), his or her case is set for review by the Board in the month the inmate will be legally eligible for parole. The sentence, the "good-time" awarded by the Department of Corrections and the law determine the date. The first review date is made on the assumption that the inmate will earn good time at the rate of twenty days per month. Each inmate is individually notified as to the date of the first review. It should be stressed at all times that being eligible for parole consideration does not mean that an inmate is entitled to or will be granted parole. The Board simply makes a review of the case at the time of eligibility. During the month prior to the inmate's legal eligibility, the inmate will be routinely interviewed by an Institutional Parole Officer. Based on this interview, the Institutional Parole Officer will submit an evaluative report to the Board.

When an inmate is legally eligible to be considered for parole, each member of the Board will have available the Institutional Parole Officer's report, the TDC Admission Summary, a Prison Committee Recommendation, and other evaluative materials routinely forwarded to the Board by the Texas Department of Corrections. Each member of the Board, acting individually and independently, votes on a case when the file is received.

When the Board has arrived at a decision regarding the case, the inmate involved is advised of the decision, whether positive or negative, by a routine form. If it is the decision of the Board to postpone consideration or to require the inmate to serve the entire sentence, the inmate is provided with the reasons for the decision of the Board.

The Board will again review each file after a sufficient time has passed to allow the trial officials to respond to the notices mailed

at "FI" time. Again, each member of the Board, acting individually and independently, votes on a case when the file is received. At that time, there will be a tentative decision of the Board to either require an inmate to serve the entire sentence, to postpone further action to a specific future date, or to recommend parole subject to a satisfactory release plan. If it is the decision of the Board to recommend parole, an appropriate notation is made by the Board and the file is forwarded to the Governor for final decision.

Additional information on parole may be obtained from the Handbook on Parole, Mandatory Supervision, and Executive Clemency. This manual can be obtained from the Texas Board of Pardons and Paroles, 711 Stephen F. Austin Building, 17th and Congress, Austin, Texas 78701, (512) 475-4525.

- [1] Article 42.12, Sec. 2 of the Code of Criminal Procedure (eighth edition) defines probation as "The release of a convicted defendant by a court under conditions imposed by the court for a specified period during which the imposition of sentence is suspended". See Appendix A.
- [2] "The legal origins of probation." 3-10, Robert M. Carter and Leslie T. Wilkins (eds.), Probation and Parole: Selected Readings, New York, John Wiley, 1970, pp. 4-7.
- [3] Practice and Theory of Probation and Parole; Dressler, David; 1959; New York: Columbia; pp. 13-15.
- [4] "A Proposed State-Administered Adult Probation and Parole System for Texas; Huntsville, Texas; Institute of Contemporary Corrections and the Behavioral Sciences, Sam Houston State University; 1969; Havenstrite, Almon Loyd.
- [5] Texas Code of Criminal Procedure, Article 42.12, Section 15(a). For additional parole information see Article 42.12, Sections 12-36 which is contained in Appendix A.

CHAPTER II
TEXAS ADULT PROBATION COMMISSION

CHAPTER II – TEXAS ADULT PROBATION COMMISSION (TAPC)

A. CREATION AND PURPOSES OF TAPC

The creation of the Texas Adult Probation Commission during the 65th session of the Texas Legislature by Senate Bill 39 heralded a new frontier for adult probation in Texas. The TAPC, an independent state agency, is funded to support a statewide network of adult probation departments. During its first biennium (9/1/77-8/31/79) the Commission established standards for adult probation services, distributed in excess of \$17 million dollars of state-aid to 90 adult probation departments participating in the voluntary program and initiated a new era of adult probation in Texas.

The TAPC is guided by a Commission consisting of six district judges and three citizen members. The law stipulates the three citizen members cannot be employed in the criminal justice system. The Commissioners are appointed by the Chief Justice of the Supreme Court of Texas and the Presiding Judge of the Texas Court of Criminal Appeals.

The purposes and objectives of the Commission are:

- (1) to make probation services available to every judicial district in Texas;
- (2) to make probation effective as an alternative to incarceration;
- (3) to assist probation departments in providing protection to the community by rehabilitation and adequate supervision of the offender;
- (4) to assist in the establishment, improvement and expansion of community-based alternative programs;
- (5) to fully utilize available services from Federal, State and local resources;
- (6) to establish uniform probation administration standards;
- (7) to increase and improve citizen involvement and pride in probation and other community corrections;
- (8) to improve the self-image of probation personnel as professionals in the judicial system;
- (9) to establish a statewide statistical information service;
- (10) to establish a service center to provide assistance to probation departments;
- (11) to encourage and assist in in-service training for probation personnel; and
- (12) to establish an on-going study of probation and community-based correctional methods and systems.

B. ORGANIZATION OF TAPC

The Commission staff is arranged into four divisions. (1) The Executive Division; (2) the Program Services Division; (3) the Information Services Division; and (4) the Fiscal Services Division.

The Executive Division is under the direction of the Executive Director. The division is responsible for: the overall management of the agency; liaison with the Legislature; coordination with the Commission members; providing routine administrative support; publishing the TAPC newsletter; administering the agency's public information program; and providing graphic arts services to the TAPC.

The Director of the Program Services Division has the responsibility to: offer technical assistance to the adult probation departments; provide educational and training opportunities to these departments; monitor departments' compliance with standards; develop special programs; and manage program funds dispersed to qualifying departments. To help carry out these functions the Program Services Division consists of three units in addition to the Director. These units are: the Community Assistance Unit, the Education and Training Unit, and the Program Development Unit.

The Program Services Division is also responsible for distributing Supplemental Funds (Appendix B, Exhibit 1) and Special Program Funds (Appendix B, Exhibits 2A, 2B) among the departments on an as-needed basis. Supplemental Funds are used either to assist a department in bringing its services into compliance with the standards or to maintain existing levels of service which might otherwise be eliminated. Special Program Funds are used to support services which are new or experimental in some probation departments.

The Information Services Division is responsible for: the design, implementation, operation and maintenance of TAPC computerized information systems; library services; and special statistical analyses and research reports. The participating adult probation departments and six to eight non-participating departments submit the Monthly Caseload Summary Report (Appendix B, Exhibit 3) to the Information Services Division. This report provides the current basis upon which state-aid funds are distributed.

The Fiscal Services Division has the responsibility for: agency accounting and purchasing; disbursement of warrants to adult probation departments; liaison with designated fiscal officers of judicial districts; and auditing of local departments receiving state-aid. In addition to fiscal matters, this Division also serves in the capacity of personnel office for the TAPC. At present, the participating departments submit a Quarterly Financial Report (Appendix B, Exhibit 4) to the Fiscal Services Division which identifies revenues and expenses. The auditors are responsible for verifying the caseloads reported to the Information Services Division and validating the compliance with state Standards. To assist adult probation departments in their caseload reporting, the Fiscal Services Division has provided to the departments the Monthly Worksheet for Direct Supervision Probationers (Appendix B, Exhibit 5). Departments have the option to use this form for recording information concerning probation officer contact with direct supervision probationers. It is the responsibility of the departments to have this information for the auditors, but the format is optional.

C. STATE-AID FUNDS

The objective of state-aid to judicial districts is to provide financial aid necessary for use in maintaining and improving probation services and community-based correctional programs and facilities other than jails and prisons in the district. If a probation department complies with the Standards promulgated by the Texas Adult Probation Commission, it is eligible to receive state-aid.

The level of state-aid which each department may receive is calculated by the system based on the number of adults being directly supervised by their staffs. During the FY 80-81 biennium, the funds were distributed on the basis of fifty cents per day per probationer under direct supervision. Departments participating in the program must report their statistics on a monthly basis through the Monthly Caseload Summary Report to receive appropriate compensation (form TAPC-6002, revised 6-1-79, Appendix B, Exhibit 3). In addition, departments submit a Quarterly Financial Report to the Fiscal Services Division of the Commission.

State-aid received by the district shall be deposited in a special fund of the county treasury, to be used solely for the provision of adult probation services and adult community-based correctional programs and facilities other than jails and prisons (Appendix A: T.C.C.P. Article 42.121, Section 4.05). Adult probation fees collected by the court and state financial aid shall be used solely for the provision of adult probation services (Appendix A, Article 42.12, Section 6a). It is the county's obligation to provide physical facilities for the departments. No funds from state financial aid or probation fees shall be used by the county to provide physical facilities, equipment and utilities for probation departments as required by the statutes (Appendix A, Article 42.12, Section 10g).

CHAPTER III – ORGANIZATION OF PROBATION DEPARTMENT

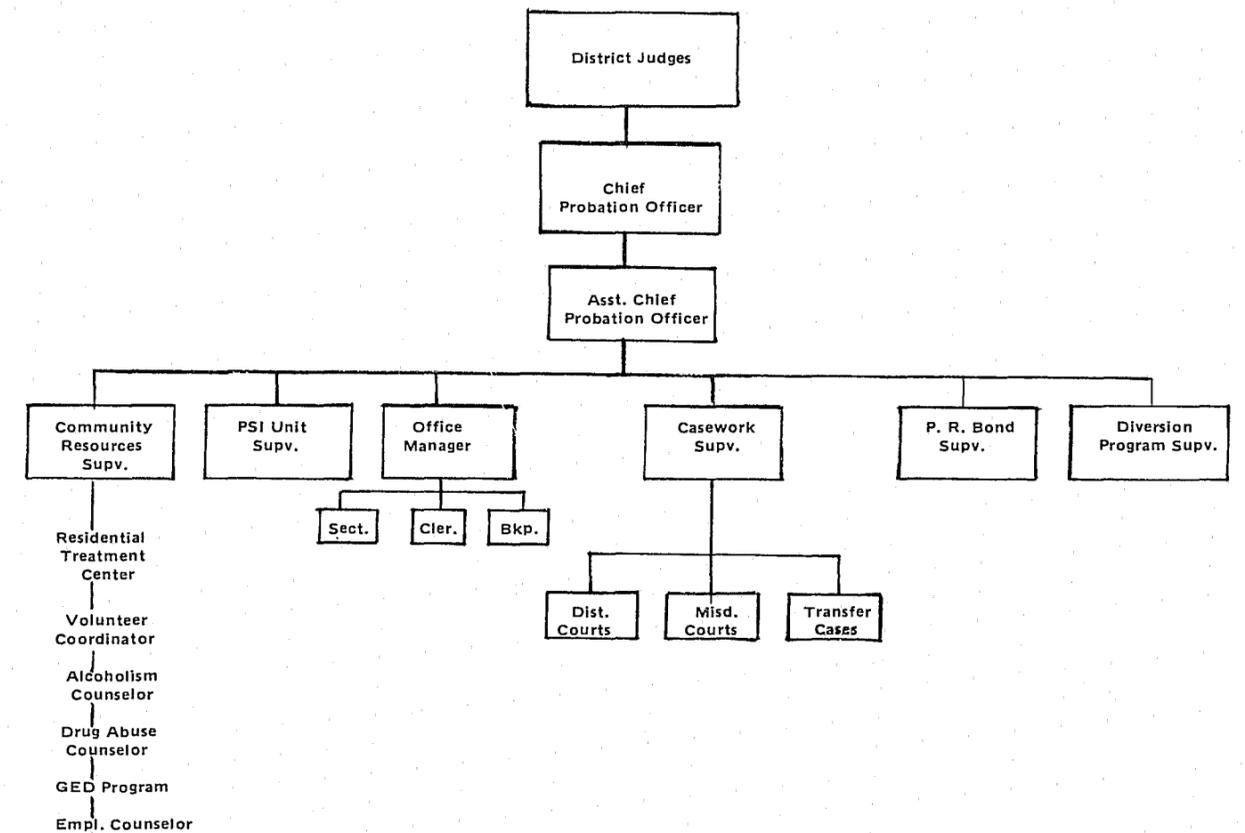
A. ORGANIZATIONAL STRUCTURE

The organizational structure of a probation department depends upon the number of persons to be served by the department and the number of staff in the probation department. Article 42.12, Sec. 10(a) of the Code of Criminal Procedure (Appendix A) states that:

For the purpose of providing adequate probation services, the district judge or district judges trying criminal cases in each judicial district in this State shall establish a probation office and employ, in accordance with standards set by the Commission, district personnel as may be necessary to conduct Pre-Sentence Investigations, supervise and rehabilitate probationers, and enforce the terms and conditions of misdemeanor and felony probation.

A typical probation office might be organized as follows, depending upon the size of the department, the number of probationers served, and the geographical location served.

CHAPTER III
ORGANIZATION OF A PROBATION DEPARTMENT



B. PROBATION TEAM CONCEPT

Although all departments do not use the probation team concept, the following is presented as an overview of the team concept.

The use of probation teams grew out of the lack of manpower in the probation field, the need for community involvement in probation, and the lack of funds to hire sufficient qualified probation officers.

The probation team is a unit composed of a probation officer, probation officer assistant or "technician" and volunteers. The probation officer is the professional person on the team and, as such, directs the other team members and remains the ultimate decision maker and the one responsible to the courts.

The probation officer assistant shares in the activities of the probation officer and is expected to bring a unique contribution from the community.

Volunteers come from all walks of life and serve as friends to the probationer, participate in group work, and assist in performing pre- and post-sentence investigations.

C. JOB DESCRIPTIONS

The following are suggested job definitions and classifications of adult probation occupations. These classifications are fundamental to an understanding of labor requirements and employment conditions. Following each job classification are suggested qualification for appointment.

Chief Probation Officer (Director): The chief (director) is appointed by the Board of District Judges. The chief, with the approval of the District Judges, appoints assistants and other employees to carry on the professional, clerical and other work of the court (Texas Code of Criminal Procedures, Article 42.12, Section 10, see Appendix A). The chief also supervises and coordinates activities of workers engaged in one or more probation office occupations; studies production schedules and estimates person-hour requirements for completion of job assignments; develops administrative standards and procedures relating to personnel, including staff development, training, budget, and physical facilities; interprets department policies, job orders and assignments to staff; establishes or adjusts work procedures to meet probation assignments; evaluates measures to improve department operations; analyzes and resolves work problems or assists staff workers in solving work and case problems; initiates or suggests plans to motivate workers to achieve work goals; initiates personnel action such as promotions, discharges and disciplinary measures; confers with staff supervisors to coordinate activities of individual sections within the department; establishes and maintains relationship with other agencies and organizations in the community regarding policies and resources available for the treatment of probationers and persons on PR bond; may confer with workers or their representatives to resolve grievances, continually provides and evaluates in-service training programs for all new and old staff members; develops instruction for volunteers; and assigns volunteer workers to various sections within the department.

Educational Qualifications: (Appendix A, Article 42.12, Section 10c) Baccalaureate degree conferred by a college or university, accredited by an accrediting organization recognized by the Coordinating Board, Texas College and University Systems; and

- (a) one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or a related field that has been approved by the Texas Adult Probation Commission; or
- (b) one year of experience in full-time casework, counseling, or community or group work in a social, community corrections or juvenile agency that deals with offenders or disadvantaged persons that has been approved by the Texas Adult Probation Commission; and
- (c) must not be otherwise disqualified by Section 31 of Article 42.12 which states that a law enforcement officer cannot be a probation officer.

Assistant Chief Probation Officer (Assistant Director): The assistant chief performs similar duties to the chief and assumes authority and responsibilities of the chief during the latter's absence. This person directs and coordinates work of volunteer agencies and workers (University work/study students and volunteers) offering their services to the department; evaluates the instruction to teach proper procedures and techniques to volunteers; and prepares composite reports of subordinates.

Educational Qualifications same as the chief.

Supervisor: The supervisor of each employment category reflected in the organizational chart should possess the skills commensurate with the position he/she will be supervising. The supervisor will be accountable to the administration.

Educational Qualifications: The supervisor of community resources, Pre-Sentence Investigative Unit, casework, and diversion program should possess the same educational qualifications as does a probation officer.

Adult Probation Officer: The probation officer performs supervisory casework. The work is done under general supervision and according to laws and well-defined rules and procedures. The nature of the work requires the exercise of independent, mature judgement in the supervision of a probationer. Work includes: counseling probationers and using community resources in case planning; consulting with outside agencies related to probation work; and preparing social histories, vocational records and related documents and pre-sentence investigations when required by the district judge.

Educational Qualifications: these are the same as for the chief. However, the Texas Adult Probation Commission may adopt rules under which a judicial district may employ an adult probation officer who is

not qualified under Article 42.12, Sec. 10(c) if the district judge, district judges, chief adult probation officer or director tried but failed to employ a probation officer qualified under Section 10(c).

Adult Probation Officer Assistant (Technician): The adult probation officer assistant works under the close supervision of the adult probation officer. As an employee of the probation department this person participates in all designated duties of an adult probation officer except legal responsibilities.

Educational Qualifications: high school diploma or GED.

Office Manager: The office manager is responsible for the supervision of the secretarial and clerical staff of the department. The responsibilities include: the ordering of all office supplies; assigning detailed work to secretarial staff and clerical staff; and reviewing reports that are related to sick leave, vacation, and general office procedures. In the preparation of monthly statistical reports, the Office Manager works with personnel in regard to financial and administrative record keeping and correspondence.

This worker also: establishes working procedures for maintenance of central files; acts as reference to files for other agency employees; arranges record access for reporting services; and may prepare statistical reports and analyses from records processed.

Educational Qualifications: high school diploma or GED.

Secretary: The secretary's work involves latitude for decisions in carrying out administrative phases of the work such as answering correspondence, reviewing mail, giving information and instructions to field personnel and performing difficult clerical, semi-technical or sub-professional duties. The worker is expected to show vigilance in maintaining files of classified materials, and to avoid reference to confidential information, to exercise tact in receiving visitors of prominence or importance, and to demonstrate judgment in assembling and organizing information for the administration. Supervision is received in the form of suggestions or general outline instructions only when new, or unusually complex situations occur.

Educational Qualifications: high school diploma or GED.

Bookkeeper and Fiscal Manager: This person: receives and provides receipts for monies collected from probation fees, restitutions, attorney fees, state surcharges, and fines, when these are ordered by the court; keeps records of financial transactions as a result of monies received; verifies and enters details of transactions in chronological order in account and cash journals; summarizes details on separate ledgers; compiles reports to show statistics, such as cash receipts, accounts payable and receivable; computes, types and mails monthly statements to persons receiving restitution payments; enters financial information on each pertinent case into the Information Management System (Computer); and operates the bookkeeping computer system, if there is one.

Educational Qualifications: high school diploma or GED.

D. SELECTION AND HIRING OF PERSONNEL

The ultimate hiring authority rests with the Chief Adult Probation Officer and is done within the limitations of the budget as approved by the District Judge or District Judges. Many probation departments use a screening committee to screen applicants for employment, subject to approval by the Chief Adult Probation Officer and confirmation by the District Judges. This is a recommended procedure.

CHAPTER IV
SUGGESTED POLICIES

CHAPTER IV – SUGGESTED POLICIES

A. CODE OF ETHICS

The people of Texas expect of probation officers unfailing honesty, respect for the dignity and individuality of human beings and a commitment to professional and compassionate service. To this end, the Texas Adult Probation Commission subscribes to the following principles.

Probation officers shall endeavor to:

- (1) respect the authority and follow the directives of the court, recognizing at all times that they are an extension of the court;
- (2) respect and protect the civil and legal rights of all probationers;
- (3) serve each case with appropriate concern for the probationer's welfare and with no purpose of personal gain;
- (4) encourage relationships with colleagues of such character to promote mutual respect within the profession and improvement of its quality of service;
- (5) make statements critical of colleagues or their agencies only as these are verifiable and constructive in purpose;
- (6) respect the importance of all elements of the criminal justice system and cultivate a professional cooperation with each segment;
- (7) subject to the probationer's rights of privacy, respect the public's right to know, and will share information with the public with openness and candor;
- (8) respect and protect the right of the public to be safeguarded from criminal activity;
- (9) be diligent in his responsibility to record and make available for review any and all case information which could contribute to sound decisions affecting a probationer or the public safety;
- (10) report without reservation any corrupt or unethical behavior which could affect either a probationer or the integrity of the agency;
- (11) maintain the integrity of private information; he will neither seek personal data beyond that needed to perform his responsibilities, nor reveal case information to anyone not having proper professional use for such;
- (12) in any public statement, clearly distinguish between those that are personal views and those that are statements and positions on behalf of an agency; and
- (13) not discriminate against any employee, prospective employee, or probationer on the basis of race, sex, creed, or national origin.

Probation officers shall not:

- (1) use official position to secure privileges or advantages;
- (2) act in official capacity in any matter in which personal interest could in the least degree impair objectivity;
- (3) use official position to promote any partisan political purposes; and
- (4) accept any gift or favor of a nature to imply an obligation that is inconsistent with the free and objective exercise of professional responsibilities.

Probation officers who are responsible for agency personnel actions shall make all appointments, promotions, or dismissals only on the basis of merit and not in furtherance of partisan political interests.

B. GUIDELINES FOR RELATIONSHIPS WITH PROBATIONERS AND AGENCIES

The following guidelines should be observed by those who work in an adult probation department.

(1) Gifts of services are not to be accepted from either probationers or victims.

(2) Cases are not to be discussed outside the office unless in an official capacity.

(3) Officers, their assistants and volunteers are not to read files, including dead files, unless directly responsible for them.

(4) New personnel, until otherwise directed, should check with the officer before discussing cases with members of other agencies.

(5) At no time is an assistant or volunteer ever to act in the capacity of a probation officer. If an assistant or volunteer is representing an officer, the proper credentials should always be presented. If information is to be transmitted at the request of the officer, it should be so stated that the assistant or volunteer is acting on the directive of the officer and is cognizant of confidentiality rules.

(6) Every effort should be made to cooperate with all agencies connected with the administration of justice and other community agencies. Care should be taken to respect the confidentiality of information given to or received from any of these departments.

(7) Money for fines, court costs, restitution and supervision fees for the probationer may never be accepted by the volunteer.

C. OFFICER IDENTIFICATION CARD

Each probation department should develop its own identification card. An identification card generally contains the name, age, race, sex, height, weight and color of eyes of the officer. The card should be signed by the District Judge. Probation officers assistants and volunteers should be issued some type of identification card, but not necessarily the same type of card as the probation officer.

D. BUSINESS CARDS

If the judicial district does not furnish business cards for their officers, it is recommended that the officers have cards printed at their own expense.

E. FRINGE BENEFITS

According to Article 42.12, Sec. 10(g), personnel of the respective judicial district adult probation departments shall not be deemed state employees and therefore the responsible judge or judges of a judicial district adult probation department shall negotiate a contract with the most populous county within the judicial district for all district probation department staff to participate in that county's:

- 1) group insurance programs, liability insurance, or self-insurance for acts done in the course and scope of their employment as probation department staff;
- 2) retirement plan, including the district and county retirement system if the county participates in that system for any county employees; and
- 3) personnel policies with regard to vacation credit, sick leave credit, holiday schedule, credit union, jury leave, military leave, etc.

F. SALARIES

Probation departments should establish the entry level salary of probation officers based upon educational requirements as provided by law, experience, levels of responsibility and the prevailing wage structure for comparable positions at the local level (TAPC Standard 608.01.00.010 f). (Also see Article 42.12, Sec. 10(i) in Appendix A.)

The 66th Legislature has added a rider to the General Appropriations Bill, effective September 1, 1979. This rider stipulates that the salaries for probation officers, whose sole responsibility is for supervision of probationers, shall be no more than the salary for parole officers in the State Classification Plan. The entry level for state parole officers is a caseworker II, Group 12, position (a FY'80 salary of \$13,464). After the six month probationary period a caseworker II is promoted to a Parole Officer I, Group 13 position (a FY'80 salary of \$14,388).

G. PERSONNEL EVALUATIONS

A high level of performance by personnel within the department is vital to successful operation. Unless the work done by each person meets certain standards, the department and the probationer under supervision suffer accordingly.

The purpose of the evaluation is two-fold. First, it is used to stimulate and promote the development of the staff member by encouraging the continuation of work already performed satisfactorily, and to direct attention to areas of work in which performance needs to be improved. Second, the rules of the department should require that evaluations be completed on each employee at intervals of not more than one year.

Personnel evaluations of a probationary employee's work should be submitted during the sixth month of employment. These evaluations are of utmost importance because they sum up the employee's strengths, weaknesses, understanding of the job, and progress during the first six months of work. In addition, a decision must be made either to give the employee permanent status or to terminate employment. Employee performance can be fairly evaluated only if the best use has been made of the probationary period.

A personnel evaluation of an employee with permanent status is subsequently submitted each year unless there is a change in the employee's quality of work. Although evaluations are to be submitted at set intervals, they may be made more frequently if it would be helpful to do so. It may be beneficial to have an additional evaluation to focus the employee's attention upon the strengths which should continue to be cultivated and weaker areas that require attention. The additional evaluations mentioned may be submitted at the discretion of the supervisor or at the request of the director of the department. Also, evaluations are submitted whenever an employee leaves the department.

The employee and immediate supervisor should discuss the evaluation in detail. If any points of disagreement are not resolved during the discussion, the employee should be entitled to write a statement and attach it to the signed evaluation. If such a statement is written and forwarded with the signed evaluation, it is made a permanent part of the personnel record.

The evaluation is equally important after the employee has achieved permanent status. Used as a supervisory tool, it strengthens and develops staff and provides an orderly procedure of informing the employee of job performance. Although the formal evaluation is prepared periodically, it summarizes many conferences with the employee which are actually evaluative in nature since the process of evaluation is continuous. The formal evaluation is based on factual data and the recognized requirements of the job. During the conference between the supervisor and the employee, the employee's work is freely discussed, with ample opportunity and encouragement for the employee's views to be expressed. The following material may form the basis of evaluations.

H. RELATIONSHIPS WITH PERSONS UNDER SUPERVISION

Professional relationship with probationers: The officer maintains a genuine interest in the probationer's problems, accepts the probationer as a person, and regards the probationer's actions for what they reveal. The officer treats each case with courtesy and patience, maintaining the relationship always on a professional basis. Whatever the probationer's problems, the officer considers them objectively and attempts to meet them in a way that will maximize the probationer's acceptance of responsibilities. The officer realizes that attitudes toward probationers are determined by the officer's tolerance toward other people and understanding of human motivation. The officer knows that personal attitudes are influenced by what has happened in the officer's own life, and imposes limits of behavior to achieve the goals of the agency rather than personal values. The officer also avoids becoming emotionally involved with cases. The officer recognizes the necessity of avoiding the categorization of individuals.

Use of appropriate behavior limits: The officer is able to interpret and enforce probation regulations realistically as they apply to each individual case. This includes fully and carefully

explaining probation regulations with sufficient firmness and realizing the necessary variations involved in each case. The officer makes certain that probationers observe such regulations as monthly reports and prior permission for travel outside the county, but also recognizes that behavior limits must vary with individual cases. This means that in some cases relatively more freedom will be granted, while other cases may require more defined limits of behavior. The limits of behavior defined in a given case should be consistent with the factors in the case. The officer is aware that setting limits of behavior is easier than enforcing them and, therefore, follows through promptly to see that the instructions are observed.

Supervision and planning: In planning to meet the needs of the probationer, the officer realizes the need to involve the probationer as much as possible in developing the plan. The advantages and limitations of the plan are recognized, as well as the likelihood of its achievement. The officer is able to help the probationer recognize the place of probation regulations in planning and to accept these limitations.

The officer is also aware that a probationer may have deeper and more fundamental needs or problems than are readily apparent. In attempting to meet these underlying needs, the officer considers the functions and limitation of the department, the probationer's capacity and desire to use help in these deeper problems, and the officer's own skill and time available for such service. There is a constant analysis by the officer of the probationer's situation and development, so that it is possible to assess the probationer's continuing needs and make necessary modification in the treatment plan.

Contacts with the case: The officer makes sufficient personal contacts with the probationer to meet the minimum requirements according to policies set forth in the manual. Efforts are made to insure that each contact with a probationer is a meaningful one. The officer arranges the office schedule so that a probationer visiting the office will have ample time to talk to the officer, and sufficient time is included to make home calls and other contacts to be aware of the events transpiring in the case.

Use of records: In working with probationers, the officer reviews carefully and constantly all pertinent data available in case records, including information obtained from relatives or collateral sources.

The officer recognizes the confidential nature of information on probationers and utilizes it only for the purposes connected with the administration of the probation program. The officer does not discuss the cases in casual conversation, either in the office or with other persons in the community. Any necessary exchanges of information with other agencies are carried out in accordance with manual provisions, and discretion is used in revealing information received in the course of business from persons or other agencies. Finally, the officer recognizes the highly confidential nature of such material as psychiatric reports and counselor evaluations and uses great care when revealing such material. Probation officers should refer to the 1980

TAPC publication Records Confidentiality for Adult Probation Officers --A Guideline in order to further their understanding of confidentiality regulations and how they are not barriers to communication. (See Chapter XI, Section F for further information.)

I. ADJUSTMENT WITHIN DEPARTMENT

Knowledge of laws and department regulations: In general, the officer knows the procedures of criminal law, is thoroughly acquainted with probation laws, and understands how they are administered under the regulations of the Board of District Judges, the court and the department. The officer also interprets policies and procedures according to the manual, recent memoranda and letters from the supervisor or director.

Effective planning of work: The officer plans and organizes work with sufficient time perspective so that all aspects of the job are covered within the limits of the department's functions, and carries out plans systematically.

The officer is familiar with and meets departmental and other agencies' deadlines with minimum prompting, and keeps work up-to-date in order to avoid unnecessary back-log or peak loads. Organizing work in order to be punctual in preparation of reports, recording and response to inquiries and requests is also necessary. Any plan the officer makes should be flexible enough to allow for emergencies.

The officer plans a visiting schedule that takes into consideration geographical factors, economical use of time and travel, need for service, and agency policy. All cases are given thorough periodic review without undue reminders from the supervisor.

Office hours are planned and observed, and appointments are kept. When unavoidable delays occur, the officer immediately notifies the persons affected so that probationers, co-workers, or others are not unnecessarily inconvenienced. Schedule for interviewing and for dictation are adhered to. The officer considers other staff members in the planning process, and rarely disrupts their work by demanding special attention. Notices and bulletins are read carefully and passed to others with a minimum of delay.

Observance of office procedure and care of equipment: The officer reports to the office on time and begins work promptly. The work should be purposeful and the officer should avoid distraction as much as possible. The officer should see to it that work is completed within the normal time unless an emergency arises. The officer also recognizes the value of well-maintained office procedures for facilitating the work of the department, and is able to begin and change work assignments without confusion.

The officer recognizes that the appearance of the office has an effect on the public as well as the persons under supervision. The office should have a professional, business-like atmosphere to the limits imposed by the facilities. It is helpful to have material

neatly and currently filed and the officer's desk should be kept from being unnecessarily cluttered. Equipment and supplies are conserved and arranged in an orderly fashion. Records, memoranda, lists, or similar material are not attached to office walls but are neatly stored away, and obtrusive objects are not displayed.

Content and accuracy of case records and reports: The officer prepares reports and correspondence so that they serve the purpose for which they are intended, and adequately reflect the officer's knowledge of the pertinent facts in a given situation without unnecessary verbiage. The officer records facts to substantiate impressions received and clearly identifies sources. Subjective impressions or hearsay are specified as such. The officer conscientiously, promptly and correctly records contacts with and about cases. Entries clearly state the matters that were discussed, the reactions shown and how the situation in the interview as handled. Information recorded substantiates decisions reached by the officer. Care is taken in recording complete information such as automobile licenses, addresses and telephone numbers. (See Appendix B, Exhibit 5 for a model worksheet recording contacts with direct supervision cases.)

The officer reports in the style best suited to preserve for the department the factual data, the events and the relationships in a case situation. The officer is able to select the significant factors in the case, and such selectivity is exercised without destroying the usefulness of records or sacrificing readability. The ordinary rules of grammar are followed. Letters are clear and to the point, and contain all the facts or information pertinent to the particular situation. They are written in such a style that they establish a constructive relationship between the agency and the one to whom they are written. Reports prepared by the officer are concise, factual and well-organized. Necessary forms are completed carefully, accurately and neatly.

Mechanics of dictation: The officer adheres to a scheduled plan for dictation. The time of the officer and others is conserved by organizing material before the beginning of dictation. Notes, if necessary, are made on the material to be dictated, so that dictation can be accomplished smoothly with a minimum of time lost, while the officer is thinking of what to say next. The officer plans the points to be covered in dictation so that the material does not have to be rewritten later because of omissions. The ability to estimate accurately the amount of material that can be dictated in one period and make the best possible use of time is very important. In dictating, the officer helps to insure the completeness and accuracy of the transcribed material by giving correct dates and statistics, and spelling unfamiliar words or proper names. In dictating, the officer enunciates clearly. If dictating to a machine, it is helpful to speak in a sufficiently distinct tone of voice so that the transcriber of the record can understand every word.

Perception of relative importance of assigned duties: The officer allots time to various duties on the basis of their relative importance. The ability to meet unusual changes in the volume of work

by appropriate adjustments in the work plan (i.e., vacation loads, uncovered loads, special reports and summaries) without too great sacrifice of the rest of the job and being able to adjust to unpredictable factors is necessary. The effective officer also seeks needed help from the supervisor in order to achieve the most productive and sound use of time. Where the volume or emergencies preclude the accomplishment of the whole task, the officer uses good judgement in selecting the work to be done.

J. PERSONAL QUALIFICATION FOR THE POSITION

Use of opportunities for self-development: The officer is interested in improving work performance and uses opportunities for self-development within the department whenever possible, such as individual and group conferences, staff meetings, training and planned reading. The officer recognizes the need for constant growth, shows interest outside the office in various educational opportunities related to the work and participates in related organizations. The officer also makes a conscious effort to carry out suggestions made by the supervisor regarding professional development.

Physical fitness and appropriate dress: Good physical and mental health is needed in order for the officer to consistently discharge assigned responsibilities with a minimum of assistance by others. Personal dress habits should reflect the fact the officer is a professional person who is responsible for the discharge of official business.

Use of supervision: It is necessary for the officer to plan for the regular conference with the supervisor. This consists of making note of any questions or problems which require either the supervisor's assistance and for joint thinking of the supervisor and the officer.

The officer takes responsibility for keeping the supervisor informed of the status of the officer's caseload and problems encountered. This means reporting unusual case situations, community problems as they relate to cases, community resources, and any other information obtained or methods suggested in one situation to similar situations.

The officer is expected to display initiative and think independently, while realizing that independent action is not always possible. There is a need for the officer to use the supervisor as a medium for weighing and evaluating judgements so that careful decisions may be made and the purpose of the department carried out.

Identification with the department: The officer has a sense of identification with the department and carries out its policies and procedures objectively, even though sometimes personally disagreeing with them. This means that the officer does not discuss personal disagreement indiscriminately, but makes constructive suggestions within the department through the proper channels.

The officer regards it as part of the responsibility to the department to be cooperative, pleasant and considerate in working with other staff members. Willingness to change personal plans, if necessary, helps to facilitate the work of the department.

K. RELATIONSHIP TO COMMUNITY

Knowledge of social and economic factors in the community: The officer knows the social and economic factors that make up the community, understands how these factors of community life affect the problems of the probationers and understands the resulting effect upon the work of the department as a whole.

Interpretation of the program: The officer is familiar with the objectives of the program of the department and understands and accepts their purpose; is able to interpret the programs accurately, clearly, and fully to probationers, members of the department and other agencies, or any other persons in the community; recognizes that it is the right of all members of the community to be interested in what the department is doing; uses care in making statements, and expressing opinions about department policies, programs, or individuals served by the department; and exercises sufficient discretion in personal behavior.

Officers are fully aware that they are employees of the judicial district adult probation department and consistently and constructively interpret its policies and decisions on cases to the local community. Officers also recognize the department has the ultimate responsibility for all cases and attempt always to interpret the department's position constructively.

Knowledge and use of community resources: The officer knows the other services and resources available in the community which may be of help to the probationers. Under supervisory or administrative direction, the officer displays initiative in developing the interest of lay groups so that they become a further resource in meeting specific needs.

The officer works cooperatively with all agencies and with interested individuals and meets the requirement of any inter-agency programs developed. (See Chapter XII for additional information about community resources.)

Relationship with local officials: The officer recognizes the functions of law enforcement bodies, prosecuting attorneys, and the courts, respects those functions, and works effectively with these various agencies to carry out the functions of the department. The officer is able to interpret to the agencies the responsibilities of a probation officer so as to bring about cooperation between these agencies and the probation department in fulfilling the department's policies and programs.

The officer consistently seeks methods of interpreting the department's program so that local officials are able to recognize the complementary yet distinct role that the department plays within the general framework of criminal law and enforcement. The officer shows initiative in constantly promoting understanding. The officer also realizes that public relations is neither an end in itself nor a means to increase the officer's own status, but is used solely for the effective implementation of a probation program.

L. OTHER PERSONNEL POLICIES

Departments wishing to develop, revise or expand on their personnel policies may contact adult probation offices in other judicial districts for model formats. Some areas that should be included in a department's personnel policy are: administrative regulations; selection procedures; classification and pay plans; employee benefits; training and development; employee conduct and education and travel, conference and training expenses.

**CHAPTER V
RULES AND CONDITIONS OF PROBATION**

CHAPTER V – RULES AND CONDITIONS OF PROBATION

A. RULES OF PROBATION

Article 42.12, Section 6 of the Texas Code of Criminal Procedures (Adult Probation and Parole Law) established that the court having jurisdiction of the case shall determine the terms and conditions of probation, and may, at any time during the period of probation, alter or modify the conditions; provided, however, that the clerk of the court shall furnish a copy of such terms and conditions to the probationer, and shall note the date of delivery of such copy on the docket.

The terms and conditions of probation as noted in this section, are presented as conditions of probation a court may wish to include. However, the court may also include other terms and conditions as necessary. Some of the terms and conditions the court may include stipulate that probationers shall:

- 1) commit no offense against the laws of this state or any other state or of the United States;
- 2) avoid injurious or vicious habits;
- 3) avoid persons or places of disreputable or harmful character;
- 4) report to the probation officer as directed by the judge or probation officer and obey all rules and regulations of the probation department;
- 5) permit the probation officer to visit at home or elsewhere;
- 6) work faithfully at suitable employment as far as possible;
- 7) remain within a specified place;
- 8) pay the fine, if one be assessed, and all court costs whether a fine be assessed or not, in one or several sums and make restitution or reparation in any sum that the court shall determine;
- 9) support dependents;
- 10) participate in any community-based program;
- 11) reimburse the county in which the prosecution was instituted for compensation paid to appointed counsel for defending him in the case, if counsel was appointed, or if he was represented by a county-paid defender, in an amount that would have been paid to an appointed attorney had the county not had a public defender;
- 12) remain under custodial supervision in a community-based facility, obey all rules and regulations of such facility, and pay a percentage of his income to the facility for room and board;
- 13) pay a percentage of his income to his dependents for their support while under custodial suspension in a community-based facility; and
- 14) pay a percentage of his income to the victim of the offense, if any, to compensate the victim for any property damage or medical expenses sustained by the victim as a direct result of the commission of the offense.

The following paragraphs provide additional information concerning the conditions of probation referenced in Article 42.12, Sec. 6.

1) Commit no offense against the laws of this or any other state or of the United States.

All members of society are expected to comply with all laws and ordinances of the communities in which they reside, work and to which they travel or visit. The probationer, as a citizen, has this obligation and is entitled to no special treatment or privileges. The subject should clearly understand that ignorance of the law is no excuse for its violation. Chapter 46, Section 46.05 of the Texas Penal Code makes it illegal for persons convicted of burglary, robbery or a felony involving the use of firearms to have in their possession, away from their residence, any pistol or revolver or other firearms capable of being concealed on the person. Included in the category of prohibited weapons are rifles, shotguns, knives with blades over five and one-half inches in length, and blackjacks. Possession of a sawed-off shotgun or rifle with a barrel less than ten and one-half inches in length is a felony under the laws of the United States.

Special attention is called to the Omnibus Crime Control and Safe Streets Act of 1968, Section 1202, making it unlawful for a person convicted of a felony to receive, possess, or transport a firearm. The administration of this act is placed with the Federal Bureau of Alcohol, Tobacco, and Firearms Division, 1114 Commerce Street, Dallas, Texas 75202. There is provision for relief from disabilities, but it must be filed with the Assistant Commissioner of that agency.

2) Avoid injurious or vicious habits.

All probationers should be warned against alcohol abuse. The degree to which this rule is enforced will depend on how much drinking the individual does, individual tolerance limits, where the drinking occurs and how it affects the person's behavior. In cases where behavior of the subject is adversely affected by the indulgence in alcohol its use must be forbidden to the letter without exception. The practical implementation of this rule rests to some degree with the probation officer's judgement, but whenever the use of alcohol is brought to the officer's attention, the case should be evaluated closely.

Probationers should be instructed that the use, possession or sale of narcotics could definitely be grounds for revocation of probation. It is considered an offense against the laws and therefore covered by Condition No. 1. Of course, it is understood that drugs prescribed by a reputable member of the medical profession as part of a treatment program and used in accordance with directions issued by the physician will not be construed as a violation.

The court could require that probationers on drug charges agree to submit to medical or chemical examination to determine narcotic usage for treatment purposes. In instances in which a probationer begins or is suspected to have begun the use of narcotics, the court may order the probationer to submit to such examination when requested

to do so by the supervising probation officer. If the situation is not complicated by other serious violations, it is hoped that hospitalization can result. Probationers should understand that evidence obtained as a result of a court order is not admissible in court.

3) Avoid persons or places of disreputable or harmful character.

Associating or consorting with criminals or persons of poor reputation has been a contributing factor in a great number of probation failures. A practical application of this condition is imperative. It must be realized that probationers frequently contact each other on the job, at the probation offices, on the street, or sometimes they may even be members of the same family. Consequently, the best interpretation would indicate such associations must not occur during the leisure hours of the subject, at the person's volition, or without approval of the probation officer.

Probation officers may grant permission for two or more probationers to attend an Alcoholics Anonymous (AA) meeting or similar functions, but will always keep a close check on the situation. On occasion it may be necessary to allow two or more probationers to live in the same quarters. Such situations should be carefully investigated prior to granting permission with consideration being given to all aspects of the situation, and intensive supervision being exercised during the initial period of such associations. At first signs of any undesirable developments, the probation officer should immediately take steps to end the arrangement.

Some confusion has arisen at times regarding probationer's entering places where alcoholic beverages are sold, as many grocery stores and cafes engage in this practice. A realistic approach requires the exercise of judgment, as it is quite evident that this condition does not forbid a person on probation from entering a reputable business establishment which sells food or groceries, and only incidentally beer. Some probationers seem unable to differentiate between enterprises, and the officer must exercise discretion in explaining this rule.

4) Report to the probation officer as directed by the judge or probation officer and obey all rules and regulations of the probation department.

When an officer becomes aware that a probationer has failed to make the required report, immediate steps should be taken to bring the probationer under supervision, and there should be no delay in making this contact. Refusal to comply with this simple requirement usually indicates strong basic resistance to any kind of supervision, irresponsibility, or both. In addition, failure to report may be indicative of other more serious violations.

Whether the probationer reports personally, through a sponsor, or by mail, depends upon arrangements between the probationer and the probation officer. No matter how the reports are submitted, the officer should see that the person under supervision legitimately reports and is following the formally approved probation program.

5) Permit the Probation Officer to Visit You at Your Home or Elsewhere.

The probationer must understand that a condition of the probation program allows the probation officer to make visits at places other than the probation office. When home visits are made and the probationer refuses to let the officer visit in the home, it is a good indication that further action is needed. Probationers should be instructed that they are in violation of probation conditions, and that refusal could be grounds for revocation.

6) Work faithfully at suitable employment as far as possible.

The probationer should be instructed that maintaining steady, gainful employment while on probation is expected. Of course, such employment must be kept away from borderline illegal activities and should be of such a nature as to assist the subject in gaining confidence and self-respect while becoming accepted as a member of the community. Unemployment caused by sickness or inability to locate work may be justified, in which case the probationer should be referred to appropriate agencies for help. (See Chapter XII for a discussion of community resources.) Attendance in school may in some instances substitute for full-time employment.

7) Remain within a specified place.

Probationers should understand clearly that they are expected to remain in the county to which they are probated and that travel outside this area, unless required by employment, is a privilege rather than a right, the abuse of which will result in its withdrawal.

In instances where employment requires travel outside the county to which the probationer is assigned, permits can be granted by the probation officer although such a situation should be generally discouraged. In some instances, the probationer may live in one county and travel to several during the day, returning home each night. Such arrangements may not be inconsistent with department policy, but each case must be considered on its merits by the probation officer. Department policy generally forbids the issuance of travel permits to seek employment in other counties or states and probationers should clearly understand that the practice of finding jobs and then requesting transfers while on travel permits, which are granted for other purposes, will be discouraged. However, in exceptional cases where extreme hardship would be involved, a probation officer may use emergency transfer procedures.

In order to discourage indiscriminate travel, permits are issued sparingly, particularly in the early months of probation. The principal reason for granting travel permits are verified emergencies, such as sickness or death in the family, important personal business reasons, occasional family trips for recreational purposes when clearly indicated.

This condition could be expanded to state that the probationer should notify the probation officer prior to changing places of residence within the county or changing employment. This provision is not specifically required by statute, but should be included in the court order. Compliance with this condition is essential in order that the probation officer is aware of the probationer's general location at all times. Obviously, the rule should not be interpreted to forbid changes in residence; however, it does require prior approval.

As the designated probation plan has been carefully investigated and approved by the probation and court authorities as being suitable for the person concerned, any changes in that plan should not lessen the quality of the living or working conditions of the probationer. When it is clearly detrimental, the probation officer should not hesitate to use authority in the matter. Generally, the probationer should be encouraged to make satisfactory arrangements and the officer should actively encourage the probationer in locating suitable quarters and employment that will be most helpful in aiding adjustment.

8) Pay the fine, if one be assessed, and all court costs whether a fine be assessed or not, in one or several sums, and make restitution or reparation in any sum that the court shall determine.

Where restitution must be made to several parties the better practice is to include the method by which restitution payments will be prorated among the parties in the court order. Central accounting procedures should be instituted by each probation office to account for any funds collected. It is not advisable for the individual probation officer to collect these payments. In no case should any money be received unless a numbered receipt is issued at the time that payment is accepted. Accounting procedures will vary from jurisdiction to jurisdiction throughout the state. Each probation department should establish procedures after consultation with the judge of the jurisdiction.

In accordance with Section 6a of the Adult Probation and Parole Law, the court granting probation may fix a fee not exceeding \$15.00 per month to be paid to the court by the probationer during the probationary period. The court may make payment of the fee a condition of granting or continuing the probation.

The practical implementation of this rule rests to some degree with the probation officer, through investigation of the finances of the subject and good judgment. This rule of paying fees to the court is one that officers can use very constructively in terms of encouraging probationers to meet their obligations, and its usefulness depends on the probation officer's sound judgment and discretion.

9) Support dependents.

The probationer should be instructed that supporting dependents while living within earned income is expected, and refusal to support dependents is considered a violation of probation.

10) Participate in any community-based program.

The law which establishes the Texas Adult Probation Commission (TAPC) (Article 42.121) states that one of the purposes of the TAPC is to provide alternatives to incarceration by providing financial aid to judicial districts for the establishment and improvement of probation services and community based correctional programs and facilities other than jails or prisons. The TAPC Standards include among its objectives "to assist in the establishment, improvement and expansion of community-based alternative programs" and "to fully utilize available resources". Therefore adult probation supervision is not separate from the utilization of community resources. Adult probation officers should develop good working relationships with community resources so that the court is able to expect probationers who participate in a community-based program or facility to change the behavior which caused them to become offenders.

11) Reimburse the county in which the prosecution was instituted for compensation paid to appointed counsel for defending him in the case, if counsel was appointed, or if he was represented by a county-paid public defender, in an amount that would have been paid to an appointed attorney had the county not had a public defender.

Each probationer should be made aware of the total cost of his/her offense and should be held responsible for reimbursing the court. This fulfillment of financial responsibility must be accomplished to the degree possible. Indigent probationers simply may not have the financial resources to meet all expenses of prosecution. Therefore to require the fulfillment of this responsibility may force the probationer into criminal activity to acquire the financial means to pay back the court.

The court and the probation officer should be able to determine through the pre-sentence investigation a reasonable amount to be repaid to the court by the probationer. At all times the protection of the community and the rehabilitation of the offender should be the primary objective of the probation officer and the court and the repayment of court costs, fines, fees and restitution should not interfere with these objectives.

12) Remain under custodial supervision in a community-based facility, obey all rules and regulations of such facility, and pay a percentage of his income to the facility for room and board.

Judicial districts can expend the state aid received from the Texas Adult Probation Commission for the establishment of community based facilities other than jails or prisons. A nationally recognized exemplary project involving a community-based facility under jurisdiction of the judicial district exists in Des Moines, Iowa. Probationers are assigned to the community-based facility with the conditions that they follow all the rules of the facility. This assists the probationer in learning how to become more responsible for his/her life.

13) Pay a percentage of his income to his dependents for their support while under custodial supervision in a community-based facility.

Being placed in a residential facility under the jurisdiction of the court does not release a probationer from financial responsibilities. The probationer can continue to remain gainfully employed, or the community-based program can assist the probationer in obtaining employment, and learn to manage his/her financial resources in a responsible manner.

14) Pay a percentage of his income to the victim of the offense, if any, to compensate the victim for any property damage or medical expenses sustained by the victim as a direct result of the commission of the offense.

Victims of crime are frequently forgotten by the criminal justice system, which in a sense, causes the victim to be victimized once again. Compensation to victims is the reasonable and humane way for the offender to right his/her wrong. In some cases the offender cannot make restitution to the victim. When this occurs the probation officer should inform the victim of the Crime Victim Compensation Program of the Industrial Accident Board. (200 E. Riverside Dr., P. O. Box 3536, Austin, Texas 78704) This program is one more attempt of society and the criminal justice system to alleviate the suffering of the victim.

B. SPECIAL CONDITIONS

Except in cases where a jury assesses punishment, the terms and conditions of probation are not limited to statutory conditions, and the criteria should be the relevancy to the rehabilitation program as a correctional tool. Conditions should be prescribed to fit the circumstances of each case and pertinent only to certain specific situations. Several sample forms relating to the conditions of probation are included in Appendix B as Exhibit 6 (Assessment for Punishment), Exhibit 7 (Conditions of Probation), Exhibit 8 (Orientation for New Probationers), and Exhibit 9 (Gun Control Act of 1968).

Under certain circumstances one or more of the special conditions of probation may need to be amended due to probationer's residence, employment, or other requirements. Appendix B includes sample forms for this purpose (Exhibits 10A through 10F).

CHAPTER VI – TRANSFER SUPERVISION

CHAPTER VI TRANSFER SUPERVISION

A. INTRASTATE TRANSFER (WITHIN TEXAS)

Transfer of Texas Cases: The majority of cases which are transferred will be transferred from one Texas judicial district probation department to another. This procedure is carried on strictly between the two districts and does not involve the Interstate Compact unless the case being transferred was originally received from another state. This particular situation will be discussed in a following section.

Experience has shown that in most cases the probationer will already be in the receiving judicial district prior to receipt of the official Placement Request (Appendix B, Exhibits 11 and 12) from the sending judicial district. This dictates that the sending judicial district expedite the forwarding of the Placement Request accompanied by the necessary case materials in order to prevent an undue break in the chain of supervision.

Allowing a probationer to travel to another jurisdiction is a serious matter and is not to be taken lightly by the probation officer. An officer who permits indiscriminate travel of his probationers to other areas without proper safeguards should not be surprised when supervision is lost.

To initiate a transfer to another judicial district the supervising officer should first be satisfied that there is a legitimate placement plan in the receiving judicial district and that the transfer of supervision will be beneficial to the probationer's adjustment.

A probationer should never be allowed to proceed to another jurisdiction without first providing specific information as to residence and/or place of employment. It is also wise to secure the name, address and telephone number of a relative or close friend in the receiving judicial district in order to maintain a means of contact, should the probationer move, and to also assist the new officer in efforts to establish initial contact.

It is also good probation practice to require the probationer to contact the local probation office upon arriving in the new county. This serves to further reinforce the fact that supervision is continuous.

After the sending officer is satisfied that the request for transfer serves a legitimate purpose, an Intrastate Placement Request form (Appendix B, Exhibit 11) to which is attached a copy of the presentence report, the conditions of probation and any other pertinent case material which would be of assistance to the new officer should be completed. This material is mailed directly to the receiving probation department.

The receiving probation department should notify in writing

within two to three weeks that the probationer is under the supervision of their department or to advise of any difficulties being encountered in placing the person under their supervision.

It should be made very clear to the probationer before he departs for the receiving district that any fines, fees or restitution payments are to be mailed each month directly to the office in the sending district along with other information which may be required. At the time of departure a written travel permit (Appendix B, Exhibit 13) should be issued to the probationer. Instructions about reporting to the new probation department should also be contained in this permit. The correct address and phone number of the receiving probation office should be a part of these instructions.

If there are special conditions of probation to be enforced, these should be specifically noted in the placement request.

The sending probation department may request that the probationer report to it by mail until courtesy supervision in the new county of residence has been established.

Termination of Probation: When probation is terminated, such as through early release, revocation, or discharge, the receiving district is to be immediately notified in writing to close their interest. Discharge papers are to be mailed to the probation department providing the courtesy supervision for delivery by the supervising officer or the probationer. Documents of this nature are never mailed directly to the probationer.

Intrastate transfer of an out of state case: There will be occasions when an out of state case under supervision in one Texas judicial district will request a transfer of supervision to another Texas judicial district.

Formal procedure calls for all original case file materials along with three copies of the Placement Request form (Appendix B, Exhibit 11) to be sent to the Compact with the Compact handling the transfer between the two counties.

A less formal, but more expeditious, means of effecting the transfer involves the sending of the case material along with a copy of the Placement Request form directly to the receiving district. Three copies of the completed Placement Request form are to be forwarded to the Compact with a clear notation on the form that placement material has been sent directly to the receiving district.

In any case the Compact will be involved in this type transaction in order that the Compact may update its case files as to the new location of the probationer and also notify the sending state of the new address of their probationer.

Procedure for accepting a transfer case: As soon as the transfer probationer has completed all of the intake requirements of the receiving department, a formal acceptance letter is sent to the sending

jurisdiction. The acceptance letter should contain certain pertinent information concerning the home and employment arrangement and advising that the probationer is officially under supervision.

Supervision report: Most departments do not have the staff available to submit regular routine progress reports on probationers, therefore, it is suggested that this type report be submitted only on a request basis. Violations of probation, arrest, or other serious matters should be covered in an immediate written report to the sending jurisdiction.

Recommendations and other matters: Recommendations concerning the disposition of matters pertaining to the supervision of transfer cases are not necessary unless specifically requested by the sending jurisdiction. This does not preclude the supervising officer from requesting assistance from the sending jurisdiction if difficult supervision problems arise.

The officer providing courtesy supervision of a case for another judicial district must refer all matters pertaining to the case disposition such as early release, revocation of probation or discharge, back to the district of original jurisdiction for the final decision. In most all cases, jurisdiction has not been transferred, only the supervision of the case.

Closing a transfer case: When the supervising officer is officially notified to close his interest in a case, a form letter known as a "closure letter" is completed. The original case material which was received from the sending county is attached to this letter and returned.

Conditions of probation and judicial district policies: Probationers, when requesting a transfer, should be made to understand that they will be expected to abide by the conditions of probation and departmental policies of the receiving jurisdiction.

It will be the responsibility of the receiving district to note any special conditions of probation and see, to the best of their ability, that they are carried out.

General policies: Officers supervising transfer cases should not assume that policies in the sending jurisdiction are the same as theirs. A good example of this concerns the policy regarding early release. Citing local policy in this area may result in giving the probationer information which is completely contrary to the policy of the sending jurisdiction, which is in fact the only policy relevant to the matter.

The receiving jurisdiction may expect compliance with local policies pertaining to such matters as intake procedures, monthly reporting instructions, participation in special programs, office demeanor.

Cooperation between jurisdictions: Both receiving and sending jurisdictions must make the utmost effort to work together closely to insure the continuity of supervision.

It is the responsibility of the receiving department to provide the same quality of supervision to transfer cases as it provides its own probationers. This includes providing pertinent information on transfer probationers to the sending jurisdiction and assisting that jurisdiction as much as possible in seeing that its probationers are sending regular payments of their supervision fees, restitution and court cost, back to the sending jurisdiction.

The sending jurisdiction on the other hand is responsible to provide as much assistance as possible to the department providing supervision in resolving difficult supervision problems and promptly answering any inquiries the receiving department may have concerning a transfer case.

Probationers residing in other jurisdictions without supervision: Probationers who wish to move to another jurisdiction to both live and work and who have 90 days or less remaining on their probation, will not be transferred for supervision purposes to the other jurisdiction.

The only exception to this policy involves probationers with severe adjustment problems who need the continued direct supervision of a probation office. The officer requesting transfer supervision for this type of case should clearly point out in the request that this is the reason continued direct supervision is being sought.

B. OUT OF STATE SUPERVISION

Formal procedures: The procedures set forth here do not apply to transfers between one Texas jurisdiction and another, which are conducted strictly between two districts involved and do not involve the Compact.

All states are members of the Interstate Compact for the supervision of parolees and probationers.

The Compact provides a businesslike and a legal means of granting parolees and probationers the privilege of moving outside the state in which they were sentenced into other jurisdictions where they may have better opportunities for a satisfactory adjustment with the full protection of society.

Each state has a Compact Administrator whose duty it is to administer the Compact and see that its rules and regulations are carried out. The State of Texas is bound by these rules and regulations.

The State of Texas has a Compact Administrator who is appointed by the Governor. The Governor has appointed a member of the Board of Pardons and Paroles to serve as Administrator. The Administrator and

his deputies have the responsibility of providing services to local adult probation departments. In 1979, Mr. John Clark was appointed Administrator. (His address is 1665 Frost Bank Tower, San Antonio, Texas 78205, (512) 226-0311.

Correspondence Procedures: All correspondence relating to Interstate supervision should be addressed to the Compact Administrator. Probation departments in different states should refrain from sending correspondence directly between each other, unless an extreme emergency exists, in which case the Compact Administrator should be provided with two courtesy copies of the correspondence. A clear notation on the bottom of the correspondence should be made to the effect that a copy has been mailed directly to the requesting authority.

All correspondence concerning Interstate cases should be sent through the Administrator's office as a matter of routine. All correspondence and reports should be clearly marked as to the name and state, and reference should be made to any prior pertinent correspondence in the case. All correspondence sent through the Compact Administrator will be in triplicate except in rare instances where a case is under the supervision of more than one state. In such a case, three additional copies of correspondence should be sent for each additional state involved. A file copy of all reports and correspondence should be retained by the submitting officer.

Out of state transfer procedure (transfer out): When a Texas probationer desires placement in another state, an Interstate Placement Request (Appendix B, Exhibit 14) should be sent to the other state through the Compact Administrator. The Interstate Placement Request should include information as to proposed residence, place of employment in the receiving state, and the state of residence.

The receiving state should give permission before a probationer is allowed to proceed to its jurisdiction. The requesting or sending state should allow the receiving state at least 60 days to investigate the proposed placement plan and send its reply.

In cases of emergency, where the probationer is allowed to proceed to the receiving state prior to its approval being given, a written explanation should accompany the Interstate Placement Request as to the reasons.

The probationer should be issued an Out of State Travel Permit (Appendix B, Exhibit 15) and instructed to report immediately upon arrival to the local probation department.

Job hunting expeditions into other states are to be discouraged. This is a good way to lose control of the supervision of a case. The following specific procedures should be carried out in each case.

- (1) All correspondence and material on an Interstate Placement Request case being transferred through the Compact Administrator should be sent in triplicate.
- (2) Three copies of the conditions of probation should be sent to the receiving state.

- (3) Three copies of the case file material should be sent to the receiving state. This should include information concerning the offense for which the person was placed on probation, date of sentence, date supervision will terminate, prior arrest history and personal and social data about the probationer.
- (4) A statement concerning the legal residence of the probationer should be included. A resident state is defined as the last state the probationer lived in for one continuous year. The State of Texas is not considered a resident state if the probationer did not live here at least six months continuously immediately preceding the commission of the offense (time in the military or in custody is not counted).

Any conditions of probation such as court cost and restitution should be cleared up as much as possible before letting the probationer proceed to the receiving state. The probationer should have a clear understanding that payments of restitution and probation fees are to be mailed each month directly to the probation officer in the sending state. It is not the responsibility of the probation officer in the receiving state to collect probation fees and restitution.

Before probationers are permitted to proceed to placement in another state they should sign four copies of Probation and Parole Form V, entitled Application for Compact Services (Appendix B, Exhibit 16) This form points out to the probationer that supervision standards as well as certain statutory or judicial differences may exist in the receiving state. One signed copy should be retained for the probationer's file and the other three signed copies should be sent through the Compact Administrator with the other placement material. Probationers should also sign an Agreement to Return form (Appendix B, Exhibit 17) stipulating that they will return to Texas upon request of the probation department.

After the transfer has been completed the sending state may expect regular Progress and Conduct Reports (Appendix B, Exhibit 18) from the receiving state. The reports will advise as to the adjustment of the probationer and point out special situations or problems which have arisen during the course of supervision. On occasion these reports will ask for assistance or advice. It is therefore imperative that these reports be read carefully and any request answered promptly.

In cases where an out of state probationer is under supervision in Texas and wishes to transfer to another state other than the original state, the state of current supervision will request, in writing, permission of the sending state before the transfer is undertaken.

All probationers should be advised early in the course of supervision that out-of-state transfers will take considerable time and they should plan accordingly.

Out-of-State travel permits: A probation officer supervising both Texas and out-of-state probationers may under the terms of the Interstate Compact grant permission for probationers to visit other states. The following rules apply.

- (1) If the visit is to be of thirty days (30) duration or less, no copies of the Out-of-State Travel Permit should be sent to the Compact Administrator.
- (2) For longer visits, three copies of the Out-of-State Travel Permit should be sent to the Administrator to provide a means of immediate information should it become necessary. Probationers should also be instructed to contact the local probation department upon arrival and advise them of their presence.
- (3) In cases where the sending state has requested in its file material to be notified before one of its probationer returns, permission should be obtained before the Out-of-State Travel permit is issued.

This permission can be obtained by sending three copies of an Interstate Report Special (Appendix B., Exhibit 19) containing the request to the Compact Administrator.

Progress and conduct reports: As required by the Interstate Compact, states are required to send through the Administrator at regular intervals a Progress Report. The initial Progress Report should be sent within four months after the case has been accepted for supervision and at six month intervals thereafter unless a minor violation of probation occurs, in which case an immediate report is to be submitted. This report is to advise the sending state of the adjustment of its probationers who are residing in the receiving state. Any reply to questions which may be raised in these reports should be answered by an Interstate Report Special in triplicate and routed through the Administrator.

When a minor probation violation does occur which the supervising officer feels does not warrant a violation report but should be called to the attention of the sending state, a Special Facts Progress and Conduct Report is submitted (Appendix B, Exhibit 20).

The Special Facts report is submitted on the usual Progress and Conduct Report form. At the top of the report form just under the heading of Progress and Conduct Report should be typed in capital letters SPECIAL FACTS. The rest of the requested information on the form is filled in as usual until the Comment section is reached. At the start of the Comment section the submitting officer should give a general evaluation of the probationer's adjustment since the last report. Just prior to giving the special information which is being called to the attention of the sending state, the officer should insert in the middle of the page in capital letters SPECIAL FACTS, then proceed to dictate the special information.

Violation reports: When an out-of-state probationer commits a serious violation of probations, such as being charged with a serious law violation or absconding supervision, a Violation Report (Appendix B, Exhibit 21) should be sent in triplicate through the Compact Administrator to the sending state.

The Violation Report should contain factual information such as arresting agency, date of arrest, date and nature of the charge filed and present location of the probationer. Other pertinent facts surrounding the arrest and offense should be included if known.

Where charges are still pending, a Supplemental Report of Violation (Appendix B, Exhibit 22) should be submitted each 30 days until a disposition is reached. This is to advise the sending state of the current status of the charge.

In cases where a conviction occurs, a copy of the judgment and sentence should be obtained and forwarded with the last Supplemental Report of Violation.

Violations which do not involve an arrest should be presented in narrative form giving as much factual and supporting evidence as is known. "Hearsay" information should never be included in a report of this type unless it is clearly labeled as such.

If at all possible, the probationer should be interviewed and requested to give an account of the allegations. If the probationer cannot be contacted, the reason should be stated under Probationer's Version of Violation section of the report. A clear statement as to whether the probationer admits or denies the allegations should always be included in this section.

Arrests and warrants: The probation officer will never place a verbal hold on an out-of-state probationer. The sending state should be directed to forward its warrant to the local sheriff's department or other detaining authority which may be expected to hold the probationer for a considerable period of time.

In emergency situations where the probation officer feels the protection and welfare of the community would be endangered by the presence or release from custody of a probationer, a request by telephone can be made for an Administrator's Warrant from the Compact Administrator. This type of warrant will be sufficient to hold the probationer without bail for "a reasonable time" pending the arrival of an expected arrest warrant from the sending state.

Under more normal situations if an arrest warrant is received by the probation officer from the sending state, it should be delivered immediately to the local sheriff or other local law enforcement agency to effect the arrest. The probation officer should render any assistance possible to law enforcement officers by providing information on where the probationer might be located.

Once the probationer has been apprehended on the sending state's warrant or on an Administrator's Warrant, an immediate Interstate Report Special should be submitted advising the sending state where the probationer is being held.

Extradition procedure (transfer of probationer to Texas): On occasion a receiving state will forward a report to the Compact Administrator that a Texas probationer has been arrested or has in some way violated a condition of probation. These reports are routinely forwarded to the probation department having jurisdiction over the case. Matters of this nature should be handled expeditiously.

If the sentencing judge wishes to take no action, the Administrator should be advised of this fact in an immediate Interstate Report Special. However, if the judge wishes the probationer returned to Texas, the probation officer should make arrangements through the County Sheriff's Department to have the Probation Violation Warrant sent directly to the law enforcement agency that has custody of the probationer or can arrange to take the probationer into custody.

The decision of the sending state to retake a person on probation shall be conclusive upon and not reviewable within the receiving state, provided that the probationer does not at the time have pending any criminal charge or is suspected of having committed a criminal offense within the receiving state. The receiving state may hold the probationer until cleared of suspicion or a disposition of a pending criminal charge reached.

The extradition of a probationer being held in another state is conducted through the local sheriff's department, or probation department of jurisdiction when appropriate. The sheriff's department will require a valid warrant and may require a letter from a district judge requesting the return to Texas of the probationer. (See Texas Code of Criminal Procedure, Art. 42.11, Appendix A for specific legal requirements concerning return of probationers to county of supervision.)

Once the warrant has been issued by the court and extradition proceedings initiated by the local sheriff's department, the Compact Administrator should be notified by an Interstate Report Special in triplicate. The Compact Administrator will then notify the receiving state of the situation. At this point Compact supervision ceases.

Any subsequent correspondence will be carried on directly between the local probation department and the detaining authorities in the other state concerning the probationer's return to Texas.

Sometimes probationers will be arrested in a state other than the one to which they were transferred. In that case, the Compact Administrator will notify the probation department having jurisdiction in the case, who in turn should notify, by using the Interstate Report Special, the state which had accepted the probationer for supervision. If the probation department desires, it may request an investigation from the state in which the probationer was arrested. Both the notification to

the receiving state of the arrest in another state, and the request for the Compact to request an investigation in another state are contained in the above mentioned Interstate Report Special.

Dismissals: Upon termination of probation in a case, three copies of all documents pertaining to the termination should be routed through the Administrator's office to clarify the current status of the case, so that appropriate action can be taken to close the case file. Under no circumstances will discharge or termination documents be mailed directly to a probationer under supervision in another state.

Termination documents should be made an attachment to an Interstate Report Special which advises all concerned parties that they may close their interest in the case.

In-State placement procedure (transfer from another state): Under the terms of the Interstate Compact, the State of Texas is generally required to accept supervision of an out-of-state case under any one of the three conditions defined below.

- (1) The probationer is a resident of the State of Texas as defined under the terms of the Interstate Compact. The Compact definition of resident states the probationer was an inhabitant of Texas for a year or more and was not present in the sending state for more than six continuous months immediately preceding the commission of the offense which led to probation (time in the military or in custody is not counted);
- (2) The probationer has family or relatives living in Texas and can obtain employment here.
- (3) Factors in the case would indicate a suitable placement exists in this state which would be beneficial in the rehabilitation of the probationer.

The State of Texas agrees to provide the same supervision and treatment as provided its own probationers. Texas also agrees to notify the sending state of any violations of probation, anti-social behavior or arrest, and to request the permission of the sending state before any legal hold against the probationer is placed. It is also agreed that regular progress reports concerning the probationer's adjustment will be provided to the sending state.

The probation department will see that the conditions of probation of the sending state, as well as its own probation conditions, are enforced.

Placement investigation: Whenever another state desires that one of its probationers be supervised in Texas, a request for a Placement Investigation Request is sent through the Compact Administrator to the appropriate Texas judicial district.

Upon receipt of the Placement Investigation Request the local probation department should initiate an investigation to verify such

information as to proposed residence and employment. The gathered information is compiled in a report called a Placement Investigation (Appendix B, Exhibit 23).

This report is written in narrative form but should be divided into sections such as: Request, Residence, Employment, Comment, Recommendation and Reporting Instructions.

- (1) Request: This section should include such information as the date requested investigation was received and the date, address and persons contacted during the course of the investigation.
- (2) Residence: This section should give a brief description of the residence, number of people residing in the home, the relationship to the probationer of the person making the home officer, the general condition and atmosphere of the home and a recommendation as to the suitability of the proposed residence. If the residence is not recommended, the reasons should be clearly stated.
- (3) Employment: In this section the investigating probation officer should verify that suitable employment exists, type of work, work hours and wages. The date the job will be available would also be noted in this section. This section should also include a police check on the employer and any prior criminal record should be evaluated in the comment section of the report.
- (4) Comments: The comment section provides the investigating officer an opportunity to sum up the findings of the investigation and point out any special problems or situations that may exist. A statement concerning state of residence of the probationer should be included in this section.
- (5) Recommendation: This section should contain a clear, concise statement as to whether the placement plan is accepted or rejected. If supervision is rejected, a factual statement setting forth the reason should be included.
- (6) Reporting Instructions: Where supervision is accepted reporting instructions should be included. These instructions should state the name and address of the probation officer to whom the probationer should report. If supervision is rejected, nothing need be entered in this section.

The Placement Investigation should be completed and returned to the Texas Compact Administrator within 14 days.

Supplemental placement investigation: If complications develop, the officer should submit any available information within 14 days and explain the reason for the delay. A Supplemental Placement Investigation Report (Appendix B, Exhibit 24) may be submitted when the investigation is completed. This report will enable the Compact

Administrator to relay to the requesting state information on the problems encountered and the reason for the delay. Only those sections which were not complete need be included in this type report.

Arrival notice: As soon as the probationer reports, an Arrival Notice (Appendix B, Exhibit 25) should immediately be sent to the Compact Administrator advising that the probationer has reported as instructed and is under supervision. Any last minute changes in the originally proposed placement plan should also be noted. This notice is sent in triplicate on the provided form to the Administrator.

Although the preceding is the approved placement procedure under the terms of the Interstate Compact, experience has shown that more often than not the probationer is already in the receiving state prior to the receipt of the Placement Investigation Request. In cases of this nature the normal procedure for a Placement Investigation will be followed, with the exception that under the reporting instructions section a clear statement should be made to the effect that the probationer is already under supervision if the plan is found acceptable. The name of the supervising officer should also be stated. In this case an Arrival Notice is not required.

C. SPECIAL REPORTS

Pre-Sentence reports and social histories: States may from time to time request a Pre-Sentence Report or social history (Appendix B, Exhibit 26) on a person residing or who has previously resided in Texas, who has charges pending in another state. Since in most cases a court date has been set, the time element may be critical. These reports should therefore be given prompt attention.

In most instances the requesting state will indicate in their request the areas in which information is needed, such as prior arrest history in the local area, education, home and family, employment, psychological and health.

The report should be written in narrative form with headings like those above so that the pertinent information for each information area requested will be consolidated under the appropriate heading.

This type of report should be submitted in triplicate through the Compact Administration with a file copy being retained by the submitting officer. If the time element is critical, a copy of the report may be mailed directly to the requesting authority in the requesting state with the other two copies to the Texas Compact Administrator. A clear notation should be made at the bottom of the first page of the report that a copy has been mailed directly to the requesting authority in the other state.

The Compact Administrator will retain one of the two copies for the file and send the other copy to the Compact Administrator in the requesting state.

Interstate report special: The Interstate Report Special is the type of report which may be used as a general purpose report. It may be used to answer or initiate special requests from or to the sending or receiving state. This report is written in narrative form with no headings being used in the body of the report. It normally will deal with only one subject area, such as the death of a probationer, special request of the probationer, such as wanting permission to move from Texas to another state, answering or initiating inquiries concerning delinquent fees or restitution, requesting early release or discharge from probation or notifying another state that one of its probationers has contacted the local probation department as requested in the travel permit.

This type of report is not used to report a law violation or other serious probation violations. The report is submitted in triplicate through the Compact Administrator with a file copy being retained by the submitting authority. (Appendix B, Exhibit 19)

D. TIME FACTORS RELATED TO INTERSTATE COMPACT CASES (INFORMAL PROCEDURES)

Correspondence: The time factor is probably the biggest problem in dealing with cases transferred between states. Although it is necessary that all correspondence being processed go through the proper channels, the time consumed by this process often makes it difficult for the probation officer handling a specific case. It is true that in emergency cases correspondence can be sent directly to another probation department with appropriate Compact correspondence to follow. It might seem appropriate to investigate the feasibility of using this procedure in cases other than those designated as emergency cases.

Receipt of notice of acceptance by receiving state: The transferring probation officer can run into some problem awaiting word from the receiving state as to whether or not the probationer can be accepted by that state for supervision. One way to alleviate this problem is for the director of each probation department to order that all cases being transferred into the jurisdiction be accepted for supervision. The philosophy here is that if the sending probation department feels that the probationer should be allowed to travel to the receiving jurisdiction, it would seem logical that the receiving department be willing to accept the probationer for supervision.

Authorization for decisions: Finally, some difficulty exists in the fact that when major decisions have to be made in regard to an out-of-state probationer, the state of original jurisdiction needs to authorize such a decision. As a practical matter, this can be somewhat difficult, again because of the time lapse in correspondence proceedings through the Compact. Each probation department should consider some means of alleviation in regard to this problem.

Machine listing out-of-state cases: Periodically a list of all out-of-state probation cases designated as belonging to a particular caseload, are sent from the Interstate Compact Administrator to a department for the purpose of auditing.

Upon receiving the out-of-state list, the probation officer indicates with a small check before each name every case properly listed as of the date the form was issued. For any case which improperly appears, the officer prints a notation indicating the correction. These corrections are made on the right side of the page after the name of each case in question. These corrections should only be concerned with the county of residence and whether the case is properly assigned to the particular caseload. Finally, the officer prints at the bottom of the list the name and county of residence of each out-of-state probation case which is assigned to the caseload but which does not appear on the list.

When the officer completes the above notations, the officer's name is printed at the top of the first page of the list and it is sent to the Compact Administrator. This is done within one week after receipt of the list.

CHAPTER VII
VIOLATIONS, DISCHARGES AND WARRANT PROCEDURES

CHAPTER VII – VIOLATIONS, DISCHARGES AND WARRANT PROCEDURES

A. VIOLATION OF PROBATION

Any infraction of the conditions of probation may be considered a violation of probation. Some response, from verbal to incarceration, should be given when credible evidence indicates a probationer has violated any condition of probation. Violations of probation can be divided into two categories, (1) technical violations and (2) violations by commission of new offenses.

Technical violations: Technical violations are violations of any of the conditions of probation except committing a new offense.

Violations of this nature are indications that a serious problem is developing in the life of the probationer and should be followed up immediately by the officer. The method of follow-up depends upon the type of violation and the probationer's past performance on probation. The issuance of a letter to report immediately or a home visit can often clear up the misunderstanding. However, violations of this nature should not be ignored. New probationers will test an officer, much the same as a teacher is tested by students.

Subsequent offense violations: Subsequent offense violations are violations in which the probationer has been arrested or accused of committing a new offense.

Violations of this nature are to be taken very seriously by the probation officer. The probation department should contact the arresting agency immediately for details of the offense.

Motion to revoke probation: If all alternatives to make a probationer meet the administrative conditions of probation have been exhausted, or the probationer commits a new offense, the only alternative left is to file a Motion to Revoke Probation (Appendix B, Exhibit 27). After a Motion to Revoke has been filed, there are two methods for bringing the defendant back to court; issuing a summons directing the person to appear at a specified time, or issuing a warrant or Capias (Appendix B, Exhibit 28) for arrest at which time the person will be brought back before the court. The same procedure is followed in both types of violations, with one exception, as noted below. The following is the suggested method for bringing the violation to the attention of the court.

In cases involving technical violations, first gather the facts surrounding the apparent violation and then prepare a violation report for the purpose of submission to the district attorney's office.

When subsequent offense violations are involved, the procedures for the filing of motions to revoke based on subsequent arrests are the same as those described for "Technical Violations" with one exception. As soon as possible after the probationer has been arrested, the appropriate peace officer should serve him a copy of the Motion to Revoke Probation and the probation officer should notify the court

that the probationer is in custody. Offense reports should be attached to the motion to insure proper wording of the motion. The district attorney will have a suggested format for the preparation of motions to revoke involving new offenses. The motion must be filed prior to the date of expiration of probation.

Whenever a summons (Show Cause Notice) is used (it is suggested for use only in very minor violations of probation), a total violation report should be prepared in full before the probationer appears in court. A court setting date is placed on the bottom of the summons notifying the probationer of the date to appear in court with an attorney. An Order Revoking Probation (Appendix B, Exhibit 29) could be issued at this time. The re-appearance of the probationer before the judge gives the probationer an opportunity to explain any problem to the court. It is also a good time to alter the conditions of probation.

Continuation of probation: Having heard the evidence concerning the violation of probation, the judge may determine not to revoke and continue the defendant on probation, or may determine to alter or amend the conditions of probation. If the conditions are amended, a copy of the amended conditions must be furnished the probationer. The probation officer should be present when the hearing is scheduled.

Revocation of probation: The judge may determine to revoke the probation of the defendant and impose sentence. When this occurs, the legal obligation of the probation officer is over unless notice of appeal is given. If the revocation is appealed, the defendant is still on probation until the ruling is handed down on the appeal.

As soon as possible, after the revocation is final, the officer should send Final Disposition Report, FBI Form R-84 (Rev 6-29-71) (Appendix B, Exhibit 30) to the FBI, and also notify the Texas Department of Public Safety of the revocation on DPS form IR-47 (Appendix B, Exhibit 31). In most jurisdictions this is done by the sheriff. The Texas Department of Corrections should be provided with all available information regarding probationers that is needed by TDC for its classification purposes.

B. DISCHARGES

Probationers are discharged by termination of sentence or by early discharge after successfully completing at least one-third or two years (whichever is less) of the original sentence. Usually discharge papers are sent to the probationer by mail or in case of courtesy supervision to the supervising department for delivery to the probationer.

Regular termination of sentence: The supervising officer should check the caseload each month to determine who is scheduled for discharge during the next month. The officer should review the case folders to determine if all financial agreements have been met. If they have not been met, appropriate action should be taken to collect these funds and/or a Motion to Revoke should be filed. If everything is in order, the officer passes the case along to the secretary for the

processing of legal papers. A short summary on the chronological sheet should be made containing the defendant's behavior while on probation and the officer's prognosis for the probationer's future behavior. Sample court orders terminating probation for misdemeanor and felony charges are included in Appendix B, Exhibits 32 and 33, respectively. Also included in Appendix B, Exhibit 34, is a sample Order Terminating Defendants Probation - Defendant Deceased Form. If a probationer dies while on probation a Death Notice should be sent to the Department of Public Safety (Appendix B, Exhibit 35) and in the case of the FBI, Form I-12 (Appendix B, Exhibit 36) should be sent indicating that the Probation Wanted notice should be cancelled because of the death.

Early termination of sentence: The probationer has the right to request an early termination of probation after successful completion of one-third of the sentence or two years, whichever comes first. When it appears that probation is no longer beneficial to the probationer and the community, the probation officer can file a Motion to Reduce Period of Probation (Appendix B, Exhibit 37) with the court. If the judge concurs with this recommendation, an Order Reducing Period of Probation is issued (Appendix B, Exhibit 38). Also included in Appendix B, Exhibit 39 is a sample Order Reducing Sentence and Terminating Probation using one form.

Expungement of records: Upon discharge from probation by Order of the Court, whether a regular or early termination, FBI Form No. R-84 (Appendix B, Exhibit 30) should be completed and forwarded to the FBI record center. The form contains a space to check "expungement". A certified copy of the Court Order should be attached to the form. The name of the fingerprint contributor who initially reported the disposition of the offense should be entered in the "contributor of fingerprints" section of the form (e.g., SO, PD, APO). Prints on the bottom of the form are not necessary for expungements.

C. BENCH WARRANT PROCEDURES

Section 8 of the Adult Probation and Parole Law provides that "At any time during the period of probation the court may issue a warrant for violation of any of the conditions of the probation and cause the defendant to be arrested". The law further provides that, "Any probation officer, police officer or other officer with power of arrest may arrest such defendant without a warrant upon the order of the judge of such court to be noted on the docket of the court", [Texas Code of Criminal Procedure, Art. 42.12, 8(a)].

When a Bench Warrant is issued for the arrest of a probationer, a copy of the warrant signed by the judge is given to the district clerk, and one copy to the county sheriff.

Probationer in custody: Often the probationer is in custody on a criminal charge at the time the warrant is issued. The detaining authorities should be notified by the probation department that a warrant has been issued, with a request to detain the probationer.

Upon issuance of the warrant, the probation officer should check with the detaining authorities to make certain that such notification has been received. Local procedure will govern how the warrant is executed.

Probationer not in custody - location known: Sometimes a probationer is not in custody at the time a warrant is issued for arrest but the probationer's whereabouts are known. Communications to the law enforcement agency which knows where the probationer can be located should be sent with a request that the probationer be taken into custody if not within the jurisdiction of the probation department.

In cases where the probationer is within the geographical jurisdictions of the department, a warrant is issued by the court. The probationer will be arrested and placed in the county jail to await a hearing on the State's motion to revoke probation.

Probationer not in custody - location unknown: In cases where probationers have absconded and their whereabouts are unknown at the time of issuance of a warrant, the probation department should list them with all appropriate law enforcement agencies as wanted persons.

The officer should indicate the names of the persons contacted on the chronological record sheet.

In the event the probationer is apprehended, a copy of the warrant is sent to the detaining agency if the probationer is detained in another county or state. Arrangements should be made with the district attorney's office to initiate extradition proceedings if necessary.

**CHAPTER VIII
PRE-TRIAL RELEASE**

CHAPTER VIII – PRE-TRIAL RELEASE

A. GENERAL DESCRIPTION

Traditionally, in the United States, people charged with crimes other than traffic offenses and sometimes regulatory offenses (such as housing code violations) are physically taken into custody by the police. They are then taken before a judge or a magistrate for a determination of whether there is "probable cause" to believe that the arrestee has committed a crime. If probable cause is not found, the accused is released. If it is found, the judge or magistrate determines the conditions upon which the accused may go free while awaiting trial. Although the power generally exists to release people simply on their promise to appear for trial, the judge or magistrate typically sets a cash bail, frequently from a schedule setting forth a standard bail amount in the particular jurisdiction for each offense with which someone may be charged. If bail is set, the defendant may deposit cash with the court, and the deposit will be returned if the defendant appears for the trial. But if the bail amount is substantial, most defendants find it necessary to deal with a bail bondsman, who will pledge the full amount of bail in return for payment of a premium. Premiums tend to run about 10 to 15 percent of the face value of the bail, but there are local variations. The premium is, of course, not returned to the defendant; in this respect, it is like any other insurance premium. If the defendant returns for trial, the bondsman makes money; if the defendant doesn't, and the bondsman can't produce the defendant in a reasonable time, the bondsman forfeits the bail.

Under this system, large numbers of criminal defendants are held in jail awaiting trial, even though no public official has ruled that they should stay there. In some cases, defendants are unable to raise the premium to buy a bail bond. In others, the bail bondsman may decide that the defendant is a poor risk, and decline to issue a bond. Sometimes the bondsman will require that the defendant put up collateral, i.e., pledge assets on which the bondsman may levy if the bond is defaulted. Poor defendants may be unable to raise the collateral. Cases have also been reported in which the bondsman has refused to write bonds for defendants with low bail, on the ground that the small premium was not worth the trouble. Any involvement by a probation department with the bail bond program must be completely at the discretion of the court.

Many agencies offer advice and assistance to departments interested in beginning or improving a pre-trial release program. Some of the agencies from which information can be obtained are:

- (1) Pre-trial Services Resource Center
1010 Vermont Avenue, N.W., Suite 200
Washington, D.C. 20005
(Address correspondence to the Technical Assistance Aide)
(202) 638-3080;

(2) Corrections Division
Office of Criminal Justice Programs
Law Enforcement Assistance Administration
Washington, D.C. 20531
(202) 376-3647; and

(3) Criminal Justice Division
Office of the Governor
3rd Floor
Sam Houston Bldg.
Austin, Texas 78701
(512) 475-3001.

B. THE LEGAL AUTHORITY FOR PRE-TRIAL RELEASE IN TEXAS

The concept of Pre-Trial Release is included in our present legal system. The following paragraphs briefly excerpt sections of the Texas Code of Criminal Procedures and set forth the legal foundation on which Pre-Trial Release is based.

Article 17.01 defines bail as the security given by those accused that they will appear before the proper court and answer the accusation against them. The Article mentions bail and personal bonds.

Article 17.03 provides that the court before which the case is pending, at its discretion, may release defendants on their personal bond without sureties or other security.

Article 17.04 provides that form of such personal bond shall be substantially the same as the regular bond, except that defendants shall make oath that they will appear before a designated court as directed by that Court.

Article 17.031, "Release personal bond" states the following:

- "(a) A magistrate may, upon the setting of a bond, release the defendant on personal bond, in which case the bond may be transferred to any court wherein the case may later be heard, and subsequent courts may not revoke the personal bond except for good cause shown.
- (b) Any magistrate in this state may release a defendant on personal bond where the complaint and warrant for arrest does not originate in the county wherein the accused is arrested if the magistrate would have had jurisdiction over the matter had the complaint arisen within the county wherein the magistrate presides. The personal bond may not be revoked by the judge of the court issuing the warrant for arrest except for good cause shown.
- (c) If there is a personal bond office in the county from which the warrant for arrest was issued, the court releasing a defendant on personal bond will forward a copy of the personal bond to the personal bond office in that county."

The 63rd Legislature of Texas, 1973, enacted House Bill 762, which established the legal authority to establish personal bond offices in individual counties and judicial districts with the approval of commissioner's courts.

Section 4(a) of the Bill states that if a court releases an accused on personal bond, based on a personal bond office recommendation, the court shall assess a personal bond fee of \$10.00 or three percent of the amount of bail fixed for the accused, whichever is greater. The court may waive the fee or assess a lesser fee if good cause is shown. Fees collected under this Act may be used solely to defray expenses of the personal bond office, including defraying the expenses of extradition.

C. ADMINISTRATION OF A PERSONAL BOND PROGRAM

Selection process: The Pre-Trial Release Section accepts prospective candidates either by referral basis or by screening the arrest report that is received each day. The Pre-Trial Release Section will consider any misdemeanor offense, including such crimes as aggravated assault, providing there is no prior offense. Also, most felony cases are considered, excluding capital crimes and hard core addiction to narcotics/drugs. Selection is based upon the number of arrests of the offender, FBI criminal record, and the results received from the National Clearinghouse Information Center (NCIC) check regarding risk probability.

Initial interview: Any probation officer requesting an interview with a defendant will first have to fill out a request pass given only at the jail. This is for the sole purpose of seeing and interviewing the defendant. The officer making the interview asks the jailer for permission to see the arrest card of each defendant to be interviewed. There are at least four (4) essential points that must be taken from this card:

- (a) offense;
- (b) amount of bond;
- (c) arrest number; and
- (d) name of magistrate.

When interviewing any possible candidate for a Personal Bond, one should be especially thorough in gathering information. The officer may have to explain to the defendant every facet of the bond in great detail. On the other hand, there may be individuals who will agree to any conditions just to be released from jail. When dealing with such persons, the officer should be certain to let the individual know that violation of the conditions of the Personal Bond could lead to its being revoked.

When conducting the initial interview, the officer explains briefly the bond, emphasizing the stipulations by which the individual will have to adhere:

- (a) cannot commit any crime against the State, or any other State or the United States;
- (b) cannot leave the jurisdiction of the Court for any reason without permission from the Court;
- (c) must report in person once a week or as directed to the Pre-Trial Release Section of the Adult Probation Department or the District Probation Officer (whichever is appropriate);
- (d) must report for Court when designated; and
- (e) must fill out a Personal Recognizance Bond Application.

The officer explains to the individual the need for pertinent information in the bond application, all of which will be verified. These areas should include at least:

- (1) residence, which has to be in the same or adjacent county;
- (2) current employment status;
- (3) family information;
- (4) past arrest record (which will be verified); and
- (5) name and addresss and phone number of persons that will always know his whereabouts.

The officer should point out to the individual that in the event the defendant provides the officer with false information in the application, consideration for release on a Personal Bond will terminate. Explain that the individual will be carefully screened and will also be checked through the NCIC. If everything points to favorable consideration, the candidate will be required to sign the Personal Bond form which is made in triplicate. It is also explained that the forms are not incriminating in any way.

Release: After reviewing the individual's FBI rap sheet, checking to see if the NCIC received is negative, and all the necessary forms have been signed, the officer is in a position to release the defendant from jail. After the forms are filled out properly, the officer should complete a jail release slip, which includes the full name of the person being released, the warrant number or grand jury's indictment number, and the date. In situations where the individual has not been indicted, the bond must be signed by a Magistrate or County Court Judge. In cases where an indictment has been rendered, or an Information and Complaint Report filed, a "Motion to be Released on Personal Bond" has to be filled out.

When an Information has been filed or an indictment rendered, the original of the bond and the motion to be released is filed in the appropriate Clerk's office (District Clerk or County Clerk). The original copy of the Personal Bond is filed with the Sheriff's Department.

After the release slip is signed by the judge, it is hand carried to the jail. The officer will then wait for the individual to be released. The individual should be taken to the probation department where the individual will receive the necessary counseling

and be provided with necessary assistance (services). The Personal Data Sheet can be completed during this interview. Whenever practical the defendant should be photographed and fingerprinted.

Supervision: Supervision for anyone on a Personal Bond will vary from one individual department to another. However, certain guidelines should be set forth.

The officer may desire to make a home visit on maximum supervision cases. Others who do not present a problem may report once a week, and then later this may be relaxed to reporting in person every other week, and calling in on the week they do not report in person. There will be some instances when the defendant is a mother with a child or children. In such instances she may be allowed to simply call once a week. These different types of reporting will have to be left up to the discretion of the officer supervising the case. Reporting is only one facet of being on a Personal Bond. There are many different agencies available for those who need assistance, such as the Texas Rehabilitation Commission, MH-MR, and local community resources.

Appointment of counsel: An additional function of the Pre-Trial Release Section is to assist individuals who are on Personal Bond or in custody in the county jail to make application for appointment of counsel. Pertinent questions must be asked of the individual concerning financial status. If the interviewer is satisfied that the individual is indigent, a "Motion for Appointment of Counsel" is filled out and signed by the individual in the presence of a probation officer who is also an authorized Notary Public. The Motion is then presented to the Judge of the Judicial District Court where, in turn, the Court will appoint an attorney to represent the defendant if found to be indigent.

Bond forfeiture: During the initial interview, the offender is told of the rules by which conduct will be governed while on Personal Bond. In the event any rules are broken, bond could be revoked and the defendant could be placed back in the county jail. Bond at that time could be increased substantially by the court.

The procedure in a bond forfeiture is as follows.

(a) In cases where a defendant has not been indicted, a Capias should be issued by a magistrate or court judge for return to custody. The Capias is prepared in duplicate with the original filed with the County Clerk's Office and the duplicate filed with the Pre-Trial Release Office.

(b) In cases where a defendant has been indicted, a Bench Warrant should be issued by the District Court for the defendant's return to custody. (In misdemeanor cases, the Capias will be processed as outlined in (a) above). The Bench Warrant should be prepared in four copies with distribution as follows: original copy filed with the District Clerk's Office; one copy to the Sheriff's Department; one copy to the Jail Section; and one copy for the Pre-Trial Release Section.

Case Closure: In the event a case is disposed of by either a dismissal, plea or other reason, the Pre-Release Section after having been informed of such action will then verify the closure through either the County or District Attorney's Office. An attorney who has been retained should send the Pre-Trial Release Section a copy of the judgment dismissal, or any other such notification. The probation officer in charge will then administratively close the Personal Bond and remove it from the pending Personal Bond list. The officer is responsible for insuring that all administrative actions are completed, including necessary entries into the computer information system where available.

D. FUNDING RESTRICTIONS

The Texas Adult Probation Commission's per capita funds and the monthly probation fees collected by the courts cannot be used by probation departments for supervision of persons released from custody on pre-trial bond and pre-trial diversion programs. (Attorney General's Opinion No. H1238, December 14, 1978.) Funding of pretrial diversion/release programs must be obtained from other sources such as the County Commissioners' Court or the Criminal Justice Division of the Office of the Governor.

**CHAPTER IX
INTERVIEWING**

A. GENERAL FUNCTIONS OF THE INTERVIEW

An interview is a serious conversation, a purposeful and directed discussion. When people converse, there is an interplay of ideas, feelings, and attitudes. The interview is used to secure information. However, if probation officers go no further than to use the interview as a means of gaining objective data, they may miss the fundamental purpose of probation, i.e., influencing, motivating, and treating probationers.

The interview is not limited to spoken words between people, but includes the use of observational abilities and diagnostic skills in nonverbal areas as well. Gestures, tone of voice, inflection of speech, facial expression and all other forms of human expression may be of equal or greater value to the probation officer than the spoken word.

Probation officers must recognize the fact that they are human beings who possess all the frailties, shortcomings and weaknesses common to all individuals. The officer brings to the interview, conscious as well as unconscious, motivations, ambivalences, biases, prejudices and objective and subjective reasons for behavior. Pre-determined attitudes frequently interfere with the officer's ability to build a constructive relationship with the probationer. The mature, well-adjusted probation officer will acknowledge the existence of these feelings and do everything possible to overcome them in order to become a more effective interviewer.

The probationer also brings to the interview feelings, attitudes, fears, apprehensions uncertainties and confusion concerning probation and the probation officer. Many offenders are experts in the art of "conning" interviewers and telling them what they want to hear.

The interview is most important in the performance of the function of probation supervision. In studying human beings and their relationships, much of the necessary data can be obtained only through the use of the interview. Practically all the duties and responsibilities of the probation officer involve interviewing or working in areas related to interviewing. The officer is regularly interviewing probationers or other persons regarding probationers, and evaluating and recording the results of such interviews. Since knowledge of human relationships is so essential, the officer must try by every means possible to improve the interview as a data gathering technique. Skill in interviewing can best be improved through practice, but only when practice is accompanied by knowledge about interviewing and self-conscious study of one's own practices.

B. TYPES OF INTERVIEWS

In general there are two types of interviews, guided and unguided. Alternate titles are directed and nondirected or patterned and unpatterned. In the guided interview, a list of questions or

blanks is prepared, based on the nature of the information being sought. For the untrained interviewer this is of great assistance. As interviewing skills are developed, the probation officer usually discards this and uses other techniques.

The unguided interview is used in situations such as counseling and dealing with complaints. This requires a high degree of skill if the objectives of the interview are to be accomplished. The theory of the unguided interview is that the subject will reveal more about feelings, desires, and problems through a more informal approach to the interviewing process.

C. PRINCIPLES OF INTERVIEWING

Preparation:

- 1) Determine the specific objectives of the interview and keep the interview in line with the objectives.
- 2) Determine the method of accomplishing the objectives. Decide whether to use the guided or unguided approach.
- 3) Inform yourself as much as possible concerning the individual you are to interview. Acquaint yourself with the contents of the case file prior to the interview in order that it will not be necessary to constantly refer to it during the interview.

Physical Setting: Probation work necessitates that interviews be held in the office, the probationer's home or place of employment, jails, streets, etc. The right place for an interview depends on many factors and conditions, but it should always be conducted where maximum benefits will be obtained based on the needs of the probationer.

The physical setting should be as comfortable, attractive and private as possible. It is difficult to conduct an interview in a room full of people or while standing at an office rail. The more comfortable and relaxed a person is, the freer the conversation.

Mental Setting: An initial effort should be made by the interviewer to establish an atmosphere of ease. This can be done by idle conversation rather than diving into the business at hand.

Conducting the Interview: The initial contact is a vital event in the process of probation supervision. On its handling may depend the success of probation. It is here that the officer can gain the information desired and supply the facts the probationer needs or wants to know. The probationer should be made aware of the functions of the probation department, the probationer-probation officer relationship, and should be given a realistic concept of the officer's responsibility and obligation both to the probationer and to society. The probation officer, in explaining this to the probationer, must move with the probationer at a pace that the probationer can travel, to assure that full understanding takes place. Frequently such topics are explained faster than the probationer can handle.

The interviewer should possess and demonstrate a basic liking and respect for people. This principle is considered by some to be the most fundamental in interviewing. The interviewer who likes to talk

with people and shows an interest in them will find out the most about them. The probation officer should always be frank and honest in dealing with the probationer. To do otherwise would destroy any chances the probation officer might have in working with the probationer. To understand the probationer, the officer must have the ability to assume the role of the client and see things from the client's perspective.

Questions should be asked in a manner that encourages the probationer to talk. Questions that require a yes or no answer will not accomplish this. The probationer should be encouraged to do most of the talking. Silence almost always implies a request for more information, and the probationer will usually continue to supply it. Restatement of thoughts presented by the probationer is the basic technique of keeping the conversation going. In a good interview, the interviewer is successful in getting the interviewee to talk freely and reveal real thoughts and feelings.

To listen attentively is essential to effective interviewing. Marginal listening not only hinders the interview, but is insulting to the probationer. The probation officer should possess a level of awareness to keep in control of the interview situation at all times. The maturity and stability of the officer should be evident in the manner in which the interview is conducted, and in the decisions made in evaluating the probationer.

As long as the probationer keeps within reasonable limits, free expression should be permitted and encouraged. The probation officer has the responsibility of guiding the interview so as to obtain the maximum benefit for both the probationer and the department, but this does not imply domination of the conversation. In directing the interview, the probation officer must be careful not to permit the probationer to place total responsibility upon the officer for planning and decisions. The probationer must participate as fully as possible in making plans and decisions since the probationer is the person who must carry them out. The officer can best help by assisting the probationer in an analysis of the problem and in developing a plan of action.

There are a number of established principles that will help the probation officer in leading and directing the interview.

- (1) Allow the probationer to talk freely about subjects which have strong feelings associated with them. In such instances, the emotional release can be extremely therapeutic and may be regarded as a sign of confidence in the officer.
- (2) Do not attempt to bring about planning or decisions during or immediately following an emotional upset. When possible, avoid terminating an interview with the probationer left in an agitated or highly emotional state.
- (3) Avoid unnecessary argument or contradiction. This can be done by changing the subject or routing the interview into other channels.

(4) As far as possible, anticipate objections and answer them directly.

(5) Give recognition by expressing approval of the probationer's actual accomplishments or stated resolutions or ambitions. (Don't be conned, however.)

(6) In reacting to the person being interviewed, be careful to distinguish between friendliness and sympathetic understanding and the assumption of a patronizing attitude.

(7) Be prepared to give genuine assurance where possible. Some officers mistakenly give expressions of reassurance when they have no knowledge or understanding of the probationer's problems.

(8) At the termination of the interview, review with the probationer the major areas of discussion, points agreed upon, and problems needing further exploration. This will lay the groundwork for the next interview. All interviews should end with a statement as to when the probationer will be seen again officially and for what purpose.

Recording the interview: Note-taking during an interview distracts the attention of the interviewer and the interviewee. It may prevent the officer from observing significant physical reactions of the probationer to various questions asked by the officer. In some instances it may cause the person being interviewed to be wary of the information furnished to the interviewer. Therefore, note-taking should be held to a minimum except for the recording of names, addresses, dates, etc. Other information obtained should be recorded immediately upon the departure of the probationer.

D. SUMMARY

Real change in the probationer's attitudes and values must come from within the individual. The probation officer must realize that one of the best methods of bringing about a modification in the conduct of a probationer is for the probationer to gain an insight into the origin of problems. The officer may help the offender discover problems and bring about a change in conduct by exploring alternative attitudes and values. However, using the interview to "preach" to the offender is not likely to bring about change. Likewise, ordering or forbidding a particular type of behavior to the probationer also produces little results. If the probationer can be helped to understand the consequences involved in various patterns of conduct, it is more likely that responsible decisions will be made. This can be accomplished in a good interview, or possibly several interviews of a meaningful nature.

CHAPTER X PRE-SENTENCE INVESTIGATION REPORT

CHAPTER X – PRE-SENTENCE INVESTIGATION REPORT

A. DEVELOPMENT

Purpose: Sentencing is sometimes an agonizing and solemn duty for courtroom judges, but it is always a turning point in the life of the defendant. It is the climax of the entire judicial process and the "literal moment of truth". At every judicial level, no judge can delegate his arduous task to someone down the line. Hasty judgments are more than a scar on the defendant's criminal score card. They are also reflections on the wisdom and concern of the bench.

Each individual differs in a wide range of features, some tangible and others more difficult to measure. Objectives must be evaluated and adapted (insofar as practical) to maximize long-run benefits to all affected by the crime: victim, defendant and family, society at large and future offenders. Since there are common elements in each case, it must remain painfully difficult to move towards one goal versus another by the most concerned and competent Judge.

Despite the need for sentencing that reflects the differences between individuals, it is important that the sentences not seem arbitrary. This is particularly vital as the public becomes increasingly aware of courtroom operation. More and more courts are being observed by citizens, former victims, and even ex-offenders.

In making an assessment, many judges rely on a comprehensive, factual Pre-Sentence Investigation (PSI) Report supplied by a probation staff member. This provides the Judge with perspective on two central points: (1) overall history of the offender based on first-hand interviews and investigations; and (2) the inherent potential of the defendant for moving ahead in a different direction under careful supervision.

Certainly, to aid the court in determining the appropriate sentence in each case is not the sole function of the PSI Report. Other areas of utilization of the PSI Report include the following.

1. It can aid the probation officer in rehabilitation planning and treatment efforts during the period of probation. A complete and thorough PSI Report will indicate the strong points as well as the areas of need of the probationer thus immediately indicating to the probation officer the primary steps to be taken in working with an individual.
2. It assists the prison in classification and treatment programs and release planning.
3. It furnishes the Board of Pardons and Parole with pertinent information for consideration of early parole release.

The Legislature of the State of Texas deemed the Pre-Sentence Investigation Report to be of such importance that it is included in Section 4, Article 42.12 of the Code of Criminal Procedure (Appendix A). It reads as follows:

When directed by the court, a probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of the defendant. Whenever practicable, such investigation shall include a physical and mental examination of the defendant. Defendant, if not represented by counsel, counsel for defendant and counsel for the state shall be afforded an opportunity to see a copy of the report upon request. If a defendant is committed to any institution the probation officer shall send a report of such investigation to the institution at the time of commitment.

Content: The quality of the probation officer's pre-sentence investigation is directly related to the following officers' skills: investigation and verification techniques, interviewing, evaluation/analysis, writing, organizing and summarizing information and time management. The probation officer needs to be able to determine: 1) the risk the defendant poses to the community if placed on probation; 2) the needs of the defendant; and 3) available community resources which can address the needs of the defendant. If the Pre-Sentence Investigation Report addresses these three items, then the probation officer will be able to present a sufficient amount of information to the judge in order for the judge to determine how the community can best be effectively protected and the defendant rehabilitated.

According to a national survey conducted by Mr. Robert Carter, who is affiliated with the American Justice Institute of Sacramento, California, the following items were identified by the judiciary and probation officers as the most significant items on a PSI Report which assist a judge in deciding on whether or not a defendant should receive probation:

1. present charge;
2. prior record;
3. predictor elements - employment, custodial status, residential stability and health history including mental, physical and substance abuse;
4. evaluation/prognosis; and
5. treatment plan and/or recommendation.

The Pre-Sentence Investigation Report Project of the Texas Adult Probation Commission was directed by a task force of district judges, chief adult probation officers and representative of TDC, Board of Pardons and Paroles, prosecuting and defense attorneys and law professors. These task force members concluded that the most significant elements necessary for a good Pre-Sentence Investigation Report are:

1. present charge (including legal chronology);
2. prior record;
3. employment record;
4. health history, both mental and physical;
5. education history;
6. substance abuse history;
7. evaluation/prognosis; and
8. treatment plan and/or recommendation.

Both the national survey and the Task Force of the Texas PSIR Project identified similar information as being what is most needed to make the PSI Report useful to the criminal justice system.

In Appendix B, Exhibit 40, examples of short, medium length and long PSI Reports developed by the Texas PSIR Project are presented. Depending upon the court's desire or need for PSI Reports, probation department staffing and available time/resources, any of these three PSI Reports could be used by probation officers. Some probation departments may choose to use a PSI Report of their own design because it best fills the needs of the local court. Given that this may be the case, the PSI Report could include at least the following pertinent areas, including copies of arrest transcripts and medical and psychological reports when necessary.

1. Identifying data of defendant--including current court data.
2. Prior criminal history. How extensive is it? What may it signify? Does it have a characteristic pattern of offense? Does the record suggest the individual is an amateur, a compulsive or a professional offender?
3. Present offense--Where and when was it committed? Under what circumstances? What was the modus operandi? Was the offender armed? Sober? On drugs at the time? Seemingly sane at the time? Compulsive? Hysterical? Calm? All this is necessary because these facts do not necessarily come out in court. If the defendant pleads guilty, none of these facts may ever come out, yet those facts not brought out may be extremely valuable as a diagnostic material.
4. The defendant's version of the present offense and prior offenses (if different from official version)--It is best to let defendants complete their own version of the offense. A close evaluation of the circumstances, including a comparison of the official version, can be made. The defendant should be asked if more than one person participated. Who planned it? Who was the leader? What part did defendant play? Armed? Sober? On drugs at the time? Does the defendant admit guilt? Attitude toward participation in the offense? Does the defendant show remorse, anger, ill will? What feelings toward the victim does the defendant have? Toward the police? (This statement should be attached to the PSI Report.)

5. Family history and other interpersonal relationships--The family is the offender's primary group, and is likely to be the most influential in socialization. The court needs data on the parents, siblings, wife, children, and paramours of the defendant. Who are they? How old? etc. Neighbors, character references, and other persons with whom the offender interacts can also provide useful information about interpersonal relationships and their possible effects.

6. Education--Probably more than any other section of the report, this one will vary according to the age of the defendant. Frequently, the older defendant is so far removed from prior school experience that it is a matter of simply taking the defendant's word regarding educational background. For example, the defendant may have attended school thirty years ago in another state. Even in cases of many young adults it is not easy to find accurate records. In many adult cases there are educational experiences to be mentioned other than public school. There may have been special courses in connection with military training. There may have been an apprenticeship experience that needs to be more fully described in the employment section, but which nevertheless was an important part of the defendant's education and should be referred to here.

A check with school officials, especially on young offenders, should include social behavior, medical problems and intelligence scores (IQ).

7. Employment history--The account of the defendant's work record can be one of the duller portions of the report at the same time that it is one of the most important parts. It would seem to be one of the more simple portions to write, but there are some aspects of it that are often overlooked.

It is obvious that the defendant's employment history constitutes one of the more important indicators of stability, sense of responsibility and capacity to get along with people. This, of course, makes it highly essential information to use in predicting the prospects of successful probation. Losing jobs frequently could be a result of immaturity, irresponsibility, family problems, need for vocational counseling, location of job to home or employment characteristics related to the offense. The probation officer is not just interested in employment but in what employment may tell about a personality.

8. Medical and psychiatric history--This section should include any psychological or psychiatric reports or evaluations, or general physical examinations. Also included should be diagnostic reports, such as test results (personality tests, vocational tests). The authorization to release confidential medical, psychological and psychiatric information form is illustrated in Appendix B, Exhibit 41.

This information is very important and should be considered in the report, as it is really one of the first steps in dealing with behavioral problems. Sometimes the report will reveal that physical symptoms may have caused tension, worries, or emotional frustrations; sometimes it may work in the other direction, with physical ills caused by emotional maladjustments.

General appearance of the defendant should be considered, including general size, bodily proportions, and posture. Either obesity or excessive thinness may suggest organic or emotional trouble. Check for slurring speech, mumbling, jerkiness, or nasal qualities which could indicate signs of possible disorders other than just a speech difficulty.

Check the appearance of the skin, which may suggest many bodily conditions. Cancer, jaundice, anemia, syphilis, and many other ailments can all produce changes in skin texture and color. Acne, for example, can be an emotionally devastating condition for a young offender. The damaging effect on the emotions is psychological rather than physical. It could produce feelings of depression and inferiority in the young offender.

Epilepsy, in a wide range of degrees, can have serious social consequences. The epileptic with grand mal seizures usually commands much attention and treatment because of the obvious severity of the problem. But what about the more subtle forms of the ailment which are harder to recognize, but which can sometimes be more serious in their social and emotional consequences? The brain disturbances of the less obvious epileptic can foster the kind of impulsive and irrationally destructive behavior that seem incomprehensible. This and other types of brain damage can often be detected by the use of the electroencephalograph, with certain psychological tests, or both. If a defendant has a history of periods of unconsciousness, severe infections accompanied by prolonged high temperatures, head injuries, or temporary lack of oxygen (anoxia), it is well to arrange for a neurological consultation to evaluate brain damage as a possible factor in the problem behavior.

The thyroid glands can have a rather direct effect upon behavior. Hyperthyroidism, or over-activity of the thyroid, can make a person so irritable, defiant, and surly as to constitute real incorrigibility. The opposite condition, under-activity of the gland, is called hypothyroidism and may show such symptoms as obesity, reduced mental ability, reduced motor activity and/or certain skin problems.

Diabetes can also produce behavioral symptoms aside from any physiological effects it may have. A diabetic condition that has not been properly diagnosed and is consequently untreated may produce irritability to a serious degree. It may also produce a drunken type of stupor and sometimes make the victim lethargic and sluggish.

There are physical conditions that are often found where low standards of living or poor diet are involved. Anemia and malnutrition are examples. Cholera, also popularly known as St. Vitus' dance, is a nervous affliction that can cause emotional instability, purposeless movements, muscular weakness, stumbling, grimacing, and difficulties in both writing and speaking.

Whenever there are health problems directly connected with an offense, such as drugs, narcotics and alcohol, this section should include a more thorough health history and a report of the findings of any recent medical examination.

9. Financial status--This section describes the actual and potential economic condition of the defendant. It describes the handling of business or financial affairs. Earlier portions of the report have already suggested something of the financial condition of the defendant. The employment section has told of the person's money-making history; but this section of the report can complete the financial picture. The defendant's salary may not be the only income, so it will be necessary to show any other sources of income. What investments might there be? Savings Bonds? Property? What is it and what is its value? How much equity is there in a home? What are the monthly payments on it and what are the taxes? Other property may include real estate, automobile, furniture or business equipment.

This financial information sometimes reveals important data regarding the values maintained by the defendant.

10. Military history--An offender's military history may provide information about ability to accept and follow supervision, personal responsibility, or other strengths or weaknesses. What kind of discharge was received? Were there any particular problems, discipline or otherwise, mentioned? This information might also indicate that the offender is eligible for VA benefits which could assist the probation officer in devising a treatment plan.

Military information can be obtained through the use of a Request Pertaining to Military Records (Appendix B, Exhibit 42).

11. Comments--In the ordinary usage of the word "Comments", it is understood that when any piece of information is summarized it is simply restated in abbreviated form. This section enables the judge to recall the details of the defendant's story. The judge may desire to read only the comments and evaluation sections.

This section should be a simple recapitulation of the report, hitting the highlights. It should never present any new material. The judge should be able to read the full report except the Comments with the confident belief that nothing is being missed. Later, the judge should be able to read the Comments alone with equally confident belief that no important points have been overlooked.

12. Evaluation--This section should reveal the dynamics in the case that brought the defendant to the attention of the court, and in doing so should point out the main features of a treatment plan that should be followed.

13. The Pre-Sentence Cover Report--This report calls for an outline of what steps should be taken with the court's appraisal to help the defendant. Such recommendations can be very helpful to the judge and provide a useful contribution to the report. The probation officer investigating the case has studied the case so intimately and has talked so many times with the defendant and those who know the defendant, that a feel of the case has been gained which is an important factor in determining which disposition would be the right one. The judge is not getting the full value of all of the study that has been done if this final expression of the officer's opinion is not included.

The Pre-Sentence Report should conclude with the name of the probation officer who prepared it, and should be approved by the supervising officer or chief.

From beginning to end, the Pre-Sentence Report is a highly specialized document that the probation officer should regard with affection and pride. It is the most tangible and easily visible symbol of professional work, and its construction can challenge the artistry of the most skilled appraiser of personalities. The most important consideration in the report is that it be objective, perceptive, and communicative. It has a great capacity for helpfulness, and so it deserves the officer's most thoughtful effort.

B. DEFERRED SENTENCING

Some jurisdictions have a Deferred Sentencing Docket. This docket enables the court to delay the sentencing of a defendant who has entered a plea of guilty, pending the receipt of a written PSI Report from the probation officer. This docket establishes the date the PSI Report should be presented to the judge.

Because of the importance of the PSI Report to the court, it is necessary that a department adopt the following specific guidelines and procedures which are essential to the operation of the court system. With an agreed interval before a defendant is scheduled to appear before the court to enter a plea, the court should notify the probation department of the name of the defendant and the time and date the appearance is scheduled. An officer should be present in the court during the entry of the plea. The probation officer should bring the following at the time of the court appearance (file in a case jacket):

1. FBI and DPS Record on defendant;
2. Law Enforcement Complaint report on the current charges on which the defendant is appearing;
3. Photograph of the defendant (optional, depending on facilities); and

4. Record of contact with immigration authorities on cases that are declared undocumented workers (notify them of pending plea).

Prior to the entry of a guilty plea by the defendant, the probation officer may have a case conference with the State's Attorney presenting the case to the court. If during this conference sufficient information is available for the probation officer to make a verbal recommendation to the court for probation of the defendant, this may be done. If there is insufficient information to make this recommendation the probation officer present in the court should abstain from any recommendation unless requested by the judge. If the judge asks for any comments or a recommendation from the probation officer present, the officer should request that the court defer sentencing pending a Pre-Sentence Investigation from the probation department. All cases that are transient cases and are not residents of the judicial area should have a PSI Report form sent to them to determine involvement with other law enforcement agencies, fugitive warrants, etc.

In cases where the defendant is an undocumented worker, the probation officer should confer with the State's Attorney on their recommendation to the court. Social history information would be very difficult to compile on an undocumented worker.

If the case is one that will require a PSI Report, after the guilty plea has been entered, the State's Attorney should request that a definite date for sentencing be set in open court. This sentencing date will be discretionary with the court. The probation officer present in the court should document this sentencing suspense date in the chronological section of the defendant's case jacket. After the defendant is dismissed by the court, the probation officer should take one of the following actions:

(1) Defendant on Bond--If the defendant is on Bond, the probation officer should go with the defendant to the probation office where the initial interview can be conducted and the Personal Data Sheet (Appendix B, Exhibit 43) and Release of Confidential Information Form (Appendix B, Exhibit 41B) can be completed.

(2) Defendant Not on Bond--For those defendants who are not on bond, and who must be returned to custody of the county jail, the probation officer should make the necessary arrangements to conduct the initial interview in the county jail, and during the interview the Personal Data and Release of Confidential Information forms should be completed. This should be accomplished on the same date the defendant made the plea.

After completing the initial interview and necessary forms, the investigating probation officer should immediately review the Personal Data and Social History Sheets (Appendix B, Exhibit 43) for completeness and accuracy. The officer should then forward the necessary inquiring letters to those concerned in the investigation (police, courts, employers, physicians, schools, Armed Forces, etc.). When

the information requested is received, it should be incorporated into the appropriate section of the PSI Report. (See Appendix B, Exhibit 42 for The Request Pertaining to Military Records.)

A personal contact should be made with the defendant's family to obtain the necessary social history of the defendant. In the event the defendant is not a resident of the county, and the family resides elsewhere, the investigating officer should immediately forward a letter to the probation department where the defendant's family resides asking for their assistance in providing the department with the necessary social history of the defendant and family. When the information requested is received, it should be incorporated in the appropriate section of the PSI Report.

After all of the information has been collected and the investigation report is being prepared for submission to the supervisor, a case conference should be held between the investigation officer and supervisor or chief where staffing permits. This conference is essential to provide a broader scope of intake, evaluation, analysis, and classification that is so vital in determining the final disposition of the case.

The written PSI Report should be presented to the judge prior to the date the defendant is scheduled for sentencing. This enables the judge to make an evaluation of the case prior to the defendant's appearance before the court.

In many instances the investigating probation officer may be involved in a pre-plea conference between the Defense Attorney and District Attorney. The probation officer should consider all information presented, but in no way should the probation officer make a commitment as to a recommendation in the case without having the full benefit of a complete investigation.

The PSI Report is not a public report and it should be available only to the following persons or agencies under certain conditions.

1. The report should be available to the sentencing court for the purpose of assisting it in determining the sentence.

2. At the discretion of the court, the report should be available to persons or agencies having a legitimate professional interest in the information likely to be contained therein, i.e., a physician or psychiatrist appointed to assist in sentencing, an examining facility, a correctional institution or a probation or parole department.

3. The report should be available to reviewing courts where relevant to an issue on which an appeal has been taken.

4. The report should be available to the defendant to allow for the fundamental fairness when the substance of the report will adversely affect the defendant's interests, and such derogatory information has not otherwise been disclosed in

open court. In such cases when the defendant is shown the report, the prosecution should also be shown the report. In extraordinary cases, the probation officer should not disclose parts of the report which are not relevant to a proper sentence, diagnostic opinion which might seriously disrupt a program of rehabilitation, or sources of information which have been obtained on a promise of confidentiality.

Misdemeanor court referrals for pre-sentences should be processed in the same manner as in the felony court.

Additional information concerning confidentiality regulations and how they effect the pre-sentence investigation process is contained in the Texas Adult Probation Commission's publication, Records Confidentiality in Adult Probation Offices--A Guideline.

C. TECHNICAL ASSISTANCE

The Pre-Sentence Report Handbook contains a series of 64 recommendations designed to assist the courts and probation administrators in developing a more systematic and analytical approach to pre-sentence report design and utilization. The recommendations address such issues as report format and content; conditions for probation; development of probation supervision plans as part of the pre-sentence investigation; resource allocation including the general organization and management of pre-sentence report activities; scheduling; use of non-professional personnel; case record management including the issue of confidentiality; and the development of standard operating procedures.

This prescriptive packet may be obtained from the following:

Pre-Sentence Report Handbook by Robert M. Carter, D.Crim.,
January, 1978
National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
US Department of Justice
Washington, D.C. 20531

Probation personnel intending to commence or expand a PSI unit are encouraged to contact the Program Services Division of the Texas Adult Probation Commission for technical assistance and training.

CHAPTER XI SUPERVISION AND TREATMENT

A. CASE CLASSIFICATION IN TEXAS

The Texas Adult Probation Commission is currently implementing a pilot Case Classification System. This system when fully implemented will meet the legislative mandate to classify probationers. This system will utilize a uniform method of identifying the risk probationers pose to the community and the needs of probationers. Beyond that, Case Classification will provide an accounting of community resources and will suggest areas in which these resources should be developed. The system has the potential to benefit all individuals and groups involved in the providing or receiving of probation service in this State. The most direct beneficiaries of Case Classification however, will be the probation officers in the field and the probationers who are being supervised. The officers should find Case Classification to be a valuable management tool and an aid in allotting time and resources. Probationers will benefit through a more objective and accurate assessment of their needs and consequent use of referral resources.

B. CLASSIFICATION OF PROBATIONERS FOR SUPERVISION

Given that most adult probation officers have caseloads which are much larger than those recommended by national standards, it is incumbent upon the adult probation officers to manage their time well if they are to provide effective supervision of probationers. The benefit of the case classification system is that it assists the probation officer in determining the appropriate level of supervision needed by the probationer in order to provide protection to the community and rehabilitation services to the probationers. TAPC Standard .040c addresses the issue of case classification and types of supervision.

According to Texas Adult Probation Commission Standard .040b supervision is a relationship that exists between a probation officer and an adult as ordered by the court. Depending upon the type of supervision provided by the probation officer, it would be considered direct or indirect.

Direct supervision is defined as supervision which includes regular personal contact between the probation officer and the probationer who resides and/or works in the jurisdiction.

There are three levels of direct supervision.

- 1) Maximum--cases in need of a high level of supervision who report in person to the probation officer once each month (more often if required by the court) and are seen by the probation officer not less than once each month outside the probation office and more often if circumstances of the case indicate.

CONTINUED

1 OF 3

- 2) Medium--cases in need of average supervision who report in person to the probation officer each month and who are contacted by the probation officer outside the probation office not less than once each three months.
- 3) Minimum--cases which have demonstrated responsible behavior and report to the probation officer in person not less than once each three months and submit written reports by mail monthly.

Indirect supervision is defined as the maintenance of a file and/or record of an adult under supervision who is not being seen personally by the probation officer on a regularly scheduled basis. Included are the following:

- 1) probationers who neither reside nor work within the jurisdiction of the judicial district probation department and receive supervision in other jurisdictions;
- 2) probationers who neither reside nor work within the jurisdiction but continue to submit written reports on a monthly basis because they are ineligible or unacceptable for supervision in another jurisdiction;
- 3) probationers who have absconded or with whom there has been no contact with the probation officer in person within three months; and
- 4) probationers who reside and/or work in the jurisdiction, but who, with the permission of the court, do not meet the criteria for direct supervision.

Departments which use the classification system have found it advantageous to have a supervisory personnel audit of each officer's caseload regularly (at least twice each year) in order to keep workloads balanced throughout the department. This assures that all officers are providing adequate supervision to the probationers assigned to them.

C. ASSUMING SUPERVISION

The first few months of supervision are the most significant in terms of the probationer's success or failure. During this period, virtually all probationers meet adjustment difficulties. Statistics show that probation failure is highest in these early months. This is the period during which the probation officer must stay in close contact with the probationer and be particularly attentive to any problems. The probation officer's attitude during these early months can be a major factor in shaping the probationer's future attitudes and actions. The probation officer should strive to establish a mutually acceptive and understanding relationship with the person supervised.

The long range goal of a probation program is to insure as much as possible the ability of convicted persons to live relatively independent, useful, and law abiding lives. Essential to the realization of that goal are plans of treatment which are suited to the needs and limitations of each probationer and which take into account the protection of the public as well as a realistic appraisal of the probation officer's personal resources and those of the community. This requires that a probation officer determine certain goals, including short-term goals, which are developed by the mutual participation of the probationer and the officer. Equally important, the officer must have a plan of how these goals are to be attained.

A successful treatment/supervision plan cannot be static. To be successful a plan must be realistic. To be realistic, goals and ways of reaching those goals must be revised in response to new situations.

The human personality can change, but it usually changes slowly, and a probation officer must recognize this fact when developing treatment goals and methods. The professional officer creates goals for each case and formulates conscientious methods of working toward those goals.

In setting goals and methods, it is important to recognize that in probation there are two broad areas of supervision: (a) the protection of society; and (b) the rehabilitation of offenders. The acceptance of these broad premises as responsibilities of the probation officer implies that probation supervision involves two inter-related factors: (a) preventive supervision which requires that an officer is aware of the need to anticipate recidivistic tendencies (which, of course, does not always necessarily imply probationer incarceration but may require other avenues of assistance to help prevent imprisonment); and (b) guidance supervision in which the probation officer uses his skills and knowledge and those of interested public and private agencies and individuals in bringing about constructive changes within the probationer.

Handling probationers in a dictatorial or threatening manner, (even though it may result in a few probationers' being coerced into keeping the conditions of probation through fear of prison), is not sound probation supervision. This device may initiate temporary tractability, but has little meaning in terms of permanent rehabilitation. However, the immediate use of the authority vested in the probation officer, when other methods of working with probationers fail, must and should be used. The identification by the probation officer as to when authority needs to be invoked is one of the "keys" to constructive probation supervision.

The probation officer must unconditionally accept the probationer as a person, and proceed on the assumption that the individual is sincerely interested in making an acceptable adjustment in the probation program. Such acceptance must be real, and must continue until the probationer has demonstrated unwillingness or inability to satisfactorily adjust. Until such a stage exists or develops, the probation

officer will place the supervision emphasis on guiding the probationer without neglecting to watch for potential signs of delinquency. If it becomes essential for the probation officer to place emphasis on controls, guidance should be offered when the probationer is receptive. It is easy to label a case prematurely as "hopeless" for treatment purposes, without full realization of the probationer variances.

Although the probation officer must be aware of a probationer's limitations, it is more important to be aware of the strengths of the probationer. These strengths serve as the basis upon which the probationer will become a worthwhile citizen.

D. RELATIONSHIP BETWEEN OFFICER AND PROBATIONER

The core of probation supervision is the relationship between the officer and the probationer. It is the humanizing factor which makes probation a growth process rather than a mechanical submission to force. The specialized association merits extensive study and consideration.

Perhaps the outstanding difference between this relationship and others formed by most human beings is that this relationship is imposed on both probationer and officer. Neither has any choice as to with whom one will deal once the probationer accepts probation and the officer accepts employment. The relationship is a legal creation in its origin, having as a specific purpose or goal the protection of society through the rehabilitation of the probationer.

In this purposeful, imposed relationship, definite responsibilities are assigned to the officer and the probationer. The officer is charged with carrying out the policies of the court and department, and the probationer with meeting specific requirements. These responsibilities interweave so there is a constant necessity for personal contact between officer and probationer. These contacts sustain the relationship and either intensify or weaken it, depending on the response to the probationer's and officer's handling of their respective roles.

Officer's role: An officer, in the discharge of supervisory responsibilities is called on to be and do a variety of things. Ideally, guidance and counseling functions prevail, but a responsibility also exists to enforce the policies of the court and department. Thus, the officer may have difficulty adjusting to the various demands of the job and the unique characteristics met in each probationer. If the officer identifies too much with the authority of the job, the probationer's desires and abilities to decide some things for himself may be overlooked.

On the other hand, some officers may choose to protect probationers unnecessarily by handling situations for them which may be unpleasant but which other persons who are not on probation must do for themselves. In this context officers may placate landlords or intercede repeatedly with employers about probationers. It is true with a few probationers that some of this activity may be necessary, but the officer should be very careful when modifying the principle of keeping responsibility on the probationer.

The "professional" officer is content with the role that a) accepts the authority in the job but does not have to display it needlessly; b) permits the probationers to choose their own paths within the limits of policy; c) helps probationers work out their own solutions to problems; and d) is friendly without intimacy. The guide for this officer is the conduct and expressed interest of the probationer rated against the native capacities and opportunity of situations which exist. This officer has respect for individual differences and rights and does not transgress against them.

Many have felt that only close friendliness could be helpful to probationers or other persons who seek help from agencies. The newer belief is that a professional relationship leaves the probationer free to make choices without being involved emotionally with the officer to a point of giving up personal identity. The relationship, being purposeful and limited in time, should be conducted in such a way as to enable it to end when the purpose is achieved, the time expires, or the project fails, with both persons ready to move on separately. This points to the need for being warm and natural but also of maintaining a certain reserve between officer and probationer, while the officer gives freely of professional skills. This is a difficult concept to grasp and often more difficult to sustain. In the long run, however, it is the best relationship for the officer and probationer.

In the beginning, an officer may wonder how to address a probationer. Were it not for the officer's authority, they would probably not hesitate to use the accepted title of Mr. or Ms. for probationers if factors, such as age, indicated such use. It is important to remember that a probationer, by being convicted, has not lost the right to ordinary courtesy and accepted amenities.

Most officers will resent it when a probationer assumes a familiar attitude and addresses them by first name. Probationers may well have the same reaction, but not be in a position to do anything about it.

The degree of informality between probationers and officers depends much on their separate personalities. Officers differ in their capacity to relate to people and abilities to remain always the representative of the court and department.

Transferring cases within the department: The transfer of cases between officers is sometimes necessary but not always desirable. The change may be disturbing to a probationer. The officer may just be establishing a good understanding with a probationer and may fear that the change will cause the probationer to slip back to a former negative attitude. Both probationer and officer may dislike the change, but the officer at least has a responsibility to help both the probationer and the new officer through the change.

The officer who is leaving a case has the responsibility to inform the probationer of the change, and, in doing this, review their association and point out progress made or problems still unsolved. The officer should also, if possible, tell the probationer who the new officer will be and when the change may be expected. Beyond this, the

new officer should not be discussed, even though the probationer may be curious. If any decisions are pending, such as about travel or licenses, they should be deferred for handling by the new officer. When time and location permit, the old officer might take the new officer around and introduce the probationer, but little in the way of treatment should be tried by either officer in that interview.

The original officer is responsible for having the case record in good shape, with all entries up dated. The analysis of the case in the transfer summary form can be helpful to the new officer if it deals with special problems, decisions pending, or special features, positive or negative.

The new officer, on receiving a case by transfer, should read the entire record carefully. If the probationer has not been met, plans for such a visit should be made as soon as possible. During the first visit, the officer should remember that the probationer may be apprehensive about the change and may not react as described by the former officer. The new officer should not "rush in" to the case, but should proceed carefully, much as with a new case. If the new officer's impressions differ widely from those of the former officer, outside information should be sought to use in clarifying this.

Some probationers may resist a change in officers and if possible persist in seeking out the former officer for advice or friendly contact. The new officer should understand this as a reasonable act, but must retain assignment in the case. If the new officer disagrees with the previous handling of a case, this should not be expressed to the probationer. Instead, the new procedures to be followed should be explained. If the probationer objects, the officer should discuss the objection and difficulties in making transfers, but should uphold the decisions on supervision. Officers must respect each other's differences as much as those of the probationer.

E. SPECIAL SUPERVISION PROBLEMS

Antagonistic attitude toward probation: Cooperation of the probationer is basic to probation success. If the probationer is resentful and uncooperative as a result of being placed on probation, the officer's first task should be to attempt favorable attitude changes. The probationer must be shown that probation is a specific legal situation over which the officer has no control, and which was not of the officer's making.

The probationer's own actions led to the probation when the law was violated and the offense carried the possibility of incarceration. The probationer has no choice but to accept the situation, or at least submit to it, and the officer can do nothing other than carry out the duties as required by the situation. A probationer is not forced to accept probation over incarceration; it is requested by the defendant.

One of the common complaints of the probationer is that probation places too many restrictions on them, and that they cannot act like other members of the community. Sometimes it is helpful to try to have the probationer understand that no one is entirely free to do

what one pleases. All of one's daily actions must be within the law, and in accordance with custom. Only the person who follows the rules of society can hope to remain in society and live as a "free person". The principal difference is that society requires the probationers' strict adherence to the rules because they recently violated them. It can be pointed out that probation has considerably more freedom than incarceration.

Non-acceptance of probation, and the restrictions it entails, is not always shown by resistance to the advice of the officer or by open antagonism or rebellion. The probationer who accepts all conditions imposed and meets all requirements too readily, should arouse the officer's curiosity. Such people frequently regard probation as something quite outside themselves. They go through the motions of meeting requirements, but remain unaffected because they really don't actively participate in the plans and their execution. Acceptance of probation implies active cooperation on the part of the probationer and a willingness to assume responsibility, and to exercise some initiative in the establishment and pursuit of worthy goals.

The "Not Guilty" probationer: Sometimes probationers may not feel guilty but plead guilty as part of a negotiated plea fearful that they would be found guilty in court and sentenced to incarceration by a jury. A similar situation may be that of a person who pled "not guilty" but was found guilty. In either instance, the officer should not second guess the court, but should simply state to the probationer that no one is forced to plead guilty. The officer should further explain that everything following a plea of guilty or finding of guilt is based on the assumption that a person is actually guilty. The officer's acceptance of a probationer's "not guilty" status would totally undermine the purpose and intention of the court and the person's probation. The probationer has the right to appeal the case or seek a new trial. Nothing will be gained by the probation officer's trying to establish the actual guilt or innocence of the probationer. Many probationers will use this as a reason for failing to take the probation seriously, or for being antagonistic towards it.

Approach to some problems of probationers: Probationers have many problems, but they almost all seem to have at least the following: (a) a lack of education (at least of a functional level suitable to participate in society); (b) a lack of skills by which they can make a living; and (c) a lack of employment which produces a living wage. By concentration on basic education, work skills, and jobs, great progress can likely be made in raising probationers' levels of participation in society.

The probation officer should strive to channel probationers into training programs which will help them in these areas. Officers should encourage such participation by probationers to the maximum extent possible.

Particular problems of probationers and approaches to ameliorating them are discussed below.

Economic problems: Financial security is a basic requirement for the social adjustment of almost any individual in our society. Financial uncertainty creates concern about oneself and one's dependents. Continued concern of this sort may distort one's thinking and attitude toward others and the laws governing ways of obtaining money. Employment is the primary accepted means of obtaining financial security and is, therefore, important in alleviating financial concerns and resulting anti-social actions.

The consensus among persons with long experience in working with offenders is that employment is one of the most important factors for an individual's success on probation. It helps to create peace of mind for probationers who feel a sense of responsibility for their dependents. It is even more important for probationers with poor work habits, who need to learn how to get and keep a job for success when their probation is completed. Experienced officers tend to agree that many problems that beset a probationer frequently disappear when a suitable job is found.

Because of the importance of employment in probationers' success, many courts and probation departments make employment a condition of probation.

Some probationers seem to be chronic job changers, having little or no difficulty obtaining employment but unable to keep jobs. In such cases, it is important that the probation officer check with the probationer and the employer when the probationer quits, or is fired from each job to find out why. There may be a pattern indicating particular problems that the officer can help the probationer to overcome.

An important aspect of one's ability to get and keep a job is, of course, the education and skill training needed to do the job adequately. Probationers in need of such education and/or training should be channeled into vocational, technical, or on-the-job training programs whenever possible. Many agencies will help in training probationers, including the Texas Rehabilitation Commission and Concentrated Education Program facilities. Texas Education Agency and Texas Employment Commission representatives in local communities should also be contacted to develop mutual efforts at education, training, and employment of probationers to help them become productive, law-abiding citizens.

Alcohol and drug abuse problems: Alcohol-related problems are one of the most common factors in crime and are, therefore, a major factor in probation supervision. The use of alcohol ranges from one's drinking an occasional glass of beer as refreshment to alcoholism. The amount of alcohol consumed that will noticeably alter the behavior of the drinker varies from individual to individual.

One of the conditions of probation "is to avoid injurious or vicious habits", and abuse of alcohol is considered an injurious habit. The question of the extent to which this condition should be enforced arises frequently. The condition should be enforced in

accordance with the spirit of probation rules generally and in accordance with the individual needs and problems of the probationer. The degree to which the condition is enforced may depend on the extent of the probationer's drinking, individual tolerance level for alcohol, the situations in which the drinking occurs, and the effect of alcohol on the individual's behavior. The probation officer should not ignore the probationer's drinking, but must use judgment in the extent to which the condition is enforced. The probationer should understand the extent to which it will be enforced, and the reasons for this decision.

The alcohol-related cases of greatest concern to the probation officer are those in the use of alcohol, in any amount and in any situation, which has prevented or is preventing the probationer's successful social adjustment. In such situations, indulgence in alcohol should be forbidden completely, and the probationer should understand this requirement.

The likelihood of success with the chronic alcoholic will depend on the individual case and skill and patience of the probation officer. One approach that every officer should try in dealing with every alcoholic (or suspected alcoholic) is educating the probationer about the effects of alcoholism. If this approach fails, the probationer may be referred to one or more of several agencies with special expertise in the area of the treatment of alcoholism. The time and nature of such a referral are important factors in the success or failure of the probationer in the treatment program. For example, probationers should be referred only if they recognize the problems and feel that it is damaging them. The personality of probationers and their relationship with the officer should be considered when making the referral. In many cases, the officer may need to escort the probationer to the agency. The officer should, in any case, assure the probationer and the agency that the officer will provide any assistance possible, and that the officer supports the probationer in the decision to seek help. One of the most active and successful "lay" agencies involved in the rehabilitation of alcoholics is Alcoholics Anonymous. Representatives of AA are available in almost any town or city. It should be noted that it is difficult to acquire accurate information on the attendance referral to AA, because the organization often does not keep such records.

In addition to Alcoholics Anonymous, there are state and private hospitals available for the treatment of alcoholics. There are also psychiatrists who will accept referrals of alcoholics, and other specialists in the treatment of alcoholism. A recent resource that is being initiated or used by many probation departments is the Alcohol Education program. The program is a valuable educative tool for alcohol abusers, especially those who drive. The program is part of the education phase of treatment, in that it exposes the drinker to information about alcohol and its effects on the body. Participation in the Alcohol Education program has become one of the rules of probation in many jurisdictions in order to teach the probationer about the dangers of drinking. The program is particularly useful in the supervision and treatment of DWI cases. The class also attempts to get the drinker to truthfully evaluate his or her position in refer-

ence to social drinking, alcohol abuse, or alcoholism. The officer must be familiar with all of these resources to aid a variety of probationers as effectively as possible. The Texas Commission on Alcoholism, 809 Sam Houston Bldg., Austin, Texas 78701, may be contacted for additional information.

Upon being placed on probation, drug addicts should be placed immediately in drug treatment centers as in-patients or out-patients, as appropriate. The Texas Rehabilitation Commission, Mental Health-Mental Retardation State Hospitals and Residential Treatment facilities such as the Patrician Movement, Alternative House and other such resources are available. In addition, basic education, vocational training, jobs, physical corrective surgery, and halfway houses should be utilized, as appropriate, in working with an addict. The probation officer should lend as much support as possible, to both the addicted probationers and their families, while attempting to help the probationer "kick" the habit. He should also keep abreast of his probationers' progress or lack of progress while in treatment and be available for consultation with treatment personnel when necessary. The Drug Abuse Prevention Division of the Texas Department of Community Affairs, 210 Barton Springs Road, Austin, Texas 78704 may be contacted for additional information.

Psychological problems: The probation officer is not trained to treat probationers with serious psychological problems, to ascertain if a probationer has a psychological problem, or to describe or assign a psychological "label" to a probationer.

When a defendant is placed on probation, if a psychological evaluation (performed by a qualified evaluator, such as a psychologist or psychiatrist) indicates that the probationer has a psychological problem, the probationer should be channeled into treatment agencies, of which there are many, and should be retained there until discharged. The probation officer should attempt to enlist the support of the probationer's family in such a referral, if possible.

Although many probationers tested have been shown to have below average IQ's, functional IQ can often be raised by Adult Basic Education programs. These programs should be used when possible. Information on times and places of classes can be obtained from local public schools, the Texas Rehabilitation Commission, the Texas Education Agency and other such public service agencies.

Medical problems: Often probationers have medical problems, aside from any social/or psychological problems. Such problems may manifest themselves through inability to keep a job, lethargic or erratic behavior, more than usual concern about their health, or other unusual behavior. Physical defects may create feelings of inferiority or increased difficulties in getting along with other people.

When the probation officer notices or suspects that a probationer has a medical problem, either a physical defect or possible illness, the probationer should be referred to a physician, clinic, or other

medical resource for help. These include such resources as public health clinics, Texas Rehabilitation Commission, and local charitable organizations. In the case of ill probationers, the probation officer should make every effort to help them and their families to obtain needed financial and other services and should discuss the problem with employers to try to help them keep their jobs.

Family problems: As stated previously, the family is one of the most important reference groups a probationer has. If family relationships are happy, healthy ones, the family can be a tremendous asset in helping the probationer toward successful adjustment. If, on the other hand, there are family problems, as is often the case, the family may need as much counseling and help from the probation officer as does the individual probationer.

If it is possible and desirable, the probation officer should try to help the probationer and family resolve their problems and stay together. This may be a simple matter of helping the family members understand the factors that brought the probationer to the present situation, e.g., financial concerns for the family that led to stealing or a fight with the spouse that led to drunkenness and subsequent arrest for DWI. Often, however, family problems are much more complex and require the help of a trained family counselor. In such cases, probationers and their families should be referred to such resources as the Department of Human Resources, Child and Family Service, the Department of Mental Health and Mental Retardation, private psychologists, or ministers.

The probation officer should try to help the probationer and family understand the need for such counseling so that they will enter it willingly and with the expectation of being helped by it.

In cases where it is actually detrimental to the successful adjustment of probationers for them to remain with their families, other resources should be sought, including halfway houses, where appropriate. Such an arrangement may enable the probationer temporarily to avoid conditions that distract from rehabilitation until the prospects are better for successful adjustment, e.g., ability to keep a job, stay sober, stay off drugs, and the person is better able to understand the pressures that the family situation creates.

F. CONFIDENTIALITY

The subject of confidentiality involves two areas of concern in probation work. One is confidential information concerning a probationer obtained from outside sources, which is placed in the case file and used in the pre-sentence report. The other is information obtained directly from the probationer, which is furnished on a confidential basis.

Confidential information from outside sources: Case files: The case file is the heart of a probation system and few limitations exist as to the type of material which may be entered in this file. Everything pertinent should be found in the case file, including the most

personal information concerning the character, habits and behavior of the probationer and others connected with the case. For this reason utmost care must be taken to prevent unlimited scrutiny of the file by persons requesting information, regardless of the agency they may represent.

The probation department, however, cannot operate effectively in isolation and independently of other agencies that are also concerned with the behavior and activities of the probationer. It must receive cooperation from numerous agencies, and if cooperation is to be obtained it must be reciprocal. Therefore, sharing of information is essential. The information given to another agency must be on a selective basis and must not violate the confidence of a source of sharing information on the probationer. An understanding with agencies sharing information as to the extent to which such information may be shared with other agencies or individuals should be established. Appropriate release of information forms should be signed by the probationer.

Pre-Sentence investigation reports: The Code of Criminal Procedure, Article 42.12 Section 4 now provides that the defendant or his counsel "... shall be afforded an opportunity to see a copy of the (pre-sentence investigation) report upon request". The Code further provides that in cases where the defendant is committed to any institution, a copy of the report of investigation shall be sent to the institution at the time of commitment. Therefore, it behooves the probation officer to record only accurate information in the PSI Reports for which the officer can be accountable.

Confidential information from the probationer: The effectiveness of a probation officer's relationship with a probationer is dependent to a large extent on the amount of personal information the officer has regarding the probationer. The ability of the officer to obtain personal information from the probationer is based to a large degree on the knowledge the probationer has that the officer will not violate confidence. This does not mean the officer should not furnish whatever information is necessary to an outside agency for their use in assisting the probationer or for protection of society, but that the probation officer should give careful consideration to the implications of the release of any confidential information.

Occasionally probationers will refer to other offenses for which they have not been held accountable according to the law. In such instances the probationer's confession may seem to be an important step in the treatment process but the officer's primary responsibility rests with constituted legal processes.

The probation officer should have a clear understanding with probationers that they will not be shielded from accountability for illegal acts and that information concerning law violations will be furnished to the proper authority. It should be made clear, however, that the officer will assist the probationer in handling a problem of this nature in a way consistent with professional practice.

The Texas Adult Probation Commission has published the document Records Confidentiality for Adult Probation Offices--A Guideline. This publication presents a discussion of how to implement confidentiality regulations. The information presented demonstrates how confidentiality regulations are not barriers to communication between probation departments and treatment programs, for example, but rather reasonable guidelines designed to provide for the effective rehabilitation of persons being treated. This publication specifically points out what a probation officer must do in order to obtain confidential information and what the consequences of not doing it properly might be. Probation officers may contact the Program Services Division of the TAPC for copies of this publication.

G. STATISTICAL REPORTS

With the implementation of the Texas Adult Probation Commission's guidelines and standards there is no longer a question of whether or not the statistical reports are needed, but rather what kind of types of reports can be devised to effectively gather the information required by the Commission.

The area of information presented here will concern itself primarily with the gathering of information to meet the statistical requirements of the Commission; however, some of the information will relate specifically to personnel matters.

There are any number of statistical reports that can be devised to collect information in specific areas which would prove beneficial in preparing an annual report or useful from a management viewpoint; however, to discuss all of them here would be entirely too involved and cumbersome.

It is felt that each department can best assess its own ancillary statistical needs and devise proper procedures and instruments to gather the desired information. The Commission can always be contacted if assistance is needed in developing an effective means of gathering statistical information.

Basically only two statistical reports will be discussed here in any detail with slight mention being made to a quarterly statistical report which may be of interest and use to various departments as it contains a great deal of information which can be used in the preparation of an annual report.

Each adult probation department must submit to the Adult Probation Commission the TAPC Monthly Caseload Summary Report as set forth in the Texas Code of Criminal Procedures, Article 42.121, Sec. 3.02. (Appendix B, Exhibit 3). Upon receipt of the Caseload Reports the Commission compiles the information and forwards to the individual departments a summary of the report they submitted, a summary of the information from all the participating departments and a summary of all the departments that report to the Commission each month including those departments that do not participate in State funding.

Examples of the Daily Worksheet, Probation Officer's Monthly Statistical Report and the Quarterly Report may be found in Appendix B - Probation Forms of this manual (Exhibits 44A, 44B, 45, 46).

H. THE DAILY WORKSHEET

A Daily Worksheet should be completed by each officer for each working day during the month and should contain an accurate account or description of all work of an official nature performed by an officer. (Appendix B, Exhibit 44A)

The Daily Worksheet is designed in such a manner as to be easily used to record official activities of the officer both in the office and in the field.

The Daily Worksheet, depending on departmental policy, may be turned in to the supervisor on a daily, weekly or monthly basis. In no instance is it recommended that a period of longer than a month elapse without the submission of these reports to the supervisor.

Each officer's accumulated reports may be returned briefly to the officer by the supervisor at the end of the month in order to aid the officer in completing his monthly statistical report. On the other hand, the supervisor may require the officer to make a carbon copy of the Daily Worksheet, in which case it would not be necessary to return the originals in order for the officer to complete his monthly statistical report.

All statistical reports pertaining to an officer's official activities should be retained by the supervisor and kept on file in a readily accessible place for a period of three years; after which time they may be destroyed.

Adding and closing cases: As the officer adds new cases and closes old cases during the month, the officer should list these transactions on the Daily Worksheet as they occur by case name, number, case status (felony or misdemeanor), and action taken. Adding cases would include such transactions as new cases probated to the officer's caseload by the local courts, court ordered pre-trial release supervision (if the department has such a program), cases transferred-in for supervision from other jurisdictions, and cases transferred to an officer's caseload from another officer within the same department.

Closing cases would include such items as early release, regular discharge, revocations and death of a probationer.

Transfer: The transfer of a case to another jurisdiction for supervision may not result in the case being taken off a particular officer's caseload as this would be determined by individual departmental policy. However, the transaction should be noted on the Daily Worksheet with the notation that the case was transferred-out to a specific county or state and that the case is now on Indirect supervision status.

Community resource referrals: When an officer refers a probationer to a community resource for assistance, the officer should record the transaction by case name, case number, felony or misdemeanor, and a notation concerning the action taken.

Some departments may also require that a special referral form be completed for this type of transaction; however, for those which do not require this action, the above method is an easy and convenient way to keep an account of resource referrals.

Changing supervision status: The officer should make an initial accurate count of all his cases on the various supervision levels and subsequent notation made on the Daily Worksheet which in any way affect the various levels. This would include noting the supervision level of any new cases added as well as that of any cases closed. In addition, as supervision levels are either raised or lowered for cases during the course of supervision, this also should be noted by case name, case number, case status (felony or misdemeanor), and the notation that the supervision level is either being raised or lowered to the new indicated level. The case classification project provides forms for the reassessment of the probationer's level of supervision which can be useful to probation officers.

By keeping accurate records, the officer should have no difficulty in going through his Daily Worksheets at the end of the month and accurately determining the correct new count for the various supervision levels for his caseload.

Vacation, sick leave and compensatory time: The Daily Worksheet can easily be used to record the amount of vacation and sick leave an officer has taken. If the officer plans to be on vacation for several consecutive days, he would merely need to note on one Daily Worksheet the inclusive dates he plans to be on vacation rather than fill out a Daily Worksheet of each workday he is absent.

The same procedure can be followed upon an officer's return after several days absence due to illness.

If an officer works overtime and wishes to make a claim for compensatory time, this can also be easily recorded on the Daily Worksheet.

Field work is easily documented with regard to any overtime worked since the times are recorded on the worksheet. However, overtime worked in the office is a different matter. It is suggested for the sake of proper documentation that the officer draw a line on the worksheet at 5:00 p.m. in the "Case Name and Number" column with a notation something to the effect "work performed after 5:00 p.m.". All work performed will be clearly noted on the worksheet by case name and number, etc. with a notation in the "Person Contacted or Action Taken" column clearly stating what work was accomplished. A corresponding entry should also be recorded in the chronological record of the individual case file.

If the work performed does not directly relate to individual probation cases, a clear statement should be entered on the worksheet stating the exact nature of the work done.

Upon completion of work, the officer should write "completed work" and note the time.

In the "Remarks" section of the Daily Worksheet the officer should enter his claim for the total amount of compensatory time he is claiming for that day. This is the case when compensation time is being claimed either for work performed in the field or in the office.

Recording field supervision activities: The Daily Worksheet is designed to record the activities of the officer in the field. Under the "Travel" column there is space to list the departure address as well as subsequent addresses visited by the officer.

The officer should always write his/her name and the date on the worksheet. If the officer does choose to make field visits, the exact time of departure and the odometer reading should be written in the blank designated "Beginning".

Upon arrival at the first point of contact the officer should enter the new odometer reading, the distance traveled, and the arrival time. This process should be repeated at each subsequent stop.

Upon concluding the field work, the officer should write in the final odometer reading in the space marked "End of Day". It is then an easy matter to determine the "Total Mileage" by subtracting the "Beginning" odometer reading from the "End of Day" odometer reading.

If the officer has accrued any mileage during the field visits which was not related to official business, then this amount should be entered in the "Less Unofficial Mileage" space and deducted from the "Total Mileage" figure. This will give the net mileage to be claimed for reimbursement purposes. This figure should be entered in the box marked, "Net Mileage Claimed".

The officer should have no difficulty in obtaining mileage information for the monthly statistical report as all that is required is to correctly add up the "Net Mileage Claimed" from each worksheet at the end of the month.

In recording field supervision contacts, the officer should place the correct contact code in the column entitled "Contact Code". The contact code should be on the same line as the probationer's name and case number as found in the column with that heading on the worksheet.

It is not necessary to list the probationer's name again in the "Person Contacted or Action Taken" column if the contact code indicates the probationer was seen by the officer. In cases where a collateral contact is recorded, it is necessary to identify the person

contacted in the "Person Contacted or Action Taken" column as a collateral contact does not identify the person seen by the officer. (See example of completed Daily Worksheet in Appendix B, Exhibit 44B).

Supervision contacts may be totaled on a daily basis at the bottom of the "Contact Code" column. This should enable the officer to quickly compile the various contact categories in preparation of his monthly statistical report at the end of the month.

Daily summary of activities: Some officers, while events are still fresh in their minds, may wish to summarize the day's activities in the "Remarks" section of the Daily Worksheet. An example of the information an officer may want to summarize for quick reference at the end of the month might include some of the following items:

1. Total Changes in Supervision Levels for Day

Max. + or- ____ Med. + or- ____ Min. + or- ____;

2. Cases Opened: Prob. ____ Trans./In ____ Other ____;

3. Cases Closed: Early/Rel. ____ Disch. ____ Rev. ____
Other ____;

4. Reports Submit.: P/Sen.In-Depth ____ Short Form ____
Other ____;

5. Time Off: Vac. ____ Sick ____ Comp. Time Taken ____;
or

6. Community Resource Referrals ____.

The officer should remember that information will be divided into felony and misdemeanor categories on the monthly report.

Use of code symbols: In addition to the Contact Codes listed on the Daily Worksheet, the officer may wish to develop some of his own codes to make tabulation of various areas of information easier. Some suggested codes might be: TI for Transfer-In, CER for Closed-Early Release, CD for Closed-Discharge, CRV for Closed-Revoked, TO for Transfer-Out, R for Referral, NPC for New Probated Case, RPT for a Report that has been written, P/RPT (D) for a Pre-Sentence Report-in-Depth, P/RPT (S) for a Pre-Sentence Report-Short form, etc.

If the officer chooses to use codes of this nature the important factor to remember is that they be used consistently and that their meanings are thoroughly familiar to the officer and within the department.

Probation officers are encouraged to become familiar with the "Monthly Worksheet for Direct Supervision Probationers" form developed by the TAPC. This form can also be of assistance to an officer in recording the workload activity of that officer. This form appears in Appendix B as Exhibit 5.

I. OFFICER'S MONTHLY STATISTICAL REPORT

This report is a compilation of information gathered from the Daily Worksheets and should be submitted by each officer who has caseload responsibility at the end of each month. (Appendix B, Exhibit 45)

The Director or Chief of a department can take the combined totals from the various sections of the individual reports submitted by his staff and complete practically all of the Monthly Caseload Summary Report required by the Commission. By reviewing this report, the supervisor can compare the workloads and job performance of individual officers. This information can be of considerable value in the proper management and utilization of personnel.

A section-by-section analysis of this report will not be made here as it is fairly self-explanatory. A few terms will be defined for the sake of uniform understanding.

If the officer has kept good records on the Daily Worksheets, no difficulty in completing this report will be experienced. The officer should review the report form carefully in Appendix B of this manual and resolve any questions concerning the types of information to be gathered. This should be done at the start of the initial report period rather than at the end of the month.

Definition of terms:

1. Other: Is used in Section II and Section III of this report and is meant as a catchall category for cases that do not fit the defined categories. As an example, an officer working in a department which supervises pre-trial release cases may list those cases in the "Other" category under Section II. An example where "Other" would be used in Section III, would be the closure of a case as the result of the death of a probationer.

2. Direct Supervision: This term is used in Section V of this report and refers to all adults under Active supervision of a probation officer. The person must at least be either working or living in the officer's jurisdiction in order to be carried in this category and must come into personal contact with the probation officer on a regular basis.

3. Indirect Supervision: This term is also listed in Section V of this report and includes all adults not under the supervision of a probation officer. Examples of indirect supervision cases would be those cases transferred to another jurisdiction for supervision, adults living and working in the officer's jurisdiction but for some reason are not being provided direct supervision, absconders with whom the officer has had no personal contact for three months or more, and adults who are submitting written reports to the probation department, but neither live nor work in its jurisdiction.

4. Successful Community Resource Referrals: The word "successful" is the key word in this phrase found in Section VII of this

report. Successful means the person received the necessary services or assistance for which referred. If no service was rendered, the referral is not counted. If the person is referred to more than one resource for assistance and receives assistance from more than one resource, then more than one successful referral can be counted for that case. An accurate count for this category depends on the officer following up on referrals.

5. In-Depth Reports: This term is found in Section VIII of this report and refers to a written pre-sentence report in narrative form which was the result of a fairly extensive background investigation which was conducted by the officer.

6. Short Form Reports: This term refers to the completion of a pre-sentence report which for the most part involved filling in the blanks on a pre-printed form and resulted primarily from an interview by the officer with the prospective probationer.

7. Compensatory Time: This term is found in Section IX of this report and refers to time worked by the officer in excess of the normal eight hour work day or refers to time taken off from work by the officer as a result of his having previously worked overtime. This term is more commonly referred to as "Comp time".

J. QUARTERLY REPORT

An example of this report may be found in Appendix B, Exhibit 46 A and B. It is mentioned here as it is felt its use can provide an excellent means of gathering pertinent statistical information on the probation population under the supervision of a probation department.

In addition to the usual statistical information pertaining to total number on probation, opened and closed cases, number revoked, etc., this report gives numerical breakouts in such categories as race, sex, offense, and age groups. There is also space to report total supervision fee and restitution payments for the quarter.

The information contained in this report when combined with information gathered from the Officer's Monthly Statistical Report, provides a wealth of material on which to base a department's annual report.

Found in Appendix B will be a blank form and also a completed report containing the combined figures taken from the quarterly reports for an entire year. It will be noted from this example that transfers-in are not included in the figures. However, this merely reflects the policy of the particular departments from which the example was taken and should not necessarily influence other departments, if they should decide to use this form, on whether or not to include these cases in this report.

CHAPTER XII
COMMUNITY RESOURCES AND VOLUNTEERS

CHAPTER XII – COMMUNITY RESOURCES AND VOLUNTEERS

A. COMMUNITY RESOURCES

Though some probationers are not in need of services other than those provided by the probation staff, success for some probationers is determined by the number and quality of services available in the local community. It is important that community resource development play an integral part in the operation of the probation department. Good community resource coordination provides an effective means of meeting the distinctive needs of probationers.

A survey should be conducted to identify the more prevalent client needs. Most often needs in areas of substance abuse, financial needs, education, employment, vocational rehabilitation, health care and welfare, are readily identifiable.

Upon completion of this survey a list of existing agencies which address the survey needs should be compiled. Efforts should be made to identify those agencies available for probationer services, examine their referral procedures, determine their accessibility for feedback, and develop an interagency relationship or agreement. Agencies identified as not available for probationer services, yet offering identified needs, should be cultivated for future resource.

Community resource development is a continual job of planning, evaluation, critiquing and applying accountability. A formal structure should exist between cooperating agencies which outline referral procedures, eligibility requirements, sharing of treatment planning, discharge procedures, etc. The probation department and cooperating agencies should have a clear understanding of mutual expectations.

Often a survey of local community resources will highlight a gap in available resources. Adult probation departments should be prepared to create new services where none exist. This effort should include securing the necessary financial and political support.

B. VOLUNTEERS

Volunteers play a significant role in promoting the correctional goals and objectives of adult probation. Volunteers serve as an extension of the staff in delivering increased direct services to clients and at the same time offer a significant potential for alleviating professional staff shortages.

Volunteers should not be considered as professional probation officers, and consequently, the limits of the responsibilities and authority should be clearly defined. At the same time it should be recognized that individual volunteers have varying skills and training which allow them to handle specific kinds of problems.

The probation officer who is assigned to supervise volunteers must attempt to involve each volunteer to the extent of his/her capacity and to accord each volunteer with genuine respect for efforts. Volunteers in this setting are viewed as unpaid staff members and are not involved in all facets of probation work.

The qualifications necessary to be a volunteer are liking people in general and being willing to become involved with someone who has broken the law. The following characteristics should be ascertained in a potential volunteer: maturity, stability, a willingness to learn, ability to empathize but not sentimentalize, and a strong self-identity. The volunteer should be encouraged to use imagination, ingenuity, and initiative within reasonable bounds set by the probation department.

C. ADMINISTRATION OF THE VOLUNTEER PROGRAM

Recruitment: Volunteers are recruited from all areas of the city and all segments of society, both men and women. Methods of recruitment include: the use of news media; addressing groups; contacting individuals, universities, military, Voluntary Action Center, and businesses; and using volunteers to recruit friends and family by word of mouth.

Screening--Interviewing procedure and selection: The potential volunteer indicates interest in the program by personal or telephone contact. The person is given an appointment as soon as possible while the interest is still high and upon arrival at the office is given a registration form to fill out. The Volunteer Coordinator interviews the applicant.

For the benefit of all concerned, it is important that the task of interviewing and selection receive serious attention. The conversation which takes place during the interview should be geared for the purposes of gathering the following information:

1. to get acquainted with the volunteer applicant and assess his/her reasons for desiring to volunteer;
2. to determine if the prospective volunteer meets the basic requirements (the ability to accept all people, ability to converse easily, ability to empathize without becoming emotionally involved and a general willingness to help) and thus is a suitable candidate for the volunteer program;
3. to furnish the volunteer applicant with enough information about the "jobs" available and the general functions and purpose of the department so that a decision can be made on the part of the applicant whether this is the volunteer work desired; and
4. to help the applicant sort through the time available and what interests and skills could best be utilized in aiding the probationer.

Record keeping and volunteer supervision: Central records should contain all information on the volunteer and his/her assignment with continuous follow-up and supervision. The Coordinator of Volunteers is available for any and all problems arising with volunteers including reassignment, if necessary, additional assignments, if requested; and termination if so necessitated.

Retention of volunteers: The key to retaining volunteers is to keep them busy so that they appreciate the fact that they are needed. Volunteers who are told that there is nothing to do when they arrive at their appointed time or are allowed to sit around without any specific task will quickly become frustrated and drop out of the program.

As has been outlined above, there are many ways of utilizing volunteers. The staff would assess areas of real need in their case-load management and be prepared to assign tasks suitable and acceptable to the volunteers. It is important to plan ahead so that when the volunteer arrives, his/her assignment is waiting.

D. TECHNICAL ASSISTANCE FOR COMMUNITY RESOURCES AND VOLUNTEERS

Community resources: Probation Officers have often indicated that they need information on what services are available in their communities for their probationers. Some resources available to officers and probationers are as follows:

(1) Regional Alcoholism Services Developers (RASD):

Regional Alcoholism Services Developers are located in each Council of Government. These persons have the most comprehensive and up-to-date directories of alcoholism services.

The Texas Commission on Alcoholism area offices are available to provide technical assistance to probation offices in regard to alcohol education and program development. The area offices are:

Area I P. O. Box 12074, Amarillo 79101 (806) 372-7791, Tex-An 847-4279

Area II 1315 Calhoun Street, Suite 13, Fort Worth 76102 (817) 335-2042 Tex-an 831-5550

Area III Tower Bldg. Suite 8, 835 Tower Drive, Odessa 79761 (915) 332-0186 Tex-An 844-9206

Area IV 4911 Harmon, #102, Austin 78751 (512) 475-6207, Tex-An 822-6207

Area V 2472 Bolsover, Suite 273, Houston 77005 (713) 522-0735, Tex-An 859-4960

Area VI Palm Plaza South, Suite 401, 1800 Staples, Corpus Christi 78404 (512) 888-4287, Tex-An 827-2308

- (2) The Texas Commission on Alcoholism publishes annually the Guide to Alcoholism Resources in Texas. You may

obtain a copy of this by contacting the Texas Commission on Alcoholism, 809 Sam Houston Office Building, Austin, Texas 78701 or by calling (512) 475-2577.

- (3) The Texas Department of Community Affairs (TDCA), Drug Abuse Prevention Division (DAPD), publishes annually a listing of all drug abuse treatment programs in Texas. This list is available from Community Assistance Section Head, TDCA/DAPD Box 13166, Capitol Station, Austin, Texas 78711 (1-800-252-9642)
- (4) The Texas Rehabilitation Commission (TRC) offers vocational rehabilitation services to persons who have come into conflict with legal authorities and are eligible for vocational rehabilitation services. The Correctional Program Specialist for TRC may be contacted at the Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704. Phone (512) 447-0315 or Tex-An 823-4315.
- (5) There are 12 Health Systems Agencies throughout Texas which have the responsibility for planning and developing areawide health services. To obtain information concerning available services, contact the Health System Agency in your area.

Volunteers: The Texas Center for Volunteer Action (TCVA) is a clearing house and information center for volunteer programs and promotes the use of volunteers. This agency offers resource materials for volunteer coordinators and others working with volunteers including information on the recruitment and training of volunteers. There are 12 Voluntary Action Centers throughout the state which provide this assistance. There are also regional coordinators and county chairpersons throughout the state who offer technical assistance to departments that wish to utilize volunteers.

Information can be obtained by contacting the Texas Center for Volunteer Action, Governor's Office, Sam Houston Bldg., Suite 104, 201 E. 14th Street, Austin, Texas 78701, (512) 475-4441. Additional assistance on volunteer programs can be obtained by writing the following national agencies.

National Association for Volunteer Action
Drawer 17953
Austin, Texas 78760
(512) 476-3599

National Information Center on Volunteerism
1540 30th Street
P. O. Box 4179
Boulder, Colorado 80306
(303) 447-0492

National Center for Voluntary Action
1214 16th Street N.W.
Washington, D.C. 20036

APPENDIX A: Texas Code of Criminal Procedure

ARTICLE 42.12: Adult Probation, Parole and Mandatory Supervision Law

ARTICLE 42.121: Texas Adult Probation Commission

ARTICLE 42.13: Misdemeanor Adult Probation Supervision Law

TEXAS CODE OF CRIMINAL PROCEDURE

Art. 42.12. Adult Probation, Parole, and Mandatory Supervision Law

Art. 42.12. Adult Probation, Parole, and Mandatory Supervision Law

A. Purpose of Article and Definitions

Sec. 1. It is the purpose of this Article to place wholly within the State courts of appropriate jurisdiction the responsibility for determining when the imposition of sentence in certain cases shall be suspended, the conditions of probation, and the supervision of probationers, in consonance with the powers assigned to the judicial branch of this government by the Constitution of Texas. It is also the intent of this Article to provide for the release of persons on parole and for the method thereof, to designate the Board of Pardons and Paroles as the responsible agency of State government to recommend determination of paroles and to further designate the Board of Pardons and Paroles as responsible for the investigation and supervision of persons released on parole. It is the intent of this Article to aid all prisoners to readjust to society upon completion of their period of incarceration by providing a program of mandatory supervision for those prisoners not released on parole or through executive clemency and to designate the Board of Pardons and Paroles as the agency of government responsible for the program. It is the final purpose of this Article to remove from existing statutes the limitations, other than questions of constitutionality, that have acted as barriers to effective systems of probations and paroles in the public interest.

Sec. 2. This Article may be cited as the "Adult Probation, Parole, and Mandatory Supervision Law".

Unless the context otherwise requires, the following definitions shall apply to the specified words and phrases as used in this Article:

a. "Courts" shall mean the courts of record having original criminal jurisdiction;

b. "Probation" shall mean the release of a convicted defendant by a court under conditions imposed by the court for a specified period during which the imposition of sentence is suspended;

c. "Parole" shall mean the release of a prisoner from imprisonment but not from the legal custody of the State, for rehabilitation outside of prison walls under such conditions and provisions for disciplinary supervision as the Board of Pardons and Paroles may determine. Parole shall not be construed to mean a commutation of sentence or any other form of executive clemency;

d. "Mandatory supervision" shall mean the release of a prisoner from imprisonment but not on parole and not from the legal custody of the State, for rehabilitation outside of prison walls under such conditions and provisions for disciplinary supervision as the Board of Pardons and Paroles may determine. Mandatory supervision may not be construed as a commutation of sentence or any other form of executive clemency;

e. "Probation officer" shall mean either a person duly appointed by one or more courts of record having original criminal jurisdiction, to supervise defendants placed on probation; or a person designated by such courts for such duties on a part-time basis;

f. "Parole officer" shall mean a person duly appointed by the Director of the Division of Parole Supervision and assigned the duties of investigating and supervising paroled prisoners and prisoners released to mandatory supervision to see that the conditions of parole or mandatory supervision are complied with;

g. "Board" shall mean the Board of Pardons and Paroles;

h. "Division" shall mean the Division of Parole Supervision of the Board of Pardons and Paroles; and

i. "Director" shall mean the Director of the Division of Parole Supervision.

B. Probations

Sec. 3. The judges of the courts of the State of Texas having original jurisdiction of criminal actions, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public as well as the defendant will be subserved thereby, shall have the power, after conviction or a plea of guilty for any crime or offense, where the maximum punishment assessed against the defendant does not exceed ten years imprisonment, to suspend the imposition of the sentence and may place the defendant on probation or impose a fine applicable to the offense committed and also place the defendant on probation as hereinafter provided. In all cases where the punishment is assessed by the Court it may fix the period of probation without regard to the term of punishment assessed, but in no event may the period of probation be greater than 10 years or less than the minimum prescribed for the offense for which the defendant was convicted. Any such person placed on probation, whether in a trial by jury or before the court, shall be under the supervision of such court.

Sec. 3a. Where there is a conviction in any court of this State and the punishment assessed by the jury shall not exceed ten years, the jury may recommend probation for a period of any term of years authorized for the offense for which the defendant was convicted, but in no event for more than ten years, upon written sworn motion made therefor by the defendant, filed before the trial begins. When the jury recommends probation, it may also assess a fine applicable to the offense for which the defendant was convicted. When the trial is to a jury, and the defendant has no counsel, the court shall inform the defendant of his right to make such motion, and the court shall appoint counsel to prepare and present same, if desired by the defendant. In no case shall probation be recommended by the jury except when the sworn motion and proof shall show, and the jury shall find in their verdict that the

defendant has never before been convicted of a felony in this or any other State. This law is not to be construed as preventing the jury from passing on the guilt of the defendant, but he may enter a plea of not guilty. In all eligible cases, probation shall be granted by the court, if the jury recommends it in their verdict, for the period recommended by the jury.

If probation is granted by the jury the court may impose only those conditions which are set forth in Section 6 hereof.

Sec. 3b. Where probation is recommended by the verdict of a jury as provided for in Sec. 3a above, a defendant's probation shall not be revoked during his good behavior, so long as he is within the jurisdiction of the court and his residence is known, except in accordance with the provisions of Sec. 8 of this Article. If such a defendant has no counsel, it shall be the duty of the court to inform him of his right to show cause why his probation should not be revoked; and if such a defendant requests such right, the court shall appoint counsel in accordance with Articles 26.04 and 26.05 of this Code to prepare and present the same; and in all other respects the procedure set forth in said Sec. 8 of this Article shall be followed.

Sec. 3c. Nothing herein shall limit the power of the court to grant a probation of sentence regardless of the recommendation of the jury or prior conviction of the defendant.

Sec. 3d. (a) When in its opinion the best interest of society and the defendant will be served, the court may, after receiving a plea of guilty or plea of nolo contendere, hearing the evidence, and finding that it substantiates the defendant's guilt, defer further proceedings without entering an adjudication of guilt, and place the defendant on probation on reasonable terms and conditions as the court may require and for a period as the court may prescribe not to exceed 10 years. However, upon written motion of the defendant requesting final adjudication filed within 30 days after entering such plea and the deferment of adjudication, the court shall proceed to final adjudication as in all other cases.

(b) On violation of a condition of probation imposed under Subsection (a) of this section, the defendant may be arrested and detained as provided in Section 8 of this Article. The defendant is entitled to a hearing limited to the determination by the court of whether it proceeds with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation, and defendant's appeal continue as if the adjudication of guilt had not been deferred.

(c) On expiration of a probationary period imposed under Subsection (a) of this section, if the court has not proceeded to adjudication of guilt, the court shall dismiss the proceedings against the de-

fendant and discharge him. The court may dismiss the proceedings and discharge the defendant prior to the expiration of the term of probation if in its opinion the best interest of society and the defendant will be served. A dismissal and discharge under this section may not be deemed a conviction for the purposes of disqualifications or disabilities imposed by law for conviction of an offense, except that upon conviction of a subsequent offense, the fact that the defendant had previously received probation shall be admissible before the court or jury to be considered on the issue of penalty.

Sec. 3e. (a) For the purposes of this section, the jurisdiction of the courts in this state in which a sentence requiring confinement in the Texas Department of Corrections is imposed for conviction of a felony shall continue for 120 days from the date the execution of the sentence actually begins. After the expiration of 60 days but prior to the expiration of 120 days from the date the execution of the sentence actually begins, the judge of the court that imposed such sentence may, on his own motion or on written motion of the defendant, suspend further execution of the sentence imposed and place the defendant on probation under the terms and conditions of this article, if such sentence is otherwise eligible for probation under this article and prior to the execution of such sentence, the defendant had never been incarcerated in a penitentiary serving a sentence for a felony and in the opinion of the judge the defendant would not benefit from further incarceration in a penitentiary. Probation may be granted under this section only if the offense for which the defendant was sentenced was an offense other than criminal homicide, rape, or robbery.

(b) When the defendant files a written motion requesting suspension by the court of further execution of the sentence and placement on probation, or when requested to do so by the judge, the clerk of the court shall request a copy of the defendant's record while incarcerated from the Texas Department of Corrections. Upon receipt of such request, the Texas Department of Corrections shall forward to the court, as soon as possible, a full and complete copy of the defendant's record while incarcerated.

Sec. 3f. (a) The provisions of Sections 3 and 3c of this Article do not apply:

(1) to a defendant adjudged guilty of an offense defined by the following sections of the Penal Code:

- (A) Section 19.03 (Capital murder);
- (B) Section 20.04 (Aggravated kidnapping);
- (C) Section 21.03 (Aggravated rape);
- (D) Section 21.05 (Aggravated sexual abuse);
- (E) Section 29.03 (Aggravated robbery);

or
(2) to a defendant when it is shown that the

defendant used or exhibited a deadly weapon as defined in Section 1.07(a)(11), Penal Code, during the commission of a felony offense or during immediate flight therefrom. Upon affirmative finding that the defendant used or exhibited a deadly weapon during the commission of an offense or during immediate flight therefrom, the trial court shall enter the finding in the judgment of the court. Upon an affirmative finding that the deadly weapon the defendant used or exhibited was a firearm, the court shall enter that finding in its judgment.

(b) If there is an affirmative finding that the defendant convicted of a felony of the second degree or higher used or exhibited a firearm during the commission or flight from commission of the offense and the defendant is granted probation, the court may order the defendant confined in the Texas Department of Corrections for not less than 60 and not more than 120 days. At any time after the defendant has served 60 days in the custody of the Department of Corrections, the sentencing judge, on his own motion or on motion of the defendant, may order the defendant released to probation. The Department of Corrections shall release the defendant to probation after he has served 120 days.

Sec. 4. When directed by the court, a probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of the defendant. Whenever practicable, such investigation shall include a physical and mental examination of the defendant. Defendant, if not represented by counsel, counsel for defendant and counsel for the state shall be afforded an opportunity to see a copy of the report upon request. If a defendant is committed to any institution the probation officer shall send a report of such investigation to the institution at the time of commitment.

Sec. 5. Only the court in which the defendant was tried may grant probation, fix or alter conditions, revoke the probation, or discharge the defendant, unless the court has transferred jurisdiction of the case to another court with the latter's consent. After a defendant has been placed on probation, jurisdiction of the case may be transferred to a court of the same rank in this State having geographical jurisdiction where the defendant is residing or where a violation of the conditions of probation occurs. Upon transfer, the clerk of the court of original jurisdiction shall forward a transcript of such portions of the record as the transferring judge shall direct to the court accepting jurisdiction, which latter court shall thereafter proceed as if the trial and conviction had occurred in that court. Any court having geographical jurisdiction where the defendant is residing or where a violation of the conditions of probation occurs may issue a warrant for his arrest, but the determination of action to be taken after arrest shall be only by the court having jurisdiction of the case at the time the action is taken.

Sec. 6. The court having jurisdiction of the case shall determine the terms and conditions of probation and may, at any time, during the period of probation alter or modify the conditions; provided, however, that the clerk of the court shall furnish a copy of such terms and conditions to the probationer, and shall note the date of delivery of such copy on the docket. Terms and conditions of probation may include, but shall not be limited to, the conditions that the probationer shall:

- a. Commit no offense against the laws of this State or of any other State or of the United States;
- b. Avoid injurious or vicious habits;
- c. Avoid persons or places of disreputable or harmful character;
- d. Report to the probation officer as directed by the judge or probation officer and obey all rules and regulations of the probation department;
- e. Permit the probation officer to visit him at his home or elsewhere;
- f. Work faithfully at suitable employment as far as possible;
- g. Remain within a specified place;
- h. Pay his fine, if one be assessed, and all court costs whether a fine be assessed or not, in one or several sums, and make restitution or reparation in any sum that the court shall determine;
- i. Support his dependents;
- j. Participate in any community-based program;
- k. Reimburse the county in which the prosecution was instituted for compensation paid to appointed counsel for defending him in the case, if counsel was appointed, or if he was represented by a county-paid public defender, in an amount that would have been paid to an appointed attorney had the county not had a public defender;
- l. Remain under custodial supervision in a community-based facility, obey all rules and regulations of such facility, and pay a percentage of his income to the facility for room and board;
- m. Pay a percentage of his income to his dependents for their support while under custodial suspension in a community-based facility; and
- n. Pay a percentage of his income to the victim of the offense, if any, to compensate the victim for any property damage or medical expenses sustained by the victim as a direct result of the commission of the offense.

Sec. 6a. (a) A court granting probation may fix a fee not exceeding \$15 per month to be paid to the court by the probationer during the probationary period. The court may make payment of the fee a condition of granting or continuing the probation.

(b) The court shall deposit the fees received under Subsection (a) of this section in the special fund of the county treasury provided by Section 4.05(b), Article 42.121 of this Code, to be used for the same purposes for which state-aid may be used under that section.

Sec. 6b. (a) When the court having jurisdiction of the case grants probation to the defendant, in addition to the conditions imposed under Section 6 of this article, the court may require as a condition of probation that the defendant submit to a period of detention in a penal institution to serve a term of imprisonment not to exceed 30 days or one-third of the sentence whichever is lesser.

(b) The imprisonment imposed shall be treated as a condition of probation, and in the event of a sentence of imprisonment upon the revocation of probation, the term of imprisonment served hereunder shall be credited toward service of such subsequent imprisonment.

Sec. 7. At any time, after the defendant has satisfactorily completed one-third of the original probationary period or two years of probation, whichever is the lesser, the period of probation may be reduced or terminated by the court. Upon the satisfactory fulfillment of the conditions of probation, and the expiration of the period of probation, the court, by order duly entered, shall amend or modify the original sentence imposed, if necessary, to conform to the probation period and shall discharge the defendant. In case the defendant has been convicted or has entered a plea of guilty or a plea of nolo contendere, and the court has discharged the defendant hereunder, such court may set aside the verdict or permit the defendant to withdraw his plea, and shall dismiss the accusation, complaint, information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted or to which he has pleaded guilty, except that proof of his said conviction or plea of guilty shall be made known to the court should the defendant again be convicted of any criminal offense.

Sec. 8. (a) At any time during the period of probation the court may issue a warrant for violation of any of the conditions of the probation and cause the defendant to be arrested. Any probation officer, police officer or other officer with power of arrest may arrest such defendant without a warrant upon the order of the judge of such court to be noted on the docket of the court. A probationer so arrested may be detained in the county jail or other appropriate place of detention until he can be taken before the court. Such officer shall forthwith report such arrest and detention to such court. If the defendant has not been released on bail, on motion by the defendant the court shall cause the defendant to be brought before it for a hearing within 20 days of filing of said motion, and after a hearing without a

jury, may either continue, modify, or revoke the probation. The state may amend the motion to revoke probation any time up to seven days before the date of the revocation hearing, after which time the motion may not be amended except for good cause shown, and in no event may the state amend the motion after the commencement of taking evidence at the hearing. The court may continue the hearing for good cause shown by either the defendant or the state. If probation is revoked, the court may proceed to dispose of the case as if there had been no probation, or if it determines that the best interests of society and the probationer would be served by a shorter term of imprisonment, reduce the term of imprisonment originally assessed to any term of imprisonment not less than the minimum prescribed for the offense of which the probationer was convicted.

(b) Any probationer who removes himself from the State of Texas without permission of the court having jurisdiction of the case, shall be deemed and considered a fugitive from justice and shall be subject to extradition as now provided by law. No part of the time that the defendant is on probation shall be considered as any part of the time that he shall be sentenced to serve. The right of the probationer to appeal to the Court of Criminal Appeals for a review of the trial and conviction, as provided by law, shall be accorded the probationer at the time he is placed on probation. When he is notified that his probation is revoked for violation of the conditions of probation and he is called on to serve a sentence in a jail or in an institution operated by the Department of Corrections, he may appeal the revocation.

Text of subsec. (c) added by Acts 1977, 65th Leg., p. 909, ch. 342, § 2

(c) In a probation revocation hearing at which it is alleged only that the probationer violated the conditions of probation by failing to pay probation fees, court costs, restitution, or reparations, the inability of the probationer to pay as ordered by the court is an affirmative defense to revocation, which the probationer must prove by a preponderance of evidence.

Text of subsec. (c) added by Acts 1977, 65th Leg., p. 1058, ch. 388, § 2

(c) In a probation revocation hearing at which it is alleged that the probationer violated the conditions of probation by failing to pay compensation paid to appointed counsel, probation fees, court costs, restitution, or reparations, the inability of the probationer to pay as ordered by the court is an affirmative defense to revocation, which the probationer must prove by a preponderance of evidence.

Sec. 9. If, for good and sufficient reasons, probationers desire to change their residence within the State, such transfer may be effected by application to their supervising probation officer, which transfer shall be subject to the court's consent and subject to such regulations as the court may require in the absence of a probation officer in the locality to which the probationer is transferred.

Sec. 10. (a) For the purpose of providing adequate probation services, the district judge or district judges trying criminal cases in each judicial district in this state shall establish a probation office and employ, in accordance with standards set by the commission, district personnel as may be necessary to conduct presentence investigations, supervise and rehabilitate probationers, and enforce the terms and conditions of misdemeanor and felony probation. If two or more judicial districts serve a county, or a district has more than one county, one district probation department shall serve all courts and counties in the districts. However, the adult probation commission may adopt rules to allow more than one probation department in a judicial district with more than one county if providing more than one probation department will promote administrative convenience or economy or improve probation services.

(b) Where more than one probation officer is required, the judge or judges shall appoint a chief adult probation officer or director, who, with their approval, shall appoint a sufficient number of assistants and other employees to carry on the professional, clerical, and other work of the court.

(c) To be eligible for appointment as an adult probation officer, a person who is not an adult probation officer on the effective date of this Act:

(1) must have acquired a bachelor's degree conferred by a college or university accredited by an accrediting organization recognized by the Coordinating Board, Texas College and University System; and

(A) one year of graduate study in criminology, corrections, counseling, law, social work, psychology, sociology, or a related field that has been approved by the Texas Adult Probation Commission;¹ or

(B) one year of experience in full-time case work, counseling, or community or group work in a social, community, corrections, or juvenile agency that deals with offenders or disadvantaged persons that has been approved by the Texas Adult Probation Commission; and

(2) must not be otherwise disqualified by Section 31 of this article.

(d) The adult probation commission may adopt rules under which a judicial district may employ an adult probation officer who is not qualified under Subdivision (B), Subsection (c) of this section if the district judge, district judges, chief adult probation officer, or director tried but failed to employ a probation officer qualified under Subsection (c) of this section.

(e) The same person serving as a probation officer for juveniles may not be required to serve as a probation officer for adults and vice versa.

(f) Probation officers shall be furnished transportation or, alternatively, shall be entitled to an automobile allowance for use of personal automobile on

official business.

(g) Personnel of the respective district probation departments shall not be deemed state employees and the responsible judge or judges of a district probation department shall negotiate a contract with the most populous county within the judicial district for all district probation department staff to participate in that county's group insurance programs, liability insurance, or self-insurance for acts done in the course and scope of their employment as probation department staff, retirement plan, including the district and county retirement system if the county participates in that system for any county employees, and personnel policies with regard to vacation credit, sick leave credit, holiday schedule, credit union, jury leave, military leave, etc. It shall be the responsibility of the county or counties comprising the judicial district or geographical area served by such district probation department to provide physical facilities, equipment, and utilities for an effective and professional adult probation and adult community-based correctional service.

(h) Where a judicial district has criminal jurisdiction in two or more counties, those counties may enter into agreement that the total expenses of such facilities, equipment, and utilities be distributed approximately in the same proportion as the population in each county bears to the total population of all those counties, according to the last preceding or any future federal census.

(i) The salaries of personnel, and other expenses essential to the adequate supervision of probationers, shall be paid from the funds of the judicial district. In all the instances of employment of probation officers, the responsible judges are authorized to accept state-aid, grants or gifts from other political subdivisions of the state or associations and foundations, for the sole purpose of financing adequate and effective probationary programs and community-based correctional facilities other than jails or prisons in the various parts of the district. For the purposes of this Act, the municipalities of this state are specifically authorized to grant and allocate such sums of money as their respective governing bodies may approve to their appropriate county governments for the support and maintenance of effective programs. All grants, gifts, and allocations of the character and purpose described in this section shall be handled and accounted for separately from other public funds of the county.

¹ See Art. 42.121.

Sec. 11. For the purpose of determining when fees are to be paid to any officer or officers, the placing of the defendant on probation shall be considered a final disposition of the case, without the necessity of waiting for the termination of the period of probation or suspension of sentence.

Sec. 11a. The provisions of Sections 6a, 10, and 11 of this Article also apply to Article 42.13.

C. Paroles

Sec. 12. The Board of Pardons and Paroles creat-

ed by Article 4, Section 11 of the Constitution of this State, shall administer the provisions of this Act respecting determinations of which prisoners shall be paroled from an institution operated by the Department of Corrections, the conditions of parole and mandatory supervision, and may recommend the revocation of releases to mandatory supervision, paroles, and conditional pardons by the Governor. Keeping the goals of this Act in mind, the Board shall have the authority to determine the degree and intensity of supervision a prisoner released on parole or released to mandatory supervision should receive.

Sec. 12a. The Board of Pardons and Paroles is subject to the Texas Sunset Act,¹ but it is not abolished under that Act. The board shall be reviewed under the Texas Sunset Act during the period in which state agencies abolished effective September 1 of 1987 and of every 12th year after 1987 are reviewed.

¹ Vernon's Ann. Civ. St. art. 5429k.

Sec. 13. The members of the Board shall give full time to the duties of their office and shall be paid such salaries as the Legislature may determine in Appropriation Acts. The members of the Board shall elect one of their number as chairman, who shall serve for a period of two years and until his successor is elected and qualified.

The Board shall meet at the call of the chairman and from time to time as may otherwise be determined by majority vote of the Board. A majority of the Board shall constitute a quorum for the transaction of all business.

The Board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the Board shall be by majority vote.

The Board shall keep a record of its acts and shall notify each institution of its decision relating to the persons who are confined therein. At the close of each fiscal year the Board shall submit to the Governor and to the Legislature a report with statistical and other data of its work.

All minutes of the Board and decisions relating to mandatory supervision, parole, pardon and clemency shall be matters of public record and subject to public inspection at all reasonable times.

Sec. 14. The necessary office quarters shall be provided for the Board in the manner that the same are furnished to other departments, boards, commissions, bureaus and offices of the State.

Sec. 14A. (a) To aid and assist the Board of Pardons and Paroles in parole and mandatory supervision decisions, provision is hereby made for the appointment of parole commissioners.

(b) There shall be appointed no less than six commissioners.

(c) One-third of the commissioners shall be appointed by the governor; one-third of the commissioners by the Chief Justice of the Supreme Court of Texas; and one-third of the commissioners by the

Presiding Judge of the Texas Court of Criminal Appeals. One of the commissioners appointed by each of the appointing authorities shall reside in Walker County.

(d) Each commissioner shall hold office for a term of six years; provided that of the commissioners first appointed, the commissioners appointed by one of the appointing authorities shall serve for two years; the commissioners appointed by one of the appointing authorities shall serve for four years; and the other one-third of the commissioners shall serve for six years. Prior to appointment, the appointing authority shall draw lots for the length of the first term for his respective appointees. All terms shall begin on September 1, 1975.

(e) In matters of parole decisions and mandatory supervision revocation decisions, the commissioners shall have the same duties and authority as the board members. A parole panel, as hereinafter provided, may recommend the granting, denying, or revocation of parole, the revocation of mandatory supervision status, and may conduct parole revocation hearings and mandatory supervision revocation hearings. The commissioners may interview inmates for parole consideration, and they shall perform their duties as directed by the board in its rules and regulations affecting these commissioners.

(f) The board may provide and promulgate a written plan for the administrative review of actions taken by a parole panel.

(g) The commissioners shall be compensated while holding office at a salary to be set by the legislature. They shall be reimbursed for their expenses in the same manner and in the same amount as are board members.

(h) The board members shall continue to exercise their responsibility for the administrative operation of the board of pardons and paroles.

(i) In matters of parole and release to mandatory supervision, the board members and commissioners may act in panels comprised of three persons in each panel. The composition of the respective panels shall be designated by the board. A majority of each panel shall constitute a quorum for the transaction of its business, and its decisions shall be by a majority vote. The functions given to the board throughout Article 42.12, Code of Criminal Procedure, 1965, as amended, may be enlarged and extend to the parole panels, as provided by board rules. The powers of the board and the board members can be delegated by the board to the parole panels and to the commissioners as needed for the convenience of and assistance to the board.

(j) In case of a vacancy among the parole commissioners, the appointing authority who appointed the commissioner now absent shall fill the vacancy with another appointment, and the person so appointed shall continue in office for the unexpired portion of the term for which the commissioner so vacating his office has been appointed.

Sec. 15. (a) The Board is hereby authorized to

release on parole, with the approval of the Governor, any person confined in any penal or correctional institution of this State who is eligible for parole under Subsection (b) of this Section. The period of parole shall be equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence. All paroles shall issue upon order of the Board, duly adopted and approved by the Governor.

(b) A prisoner under sentence of death is not eligible for parole. If a prisoner is serving a sentence for the offenses listed in Section 3f(a)(1) of this Article or if the judgment contains an affirmative finding under Section 3f(a)(2) of this Article, he is not eligible for release on parole until his actual calendar time served, without consideration of good conduct time, equals one-third of the maximum sentence or 20 calendar years, whichever is less, but in no event shall he be eligible for release on parole in less than two calendar years. All other prisoners shall be eligible for release on parole when their calendar time served plus good conduct time equals one-third of the maximum sentence imposed or 20 years, whichever is less.

(c) A prisoner who is not on parole, except a person under sentence of death, shall be released to mandatory supervision by order of the Board when the calendar time he has served plus any accrued good conduct time equal the maximum term to which he was sentenced. A prisoner released to mandatory supervision shall, upon release, be deemed as if released on parole. To the extent practicable, arrangements for the prisoner's proper employment, maintenance, and care shall be made prior to his release to mandatory supervision. The period of mandatory supervision shall be for a period equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence. The time served on mandatory supervision is calculated as calendar time. Every prisoner while on mandatory supervision shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

(d) A prisoner who has not been released to mandatory supervision and has 180 calendar days or less remaining on his sentence may be released by order of the Board to mandatory supervision.

(e) Within one year after a prisoner's admittance to the penal or correctional institution and at such intervals thereafter, as it may determine, the Board shall secure and consider all pertinent information regarding each prisoner, except any under sentence of death, including the circumstances of his offense, his previous social history and criminal record, his conduct, employment and attitude in prison, and his physical and mental health.

(f) Before ordering the parole of any prisoner, the Board may have the prisoner appear before it and interview him. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered to be a reduc-

tion of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and, as may be, in part, evidenced by the prisoner's having made, in whole or in part, restitution or reparation to the victim of his crime, the total amount of such restitution or reparation as may be established by the court and entered in the judgment of the court which sentenced the prisoner to his term of imprisonment, and when the Board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. Every prisoner while on parole shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

(g) The Board may adopt such other reasonable rules not inconsistent with law as it may deem proper or necessary with respect to the eligibility of prisoners for parole and mandatory supervision, the conduct of parole and mandatory supervision hearings, or conditions to be imposed upon parolees and persons released to mandatory supervision. Each person to be released on parole shall be furnished a written statement and contract setting forth in clear and intelligible language the conditions and rules of parole. The conditions may include the making of restitution or reparation to the victim of the prisoner's crime, the total amount of such restitution or reparation as may be established by the court and entered in the judgment of the court which sentenced the prisoner to his term of imprisonment. Acceptance, signing, and execution of the contract by the inmate to be paroled shall be a precondition to release on parole. Persons released on mandatory supervision shall be furnished a written statement setting forth in clear and intelligible language the conditions and rules of mandatory supervision.

(h) It shall be the duty of the Board at least ten days before ordering the parole of any prisoner or upon the granting of executive clemency by the Governor to notify the sheriff, the district attorney and the district judge in the county where such person was convicted that such parole or clemency is being considered by the Board or by the Governor.

(i) If no parole officer has been assigned to the locality where a person is to be released on parole, mandatory supervision, or executive clemency the Board shall notify the chairman of the Voluntary Parole Board of such county prior to the release of such person. The Board shall request such Voluntary Parole Board, in the absence of a parole officer, for information which would herein be required of such duly appointed parole officer. This shall not, however, preclude the Board from requesting information from any public agency in such locality.

Sec. 16. It shall be the duty of any judge, district attorney, county attorney, police officer or other public official of the state, having information with reference to any prisoner eligible for parole, to send in writing such information as may be in his possession or under his control to the Board, upon request of any member or employee thereof.

Sec. 17. It shall be the duty of all prison officials to grant to the members of the Board, or its properly accredited representatives, access at all reasonable times to any prisoner, to provide for the Board or such representatives facilities for communicating with and observing such prisoner, and to furnish to the Board such reports as the Board shall require concerning the conduct and character of any prisoner in their custody and any other facts deemed by the Board pertinent in determining whether such prisoner shall be paroled.

Sec. 18. The Board shall formulate rules as to the submission and presentation of information and arguments to the Board for and in behalf of any person within the jurisdiction of the Board.

All persons presenting information or arguments to the Board shall submit therewith an affidavit stating whether any fee has been paid or is to be paid for their services in the case, the amount of such fee, if any, and by whom such fee is paid or to be paid.

Sec. 19. The Board shall have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed and oath administered by any member of the Board. Subpoenas so issued may be served by a sheriff, constable, police, parole, or probation officer, or other law enforcement officer, in the same manner as similar process in courts of record having original jurisdiction of criminal actions. Any person who testifies falsely or fails to appear when subpoenaed, or fails or refuses to produce such material pursuant to the subpoena, shall be subject to the same orders and penalties to which a person before a court is subject. Any courts of record having original jurisdiction of criminal actions upon application of the Board, may in their discretion compel the attendance of witnesses, the production of such material and the giving of testimony before the Board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such courts of record having original jurisdiction of criminal actions.

Sec. 20. The Board shall have the power and duty to make rules for the conduct of persons placed on parole and of persons released to mandatory supervision.

Sec. 21. (a) A warrant for the return of a paroled prisoner, a prisoner released to mandatory supervision, a prisoner released on emergency reprieve or on furlough, or a person released on a conditional pardon to the institution from which he was paroled, released, or pardoned may be issued by the Board on order by the Governor when there is reason to believe that he has committed an offense against the laws of this State or of the United States, violated a condition of his parole, mandatory

supervision, or conditional pardon, or when the circumstances indicate that he poses a danger to society that warrants his immediate return to incarceration. Such warrant shall authorize all officers named therein to take actual custody of the prisoner and return him to the institution from which he was released. Pending hearing, as hereinafter provided, upon any charge of parole violation or violation of the conditions of mandatory supervision, the prisoner shall remain incarcerated.

(b) A prisoner for whose return a warrant has been issued by the Board shall, after the issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he has violated the conditions or provisions of his mandatory supervision or parole, then the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence. The law now in effect concerning the right of the State of Texas to extradite persons and return fugitives from justice, and Article 42.11 of this Code concerning the waiver of all legal requirements to obtain extradition of fugitives from justice, from other states to this State, shall not be impaired by this Act and shall remain in full force and effect.

Sec. 22. Whenever a prisoner or a person granted a conditional pardon is accused of a violation of his parole, mandatory supervision, or conditional pardon on information and complaint by a law enforcement officer or parole officer, he shall be entitled to be heard on such charges before the Board or its designee under such rules and regulations as the Board may adopt; providing, however, said hearing shall be a public hearing and shall be held within ninety days of the date of arrest under a warrant issued by the Board of Pardons and Paroles or the Governor and at a time and place set by the Board. When the Board has heard the facts, it may recommend to the Governor that the parole, mandatory supervision, or conditional pardon be continued, or revoked, or modified in any manner the evidence may warrant. When the Governor revokes a person's parole, mandatory supervision, or conditional pardon, that person may be required to serve the portion remaining of the sentence on which he was released, such portion remaining to be calculated without credit for the time from the date of his release to the date of revocation. When a warrant is issued by the Board of Pardons and Paroles or the Governor charging a violation of release conditions, the sentence time credit shall be suspended until a determination is made by the Board of Pardons and Paroles or the Governor in such case and such suspended time credit may be re-instated by the Board of Pardons and Paroles should such parole, mandatory supervision, or conditional pardon be continued.

Sec. 23. In order to complete the parole period, a parolee shall be required to serve out the whole term for which he was sentenced, subject to the deduction of the time he had served prior to his parole and to any diminution of sentence earned for good behavior

while imprisoned in the Department of Corrections. The time on parole shall be calculated as calendar time. This provision, however, shall not be construed so as to interfere with the constitutional power conferred upon the Governor to grant pardons and to commute sentences.

When any paroled prisoner has fulfilled the obligations of his parole and has served out his term as conditioned in the preceding paragraph, the Board shall make a final order of discharge and issue to the parolee a certificate of such discharge.

Sec. 24. When any prisoner who has been paroled or released to mandatory supervision has complied with the rules and conditions governing his release until the end of the term to which he was sentenced, and without a revocation of his parole or mandatory supervision, the Board shall make a final order of discharge and issue the prisoner a certificate of discharge.

Sec. 25. On request of the Governor the Board shall investigate and report to the Governor with respect to any person being considered by the Governor for pardon, commutation of sentence, reprieve, or remission of fine or forfeiture, and make recommendations thereon.

D. Supervision of Parolees

Sec. 26. The Board of Pardons and Paroles shall have general responsibility for the investigation and supervision of all prisoners released on parole and to mandatory supervision. For the discharge of this responsibility, there is hereby created with the Board of Pardons and Paroles, a Division of Parole Supervision. Subject to the general direction of the Board of Pardons and Paroles, the Division of Parole Supervision, including its field staff shall be responsible for obtaining and assembling any facts the Board of Pardons and Paroles may desire in considering parole eligibility, in establishing a mandatory supervision plan, and for investigating and supervising paroled prisoners and prisoners released to mandatory supervision to see that the conditions of parole and mandatory supervision are complied with, and for making such periodic reports on the progress of parolees and prisoners released to mandatory supervision as the Board may desire.

Sec. 27. All information obtained in connection with inmates of the Texas Department of Corrections subject to parole, release to mandatory supervision, or executive clemency or individuals who may be on mandatory supervision or parole and under the supervision of the division, or persons directly identified in any proposed plan of release for a prisoner, shall be confidential and privileged information and shall not be subject to public inspection; provided, however, that all such information shall be available to the Governor and the Board of Pardons and Paroles upon request. It is further provided, that statistical and general information respecting the parole and mandatory supervision program and system, including the names of paroled prisoners,

prisoners released to mandatory supervision, and data recorded in connection with parole and mandatory supervision services, shall be subject to public inspection at any reasonable time.

Sec. 28. Salaries of all employees of the Division of Parole Supervision shall be governed by Appropriation Acts of the Legislature. The Board of Pardons and Paroles shall appoint a Director of the Division, and all other employees shall be selected by the Director, subject to such general policies and regulations as the Board may approve.

It is expressly provided, however, that no person may be employed as a parole officer or supervisor, or be responsible for the investigations or supervision of persons on parole or mandatory supervision, unless he meets the following qualifications together with any other qualifications that may be specified by the Director of the Division, with the approval of the Board of Pardons and Paroles; four years of successfully completed education in an accredited college or university, and two years of full time paid employment in responsible correctional work with adults or juveniles, social welfare work, teaching, or personnel work. Additional experience in the above categories may be substituted year for year for the required college education, with a maximum substitution for two years.

Sec. 29. Any parole officer or supervisor employed by the Division of Parole Supervision may, with the approval of the director, be designated as a probation officer by the judge of a court of the State having original jurisdiction of criminal actions. Any proportional part of the salary paid to a parole officer or supervisor so designated, however, in compensation for his service as a probation officer, shall be only with the prior written approval of the director; and all such proportional salary payments shall be periodically reported to the Governor and the Legislature by the director.

Sec. 30. In order to provide supervision of parolees, persons released to mandatory supervision, and persons granted executive clemency who reside in sparsely settled areas of the State and in localities not served by regularly employed parole officers, the Governor of this State is authorized to appoint chairmen of Voluntary Parole Boards for such areas or localities. The appointed chairman may, with the advice and approval of the Director of the Division of Parole Supervision, appoint additional members of such Voluntary Parole Boards. The term of service by such appointed chairmen of Voluntary Parole Boards shall not exceed the term of office of the appointing Governor; and the terms of service of locally appointed additional members of such Voluntary Parole Boards shall not exceed the terms of office of the director. However, it is expressly provided that the terms of service by such chairmen and additional members of Voluntary Parole Boards may be continued by appropriate reappointments. The chairman of the Voluntary Parole Board shall be responsible for assigning supervision of parolees

and of persons released to mandatory supervision to the members of such board.

Sec. 31. No person who is serving as a sheriff, deputy sheriff, constable, deputy constable, city policeman, Texas Ranger, state highway patrolman, or similar law enforcement officer, or as a prosecuting attorney, shall act as a parole officer or be responsible for the supervision of persons on parole or released to mandatory supervision.

Sec. 32. Any parole officer or supervisor employed by the Division of Parole Supervision may, upon request of the Governor or the Board of Pardons and Paroles and by direction of the director, be responsible for supervising persons placed on conditional pardon or furlough.

E. General Provisions

Sec. 33. The provisions of this Act shall not be construed to prevent or limit the exercise by the Governor of powers of executive clemency vested in him by the Constitution of this State.

Sec. 34. The provisions of this Act shall not apply to parole from institutions for juveniles.

Sec. 35. This Article shall not be deemed to alter or invalidate any probationary period fixed under statutes in force prior to the effective date of this Code or to limit the jurisdiction or power of a court to modify or terminate such probationary period. In other respects, persons placed on probation or parole prior to the effective date of this Code shall be amenable to the provisions of this Code insofar as it may be made applicable to them. All other actions pertaining to probations and paroles granted prior to the effective date of this Code shall be regulated according to the law in force at the time the probation or parole was granted.

Sec. 36. The provisions of this article do not apply to temporary furloughs granted to an inmate by the Texas Department of Corrections under Article 6184n, Revised Civil Statutes of Texas, 1925.

[Acts 1965, 59th Leg., p. 317, ch. 722, § 1, eff. Jan. 1, 1966. Amended by Acts 1967, 60th Leg., p. 1744 to 1746, ch. 659, § 29, eff. Aug. 28, 1967; Acts 1973, 63rd Leg., p. 568, ch. 241, § 1, eff. Aug. 27, 1973; Acts 1973, 63rd Leg., p. 1235, ch. 447, § 1, eff. June 14, 1973; Acts 1973, 63rd Leg., p. 1269, ch. 464, § 1, eff. June 14, 1973; Acts 1975, 64th Leg., p. 263, ch. 110, § 1, eff. Sept. 1, 1975; Acts 1975, 64th Leg., p. 572, ch. 231, § 1, eff. Sept. 1, 1975; Acts 1975, 64th Leg., p. 909, ch. 341, § 4, eff. June 19, 1975; Acts 1975, 64th Leg., p. 1243, ch. 467, § 1, eff. June 19, 1975; Acts 1975, 64th Leg., p. 1244, ch. 468, § 1, eff. Sept. 1, 1975; Acts 1975, 64th Leg., p. 2150, ch. 692, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 38, ch. 22, § 1, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 102, ch. 47, § 1, eff. April 5, 1977; Acts 1977, 65th Leg., p. 821, ch. 306, §§ 1, 2, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 909, ch. 342, §§ 1, 2, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 914, ch. 343, § 2, eff. Sept. 1, 1978; Acts 1977, 65th Leg., p. 925, ch. 347, §§ 1, 2, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 1058, ch. 388, §§ 1, 2, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 1850, ch. 735, § 2.133, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 265, ch. 139, § 1, eff. Aug. 27, 1979; Acts 1979, 66th Leg., p. 1336, ch. 605, §§ 1, 2, 4, eff. Aug. 27, 1979.]

Section 7 of Acts 1977, 65th Leg., p. 934, ch. 347, provided: "This Act applies only to inmates sentenced to the Texas Department of Corrections for an offense committed on or after the effective date of this Act. Inmates sentenced for an offense committed prior to the effective date of this Act are governed by the law existing before the effective date, which is continued in effect for this purpose. For the purpose of this Act, an offense is committed on or after the effective date if any element of the offense occurs on or after the effective date." For saving provisions of Acts 1975, 64th Leg., p. 909, ch. 341, see note set out under art. 3.01.

TEXAS CODE OF CRIMINAL PROCEDURE

Art. 42.121. Texas Adult Probation Commission
Text of article added effective until September
1, 1987

SUBCHAPTER A. GENERAL PROVISION

Purposes

Sec. 1.01. The purposes of this article are to make probation services available throughout the state, to improve the effectiveness of probation services, to provide alternatives to incarceration by providing financial aid to judicial districts for the establishment and improvement of probation services and community-based correctional programs and facilities other than jails or prisons, and to establish uniform probation administration standards.

Definitions

Sec. 1.02. In this article:

(1) "Director" means the executive director of the Texas Adult Probation Commission.

(2) "Commission" means the Texas Adult Probation Commission.

(3) "Probation office" means the office established under Section 10(a), Article 42.12, Code of Criminal Procedure, 1965, as amended, to provide probation services in each judicial district.

(4) "Employee in the criminal justice system" means a person employed as a peace officer, county attorney, district attorney, probation officer, parole officer, corrections officer, or any person employed by a court.

SUBCHAPTER B. TEXAS ADULT PROBATION COMMISSION

Creation

Sec. 2.01. The Texas Adult Probation Commission is hereby created.

Membership

Sec. 2.02. The commission shall consist of three judges of the district courts of Texas and two citizens of Texas who are not employed in the criminal justice system to be appointed by the Chief Justice of the Supreme Court of Texas and three judges of the district courts of Texas and one citizen of Texas not employed in the criminal justice system to be appointed by the presiding judge of the Texas Court of Criminal Appeals.

Terms of Office

Sec. 2.03. (a) The first members appointed to the Board shall serve terms of two, four, and six years respectively, and until their successors are appointed. Thereafter each member shall serve for six years.

(b) The appointing authority shall draw lots to determine which members serve two, four, and six-year terms.

(c) If any member of the commission resigns or expires, the appointing authority for his respective commission position shall appoint another member to serve the remainder of the unexpired term.

Chairman

Sec. 2.04. (a) The members of the commission shall elect a chairman from among its members.

(b) The chairman of the commission shall serve for a term of two years.

Expenses

Sec. 2.05. Members of the commission are not entitled to compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing their official duties as commission members.

Meetings

Sec. 2.06. (a) The Chief Justice of the Supreme Court of Texas shall call the first meeting of the commission in September, 1977.

(b) The commission shall hold regular quarterly meetings each year on dates fixed by the commission and such special meetings as the commission determines necessary. The commission shall make rules providing for the regulation of its proceedings and for the holding of special meetings.

(c) A majority of the commission shall constitute a quorum.

(d) The commission shall keep a public record of its decisions at its general office.

Executive Director, Employees

Sec. 2.07. (a) The commission shall employ an executive director, whose qualifications shall comply with the standards required for a probation officer and who has a minimum of two years experience in the administration and supervision of adult probation services, and as many other employees as it needs to administer this article.

(b) The commission may delegate authority to the executive director to select employees of the commission.

Expiration

Sec. 2.08. Unless continued by law, the commission is abolished and this article expires effective September 1, 1987.

SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION

Standards for Probation Offices, Probation Officers, and Community-based Correctional Programs and Facilities

Sec. 3.01. The commission shall promulgate reasonable rules:

(1) establishing minimum standards for case loads, programs, facilities, and equipment, and other aspects of the operation of a probation office necessary for the provision of adequate and effective probation services;

(2) establishing a code of ethics for probation officers and providing for the enforcement thereof.

Records and Reports

Sec. 3.02. The commission shall require each probation office in Texas to:

(1) keep such financial and statistical records as the commission deems necessary;

(2) submit periodic financial and statistical reports to the commission.

Gifts and Grants

Sec. 3.03. The commission may apply for and accept gifts or grants from any public or private source for use in maintaining and improving probation services in Texas.

Intergovernmental Cooperation

Sec. 3.04. The commission may cooperate and contract with the federal government, with governmental agencies of Texas and other states, and with political subdivisions of Texas to improve probation services.

Inspections, Audits

Sec. 3.05. The commission may inspect and evaluate any probation office and conduct audits of financial records at any reasonable time to determine compliance with the commission's rules, regulations, or standards.

Studies

Sec. 3.06. The commission may conduct or participate in studies of corrections methods and systems.

Annual Report

Sec. 3.07. The commission shall make a report to the governor and to the legislature each year covering its operations and the condition of probation services in Texas during the previous year and making whatever recommendations it considers desirable.

Delegation of Authority

Sec. 3.08. The commission may delegate to the director or to any other employee any authority given it by this article except the authority to make rules.

Deposit of Money

Sec. 3.09. All money received by the commission under Section 3.03 of this article shall be deposited to the credit of special funds, which shall be appropriated, from the General Revenue Fund, for the payment of state aid by this article and for the administration of this article.

SUBCHAPTER D. STATE-AID TO PROBATION OFFICES

State-Aid Defined

Sec. 4.01. "State-aid" means funds appropriated by the state legislature to be used by the commission for financial assistance to judicial districts to achieve the purposes of this Act as stated previously in Section 1.01 of this Act and to conform to the standards and policies promulgated by the commission.

Determination of Amount

Sec. 4.02. The legislature shall determine and appropriate the amount of state-aid necessary to maintain and improve statewide probation services commensurate with the purposes as stated in Section 1.01 of this Act.

Data for State-Aid

Sec. 4.03. The district judge or judges in each judicial district shall present data to the commission, determined by the commission, which is necessary to determine the amount of state financial aid needed for use in maintaining and improving probation services and community-based correctional programs and facilities other than jails or prisons in the district.

Reports

Sec. 4.04. A judicial district receiving state-aid shall submit reports as required by the commission.

Payment of State-Aid

Sec. 4.05. (a) When the commission determines that a judicial district complies with its standards, the commission shall prepare and submit to the comptroller of public accounts a voucher for payment to the district the amount of state-aid to which it is entitled.

(b) The fiscal officer designated for the district shall deposit all state-aid received under this article in a special fund of the county treasury, to be used solely for the provision of adult probation services and community-based correctional programs and facilities other than jails or prisons.

Refusal or Suspension of State-Aid

Sec. 4.06. The commission shall refuse or suspend payment of state-aid to any district that fails to comply with the commission standards. The commission shall provide for notice and a hearing in cases in which it refuses or suspends state-aid. [Acts 1977, 65th Leg., p. 910, ch. 343, § 1, eff. June 10, 1977. Amended by Acts 1979, 66th Leg., p. 1644, ch. 687, § 1, eff. Aug. 27, 1979.]

Section 3 of the 1977 Act provided: "Section 4.05 of Article 42.121, Code of Criminal Procedure, 1965, as amended, and Section 2 of this Act take effect on September 1, 1978."

Sec. 1. It is the purpose of this article to place wholly within the state courts of appropriate jurisdiction the responsibility for determining when the imposition of sentence in certain cases shall be suspended, the conditions of probation, and the supervision of probationers in consonance with the powers assigned to the judicial branch of this government by the Constitution of Texas. It is the further purpose of this article to remove from existing statutes the limitations other than questions of constitutionality that have acted as barriers to an effective system of probation in the public interest.

Sec. 2. This article may be cited as the "Misdemeanor Adult Probation and Supervision Law."

Unless the context otherwise requires, the following definitions shall apply to the specified words and phrases as used in this article:

- (1) "Courts" shall mean the courts of record having original criminal jurisdiction.
- (2) "Probation" shall mean the release of a convicted defendant by a court under conditions imposed by the court for a specified period during which the imposition of sentence is suspended.
- (3) "Probationer" means a defendant who is on probation.
- (4) "Probation officer" shall mean either a person duly appointed by one or more courts of record having original criminal jurisdiction to supervise defendants placed on probation or a person designated by such courts for such duties on a part-time basis.

Sec. 3. The judges of the courts of the State of Texas having original jurisdiction of criminal actions, when it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public as well as the defendant will be subserved thereby, shall have the power, after conviction or a plea of guilty or nolo contendere for any crime or offense, where the punishment assessed against the defendant is by confinement in jail or by fine or by both such fine and imprisonment, to suspend the imposition of the sentence and may place the defendant on probation or impose a fine applicable to the offense committed and also place the defendant on probation as hereinafter provided. When imprisonment is assessed, the period of probation shall be for the maximum imprisonment applicable to such offense. Any such person placed on probation, whether in a trial by jury or before the court, shall be under the supervision of such court.

Sec. 3a. Where there is a conviction in any court of this state and the punishment assessed by the jury shall be by imprisonment in jail or by a fine or by both such fine and imprisonment, the jury may recommend probation for a period of the maximum imprisonment applicable to such offense of which the defendant is convicted, upon sworn motion made therefor by the defendant, filed before the penalty stage of the trial begins. When the jury recom-

mends probation, it may recommend that the imprisonment or fine or both such fine and imprisonment found in its verdict may be probated. When the trial is to a jury and the defendant has no counsel, the court shall inform the defendant of his right to make such motion, and the court shall appoint counsel to prepare and present same, if desired by the defendant. In no case shall probation be recommended by the jury except when the defendant, before the trial began, had filed a sworn statement that the defendant has never before been convicted of a felony, and after conviction and before the penalty stage of the trial began, the defendant shall have filed a sworn motion for probation and the proof shall show and the jury shall find in their verdict that the defendant has never before been convicted of a felony in this or any other state. This law is not to be construed as preventing the jury from passing on the guilt of the defendant, but the defendant may enter a plea of not guilty. In all eligible cases, probation shall be granted by the court, if the jury recommends it in their verdict.

If probation is granted by the jury, the court may impose only those conditions which are set out in Section 6 hereof.

Sec. 3b. Where probation is recommended by the verdict of a jury as provided for in Section 3a above, a defendant's probation shall not be revoked during his good behavior, so long as the defendant is within the jurisdiction of the court and his residence is known, except in accordance with the provisions of Section 8 of this article. If such defendant has no counsel, it shall be the duty of the court to inform the defendant of his right to show cause why the defendant's probation should not be revoked; and if the defendant requests such right, the court shall appoint counsel in accordance with Articles 26.04 and 26.05 of this code to prepare and present the same; and in all other respects the procedure set forth in Section 8 of this article shall be followed.

Sec. 3c. Nothing herein shall limit the power of the court to grant a probation of sentence regardless of the recommendation of the jury or prior conviction of the defendant.

Sec. 3d. (a) When in its opinion the best interest of society and the defendant will be served, the court may, after receiving a plea of guilty or a plea of nolo contendere, hearing the evidence, and finding that it substantiates the defendant's guilt, defer further proceedings without entering an adjudication of guilt and place the defendant on probation on reasonable terms and conditions as the court may require and for a period as the court may subscribe not to exceed the maximum period of imprisonment prescribed for the offense for which defendant is charged. However, upon written motion of the defendant requesting final adjudication filed within 30 days after entering such plea and the deferment of adjudication, the court shall proceed to final adjudication as in all other cases.

(b) On violation of a condition of probation imposed under Subsection (a) of this section, the de-

defendant may be arrested and detained as provided in Section 8 of this article. The defendant is entitled to a hearing limited to a determination by the court of whether it proceeds with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation, and defendant's appeal continue as if the adjudication of guilt had not been deferred.

(c) On expiration of a probationary period imposed under Subsection (a) of this section, if the court has not proceeded to adjudication of guilt, the court shall dismiss the proceedings against the defendant and discharge the defendant. The court may dismiss the proceedings and discharge the defendant prior to the expiration of the term of probation if in its opinion the best interest of society and the defendant will be served. A dismissal and discharge under this section may not be deemed a conviction for the purposes of disqualifications or disabilities imposed by law for conviction of an offense, except that upon conviction of a subsequent offense, the fact that the defendant had previously received probation shall be admissible before the court or jury to be considered on the issue of penalty.

Sec. 3e. (a) For the purposes of this section, the jurisdiction of the courts in this state in which a sentence requiring confinement in a jail is imposed for conviction of a misdemeanor shall continue for a period of 90 days from the date the execution of the sentence actually begins. After the expiration of 10 days but prior to 90 days from the date the execution of the sentence actually begins, the judge of the court that imposed such sentence may on his own motion or on the motion of the defendant suspend further execution of the sentence imposed and place the defendant on probation under the terms and conditions of this article, if prior to the execution of that sentence the defendant had never been incarcerated in a penitentiary or jail serving a sentence for a felony or misdemeanor and in the opinion of the judge the defendant would not benefit from further incarceration in a jail.

(b) When the defendant files a written motion with the court requesting suspension of further execution of the sentence and placement on probation or when requested to do so by the judge, the clerk of the court shall request a copy of the defendant's record while incarcerated from the agency operating the jail where the defendant is incarcerated. Upon receipt of such request, the agency operating the jail where the defendant is incarcerated shall forward to the court as soon as possible a full and complete copy of the defendant's record while incarcerated.

Sec. 4. When directed by the court, a probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of the defendant. Whenever practicable, such investiga-

tion shall include a physical and mental examination of the defendant. Defendant, if not represented by counsel, counsel for defendant, and counsel for the state shall be afforded an opportunity to see a copy of the report upon request. If a defendant is committed to any institution, the probation officer shall send a report of such investigation to the institution at the time of commitment.

Sec. 5. Only the court in which the defendant was tried may grant probation, fix or alter conditions, revoke the probation, or discharge the defendant, unless the court has transferred jurisdiction of the case to another court with the latter's consent. After a defendant has been placed on probation, jurisdiction of the case may be transferred to a court of the same rank in this state having geographical jurisdiction where the defendant is residing or where a violation of the conditions of probation occurs. Upon transfer, the clerk of the court of original jurisdiction shall forward a transcript of such portions of the record as the transferring judge shall direct to the court accepting jurisdiction, which latter court shall thereafter proceed as if the trial and conviction had occurred in that court. Any court having geographical jurisdiction where the defendant is residing or where a violation of the conditions of probation occurs may issue a warrant for his arrest, but the determination of action to be taken after arrest shall be only by the court having jurisdiction of the case at the time the action is taken.

Sec. 6. The court having jurisdiction of the case shall determine the terms and conditions of probation and may at any time during the period of probation alter or modify the conditions; provided, however, that the clerk of the court shall furnish a copy of such terms and conditions to the probationer and shall note the date of delivery of such delivery on the docket. Terms and conditions of probation may include but shall not be limited to the conditions that the probationer shall:

- (1) commit no offense against the laws of this state or of any other state or of the United States;
- (2) avoid injurious or vicious habits;
- (3) avoid persons or places of disreputable or harmful character;
- (4) report to the probation officer as directed by the court or probation officer and obey all rules and regulations of the probation department;
- (5) permit the probation officer to visit him at his home or elsewhere;
- (6) work faithfully at suitable employment as far as possible;
- (7) remain within a specified place;
- (8) pay his fine, if one be assessed, and all court costs, whether a fine be assessed or not, in one or several sums and make restitution or reparation in any sum that the court shall determine;
- (9) support his dependents;

(10) participate in any community-based program or participate in an alcohol or drug abuse treatment or education program and abstain from the use of alcoholic beverages or specified drugs at all times or under certain circumstances;

(11) reimburse the county in which the prosecution was instituted for compensation paid to appointed counsel for defending him in the case, if counsel was appointed or if he was represented by a county-paid public defender, in an amount that would have been paid to an appointed attorney had the county not had a public defender;

(12) remain under custodial supervision in a community-based facility, obey all rules and regulations of such facility, and pay a percentage of his income to the facility for room and board;

(13) pay a percentage of his income to his dependents for their support while under custodial supervision in the community-based facility; and

(14) pay a percentage of his income to the victim of the offense, if any, to compensate the victim for any property damage or medical expenses sustained by the victim as a direct result of the commission of the offense.

Sec. 6a. (a) A court granting probation may fix a fee not exceeding \$15 per month to be paid to the court by the probationer during the probationary period. The court may make payment of the fee a condition of granting or continuing the probation.

(b) The court shall deposit the fees received under Subsection (a) of this section in the special fund of the county treasury provided by Section 4.05(b), Article 42.121 of this code, as added, to be used for the same purposes for which state aid may be used under that section.

Sec. 6b. (a) When the court having jurisdiction of the case grants probation to the defendant, in addition to the conditions imposed under Section 6 of this article, the court may require as a condition of probation that the defendant submit to a period of detention in jail to serve a term of imprisonment not to exceed 30 days or one-third of the sentence, whichever is lesser.

(b) The imprisonment imposed shall be treated as a condition of probation, and in the event of a sentence of imprisonment upon the revocation of probation, the term of imprisonment served hereunder shall be credited toward service of such subsequent imprisonment.

Sec. 6c. If a person convicted of an offense under Article 6701-1, Revised Civil Statutes of Texas, 1925, as amended, is placed on probation, the court may require, as a condition of the probation, that the defendant attend an educational program approved by the Texas Commission on Alcoholism, the Texas Department of Public Safety, or the Office of Traf-

fic Safety designed to rehabilitate persons who have driven while intoxicated. The judge shall waive this requirement, however, if no program is operated within 60 miles of the defendant's residence.

Sec. 7. At any time after the defendant has satisfactorily completed one-third of the original probationary period, the period of probation may be reduced or terminated by the court. Upon the satisfactory fulfillment of the conditions of probation and the expiration of the period of probation, the court by order duly entered shall amend or modify the original sentence imposed, if necessary, to conform to the probation period and shall discharge the defendant. In case the defendant has been convicted or has entered a plea of guilty or a plea of nolo contendere and the court has discharged the defendant hereunder, such court shall set aside the verdict or permit the defendant to withdraw his plea, and shall dismiss the accusation, complaint, information, or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which defendant has been convicted or to which defendant has pleaded guilty or pleaded nolo contendere, except that proof of defendant's conviction or plea of guilty or nolo contendere shall be made known to the court should the defendant again be convicted of any criminal offense.

Sec. 8. (a) At any time during the period of probation the court may issue a warrant for violation of any of the conditions of the probation and cause the defendant to be arrested. Any probation officer, police officer or other officer with power of arrest may arrest such defendant without a warrant upon the order of the judge of such court to be noted on the docket of the court. A probationer so arrested may be detained in the county jail or other appropriate place of detention until he can be taken before the court. Such officer shall forthwith report such arrest and detention to such court. If the defendant has not been released on bail, on motion by the defendant the court shall cause the defendant to be brought before it for a hearing within 20 days of filing of said motion, and after a hearing without a jury, may either continue, modify, or revoke the probation. The court may continue the hearing for good cause shown by either the defendant or the state. If probation is revoked, the court may proceed to dispose of the case as if there had been no probation or if it determines that the best interests of society and the probationer would be served by a shorter term of imprisonment, reduce the term of imprisonment not less than the minimum prescribed for the offense of which the probationer was convicted.

(b) Any probationer who removes himself from the State of Texas without permission of the court having jurisdiction of the case shall be deemed and considered a fugitive from justice and shall be subject to extradition as now provided by law. No part of the time that the defendant is on probation shall be considered as any part of the time that defendant

shall be sentenced to serve. The right of the probationer to appeal to the Court of Criminal Appeals for a review of the trial and conviction as provided by law shall be accorded the probationer at the time the defendant is placed on probation. When the probationer is notified that his probation is revoked for violation of the conditions of probation and he is called on to serve a sentence in jail or in an institution operated by the Texas Department of Corrections, he may appeal the revocation.

(c) In a probation revocation hearing at which it is alleged only that the probationer violated the conditions of probation by failing to pay probation fees, court costs, restitution, or reparations or compensation paid to appointed counsel, the inability of the probationer to pay as ordered by the court is an affirmative defense to revocation, which the probationer must prove by a preponderance of evidence.

Sec. 9. If for good and sufficient reasons probationers desire to change their residence within the state, such transfer may be effected by application to their supervising probation officer, which transfer shall be subject to the court's consent and subject to such regulations as the court may require in the absence of a probation officer in the locality to which the probationer is transferred.

Sec. 10. For the purpose of providing adequate probation services under this article, all of the provisions of Section 10 of Article 42.12 of the Code of Criminal Procedure, 1965, as amended, apply hereto.

Sec. 11. For the purpose of determining when fees are to be paid to any officer or officers, the placing of the defendant on probation shall be considered a final disposition of the case, without the necessity of waiting for the termination of the period of probation or suspension of sentence.

[Acts 1979, 66th Leg., p. 1514, ch. 654, § 1, eff. Aug. 27, 1979.]

Acts 1979, 66th Leg., p. 2062, ch. 807, § 1, without reference to the repeal and reenactment of this article by Acts 1979, 66th Leg., p. 1514, ch. 654, § 1, added a § 3B to read as follows:

Suspension of Sentence and Performance of Community Service

Sec. 3B. (a) A defendant who pleads guilty or nolo contendere to a first offense misdemeanor that does not involve bodily injury or the threat of bodily injury to any person and for which the maximum permissible punishment is by confinement in jail or by a fine in excess of \$200 or by both a fine and confinement is eligible for community-service probation.

(b) If an eligible defendant applies for community-service probation and the court finds that it will be in the best interests of society and the defendant, the court, after receiving the defendant's plea, hearing the evidence, and finding that it substantiates the defendant's guilt, may defer further proceedings

without entering an adjudication of guilt and place the defendant on community-service probation.

(c) If the court places a defendant on community-service probation, the court shall require, as a condition of the probation, that the defendant work a specified number of hours at a specified community-service project for an organization named in the court's order.

(d) The amount of community-service work ordered by the court:

(1) may not exceed 100 hours and may not be less than 24 hours for an offense classified as a Class B misdemeanor or for any other misdemeanor for which the maximum permissible imprisonment, if any, does not exceed six months and the maximum permissible fine, if any, does not exceed \$1,000; and

(2) may not exceed 200 hours and may not be less than 80 hours for an offense classified as a Class A misdemeanor or for any other misdemeanor for which the maximum permissible imprisonment, if any, exceeds six months or the maximum permissible fine, if any, exceeds \$1,000.

(e) The terms of community-service probation must include, but are not limited to, requirements that the probationer:

(1) commit no offense against the laws of this or any other state or the United States;

(2) avoid injurious or vicious habits;

(3) avoid persons or places of disreputable or harmful character;

(4) work faithfully at suitable employment as far as possible;

(5) work faithfully at the community-service task assigned by the court;

(6) remain within a specified place; and

(7) support his dependents.

(f) The clerk of a court granting community-service probation shall promptly furnish the probationer with a written statement of the period and terms of the probation.

(g) Community-service work authorized pursuant to this section must be for any nonprofit organization that has agreed to accept community-service probationers and supervise and report on their work and whose services are provided to the general public and are designed to enhance the social welfare, physical or mental stability, environmental quality, or general well-being of the community.

(h) The court shall select community-service tasks that may be performed during hours the probationer is not working or attending school and that are within the probationer's capabilities. A probationer may not receive compensation for community-service work.

(i) On violation of a condition of community-service probation, the defendant may be arrested and detained as provided in Section 6 of this article. The defendant is entitled to a hearing limited to the determination by the court of whether it proceeds

with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After an adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation, and defendant's appeal continue as if the adjudication of guilt had not been deferred.

(j) On satisfactory completion by a probationer of the required amount of community-service work, if the court has not proceeded to adjudication of guilt, the court shall dismiss the proceedings against the defendant and discharge him. A dismissal and discharge under this section may not be deemed a conviction for the purposes of disqualifications or disabilities imposed by law for conviction of an offense, except that on conviction of a subsequent offense the fact that the defendant previously received community-service probation is admissible on the issue of penalty.

[Added by Acts 1979, 66th Leg., p. 2062, ch. 807, § 1, eff. Sept. 1, 1979.]

Acts 1979, 66th Leg., p. 1514, ch. 654, § 1, repealed former art. 42.13, as amended, and enacted a new art. 42.13 in lieu thereof. Section 2 of ch. 654 repealed Acts 1965, 59th Leg., ch. 164 and Acts 1979, 66th Leg., H.B. 588 (ch. 26). Section 3 of the Act provided:

"If any provision, section, or clause of this Act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision, section, or clause, and to this end the provisions of this Act are declared to be severable."

Prior to repeal and reenactment of this article by Acts 1979, 66th Leg., p. 1514, ch. 654, § 1, this article was amended by:

Acts 1975, 64th Leg., p. 910, ch. 341, § 5.
Acts 1977, 65th Leg., p. 822, ch. 306, § 3.
Acts 1977, 65th Leg., p. 1059, ch. 388, §§ 3, 4.
Acts 1979, 66th Leg., p. 952, ch. 428, § 31.
Acts 1979, 66th Leg., p. 1339, ch. 605, § 5.

(APPENDIX B)

APPENDIX B
Forms Utilized in Adult Probation Services

<u>Exhibit No.</u>	<u>Form</u>
1	Application for Supplemental Funding
2A	Application for Special Program Funding I
2B	Application for Special Program Funding II
3	Monthly Caseload Summary Report
4	Quarterly Financial Report
5	Monthly Worksheet for Direct Supervision Probationers
6	Assessment of Punishment
7	Conditions of Probation
8	Orientation for New Probationers
9	Gun Control Act of 1968
10A	Request for Change in Reporting Condition
10B	Change in Reporting Condition
10C	Motion to Alter Supervisory Fee
10D	Waiver of Probation Fee
10E	Request for Change in Residence and Reporting Conditions
10F	Change in Residence and Reporting Conditions
11	Intrastate Placement Request
12	Face Sheet
13	Intrastate Travel Permit
14	Interstate Placement Request
15	Out of State Travel Permit
16	Application for Compact Services

17 Agreement to Return
18 Progress and Conduct Reports
19 Interstate Report Special
20 Special Facts Progress and Conduct Report
21 Violation Report
22 Supplemental Report of Violation
23 Placement Investigation
24 Supplemental Placement Investigation Report
25 Arrival Notice
26 Pre-Sentence Report
27 Motion to Revoke Probation
28 Capias
29 Order Revoking Probation
30 Final Disposition Report
31 Report of Probation to TDPS
32 Order Releasing Defendant from Probation -
Misdemeanor Discharge
33 Order of Discharge by Court - Felony Discharge
34 Order Terminating Defendant's Probation -
Defendant Deceased.
35 Death Notice
36 Wanted - Flash - Cancellation Notice
37 Motion to Reduce Period of Probation
38 Order Reducing the Period of Probation
39 Order Reducing Sentence and Terminating Probation
40A Pre-Sentence Investigation Report - Long Uniform
Form

40B Pre-Sentence Investigation Report - Short Uniform
Form
40C PSIR Mini Uniform Format
40D PSIR Uniform Cover Sheet
40E Pre-Sentence Investigation Report - Uniform Worksheet
40F Client Information Sheet
40G Client Information Sheet (Spanish)
40H A Standard Operating Procedure for PSIR Cover
Sheet and Uniform Report Models
41A Authorization of Disclosure Notification Consent
Form
41B Consent for the Release of Confidential Information
42 Request Pertaining to Military Records
43 Defendant's Personal Data Sheet
44A Daily Worksheet
44B Completed Daily Worksheet
45 Officer's Monthly Statistical Report
46A Quarterly Report
46B Completed Quarterly Report

TEXAS ADULT PROBATION COMMISSION



APPLICATION FOR SUPPLEMENTAL FUNDING

(Please type or print information)	For information or assistance contact us at our TOLL-FREE phone number 1-800-252-9336
1. Judicial District Probation Department <i>(Name of Chief/Director, address, phone number)</i>	2. Judicial District Judge or Judges approving <i>(Name, address, phone number)</i>
3. Judicial District Fiscal Officer <i>(Name, address, phone number)</i>	
4. Budget for previous fiscal year ADULT SERVICES ONLY From: ___/___/___ Through ___/___/___ Amount: _____	5. Supplemental Funding Requested From: ___/___/___ Through: ___/___/___ Amount: _____

6. Narrative

Explain the unique problem or problems in this judicial district for which supplemental funding is requested.

Explain how the supplemental funding will assist this judicial district probation department in meeting minimum TAPC Standards and/or continue the current level of probation services. (attach continuation sheets if necessary)

APPLICATION FOR SUPPLEMENTAL FUNDING
INSTRUCTIONS

Cover Sheet.

1. Indicate the name, address and phone number of the chief or director appointed by the Judicial District Judge or Judges.
2. Indicate the name, address and phone number of the District Judge or Judges who approve TAPC information.
3. Indicate the name, address and phone number of the fiscal officer appointed by the District Judge or Judges.
4. Indicate the total amount allocated for the previous fiscal year for adult probation services and the inclusive dates of the budget.
5. Indicate the total amount of supplemental funding requested and inclusive dates of the request.
6. Self-explanatory.

Budget Form.

7. Summary of Budget Schedule. The Summary Budget Schedule is the summary document that provides, on one page, a category listing of expenses and methods of financing the expenses. The chief county should be identified for the judicial district. Multi-county districts should also list the additional counties in their districts in the appropriate block. All district courts being served by the probation department should be listed by court number. The person who actually prepared the budget should be listed in the appropriate block. This name provides the TAPC with a contact point if additional information is needed.

Supplies and Other Operating Expenses—This category will include all charges for supplies and miscellaneous expenses not recorded in other expense categories on this report.

Fiscal Services Fees—This category will include the fee paid to the county for bookkeeping services and those services concerning group insurance, retirement, and leave and holiday policies.

Training and Education—This category will include all travel, per diem and registration costs for training and education for department employees. This category should also include expenses and fees for consultants doing in-office training.

The amounts listed for the categories entitled salaries, fringe benefits, travel and contract services for probationers represent cumulative totals for detailed data provided in supporting schedules. For example, the total for the Supporting Schedule — Salaries should be the amount listed for the category entitled salaries. The total for the Supporting Schedule — Fringe Benefits should be the amount listed for the category entitled fringe benefits, etc. Indicate "None" by any expense categories not budgeted.

METHOD OF FINANCE

The second section of this schedule details the method of financing for the probation department program. The sources of revenue must be available to finance the expenses. The other revenue category, if included, should be identified by source and amount. If a probation department has more than one "other revenue" source, an additional sheet should be attached identifying each source and the amount to be received. Other revenue is defined as any revenue deposited into the adult probation fund not recorded as state aid or probation fees. One example would be interest on savings accounts or certificates of deposits. Again, it is necessary to include financial data for fiscal years 1979 and 1980. The totals for the method of finance section should equal the totals for the type of expense section.

WORKLOAD MEASURES

Workload measures are included in the third section of this schedule. The information recorded in this section will provide the TAPC with some mechanism to evaluate the probation department's program for cost effectiveness. The three measures listed should be completed with the appropriate numbers. Additional space has been provided for each department to list additional workload measures that may be unique to that department.

TYPE OF EXPENSE

The first section of this schedule is concerned with expenses. It will be necessary to provide estimated expenditures for fiscal year 1979 (September 1, 1978 – August 31, 1979). These estimates can be based on actual expenses paid thus far plus estimated expenses for the remainder of the year. Financial data for fiscal year 1980 (September 1, 1979 – August 31, 1980) should be budgeted for fiscal year 1980. Definitions of expenses are as follows:

Salaries—Base salary plus merit increases, longevity increases, and any other additions to base salary.

Fringe Benefits—Retirement, social security, worker's compensation, insurance, and etc.

Travel—Should represent all travel expenses including per diem and mileage for out-of-district trips. This category is completed when employee furnishes his own automobile. Air travel expenses should be included in this category. Travel expenses for training and education should not be included in this category.

Furnished Transportation—This category will be completed when the employees are furnished automobiles by the district or other source. Normal expenses shown in this category would include capital expenditures for automobiles, and operating expenses for gas, oil, tires, repairs and etc.

Contract Service for Probationers—Expenses recorded in this category will represent payments to other organizations for direct services rendered to probationers. Examples will include, but not be limited to, drug abuse programs, alcohol abuse programs, and psychological testing.

Professional Fees—This category will include payments made to professionals, in private practice, who provide direct services to probation departments rather than to probationers. Examples of these payments would be legal fees, accounting fees, and etc.

Supplies and Other Operating Expenses—This category will include all charges for supplies and miscellaneous expenses not recorded in other expense categories on this report.

4. **Supporting Schedule-Salaries.** This schedule will provide detailed information on salaries. There should be one line for each filled and vacant position in the probation department. This schedule will include administrator, supervising probation officers, and clerical support staff. The position title should be listed. If an employee is allocating eighty per cent (80%) or more of the employee's time to direct supervision of probationers, an "x" should be placed beside that position in the column entitled "80% of Time Allocated to Supervision." The annual salary for both 1979 and 1980 should be included. The salary for each position should include the base salary plus merit increases, longevity increases, and any other additions to base salary. Any new positions budgeted for fiscal year 1980 should be indicated by placing an "N" after the position title. If more than one page is needed, complete the total block only on the last page. The totals for this supporting schedule should be included in the Summary Budget Schedule in the Salaries Category.
5. **Supporting Schedule-Fringe Benefits.** This schedule will provide detailed information on fringe benefits paid by the district probation fund. Data should be provided for fiscal years 1979 and 1980. Each department should complete the data for any of the listed benefits paid by that particular department. If a probation department pays fringe benefits other than the ones listed, complete the lines entitled "other" and identify the benefit. The totals for this supporting schedule should be included in the Summary Budget Schedule in the fringe benefits category.
6. **Supporting Schedule-Travel.** This schedule will provide detailed information about travel. Information should be provided for both fiscal years 1979 and 1980. Please allocate your travel costs to the two categories provided in the schedule. Per diem costs are those associated with hotel/motel and meal costs. The totals for this supporting schedule should be included in the Summary Budget Schedule in the travel category.
7. **Supporting Schedule-Contract Services.** This schedule will provide detailed information about contract services purchased for the probationers. Examples would be alcohol abuse programs and psychological tests. List each contractor on a separate line and indicate the type of service provided. Information should be completed for both 1979 and 1980. If more than one page is needed, complete the total block only on the last page. The totals for this schedule should be included in the Summary Budget Schedule in the contract services for probationers category.

8. Supporting Schedule-County Contributions. This schedule will provide supplemental information about the continuing support of the Counties in the adult probation area. This schedule should be completed for fiscal year 1980 only. List each equipment item and its approximate cost which the adult probation department has requested the county to purchase during fiscal year 1980 (September 1, 1979 – August 31, 1980). The total for this schedule is not included in the Summary Budget Schedule. In order for the TAPC to more accurately estimate the cost of facilities and utilities, complete the block for the approximate amount of square footage the adult probation department will occupy during fiscal year 1980.

SUMMARY BUDGET SCHEDULE

Chief County:	Additional Counties:	District Courts Served:	Prepared By:
---------------	----------------------	-------------------------	--------------

TYPE OF EXPENSE	ESTIMATED EXPENSES FOR 1979 9/1/78 – 8/31/79	BUDGETED EXPENSES FOR 1980 9/1/79 – 8/31/80
Salaries	\$	\$
Fringe Benefits		
Travel		
Furnished Transportation		
Contract Services for Probationers		
Professional Fees		
Supplies and other Operating Expenses		
Fiscal Services Fee		
Training and Education		
TOTAL	\$	\$

METHOD OF FINANCE	ESTIMATED FOR 1979 9/1-78 – 8/31/79	BUDGETED FOR 1980 9/1/79 – 8/31/80
State Aid — Per Capita	\$	\$
State Aid — Supplemental Funding		
Probation Fees Collected		
Other Revenue _____		
TOTAL	\$	\$

WORKLOAD MEASURES	1979 9/1/78 – 8/31/79	1980 9/1/79 – 8/31/80
Number of Training Hours Accomplished		
Average Caseload Per Officer		
Number of Pre-Sentence Investigations Written		

SUPPORTING SCHEDULE - COUNTY CONTRIBUTIONS

FISCAL YEAR 1980

EQUIPMENT ITEM	APPROXIMATE COST
	\$
TOTAL	\$

Approximate floor space of adult probation department: _____ Square Feet

TEXAS ADULT PROBATION COMMISSION



APPLICATION FOR SUPPLEMENTAL FUNDING

The preceding request for Supplemental Funding is made to the Texas Adult Probation Commission (TAPC) pursuant to Fund Distribution Standards 608.02.020 (2) for Judicial District Adult Probation Departments who cannot meet standards due to unique problems and lack of adequate funds.

Funds requested for salary increases, if any, are in compliance with the TAPC objectives and standards (608.01.010 (c), (f)). Salaries of probation officers, solely responsible for the supervision of probationers, are no more than the suggested classification plan based on the state classification plan effective September 1, 1979 for parole officers.

CHIEF ADULT PROBATION OFFICER

FISCAL OFFICER

JUDGE



APPLICATION FOR SPECIAL PROGRAM FUNDING

This application is to be utilized by judicial districts planning to obtain Special Program Funding from the TAPC for programs which are traditionally associated with probation services. The brevity of this application is intended to reduce the amount of paper work to be performed by the applicants without reducing the quality of information necessary for appropriate accountability. You are asked to address each of the items listed below and organize your presentation in the suggested order. Provide enough information which will enable the TAPC to conduct a comprehensive analysis of your proposal. The attached cover page, authorization page and budget page are to be utilized in making application. You are encouraged to contact staff of the Program Services Division for additional assistance regarding the Special Program Funding policies and procedures, if you should need such assistance.

1. State concisely the problem being addressed by this application and the resources needed to solve the problem.
2. List the objectives of the program. These objectives should be measurable so as to assist the judicial district in its review/evaluation of the program and the TAPC when it monitors the program.
3. Describe how the judicial district plans to implement the program in order to achieve the objectives. This discussion of the operating activity should include but is not limited to: who will perform the activities, where the program will operate, what will be done, what is the implementation schedule, and what criteria will be used to determine the success or failure of the program.
4. Present information explaining the items on the program budget page.
5. Provide the endorsements of the Chief Adult Probation Officer, the Fiscal Officer and the District Judge.

TAPC

TEXAS ADULT PROBATION COMMISSION



APPLICATION FOR SPECIAL PROGRAM FUNDING

Name, address, telephone no. of applicant:	Program Director: (name, address, telephone no.)
Program title:	Judicial districts and counties served:
Period and amount of request: From ___/___/___ Through ___/___/___ Amount \$ _____	Will funding from sources other than TAPC be available for any part of this program? _____ (if yes, identify)
Date of application:	

Summary: (Present a concise and specific summary of the proposal)

PROGRAM BUDGET

PROGRAM TITLE: _____

PERIOD OF PROPOSED PROGRAM BUDGET REQUEST: From _____ Through _____

PROPOSED PROGRAM BUDGET

	TAPC Special Program Funding	Judicial District Funds	County Funds	Other Funds	Total Cash	Contributed Services/ Resources	Total Program Budget
PERSONNEL							
Wages							
Fringe Benefits							
Professional and Contract Services							
NON-PERSONNEL							
Facilities							
Utilities							
Equipment							
Consumable Supplies							
Operating Expenses							
Travel							
Indirect Cost							
Other							
TOTAL							

B-21

TAPC

TEXAS ADULT PROBATION COMMISSION



APPLICATION FOR SPECIAL PROGRAM FUNDING

The preceding request for Special Funding is made to the Texas Adult Probation Commission (TAPC) pursuant to Fund Distribution Standards 608.02.00.020 for Judicial District Adult Probation Departments who demonstrate a need for special projects.

Funds requested for salary increases, if any, are in compliance with TAPC objectives and standards (608.01.010 (c) (f)). Salaries of probation officers, solely responsible for the supervision of probationers, are no more than the suggested classification plan based on the state classification plan effective September 1, 1979 for parole officers.

CHIEF ADULT PROBATION OFFICER

FISCAL OFFICER

JUDGE

Exhibit 2B

TEXAS ADULT PROBATION COMMISSION



APPLICATION FOR SPECIAL PROGRAM FUNDING

TAPC

Name, address, telephone no. of applicant:	Program Director: (Name, address, telephone no.)
Program title:	Judicial Districts and Counties served:
Period and amount of request: From ___/___/___ Through ___/___/___ Amount \$ _____	Will funding from sources other than TAPC be available for any part of this program? _____ (If yes, identify)
Date of application:	

Summary: (Present a concise and specific summary of the proposal identifying the problem being addressed, the need, and resources required to fill the need. The primary objectives of the program should be presented as well as the projected costs. Do not exceed the provided space.)

TAPC USE ONLY:
APPLICATION No. _____ ACTION DATE: _____ APPROVED PROGRAM NO. _____
Action taken: awarded ___; rejected ___; returned for amendment ___; deferred ___; withdrawn ___;
COMMENT:



INTRODUCTION

This section of your application should include, when appropriate, information and data pertinent to:

- 1) The background of the program, including reference to literature and research efforts relating to this type of program;
- 2) The justification and assessment of need, i.e., has this type of program been attempted previously and if so, with what degree of success;
- 3) Criminal justice statistics relating to this program and peculiar to the region which this project will serve;
- 4) Your past experience in this program area;
- 5) Other similar resources/programs available in your region;
- and 6) The local support generated for this project, i.e., letters of endorsement from judges or other elected officials, persons involved with other segments of the criminal justice system, and community or business leaders. Add continuation pages as needed.



PROBLEM ADDRESSED AND GENERAL PROGRAM DESCRIPTION

This section of your application should be presented in two parts. Part 1 must include a concise statement of the problem being addressed by the proposed program and a presentation of relevant statistics and data documenting the problem. Part 2 must provide a general description of the program, including anticipated results and long range goals. Add continuation pages as needed.

TAPC



APPLICATION FOR SPECIAL PROGRAM FUNDING

PROGRAM OBJECTIVES

The program objectives should state what you hope to accomplish within the time frame of the proposed program. Each objective should have a specific measurable outcome which relates to the problem statement. The objectives should be stated concisely. Supporting narrative should be included only if an explanation is necessary. Add continuation pages as needed.

TAPC



APPLICATION FOR SPECIAL PROGRAM FUNDING

PROGRAM OBJECTIVES

The program objectives should state what you hope to accomplish within the time frame of the proposed program. Each objective should have a specific measurable outcome which relates to the problem statement. The objectives should be stated concisely. Supporting narrative should be included only if an explanation is necessary. Add continuation pages as needed.



APPLICATION FOR SPECIAL PROGRAM FUNDING

OPERATING ACTIVITY

This section of your application should describe how you plan to implement the program in order to achieve the stated objectives which relate to solving the problem. You should substantiate your choice of methods employed in achieving the objectives, i.e., state why these methods will work better than other methods of a similar nature. This discussion should: 1) identify those persons who will participate in the program and how they are to be selected; 2) identify who will provide the service, include resumes of persons already chosen and job descriptions or qualifications required for other positions; 3) describe where the service will be provided, i.e., the community setting or location of this program; 4) identify the resources which will be utilized in the program; 5) describe a typical process in which a participant would be involved, for example, a training curriculum or a schedule of the program in a court residential center; 6) present a plan identifying coordination with other groups or agencies which will also provide services for persons involved in the proposed program; and 7) present an implementation schedule. Add continuation pages as needed.

PROGRAM BUDGET

PROGRAM TITLE: _____

PERIOD OF PROPOSED PROGRAM BUDGET REQUEST: From: _____ Through: _____

PROPOSED PROGRAM BUDGET

B-29

	TAPC Special Program Funding	Judicial District Funds	County Funds	Other Funds	Total Cash	Contributed Services/ Resources	Total Program Budget
PERSONNEL							
Wages							
Fringe Benefits							
Professional and Contract Services							
NON-PERSONNEL							
Facilities							
Utilities							
Equipment							
Consumable Supplies							
Operating Expenses							
Travel							
Indirect Cost							
Other							
TOTAL							



BUDGET NARRATIVE

Present an explanation of each item of the project budget demonstrating the basis for arriving at the cost of each item. The explanation of the personnel item should include a list of all participants -- professional and non-professional -- by functional title. Estimate the amount of time per week which each professional and non-professional person will devote to the program. Include in this narrative a description of cash or in-kind contributions made by the grantee, foundations, state or local agencies, volunteers or other groups or organizations. Add continuation pages as needed.



EVALUATION

In this section of your application you should identify the factors you will consider in determining the success or failure of your program. Also you should determine the format of the progress reports you will submit to the TAPC quarterly which will reflect the success or failure the program has experienced in attempting to achieve the objectives. Add continuation pages as needed.

TAPC

TEXAS ADULT PROBATION COMMISSION



APPLICATION FOR SPECIAL PROGRAM FUNDING

The preceding request for Special Funding is made to the Texas Adult Probation Commission (TAPC) pursuant to Fund Distribution Standards 608.02.00.020 for Judicial District Adult Probation Departments who demonstrate a need for special projects.

Funds requested for salary increases, if any, are in compliance with TAPC objectives and standards (608.01.010 (c), (f)).

CHIEF ADULT PROBATION OFFICER

FISCAL OFFICER

JUDGE

Exhibit 3
TEXAS ADULT PROBATION COMMISSION
MONTHLY WORKLOAD SUMMARY REPORT

(Please Type or Print Information) For Information or assistance contact us at our TOLL FREE phone number 1-800-252-9336

I. General Information

Name of Chief Probation Officer

Telephone Number

(Last Name)

(First Name, Middle Initial)

(Area Code)

(Number)

Address

(P.O. Box or Street or Building)

(City)

(County)

(Zip)

II. Data on last working day of:

Felonies

Misdemeanors

Total

Table with 4 columns: Category, Felonies, Misdemeanors, Total. Rows include: A. Adults receiving supervision (A=B+C+D), B. Adults receiving DIRECT supervision (B=B1+B2+B3), C. Adults receiving INDIRECT supervision (C=C1+C2+C3+C4+C5), D. Adults receiving supervision by your department because of court-ordered PRE-TRIAL RELEASE or PRE-TRIAL DIVERSION, E. Adults now on "SHOCK PROBATION" with your department, F. Adults placed on probation by courts outside of Texas and transferred to your department for supervision.

III. Transactions occurring during the month of:

Felonies

Misdemeanors

Total

Table with 4 columns: Category, Felonies, Misdemeanors, Total. Rows include: G. Adults added to your caseload during this month (G=G1+G2+G3), H. Adults subtracted from your caseload this month (H=I+J+K+L), I. Termination/discharge of successful probationers by your courts this month (I=I1+I2), J. Termination/discharge of unsuccessful probationers by your courts this month (J=J1+J2+J3), K. Termination/discharge of probationers this month by reason of their death, L. Administrative closures by your department this month (L=L1+L2), M. Number of written pre-sentence investigations completed during this month.

IV. Certification

Signature of Chief Probation Officer

Date

Signature of District Judge

Date

REPORT DUE:

MONTHLY WORKLOAD SUMMARY REPORT DEFINITIONS

LINE	LINE ITEM	EXPLANATION OF ITEM
A.	Adults receiving supervision (A=B+C+D)	Total number of adults receiving supervision. The three kinds of supervision are: DIRECT, INDIRECT, and PRE-TRIAL RELEASE.
B.	Adults receiving DIRECT supervision (B=B1+B2+B3)	Total number of adults receiving DIRECT supervision. Refer to Standard .040 (c) (1).
B1.	Adults receiving MAXIMUM supervision	Refer to Standard .040 (c) (1) (A).
B2.	Adults receiving MEDIUM supervision	Refer to Standard .040 (c) (1) (B).
B3.	Adults receiving MINIMUM supervision	Refer to Standard .040 (c) (1) (C).
C.	Adults receiving INDIRECT supervision (C=C1+C2+C3+C4+C5)	Total number of adults receiving INDIRECT supervision. Refer to Standard .040 (c) (2).
C1.	Adults placed on probation by your courts and transferred to another jurisdiction in Texas for supervision.	Total number of adults who have been placed on probation by your courts and then transferred to another jurisdiction in Texas for supervision. DO NOT count adults transferred back to their original jurisdiction (that is, adults whose "courtesy supervision" ended).
C2.	Adults placed on probation by your courts and transferred to another jurisdiction outside of Texas for supervision.	Total number of adults who have been placed on probation by your courts and then transferred to another jurisdiction outside of Texas for supervision. DO NOT count adults transferred back to their original jurisdiction (that is, adults whose "courtesy supervision" ended).
C3.	Adults residing and/or working in your jurisdiction	Number of adults residing and/or working in your jurisdiction but who for one reason or another are not receiving DIRECT supervision or PRE-TRIAL RELEASE supervision by your department.
C4.	Absconders	Number of adults who have left your jurisdiction without authorization to avoid supervision. Include those adults where your efforts to make personal contact have been unsuccessful for three months or more.
C5.	Others	Number of adults receiving INDIRECT supervision but who do not fit into categories already defined. This includes adults being supervised by your department but who do not live or work in your jurisdiction.
D.	Adults receiving court-ordered PRE-TRIAL RELEASE or PRE-TRIAL DIVERSION supervision	Number of adults receiving court-ordered supervision prior to trial. Persons receiving court-ordered supervision after trial has begun should be included in DIRECT or INDIRECT categories of supervision.
E.	Adults now on "SHOCK PROBATION" with your department	Refer to C.C.P. 42.12 Sec. 3e and C.C.P. 42.13 Sec. 3e. Count adults only after they have been recalled from incarceration to your department for supervision. Individuals counted here must currently be receiving either DIRECT or INDIRECT supervision.
F.	Adults placed on probation by courts outside of Texas and transferred to your department for supervision	Total number of adults placed on probation by courts outside of Texas and transferred to your department for supervision. Individuals counted here must currently be receiving either DIRECT or INDIRECT supervision.
G.	Adults added to your caseload during this month (G=G1+G2+G3)	Total number of adults added to your caseload during this month.
G1.	Adults placed on probation by your courts	Number of adults placed on probation by your courts this month.
G2.	Adults transferred-in for supervision	Number of adults transferred-in to your jurisdiction for supervision this month from other jurisdictions.
G3.	Others	Number of adults you began supervising this month who do not fit into the categories already defined. This includes adults placed under PRE-TRIAL RELEASE supervision by your courts this month.
H.	Adults subtracted from your caseload this month (H=H1+H2+H3)	Total number of adults subtracted from your caseload this month.
I.	Termination/discharge of successful probationers by your courts this month (I=I1+I2)	Total number of terminations/discharges of successful probationers by your courts this month.
I1.	Early terminations/discharges	Number of adults successfully completing probation by receiving early termination or early discharge from your courts for good behavior (probationers terminated because of death belong in K).
I2.	Expiration of probation	Number of adults successfully completing probation this month who did not receive early discharge and who were not recidivists as described in J3.
J.	Termination/discharge of unsuccessful probationers by your court this month (J=J1+J2+J3)	Total number of terminations/discharges of unsuccessful probationers by your courts this month.
J1.	Revoked and incarcerated at TDC	Number of probationers revoked this month by your courts and physically incarcerated or awaiting incarceration in Texas Department of Corrections (TDC). Do not include cases on appealing incarceration in Texas Department of Corrections (TDC). Do not include cases on appealing incarceration in Texas Department of Corrections (TDC).
J2.	Other revocations	Number of probationers revoked this month by your courts and physically incarcerated in an institution other than TDC (such as Texas county jail, federal prison or prison/jail in other state). Also include probationers who were revoked and fined only. Do not include cases on appeal.
J3.	Other negative terminations	Number of recidivist probationers whose probation expired this month while they were incarcerated due to conviction for a subsequent offense. Also include recidivist probationers whose probation was terminated (but not revoked) by reason of conviction and incarceration for a subsequent offense. Also include probationers who were terminated without full restoration of rights ("dishonorable discharge").
K.	Termination/discharge of probationers this month by reason of their death	Number of probationers whose supervision was terminated by your courts this month by reason of death of the probationer.
L.	Administrative closure by your department this month (L=L1+L2)	Total number of adults removed from your caseload this month by action of your department (and not action by your courts).
L1.	Return of courtesy supervision	Number of adults removed from your caseload this month (by action of your department not your courts) by transfer of supervision back to the department of original jurisdiction.
L2.	Others	Number of adults removed from your caseload this month (by action of your department not your courts) who do not fit into category L1.
M.	Number of written pre-sentence investigations completed during this month	Number of written pre-sentence investigations completed during this month by your department and submitted to your courts.

Exhibit 4
Texas Adult Probation Commission

Quarterly Financial Report

Chief Fiscal Officer _____ Report Due _____
Chief County _____ Quarter Ending _____

For information or assistance contact Fiscal Services Division at our Toll-Free number 1-800-252-9336.

a.	Adult Probation Fund Balance at _____	
REVENUES:		
b.	State Aid - Per Capita	
c.	State Aid - Supplemental Funding	
d.	State Aid - Special Program Funding.....	
e.	Probation Fees Collected.....	
f.	Other Revenue.....	
g.	Total Revenue (add b + c + d + e + f).....	
h.	Total Funds Available (add a + g).....	
EXPENSES:		
i.	Salaries.....	
j.	Fringe Benefits.....	
k.	Travel.....	
l.	Furnished Transportation.....	
m.	Contract Services for Probationers.....	
n.	Professional Fees.....	
o.	Supplies and Other Operating Expenses.....	
p.	Fiscal Services Fee.....	
q.	Total Expenses (add i + j + k + l + m + n + o + p).....	
r.	Adult Probation Fund Balance at _____ (h - q).....	

Signature of Chief Fiscal Officer _____ Date _____

SEE DEFINITIONS ON BACK

IN THE _____ JUDICIAL DISTRICT COURT OF _____ COUNTY, TEXAS
No. _____ THE STATE OF TEXAS VS. _____

ASSESSMENT OF PUNISHMENT

On this the _____ day of _____ A.D., 19____, the cause herein being again called for the purpose of the Court assessing punishment, the State appeared by her District Attorney and the defendant _____, appeared in person, h_____ counsel, _____, also being present and the Court having heard all of the evidence for the State and for the defendant presented for the purpose of assessing punishment, and having heard argument of counsel, is of the opinion and so finds the punishment of the said defendant should be fixed at confinement in the _____, for a period of _____.

It is therefore CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court that the defendant _____, is guilty of the offense of _____ as found from the evidence previously presented and that _____ he be punished as had been determined by the Court by confinement in the _____ for a period of _____.

However, the defendant having made application for probation, the Court is of the opinion and so finds, that the end of justice and the best interest of both the public and the defendant will be subserved if the imposition of the sentence in this cause be suspended and the defendant be placed on probation under the supervision of the Court.

It is therefore ORDERED by the Court that the imposition of the sentence in this cause be, and the same is hereby suspended during the good behavior of the defendant, and the defendant _____ is hereby placed on probation for the term of _____ beginning on this date under the supervision of the Court and the duly appointed and acting Adult Probation Officer of _____, County, Texas subject to the following conditions of probation, viz: that during the term of probation, the defendant shall:

1. Obey all orders of the Court and the Probation Officer;
2. Commit no offense against the laws of this or any State or of the United States;
3. Avoid injurious or vicious habits (including the use of narcotic or habit forming drugs and alcoholic beverages);
4. Avoid persons or places of disreputable or harmful character (including the act of frequenting or going about places where intoxicating beverages are sold);
5. Report to the Probation Officer as directed, to-wit:
6. Permit the Probation Officer to visit _____ at _____ home or elsewhere;
7. Work faithfully at suitable employment as far as possible, subject to the approval of the Court and/or the Probation Officer;
8. Do not change employment or place of residence without the permission of the Probation Officer;
9. Remain within _____ County, Texas, unless permitted to depart by the Court and/or Probation Officer;
10. Support _____ dependents;
11. Pay _____ fine, if one be assessed, and the costs of Court, in one or several sums, and make restitution or reparation in any sum that the Court shall determine, to-wit: \$ _____ restitution; \$ _____ fine; \$ _____ cost; totaling \$ _____ in payments of \$ _____ each month starting 30 days from this date, to _____ County Adult Probation Department.

The Court further advised the Defendant that _____ he has the legal right of appeal from this conviction to the Court of Criminal Appeals of Texas, and also the right to be represented on appeal by an attorney of h_____ own choice or if too poor to pay for such attorney or the record on appeal, the Court will, without expense to h_____ with an attorney and a proper record of such an appeal.

APPROVED AS TO FORM:

STATE'S ATTORNEY

PRESIDING JUDGE

GENERAL:

This worksheet is to be prepared monthly by each probation officer supervising probationers that are classified as Direct. The worksheet will aid the officer in tracking significant actions as they occur. At the end of the month, the officer will have a ready total for statistical information that is needed for the Texas Adult Probation Commission's "Monthly Workload Summary Report".

Additionally, the completed worksheet will provide an audit trail between the "Monthly Workload Summary Report" and the officer's case records which should contain a chronological recording of all significant actions, decisions, services rendered and periodic evaluations to support those probationers claimed as "Direct" for payment. Ideally, the worksheet should be a valuable management tool for the officer.

SPECIFIC:

COLUMN	INSTRUCTIONS
Number:	Merely sequence your entries; 1, 2, 3, etc.
Probationer Name:	Use full name.
Level of Direct Assigned:	Check appropriate box for probationer's assigned level of supervision and whether on felony or misdemeanor probation. (A probationer can be counted only once for payment purposes. If a probationer is concurrently on felony and misdemeanor probation and/or several concurrent felony or misdemeanor probations, you can only count the probationer in one instance. The basis for payment is individual probationers and not the number of cases.)
Works and/or Resides in Jurisdiction?: (TAPC Standards-Rule .040 CI -Supervision)	Indicate "W" for Work and/or "R" for Resides.
Form of Contact: (TAPC Standards-Rule .040 CI A, B, and C-Supervision)	Check applicable box for the form that the actual contact with the probationer took place. OV = Office visit by probationer. FV = Field Visit (to include home or job visits; generally, in the community-type visits) to probationer. PC = Phone Call to probationer. MR = Mail-in Report by probationer.
Termination Date of Probation:	Date as per "Conditions of Probation"

Cross-Reference to Chrono: (TAPC Standards-Rule .030 e - Case Records)

This column should serve as a self-check to the Probation Officer to insure that as significant actions are logged that the "narrative" of such actions are recorded in the probationer's chrono (case record).

Merely check off the column "AFTER THE NARRATIVE HAS BEEN RECORDED".

Last Reporting Date:

Enter the date that the probationer last reported in person "TO" the probation office.

This information should serve as a ready reference as to when the probationer is to report next dependent upon his level of supervision.

Comments:

If more space is needed, attach additional sheets. Key your additional sheets; for example, within the "Comments" section indicate a reference such as "See Note 1" and label the respective comments as "Note 1", etc.

HEADINGS:

For the Month of: 1979

Self-Explanatory

Officer/County/City:

Self-Explanatory

Page of Pages:

If three copies of the report are utilized by the Probation Officer, the first page will be 1 of 3, the second page will be 2 of 3 and the third page will be 3 of 3, etc.

Sub-totals this Page:

Add the number of check marks in each sub-column of Column 3 and enter each sub-column totals in its respective box.

Preceding Page Totals:

EXAMPLE - Page 1 of worksheet will be 0;
Page 2 will have totals from Page 1.
Page 3 will have totals from Page 2.
Etc.

Probation Officer Signature:

Sign all worksheets.

Date Signed:

Enter date of last working day in this month.

Exhibit 7

No. _____

THE STATE OF TEXAS
VS.

IN THE _____ the JUDICIAL DISTRICT COURT
OF

_____ COUNTY, TEXAS

CONDITIONS OF PROBATION

In accordance with the authority conferred by the Adult Probation and Parole Law of the State of Texas, you have been placed on probation this date, _____ for a period of _____ by the Honorable _____, Judge _____ th Judicial District Court of _____ County, Texas. It is the order of the Court that you shall comply with the following conditions of probation:

1. Commit no offense against the laws of this State or of any other State or of the United States;
2. Avoid injurious or vicious habits;
3. Avoid persons or places of disreputable or harmful character;
4. Report to the probation officers as directed by the judge or probation officers and obey all rules and regulations of the probation department;
5. Permit the probation officers to visit him at his home or elsewhere;
6. Work faithfully at suitable employment as far as possible;
7. Remain within a specified place;
8. Pay his fine, if one be assessed, and all court costs whether a fine be assessed or not, in one or several sums, and make restitution or reparation in any sum that the court shall determine;
9. Support his dependents;
10. Participate in any community-based program;
11. Reimburse the county in which the prosecution was instituted for compensation paid to appointed counsel for defending him in the case, if counsel was appointed, or if he was represented by a county-paid public defender;
12. Remain under custodial supervision in a community-based facility, obey all rules and regulations of such facility, and pay a percentage of his income to the facility for room and board;
13. Pay a percentage of his income to his dependents for their support while under custodial suspension in a community-based facility; and
14. Pay a percentage of his income to the victim of the offense, if any, to compensate the victim for any property damage or medical expenses sustained by the victim as a direct result of the commission of the offense.

You are hereby advised that under the law of this State, the Court shall determine the terms and conditions of your probation, and may at any time during the period of probation, alter or modify the conditions of your probation. The Court also has the authority at any time during the period of your probation to revoke your probation for violation of any of the conditions set out above.

Witness our signature this _____ day of _____, 19 _____

Probation Officer

Presiding Judge

Defendant's Receipt

Receipt is hereby acknowledged on the date of entry hereof, of one copy of above CONDITIONS OF PROBATION

Defendant

Exhibit 8

ADULT PROBATION DEPARTMENT

ORIENTATION FOR NEW PROBATIONERS

If the Court grants your probation you will be expected to attend the next orientation session following your appearance before the Court. The session will be held in _____
The date you are to attend is _____, 19____, at _____
The program usually lasts until approximately _____.

While you were receiving probation you may have wanted to ask certain questions about your probation but perhaps were uncertain about whom to ask and/or when to ask the question. Orientation provides an opportunity for you:

- A. To see a film concerning prison life;
- B. To hear explanations of your conditions of probation;
- C. An opportunity to listen to people who have community-based programs for which you and your family may have a need;
- D. Written and verbal review of Federal Gun Control Act of 1968 and;
- E. A Criminal District Judge of whom you may ask any question concerning your probation.

It is believed that if you understand exactly what is expected of you, a much better relationship can exist between you and your probation officer and the agencies with which you might become involved

ACKNOWLEDGMENT

I HEREBY ACKNOWLEDGE THAT I HAVE COMPLIED WITH THE INSTRUCTIONS GIVEN TO ME TO ATTEND THE ORIENTATION SESSION FOR NEW PROBATIONERS, THAT I FULLY UNDERSTAND THE CONDITIONS OF PROBATION, HAVE BEEN MADE AWARE OF THE SERVICES AVAILABLE TO ME, AND ACCEPT THE RESPONSIBILITY DURING THE TERM OF MY SENTENCE.

SIGNED: _____

DATE: _____

THIS ACKNOWLEDGMENT TO BE DETACHED AT THE DASH LINE AND IT WILL BE PICKED UP AT THE CLOSE OF THE ORIENTATION SESSION FOR RETURN TO THE OFFICE OF PROBATION OFFICER

JUDICIAL DISTRICT ADULT PROBATION DEPARTMENT
GUN CONTROL ACT OF 1968

Having been placed on Adult Probation, it is important for you to be aware of and understand significant laws which can affect your future. The following information is a summary of the Gun Control Act of 1968 and a statement of the policy of the _____ Judicial District Adult Probation Department.

Under the Federal Gun Control Act of 1968, it is unlawful for any person who:

1. is under indictment for, or who has been convicted in any Court of a crime punishable by imprisonment for a term exceeding one year (The term "crime punishable by imprisonment for a term exceeding one year" shall not include, (a) any Federal or State offenses pertaining to anti-trust violation, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or (b) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less);
2. is a fugitive from justice;
3. is an unlawful user of marijuana, or any depressant or stimulant drugs, or is addicted to any drug or narcotic;
4. has been adjudicated as a mental defective or has been committed to a mental institution;
5. has been discharged from the Armed Forces under dishonorable conditions;
6. having been a citizen of the United States, has renounced his citizenship; or
7. is an alien illegally or unlawfully residing in the United States.

To PURCHASE, RECEIVE, OR POSSESS ANY FIREARM.

The applicability of this regulation to you is that:

1. From the date of your indictment, it is in violation of the Gun Control Act for you to PURCHASE, RECEIVE, POSSESS or TRANSPORT in interstate or foreign commerce, ANY firearm, ammunition, or ANY type of explosive device.
2. Travel Permits will not be issued to any probationer for the purpose of hunting or any other sporting event involving the use of firearms.
3. In order to insure you DO NOT violate the Gun Control Act, any firearms owned prior to indictment SHOULD NOT be removed from your home.

The termination of probation DOES NOT automatically relieve you of the disabilities incurred under this act. The removal of disabilities may be approved ONLY after formal written application is made to the,

Assistant Regional Commissioner; Alcohol, Tobacco, and Firearms
Internal Revenue Service, 1114 Commerce St., Dallas, Texas 75222

Upon written application, you will be mailed the necessary forms. A full investigation will be completed prior to the approval or disapproval of your application.

I acknowledge that the above information has been explained to me and further that I have received a copy of same this _____ day of _____, 19____.

(Probation Officer)

(Probationer)

REQUEST FOR CHANGE IN REPORTING CONDITION

No. _____

THE STATE OF TEXAS
VS. _____

IN THE DISTRICT COURT OF
_____ COUNTY, TEXAS
_____ JUDICIAL DISTRICT

TO SAID HONORABLE COURT:

Now comes _____ and shows that on the _____ day of _____, 19____, in the above cause, _____ he was adjudged guilty of the offense of _____, and h_____ punishment was assessed at confinement in the Texas Department of Corrections for a term of _____ years, however, the pronouncement of sentence was suspended and defendant was placed on probation for said period of _____ years.

Defendant herein requests that condition (d) of the judgement placing h_____ on probation be amended to read: "(d) Report to the Adult Probation Officer of _____ County, Texas at h_____ office in _____ on the _____ of each month at _____ o'clock _____ M., beginning in the month of _____, continuing to so report during the term of h_____ probation; and, that _____ he also report to such Probation Officer at such other times as such Probation Officer shall require h_____."

Applicant (Defendant)

Sworn to and subscribed before me by the said _____ this the _____ day of _____, 19____.

Notary Public in and for

_____ County, Texas

Reviewed and Recommended by:

Adult Probation Officer

CHANGE IN REPORTING CONDITION

No. _____

THE STATE OF TEXAS
VS. _____

IN THE DISTRICT COURT OF
_____ COUNTY, TEXAS
_____ JUDICIAL DISTRICT

ORDER AMENDING CONDITIONS OF PROBATION

Date: _____, 19____

On the above date, the Court having considered defendant's request to have the conditions of h_____ probation amended in certain respects, it is ordered that such permission to change h_____ reporting be and the same is hereby granted, and that the judgement of this Court rendered on the _____ day of _____, 19____, wherein said defendant was found guilty of the offense of _____ and h_____ punishment assessed at confinement in the Texas Department of Corrections for a term of _____ years, probated, be and the same is hereby amended by changing condition of probation (d) in said judgement such that same shall be and read, respectively, as follows, to wit:

(d) Report to the Adult Probation Officer of _____, at h_____ office in _____, on the _____ of each month at _____ o'clock _____ M., beginning in the month of _____ continuing to so report during the term of this probation; and that _____ he also report to such Probation Officer at such other times as such Probation Officer shall require of h_____.
As so amended said judgement shall be and remain in full force and effect.

Judge Presiding

IN THE _____th JUDICIAL DISTRICT COURT OF _____ COUNTY, TEXAS
NO. _____ THE STATE OF TEXAS VS.

MOTION TO ALTER SUPERVISORY FEE

TO THE HONORABLE JUDGE OF SAID COURT

NOW COMES _____, defendant, and _____ h_____ Probation Officer, stating that the defendant is financially unable to pay \$10.00 per month supervisory fee but would show the Court that the defendant is able to pay the amount of \$_____ per month, and would ask the Court to reduce the Supervisory Fee to said amount.

PROBATIONER

PROBATION OFFICER

ORDER GRANTING MOTION TO ALTER SUPERVISORY FEE

On this the _____ day of _____ A.D. 19____, came on to be heard the above and foregoing motion and it appearing to the Court that the same should be granted it is therefore;

ORDERED, AD JUDGED AND DECREED that the above motion to alter supervisory fee is granted and the fee is hereby reduced to \$_____ per month.

JUDGE, _____th JUDICIAL DISTRICT COURT
_____ COUNTY, TEXAS

No. _____

THE STATE OF TEXAS
VS.

DISTRICT COURT
COUNTY, TEXAS

_____ TERM _____

Condition (j) of the Orders of Probation in the above named and numbered case requiring Probation fee in the amount of \$ _____ monthly, is hereby waived for the month or months of _____

JUDGE

DISTRICT COURT

I hereby swear that I am unable to make the Probation Fee Payment for the month or months of _____

Recommend waiver of Probation Fee Payment for the month or months of _____

Probation Officer

DISTRICT COURT

REQUEST FOR CHANGE IN RESIDENCE AND REPORTING CONDITIONS
NO. _____

THE STATE OF TEXAS
VS.

IN THE DISTRICT COURT OF
_____ COUNTY, TEXAS
_____ JUDICIAL DISTRICT

TO SAID HONORABLE COURT:

Now comes _____ and shows that on the _____ day of _____, 19____, in the above cause, _____ he was adjudged guilty of the offense of _____ and h_____ punishment was assessed at confinement in the Texas Department of Corrections for a term of _____ years, however, the pronouncement of sentence was suspended and defendant was placed on probation for said period of _____ years.

This applicant desires to absent h_____ self from _____ County, Texas, and to maintain h_____ residence in _____.

Defendant therefore requests that _____ he be allowed to so remove h_____ residence and that condition (d) of the judgement placing h_____ on probation be amended to read: "(d) Report to the Adult Probation Officer of _____, at h_____ office in _____ on the _____ of each month at _____ O'clock _____ M., beginning in the month of _____, continuing to so report during the term of h_____ probation; and, that _____ he also report to such Probation Officer as such other times as such Probation Officer shall require h_____". Applicant also requests the Court to further amend such judgement placing h_____ on probation by providing for h_____ to make payment of any costs, probation fees, and restitution monies to the Probation Officer of _____, Texas. Applicant also consents to the amendment of condition (g) of said judgement so as to require h_____ residence in _____, except upon the written consent of this Court.

Applicant - (Defendant)

Sworn to and subscribed before me by the said _____ this the _____ day of _____, 19____.

Notary Public in and for

County, Texas

Reviewed and Recommended by:

Adult Probation Officer

CHANGE IN RESIDENCE AND REPORTING CONDITIONS
NO. _____

THE STATE OF TEXAS
VS. _____
IN THE DISTRICT COURT OF _____ COUNTY, TEXAS
_____ JUDICIAL DISTRICT

ORDER AMENDING CONDITIONS OF PROBATION
DATE: _____, 19 _____

On the above date, the Court having considered defendant's application for permission to move to and maintain h__ residence in _____, and to have the condition of h__ probation amended in certain respects, it is ordered that such permission to change h__ residence be and the same is hereby granted, and that the judgement of this Court rendered on the _____ day of _____, 19____, wherein said defendant was found guilty of the offense of _____ and h__ punishment assessed at confinement in the Texas Department of Corrections for a term of _____ years, probated, be and the same is hereby amended by changing conditions of probation (d), (g), and (j) in said judgement such that same shall be and read respectively, as follows, to wit:

- (d) Report to the Adult Probation Officer of _____, at h__ office in _____, on the _____ of each month at _____ O'clock _____ M., beginning in the month of _____ continuing to so report during the term of this probation; and that _____ he also report to such Probation Officer at such other times as such Probation Officer shall require of h__;
 - (g) Remain within _____, except upon written consent of this Court;
 - (j) All sums so required to be paid by defendant will be paid to the Adult Probation Officer at h__ office aforesaid in _____ County, Texas, for proper subsequent disposition thereafter by the latter.
- At so amended said judgement shall be and remain in full force and effect.

JUDGE PRESIDING

INTRASTATE PLACEMENT REQUEST

TO: _____ DATE: _____

It is requested that an investigation be made with a view toward acceptance of this case supervision.

RE:	OUR PROBATION CASE NO:
BIRTHDATE:	RACE: SEX:
OFFENSE:	SENTENCE:
PROBATION DATE:	DISCHARGE DATE:
PROPOSED RESIDENCE:	

Phone: _____

PROPOSED EMPLOYMENT:

Phone: _____

____ Subject will remain in _____ County pending acceptance of supervision.
____ Subject has been given permission to proceed to the proposed residence because of the following reason:

Subject is a resident of _____ County of _____.

Restitution, supervision fee and/or court cost are to be mailed by the probationer directly to the Adult Probation Department of _____ County, Texas. If placement is made in another state, the probation supervision fee, if ordered in the Conditions of Probation, may be waived upon the recommendation of the Supervising State.

Your prompt attention to this matter will be sincerely appreciated.

APPROVED: _____ SUBMITTED BY: _____

JOHN DOE
UNIT SUPERVISOR

JOE JONES
PROBATION OFFICER

ENCLOSED PLEASE FIND ALL AVAILABLE CASE MATERIAL
(EXAMPLE)

CONTINUED

2 OF 3

Exhibit 14

INTERSTATE PLACEMENT REQUEST

TO: (Compact Administrator)

DATE:

It is requested that an investigation be made with a view toward acceptance of this case for supervision.

RE: OUR PROBATION CASE NO.:
 BIRTHDATE: RACE: SEX:
 OFFENSE: SENTENCE:
 PROBATION DATE: DISCHARGE DATE:
 PROPOSED RESIDENCE:

Phone

PROPOSED EMPLOYMENT

Phone

Subject will remain in _____ County pending acceptance of supervision.
 Subject has been given permission to proceed to the proposed residence because of the following reason:

Subject is a resident of the state of _____ as defined by the terms of the Interstate Compact.

Restitution, supervision fee and/or court cost are to be mailed by the probationer directly to the Adult Probation Department of _____ County, Texas. If placement is made in another state, the probation supervision fee, if ordered in the Conditions of Probation, may be waived upon the recommendation of the Supervising State.

Your prompt attention to this matter will be sincerely appreciated.

APPROVED: SUBMITTED BY:

JOHN DOE
UNIT SUPERVISOR

JOE JONES
PROBATION OFFICER

ENCLOSED PLEASE FIND ALL AVAILABLE CASE MATERIAL

Exhibit 15

STATE OF TEXAS
OUT-OF-STATE TRAVEL PERMIT

Name _____
Number _____

Receiving (State) (County) _____

Subject, whose present address is _____

has been granted permission to visit your (State) (County) for the following purposes: _____

Residence during visit: _____
(Name, address of relatives, friends, etc.)

Subject will leave _____, Texas _____ and (return) (not return) _____

Traveling by: _____
(Auto, bus, etc., and companions)

Reporting Instructions:

Not instructed to report to Probation Officer ()

Instructed to report to Probation Officer ()

Instructed to correspond with Probation Officer ()

Instructed to report to: _____

Special Instructions: _____

Date Issued _____

PROBATION OFFICER
_____ District Court No. _____
_____ County, Texas

PROBATION APPLICATION FOR COMPACT SERVICES

To: INTERSTATE PROBATION AND PAROLE CONTRACT

I, _____ hereby apply for supervision as a probationer pursuant to the Interstate Compact for the Supervision of Probationers. I understand that the very fact that supervision will be in another state makes it likely that there will be certain differences between the supervision I would receive in this state and the supervision that I will receive in any state to which I am asking to go. However, I urge the authorities to whom this application is made, and all other judicial and administrative authorities, to recognize that supervision in another state, if granted as requested in this application, will be a benefit to me and will improve my opportunities to make a good adjustment. In order to get the advantages of supervision under the Interstate Compact for the Supervision of Probationers, I do hereby accept such differences in the course and character of supervision as may be provided, and I do state that I consider the benefits of supervision under the Compact to be worth any adjustments in my situation which may be occasioned.

In view of the above, I do hereby apply for permission to be supervised on probation in _____, for the following reasons: STATE

I (have read the above) (have had the above read and explained to me), and I understand its meaning and agree thereto.

Signature _____

Witnessed _____

Date _____

AGREEMENT TO RETURN

Waiver of Extradition

SENDING STATE: Texas

RECEIVING STATE: _____

RE:

I, _____ in consideration of being granted probation and especially being granted the privilege to leave the State of Texas to go to _____, hereby agree: Receiving State

1. That I will make my home with _____, until a change of residence is duly authorized by the proper authorities of Texas and/or _____, Receiving State
2. That I will comply with the Conditions of Probation as fixed by the State of Texas and _____, Receiving State
3. That I will, when duly instructed by the Adult Probation Department, _____ County, of the State of Texas or its duly authorized agents return at any time to the State of Texas.
4. That I hereby do waive extradition to the State of Texas from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of Texas.
5. Failure to comply with the above will be deemed to be a violation of the terms and conditions of probation for which I may be returned to the State of Texas.

DATED _____

SIGNED _____

Witnesses:

(Issuing Officer)

PROGRESS AND CONDUCT REPORT

TO: (Compact Administrator) DATE:
RE: NO: STATE:
SUPERVISION LEVEL: DATE OF LAST REPORT: DATE ACCEPTED:
ARRESTS OR VIOLATION(S) SINCE LAST REPORT: NO: YES* (*See comments)

HOME

Address: Phone:
Marital Status: Others in Home:

FAMILY RELATIONSHIPS: Good Satisfactory Poor Unsatisfactory
LIVING ENVIRONMENT: Good Satisfactory Poor Unsatisfactory

EMPLOYMENT

Employer's Name and Address:
Phone: Aware of Probation: Yes No

Monthly Wages: Type of Work: Hours:
WORK HABITS: Good Satisfactory Poor Unsatisfactory

OVERALL ADJUSTMENT

Contact Dates:

WORDS WHICH BEST DESCRIBE THE RELATIONSHIP:

Strained Superficial Relaxed Uncooperative Attentive
Open Friendly Distant Hostile Difficult Impersonal
Irrelevant Honest Withdrawn

PROGRESS: Improving Stable Deteriorating

ADJUSTMENT: Excellent Satisfactory Poor Unsatisfactory

REPORTING PATTERN: As Scheduled Irregular Unsatisfactory

COMMENTS:

APPROVED:

JOHN DOE
UNIT SUPERVISOR

SUBMITTED BY:

JOE JONES
PROBATION OFFICER

INTERSTATE REPORT SPECIAL

TO: (Compact Administrator) DATE:
RE: No. STATE:
ADDRESS:

This is a general purpose report. It may be used to request special assistance or information concerning a Texas probationer under supervision in another state. It may also be used for the same purpose to relay information to another state on its probationers under supervision in Texas.

This type of report should not be used as a substitute for a Report of Violation, Progress and Conduct Report or any of the other established reports which have a specific function.

This report should deal with a specific topic or request and is not used to give general information on several subject areas.

Some uses of this report would be to forward discharge or termination papers, to request assistance in collecting probation fees or restitution payments, to advise receipt of out-of-state warrant and arrest of probationer on that warrant, to relay any special request an out-of-state probationer may have and to answer any special request or inquiries the other state may have provided the nature of the request does not specifically ask for or indicate another type report is in order.

Approved:

JOHN DOE
UNIT SUPERVISOR

Submitted By:

JOE JONES
PROBATION OFFICER

PROGRESS AND CONDUCT REPORT

SPECIAL FACTS

TO: (Compact Administrator)

DATE:

RE: _____ NO: _____ STATE: _____

SUPERVISION LEVEL: _____ DATE OF LAST REPORT: _____ DATE ACCEPTED: _____

ARRESTS OR VIOLATION (S) SINCE LAST REPORT: NO _____ YES* _____ (* See comments)

HOME:

Address: _____ Phone: _____

Marital Status: _____ Others in Home: _____

FAMILY RELATIONSHIPS: Good _____ Satisfactory _____ Poor _____ Unsatisfactory _____

LIVING ENVIRONMENT: Good _____ Satisfactory _____ Poor _____ Unsatisfactory _____

OVERALL ADJUSTMENT:

CONTACT DATES: _____

WORDS WHICH BEST DESCRIBE THE RELATIONSHIP:

Strained _____ Superficial _____ Relaxed _____ Uncooperative _____ Attentive _____
Open _____ Friendly _____ Distant _____ Hostile _____ Difficult _____ Impersonal _____
Irrelevant _____ Honest _____ Withdrawn _____

PROGRESS: Improving _____ Stable _____ Deteriorating _____

ADJUSTMENT: Excellent _____ Satisfactory _____ Poor _____ Unsatisfactory _____

REPORTING PATTERN: As Scheduled _____ Irregular _____ Unsatisfactory _____

COMMENTS: SPECIAL FACTS

APPROVED:

SUBMITTED BY:

JOHN DOE
UNIT SUPERVISOR

JOE JONES
PROBATION OFFICER

VIOLATION REPORT

TO:

DATE:

NAME: _____ NO. _____ STATE: _____

ADDRESS: _____

VIOLATION INFORMATION:

In this section give the pertinent information concerning how and in what manner the violation occurred. Remember dates, names, addresses and times are important facts to report.

If an arrest is involved state the name of the arresting agency, date of arrest, offense (felony or misdemeanor), location of arrest if different from location of offense, any co-defendants and the circumstances surrounding the arrest. State the present location of the probationer such as in jail, on bond or at large.

Where charges are pending in court the court should be identified, cause number if available and court setting date. In these type cases a brief Supplemental Report of Violation should be submitted each 30 days until disposition is reached. When disposition is reached an immediate Supplemental Report of Violation should be submitted giving full details and a copy of the judgment and sentence secured and attached to the report.

PROBATIONER'S VERSION OF VIOLATION:

If the probationer can be interviewed, his version of the violation or arrest should be reported in this section. A clear statement as to whether or not the probationer admits or denies the allegation against him should always be included in his section.

SUMMARY AND EVALUATION:

In this section the officer should give his summary of the probationer's adjustment, pointing out both positive and negative factors. An evaluation should be made by the officer taking into consideration the known facts of the violation and the probationer's account of what happened.

If changes are still pending the officer should point out in this section that Supplemental Reports of Violation will follow each 30 days until final disposition is reached.

APPROVED:

SUBMITTED BY:

John Doe
Unit Supervisor

Joe Jones
Probation Officer

REPORT OF VIOLATION
SUPPLEMENTAL

DATE: _____
NAME: _____ NO. _____ STATE: _____
ADDRESS: _____

This report is written in narrative form with no headings. It should state clearly what has transpired since the last report and indicate when the sending state might expect another report of this nature if a disposition has been reached at time of the current report. If any change in probationer's status has occurred, such as in jail, released on bond, etc. this should also be noted.

APPROVED:

JOHN DOE
UNIT SUPERVISOR

SUBMITTED BY:

JOE JONES
PROBATION OFFICER

PLACEMENT INVESTIGATION

TO: (Compact Administrator) DATE: _____
NAME: _____ NO. _____ STATE: _____
ADDRESS: _____

REQUEST:

This section should clearly state the date the placement request was received from the other state as well as the date, address and persons contacted during the course of the investigation.

RESIDENCE:

Describe briefly the type residence, number of people in the home, relationship of the person to the probationer who is making the home offer and the general atmosphere of the home. Make a recommendation as to the suitability of the proposed residence.

EMPLOYMENT:

This section should verify that suitable employment does exist and information such as type of work, hours, and wages should be included. The date the job will be available should also be included. A police check on the employer should be a part of this section.

COMMENTS:

In this section the investigation officer should sum up and evaluate the overall placement plan. A statement as to what state the probationer is a resident of should be included in this section.

RECOMMENDATION:

A clear concise statement as to whether the placement plan is accepted or rejected. If rejected, set forth clearly the reason why.

REPORTING INSTRUCTIONS:

If supervision is accepted, this section should be completed by giving the name and address of the probation officer to whom the probationer should report. In many cases the probationer will already be in the receiving state prior to the receipt of the Placement Investigation Request. The normal procedure is followed with the exception in the Reporting Instructions the investigating officer should state, if the plan has been found acceptable, that the probationer is already under supervision. The name and address of the supervising officer is given.

In cases where the probationer is already under supervision and this fact is noted in the reporting instructions of the Placement Investigation then an Arrival Notice is not required.

APPROVED:

JOHN DOE
UNIT SUPERVISOR

SUBMITTED BY:

JOE JONES
PROBATION OFFICER

PLACEMENT INVESTIGATION REPORT
SUPPLEMENTAL

TO: (Compact Administrator)

DATE:

NAME: _____ NO: _____ STATE: _____

ADDRESS: _____

EMPLOYMENT:

On March 21, 1975, this officer was able to contact the proposed employer, Mr. Cecil Bailey, owner of the Ace Construction Co., 422 Main Street, Anytown, Texas. Mr. Bailey will employ the probationer as a common laborer at \$2.50 per hour. Work hours will be from 7:30 a.m. until 4:30 p.m., Monday through Friday, weather permitting. The job is open now and will be held open pending the arrival of the probationer.

A local police check on the employer proved negative.

COMMENTS:

The overall plan now appears acceptable and this officer recommends that supervision be accepted.

REPORTING INSTRUCTIONS:

Upon arrival, M____, _____ should be instructed to report to Probation Officer, Joe Jones at _____, _____ County, Courthouse, _____ Texas.

APPROVED:

JOHN DOE
UNIT SUPERVISOR

SUBMITTED BY:

JOE JONES
PROBATION OFFICER

ARRIVAL NOTICE

TO: (Compact Administrator)

DATE:

NAME: _____ NO: _____ STATE: _____

ADDRESS: _____

THIS IS TO ADVISE THAT THE ABOVE PROBATIONER REPORTED TO THIS OFFICE ON

_____, IS LIVING AT THE ABOVE STATED ADDRESS AND IS

EMPLOYED WITH _____

(Date)
(name and address of company)

THE PROBATIONER IS UNDER THE SUPERVISION OF _____

(name and address of probation officer)

COMMENTS:

Submitted by:

JOE JONES
PROBATION OFFICER

PRE-SENTENCE REPORT

(Title of Social History may be used if needed)

TO: (Compact Administrator) DATE:

NAME: NO: STATE:

ADDRESS:

REQUEST:

State the date the request was received and the dates, names and addresses of persons contacted during the course of the investigation. The report then may proceed using as many section headings as needed, for example:

ARREST RECORD:

FAMILY HISTORY:

HOME ENVIRONMENT:

HEALTH:

PSYCHOLOGICAL:

EMPLOYMENT HISTORY:

MILITARY RECORD:

EDUCATION:

A Evaluation or Comment section may be added if needed, in which the investigation officer ties together and sums up all the information in the report. A Recommendation section is not added unless a recommendation is requested by the requesting state.

Approved:

Submitted By:

JOHN DOE
UNIT SUPERVISOR

JOE JONES
PROBATION OFFICER

MOTION TO REVOKE PROBATION

No. THE STATE OF TEXAS VS.

TO THE HONORABLE JUDGE OF SAID COURT

NOW COMES the State of Texas, represented herein by her County Attorney, and would respectfully make this report concerning the above named defendant.

That on the day of , A.D., 19 , the above entitled and numbered cause was reached and called for trial and the defendant, appearing in person by h attorney, pleaded to the charge of as alleged; that this Court in a proper proceeding after hearing the evidence; so ORDERED, ADJUDGED AND DECREED, that the imposition of the sentence in this cause be suspended during good behavior of the defendant; and that he be placed on probation for said term of months and the specific provision that ie; "The defendant will commit no offense against the laws of this or any other State of the United States."

That subsequent to the defendant's being placed on probation he violated the provisions of h probation in that, ie:

WHEREFORE, the state prays that said Motion to Revoke Probation be set at a time and place specified by this Honorable Court and the defendant herein be cited to appear at such time and place to show cause, if any he may have, why the probation heretofore granted in this cause should not be revoked and sentence imposed; and the County Attorney further prays that a WARRANT - SUMMONS issue for the arrest of the defendant herein.

County or District Attorney

ORDER

ON THIS day of , 19 came on to be heard the application of the State for setting and notice herein; and it appearing that the State is entitled to the relief sought;

IT IS THEREFORE, Ordered that the Clerk of this Court issue notice to the defendant commanding h to appear in this Court to show cause why the probation in this cause should not be revoked and sentence imposed; and it is further ordered that a warrant (Shall/Not) issue for the arrest of the defendant herein.

JUDGE, Presiding

CAPIAS

THE STATE OF TEXAS

To Any Sheriff or Any Constable of the State of Texas - Greeting.

YOU ARE HEREBY COMMANDED to take the body of _____

who has been charged by indictment and convicted for a felony offense and placed on probation, and h___ safely keep so that you have h___ before the Honorable _____ Judicial District Court of _____ County, Texas at the Courthouse, thereof in the City of _____, instanter, then and there to answer THE STATE OF TEXAS against the said _____ for violation of the conditions of probation in cause No. _____ State of Texas vs. _____

HEREIN FAIL NOT, but have you then and there this Writ, showing how you have executed the same.

Given under my official seal of said Court of _____, County, Texas, This _____ day of _____, A.D., 19_____.

ATTEST.

DISTRICT CLERK

COUNTY, TEXAS

Judge, _____ Judicial District
Court, _____ County, Texas.

BY: _____
Deputy

No. _____

THE STATE OF TEXAS _____ JUDICIAL DISTRICT COURT
VS. _____ COUNTY, TEXAS

TERM, 19_____

day of _____, 19_____.

ORDER REVOKING PROBATION

On the _____ day of _____, 19____, the defendant was duly and legally convicted for the offense of _____ in the above entitled and numbered cause as fully appears by the judgment of conviction duly entered in the minutes of this Court and punishment was assessed at _____ years confinement in the penitentiary. On the _____ day of _____, 19____, the imposition of sentence in this cause was suspended and the defendant was placed on probation for a period of _____ years upon the following terms and conditions, to - wit: That during the term of the probation the defendant shall:

- a. Commit no offense against the laws of this or any other State or the United States;
- b. Avoid injurious or vicious habits;
- c. Avoid persons or places of disreputable or harmful character;
- d. Report to the probation officer as directed, to - wit: _____;
- e. Permit the probation officer to visit h___ at h___ home or elsewhere;
- f. Work faithfully at suitable employment as far as possible;
- g. Remain within a specific place, to - wit: _____ County, Texas;
- h. Pay h___ fine, if one be assessed, in one or several sums and make restitution or reparation in any sum that the court shall determine;
- i. Support h___ dependants; and
- j. Pay a probation fee of \$_____ per month to the probation officer of this court on or before the _____ day of each month hereafter during probation.

On the _____ day of _____, 19____, the Probation Officer of _____ Judicial District Court, _____ County, Texas, filed with the Judge of said Court a written report setting out the respects in which the defendant had violated the conditions of probation, to-wit: Violation of Condition (), to-wit:

On this _____ day of _____, 19____, the defendant appeared in open court in person, h___ counsel also being present, and The State appeared by her Criminal District Attorney and the Probation Officer of said Court, and after examining said written report and hearing the evidence offered by both the State and the defendant, the Court is of the opinion that the defendant _____, violated the terms and conditions of h___ probation in this respect: Violation of Condition (), to-wit:

It is therefore ordered, adjudged, and decreed by the Court that the Order suspending the imposition of the sentence, and placing the defendant on probation, heretofore entered in this said cause be, and the same is hereby revoked, and it is hereby ordered by the Court that the defendant be now sentenced herein in accordance with the judgment heretofore entered in this cause and compliance with this order. It is further adjudged and decreed by this Court that the sentence ordered pronounced against said defendant herein commence on the _____ day of _____, A.D., 19____.

 Judge, _____ Judicial District Court
 _____ County, Texas

FINAL DISPOSITION REPORT

R-84 (Rev. 6-29-71)

Note: This vital report must be prepared on each individual whose arrest fingerprints have been forwarded to the FBI Identification Division without final disposition noted thereon. If no final disposition is available to arresting agency, also obtain subject's right four finger impressions on this form, complete left side and forward the form when case referred to prosecutor and/or courts. Agency on notice as to final disposition should complete this form and submit to: Director, FBI, Washington, D. C. 20537, Attention: Identification Division (See instructions on reverse side)

LEAVE BLANK

FBI No.		Final Disposition & Date (If convicted or subject pleaded guilty to lesser charge, include this modification with disposition)
Name on Fingerprint Card Submitted to FBI Last First Middle		
If FBI No. Unknown, Furnish: Date of Birth: _____ Sex: _____ Fingerprint Classification: _____		
State Bureau No.		This Form Submitted By: (Name, Title, Agency, City & State)
Contributor of Fingerprints		
		Signature _____ Date _____ Title _____
Arrest No.	Date Arrested or Received	COURT ORDERED EXPUNGEMENT: Return Arrest Fingerprint Card to Contributing Agency; Certified or Authenticated Copy of Court Order Attached.
Offenses Charged at Arrest		
		Right Four Fingers Taken Simultaneously

REPORT OF PROBATION
TO THE
TEXAS DEPARTMENT OF PUBLIC SAFETY
IDENTIFICATION AND CRIMINAL RECORDS DIVISION
Box 4143
Austin, Texas 78765

DPS #

Name _____

City _____

Convicted _____ Court _____ County _____

Date of Probation _____ Sentence _____

Offense _____ Docket # _____

Probation Officer _____

Address _____

Revoked _____

Discharged _____

In order for the Department of Public Safety to process this form, the D. P. S. number must be provided, or it must be accompanied by a set of subject's fingerprints including name of arresting agency, charge, date of birth, physical description and other data called for on information side of Fingerprint card.

INSTRUCTIONS

1. The purpose of this report is to record the initial data of an individual's arrest and thereafter secure the final disposition of the arrest at the earliest possible time from either the arresting agency, the prosecutor or the court having jurisdiction. (INTERIM DISPOSITION INFORMATION, e.g., RELEASED ON BOND, SHOULD NOT BE SUBMITTED.) The SUBJECT'S NAME, CONTRIBUTOR AND ARREST NUMBER should be exactly the same as they appear on the fingerprint card IN THE FILES OF THE FBI. The FBI number should be indicated, if known, Agency ultimately making final disposition will complete and mail form to: FBI Identification Division, Washington, D. C., 20537.
2. The arresting agency should fill in all arrest data on left side of form and obtain the finger impressions of the right four fingers simultaneously. This should be done at the same time as the full set of fingerprints are taken on the arrest fingerprint card. If the arrest is disposed of by the arresting agency, as where the arrestee is released without charge, then the arresting agency should fill in this final disposition and mail form to FBI Identification Division. Of course, if final disposition is known when arrest fingerprint card is submitted it should be noted thereon and this form is then unnecessary. In the event the case goes to the prosecutor, this form should be forwarded to the prosecutor with arrestee's case file.
3. The prosecutor should complete the form to show final disposition at the prosecution level if the matter is not being referred for court action and thereafter submit form directly to FBI Identification Division. If court action required, the prosecutor should forward form with case file to court having jurisdiction.
4. The court should complete this form as to final court disposition such as when arrested person is acquitted, case is dismissed, on conviction and when sentence imposed or sentence suspended and person placed on probation.
5. When arrested person convicted or enters guilty plea to lesser or different offense than that charged when originally arrested, this information should be clearly indicated.
6. If subsequent action taken to seal or expunge record, attach certified or authenticated copy of court order to this form so that FBI can return arrestee's fingerprint to original contributor.
7. It is vitally important for completion of subject's record in FBI Identification Division files that Final Disposition Report be submitted in every instance where fingerprints previously forwarded without final disposition noted thereon.

No. _____

THE STATE OF TEXAS
VS.

IN THE COUNTY COURT AT LAW
NO. _____
_____ COUNTY, TEXAS

REPORT OF ADULT PROBATION OFFICER

Now comes _____, Adult Probation Officer of _____ County, Texas and shows to the Court that the above named Defendant has paid the fine and costs assessed against h_____ and has otherwise complied with the terms and conditions of h_____ said probation; that the period of probation has expired and that the Defendant is entitled to be discharged from the same.

Adult Probation Officer

ORDER RELEASING DEFENDANT FROM PROBATION – MISDEMEANOR DISCHARGE

On this the _____ day of _____ A.D., 19____, the Court having reviewed all proceedings in above cause in which the Defendant, _____, was heretofore placed on probation under the Misdemeanor Probation Act of this State, and

It appearing to the Court that said Defendant has paid the fine and costs assessed against h_____, and has otherwise complied with the terms and conditions of said probation; and it further appearing that the period of probation has expired and that the Defendant herein is entitled to be discharged from the same.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED, that the finding of guilty heretofore entered in said cause be, and the same is hereby set aside, and that the complaint and information in said cause be, and the same is hereby dismissed and stricken from the docket of this Court and that said Defendant herein be, and he is hereby discharged from probation.

Entered and ordered of record this _____ day of _____ A.D., 19____.

JUDGE PRESIDING

ORDER OF DISCHARGE BY COURT – FELONY DISCHARGE

No. _____

THE STATE OF TEXAS
VS.

_____ DISTRICT COURT _____
_____ COUNTY, TEXAS

_____ TERM, 19____
_____, 19____

This day came to be heard the matter of determining whether the judgement of conviction and placing the Defendant on probation heretofore entered in this cause should be set aside and the Defendant discharged from probation, and the Court after hearing the evidence submitted and it appearing from said evidence that the Defendant was indicted in this cause for the felony offense of

and on the _____ day of _____, 19____, was convicted therefor, and that the imposition of sentence was suspended and the Defendant placed on probation for a period of _____ years and it further appearing to the satisfaction of the Court that the period of probation herein has expired, and that all conditions of probation have been satisfactorily fulfilled, it is accordingly considered, Ordered and Adjudged by the Court that the judgement of Conviction heretofore entered against the Defendant in this case be and the same is hereby set aside, the indictment dismissed, and the Defendant in this case be and the same is hereby set aside, the indictment dismissed, and the Defendant discharged from said probation, and the Defendant is hereby released from all penalties and disabilities resulting from the Judgement of Conviction in this cause.

JUDGE

District Court

County, Texas

No. _____

THE STATE OF TEXAS
VS.

IN THE _____ TH DISTRICT COURT
OF
_____ COUNTY, TEXAS

ORDER TERMINATING DEFENDANT'S PROBATION - DEFENDANT DECEASED

On this _____ day of _____, A.D., 19____ it appearing to the Court that the defendant
_____ who was placed on probation for a term of _____ on the _____
day of _____, A.D., 19____ in the here-in-above numbered and entitled cause deceased on the
_____ day of _____ A.D., 19____.

It is therefore ORDERED, ADJUDGED, AND DECREED that the probation term of the said _____
_____ be and is hereby terminated.

Signed and entered of record on this the _____ day of _____, 19____.

JUDGE PRESIDING

DEATH NOTICE

TO: Identification & Criminal Records Div.
Texas Department of Public Safety
Box 4143, North Austin Station
Austin, Texas 78751

The following is a report concerning the death of an individual whose fingerprints are on file in the
Identification & Criminal Records Division.

Full Name _____

Contributor _____ # _____

DPS No. _____ FBI No. _____

Race _____ Sex _____ Date of Birth _____

Place of Death _____

Date of Death _____

Cause of Death _____

Fingerprint (indicate finger used)

Reporting Officer _____

Title & Department _____

Address _____

In all instances the DPS number and other supporting numbers, when available, should be indicated. If at all
possible, submit a fingerprint.

In the case of an unknown deceased, submit ten inked fingerprint impressions. A comprehensive attempt will
be made to establish identification.

Exhibit 36

Wanted - Flash - Cancellation Notice
I-12 (Rev. 2-27-73)

Attention: Identification Division

Date: _____

TO: DIRECTOR, FBI
Washington, D. C. 20537

Dear Sir:

Instructions on the reverse side of this form have been read. Please place the type of service checked below against the Fingerprint Record of subject named.

Your case or file number: _____

WANTED FOR _____ Date of Warrant or Escape _____

FLASH:
Mandatory Release ___19___ Expires ___19___; Parole ___19___ Expires ___19___;
Probation ___19___ Expires ___19___; Sentence Expires ___19___; SPT Expires ___19___

WHEN REQUESTING FLASH NOTICE GIVE FOLLOWING INFORMATION:

Date and Place of Sentence	Final Disposition
Charge	
Contributor of Fingerprints	

CANCEL Because _____

Name		Residence			
Aliases	Numbers	Occupation		Marital Status	
	Arrest	Race	Sex	Height	Nationality
FBI No.	Military	Weight	Eyes	Hair	Complexion
	Alien	Scars, marks and peculiarities			
Date of Birth	Social Security				
Place of Birth	Fingerprint class		Please Furnish Identification Record		
			Will extradite	Will not extradite	
Agency and address of parties to be notified of apprehension:		Name and address of contributor			

INSTRUCTIONS

Request Wanted notice when subject's apprehension or location is desired.
Request Flash notice when subject is placed on parole or probation and you desire to be advised if he is arrested while in this status. Fingerprints for offense must be in Identification Division files or FBI number furnished when requesting flash notice.
Request Cancellation when subject's custody is secured or you no longer desire information concerning him.
The name, number, and agency should be exactly the same as they appear on the Fingerprint card in the files of the FBI. In all instances when the FBI number is known, it should be indicated.
In the event a law enforcement agency is not certain there is a previous Fingerprint Record for the subject in the files of the FBI and desires a Wanted Notice posted, the descriptive data indicated on this form should be completed. If a possibly identical record is located by the FBI, it will be furnished in order that the Law Enforcement Agency may determine whether or not this record is identical with the subject wanted. Wanted or Flash Notices are not posted in our files unless positive identifications can be effected. Therefore, if an identification with a particular Fingerprint Record is made by you after receipt of possibly identical information from us, it will be necessary to resubmit this form so that the notice can then be posted in your behalf.

Exhibit 37

MOTION TO REDUCE PERIOD OF PROBATION

No. _____

STATE OF TEXAS
VS.

_____ DISTRICT COURT NO. _____
_____ COUNTY, TEXAS
_____ 19 _____

On the _____ day of _____, 19____, this defendant was placed on probation for a period of _____ years.

As of this date, this defendant has satisfactorily completed one-third of the original probationary period; therefore, it is requested that the period of probation be reduced from _____ years to _____.

PROBATION OFFICER

DISTRICT COURT NO. _____

COUNTY, TEXAS

ORDER REDUCING THE PERIOD OF PROBATION

DISTRICT COURT

COUNTY, TEXAS

TERM, 19_____
_____, 19_____

THE STATE OF TEXAS
VS.

No. _____

On the _____ day of _____, 19____, the defendant in the above entitled and numbered cause was duly and legally convicted for the offense of _____

and the defendant's punishment was set at _____ confinement in the Texas Department of Corrections. On the _____ day of _____, 19____, the imposition of the sentence herein was suspended and the defendant was placed on probation for the period of _____ upon the terms and conditions determined by the Court, which are set out in the judgement in this said cause, which fully appears in the minutes of this Court in said judgement.

On the _____ day of _____, 19____, the Court reconsidered this case and after determining that the defendant had satisfactorily completed _____ of the original probationary period against h____, and the Court being of the opinion that the period of probation in this case should be reduced, it is the order of the Court that the period of probation be and the same is hereby reduced from _____ to _____.

JUDGE

DISTRICT COURT

COUNTY, TEXAS

The foregoing minutes of this said Court showing the order reducing probation and amending and modifying the judgement in this said cause are examined and approved in open Court this _____ day of _____, A. D., 19_____.

JUDGE

DISTRICT COURT

COUNTY, TEXAS

Attest: _____ District Clerk

County, Texas

BY: _____
DEPUTY CLERK

For any further orders regarding judgement and probation herein, refer to volume _____, page _____, minutes of said Court (S. C.)

ORDER REDUCING SENTENCE AND TERMINATING PROBATION

DISTRICT COURT

COUNTY, TEXAS

TERM, 19_____
_____, 19_____

THE STATE OF TEXAS
VS.

NO. _____

On the _____ day of _____, 19____, the defendant in the above entitled and numbered cause was placed on probation by this Court for a period of _____ years for the offense of _____

Said defendant has satisfactorily completed one-third or two years of h____ probationary period, and has complied with all the terms and conditions of said probation.

The court is of the opinion that the ends of justice have been served and the interests of the defendant and of society will be best served by a discharge of defendant from further probation.

It is therefore, hereby ordered, adjudged and decreed that the judgment of Conviction heretofore entered against the defendant in this case be and the same is hereby set aside, the indictment dismissed, and the defendant discharged from said probation, and the defendant is hereby released from all penalties and disabilities resulting from the Judgment of Conviction in this cause.

JUDGE

District Court

County, Texas

Exhibit 40 A
PRE-SENTENCE INVESTIGATION REPORT

Field Number _____

Name: _____
Cause No: _____
Date: _____

Long Uniform Form

I. LEGAL CHRONOLOGY/RELATED DATA

II. OFFENSE

Official Version

Defendant's Version

Statement of Interested Parties

Weapons/Violence

III. PRIOR RECORD

Juvenile Court History

Adult Misdemeanor

Adult Felony

Military History

Model Format - 4/80

IV. PERSONAL HISTORY
(Social history prior to defendant leaving parental/foster home permanently)

Marital/Post Marital History

V. HOME AND NEIGHBORHOOD

VI. PRESENT INTERPERSONAL ENVIRONMENT

VII. EDUCATION

Academic

Vocational

VIII. INTERESTS AND LEISURE TIME ACTIVITIES

IX. PHYSICAL HEALTH (Include substance use/abuse)

X. MENTAL HEALTH HISTORY

XI. EMPLOYMENT/EMPLOYMENT HISTORY

XII. FINANCIAL STATUS

Name: _____
Cause No: _____
Date: _____

XIII. RESOURCES AVAILABLE (+)
XIV. SUMMARY (*)
XV. EVALUATION/PROGNOSIS; SUPERVISION PLAN(s); [RECOMMENDATION(S)]

I. OFFENSE

Official Version

Defendant's Version

Statement of Interested Parties (*) (+)

Weapons/Violence

II. PRIOR RECORD

Juvenile Court History

Adult Misdemeanor

Adult Felony

Military History

III. PERSONAL HISTORY
(Social history prior to defendant leaving parental/foster home permanently)

Marital/Post Marital History

IV. SUMMARY (*) (Include education, employment, health summaries which are relevant)

Name: _____
Cause No: _____
Date: _____

Exhibit 40 C
PSIR MINI UNIFORM FORMAT

Field Number _____

V. Evaluation/Prognosis; Supervision Plan(s); [Recommendation(s) (optional)]

(13) Offense

(13.A) Prior Record

(19) Health History

(20) Social History (family, education)

(21) Substance Use/Abuse

(22) Employment Record

(23) Evaluation/Prognosis; Supervision Plan(s); [Recommendation(s) (optional)]

Model Format 4/80

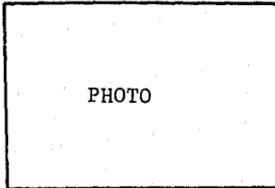


Exhibit 40 D
PSIR UNIFORM COVER SHEET

Field No. _____

(1) Offender's Name (last, first, middle)		(7) Date Referred:	
(2) Permanent Address		(8) Date Interviewed:	
(3) Age	(4) DOB	(5) Sex	(10) To: _____ Judicial District _____ Judge
(6) Identifying Number(s):		(11) From: _____ Adult Probation Department	
NCIC# _____	TDL# _____	(12) Cause No: _____	
FBI# _____	PD# _____		
DPS# _____	OTHER# _____		
(13) Offense/Penal Code # _____			
(13.A) Prior Conviction(s)			
(14) Custodial Status		(14.A) Plea Negotiation Status	
<input type="checkbox"/> Bond <input type="checkbox"/> Incarceration <input type="checkbox"/> Pre-trial Release <input type="checkbox"/> Other		(14.B) Co-defendant(s)/Disposition Status	
(15) Defense Attorney/Phone Number(s)		(16) Date Set for Disposition	
(17) Comment(s):		(18) Respectfully submitted, Name/Title of Interviewer/Report Writer Signature	

Exhibit 40 E
PRE-SENTENCE INVESTIGATION REPORT

Uniform Worksheet

Field No.: _____

Name: _____
Cause No: _____
Date: _____

- # I. LEGAL CHRONOLOGY/RELATED DATA:
1. Date/place of offense: (*)
 2. Date/place of arrest:
 3. Date/nature of plea:
 4. Date of trial:
 5. Date/nature of verdict:
 6. Date/nature of disposition:
 7. Willingness/unwillingness of prosecutor(s)/court(s) to take jurisdiction in lieu of disposition in present case. (*)
 8. Nature of pending charge(s): (*)
 9. Jurisdictions of pending charge(s) (*):
 10. Current status of charge(s) (*):
 11. Description of probation/parole status if under supervision and the date referred to the probation officer:
 - 12. Original charge:
 - 13. Reduced charge and number of counts waived: (*)
 - 14. Plea and sentence agreed upon : (*)
 15. Additional sentence terms:

16. Amount of property/monetary loss suffered: (*)
17. Victims to whom restitution is due and defendant's capacity to pay:
18. Extent of harm/injury to victim or others: (*)
19. Relationship of defendant to victim(s): (*)

#/ II. OFFENSE

Official Version

1. Brief summary of formal charge(s): (*)
2. Aggravating/extenuating circumstances: (*)
3. Extent to which offense follows previous offense patterns: (*)
4. Relationship of defendant and/or offense to organized crime: (*)
5. Influence of alcohol, narcotic medicine, stress on action: (*)
6. Premeditated and impulsive involvement: (*)
- 7. Related offense(s) not included in formal charge(s): (*)

Defendant's Version

- 1. Defendant's version of offense and arrest: (*)
2. Discrepancies between official and defendant's versions: (*)
3. Defendant's attitude toward offense: (*)

4. Defendant's explanation of why he became involved: (*)
5. Premeditated/impulsive involvement: (*)
6. Defendant's understanding of charge(s) and penalties:
7. Extent of cooperation with arresting, investigative, custodial or probation officer(s):

Statement of Interested Parties (*) (+)

1. Co-defendants:
2. Witnesses:
3. Victims:
4. Complainants:
5. Arresting officer(s):

Weapons/Violence

1. Description of weapons carried at time of offense: (*)
2. Description of its use: (*)
3. Description of force/violence threatened or real in offense: (*)

#/ III. PRIOR RECORD

Juvenile Court History

- 1. Date(s), place(s), nature of offense(s) and court dispositions:

- 2. Escapes:

- 3. Evaluation of juvenile court history: (*)

Adult Misdemeanor

- 1. Arrests/convictions: date(s), place(s), offense(s) and dispositions of all misdemeanor before/after arrest for current offense: (*)

- 2. Summary of probation experiences: (*)

- 3. Summary of jail experiences: (*)

4. Escapes:

5. Evaluation of misdemeanor record:

Adult Felony

- 1. Arrests and convictions: date(s), place(s), offense(s) and dispositions: (*)

- 2. Summary of probation experiences: (*)

- 3. Summary of institutional experiences: (*)

- 4. Summary of parole experiences: (*)

5. Escapes: (*)

6. Evaluation of felony record: (*)

Military

- 1. Arrest summary, special and general court martials (dates, places, offenses and dispositions):

- 2. Summary of institutional and parole experiences: (*)

- 3. Summary of defendant's explanation of prior criminality and delinquency: (*)

#/ IV. PERSONAL HISTORY

Social history prior to defendant leaving parental/foster home permanently

- 1. Date/place of birth:

- 2. Race/naturalization dates (if applicable):

- 3. Early developmental influences: (include description of relationship with parents and siblings):

Marital/Post Marital History

- 1. Present marriage(s) summary: (*)

- 2. Date/place of marriage and name/age of spouse at time of marriage:

- 3. Attitude of defendant toward spouse/children and theirs toward defendant, particularly as relates to offense:

4. Significant elements in spouse's background:

5. Description of marital problems if any: (*)

- 6. Children of defendant's marriage(s) by age, sex, school, custody, support factors: (*)

- 7. Degree to which defendant has assumed parental/marital responsibilities: (*)

V. HOME AND NEIGHBORHOOD

- 1. Date moved to present residence:

- 2. Residential stability in past years:

VI. PRESENT INTERPERSONAL ENVIRONMENT

- 1. Defendant living with: 1) parents; 2) spouse; 3) unmarried partner; 4) relatives; 5) friends (how many? what sex?) (+), or 6) alone

#VII. EDUCATION

Academic

- 1. Highest grade/degree achieved:

2. Age left school:

3. Last school attended, previous schools attended (*); general adjustment to school (+):

4. Results of diagnostic material:

5. Needs, attitude and motivation for further education: (+)

- 6. Literacy in English: (*)

Vocational

-1. Area of vocational training (list schools attended): (*)

2. Degree of proficiency:

3. Additional training needed: (+)

4. Job readiness/experience:

5. Degree/licenses attained (*) and disqualified from profession by current offense: (*)

VIII. INTERESTS AND LEISURE TIME ACTIVITIES

-1. Defendant's talents and accomplishments:

-2. Primary leisure interests:

-3. Defendant's associates and their reputation(s): (+)

IX. PHYSICAL HEALTH

1. Identifying health information: (+)

-2. General physical condition: (+)

3. Current medical treatment:

4. Relevant physical health problems to sentence determination: (*)

5. Implications of defendant's physical health for home, community involvement, employment: (*)

- 6. Substance use/abuse: (*)

X. MENTAL HEALTH HISTORY

1. General social adjustment (include personality characteristics): (+)
2. Findings of psychological/psychiatric tests and when administered and by whom: (*)
3. History of psychiatric treatment: (*)
4. Factors indicating emotional instability and/or inability to function: (+)
5. Required for immediate psychological/psychiatric treatment: (*)
- 6. Extent of defendant's awareness of emotional problems:
7. Mental/emotional problems relevant to sentence determination: (*)

XI. EMPLOYMENT/EMPLOYMENT HISTORY

- 1. Employment history for recent years: (*)
2. Employer's evaluation of defendant: (*)
3. Unemployability:

XII. MILITARY

1. Type/date of discharge:

XIII. FINANCIAL STATUS

1. Statement of financial assets: (+)
- 2. Amount/source of public economic support:
- 3. Long term obligations:
- 4. Short term obligations:
- 5. Number/identity of fiscally dependent persons on defendant:
6. Probation officer's observation of defendant's general standard of living:

XIV. RESOURCES AVAILABLE (For Supervision Plan Development) (+)

1. Basic maintenance: (*)
2. Employment: (*)
3. Institutional rehabilitation programs: (*)
4. Vocational/guidance training: (*)
5. Medical treatment:
6. Academic training:
7. Mental health services:
8. Financial counseling:
9. Residential treatment facilities:

/XV. SUMMARY (*)

#/XVI. EVALUATION/PROGNOSIS

1. Analysis of factors contributing to past/present offense(s)/conviction(s): (*)

2. Evaluation of defendant's personality: (*)

3. Defendant's reputation in the community: (*)

4. Probation officer's assessment of defendant's criminal activity:

#/XVII. SUPERVISION PLAN(S) (*)

#/XVIII. RECOMMENDATION (S) (*) (Optional)

Exhibit 40 G

APLICACION

INFORMACION DE EL APLICANTE

Field No: _____

INSTRUCCIONES: Favor de completar la aplicacion . Si tiene alguna pregunta, favor de pedirle ayuda al miembro de el departamento que esta trabajando para su asistencia. Si la pregunta no es aplicable a su persona, simplemente marque "N/A".

1. Nombre (apellido, primer nombre, inicial) _____
2. Direccion Permanente: _____

	Calle o Avenida	Ciudad	Estado	Zona Postal
--	-----------------	--------	--------	-------------

 Apartado Postal (si es diferente a su direccion permanente) : _____

	Calle o Avenida	Ciudad	Estado	Zona Postal
--	-----------------	--------	--------	-------------
3. Numero de Telefono(s): _____
4. Anos que residido en su direccion presente: _____
 (anos, meses, semanas)
5. Resido con: _____

Nombre de Persona	Relacion ha Ud.
-------------------	-----------------
6. Es ud. casado? Si __, No __; Si no, es ud.: 1. soltero __; 2. divorciado __; 3. otro; __
7. Nombre, direccion y numero de telefono de su esposo(a) si es casado. _____
8. Numero de personas que dependen de ud. (incluyendo criaturas): _____
9. Edad _____; Fecha de Nacimiento: _____
 ; Ciudad/Estado de Nacimiento: _____
 Sexo : _____; Origen: _____ Ciudadano de los Estados Unidos? _____
10. Que language usa ud. para: Leer? _____ Hablar? _____ Escribir? _____
11. Ultimo grado escolar cumplido: _____
12. Que entrenamiento vocacional a recibido?: _____
13. Su empleo al presente: _____
14. Empleado por (nombre, direccion y numero(s) de telefono): _____
15. Describa sus obligaciones financieras y a quien le debe: _____

16. Describa su salud phisica y mental: _____

17. Describa sus intereses de recreo favoritos: _____

18. Nombre tres personas (nombre, direccion, numero de telefono) que saben donde localizarlo en cualquier tiempo:

1. _____

2. _____

3. _____

19. Ha sido arrestado antes por alguna ofensa? (describala): _____

20. Ha sido convicto antes por alguna ofensa? (describala): _____

21. Describa su version de su presente ofensa: _____

Su Firma Natural

Fecha en cual completo la aplicacion

A

STANDARD OPERATING PROCEDURE

FOR

PSIR COVER SHEET

AND

UNIFORM REPORT MODELS

PREPARED BY:

Texas Adult Probation Commission
Pre-Sentence Investigation Report Division
812 San Antonio, Suite 400
Austin, Texas 78701
512/475-1374

STANDARD OPERATING PROCEDURE FOR PSIR COVER SHEET

and

UNIFORM REPORT MODELS

I.

INTRODUCTION

The PSIR task force members endorsed three report formats and a cover sheet. The following sections will explain how to use the reports and cover sheet. Each site/ jurisdiction has the option of selecting which report(s)/cover document to utilize.

II.

PSIR UNIFORM MINI-REPORT AND COVER SHEET

The majority of PSIR task force members chose this package as a one-page summary report or to be used when minor crimes are committed. This cover sheet and report package could be arranged in a carbon package for typing convenience. A worksheet which can serve as a model for the three report formats has been included in this package. A bilingual Client Information Sheet model has been developed and is available from the TAPC office.

A. Cover Sheet - How to Fill Out (follow instructions when using mini, short and long uniform reports.)

The cover sheet is used as an identifying 'face sheet' for judges, probation officers and corrections representatives. Data should be kept to a minimum with the ideal cover sheet providing a brief, factual profile of the offender. The report itself should cover sections in greater detail.

First, the cover sheet has allowed for a photograph slot at the top of the sheet.

A Field Number space is also noted. Everytime a cover sheet or report format is used please note what number is appropriate. For example, if this is the eighth time the cover sheet has been used mark '8' in the Field Number space. A separate tally sheet is provided to the department to be marked (example: IIII) each time a model instrument is utilized. Each probation officer/personnel utilizing a PSIR cover sheet or report format is responsible for maintaining his/her own tally sheet(s).

- (1). Print the legal name of the offender. Place only the middle initial rather than middle name if space is a problem.
- (2). Write the legal address of the offender. Make sure you know the appropriate street, city and/or county. This means the offender's residence.
- (3). For the age category, write the offender's numerical age as of his/her last birthday, i.e., '42'.
- (4). DOB stands for date of birth: Proceed as follows: 12-17-54.
- (5). Stands for the gender of the offender. Enter 'M' for male and 'F' for female.
- (6). Enter the identifying numbers which are of use to the probation department, judge, and/or corrections representatives.
- (7). 'Date referred' - enter the date, i.e., 12-17-54 when the offender was referred to the probation department. Follow a similar process for (8) Date interviewed (by the probation official) and (9) date the report is completed.
- (10). Enter the name/number of the judicial district to which the report is sent. Write in the judge's last name in space allotted for that purpose. If the jurisdiction has a judicial district identification system, the appropriate appellation should be entered in the 'Judge' slot. If in a judicial district, specify the court number sent to and the county the probation officer is from.
- (11). Enter the name of the probation department responsible for the PSIR.
- (12). Enter the case cause number.
- (13). Enter the Penal Code number for the offense and briefly outline the offense.
- (13.A) Enter any prior conviction(s) (when, where what offense) in this space.
Include deferred judgement.

(14). Under 'Custodial Status' check the appropriate blank. If 'other,' please specify custodial arrangement.

(14.A) List any plea bargain/negotiation status, if the department and/or judge instruct the staff to do so.

(14. B). List any co-defendant(s) and their disposition(s) status. Describe in greater detail in the report.

(15). Enter the defense attorney's name, last name first, and his/her phone numbers.

(16). Enter the date set for disposition ('12-17-54').

(17). This is an optional box for any comments which need to be made about the offender or the case. If a risks, needs or other assessment sheet is attached, please specify at this point.

B. Report Form - How to Fill Out:

On the Mini Uniform Report, proceed as follows: Enter name, cause number and date of completion.

13. Under Offense, present an official and defendant's summary, stressing any discrepancies between the two versions. Utilize the worksheet sections Legal Chronology and Offense for information which is relevant to the case. The report writer should use his/her discretion on what factors are important to the case.

13. A. On Prior Record, enter a summary statement on any previous offenses, convictions, probations, incarcerations, deferred sentencing or paroles. Present when (juvenile or adult), where (military or civilian) these incidents occurred and the seriousness of the crime(s) committed. Attach sheets if necessary. Again, refer to the worksheet for questions relevant to the specific case.

19. Under the Health History category, a summary statement of the general mental and physical health should be entered. Specific health problems should be noted as they affect the individual's ability to function. Refer to questions under the Worksheet categories for physical and mental histories for ideas on what to include.

20. With Social History, include questions from both family and education categories for this summary. Try to provide an objective and concise profile of the offender which reflects his/her attitudes, motivations and needs (particularly educational).

21. Substance Use/Abuse, if the offender has a chemical substance (drugs or alcohol) related problem or the offense is related to Substance Use/Abuse enter a summary statement under this section; otherwise enter 'N/A.'

22. Under Employment Record, check the worksheet for specific questions to include in a summary. Note whether the offender is employed and in what capacity, by whom and length of employment. Any job history inconsistencies should be listed as should any employment training obtained or needed.

23. Under Evaluation/Prognosis, in a summary statement, the report writer should highlight those factors which will successfully support his/her conclusions in the Supervision Plan(s) or Recommendation(s) categories. Again, note the questions under the Worksheet's Evaluation/Prognosis section for possible points to include.

23. Supervision Plan(s), outline a specific supervision plan for the offender. If the offender has therapeutic, medical, employment, financial or educational needs, outline them here and provide potential supervision plan(s). Restitution should be mentioned along with the various options available to the judge and the probation department.

The report writer should attach a financial sheet based on the client information sheet and interview questions if restitution is due. He/she should note in this section that such is attached.

23. The Recommendation category is an optional category. Fill this section out only if the judge(s) and probation department requires that it be done. Be objective in the recommendation(s). An Example: 'This department recommends 120 months probation and \$500.00 restitution for John Smith to be repaid....' or, 'This department does not recommend probation.' Regardless, follow the judicial district policy consistently.

WORKSHEET - HOW TO FILL OUT

A sample worksheet for all formats is included. Since the offense(s) covered in the mini uniform report are minor and differ from one case to the next, it is the responsibility of the report writer to select which information is not useful in the report. Possible questions for each category on the form are noted. Prior to an interview, the report writer could select appropriate questions based on the offense and the client information sheet. The worksheet questions are used entirely or partially on the long and short uniform report formats. A '#' prior to each subheading/heading denotes its potential use with the mini uniform report format. Be sure to enter offender's name, cause number and date of worksheet completion at top of worksheet.

III.

SHORT AND LONG UNIFORM REPORT FORMATS

These two reports have been endorsed as reports to be used when conducting an in-depth analysis/profile of the offender. The short uniform report can be used for serious misdemeanor and felony (less serious) offenses while the long format could be used in serious felony and/or violent crime offenses. When and how to utilize either of the formats would be left for the discretion of the individual report writer and probation department. The same cover sheet as with the mini uniform report can be used with either report. This cover sheet provides additional information not included in the mini uniform report format.

A worksheet which could be filled out by the interviewer (and not the client) has been included. A bilingual Client Information Sheet (previously mentioned) could be filled out by the client to provide factual information.

A. Short Uniform Form and Worksheet - How to Fill Out

This report can be utilized for more serious misdemeanor and felony cases. Enter offender name, cause number and date of report completion at the top of the PSIR.

In the short uniform form, seven sections are emphasized; Offense, Prior Record, Personal History, Summary, (Evaluation/Prognosis, Supervision Plan(s) and Recommendation(s)).

Recommendation(s) is optional since the guidelines of each judicial district determine whether the probation make a recommendation or not. The Long Uniform Form-How to Fill Out goes into greater detail on what to consider when filling out the different sections. The seven sections in the short form are included in the long form.

The Worksheet provides potential questions that the report writer can utilize under each section. On the worksheet a '/' prior to the heading/subheading denotes section questions to be utilized when writing the short uniform report to achieve an objective but concise profile of the offender. Unlike the mini uniform report, both the short and long uniform reports demand that the report writer provide more explanation and detail under the topic headings.

For both the long and short uniform reports, additional instructions are necessary. All starred items (*) on the worksheets are of importance to the probation department, judicial district and corrections representatives at the Texas Department of Corrections and the Board of Pardons and Paroles. When the probation department prepares a report to be sent to TDC or BPP, these items will be used in determining incarceration and parole strategies.

A Violation Report should be sent with the PSIR to TDC or BPP to present a total picture of the offender to those officials. The probation department has the option of organizing the starred items into a separate report, sending the incorporated report or devising a separate report using TDC/BPP guidelines available from the TAPC office.

Any item which has a plus sign (+) by it refers to the probationer needs and community referrals scales from the Case Classification Project. Any probation department which uses the uniform reports and is involved in the Case Classification Project, can review the Case Classification's scaling which can be used as a statement within the PSIR. The probation officer should look at the scale needed; for example: health,

if the Case Classification scale assessment is 'serious handicap or chronic illness, needs frequent medical care,' is relevant to defendant's PHYSICAL HEALTH (Example: long uniform form) that statement could be directly 'transferred' to the PSIR.

If a section has a minus sign (-) prior to the heading/subheading it means that the material is available from the optional Client's Information Sheet (available from the TAPC office). For verification purposes, the report writer may choose to check other information sources/records against what the offender has written. After verification, the report writer can write a more balanced section, having checked relevant records, interviewed the offender and analyzed the Client's Information Sheet.

B. Long Uniform Form and Worksheet - How to Fill Out

Try to be as concise and accurate as possible. When ranking an individual use objective terminology rather than those terms which are opinionated.

The long uniform format worksheet is long but it allows for discretion and selection on the part of the report writer. The long format was endorsed by PSIR task force members for use in complex crime cases, serious felony-cases or violent crime cases. Thus, the department and/or report writer who uses this form should be prepared to write an extensive report based on the in-depth subheadings listed in the worksheet.

Below are suggestions on how to fill out the worksheet subheadings in order to obtain as much useful information as possible. Fill out name, cause number and date of report completion at top of report.

LEGAL CHRONOLOGY/RELATED DATA: Allow for enough space under restitution items. Be as specific as possible.

OFFENSE: Under 'brief summary of formal charge(s),' include the number of counts and offense(s). With 'aggravating/extenuating circumstances,' specify which it was and how the circumstance(s) related to the offense. Under 'Influence of Alcohol, Narcotic Medicine or Stress,' emphasize which influence(s) were conducted to the crime if any were. Under Defendant's Version and Statement of Interested Parties, report verbatim

comments without providing editorialization.

PRIOR RECORD: Under Juvenile Court History, include any probation or camp experience(s), the offender has had. Under Adult Misdemeanor, with the category in arrests/conviction(s), note the dates, places, offenses and dispositions of all misdemeanors before or after the arrest for current offense. Do the same for the arrests/conviction(s) summaries under Adult Felony and Military.

PERSONAL HISTORY: Under juvenile social history, include the description of the relationships of the offender with parents and siblings in the 'early developmental influences' category.

Under Adult Social History, include common law and other cohabital relationships under present marriage summary. The report writer should also include age, sex, school, custody and support factors when describing children of the defendant's marriage(s).

HOME AND NEIGHBORHOOD: Under 'residential stability in past year' note the length of residence in the offender's current neighborhood.

EDUCATION: Under the 'literacy in English' category, the report writer could break this category into writing, reading and speaking skills. Under job readiness, note the offender's qualifications to enter the job market; marketable skills.

PHYSICAL HEALTH: Under 'defendant's general physical condition,' note health problems based on the offender's estimate of health, medical reports and report writer's observations (include mental/physical retardation conditions). Under 'current medical treatment,' include prescribed medicines and dosages.

MENTAL HEALTH HISTORY: Under general social adjustment, consider personality characteristics which are observed by the report writer and noted under 'emotional stability.' The following factors should be considered: fears, hostilities, obsessions, compulsions, depressions, peculiar ideas, dislikes, sexual behavior and mental retardation. These factors should be used to illustrate how they impact the offender's ability to function in society. The case classification scale, mentioned earlier, could be helpful with this category; note, however, that the case classification scale divides

mental and emotional factors into separate categories. Under extent of defendant's awareness of emotional problems, describe how the defendant has dealt with these problems.

EMPLOYMENT/EMPLOYMENT HISTORY: Under 'employment history' include dates, nature of employment, earnings and reasons for leaving. Under 'employer's evaluation of defendant,' consider these factors: attendance, reliability, honesty, reputation, attitude toward work, attitude toward co-workers, attitude toward supervisor, and ability/willingness to take orders and follow directions.

FINANCIAL STATUS: With the 'statement of financial assets' include real property and insurance.

Under 'obligations,' consider home mortgage, automobile payments, balance due and monthly payments for rent, utilities, medical insurance, home repairs, charge accounts, outstanding fines and potential restitution capabilities.

RESOURCES AVAILABLE: Describe all the resources that are necessary for the offender and specify where the resources can be found.

SUMMARY: Highlight the most significant data from prior sections as background for evaluation and prognosis section.

EVALUATION/PROGNOSIS: Analyze all previous sections considering the offender's motivation circumstances, strengths and weaknesses. Determine what the future outline is for the offender. This section should be included with the Supervision Plan(s) and the optional Recommendation(s) section.

SUPERVISION PLAN(S): This is a detailed plan for achieving desired change in the defendant's behavior including role(s) of family, spouse, teachers, employers and other interested individuals to assist in desired change; it could include plans for residence, education, employment, medical/mental health treatment and use of community resources. This section can be used without utilizing the recommendation(s) section.

RECOMMENDATION(S) (Optional): If your department does not use the recommendation(s) section simply write 'N/A'. The recommendations as to sentencing and or conditions of

probation must be in accord with judicial district policy and probation organization guidelines. This recommendation(s) must be consistent with factual information about the offense and the offender.

IV.

ATTACHMENTS

On the cover sheet, a space is left at the bottom for attachments to the PSIR. Needs and risk attachment sheets can be attached to the PSIR as determined by the individual jurisdiction's probation department. An 'other' category is noted for those departments which want to provide specialized attachments or use such as screening instruments. Depending on the department's guidelines, a department can incorporate a specialized model within a regular PSIR or write a separate report. Models which were endorsed by the PSIR task force members as potential attachments include: 1) alcohol related problem or offense sheet; 2) drug related problem sheet or offense; 3) mental or physical health problem sheet; 4) character letter sheet; 5) damage/victim sheet; 6) contact sheet; and 7) arrest report sheet and/or rap sheet.

These attachments are simply suggested additions to the basic PSIR. Not all PSIR task force members endorsed the ideas and it is the role of the individual department to develop these attachments although TAPC can provide technical assistance. A DWI model is available from the TAPC office upon request.

V.

STYLE

The format/cover sheet style is boxed and unlined (narrative) except for obvious fill-in-the-blank statements (name, age, etc.). The worksheets provide the in-depth questions/answers to be summarized within the PSIR. Boxing the reports creates a neater more coherent report while dismissing a lined format allows the report writer more flexibility in content length.

Exhibit 41A

SAMPLE

**Authorization of Disclosure
Notification Consent Form**

I, _____,
(Client/Patient name)
authorize _____ to notify and inform

of my presence in the facility.

In addition, I authorize the acknowledgement of my presence in this facility to callers and visitors.

The purpose of the disclosure authorized herein is to provide information to parties personally interested in my whereabouts.

This consent may be revoked by me at any time except to the extent that action has been taken in reliance thereon. This consent (unless expressly revoked earlier) expires upon my formal discharge from this facility.

Signature of client-patient Date

Signature of witness Date

Signature of parent, guardian, or legal representative Date

Specify relationship

SAMPLE
**Consent for the Release
of Confidential Information**

I, _____ authorize _____
(name of patient or participant) (name of the program making
the disclosure) (name of person or organization to which disclosure is to be made)

_____ to disclose to _____
(name of person or organization to which disclosure is to be made)

_____ the following information _____
(nature of the information)

I understand that my records are protected under the Federal Confidentiality Regulations and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it (e. g. probation, parole, etc.) and that in any event this consent expires automatically as described below.

Specification of the date, event, or condition upon which this consent expires.

Executed this _____ day of _____, 19____

(Signature of patient or participant)

(Signature of witness)

(Signature of parent, guardian, or authorized representative (when required, see Book 1, pp. 17 & 20, Minor and Incompetent Patients)

REQUEST PERTAINING TO MILITARY RECORDS	Please read instructions on reverse. If more space needed, attach additional sheets.	REQUESTER'S FILE REF.	DATE OF REQUEST
---	--	-----------------------	-----------------

PART I - INFORMATION NEEDED TO LOCATE RECORDS *(Furnish as much information as possible)*

1. NAME USED DURING SERVICE <i>(Last, first, middle)</i>	2. SOCIAL SECURITY NO.	3. DATE OF BIRTH	4. PLACE OF BIRTH
--	------------------------	------------------	-------------------

For an effective records search, it is important that ALL periods of service be shown below.

ACTIVE SERVICE

5. BRANCH OF SERVICE <small>(show also last organization, if known)</small>	6. DATES OF ACTIVE DUTY		7. (Check One)		8. SERVICE NUMBER DURING THIS PERIOD
	ENTERED ON	RELEASED FROM	OFFICER	ENLISTED	

RESERVE SERVICE IF NONE, CHECK NONE

9. BRANCH OF SERVICE	10. DATE MEMBERSHIP		11. (Check One)		12. SERVICE NUMBER DURING THIS PERIOD
	BEGAN	ENDED	OFFICER	ENLISTED	

NATIONAL GUARD MEMBERSHIP IF NONE, CHECK NONE

13. ARMY	14. AIR	17. DATE MEMBERSHIP		18. (Check One)		19. SERVICE NUMBER DURING THIS PERIOD
15. STATE	16. ORGANIZATION	BEGAN	ENDED	OFFICER	ENLISTED	

20. IS SERVICE PERSON DECEASED? DATE OF DEATH
 No Yes *(If "Yes" enter date)*

21. IS (was) INDIVIDUAL A MILITARY RETIREE OR FLEET RESERVIST? No Yes

PART II - REQUEST

1. EXPLAIN WHAT INFORMATION OR DOCUMENTS YOU NEED OR CHECK ITEMS 2 OR 3

1. CHECK THIS BOX IF YOU NEED A STATEMENT OF SERVICE ONLY

3. LOST SEPARATION DOCUMENT REPLACEMENT REQUESTED (Check one)
 REPORT OF SEPARATION (DD Form 214 or equivalent) ISSUED IN _____ (Yr.) *(This contains information normally needed to determine eligibility for benefits. It may be furnished only to the veteran, his surviving next-of-kin, or to his representative with veteran's signed release authorization -- item 6).*
 DISCHARGE CERTIFICATE ISSUED IN _____ (Yr.) *(This shows only date and character of discharge and is of little value in determining eligibility for benefits. It may be issued only to veterans discharged honorably or under honorable conditions, or, if deceased, to the surviving spouse.)*

3a. HOW WAS SEPARATION DOCUMENT LOST?

4. PURPOSE FOR WHICH INFORMATION OR DOCUMENTS ARE NEEDED (Explain)

5. REQUESTOR IS (check proper box) <input type="checkbox"/> Next of kin (show relationship) <input type="checkbox"/> PERSON IDENTIFIED IN PART I <input type="checkbox"/> SURVIVING SPOUSE <input type="checkbox"/> OTHER (Specify)	5a. SIGNATURE OF REQUESTOR
---	----------------------------

6. RELEASE AUTHORIZATION *(If required, read instruction No. 3 on reverse)*
I hereby authorize release of the requested information/documents to the addressee shown at right.

6a. SIGNATURE OF VETERAN (If signed by other than veteran, complete 6B.)	REQUESTOR <i>(Please type or print complete return address. Include Zip Code)</i>
6b. RELATIONSHIP TO VETERAN	

DEFENDANT'S PERSONAL DATA SHEET

Date: _____

Name: _____
 (Last) (First) (Middle Initial)

Address: _____
 City: _____ State: _____ Zip Code: _____
 Telephone No.: _____

How long have you lived at present address? _____
 Age: _____ Date of Birth: _____ Education: _____
 (No. of years in school)

Sex: _____ Race: _____ Military: _____
 Offense charged with: _____ Dates: _____
 Felony or misdemeanor: _____ Type of discharge: _____
 Attorney's name: _____ Social Security No.: _____
 Date placed in jail: _____ Are you now employed? _____
 Number days in jail: _____ Type of employment: _____
 Marital status: _____ Length of time employed: _____
 Name of spouse: _____ Monthly Income: _____
 Number of marriages: _____ Do you own an automobile: _____
 Are you a student: _____ Make of Automobile: _____
 Where? _____ Driver's License No.: _____
 Automobile liability Ins.: _____

PRESENT OFFENSE

- Are you guilty of the offense as charged? _____
- Where did it happen? _____
- On what day were you arrested? _____
- Daytime or night time? _____
- "Why" did you commit this offense? _____
- Were you alone? Yes ___ No ___
- Had you used alcohol before committing this offense? If so, how much? _____
- Had you used any other type drug? _____
- Was any damage caused to anyone by this offense? _____
 If so explain: _____
- Has any of it been repaid? _____
 a. If yes, where? _____
 b. Name of charge: _____

PRIOR RECORD

List prior arrests, if any:

Date:	Place:	Offense:	Result of Arrest:
_____	_____	_____	_____
_____	_____	_____	_____

- Have you ever been sent to a Juvenile Department? _____
 - Have you ever been placed in a Juvenile Institution? _____
- Have you ever been placed in a City Jail? _____
 - Have you ever been placed in a County Jail? _____
 - Have you ever been sent to a State or Federal Prison? _____
- Have you ever been placed on Adult Probation? _____
 - For what offense? _____ When? _____ Where? _____
- Have your parents, brothers, sisters, or spouse ever been arrested before?
 _____ Who? and for what offense? _____

FAMILY HISTORY

- Father:
 Name: _____ Living? _____ Age: _____
 Address: _____
 (Street) (City) (State) (Telephone No.)
 Occupation: _____ Income: _____
 Employer: _____ Address: _____
 - Mother:
 Name: _____ Living? _____ Age: _____
 Address: _____
 (Street) (City) (State) (Telephone No.)
 Occupation: _____ Income: _____
 Employer: _____ Address: _____
 - How many brothers and sisters do you have living? _____
 - If parents are separated or divorced, give:
 - Date of separation or divorce: _____ Your age at that time: _____
 - Were you home when this occurred? _____
 - If divorced, did your parents remarry? _____
 - Did your parents' use of alcohol or drugs ever cause problems in your family?

 - Who in your family understands you best? _____
 (Relationship)
- If other than mother or father, give:
 Name: _____ Address: _____
 Telephone Number: _____

MARITAL HISTORY

- I. If married:
A. Name of Spouse: _____ Age: _____
B. Education of Spouse: _____
C. Length of marriage: _____
D. Occupation: _____
E. Wage earned: _____
F. Number of children living at home: _____
G. Has there been any trouble in your marriage: _____
Caused by: 1. Finances _____
2. Alcohol _____
3. Drugs _____
4. Other causes _____

- H. Did you ever seek help in your marriage?
1. What Agency or person was contacted for help? _____

- II. If divorced:
A. List prior marriages and dates:
1. _____
2. _____
B. Do you pay child support? _____ How much monthly? _____

RELIGION

- 1. Do you have a religious preference? _____
2. If yes, what church do you attend? _____

HEALTH

- 1. Height: _____ Color of eyes: _____
2. Weight: _____ Color of hair: _____
3. Do you have difficulty seeing? _____
4. Do you have difficulty hearing? _____
5. Do you take medicine regularly? _____ If yes, explain: _____
6. Do you have any physical disabilities or handicaps? _____ Explain: _____
7. Have you ever been a patient in a hospital? _____ Explain: _____
8. Have you ever been under the care of a psychiatrist? _____ If yes, where? _____ When? _____
9. Have you ever "blacked-out"? _____ If yes, explain: _____
10. Have you ever been addicted to drugs or alcohol? _____ Explain: _____

11. What is your general condition of health?

- A. Good _____ C. Fair _____
B. Average _____ D. Poor _____

EDUCATIONAL HISTORY

1. List school attended:

Table with columns: School, Year attended, Grade Completed. Rows include Elementary, Junior High, High School, College, Graduate School.

MILITARY SERVICE

- 1. What branch of the service were you in? _____
a. Date entered: _____ e. Special training: _____
b. Date discharged: _____ f. What decorations were received: _____
c. Highest rank: _____
d. Type of discharge: _____
2. Did you ever get into trouble while in the service? _____ If yes, explain: _____

WORK HISTORY

- 1. Are you employed at the present time? _____ If no, explain: _____
2. If you are employed, give:
a. Name of employer: _____
b. Address of place where employed: _____
c. Telephone number: _____
d. Date of employment: _____
e. Monthly salary: _____
f. Type of employment: _____
g. Name of immediate supervisor: _____
3. Does your employer know you have been arrested? _____ If no, explain: _____

Former employment - starting with most recent:

Employer and Address	Employed From-To	Duties	Reason for Leaving

FINANCES

1. List monthly credit payments you make for loads, furniture, clothes, jewelry, car, hospital, doctor's bills, lawyer's fee, etc.

Payments to:	For:	Payments:	Balance owed:
Total			

2. Living expenses per month:
- a. House\$ _____ Do you own or rent? _____
 - b. Utilities\$ _____
 - c. Food\$ _____
 - d. Laundry\$ _____
 - e. Transportation\$ _____
 - f. Entertainment\$ _____
 - g. New Clothes\$ _____
 - h. Doctor and Medicine\$ _____
 - i. Life Insurance\$ _____
 - j. Hospital Insurance\$ _____
 - k. Child Support (if any)\$ _____
 - l. Monthly credit payments\$ _____ Write in total from above.
- Total\$ _____

3. What is your total monthly income; List sources and income from each.
- a. Your salary (after deductions)\$ _____
 - b. Spouse's salary (if any)\$ _____
 - c. Social Security\$ _____
 - d. Welfare\$ _____
 - e. Disability Insurance\$ _____
 - f. Unemployment compensation\$ _____
 - g. Other\$ _____
- Total\$ _____

FUTURE PLANS

1. How are you willing to change that part of your life which caused your trouble with the law? _____
2. What are your plans for the future if the court places you on probation? _____

REFERENCES

1. Give names of two friends or relatives who will always know where you can be located:

NAME	ADDRESS	PHONE

2. Give names of three adults who may be contacted for character references in addition to the two persons named above:

NAME	ADDRESS	PHONE

Sign your name: _____

If you had someone help you fill out this form, give the person's name: _____

Exhibit 44 B
DAILY WORKSHEET

(Example)

TRAVEL	ODOMETER READING	DISTANCE TRAVELED	ARRIVAL TIME	CASE - NAME AND NUMBER	FEL.	MIS.	PERSON CONTACTED OR ACTION TAKEN	CONTACT CODE
FROM: Probation Department								
TO: 3718 Kingsley St., Apt 201	2553	3	8:48 a.m.	Jones, Robert X-76-1412	X			HP
7521 Carl St.	2555	2	9:10 a.m.	Harris, Troy E. X-72-3590		X	Saw Wife, Betty	HC
921 Miller	2557	2	9:25 a.m.	Carlin, Harold X-76-3141		X	Saw Employer, Sam Jones	FC
Return to probation department	2561	4	10:05 a.m.					
				Watson, Tom X-75-3490		X	Transfer-In - Okla. - Max. Supv.	
				Washington, Bob X-76-309	X		Closed - Early Rel. - Med. Supv.	
				Diggs, Earl X-72-8120	X		Wrote Viol. Report - Raised from med. to max.	
				Smith, Edward X-73-219		X	Made Monthly Report	OP
				Thompson, Don X-74-342	X		Closed- Revoked - Med. Supv.	
				WORK AFTER 5:00 p.m.				
				Crawford, Jim X-73-91		X	Viol. Rept. Raised from Min. to Max.	
				Sanders, Tony X-75-824	X		Progress Report lowered from Max. to Med.	
				Griffin, Billy X-76-2611		X	Viol. Rept. Raised from Med. to Max.	
				COMPLETED WORK AT 7:00 p.m.				
OFFICER: Smith	MEANING OF CONTACT CODES			REMARKS: 2 Hours compensatory Time claimed.				TOTALS
DATE: 5-10-79 DEPARTURE TIME: 8:30 a.m.	HP- Home visit with probationer							HP 1
	HC- Home collateral visit							HC 1
	FP- Field visit with probationer							FP
	FC- Field Collateral Visit							FC 1
	OP- Office visit with probationer							OP 1
	OC- Office collateral visit							OC
	HNC- Home Visit-No Contact							HNC
	FNC- Field Visit-No Contact							FNC
ODOMETER READINGS End of Day 2561 Beginning 2550 Total Mileage 11 Less Unofficial Mileage 0 NET MILEAGE CLAIMED 11				SUMMARY: NEW CASES - 1 (TI Max. Supv.) CLOSED CASES - 2 (1 CRV. Med. 1 CER. Med.) REPORTS - 4 CHANGES IN SUPERVISION LEVELS: MAX. +3 MED. -3 MIN. -1				

B127

OFFICER'S MONTHLY STATISTICAL REPORT

Report for the month of _____

	Felony	+ Misdemeanor	= Total
I. <u>Total Cases Under Supervision on First Day of Month:</u> _____	_____	_____	_____
II. <u>Cases Received During Month:</u>			
A. Placed on Probation by Local Court(s) _____	_____	_____	_____
B. Transferred - In For Supervision _____	_____	_____	_____
C. Other _____	_____	_____	_____
TOTAL CASES RECEIVED	_____	_____	_____
III. <u>CASES CLOSED DURING MONTH:</u>			
A. Early Release _____	_____	_____	_____
B. Regular Discharge _____	_____	_____	_____
C. Revocation _____	_____	_____	_____
D. Other _____	_____	_____	_____
TOTAL CASES CLOSED	_____	_____	_____
IV. TOTAL CASES UNDER SUPERVISION ON LAST DAY OF MONTH _____	_____	_____	_____
V. <u>TOTAL CASES FROM (IV.) UNDER:</u>			
A. Direct Supervision _____	_____	_____	_____
B. Indirect Supervision _____	_____	_____	_____
VII. <u>SUPERVISION:</u>			
A. Field Contacts		B. Supervision Levels	
1. HP + HC = _____		1. Maximum _____	_____
2. FP + FC = _____		2. Medium _____	_____
3. HNC + FNC = _____		3. Minimum _____	_____
C. Successful Community Resource Referrals for Month _____	_____	_____	_____

Felony Misdemeanor Other

VIII. INVESTIGATIONS AND REPORTS:

A. Number of Written Pre-Sentence Reports Completed _____	_____	+	_____	=	_____
1. In-Depth Reports _____	_____	+	_____	=	_____
2. Short Form Reports _____	_____	+	_____	=	_____
B. Number of Other Type of Reports Completed _____ (Social Histories, Violation Reports, Progress Reports, Special, etc.)	_____	+	_____	=	_____

XI. WORKING HOURS, LEAVE AND MILEAGE:

A. Total Hours Worked: _____ Regular	_____	+	_____ Overtime	=	_____
B. Total Hours Absent: _____ Vacation	_____	+	_____ Sick Leave	+	_____ Comp. Time = _____
C. Total Amount of Compensatory Time Carried Over to Next Month _____				=	_____
D. Total Miles Driven on Official Business During Month _____				=	_____

STATEMENT

This is a true and accurate accounting of my official activities for the month of _____ 19____.

Date _____ Signature _____

Exhibit 46 A

QUARTERLY REPORT FOR _____ QUARTER 19____

CASES ACTIVE						
CASES PROBATED						
TRANSFERS ACCEPTED FOR SUPV.						
CASES CLOSED						
TOTAL CASES UNDER CARE						
RACE OF ALL CASES UNDER CARE						
WHITE	Male					
	Female					
BLACKS	Male					
	Female					
MEXICAN AM.	Male					
	Female					
TOTAL:						

OFFENSES	CASES RECEIVED						
BURGLARY & ATT. BURG.							
SEX MORALS							
THEFT OVER \$200.00							
OTHER							
ROBBERY AND ATT. ROBBERY							
FORGERY							
PASSING WORTHLESS CHECKS							
DWI - 2nd							
MURDER & ASSAULT TO MURDER							
NARCOTICS							
EMBEZZLEMENT, THEFT BY CONV.							
OTHER							
TOTAL							

PROBATION FEES PAID	\$
RESTITUTION PAID	\$

AGES OF ALL PROBATIONERS

	17	18	19	20	21	22	23	24	25-30	31-40	41/0	TOTAL
CASES ACTIVE PRIOR Q TR.												
NEW CASES												
CLOSED												
COMPLETED PROBATION												
REVOKED												
REVOKED DEFERRED ADJUDI.												
PROB. EXP. WARRANT ISD.												
DECEASED												
TOTAL UNDER SUPV.												

Exhibit 46 B

(Example)

ADULT PROBATION DEPARTMENT

CASES ACTIVE	12-31-77	7484					
CASES PROBATED		3700					
TRANSFERS ACCEPTED FOR SUPV.		-0-					
CASES CLOSED		2816					
TOTAL CASES UNDER CARE	12-31-78	8368	TOTAL	COMPLETED PROBATION	REVOKED	REVOKED DEFERRED ADJUDICATION	PROBATION EXPIRED WARRANT ISSUED
RACE OF ALL CASES UNDER CARE	12-31-78						
WHITE	Male	3784		941	260	20	67
	Female	783	4567	183	31	0	20
BLACK	Male	2562		408	382	18	70
	Female	654	3216	137	34	2	23
MEXICAN AM.	Male	585		108	40	1	11
	Female	50	585	13	3	0	1
TOTAL:		8368	8368	1790	750	41	192

OFFENSES	CASES RECEIVED						
BURGLARY & ATT. BURG.	891	2173	378	332	19	39	19
SEX MORALS	153	383	46	25	1	4	2
THEFT OVER \$200.00	4	55	46	16	0	5	0
OTHER	674	1398	271	89	5	44	3
ROBBERY AND ATT. ROBBERY	113	372	44	28	0	2	1
FORGERY	188	415	91	44	1	11	1
PASSING WORTHLESS CHECKS	7	14	7	2	0	1	0
DWI - 2nd	351	537	153	22	5	9	1
MURDER & ASSAULT TO MURDER	47	166	29	11	0	1	2
NARCOTICS	726	1493	320	58	6	19	6
EMBEZZLEMENT, THEFT BY CONV.	3	78	46	4	0	4	0
OTHER	543	1284	359	119	4	53	8
TOTAL	3700	8368	1790	750	41	192	43

PROBATION FEES PAID	\$776,712.88
RESTITUTION PAID	\$518,364.22

AGES OF ALL PROBATIONERS

	17	18	19	20	21	22	23	24	25-30	31-40	41/0	TOTAL
CASES ACTIVE PRIOR QTR.	58	319	533	577	611	532	486	457	1850	1205	876	7484
NEW CASES	317	384	330	293	236	193	166	168	653	495	465	3700
CLOSED	26	117	183	211	216	231	169	184	684	451	344	2816
COMPLETED PROBATION	1	8	78	115	142	157	102	114	474	338	261	1790
REVOKED	23	98	84	80	60	62	45	52	133	67	46	750
REVOKED DEFERRED ADJUDI.	2	8	9	5	2	1	1	1	4	6	2	41
PROB. EXP. WARRANT ISD.	0	0	7	8	9	7	18	12	65	37	29	192
DECEASED	0	3	5	3	3	4	3	5	8	3	6	43
TOTAL UNDER SUPV.	349	586	680	659	631	494	483	441	1799	1249	997	8368

1401 Transfers under supervision not included in above figures.

APPENDIX C
Glossary of Legal Terms

APPENDIX C
GLOSSARY OF TERMS

<i>ACCUSATION</i>	the formal statement of the alleged offense filed against the person suspected of a crime. The term "accusation" is often used interchangeably with "charge".
<i>ACQUITTAL</i>	in a criminal case, a decision that the defendant is not guilty.
<i>ADMISSIBLE</i>	describes evidence that is allowed in court.
<i>AFFIDAVIT</i>	a written or printed declaration or statement of facts voluntarily, and confirmed by the oath or affirmation of the party making it, taken before an office having authority to administer such oath.
<i>ALIAS</i>	"otherwise called"; indicating one called by one or the other of two names.
<i>APPEAL</i>	a proceeding by which a case is brought from a lower to a superior court for re-examination or review and reversal.
<i>APPELLANT</i>	the party who makes an appeal from one court or jurisdiction to another.
<i>APPELLATE COURT</i>	higher court which reviews decisions of trial courts.
<i>ARRAIGNMENT</i>	the bringing into court of a person accused of a crime so that he can be told what he is accused of. If he pleads guilty, he is sentenced by the judge. If he pleads not guilty, his case is set for trial.
<i>ARREST</i>	taking a suspect into physical custody by authorized persons.
<i>ARREST WARRANT</i>	a legal document issued to make an arrest.
<i>ATTORNEY</i>	another name for lawyer or counsel.
<i>BAIL</i>	money (or a guarantee to pay money) given to a court to obtain the release of a person accused of a crime. If the accused person does not appear for trial, the money is forfeited.
<i>BAILIFF</i>	the uniformed personnel in the courtroom: the court police, so to speak, who are responsible for maintaining order, summoning the jury, giving the oath, and taking custody of the jury during the deliberations. There can be both male and female bailiffs.
<i>BENCH WARRANT</i>	process issued by the court itself, or from the bench, for the attachment or arrest of a person; either in case of contempt, or where an indictment has been found, or to bring in a witness who does not obey the subpoena.
<i>BOND</i>	an instrument which stipulates a sum fixed as a penalty, binding a person to pay same if he does not perform the acts as stated in the instrument.

BOOKING making a record of an arrest at the police station; the suspect is fingerprinted and photographed.

BURGLARY a criminal offense which is constituted by entering a house by force, threats or fraud, at night or in like manner by entering a house at any time, day or night, and remaining concealed therein with intent in either case of committing a felony or the crime of theft.

CAPIAS a writ of execution which commands the sheriff to take the party named and keep him safely so that he may be brought before the court.

CAPITAL CRIME a crime punishable by death.

CAPITAL FELONY a felony offense for which the highest penalty is death.

CHANGE OF VENUE the removal of a suit begun in one county or district to another county or district for trial, though the term is also sometimes applied to the removal of a suit from one court to another court of the same county or district.

CIRCUMSTANTIAL EVIDENCE all evidence of an indirect nature. Evidence of facts or circumstances from which the existence or non-existence of fact in issue may be inferred.

CIVIL CASE a non-criminal case brought by private individuals regarding a legal dispute between them.

CLERK OF COURT an officer of a court of justice who has charge of the clerical part of its business, who keeps its records and seal, issues process, enters judgments and orders, gives certified copies from the records.

CLIENT one who employs the services of any professional person, such as a lawyer.

CLOSING ARGUMENT a summary of the facts of the case presented to the jury by the attorneys for both sides.

COMPLAINT an instrument which charges a particular person of having committed a specified offense.

CONFESSION a voluntary statement made by a person charged with the commission of a crime, wherein he acknowledges himself to be guilty of the offense charged.

CONTEMPT OF COURT any act which is calculated to embarrass, hinder or obstruct the court in administration of justice, or which is calculated to lessen its authority or its dignity.

CONVICTION the term used for verdict of "guilty".

COUNSEL another word for lawyer or attorney.

CRIME the commission or omission of an act specifically forbidden or enjoined by public law.

CRIMINAL CASE an action against a defendant, brought by the state, charging or alleging a violation of a law, defined as a crime.

CROSS EXAMINATION the examination of a witness by the attorney representing the opposing side.

DAMAGES the money awarded to a person because of a loss he suffered through somebody else's fault. For instance, a court may award damages for a personal injury, for destruction of property, or for the breaking of a contract.

DEED a signed paper that transfers title to a piece of property from one person to another person.

DEFENDANT the person or persons against whom a lawsuit has been filed. The term applies in both civil and criminal cases.

DEPOSITION a written declaration under oath made upon notice to the adverse party for the purpose of enabling him to attend and cross examine.

DIRECT EVIDENCE the means of proof which tends to show the existence of the fact in question without the intervention of the proof of any other fact.

DOCKET DOCUMENTARY EVIDENCE list of cases waiting their turn to be tried in court.
evidence supplied by books, papers, etc.

EMBEZZLEMENT fraudulent appropriation of property by a person to whom it has been entrusted, or into whose hands it has lawfully come.

EVIDENCE that which is legally presented before a court as a statement by a witness; an object or exhibit which helps to establish the point in question.

EXTRADITION the surrender by one state to another of an individual accused or convicted of an offense outside its own jurisdiction and within the territorial jurisdiction of the other, which, being competent to try and punish him, demands the surrender.

FELONY offense punishable by death or imprisonment.

FORGERY the act by which one who without lawful authority and with intent to injure or defraud, makes a false instrument in writing purporting to be the act of another.

FRAUD any kind of artifice employed by one person to deceive another.

FUGITIVE one who flees, evades, or escapes from some duty or penalty or from the consequences of a misdeed.

GRAND JURY a group of citizens that inquires into crime and returns indictments. Unlike a trial before an ordinary jury, the hearings of a grand jury are secret.

HABEAS CORPUS generally, a writ requiring that a person being detained or held be brought before a court to determine the legality of his detention.

HEARSAY EVIDENCE evidence not proceeding from the personal knowledge of the witness, but from the mere repetition of what he has heard others say.

HOMICIDE the act of a human being in taking away the life of another human being.

INDICTMENT an accusation in written form, presented by a Grand Jury to the court in which it is impaneled, charging that a person therein named has done some act, or been guilty of some omission, which by law is a public offense punishable on conviction.

INDIRECT EVIDENCE evidence which does not actually prove the fact but from which the fact may be presumed.

INITIAL APPEARANCE at this time the magistrate decides whether the suspect should be released on bail.

INJUNCTION a judicial process requiring a person to whom it is directed to do or refrain from doing a particular thing.

IN RE in the matter of.

INTENT design, resolve, or determination.

INVESTIGATION an inquiry made by police officials into the facts surrounding crime.

JUDGEMENT the legal decision of a court on a particular case.

JURISDICTION a lawful right to exercise official authority.

JURISPRUDENCE the philosophy of law, or the science which treats the principles of positive law and legal relation.

JURY (trial) a group of persons, usually twelve in number, who are chosen from the legal community to hear a trial and then to render a true verdict.

LARCENY fraudulent taking or carrying away of a thing without claim of right, with intention of converting it to a use other than that of the owner, without his consent.

LAWSUIT a civil action (case) brought before a court of law.

LIBEL a written or printed statement having no justification or excuse which is injurious to one's character, reputation or livelihood and may be grounds for an account of damages.

LITIGATION either of the parties in a lawsuit.

MALICIOUS MISCHIEF willful destruction of personal property from actual ill will or resentment towards its owner or possessor.

MANDAMUS a court proceeding to compel a public official to carry out the duties of his office.

MANDATE a command, order, or direction, written or oral, which a court is authorized to give and a person is bound to obey.

MISDEMEANOR offenses lower than felonies and generally those punishable by fine and/or imprisonment other than in the penitentiary.

MISTRIAL a trial that has no legal effect because there has been an error in the proceedings.

ORDINANCE a law or statute.

PARDON an act of grace which exempts the individual on whom it is bestowed from the punishment the law inflicts for a crime that he has committed.

PAROLE a conditional release of a prisoner before a prison sentence has been completed.

PENALTY a punishment imposed by statute as a consequence of the commission or omission of an offense.

PERJURY the willful telling of a lie under oath.

PLEA a defendant's answer to a legal declaration of charge.

PLEADING the formal allegations by the parties of their respective claims and for the judgment of the court.

POWER OF ATTORNEY an instrument authorizing another to act as one's agent.

PRECEDENCE a prior case decision or a prior legal authority that guides a court in deciding a current case.

PRELIMINARY HEARING at this time the magistrate decides whether or not there is enough evidence to hold the suspect.

PRIMA FACIE a fact presumed to be true unless disproved by some evidence to the contrary.

PROBATION the serving of a sentence outside of prison, requiring the probationer to report to probation officers under such conditions as the court may state.

PROSECUTE PROSECUTING ATTORNEY to start legal action against a person.
the lawyer who conducts the government's case against the person accused of crime. He is often called the district attorney or the state attorney.

PUBLIC DEFENDER the lawyer appointed by the court to defend a person who cannot afford to pay a defense counsel.

RAPE the unlawful carnal knowledge of a person, forcibly and against the person's will.

RAPE (statutory) carnal knowledge of a person below the age of consent.

REBUTTAL final arguments between the prosecution and the defense in a trial.

<i>RES GESTAE</i>	declaration uttered simultaneously, or almost simultaneously with the occurrence of the act; and the explanation of the act by what is said when it happened.
<i>ROBBERY</i>	taking of personal property in the possession of another from his person or immediate presence, and against his will, accomplished by means of force or fear.
<i>SENTENCING</i>	the formal accounting by the court of the punishment to be suffered by a defendant following his conviction by the jury.
<i>SODOMY</i>	a carnal copulation by human beings with each other against nature, or with a beast.
<i>STATUTE</i>	an act of a legislative body; a law.
<i>SUBPOENA</i>	an order directing a witness to appear in court.
<i>SUIT</i>	an civil action.
<i>SUMMONS</i>	to cite a defendant to appear in court to answer a suit which has been initiated against him.
<i>TERM</i>	a fixed period; determined or prescribed duration.
<i>TESTIFY</i>	to make a solemn declaration, under oath or affirmation, in a judicial inquiry for the purpose of establishing or proving some fact.
<i>THEFT</i>	the fraudulent taking of corporeal personal property belonging to another from his possession, or from the possession of some person holding the same for him without his consent with intent to deprive the owner of the value of same, and to appropriate to the use or benefit of the person taking same.
<i>TORT</i>	a private or civil wrong or injury.
<i>TRIAL</i>	the formal examination of facts before a jury for the purpose of determining guilt or innocence.
<i>TRIAL JURY</i>	sometimes called Petit Jury—a group of persons, twelve in a district court and six in county and Justice of the Peace courts, who are chosen from the local community to hear a trial and then to give a true verdict.
<i>TRUE BILL</i>	the endorsement made by a Grand Jury upon a bill of indictment when they find it substantiated by the evidence laid before them.
<i>VERDICT</i>	the formal decision or finding of a jury following the trial.
<i>WARRANT</i>	a legal document issued by a judge allowing an officer to make an arrest.

END