

# TEXAS INSIDER

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## 2014 TCJIUG CONFERENCE



APRIL 27-MAY 3, 2014  
EMERALD BEACH HOTEL

(Formerly Holiday Inn Emerald Beach)

(make your reservations now)

### Current Officers

President  
Vice President  
Secretary/Treasurer

Pam Pierce  
Tammy Cannon  
Tomas Stokes

[Pam.Pierce@co.travis.tx.us](mailto:Pam.Pierce@co.travis.tx.us)  
[tammy.cannon@tdcj.state.tx.us](mailto:tammy.cannon@tdcj.state.tx.us)  
[Tomas.Stokes@co.bell.tx.us](mailto:Tomas.Stokes@co.bell.tx.us)

### Board Members.

Position 1  
Position 2  
Position 3

Les Smith  
Elaine Thornton  
Melinda Huff

[LSmith@TarrantCounty.com](mailto:LSmith@TarrantCounty.com)  
[ethornton@cityofirving.org](mailto:ethornton@cityofirving.org)  
[melinda.huff@co.guadalupe.tx.us](mailto:melinda.huff@co.guadalupe.tx.us)

Newsletter By:

Windy Kraus,

Communications Supervisor

Lubbock County Sheriff's Office

[wkraus@co.lubbock.tx.us](mailto:wkraus@co.lubbock.tx.us)

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**Do you have ideas/suggestions for course training  
at next year's conference?**

Email them to [tcjiugwm@yahoo.com](mailto:tcjiugwm@yahoo.com) with the subject line "2014 Training Suggestions". Be sure to include your contact information and a brief description of the suggested course and any known potential presenters for that material topic.

## UCR REPORTING

By Thomas Adams, Manager UCR/DPS

*"In preparation for going paperless, we are actively encouraging agencies to register for our online UCR system."*  
- Thomas Adams

The Texas Uniform Crime Reporting program, as a whole, has remained relatively unchanged for many decades. Starting in January 2014, there will be the most significant changes in the history of the program.

The first of these changes will be in the revision to the definition of Rape. The FBI has expanded this offense significantly. The new definition reads "Penetration, no matter how slight, of the vagina or anus with anybody part or object, or oral penetration by a sex organ of another person, without the consent of the victim." This will now include male-on-male and female offenders.

There are new categories of crime such as Cargo Theft, Human Trafficking and whole series of changes to the breakdown of Hate Crimes, including newly added locations and bias types.

Arrest reports (both juvenile and adult) will have new breakdowns in the race fields (going from 4 race categories to 5) along with changes to the Hispanic/Not Hispanic nomenclature (now: Latino/Hispanic or Not Latino/Hispanic.)

But probably the most significant change in Texas is that starting in 2014 UCR will

begin the move away from paper forms and toward being totally paperless.

In preparation for going paperless, we are actively encouraging agencies to register for our online UCR system. The system allows agencies to file their monthly UCR data electronically by entering the data straight into our database, thus avoiding the unpleasantness of paper forms.

To begin the registration process, simply copy and fill out this basic form in an email:

Agency Name:

Agency ORI:

Your Name:

Your Phone Number:

And email to: [ucr@dps.texas.gov](mailto:ucr@dps.texas.gov)

Mention in the email that you would like to begin filing your monthly UCR data via the online system, and voila! You will be contacted by our staff and soon you can forget the concern of printing, ink, postage and all the other worries that comes with paper forms!

## PRESIDENT'S RECEPTION

(Movie Madness)

If you thought the '80's theme was "TOTALLY AWESOME"...wait for **Movie Madness**

Dress as your favorite movie character, favorite band from a movie, or favorite movie song

FOOTLOOSE

SATURDAY NIGHT FEVER

DIRTY DANCING

SUPERFLY

WEDDING SINGER

# Data Driven Sentencing

By Les Smith, Tarrant Co.

## There is a Need for More Data Driven Sentencing In Order To Determine Which Sentencing Choices Provide for the Best Public Safety Outcome

*Data driven sentencing will make it possible for a judge to have comprehensive information on defendants about different levels of risk in order to determine which sentencing choices are most likely to prevent further criminal behavior.*

### The Problems

In 2006, the National Center for State Courts reported that the judiciary had "concerns" about access to accurate and relevant sentencing data and information. Currently, there is a wide range of judicial discretion. Until a sentencing support tool is developed, information about which choices are most likely to prevent further criminal behavior by the offender will not be available. Risk and recidivism reduction was one of the key objectives recommended to state and local governments.

A 2011 report by the Pew Center on the States revealed that 45.4 percent of people released from prison in 1999 and 43.3 percent of those sent home in 2004 were re-incarcerated within three years. Based on the 2013 Texas Legislative Budget Board's *Statewide Criminal Justice Recidivism and Revocation Rates* study, the Texas Prison recidivism rate for 2007 was 48.3% and in 2008 the rate 47.2%. In a 2008 Tarrant County, Texas recidivism rate study, after three years the recidivism rate was 51.4% and after eight years 63.7% (Source: Tarrant Count Criminal Justice Office). In other words, the prevention of further criminal behavior (i.e., reducing recidivism) using existing practices remains a challenge.

It is important for a judge to know in advance of sentencing a case, any comprehensive information on the defendant. A report can be provided to a judge that includes information such as a criminal history, age at first conviction, employment status, treatment options, an analysis of what is most likely to *reduce this offender's future criminal conduct* (i.e., risk reduction) and why.

This report should also include the availability of any relevant diversion programs in or out of custody. It is equally important to use this information in pretrial release, probation and parole decisions.

### The Solution

There is a need for greater rationality in sentencing. Improved access and use of relevant data and information is necessary for sentencing policy making and practices. In order to provide judges' accurate and relevant sentencing data and information, a sentencing support tool would prove invaluable. Judge Michael Marcus of Multnomah, Oregon explains that judges have a wide range of discretion in many sentencing and probation violation hearings. Until sentencing support tools are developed, information about which choices are most likely to *prevent further criminal behavior* by the offender will not be available. A good part of academia, and much of the corrections community, continues to research evidence-based risk reduction strategies. It has not been until recently that the sentencing culture has begun to accept these practices. Judge Marcus emphasizes that every sentence that is imposed should have a public safety outcome. He explains that:

- Prison, programs, and all sentencing devices should be allocated by evidence-based choices; based upon *risk, results, and resources* (within the limits of proportionality).
- We should not ask merely "what works," we need to focus on " what works on which offenders" -- different things work or do not for different offenders.
- Plea bargaining is allowed in order to drive most sentencing outcomes with little attention to public safety or any other social programs.
- Courts should direct attention to public purposes when reviewing plea agreements.
- Prosecutors, as advocates for the people, should bargain for the best public safety outcome.
- Defenders should be ready to address "what works" for their clients when and to what extent that role furthers a client's interests.<sup>1</sup>

"In order to provide judges' accurate and relevant sentencing data and information, a sentencing support tool would prove invaluable."

"...every sentence that is imposed should have a public safety outcome."  
-Judge Marcus

## Data Driven Sentencing

(Continued from page 3)

The Circuit Court for Multnomah County Oregon also directs that the Pre-sentence Report include an analysis of *what is most likely to reduce this offender's future criminal conduct* and *why*, including the availability of any relevant programs in or out of custody.

The Virginia Criminal Sentencing Commission adopted the Risk Assessment Instrument (RIS) and it has proven to be an effective tool for identifying, among nonviolent offenders, good candidates for *diversion from incarceration*. Higher "risk scores" on the instrument have been associated with a greater likelihood of recidivism, diversion through risk assessment has produced positive net benefits for the state, and judges and probation officers have found the instrument useful.

The Ohio Risk Assessment System (ORAS) was created using a prospective design that involved conducting in-depth structured interviews of over 1,800 offenders at the following stages in Ohio's justice system: pretrial, community supervision, prison intake, and community reentry. After interviews were conducted, offenders were tracked for approximately one year to gather follow-up information on recidivism. Five assessment instruments were created using items that were related to recidivism: The Pretrial Assessment Tool, The Community Supervision Tool, The Community Supervision Screening Tool, The Prison Intake Tool, and the Reentry Tool. Validation involved examining the predictive power of the assessment instruments. The results revealed that all assessment instruments are able to significantly distinguish between risk levels. Overall, the results from the validation were favorable, indicating that each tool was able to clearly distinguish between groups of offenders with escalating rates of recidivism.

The Tarrant County, Fort Worth, Texas Community Supervision and Corrections Department currently utilize the Level of Service Inventory-Revised (LSI-R) and recently adopted ORAS of which is currently being validated by the State of Texas. It is anticipated that the risk assessment processes may also be expanded to pretrial release and hopefully as a sentencing support tool in the near future.

By Les Smith, Tarrant Co.

Additionally, Tarrant, Dallas, Harris, Bexar and Travis Counties are also considering participating in a study addressing a universal definition of recidivism that suggests utilizing risk assessments in sentencing decisions.<sup>1</sup>

### Policy Considerations

**All sentencing devices should be allocated by evidence-based choices. Courts should make a concentrated effort to direct attention to public purposes when reviewing plea agreements; prosecutors and defenders should be committed to bargain for the best public safety outcome.**

There is a need for information technology departments to upgrade existing and future computer systems to meet these aforementioned needs. These changes will make it possible for judges to have and share comprehensive information on defendants, provide information about which sentencing choices are most likely to address risk reduction, and prevent further criminal behavior. This information will establish the foundation for "sentencing support tools" in order to assure that the sentence imposed will have the best *public safety outcome*.

<sup>1</sup> Michael Marcus Circuit Court Judge Multnomah County, Oregon ©2004 EXECUTIVE EXCHANGE [journal of the National Assn of Probation Executives]

"...has produced positive net benefits for the state, and judges and probation officers..."

## Do you have ideas/suggestions for the TCJIUG Newsletter?

Email them to [wkraus@co.lubbock.tx.us](mailto:wkraus@co.lubbock.tx.us) with the subject line "TCJIUG Newsletter idea". Be sure to include your contact information, a brief description and a source site for documentation purposes.

## The Frontline Supervisor Tips

[www.alliancewp.com](http://www.alliancewp.com)

By Alliance Work Partners

October 2013

**Q.** I like meetings because they bring people together. I've read a lot about making meetings efficient, but we still have problems with getting work done, non-participation, and low productivity. What efficiency tips can you offer that perhaps I have not heard before?

**A.** Meetings can help people bond, but when that is the sole reason for their purpose, breakdown is ensured. Meetings should include selected individuals who gather as a team, all of whom then participate and work as a group to accomplish something. Can you say your meetings fit this model, or would another way to interact be better? Who is not essential for a meeting? Although some employees will feel slighted when uninvited, educate staff about the need for efficiency. Pay attention to solid reasons some offer along with their insistence on being included. It is a myth that all employees hate meetings. Some employees love meetings as distractions or social opportunities. Pay attention to how employees perform in meetings, individuals who struggle with their inability to share work on a team, those who need to pull rank in the room or interrupt others, or those who have trouble with paying attention, staying on the subject, or respecting others.

**Q.** It is easier for me to give feedback to a good performer than to do so with employees who are poor performers. I know the poor performer needs more feedback from me, but why do I resist? Is this a problem with other supervisors too?

**A.** Giving feedback to good performers is pleasant and easy. But it's often difficult to do with employees who are poor performers. The stress of confrontation and fear of what may follow explain the resistance. A checklist or a method for giving negative feedback will help you approach those employees more frequently.

You'll also avoid nasty surprises for the poor-performing employees at their annual review. One approach: 1) Create a list of the performance issues you wish to discuss; 2) Discuss the impact of each, and the employee's awareness of that impact; 3) Share what will or could ultimately happen if the performance issues are not corrected; 4) Decide on a follow-up date and what should change by then; 5) Avoid diminishing the seriousness of performance problems with statements that relieve tension, such as "This is not a big deal, but you need to start making changes to..."; 6) Always offer help, resources, and support the changes you require.

**Q.** Our workplace has a problem with everyone shifting blame to the other guy when things go wrong. How can we put an end to this dynamic, which does nothing to help us create a cohesive work environment and feel glad to all be on the same team?

**A.** The blame game is a workplace dynamic in which employees seek to ensure their personal survival by shifting blame for business failures to other parties. When it becomes a pattern of interaction, the blame game is more accurately viewed as a symptom of a toxic or problematic work culture. You can stop it by creating a more positive and shared work culture in which managers are not afraid to use the "buck stops here" model of leadership. Blaming is a short-term solution that usually reinforces whatever dysfunction is provoking it. Blaming by definition means that lessons from mistakes are never learned, a frozen feedback loop exists, and morale problems are maintained, resulting in lower productivity. Unfortunately, knee-jerk reactions to blame others reinforce the cycle.



*"Meetings should include selected individuals who gather as a team, all of whom then participate and work as a group to accomplish something."*

*You have achieved excellence as a leader when people will follow you anywhere if only out of curiosity.*

~ Colin Powell



**TCJIUG**  
PO Box 684096  
Austin, TX 78768

**E-mail:**  
tcjugwm@yahoo.com

**TCJIUG:**  
A statewide organization of law enforcement, communications and information systems personnel working to improve the criminal justice system throughout the state, to improve working relationships and to promote the education of its membership..



**We're on the Web!**  
<http://www.tcjiug.com>



## Telecommunicator Emergency Response Taskforce

*Did You Know....*In the aftermath of man-made and natural disasters that devastated many areas of our country, public safety communications centers have faced tremendous challenges. One of the greatest challenges was maintaining adequate staffing levels of the communications centers. To address this problem and expand on some individual state initiatives in place, APCO International and NENA have joined hands to develop more widely the Telecommunicator Emergency Response Taskforce (TERT). TERT involves a comprehensive program that includes assistance to individual states in developing programs that would lead to the establishment of predetermined and selected trained teams of individuals who can be mobilized quickly and deployed to assist communications centers during disasters. For more information contact Sherry Decker, North Central Texas Council of Governments, 817 695-9199 or [sdecker@nctcog.org](mailto:sdecker@nctcog.org)

*Ability is what you're capable of doing.  
Motivation determines what you do.  
Attitude determines how well you do it.*  
-Lou Holtz

## Texas Jail Association Newsletter

The Texas Jail Association is now sending out **Key Issues** in digital format three times per year. In January of each year, you will receive a hard copy of the publication. The money saved on printing will allow the Association to offer more complimentary regional trainings around the state, as well as other benefits to its members. This issue contains valuable information about future training, what's happening in the field of corrections and legislative updates. You can view **Key Issues** online, or print it out to share with others. If you have any difficulties viewing the publication, please contact Sharese Hurst at (936)294-1687.

Click here to view **Key Issues**: <http://www.texasjailassociation.com/newsletter/>.