

***Evidence-Based Sentencing Practices
to Reduce Recidivism***

**Excerpts from the
RISK-BASED PROGRESSIVE SANCTIONS AND
INCENTIVES MODEL IN TRAVIS COUNTY**



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SUMMARY

The mission of the Travis County Adult Probation Department is to impact the community by making it safer and changing the lives of those placed under its supervision.

This document provides an overview of the key procedures for the application of a Risk-Based Progressive Sanctions Model for technical violations in Travis County.

In the Risk-Based Progressive Sanctions Model the response to a technical violation depends, in part, on the offender's risk of re-offending. Each offender is classified into one of three subcategories: Red (High), Blue (Medium) and Yellow (Low). These classifications are based on the results of a comprehensive assessment process using the Wisconsin Risk Assessment and SCS.

Next, "Guidelines for Progressive Sanctions" were developed by separating control and treatment conditions, ordering them from least severe to most severe, and assigning numbers to each type of violation. The number assigned refers to a menu of options available to address the violation for an offender at that particular risk-level. In order to also assure a consideration of the **probated offense**, two sets of "Guidelines for Progressive Sanctions" were developed: The first set outlines the sanctions for the General Population of probationers (Table 1); the second outlines the responses for Violent, Sex-Offender, and DWI Offenders (Table 2).

The numbers in the Guidelines designate the appropriate response for a **FIRST-TIME** violation, and range from "1" designating the least severe sanction level to "4" designating the most severe sanction level. The options for each of the 4 possible sanctions levels are shown in the Violations Response Table (Table 3). The appropriate sanction is then selected from the menu corresponding to the number designated in the Guideline.

The Model also includes progressive incentives when offenders accomplish certain benchmarks in their probation supervision (Table 4).

DEFINITION OF YELLOW, BLUE, RED RISK/SUPERVISION LEVELS

The Travis County CSCD Risk-Based Progressive Sanctions & Incentives Model is part of a broad organizational initiative, referred to as Travis Community Impact Supervision (TCIS). All felons and maximum-risk misdemeanors will receive a complete “diagnostic package” including the Wisconsin Risk-Assessment, SCS protocol, SAE, and a mental health screen. In pre-sentence cases this information will be used to develop the PSI including recommendations of conditions of supervision. In all cases, this information will be used by officers to determine supervision goals and methods, and responses to technical violations should they occur.

Since assessment plays such a significant role in TCIS from pre-sentence, through supervision to discharge, the Department completed a 6-week study designed to: 1) validate the Wisconsin Risk-Assessment and 2) profile the Travis County CSCD offender population. To achieve the first goal, all offenders were assessed using the Wisconsin and matched with DPS arrest data and TDCJ incarceration data. The risk assessment, as expected, showed significantly higher arrest rates and incarceration rates for higher risk offenders. To achieve the 2nd goal a matrix was used. The following charts show the Travis offender population.

Percentage of All Felony Offenders in Each Risk/SCS Group

	SI-S	SI-T	ES	CC	LS
Minimum	7.1%	7.1%	.4%	.9%	.9%
Medium	9.7%	14.5%	2.6%	7.9%	3.5%
Maximum	4.0%	7.1%	3.5%	21.1%	9.7%

Percentage of All Misdemeanant Offenders in Each Risk/SCS Group

	SI-S	SI-T	ES	CC	LS
Minimum	25.4%	13.6%	0%	.6%	0%
Medium	16.5%	14.1%	1.3%	2.8%	.9%
Maximum	4.1%	6.2%	1.5%	9.8%	3.2%

The colors in the above charts will be used to determine the most appropriate response to violations as shown in Tables 1 & 2. As can be seen, the large majority of felons fall into the red category, with most being high risk (45%). It should be noted that “overrides” were not allowed in the study.

TABLE 1: GUIDELINES FOR PROGRESSIVE SANCTIONS (1st Violation)

These Guidelines will not be used for Absconders, Subsequent Offenses, cases that pose a risk to public safety and require a RUSH VR, or any cases with specific directives at sentencing from the Court regarding sanctions for violations of Conditions.

Control Condition Violation

		Gen. Pop. Probationer		
Low Severity	Failure to pay fees (i.e., fine, court costs, probation fees, DPS fees, special program fees)	1	1	1
	Failure to work community service hours	1	1	1
	Failure to attend Alcohol Education/Traffic Safety classes (DWI School)	2	1	1
	Failure to attend a DWI school for repeat offenders	2	1	1
	Failure to attend Drug Offender Education classes	2	1	1
	Failure to attend GED classes	2	1	1
	Failure to work at suitable employment	2	1	1
	Failure to pay Restitution (auto VR 331 st and 403rd if arrears exceed \$1500)	2	2	1
	Failure to support your dependant(s)	2	2	1
	Failure to attend and complete Anger Management classes, Parenting Classes; Theft classes; Cognitive classes	2	2	1
Failure to designate your current place of residence	2	2	1	
Failure to receive prior permission to change your address	2	2	1	
Failure to be present for scheduled home visit	2	2	1	
Failure to report (Missed Appointments - not for absconders!)	2	2	1	
Buying, selling, possessing, or consuming an alcoholic beverage or any substance for the purpose of intoxication	3	2	1	
Entering an establishment where alcoholic beverages are sold	3	2	1	
Failure to submit to a Breath analysis or Urinalysis	3	2	2	
Positive Urinalysis or BAC (VR for alcohol only if + via II violation or PI arrest, VR for all drugs except THC - 331 st ; VR + BAC Felony DWI 403rd; VR 2nd + UA 403rd)	3	2	2	
Failure to avoid gang members or persons / places of disreputable character	3	2	2	
Failure to attend and complete a Specialized Program (i.e., Gang, Sex Offender, Domestic Violence, Child Abuse, High Risk, MHMR)	3	3	N/A	
Confirmed Non-compliance with Ignition Interlock	N/A	N/A	N/A	
Failure to Install or non-compliance with SCRAM	N/A	N/A	N/A	
Failure to Install Ignition Interlock	N/A	N/A	N/A	
Non-compliance with EM	N/A	N/A	N/A	
High Severity	Failure to avoid contact with the victim in probated case	4	4	4
	Failure to stay away from child safety zone	4	4	4
	Possession of a firearm or prohibited weapon	4	4	4
	Failure to report at Jail Commitment or Community Corrections Facility	4	4	4

Violent, Sex & DWI offenders are addressed in next guidelines.

Treatment Condition-Violation: Actively in treatment, awaiting placement, or in aftercare

Low Severity	Failure to attend AA/NA Meeting	1	1	1
	Failure to attend cognitive classes	1	1	1
	Failure to participate in assessment and testing	2	1	1
	Positive Urinalysis or BAC as treatment requirement (VR for alcohol only if + via II violation or PI arrest, VR for all drugs except THC - 331 st ; VR + BAC Felony DWI 403rd; VR 2nd + UA 403rd)	2	1	1
High Severity	Failure to participate and complete out patient counseling	2	2	1
	Failure to participate in specialized caseload	3	2	N/A
	Failure to participate in aftercare program	3	2	2
	Failure to participate and complete in-patient treatment	3	3	3
	Termination from SMART (or other CCF) program due to non-compliance	4	4	N/A
	Termination from SAFPF program due to non-compliance	4	4	N/A

In pre-TCIS cases or cases without a Diagnostic report use RISK ONLY

High
Medium
Low

TABLE 2: GUIDELINES FOR PROGRESSIVE SANCTIONS OFF THE GRID (1st)

These Guidelines will not be used for Absconders, Subsequent Offenses, cases that pose a risk to public safety and require a RUSH VR, or any cases with specific directives at sentencing from the Court regarding sanctions for violations of Conditions.

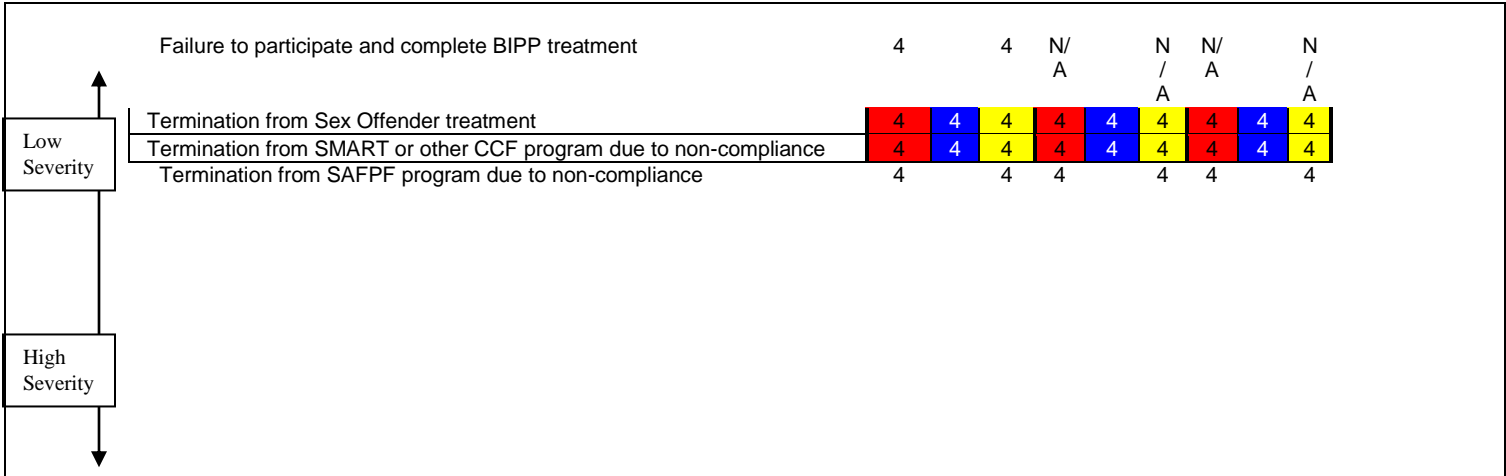
Control Condition Violation

Severity	Control Condition Violation	Violent Probationer			Sex Offender			DWI Probationer		
		1	2	3	1	2	3	1	2	3
Low Severity	Failure to pay fees (i.e., fine, court costs, probation fees, DPS fees, special program fees)	1	1	1	1	1	1	1	1	1
	Failure to work community service hours	2	1	1	1	1	1	1	1	1
	Failure to attend Alcohol Education/Traffic Safety classes (DWI School)	N/A	N/A	N/A	N/A	N/A	N/A	2	1	1
	Failure to attend a DWI school for repeat offenders	N/A	N/A	N/A	N/A	N/A	N/A	2	1	1
	Failure to attend Drug Offender Education classes	N/A	N/A	N/A	N/A	N/A	N/A	2	1	1
	Failure to attend GED classes	2	2	1	2	1	1	2	1	1
	Failure to work at suitable employment	2	2	1	2	1	1	2	1	1
	Failure to pay Restitution (auto VR 331 st & 403rd if arrears exceed \$1500)	3	2	2	2	2	1	2	1	1
	Failure to support your dependant(s)	2	2	1	2	2	1	2	1	1
	Failure to attend and complete Anger Management classes, Parenting Classes; Theft classes; Family Violence classes, Cognitive classes, DWI Panel	3	3	2	2	2	1	2	2	1
	Failure to designate your current place of residence	3	3	2	3	2	2	2	2	1
	Failure to receive prior permission to change your address	3	3	2	3	3	2	2	2	1
	Failure to be present for a scheduled home visit	3	3	2	3	3	2	2	2	1
	Failure to report	3	3	2	3	2	2	3	2	1
	Failure to follow curfew hours	3	3	3	3	2	2	3	2	2
	Buying, selling, possessing, or consuming an alcoholic beverage or any substance for the purpose of intoxication	3	3	3	3	2	2	3	2	2
	Entering an establishment where alcoholic beverages are sold	3	3	3	3	2	2	3	2	2
	Failure to submit to a Breath analysis or Urinalysis	3	3	3	2	2	2	3	2	2
	Positive Urinalysis or BAC requirement (VR for alcohol only if + via II violation or PI arrest, VR for all drugs except THC - 331st; VR + BAC Felony DWI 403rd; VR 2nd + UA 403rd)	3	3	3	2	2	2	3	3	2
	Failure to avoid gang members or persons / places of disreputable character	3	3	3	4	3	3	3	3	2
Failure to attend and complete a Specialized Program (i.e., Gang, Sex Offender, Domestic Violence, Child Abuse, High Risk, MHMR)	3	3	3	4	4	3	3	3	2	
Confirmed non-compliance with Ignition Interlock	N/A	N/A	N/A	N/A	N/A	N/A	4	4	4	
Failure to install Ignition Interlock, Electronic Monitoring or SCRAM	4	4	4	4	4	4	4	4	4	
High Severity	Confirmed Non-compliance with SCRAM	4	4	4	4	4	4	4	4	4
	Non-compliance with EM or GPS	4	4	4	4	4	4	4	4	4
	Non-compliance to sex offender computer monitoring	N/A	N/A	4	4	4	N/A	N/A	N/A	N/A
		A	A		A	A	A	A	A	
	Failure to avoid contact with the victim in probated case	4	4	4	4	4	4	4	4	4
	Failure to follow special Sex Offender rules or conditions	N/A	N/A	4	3	N/A	N/A	N/A	N/A	N/A
		A	A		A	A	A	A	A	
	Failure to register as a Sex Offender	N/A	N/A	4	4	N/A	N/A	N/A	N/A	N/A
		A	A		A	A	A	A	A	

Treatment Condition-Violation: Actively in treatment, awaiting placement, or in aftercare treatment.

Possession of a firearm or prohibited weapon	4	4	4	4	4	4	4	4	4
Violation of any Protective Order	4	4	4	4	4	4	N/A	N/A	N/A
Failure to report at Jail Commitment or Community Corrections Facility	4	4	4	4	4	4	4	4	4

Failure to attend AA/NA Meeting	1	1	1	1	1	1	2	1	1
Failure to attend cognitive classes	2	1	1	2	1	1	2	1	1
Failure to participate in assessment and testing	2	1	1	2	1	1	2	2	1
Positive Urinalysis or BAC as treatment requirement (VR for alcohol only if + via II violation or PI arrest, VR for all drugs except THC - 331st; VR + BAC Felony DWI 403rd; VR 2nd + UA 403rd)	3	2	1	2	2	1	2	2	1
Failure to attend drunk driving panel	3		2	2		1	3		2
Failure to participate and complete out patient counseling	3		2	2		2	3		2
Failure to participate in specialized caseload	3	3	3	4	4	4	3	3	3
Failure to participate in aftercare program	3	2	2	2	2	2	3	3	2
Failure to participate and complete in-patient treatment	3	3	3	3	3	2	3	3	3



In pre-TCIS cases or cases without a Diagnostic report use RISK ONLY. SO: Static

High
 Medium
 Low

**Table 3
VIOLATION RESPONSE TABLE**

(LEAST SEVERE)	Level 1 Sanctions	Behavioral Contract	PO has authority to choose from Level 1 or 2 Sanctions without Supervisory approval so long as PO follows Guidelines for Graduated Violations and sanction does not involve jail time.
		Offender writes a letter of apology to victim	
		Offender submits itinerary	
		Verbal admonishment by the PO	
		Verbal admonishment by the Senior Probation Officer	
		Verbal admonishment by the Supervisor	
		Letter of Reprimand	
		Increased reporting to PO/Field Visits for specified amount of time	
		Financial Budget with receipts to verify income and expenses	
		Community service hours with Department Work Crew	
		Increase number of NA or AA meetings attendance	
		Referral to counseling or psychological evaluation	
		Second referral to alcohol or drug education program	
		More restrictive curfew	
		Level 2 Sanctions	
Referral to GED			
Referral to TAIP			
Referral to Anger Management Counseling			
Referral to Family Violence Counseling			
Referral to Cognitive Program			
Referral to Parenting Classes			
Referral to Psychological evaluation			
Referral to TAIP or MHMR assessment			
Increase in outpatient treatment level			
Increase length of treatment/cognitive program			
Increase in number of community service hours			
Increase frequency of alcohol and drug testing			
Increase frequency of home, field, collateral or treatment contacts by PO			
Level 3 Sanctions	Placement on Specialized Caseload		Violation Report with Revocation Review Committee
	Electronic Monitoring		
	Sex Offender Computer Monitoring		
	Inclusion of the SCRAM device		
	Residential treatment		
	Extension of Probation term		
	Add additional fine for conversion of CSR @ \$10.00 per hour		
	Amend conditions with added restrictions/requirements/interventions/referrals		
	Inclusion of Ignition Interlock System		
	Inclusion of driving restriction		
	Increase in number of community service hours		
	Verbal admonishment by Judge (Summons)		
	Placement in SMART or other CCF		
	1- 3 day jail commitment (Bench Warrant)		
	Level 4 Sanctions	Issuance of a Bench Warrant	
Placement in High Risk Regular Caseload w/ Zero Tolerance			
Extension of Probation term			
Placement in the Residential Substance Abuse Treatment			
Placement into the Intermediate Sanction Facility			
Jail Time as a condition of probation			
Placement into the SAFPF			
Placement into the SAFPF Relapse Program			
Placement in the State Boot Camp			
Automatic Motion for Revocation/Adjudication			

Recommendations outside of guidelines for level 3 or level 4 must be staffed and approved by the Court via a modification of conditions

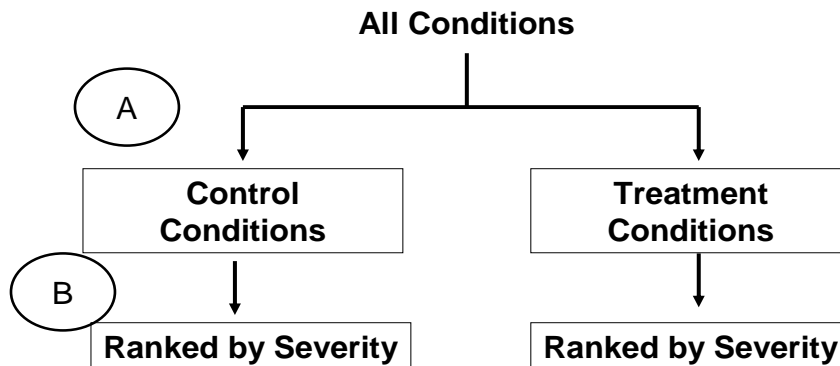
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QUALIFIERS	INCENTIVE	EXPLANATION
LEVEL 1 INCENTIVES		
<ul style="list-style-type: none"> • Completion of college-level courses or vocational program 	Recognition by Unit Staff	The unit will hold an informal ceremony where the offender is recognized by the CWM and officers.
<ul style="list-style-type: none"> • Obtain and maintain verifiable full-time employment for 3 months • Observable behavior stabilization (Mental Health Cases) • Consistent reporting for office visits for 6 months • Improved reporting for office visits for 3 months (for special populations) • Passing polygraphs 	Accolades from PO's Supervisor or Administrator	The Probation Officer will arrange for the offender to meet with the Supervisor or Administrator to acknowledge the accomplishment. This may include the offender receiving a small snack or a "well done" card or similar tangible item – determined by the particular unit manager to which the case is assigned.
<ul style="list-style-type: none"> • Provide proof of employment search 	CSR credit per application	The offender will receive 2 hrs CSR credit for each in-person application and 1 hour CSR credit for each on-line application.
<ul style="list-style-type: none"> • Reports for and completes Substance Abuse Assessment • Reports for and completes Psychological Evaluation • Reports for and completes Family Violence Assessment • Participation in SCS interview as part of PO training 	5 hours CSR credit	The offender will receive 5 hours credited toward CSR.
<ul style="list-style-type: none"> • Mentoring activities • Speaking engagements (e.g. gang awareness, recovery conferences, Department staff mtgs) • Tutoring other offenders in GED, Cognitive Mentoring • Volunteering at child's school • Participation in a community activity or completion of an exceptional deed such as a heroic act/service (must be authorized by CWM) 	Certificate of Achievement or 5 hours CSR credit	The offender will be presented with a certificate of achievement by the Probation Officer. or The offender will receive 5 hours credited toward CSR.
<ul style="list-style-type: none"> • Completion of parenting classes (not a condition) • Completion of Work Source classes (not a condition) 	Recognition by Unit Staff or 10 hours CSR credit	The unit will hold an informal ceremony where the offender is recognized by the CWM and officers or The offender will receive 10 hours credited toward CSR.
LEVEL 2 INCENTIVES		
<ul style="list-style-type: none"> • Offenders determined to be indigent based on the completion of a Financial Questionnaire 	CSR in lieu of Fines	The offender will be allowed to have fines converted to CSR at the rate of \$10.00 for every 1 hour of CSR
<ul style="list-style-type: none"> • Offenders determined to be gainfully employed or to have physical limitations but current on fees 	Fine in lieu of CSR	The offender will be allowed to have CSR converted to additional Fine at the rate of \$10.00 per 1 hour of CSR
<ul style="list-style-type: none"> • Completion of Special CSR Projects (Food Bank, School Supply Drive, Box Fan Drive, etc.) 	CSR credit for \$ spent	The offender will receive 1 hour credited toward CSR for every \$5.00 spent on special CSR projects/drives
<ul style="list-style-type: none"> • Completion of Achieve Program 	Up to 50 hours CSR credit	Amount of CSR hours credited dependant on number of modules completed as determined by the Probation Officer.
LEVEL 3 INCENTIVES		
<ul style="list-style-type: none"> • Completion of Cognitive Classes 	CSR Credit	The offender will receive 50 hours credited toward CSR.
<ul style="list-style-type: none"> • Attainment of GED 	Recognition by Unit Staff and CSR credit	The unit will hold an informal ceremony where the offender is recognized by the CWM and officers and the offender will receive 60 hours credited toward CSR.
<ul style="list-style-type: none"> • Completion of Substance Abuse Treatment: Residential – Contract vendor, SMART (5 months) or completion of an alternative CCF residential placement 	Letter of Recognition signed by Director and CSR Credit	The Probation Officer will present the offender with a signed letter of recognition from the Director, and the offender will receive 60 hours credited toward CSR.
<ul style="list-style-type: none"> • Completion of treatment that is not a condition of probation (must be authorized by the CWM) • Completion of SAFPF Transitional Treatment Center or Substance Abuse Treatment Aftercare (SMART or contract vendor) 	Letter of Recognition signed by Director and CSR Credit	The Probation Officer will present the offender with a signed letter of recognition from the Director, and the offender will receive 75 hours credited toward CSR.
<ul style="list-style-type: none"> • Completion of Substance Abuse Treatment: Intensive Outpatient (60 hours) • Completion of BIPP 	Letter of Recognition signed by Director and CSR Credit	The Probation Officer will present the offender with a signed letter of recognition from the Director, and the offender will receive 75 hours credited toward CSR. The offender will receive 15 hours credit toward CSR for perfect IOP attendance.
<ul style="list-style-type: none"> • Completion of Sex Offender Treatment 	Letter of Recognition signed by Director and CSR Credit	The PO will present the offender with a signed letter of recognition from the Director, and 30 hours will be credited toward CSR for each year of treatment completed, without documented non-compliance, for a maximum 3 years, with 10 additional CSR hours credited upon graduation.
LEVEL 4 INCENTIVES		
<ul style="list-style-type: none"> • Low-risk offenders (as defined by the Risk and Needs Assessment) who have an extensive reporting history and no technical violations within the last two years 	Lowered Reporting Requirements	The Officer will allow qualifying offender to report once every 90 days in person and by mail the two months in between. Permission from the Court will be obtained, where applicable.
<ul style="list-style-type: none"> • Offenders on deferred or regular prob. who have completed 1/2 of their sentence, never been assessed as high risk during their current supervision, completed all classes/ pgms, current with sup. fees and pd in full all restitution and court costs. (Not for neg. plea cases in the 331st or have any criminal history other than DWLS or traffic – 403rd) 	Offender may be allowed to discharge early from probation	The Officer will initiate a recommendation to the court for early discharge for qualifying probationers (with victim notification if applicable).

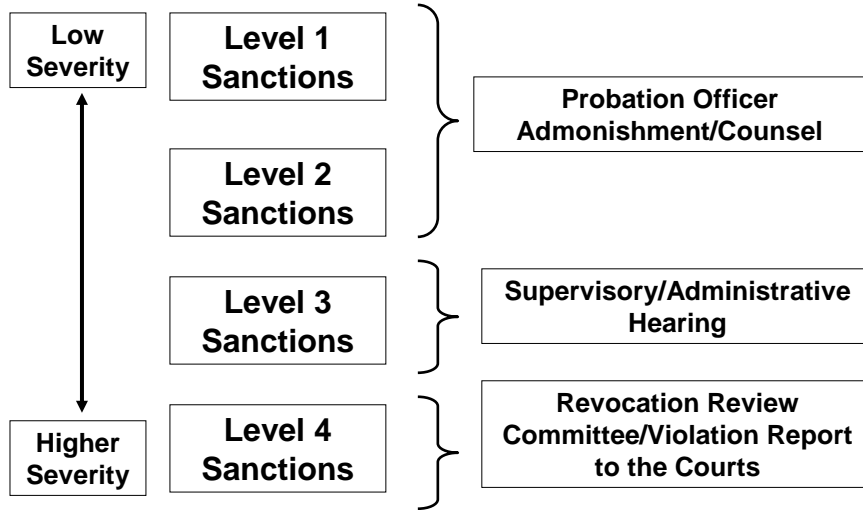
APPENDIX A NEW MODEL METHODOLOGY

The methodology for use of the new sanctions model allows the violation response to be tailored to the nature of the violation as well as that of the offender. This includes distinguishing between treatment and control conditions as well as the condition's respective severity. Also, violations are ranked by severity and offenders are distinguished by their individual diagnosis classification. When there are multiple violations of the same condition, the response increases accordingly and when there are multiple violations of different conditions, there is a control in place that requires the response be directed to the most severe violation. Finally, there is a control for "off the grid" offenders, those who have committed an offense that is potentially high profile, or deemed as more severe and requiring a response tailored to the nature of their original offense. The charts that follow provide an illustration of the six elements which comprise the methodology for the new sanctions model.

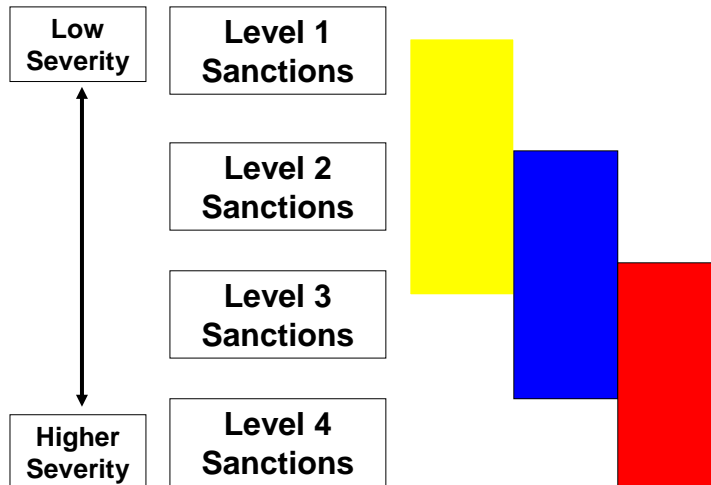
Element 1: Distinguishing Between Control and Treatment Conditions



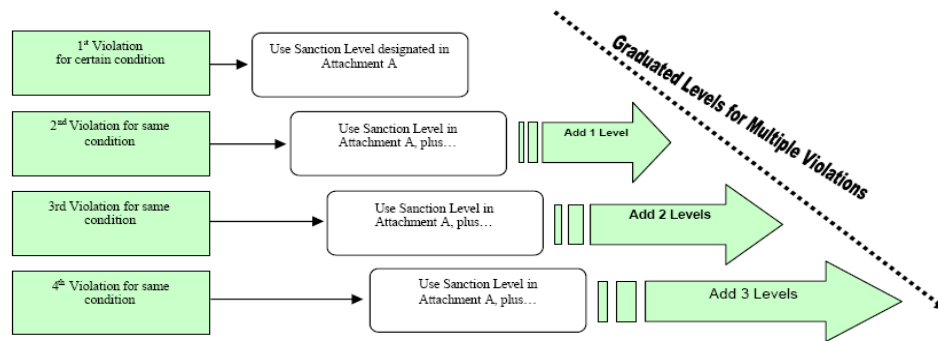
Element 2: Sanction Responses Varies by Level of Severity of Violation



Element 3: Sanction Responses Also Varies by Diagnosis Classification (Color)



Element 4: Graduated Levels for Multiple Violations of the Same Condition



Element 5: Violations of Multiple Conditions

“Worst Violation Rule”
Sanction scheme is driven by most severe violation.

Element 6: Guidelines Adjusted by “Off-Grid” Offenses

