

**FORT BEND COUNTY COMMUNITY  
SUPERVISION AND CORRECTIONS  
SPECIAL SANCTIONS COURT PROGRAM**

**EVALUATION REPORT**



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## SPECIAL SANCTIONS COURT EVALUATION SUMMARY

### Introduction

Special Sanctions Court is an innovative program that provides a high degree of direct involvement by the judge to ensure that felony probationers are meeting all requirements of their probation sentences. High or medium risk offenders are referred to this program. The judge in Sanctions Court can increase sanctions for non-compliance such as increased supervision, fines, and community service. Likewise, the judge can reduce the same sanctions.

### Methods

This evaluation of the Sanctions Court Program included multiple strategies to determine whether the program was achieving its goals. Observations were made of Sanctions Court sessions, interviews were conducted of Sanctions Court staff, and interviews were conducted of Sanctions Court clients. Also, this study compared Sanctions Court participants to a group of offenders sentenced to felony probation before the program was instituted in August, 2004. The comparison group is comprised of all Fort Bend felony probationers from July 2002 to July 2004. Comparisons between these two groups were made to determine whether Sanctions Court participants achieved greater success on probation.

### Findings

#### Staff Interviews

- Judge Clark is extremely knowledgeable about each case, probationers' treatment plans, and conditions of probation. He sees himself as "a probation officer with a hammer."
- Sanctions Court staff believe that the program is effective in balancing the needs of those on probation with maintaining public safety. Sanctions Court staff believe they are having a positive impact on this group through several treatment options. Sanctions Court staff have also noted that the program is not "easy" on offenders. It holds them accountable to their conditions of probation.
- Sanctions Court staff believe that the relatively quick response to a probationer's behavior, whether negative or positive, has an impact on successful completion of probation.

#### Sanctions Court Participant Interviews

- All participants interviewed believed that Sanctions Court has helped them complete their probation sentences. All clients interviewed had received both admonishments from the judge as well as praise. One client made the following statement: "It helped me a lot. If not for Sanctions Court, my probation would have been revoked. If not for Judge Clark and my P.O., I would be in prison right now."
- All participants interviewed had very positive comments about Judge Clark. One client stated, "I'm a hard-headed person. It takes a lot to get through to me. If someone doesn't respect me, I laugh in his face. Judge Clark exudes authority and respect. He wants to be there. He wants to help people. He enjoys seeing people

do well. I want to stop and say hi and tell him how much he has helped me when this is over.”

### Comparisons of Sanctions Court Participants (SC) and Non-Participants (NP)

- Sanctions Court participants were significantly less likely to violate conditions of probation than non-participants (SC = 28%; NP = 36%). **See Figure 1**
- Among those probationers committing violations, failure to pay fees was the most common violation (82%), followed by failure to complete community service (59%), and failure to report to probation (43%).
- Sanctions Court participants were about *half* as likely to have their probation revoked (SC = 11%; NP = 21%). **See Figure 2**
- Sanctions Court participants were significantly less likely to commit a new offense than non-participants (SC = 15%; NP = 19%). **See Figure 3**
- For those who committed new offenses, Sanctions Court participants were *half* as likely to have new convictions (SC = 7%; NP = 14%). **See Figure 4**
- Sanctions court participants completed about *twice* as many community service hours as non-participants (SC Mean Community Service Hours = 163; NP Mean Community Service Hours = 82). This is even more remarkable considering that 201 SC Participants had their community service hours reduced. **See Figure 5**
- For Non-Sanctions Court Participants the following variables predicted success on probation in terms of not being revoked (in order of importance):
  - Background characteristics: 1) lower number of prior offenses; 2) full-time employment; 3) being married; 4) commitment for a non-property offense; 5) being male; and 6) being older.
  - Program characteristics: 1) identified as needing educational services; 2) serving a higher number of community service hours; and 3) identified as needing counseling services. **See Table 2**
- For Sanctions Court Participants the following variables predicted success on probation in terms of not being revoked (in order of importance):
  - Background characteristics: 1) lower number of prior offenses; 2) full-time employment; and 3) being male. Also, offenders receiving alcohol-related offenses were more successful in Sanctions Court than other offender types, but this barely fell out of the range of statistical significance.
  - Program characteristics: 1) receiving a reduction in community service hours; 2) receiving educational services; 3) serving a higher number of community service hours; 3) sanctioned using jail-time for non-compliance; and 4) receiving a reduction in fines. **See Table 3**
- Sanctions Court participants are surviving longer on probation before violating the conditions of their probation than non-participants (14.6 months vs. 12.8), and they are surviving longer before being revoked (20 months vs. 17.5). **See Figures 6 and 7**
- Among probation revocations in this study, 81 offenders in the comparison group were revoked within 6 months compared to 22 Sanctions Court offenders. By the end of the 1<sup>st</sup> year, 161 offenders in the comparison group were revoked compared to 54 offenders in Sanctions Court. **See Table 4**

## **ACKNOWLEDGEMENTS**

I would like to thank Leighton Iles, Judge Reagan Clark, and other staff working with the Special Sanctions Court program for their cooperation, openness, and patience with this evaluation project. I would also like to thank Kimberly Hobbs and Michael Eisenberg for their assistance with the probation case file data.

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## **INTRODUCTION**

Texas is again facing a prison overcrowding problem despite completing a \$2 billion expansion of the state's prison system in the 1990's. In a recent legislative session, the Texas Department of Criminal Justice (TDCJ) requested \$520 million for new prison construction (DeLoma, 2006). There are several reasons for the increase in prison population. Texas has one of the highest incarceration rates in the country (694 inmates per 100,000 population compared to 488/100,000 nationally). Additionally, probation terms in Texas are 67 percent longer than the national average (DeLoma, 2006). Finally, according to the Legislative Budget Board, probation revocations are a significant factor influencing Texas prison populations. According to Tony Fabelo (2006), 45 percent of Texas probationers had their sentences revoked. These 25,639 probation revocations cost the state an estimated \$1.12 billion in incarceration costs alone in 1995.

In an attempt to avoid prison construction, state lawmakers in 2005 increased yearly funding for probation by 27.7 million for additional probation officers and residential treatment facilities (Fabelo, 2006). Representative Jerry Madden (R-Richardson) and Senator John Whitmire (D-Houston) are reintroducing legislation to reduce minimum probation terms for non-violent felons from ten years to five. They are also proposing the state spend more on community supervision and treatment programs (DeLoma, 2006). While the state seems to see the need to increase resources for Texas probation departments, they're also demanding more accountability. The legislature has adopted more stringent guidelines for measuring and reporting outcomes to the state (Fabelo, 2006).

### **Creation of the Special Sanctions Court Program**

With traditional probation, offenders only see a judge at the time of sentencing and if there's a violation or revocation hearing. Traditional courts tend to be slow in responding to probation violations. As a result they may add up to a point where the court has few options but to revoke probation. The Special Sanctions Court, created by Fort Bend County judiciary provides much more frequent oversight of offenders by probation staff and the Sanctions Court judge.

All newly probated felony offenders who score “high” on a risk assessment instrument are referred to Phase I of the program with the exception of sex offenders. This is the most intensive phase of Sanctions Court and requires attending court sessions 1-4 times per month. This phase also requires supervision on a high-risk caseload, random drug testing, and attendance in treatment programming such as MRT. The Sanctions Court judge conducts several weekly dockets to review all cases in phase II with the assistance of the supervising Community Corrections Officer (CCO) and treatment staff.

Newly probated felony offenders with a moderate risk score may also be referred to Sanctions Court if they have high “needs”, or they have failed to comply with conditions of probation by failing drug and alcohol tests, noncompliance with treatment plans, or have committed other serious technical violations.

Sanctions Court utilizes progressive sanctions in a manner that quickly addresses probation violations in order to deter future violations. These sanctions can include a court admonishment, increased community service hours (CSR), jail time, increased reporting, and additional fines.

The Court may also apply incentives for probationers in compliance with conditions of probation. These incentives may include a reduction in supervision contacts, a decrease in CSR, reduction in fines, and early termination of probation in some cases.

### **Overview of the Evaluation of Sanctions Court**

To measure the effectiveness of the Special Sanctions Court Program in reducing probation revocations and increasing the effectiveness of treatment services, the Fort Bend County Community Supervision and Corrections Department contracted with Dr. Clete Snell from the Department of Criminal Justice at the University of Houston Downtown. The evaluation used both qualitative and quantitative research methods in assessing the impact of the program. This report presents the findings from this evaluation. The following sections are provided in this report: 1) an overview of research on probation violations and revocations; 2) the evaluation methodology; 3) results of observations and interviews with court personnel and sanctions court participants; 4)

results of the analysis of probation case file data; and 5) conclusions and recommendations.

## **OVERVIEW OF PROBATION RESEARCH**

### **Research on Probation Violations**

There has been a great deal of research examining probation violations in the last 25 years. There are three important trends in this literature: 1) probation violation rates and percent of violators incarcerated vary tremendously from jurisdiction to jurisdiction; 2) the percent of prison admissions due to probation revocations is increasing nationwide; and 3) the closer the scrutiny of probationer behavior the more likely violations will be detected.

Clear, Harris, and Baird (1992) studied outcomes of 7,501 probationers in six different agencies and found an average violation rate of 25 percent. However, violation rates ranged from 12 to 51 percent among the jurisdictions. The authors believed this variation was primarily due to different reporting practices and not differences in probationer behavior. Similarly, Morgan (1993) conducted an extensive review of studies on probation recidivism and found that probationer failure rates ranged from 14% to 60%. Langan and Cuniff (1992) examined 79,000 felons in 17 states who were sentenced to probation in 1986. They found that 62% either had a disciplinary hearing for violating a condition of probation or were arrested for another felony. Within three years, 46% of all probationers had been sent to jail or prison or were absconders. More recently, Gray, Fields, and Maxwell (2001) examined case records of 1,500 probationers in Michigan and found that 25% had a new offense and almost 66% had a technical violation. The most common violation was for failure to report (34%) followed by failed drug tests (22%). New offenses were predicted by prior criminal record, age, race, and employment.

### **Probation Revocations as a Percent of Prison Admissions**

Probation requirements have become increasingly stringent since the early 1990s in an attempt to provide more alternatives to incarceration. Ironically, this approach may have led to greater numbers of probationers going to jail and prison on violations. The number of offenders incarcerated for violating parole, probation, or other release conditions has increased more than seven-fold from 1988-1998; from 17% to 35% of all

prison admissions. Approximately two-thirds of all new prison admissions in California are for parole violations (Petersilia, 2003). A study from the Texas Criminal Justice Policy Council (2002) found that the 11,594 revocations to prison in 2001 represented 33% of all prison admissions, costing the state approximately \$470 million in housing costs. Additionally, 9,115 revocations were to state jails representing 42% of state jail admissions.

A growing number of researchers have noted the futility in increasing the level of control and punishment alone without increasing treatment options for probationers (Fulton et al., 1997; Gendreau, 1996; MacKenzie, 1998; Petersilia, 2003). In addition to the emphasis on control, the types of conditions of probation are increasing, coinciding with improved technology (drug testing and electronic monitoring) available to detect violations (Parent et al., 1994).

### **EVALUATION METHODOLOGY**

This evaluation of the Sanctions Court Program included multiple strategies to determine whether the program was achieving its goals. Observations were made of Sanctions Court sessions, interviews were conducted of Sanctions Court staff, and interviews were conducted of probationers going through Sanctions Court. Also, this study compared case file data of Sanctions Court participants to a group of offenders sentenced to felony probation before the program was instituted in August, 2004. The comparison group is comprised of all Fort Bend felony probationers from July 2002 to July 2004. Comparisons between these two groups were made to determine whether Sanctions Court participants achieved greater success on probation. The data from this study included: 1) demographic information (age, race, gender, marital status; education level obtained, employment status, and number of dependents); 2) offense information; 3) number of prior offenses; 4) probation placement date; 5) probation violation date; 6) revocation date; 7) nature and disposition of probation violations; 8) new offense and convictions; 9) community service hours served; 10) fines paid; and 11) sanctions court progressive sanctions (court admonishment, jail, additional community service hours, increased supervision, and additional fines), and incentives (reductions in supervision, community service hours, fines, and early termination of probation sentence).

## **RESULTS**

### **Interviews with Sanctions Court Personnel**

Interviews were conducted with Judge Reagan Clark, Judge Bradley Smith, Senior Sanctions Court Officer Sandy Grigar, and other staff from the Fort Bend County Community Supervision and Corrections Department. Sanctions Court staff were asked what they felt were the purposes of the program and whether Sanctions Court was achieving its intended goals. In addition, the principal researcher observed several sessions of Sanctions Court hearings as well as case reviews conducted before each session.

In the case review process, it was immediately apparent that Judge Clark was extremely knowledgeable about each case, probationers' treatment plans, and conditions of probation. The Sanctions Court judge was almost as knowledgeable about each offender as the community corrections officer supervising the client. This is rare among judges, most of whom normally see a probationer only when sentenced or at a revocation hearing.

Judge Clark stated that he sees himself as "a probation officer with a hammer." While this statement might give the impression that Judge Clark views his role as primarily an enforcer of conditions of probation, it is quite clear from conversations with the judge that he's strongly committed to treatment goals. In fact, when asked about the primary goals of the program, Judge Clark stated that he believed his primary role was to help clients change their behavior.

Sanctions Court staff believe that the program is effective in the difficult task of balancing the needs of those on probation with maintaining public safety. Substance abuse was cited as a major problem with many of those on felony probation. Sanctions Court staff believe they are having a positive impact on this group through several treatment options. Sanctions Court staff have also noted that the program is not "easy" on offenders. It holds them accountable to their conditions of probation. In fact, several offenders sentenced to felony probation have chosen to serve the remainder of their sentences in jail or prison rather than complete the Sanctions Court program.

Sanctions Court staff believe that the relatively quick response to a probationer's behavior, whether negative or positive, has an impact on successful completion of probation. Participants are praised publicly and rewarded with reductions in fines, community service hours, or a reduction in their term of probation. The judge publicly praises clients that are doing well and a large "WOW" is flashed on a screen behind the judge. Additionally, the judge and other clients in the audience applaud. Almost without exception this brings a smile on the face of the probationer. Other clients in the audience see this and many of them also smile. The judge makes comments to others in the audience that they will receive these types of rewards for sticking with treatment plans, paying fines, and complying with other conditions of probation. While clients on traditional probation may receive praise from their probation officer, this rarely, if ever, happens publicly, and almost never results in tangible rewards such as reduced community service hours, fines, or length of supervision.

Participants are also more quickly sanctioned for violating conditions of probation with public court admonishments, short jail sentences, added community service hours, increased fines, or increased supervision. This is meant to get the attention of probationers before more formal legal proceedings occur. Clients who receive short jail sentences are handcuffed and escorted away in full view of other Sanctions Court clients. In traditional probation settings, probation officers file violation reports that may eventually lead to a revocation. However, the process can take several months and does not have an immediate impact on the offender's behavior. From interviews with Sanctions Court participants, these very visible rewards and sanctions leave a lasting impression.

### **Interviews with Sanctions Court Offenders**

A set of standardized questions was presented to each Sanctions Court client asking about their impressions of Sanctions Court and Judge Clark, how they felt when punished and rewarded, and which aspects of treatment seemed most beneficial. These clients were randomly selected and in different phases of their probation sentence. The questions and responses are presented below.

*Are the conditions of probation difficult for you?*

- Interview 1- “I work nights, 16 hours...sometimes the GED classes are difficult to attend because class is closed and there’s nobody there. The time commitment is a problem because I work a lot of hours.”
- Interview 2- “Not at all difficult...I made a personal choice to quit using alcohol and drugs, after that, everything fell in place.”
- Interview 3- “Not being able to drive is the most difficult [condition]. It’s hard to get a job and hard to do community service...if I drive, I go to jail.”
- Interview 4- “No, the conditions are not difficult.”
- Interview 5- “They [Community Supervision/Sanctions Court] have been pretty good about working this out with my work schedule. My work is kept in the dark about this.”

*What do you think of Judge Clark?*

- Interview 1: “He’s a good man. If you do what he says, he’s nice. If you don’t, he can be mean. He’s been nice to me because I’m doing good.”
- Interview 2: “Good guy! He’s fair. He does his job. He looks at what you do. He’s good at rewarding people for what they do. If they’re not doing well, there are repercussions. Overall, he’s a good guy and he’s fair.”
- Interview 3: “Fair dude- gives you like three chances when you screw up. I’ve seen him lock people up and give people chances- depends on how hard you try. He takes hours off for good behavior. I’ve seen him add hours too.”
- Interview 4: “He’s a good guy. If you’re doing good, he recognizes that. If you violate probation, he will let you know” (says with a laugh).
- Interview 5: “I feel like Judge Clark is more than fair. He could have put people in jail and didn’t. He will cut you leeway if he thinks you’re trying. He could have put me in jail and didn’t.”

*What do you think of Sanctions Court? Do you think it will help or has helped you with your problems or help you complete probation?*

- Interview 1: “It changes people to do good. It helped me at first, but now I know what to do. The WOWS make you feel good.”
- Interview 2: “This is the first time I’ve done Sanctions Court. I liked it because I was doing good. I looked forward to it. He [Judge Clark] took off community service hours and took off some fines and fees.”
- Interview 3: “They keep up with you more. It’s good that someone is on your back, but if you have a job, you may have to miss work because you have to go there. I lost my job over that. It helps a little bit.”
- Interview 4: “It works. At first I thought it was surprising. It is good because not just the probation officer, but the judge sees how you’re doing on probation.”
- Interview 5: “It helped me a lot. If not for Sanctions Court, my probation would have been revoked. It’s designed for people who had problems with their conditions of probation. I had a violation and could have had my probation revoked. Instead, Judge Clark put me in jail for three days. He said, when you get out we will start from there. At that point in my life, I needed to make a change.

Alcohol was difficult to get over. If not for Judge Clark and my P.O., I would be in prison right now.”

*Have you received WOWS or other rewards for doing well on probation? How did that make you feel?*

- Interview 1: “I received WOWS and nice comments from the judge. I also had a reduction in community service hours. It makes me feel great!”
- Interview 2: “I received WOWS and he took off community service hours and some fines and fees. What made me feel good was hearing the judge say I was doing good. It made me feel even better when he took off 20 hours of community service.”
- Interview 3: “I have not. Hopefully, next time I go. Doing the community service is the hard part. Have to depend on others for rides. They don’t always come through.”
- Interview 4: “Yes, I have received WOWS. It’s not a big thing, but for some people it is. It’s a nice pat on the back...people recognize the good things, not just the bad.”
- Interview 5: “Almost every time I go. I finished community service. All I need to do is pay fines. It was good because they took off community service hours. When you have 200 hours to complete, that’s a big deal.”

*Have you been admonished by the judge? How did that make you feel?*

- Interview 1: “Yes! I was slow on completing community service. If I don’t work harder on it, the judge says he will add more. I’ve had no violations. I was worried about it. I immediately finished my hours. I’ve had no problems since then.”
- Interview 2: “I admitted I had a drink at Sanctions Court. I was sent to jail for three days. Thought it was unfair at the time. It was just a sip of wine. It caught my attention. It turned out to be a good thing.”
- Interview 3: “Yes! He added 16 hours community service for not showing up [to community service appointment].” I didn’t like it. I have five years to do and 400 hours of community service. What’s 16 hours more? There’s nothing I can do about it.”
- Interview 4: “A few times. I don’t know, at the time I was a little angry at the judge, but later I figured, he’s just doing his job.”
- Interview 5: “Yes! I was not paying enough on my fines. But, as long as he sees your trying, he’s very fair.”

*What types of programs are you going through? Do you think they’re helping you?*

- Interview 1: “GED and Anger Management. I completed that. It has helped. They teach you how to control your anger and all that. I’m better able to control my anger.”
- Interview 2:
  - AA- “I have to do it for probation. It has not really helped me. I didn’t want to be there at all. I have whole new friends that don’t use. I’m close to my mom now. AA is forced on me.”

- MRT- “It has good information. I’m finding out about myself. I’m going into my past. I enjoyed the workbook we did. We wrote what are goals are and compare it to what we have done, and see what has changed and not changed.”
- Turning Point- “That was a joke. People were not trying to get clean. People would talk about their drug use. I did not want to be around some of those people. The class of people and some of their offenses- whew!”
- Interview 3: AA- “I’m going to my first appointment.”
- Interview 4:
  - MRT- “It’s a real good program. It opens your eyes to trusting people. You set goals for yourself and compare those goals with what you’ve done. It helps you grow as a person.”
  - Right Step (drug treatment)- “It helps. I talked to a counselor about my family problems, past problems, and things going on in my life. He gives you good advice.”
  - AA- “It refreshes stuff for me, but I haven’t drank in six years. It shows where you can go if you take a step back.”
- Interview 5:
  - MRT- “Don’t see a purpose for it.”
  - Turning Point- “I liked the first three phases, other than that, it’s worthless. Well, I did like the group communication. You share good times and bad times with like-minded people.”
  - AA- “It’s helping me more than anything else. It has exactly like-minded people. We’re all alike. They have the same types of feelings and attitudes. I want to be there every week. I’m considering going another day.”

*Do you have any other comments about Sanctions Court, the probation department, or the staff?*

- Interview 1: “They are helping with my life. I have to do what they tell me because I don’t want to go to prison. My life has changed. I think differently. I don’t want to do the same things I used to do that got me in trouble.”
- Interview 2: “The last P.O. I was switched too, she helped a lot. She did her job. Someone said they sold drugs to me, nobody believed me when I said I didn’t do it. She believed me. I trusted her after that and that’s not easy for me to do.”
- Interview 3: “Everybody is pretty fair. It’s up to you if you want to do right. It’s hard when there’s so much peer pressure. You think you can do a little of it [use drugs]. I got caught and had to do three days.” I’m 25, it’s legal to drink alcohol, but I can’t do it. I don’t agree.”
- Interview 4: “They’re doing a good job.”
- Interview 5: “I’m a hard-headed person. It takes a lot to get through to me. If someone doesn’t respect me, I laugh in his face. Judge Clark exudes authority and respect. He wants to be there. He wants to help people. He enjoys seeing people do well. I will stop and say hi and tell him how much he has helped me when this is over.”

## Probation Case File Data Analysis

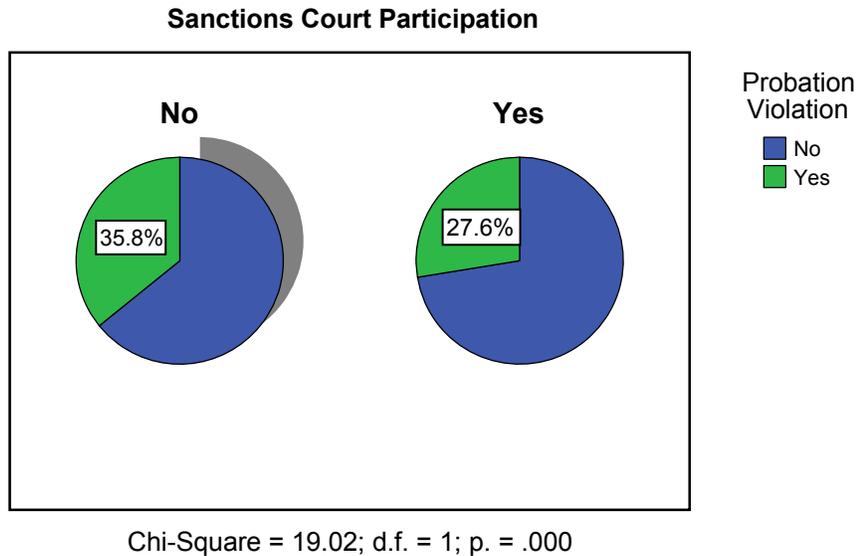
Analysis of the probation case file data began with a comparison of background characteristics of the Sanctions Court sample to the comparison group of felony probationers adjudicated before the program began (See Table 1 Below). Second, the sample of Sanctions Court participants were compared to non-participants on a number of outcome measures such as probation violations, revocations, commitment of new offenses, new convictions, and community service hours served. Third, logistical regression analysis was used to determine which background and program characteristics predict whether or not probation will be revoked. Finally, among clients who had their probation revoked, comparisons were made on how long they survived on probation before revocation.

**Table 1: Background Characteristics by Sanctions Court Participation**

Background Variables		Sanctions Court		Total
		No	Yes	No
Race*	African American	31.7%	32.8%	32.2%
	Caucasian	63.4%	63.7%	63.6%
	Other	4.9%	3.4%	4.2%
Gender	Female	22.5%	22.6%	22.6%
	Male	77.5%	77.4%	77.4%
Marital Status	Married	23.7%	21.6%	22.7%
	Unmarried	75.3%	78.4%	77.3%
Employment	Full-time	57.3%	60.4%	58.8%
	Unemployed/ Part-time	42.7%	39.6%	41.2%
Commitment Offense	DWI	6.6%	5.6%	6.2%
	Drug	33.3%	36.1%	34.6%
	Property	34.4%	31.6%	33.1%
	Violent	16.6%	21.1%	18.7%
	Other	9.0%	5.6%	7.4%
Prior Offenses	(Mean)	4.84	4.06	4.47
Age	(Mean)	32.0	30.1	31.1
Probation Term	(Mean)	53.9	52.5	53.2

\*Note: Caucasian includes Hispanic

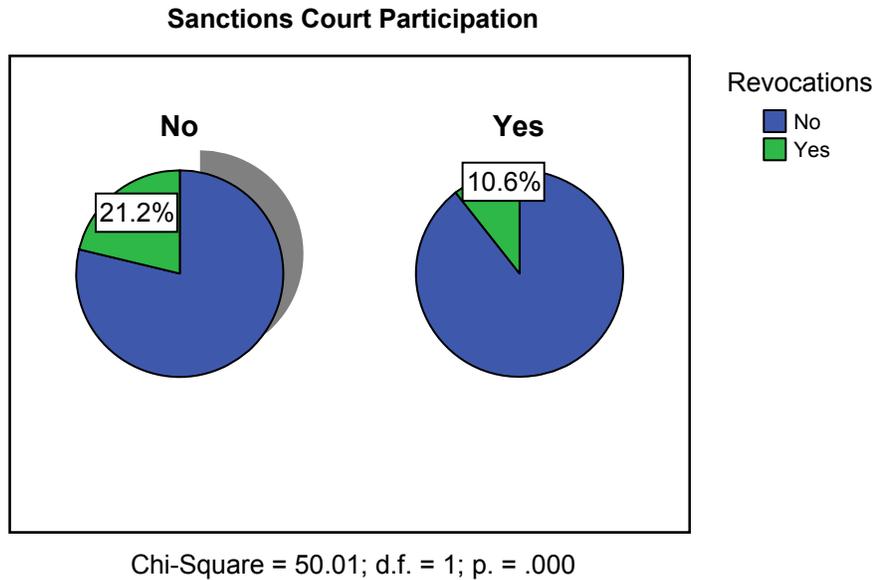
**Figure 1: Percent Probation Violations by Sanctions Court Participation**



Probation Violations

As figure 1 shows Sanctions Court participant were significantly less likely to receive a probation violation. Approximately 36% of the comparison group received at least one violation compared to 28% of Sanctions Court participants. Sanctions Court participants also had significantly fewer overall violations than the comparison group with an average of 1.07 violations (1219 total violations). Non-Sanctions Court offenders had an average of 1.35 violations (1747 total violations). Among probationers who committed violations, the most common violations were failure to pay fees (82%), failure to complete community service (59%), and failure to appear (43%). Sanctions Court participants were significantly less likely than the comparison group to receive the following violations: 1) admitted use of drugs/alcohol; 2) failed drug tests; 3) failure to complete community service hours; 4) failure to pay fees; and 5) failure to report to probation.

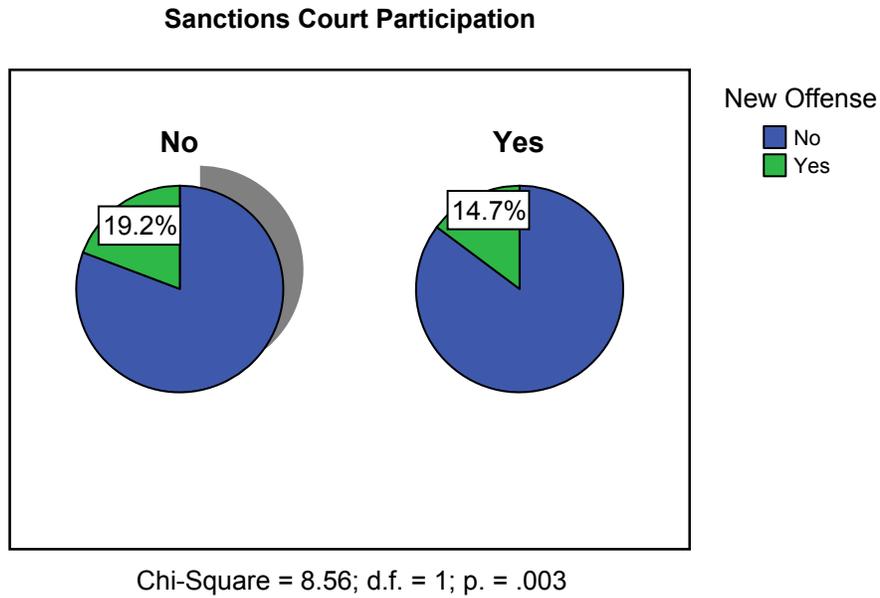
**Figure 2: Percent Probation Revocations by Sanctions Court Participation**



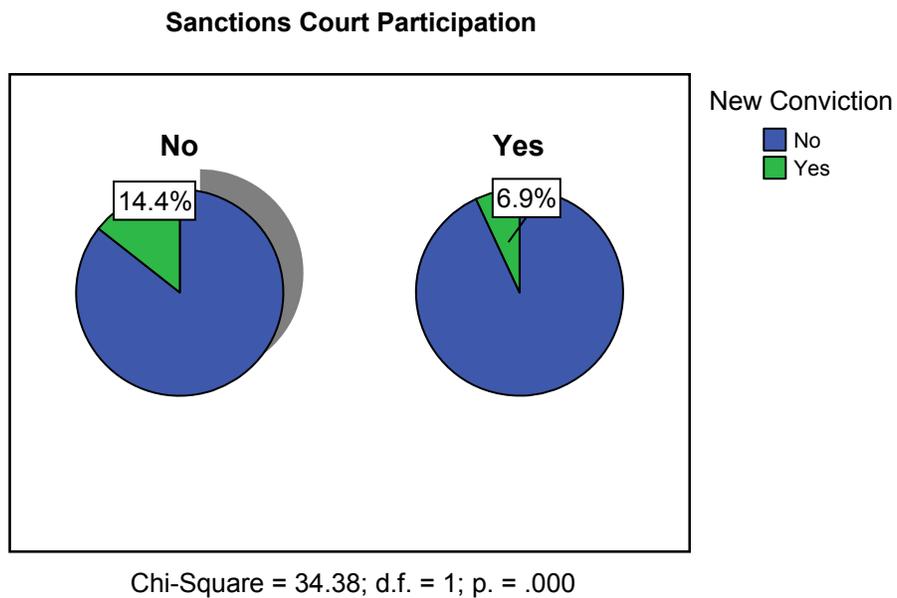
### Probation Revocations and New Offenses

One of the primary goals of the Sanctions Court program was to reduce the number of probation revocations. As Figure 2 shows, Sanctions Court participants were about half as likely to have their probation revoked. In the two years before the program started, approximately 21.2% of felony probationers in Fort Bend County had their probation revoked. In the two years that Sanctions Court has operated, revocations were reduced to approximately 10.6%. Sanctions Court participants were also significantly less likely to commit a new offense than offenders in the comparison group (See Figure 3 below). Approximately 19% of the comparison group committed a new offense compared to 14.7% of Sanctions Court participants. Finally, Non-Sanctions Court offenders were about twice as likely to have new convictions as compared to Sanctions Court participants (See Figure 4 below). Approximately 14% of Non-Sanctions Court participants had a new conviction compared to about 7% of Sanctions Court offenders.

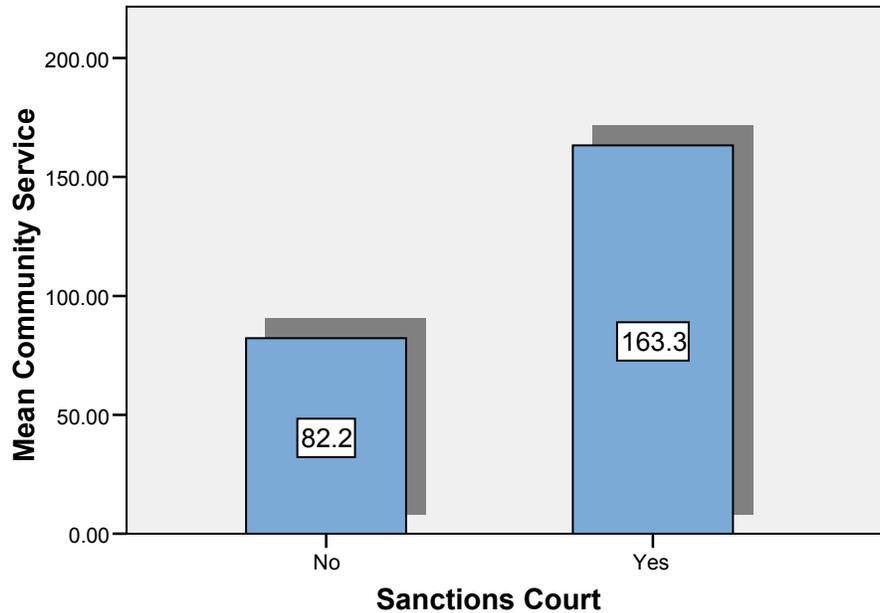
**Figure 3: Percent who Committed a New Offense by Sanctions Court Participation**



**Figure 4: Percent of Probationers with a New Conviction by Sanctions Court Participation**



**Figure 5: Mean Community Service Hours Served by Sanctions Court Participation**



F = 319.53; d.f. = 1; p. = .000

### Community Service Hours

Completing community service hours is another important goal of the Special Sanctions Court Program. On the days that this investigator observed the Sanctions Court in operation, Judge Clark made reference to several opportunities to serve community service hours. This emphasis has apparently resulted in a tremendous increase in community service hours completed (See Figure 5 above). Sanctions Court participants served on the average about twice as many (163.3) community service hours as the comparison group of felony probationers (82.2). This tremendous increase in community service hours has obvious benefits to the community and is a good indicator that the Sanctions Court probationer is committed to succeeding on probation.

**Table 2: Logistical Regression of Factors Predicting Revocation  
For Non-Sanctions Court Offenders**

	B	S.E.	Wald	Df	Sig.	Exp(B)
<b>Background Variables</b>						
Priors	.099	.016	36.883	1	.000	1.104
Employment	-.773	.155	24.752	1	.000	.462
Married	-.722	.229	9.911	1	.002	.486
Property Offense	.425	.158	7.244	1	.007	1.529
Gender	.537	.203	6.996	1	.008	1.711
Age	-.018	.008	5.652	1	.017	.982
<b>Program Variables</b>						
Educational Services	.664	.155	18.328	1	.000	1.942
CSR Served	-.003	.001	13.713	1	.000	.997
Counseling Services	1.573	.805	3.821	1	.051	4.823
Nagelkerke R-Square	.20					

Predicting Success on Probation

What are the factors among this population of offenders that predict success or failure on probation in terms of probation revocation? A logistical regression analysis was conducted to help answer that question using the variables available in probation case files. First, the analysis was conducted with Non-Sanctions Court offenders only. The results are presented in Table 2 above. The factors that predict success on probation in terms of revocation are listed in order of their importance or effect. Non-Sanctions Court offenders were more successful on probation if they had the following background characteristics: 1) lower number of prior offenses; 2) full-time employment; 3) being married; 4) commitment for a non-property offense; 5) being male; and 6) being older.

Non-Sanctions Court offenders were also less likely to have their probation revoked if they were: 1) identified as needing educational services; 2) serving a higher number of community service hours; and 3) identified as needing counseling services.

**Table 3: Logistical Regression of Factors Predicting Revocation for Sanctions Court Participants Variables**

	B	S.E.	Wald	Df	Sig.	Exp(B)
<b>Background Variables</b>						
Priors	.099	.026	14.095	1	.000	1.104
Employment	.715	.214	11.139	1	.001	2.044
Gender	-.710	.295	5.811	1	.016	.492
DWI Offense	1.292	.750	2.967	1	.085	3.639
<b>Program Variables</b>						
Reduced CSR Hours	2.589	.727	12.693	1	.000	13.321
Educational Services	-.692	.216	10.310	1	.001	.500
CSR Hours Served	-.003	.001	9.899	1	.002	.997
Jailed for Non-Comp.	-.642	.209	9.417	1	.002	.526
Reduced Fines	.954	.458	4.334	1	.037	2.596
Nagelkerke R-Square	.23					

A logistical regression analysis was also conducted with Sanctions Court participants to examine which background and program factors predict revocation among this group. The results are presented in Table 3 above. Sanctions Court probationers were less likely to have their probation sentence revoked if they had the following background characteristics: 1) lower number of prior offenses; 2) fully employed; and 3) female. Also, offenders receiving Driving While Intoxicated (DWI) offenses were more successful in Sanctions Court than other offender types, but this just fell out of the range of statistical significance.

Sanctions Court participants who received educational services and served more community service hours were less likely to have their probation revoked. In addition to traditional probation programming, Sanctions Court offenders received rewards and sanctions depending upon their performance on probation. Thus, receiving a reduction in community service hours and fines and receiving sanctions through jail-time for non-compliance predicted fewer revocations.

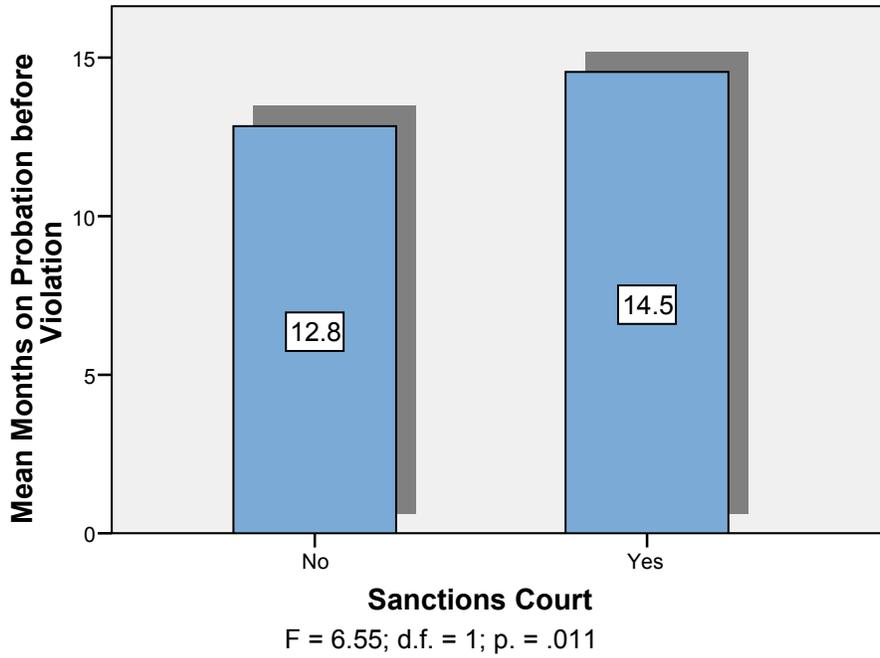
### Length of Survival Before Probation Violations Revocations

An important question to consider is how long probationers are surviving on probation before violating the conditions of their probation or having their probation revoked? Also, among those who have their probation revoked, when does this occur in their sentence? Finally, are Sanctions Court offenders surviving longer on probation than the comparison group of non-participants?

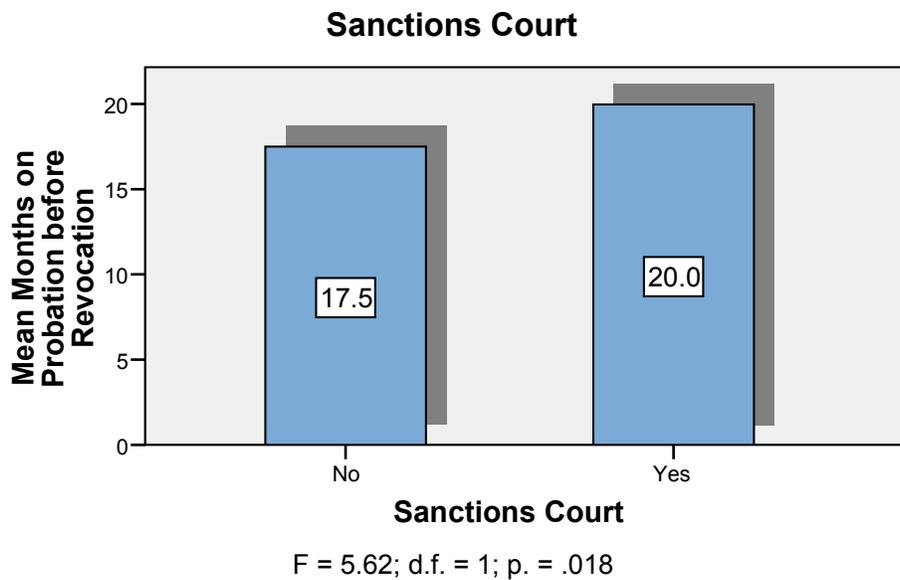
Among those probationers who received a probation violation, Sanctions Court participants survived an average of 14.5 months before receiving a violation compared to 12.8 months for the comparison group (See Figure 6 below). Among those probationers who had their probation sentences revoked, Sanctions Court participants survived an average of 20 months compared to 17.5 months for the comparison group (See Figure 7 below). It's important to keep in mind that it often takes months before violation and revocation reports are processed through the court system. Thus, these time frames may not accurately represent time on probation before noncompliance with probation conditions or the commitment of a new offense. Additionally, Fort Bend County Community Supervision and Corrections has a history of working diligently with probationers before taking official actions against those who are failing on probation.

A survival analysis (survival until revocation) was conducted on both Sanctions Court offenders and the comparison group at six-month intervals. This analysis calculates the number and percentage of probationers who survived probation before having their probation revoked at six-month intervals. Among the comparison group, 81 offenders or 29% had their probation revoked within the first 6 months. In contrast, only 22 offenders or 18% of Sanctions Court participants were revoked within this time frame. By the end of the 1<sup>st</sup> year, 161 offenders in the comparison group were revoked compared to 54 Sanctions Court offenders. The differences in the percentage of those surviving tend to disappear by the 2<sup>nd</sup> year. However, in absolute numbers, 245 probationers in the comparison group had their sentences revoked within 2 years, compared to just 104 probationers in Sanctions Court.

**Figure 6: Mean Months on Probation before Violation**



**Figure 7: Mean Months on Probation before Revocation by Sanctions Court Participation**



**Table 4: Survival on Probation before Revocation at 6 month Intervals  
by Sanctions Court Participation**

Sanctions Court	Interval Start Time	Number Entering Interval	Number Exposed to Risk	Number of Terminal Events	Proportion Terminating	Proportion Surviving	Cumulative Proportion Surviving at End of Interval
NO	.000	276	276.000	14	.05	.95	.95
	6.000	262	262.000	67	.26	.74	.71
	12.000	195	195.000	80	.41	.59	.42
	18.000	115	115.000	44	.38	.62	.26
	24.000	71	71.000	40	.56	.44	.11
	30.000	31	31.000	21	.68	.32	.04
	36.000	10	10.000	8	.80	.20	.01
	42.000	2	2.000	2	1.00	.00	.00
YES	.000	121	121.000	3	.02	.98	.98
	6.000	118	118.000	19	.16	.84	.82
	12.000	99	99.000	32	.32	.68	.55
	18.000	67	67.000	27	.40	.60	.33
	24.000	40	40.000	23	.58	.43	.14
	30.000	17	17.000	10	.59	.41	.06
	36.000	7	7.000	4	.57	.43	.02
	42.000	3	3.000	3	1.00	.00	.00

### CONCLUSIONS AND RECOMMENDATIONS

The general trend in probation research is that the closer the scrutiny of probationer behavior, the more violations are found, leading to increased revocations. However, close scrutiny of many on probation is important for public safety. The Special Sanctions Court Program seems to have managed increasing the surveillance of offenders while also making tremendous cuts in violations and revocations. Sanctions Court participants were much less likely to commit violations, have their probation revoked, and commit new offenses. They also completed double the community service hours of non-participants. This is all the more remarkable considering that 201 Sanctions Court participants had their community service hours reduced and 18 participants received early termination of their sentences.

Previous probation revocation studies have found that prior offenses, employment status, marital status, gender, and age predict whether probation will be revoked. This was true among the comparison group of felony probationers as well. However, among

Sanctions Court participants, marital status and age were not significant factors in predicting revocation. The remaining background variables were not as important in predicting revocation as compared to the comparison group. This means that the program is reducing the negative impact of those characteristics. In fact, several of the Sanction Court incentives and sanctions predicted whether probation would be revoked or not. Rewarding probationers who are doing well by cutting community service hours and fines was almost as important as not having prior offenses in predicting success on probation. Also, regardless of prior offenses, employment status, and other background variables, the Sanctions Court system of incentives and sanctions significantly impacted revocations.

Finally, Sanctions Court participants who receive a violation or are revoked are lasting longer on probation than the probationers in the comparison group. This becomes strikingly evident when comparing the number of revocations at 6 month intervals. Only 22 Sanctions Court participants were revoked within 6 months compared to 81 probationers in the comparison group. At the end of the 1<sup>st</sup> year, 54 Sanctions Court participants were revoked compared to 161 offenders in the comparison group. Working closely with offenders in the 1<sup>st</sup> year of probation is obviously a key to success. The Director of Fort Bend County Community Supervision and Corrections, Leighton Isles, believes this is the critical time in which offenders begin to “buy in to treatment programs.” Initial resistance to compliance with the conditions of probation seems to wear off as offenders in Sanctions Court become increasingly aware that they have to take their probation sentences seriously or face immediate consequences. As stated earlier, Sanctions Court is not an easy option for offenders. It requires their full commitment evidenced by that fact that several offenders have opted for prison or jail sentences over continuing in the program. However, those who are committed to improving their lives through this program are receiving the resources to do so.

### **Keys to the success of Sanctions Court**

- Quick response to noncompliance of conditions of probation; especially through short jail sentences. Traditional probation programs often do not respond until few options are left in dealing with violations.

- Rewards and recognition for making progress toward treatment goals; especially reductions in fines and community service are a true incentive for many probationers.
- Commitment of Community Supervision and Corrections staff to treatment and rehabilitation goals. The Sanctions Court staff are dedicated to the goals of the program and to the offenders they serve.
- Importance of the Sanctions Court judge and commitment to goals of rehabilitation. Both Judge Smith and Judge Clark were truly committed to the goal of helping offenders improve their behavior. From the interviews of Sanctions Court participants it's clear that at least some participants see that the judge truly wants to help and rewards those doing well on probation. At least one offender credits the program and the judge with changing his life.

### **Recommendations for Fort Bend Community Supervision and Corrections**

- It is my understanding that Judge Reagan Clark will soon be retiring from the Special Sanctions Court. It is recommended that he be replaced with a judge equally dedicated to program goals. Judge Clark replaced Judge Bradley Smith and it was evident from discussions with both judges that they had different personalities. However, they both seemed equally committed to the goals of holding offenders accountable while also recognizing and rewarding those successfully completing their conditions of probation.
- The Special Sanctions Court has only been in operation for less than 3 years. It is important that the program and its participants be monitored over the next several years to determine whether the program's success continues.
- Sanctions Court participants served far more community service hours than the comparison group. This should continue to be emphasized as it provides obvious benefits to the community and it seems to help probationers become more invested in completing their conditions of probation.
- One of the important findings of this study is that rewarding probationers through a reduction of fines and community service hours acts as a true incentive for many

offenders to work toward treatment and rehabilitation goals. Rewarding offenders doing well on probation should be continued and increased when possible.

- Another important finding, consistent with many studies on probation, is that probationers who commit violations or new offenses leading to revocation are most likely to fail within the first to second years of probation. Thus, it's important to engage probationers early and actively in working toward rehabilitation. In the interviews of Sanctions Court participants it is clear that those who had been involved in the program over the course of many months had tremendous praise for the staff and felt that at least part of the programming was helping to improve their lives.

### **Recommendations for State Policy-Makers**

- State and local policy-makers should continue their financial support for the Special Sanctions Court program. State policy-makers have already recognized that the progressive sanctions model in Fort Bend has been extremely successful in reducing the number of offenders sent to state facilities. In fact, lawmakers have cited the program in Senate Bill 1909, and consider it to be a model for the state in reducing the costs of incarceration. The Special Sanctions Court program should also be considered a model to other county supervision agencies who wish to reduce probation recidivism.
- There is currently a proposal to reduce terms of probation for non-violent offenses from a maximum of 10 years to 5 years. Long terms of probation are more likely to lead to frustration for many offenders and increase the costs for the state without providing added public safety.
- State policy-makers should increase their investment in community corrections and residential treatment centers. Treatment is much more cost-effective than incarceration and much more effective in reducing recidivism. There are model programs and evidence-based practices that have demonstrated success in reducing recidivism without increasing risks to the public.

## REFERENCES

- Clear, T.R., Harris, P.M., and Baird, C. (1992). "Probation and officer response." *Journal of Criminal Justice*, 20, 1-12.
- DeLoma, Christine. (September, 2006). "Probation bill likely to return." *East Texas Review*. Retrieved from <http://www.criminaljusticecoalition.org>.
- Fabelo, T. (May-June, 2006). "Rejuvenating probation." *The Texas Prosecutor*, 36(3), 1, 13-18.
- Fabelo, T. (May, 2002). *Trends, Profile and Policy Issues Related to Felony Probation Revocations in Texas*. Criminal Justice Policy Council: Austin, TX.
- Fulton, B., Stichman, A., Travis, L., and Latessa, E. (1997). "Moderating probation and parole officer attitudes to achieve desired outcomes." *The Prison Journal*, 77(3), 295-312.
- Gendreau, P. (1996). "Offender rehabilitation: What we know and what needs to be done." *Criminal Justice and Behavior*, 23(1), 144-161.
- Gray, M.K., Fields, M., and Roy, S. (2001). "Examining probation violations: Who, what, and when." *Crime and Delinquency*, 47(4): 537-557.
- Langan, P. and Cunniff, M.A. (1992). *Recidivism of Felons on Probation, 1986-1989*.
- MacKenzie, D. (1998). "Criminal justice and crime prevention." In *Preventing Crime: What Works, What Doesn't, What's Promising*. A Report to the United States Congress. U.S Department of Justice, Bureau of Justice Statistics, National Institute of Justice: Washington, D.C.
- Morgan, K.D. (1993). Factors influencing probation outcome: A review of the literature. *Federal Probation*, 57(2): 23-29.
- Parent, D.G., Wentworth, D., Burke, P., and Ney, B. (1994). *Responding to Probation and Parole Violations*. U.S. Department of Justice, National Institute of Justice: Washington, D.C.
- Petersilia, J. (1993). "Measuring the performance in community corrections." In *Performance Measures for the Criminal Justice System: Discussion Papers from the BJS-Princeton Project*. U.S Department of Justice, Bureau of Justice Statistics: Washington, D.C.
- Petersilia, J. (2003). *When Prisoners Come Home: Parole and Prison Reentry*. New York: Oxford University Press.