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# *The Judicial System*

**La Ley**

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**



**Restorative  
Justice**



**TEXAS YOUTH COMMISSION**

**La Pinta**



**El Bote**



# The Judicial System

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## What is the Judicial System?

The judicial system is that branch of government which is charged with the administration of justice. "Justice" being that which has to do in part with the resolution of disputes, the maintenance of the social order in the society and the repair of trust.

In the United States, lawmakers pass laws to insure the orderly operation of society. When these laws are broken, the government may bring charges against an individual. That individual is then permitted to defend himself in a court of law. The government is charged with bearing the burden of proving the allegation against the individual.

There are two basic court systems in the United States. One is the Federal Court system and the other is the State Court system. No two states have the same judicial system. The Federal Court system derives its authority from the Constitution of the United States and is made up of the 92 District Courts around the country. In each of these districts there are between one and twenty judges who are appointed by the President of the United States. These courts handle cases involving alleged violations of the Constitution. The highest court in this Federal system is the United States Supreme Court in Washington, D.C.

The State Court system has jurisdiction over disputes having some connection with the state in which the dispute or violation occurred. The laws of the state are those that have been made by the legislature of that state and cover issues such as business transactions, criminal behavior, and property law issues just to name a few.

The State Court system contains various types of courts. Among them are municipal courts, justice of the peace courts, county courts and district courts. The seriousness of the charge determines in part which court a case will be heard in. In all states, the courts have different procedures for handling adults versus youths.

The operation of prisons and parole boards is another aspect of the judicial system. Again, the State and the Federal government each have their respective systems and set of procedures.

## ¿Qué es el Sistema Judicial?

El sistema judicial es la rama del gobierno que se encarga de la administración de la justicia. La "justicia" tiene que haber en parte con la resolución de disputas, el mantenimiento de la orden social en la sociedad y la reparación de confianza.

En los Estados Unidos, los legisladores pasan las leyes para asegurar la operación ordenada de la sociedad. Cuando estas leyes son rotas, el gobierno puede traer cargas contra un individuo. Ese individuo tiene de derecho de defenderse en un tribunal de justicia. El gobierno (el estado) que pone los cargos también tiene soportar la alegación contra el individuo.

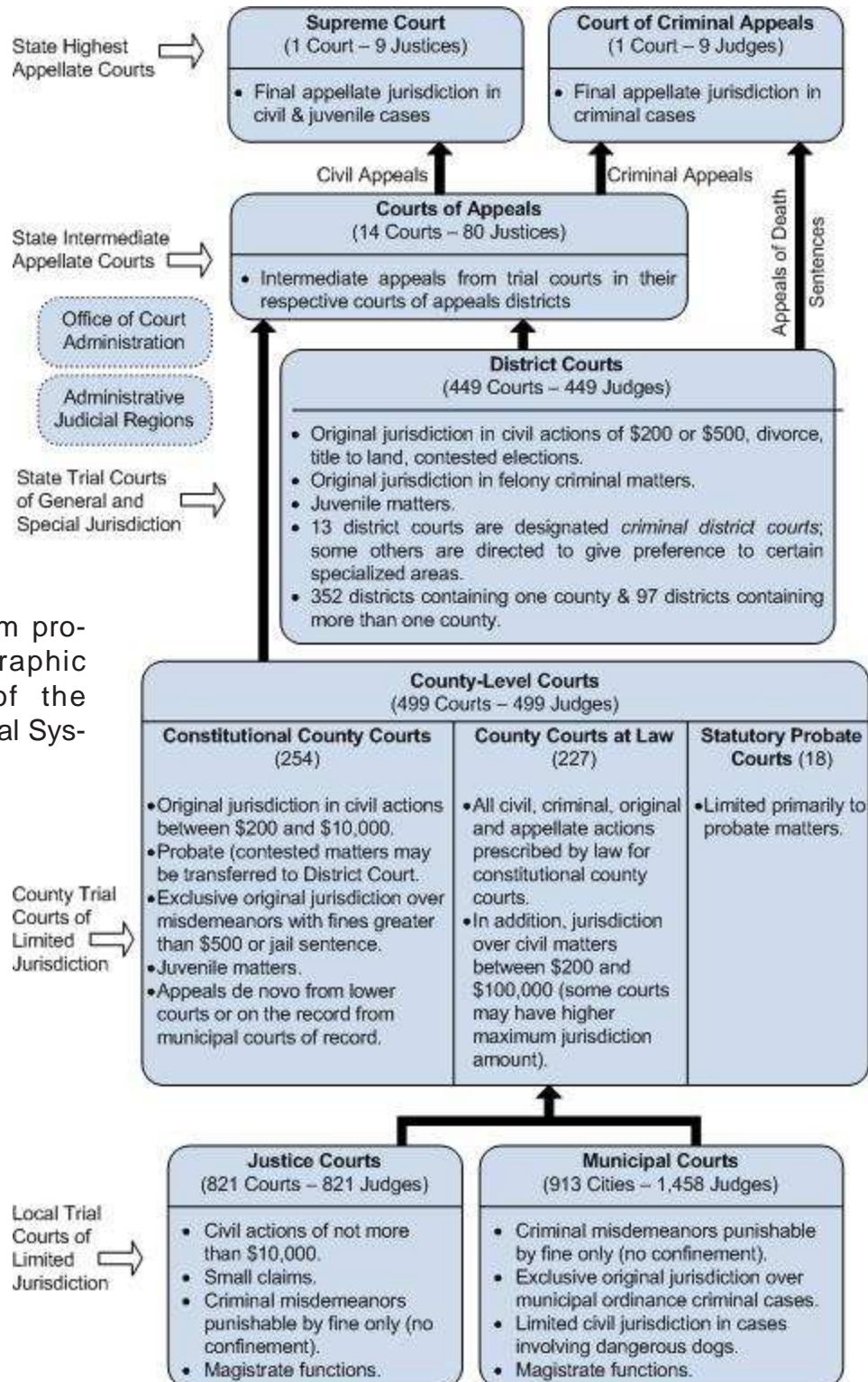
Hay dos sistemas básicos del tribunal en los Estados Unidos. Uno es el sistema Federal del Tribunal y el otro es el sistema del Tribunal de Estado. Cada estado tienen su sistema judicial. El sistema Federal del Tribunal deriva su autoridad de la Constitución de Estados Unidos y es hecho de los 92 Tribunales de distrito alrededor del país. En cada uno de estos distritos hay entre uno y veinte jueces que son designados por el Presidente de Estados Unidos. Estos tribunales manejan casos que implican infracciones pretendidas de la Constitución. El tribunal supremo en este sistema Federal es el Tribunal Supremo de Estados Unidos en Washington, D.C.

El sistema del Tribunal de Estado tiene jurisdicción sobre disputas que tienen alguna conexión con el estado en el que el ocurrido de disputa o infracción. Las leyes del estado son éstos que han sido hechos por la legislatura de esos asuntos de estado y cobertura como transacciones de negocio, de conducta criminal, y de asuntos de ley de la propiedad inmobiliaria para denominar justo unos pocos.

El sistema del Tribunal del Estado contiene varios tipos de tribunales. Entre ellos son los tribunales municipales, justicia de la paz, los juzgados de primera instancia y los tribunales de distrito. La seriedad de la carga determina en parte que corteja un caso será oído en. En todos estados, los tribunales tienen procedimientos diferentes para manejar adultos contra jóvenes.

La operación de prisiones y libertad condicional es otro aspecto del sistema judicial. Otra vez, el Estado y el gobierno federal cada tiene sus respectivos sistemas y el conjunto de procedimientos.

## How the Judicial System Works



This diagram provides a graphic overview of the Texas Judicial System.

SOURCE: Texas Courts Online, 2009

# The Judicial System

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## How the Judicial System Works

The judicial system in the United States is basically an adversary system in which one side (the accuser) is pitted against the other side (the accused) in a court of law. Justice is produced or rendered when the most effective side is able to convince the judge or jury that his position in the case is the correct one.

When an individual is believed to have violated a law, he or she is charged. The charge may be brought by a member of law enforcement who witnessed the event or by a district attorney in the form of an indictment.

If a person is found guilty of a crime against society, they may be subject to a punishment as prescribed by the law related to the offense. All offenses have a range of penalties that a judge or jury must act on in accordance with the law. When a court finds a defendant guilty there are only two things a court can do for the purposes of restitution and or punishment: it can take a person's time (detention in jail/prison) or it can take their money. (fines, court costs, etc)

### YOUTH

In Texas as with other states, juveniles are handled differently than adults in the criminal justice system. **Travis County** for example operates a juvenile court. This court provides for public safety while addressing the needs of juvenile offenders, families and victims of crime. Part of the court services include:

Court Services consists of:

- **intake**, where juveniles are originally brought when an offense has been committed;
- **deferred prosecution**, where juveniles are informally processed for misdemeanor offenses, and mediation and community service restitution services are used to hold the juvenile accountable for his or her offense;
- **the court unit**, where court investigators prepare cases for court to address the alleged delinquent conduct of juveniles; and
- **the legal unit**, which prepares and documents legal proceedings for court and maintains legal files

Another part of the **Travis County Juvenile Court** system is probation services. This consists of three field supervision units, an intensive supervision unit and a resource management unit. They are responsible for supervising juvenile offenders who have been tried in court, found guilty and placed on probation. Supervision affords public protection, teaches juveniles accountability for their actions, and enhances their ability to make better decisions in their lives.

When juveniles have come to the end of their options with respect to probation and supervision, the next step is the **Texas Youth Commission**. The **Texas Youth Commission** is the state of Texas juvenile corrections agency. It partners with youth, families and communities to provide a safe and secure environment where youth in the agency's care and custody receive individualized education, treatment, life skills and employment training and positive role models to facilitate successful community reintegration.

### ADULTS

Adults who find themselves in the judicial system are handled through the regular courts. As was seen on the previous page, justice courts and municipal courts handle civil actions of less than \$10,000 dollars and misdemeanors that are only punishable by a fine.

It is not until the next level of court that sentences can begin to include jail time in addition to fines. Also, the dollar amount of disputes is capped at \$100,000 dollars. In Texas, appeals are heard by two distinct courts. For civil matters it is the Court of Appeals and for criminal matters, it is the **Court of Criminal Appeals**. Judges who sit in each of these courts are elected by the voters.

For those who are sentenced to do time, the **Texas Department of Criminal Justice** is the agency that manages offenders in state prisons, state jails, and private correctional facilities that contract with **TDJC**. In August of 2008, in the **State of Texas**, there were 156,126 men and women "doing time in Texas." The number who were under "Community Supervision" totaled 426, 689.

## A Probationer Reflects

### Wayne's Story

**M**y name is **Wayne**. I am a student at **Akins High School**. One day earlier this year I got in trouble for fighting. I wasn't looking for it, it just came my way. I had just come back from a meeting in the **Eagle's Nest** at **Akins High School** and was on my way to class.

**I** was running late because the meeting was running late. Anyway, I got stopped in the hallway and given a tardy for being in the hallway after class had started. So I went to the ISS (In School Suspension) room and was waiting when this student who was already in ISS started "bumping his gums."

**I** ignored him at first but then he started bumping on a friend of mine. I stood up and he started bumping his gums with me so we went at. He threw a hit and he missed. I threw back and I hit him in the head. I tried to rush him but he started running and went and hid behind a monitor. The hall monitors broke it up.

**B**ut I was accused of fighting which was true. I did smack him once. So I went to the office and they suspended me. I was also given a ticket and put on a gang contract because I had **UT** shirt on. I said why are you putting me on a contract? They said because I had on a **UT** shirt.

**S**o I just went home and chilled. When my mom came home from work I told what happened. She just shook her head. I know she doesn't want me getting in trouble, but sometimes things just happen.

**I** went back to school the following week and then a letter came in the mail saying I had to go to court. My mom took me to court and I had to go before a judge and explain what happened. I ended up having to do a lot of community service hours.

**T**hey also put me on probation but I didn't have to pay any probation fees. But I did have to call my probation officer every Friday at 8:00pm, and I had to be home by 9:00pm. Then they put me on curfew restrictions.



**Age:** 16 years old

**Born:** Houston, Texas

**Languages:** English and Spanish, both fluently

**Family:** Mother works full time, father in prison

**Economic Status:** Daily struggle

**Education:** Junior at Akins High School in Austin, Tex.

**Last Book Read:** The Prince by Niccolò Machiavelli

**Favorite Food:** Mexican Food

**Favorite Music:** Rap

**Favorite Color:** Orange

**Hobbies:** Basketball

**Dream:** Become a music producer and entrepreneur

**Crime:** Fighting in school

**Punishment:** Probation and community service

# The Judicial System

## Where Does it Start?

For many individuals the introduction to authority and the rules of society use to begin in the home, in the neighborhood and other places where one came into contact with people not related to you. Today it appears that more and more young people are having their first encounter with authority in the public schools.

Over the last several years a number of school districts have changed their disciplinary management strategies. Some school districts have adopted “zero tolerance” programs. Some school districts have strengthened their student codes of conduct and created their own in house-in house police forces. Increasingly we have seen the criminalization of certain school behaviors that in previous years were dealt with only by school officials and parents.

The judicial system has been brought “closer” to home by the daily presence of licensed law enforcement personnel on school grounds and in the hall ways during the delivery of regular instruction. Some school districts now offer truancy courts on campus just to handle the increasing number of cases.

In the 2007-2008 school year, the **Austin Independent School District** had an end of year enrollment of 89,065 students. During this school year, there were a total of 33,090 disciplinary incidents. (a single incident/offense may result in multiple disciplinary incidents) These disciplinary incidents resulted in the removal of students from their regular academic program to an alternative education program, a juvenile justice education program or simply an out of school suspension.

Table 1 below shows that of the 33,909 disciplinary incidents in the **Austin Independent School District**, only 10,730 students were in fact responsible for these incidents. Stated differently, some students are responsible for more than one disciplinary incidents multiple times. On average, during the 2007-2008 school year, the 10,730 students in question were responsible for 3.16 incidents.

## ¿Donde Empieza?

**Table 2**  
**School Disciplinary Rankings in the Austin Independent School District by School and Count**

| School                             | Count |
|------------------------------------|-------|
| 1. Pearce Middle School . . . . .  | 3,528 |
| 2. Dobie Middle School . . . . .   | 3,524 |
| 3. Travis High School . . . . .    | 1,902 |
| 4. Lanier High School . . . . .    | 1,753 |
| 5. Webb Middle School . . . . .    | 1,738 |
| 6. Akins High School . . . . .     | 1,709 |
| 7. McCallum High School . . . . .  | 1,621 |
| 8. Paredes Middle School . . . . . | 1,592 |
| 9. Fulmore Middle School . . . . . | 1,530 |
| 10. Mendez Middle School . . . . . | 1,312 |
| 11. Martin Middle School . . . . . | 1,200 |
| 12. Burnet Middle School . . . . . | 1,154 |

Source: Texas Education Agency, Accountability Division

Table 2 shows the top 12 schools in the **Austin Independent School District** with respect to the number of disciplinary incidents that were reported during the 2007-2008 school year. As can be seen in the table above, the middle schools tend to dominate the list with **Pearce** and **Dobie** holding the number one and two spots respectively.

**Table 1**  
**The Austin Independent School District Disciplinary Report Card for 2007 - 2008**

|   |        |
|---|--------|
| District Cumulative Year End Enrollment | 89,065 |
| District Discipline Record Count        | 33,909 |
| District Discipline Population          | 10,730 |

Source: Texas Education Agency, Accountability Division

Altogether, of the 12 schools on the list above, eight of them are middle schools. Some students are getting their first serious experiences with school authority at the age of 13 or 14. This is where the foundation for the pipelines models you will see on the following pages are being built. Not only is the delivery of education changing in the 21st century but so is the manner in which young people are taught about the rules and regulations of acceptable behavior.

## A Closer Look

A closer examination of the disciplinary data for the 2007-2008 school year shows the following:

| <b>Table 3</b>   |               |
|--|---------------|
| <b>The Austin Independent School District<br/>Disciplinary Action Break Down</b>       |               |
| Count of Students Expelled to:<br>Juvenile Justice Alternative Program . . . . .       | 54            |
| <b>Break Down:</b>   |               |
| Mandatory Expulsions to JJAEP . . . . .  | 45            |
| Discretionary Expulsions to JJAEP . . . . .  | 9             |
| <br>Count of Students Expelled . . . . .   | <br>74        |
| <b>Break Down</b>  |               |
| Mandatory Expulsions . . . . .   | 59            |
| Discretionary Expulsions . . . . .   | 15            |
| <br>Count of Students Removed to a<br>District Alternative Education Program . . . . . | <br>2,070     |
| <b>Break Down</b>  |               |
| Mandatory Removal . . . . .  | 992           |
| Discretionary Removal . . . . .  | 1,078         |
| <br>Count of Students Suspended in School . . . . .                                    | <br>15,960    |
| <b>Break Down</b>  |               |
| Mandatory In School Suspensions . . . . .  | 11            |
| Discretionary In School Suspensions . . . . .  | 15,949        |
| <br>Count of Students Suspended Out of School . . . . .                                | <br>15,016    |
| <b>Break Down</b>  |               |
| Mandatory Out of School Suspensions: . . . . .   | 888           |
| Discretionary Out of School Suspensions: . . . . .                                     | 14,128        |
| <hr/>  |               |
|  | <b>33,174</b> |

Source: Texas Education Agency, Accountability Division

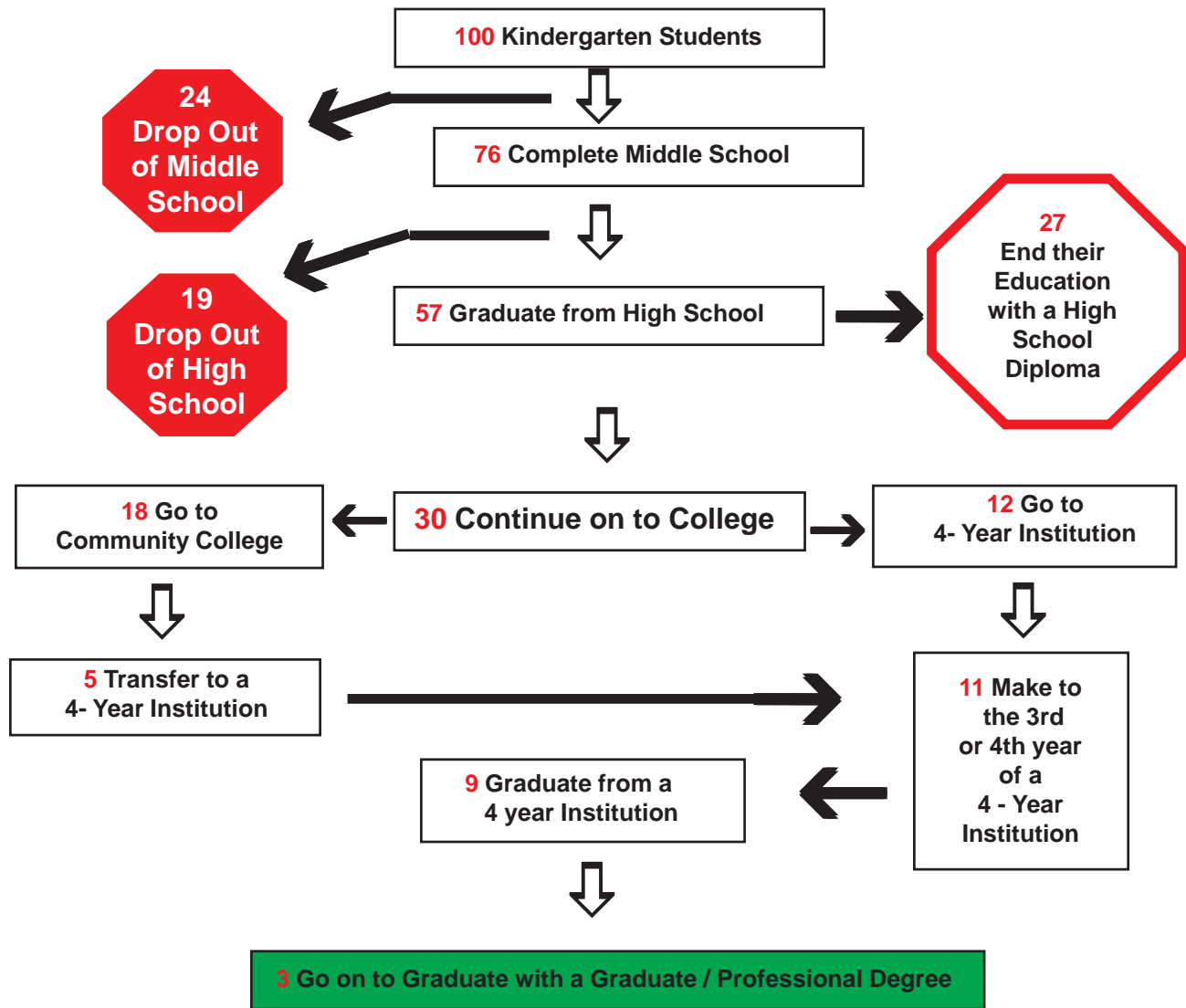
| <b>Table 4</b>   |               |
|--|---------------|
| <b>The Austin Independent School District<br/>Disciplinary Actions by Race/Ethnicity</b> |               |
| African American . . . . .   | 14            |
| Hispanic . . . . .   | 34            |
| White . . . . .  | 6             |
| Native American . . . . .  | 0             |
| Asian . . . . .  | 0             |
| <b>TOTAL</b>   | <b>54</b>     |
| <hr/>  |               |
| African American . . . . .   | 21            |
| Hispanic . . . . .   | 44            |
| White . . . . .  | 9             |
| Native American . . . . .  | 0             |
| Asian . . . . .  | 0             |
| <b>TOTAL</b>   | <b>74</b>     |
| <hr/>  |               |
| African American . . . . .   | 585           |
| Hispanic . . . . .   | 1,197         |
| White . . . . .  | 272           |
| Native American . . . . .  | 6             |
| Asian . . . . .  | 10            |
| <b>TOTAL</b>   | <b>2,070</b>  |
| <hr/>  |               |
| African American . . . . .   | 3,891         |
| Hispanic . . . . .   | 10,335        |
| White . . . . .  | 1,638         |
| Native American . . . . .  | 28            |
| Asian . . . . .  | 68            |
| <b>TOTAL</b>   | <b>15,960</b> |
| <hr/>  |               |
| African American . . . . .   | 4,267         |
| Hispanic . . . . .   | 9,182         |
| White . . . . .  | 1,477         |
| Native American . . . . .  | 33            |
| Asian . . . . .  | 57            |
| <b>TOTAL</b>   | <b>15,016</b> |
| <hr/>  |               |
|  | <b>33,174</b> |

Source: Texas Education Agency, Accountability Division

The Texas Education Agency reports 33,909 disciplinary records for the Austin Independent School District in 2007-2008. But disaggregated data shows 735 missing records. (33,909 - 33,174 = 735)

It is clear that Hispanics lead every group in disciplinary actions in the **Austin Independent School District**. In terms of percentages, it is estimated that the Hispanic student population in **AISD** is around 60%. In each disciplinary category Hispanics are tracking right around this figure.

## The Latino Educational Pipeline



Source: Pew Hispanic Center Mid Decade Report, integrated with prior Hispanic Scholarship Fund data from 2006

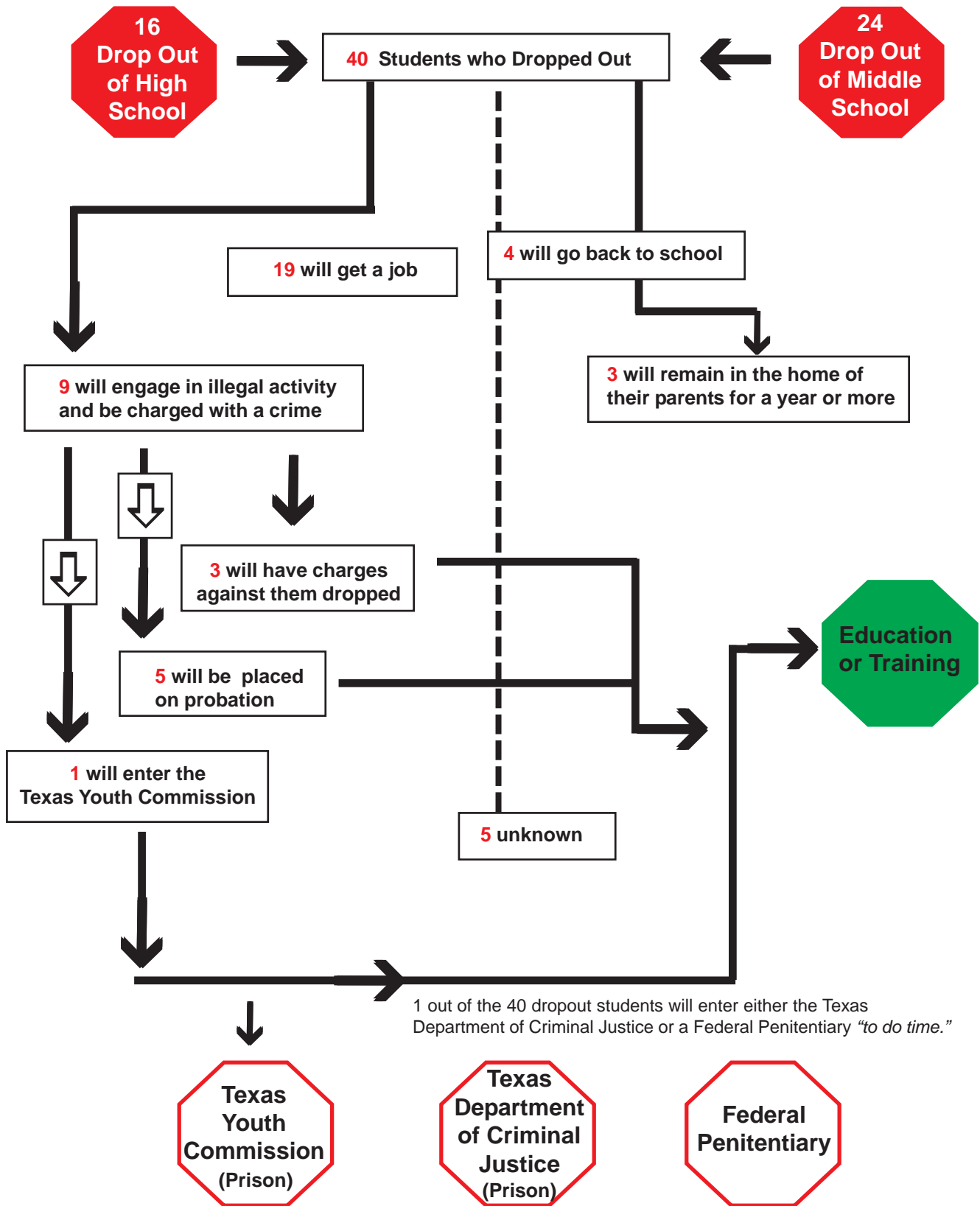
The metaphor of a “pipeline” to describe the educational and life pathway of young people is popular in the literature on juveniles. The pipeline model above was taken from a report by the **Pew Hispanic Center** and provides a theoretical estimation of where 100 Hispanic students end up as they move through their lives. As the model suggests, 40 of the Hispanic students will not see their high school graduation day by the time they turn 18 years of age.

The pipeline model on the next page is a theoretical model an extension of what happens to those Hispanic students who

end up dropping out of school. Using data provided by the **Texas Youth Commission** and the **Travis County Probation Department**, we have produced estimates of the “life paths” of the 40 students who did not make it to their graduation. While these numbers are only estimates, they provide an interesting visual of where students who do not complete their education ultimately end up in the trajectory of life. The “school to prison pipeline” model is becoming an increasingly refined model that scholars are using to describe what happens to students who begin to have problems at an early age in school.

Graph 2

### The Latino Incarceration Pipeline



# The Judicial System

## Youth on Probation in Travis County

In March of 2009, (most recent data available) there were a total of 783 juveniles under “probation supervision” in **Travis County**. A total of 456 had committed misdemeanors and 327 were involved in felonies. The youngest offenders were 11 years old. As Table 5 shows, the heaviest concentration of juvenile offenders were Hispanics between the ages of 14 to 16.

Among those who were under probation supervision for felonies, the concentration was again Hispanics who were 15 or 16 years of age. While the tables do not show gender, most of the offenders were in fact males. On the following page are some of the economic aspects of being on probation supervision in **Travis County**.

### Misdemeanor

**Table 5**  
**Juveniles Under Probation Supervision**  
**by Race/Ethnicity and Age**

| Age Group    | White | African American | Latino | Asian | Native American | Other |
|--------------|-------|------------------|--------|-------|-----------------|-------|
| 11 years old | 0     | 0                | 2      | 0     | 0               | 0     |
| 12 years old | 0     | 4                | 8      | 1     | 0               | 0     |
| 13 years old | 2     | 15               | 25     | 0     | 0               | 0     |
| 14 years old | 9     | 32               | 63     | 1     | 0               | 0     |
| 15 years old | 19    | 33               | 80     | 0     | 0               | 0     |
| 16 years old | 17    | 32               | 77     | 0     | 0               | 0     |
| 17 years old | 3     | 7                | 25     | 0     | 0               | 1     |
|              | 50    | 123              | 280    | 2     | 0               | 1     |

Source: Travis County Juvenile Probation. March 2009

### Felony

**Table 6**  
**Juveniles Under Probation Supervision**  
**by Race/Ethnicity and Age**

| Age Group    | White | African American | Latino | Asian | Native American | Other |
|--------------|-------|------------------|--------|-------|-----------------|-------|
| 11 years old | 0     | 1                | 0      | 0     | 0               | 0     |
| 12 years old | 1     | 5                | 8      | 0     | 0               | 0     |
| 13 years old | 4     | 8                | 20     | 0     | 0               | 0     |
| 14 years old | 10    | 14               | 39     | 0     | 1               | 0     |
| 15 years old | 12    | 36               | 61     | 0     | 0               | 0     |
| 16 years old | 15    | 25               | 55     | 0     | 0               | 0     |
| 17 years old | 1     | 5                | 5      | 0     | 0               | 0     |
|              | 43    | 95               | 188    | 0     | 1               | 0     |

Source: Travis County Juvenile Probation. March 2009

## Economic Impact of Youth on Probation in Travis County

Getting in trouble with the law can be an expensive proposition. When a juvenile is placed under “probation supervision” by the court there are a number of fees and fines that can be assessed by the judge. These can include:

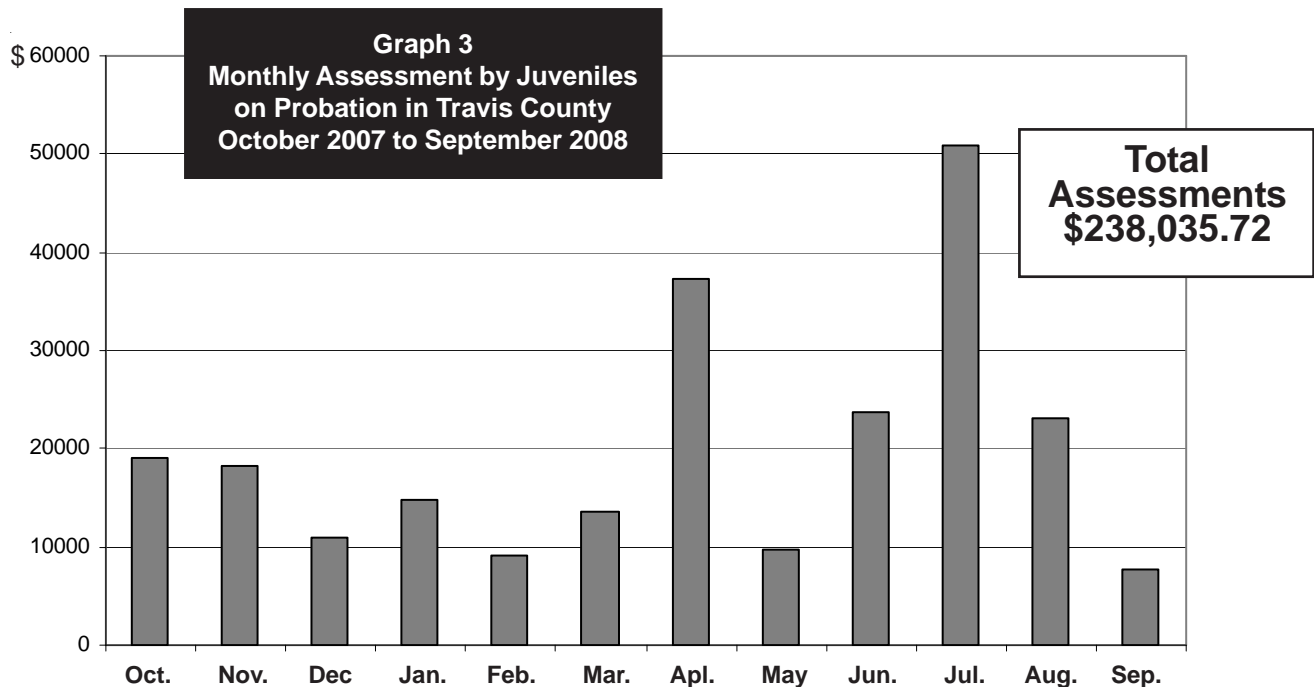
|   |  |
|---|--|
| <b>Court Costs</b>  | \$20.00 one time   |
| <b>Probation Fees</b>   | \$1 to \$15 dollars per month  |
| <b>Court Appointed Attorney Fees</b>  | Varies with offense  |
| <b>Deferred Prosecution Fees</b><br>(This is fee for mediation between juvenile and victim) | Not to exceed \$15 per month.  |
| <b>Restitution</b>  | In some cases, the judge will require the offender to make monetary payments for damages caused by their actions                       |
| <b>Expense Reimbursement</b>  | This is for any testing the court may require as part of the offender’s sentence. For example, psychological tests, drug testing, etc. |

Cuando uno se mete en problemas con la ley, le puede costar mucho dinero. En el año 2007 hasta 2008 los jóvenes que se fueron a corte se les cobraron un total de \$238,035.72. Una gran parte del costo del crimen es el dinero que un juez pueden ordenar que le paga a sus víctimas. A través de los años a los asaltantes, sus malas decisiones se les esta costando mucho.

During the fiscal year from October 2007 to September 2008, juveniles who came in contact with the criminal justice system in **Travis County** were assessed a total of \$238,035.72 in probation fees, court costs, restitution, etc. The graph below shows how much on a monthly basis juveniles are contributing to the criminal justice system. July was the busiest month with assessments topping the \$50,000 mark, followed by April with assessments reaching \$38,000 a month.

These figures are on the low end because court appointed attorney fees have not been included in the tally.

Source: Travis County Juvenile Probation. March 2009



# The Judicial System

## Adults on Probation in Travis County

In September of 2008, (most recent data available) there were a total of 9,976 adults under “probation supervision” in **Travis County**. A total of 5,651 had committed misdemeanors and 4,325 were involved in felonies. The youngest offenders were 17 years old. As Table 7 shows, the heaviest concentration of offenders were Hispanics between the ages of 31 to 40.

Stated differently, Hispanic make up almost one half of the misdemeanor offenders and 42.6% of the felony offenders in Travis County in September of 2008. While the tables do not show gender, most of the offenders were in fact males. On the following page are some of the economic aspects of being on probation supervision in **Travis County**.

### Misdemeanor

**Table 7**  
Number of Adults on Probation in Travis County by Age and Race/Ethnicity

| Age Group       | White        | African American | Latino       | Asian     | Native American | Other     |
|-----------------|--------------|------------------|--------------|-----------|-----------------|-----------|
| 17-21 years old | 247          | 94               | 421          | 7         | 1               | 3         |
| 22-25 years old | 501          | 103              | 595          | 16        | 1               | 9         |
| 26-30 years old | 505          | 88               | 635          | 20        | 4               | 7         |
| 31-40 years old | 531          | 130              | 653          | 22        | 3               | 12        |
| 41-50 years old | 333          | 90               | 296          | 8         | 2               | 1         |
| 51+ years old   | 149          | 53               | 94           | 8         | 4               | 5         |
| <b>Total</b>    | <b>2,266</b> | <b>558</b>       | <b>2,694</b> | <b>81</b> | <b>15</b>       | <b>37</b> |

Source: Travis County Adult Probation Department

**5,651**

### Felony

**Table 8**  
Number of Adults on Probation in Travis County by Age and Race/Ethnicity

| Age Group       | White        | African American | Latino       | Asian     | Native American | Other     |
|-----------------|--------------|------------------|--------------|-----------|-----------------|-----------|
| 17-21 years old | 191          | 288              | 386          | 9         | 0               | 5         |
| 22-25 years old | 192          | 184              | 315          | 8         | 0               | 3         |
| 26-30 years old | 228          | 176              | 318          | 10        | 1               | 2         |
| 31-40 years old | 318          | 235              | 443          | 11        | 4               | 1         |
| 41-50 years old | 256          | 165              | 274          | 4         | 0               | 1         |
| 51+ years old   | 123          | 61               | 107          | 4         | 0               | 1         |
| <b>Total</b>    | <b>1,308</b> | <b>1,109</b>     | <b>1,843</b> | <b>46</b> | <b>5</b>        | <b>14</b> |

Source: Travis County Adult Probation Department

**4,325**

## Economic Impact of Adults on Probation in Travis County

When an adult is placed under probation supervision by the court there are a number of fees and fines that can be assessed by the judge. These can include:

- Average Court Costs :** \$300.00
- Average Fines::** \$500.00
- Probation Fees:** Up to \$60.00 a month
- Average Length of Probation:** 6. 3 years
- Court Appointed Attorney Fees:** Varies with offense
- Restitution:** In some cases, the judge will require the offender to make monetary payments for damages caused by their actions in the event which has landed them in court.
- Range of Restitution:** \$5.00 to \$92,000.00
- Average Restitution:** \$1,500.00
- Expense Reimbursement** - This is for any testing the court may require as part of the offender's sentence. For example, psychological tests, drug testing, etc.

Using the September 2008 data from the **Travis County Probation Department**, it can be concluded that there are approximately 831 adults (9,976/12=831) moving through the criminal justice system each month in Travis County.

Collectively, these offenders are being assessed:

|                       |                     |
|-----------------------|---------------------|
| Court Costs of:       | \$249,300.00        |
| Fines of:             | \$415,500.00        |
| Probation Fees:       | \$49,860.00         |
| <b>Monthly total:</b> | <b>\$714,660.00</b> |

This monthly figure of \$714,660.00 does not include restitution, court appointed attorney fees or expense reimbursements. On a yearly basis then, the 831 offenders in question are "contributing" a total of \$8,575,920.00 to the criminal justice system in **Travis County**.

### The Latino Spin on Probation in Travis County

**Misdemeanor Probation  
2,694**

**Felony Probation 1,843**

**Total Number of Latinos  
on Probation 4,537**

**Total "Contribution" to  
Criminal Justice  
System by Latinos in  
Travis County**

**\$3,901,820.00**

### Samples of Fees that are Assessed in Travis County

|   |          |
|---|----------|
| Each additional arrest with bond              | \$70.00  |
| Each additional arrest without bond           | \$60.00  |
| Each subpoena served (per witness)            | \$5.00   |
| Jury Fee                                      | \$20.00  |
| Jury Summoned by Law Enforcement Officer      | \$5.00   |
| Video Fee:                                    | \$15.00  |
| Transcript of Criminal Proceedings (per page) | \$1.00   |
| Local Crimestoppers (probated cases)          | \$30.00  |
| Installment Payment of Court Costs:           | \$25.00  |
| State Traffic Fee                             | \$30.00  |
| DNA Testing (Penal Code Convictions)          | \$50.00  |
| DNA Testing (Government Code Convictions)     | \$250.00 |
| Child Abuse Prevention Fee:                   | \$100.00 |
| Intoxication and Drug Conviction Fee          | \$50.00  |

Source: Travis County Adult Probation Department

# The Judicial System

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The youth sent to the Texas Youth Commission (TYC) are the state's most serious or chronically delinquent offenders. In fiscal year 2008 (9/07 – 8/08), 45% of new arrivals had committed violent offenses, a 15% increase from fiscal year 2007. Overall, 51% of new arrivals were categorized as high risk offenders, a 13% increase from fiscal year 2007.

- **93% were boys.**
- **7% were girls.**
- **44% were Hispanic.**
- **35% were African-American.**
- **20% were Anglo.**
- **40% admitted at intake that they are gang members.**
- **Median age at commitment was 16.**
- **Median reading achievement level was 5th grade (five years behind their peers).**
- **Median math achievement level was 5th grade (five years behind their peers).**
- **36% were identified as eligible for special education services.**
- **6% of the TYC new arrivals were English language learners.**
- **83% had IQs below the mean score of 100.**
- **36% were chemically dependent.**
- **32% had serious mental health problems.**
- **77% had parents who never married or who divorced or separated.**
- **33% had a documented history of being abused or neglected.**
- **57% came from low-income homes.**
- **68% came from chaotic environments.**
- **49% had families with histories of criminal behavior.**
- **10% had family members with mental impairments.**
- **57% were in juvenile court on two or more felony-level offenses before being committed to TYC**

## TEXAS DEPARTMENT OF CRIMINAL JUSTICE

The Texas Department of Criminal Justice (TDCJ) manages offenders in state prisons, state jails and private correctional facilities that contract with TDCJ. The agency also provides funding and certain oversight of community supervision (previously known as adult probation) and is responsible for the supervision of offenders released from prison on parole or mandatory supervision.

- **156,126 individuals were locked up in Texas**
- **143,695 or 92% of those locked up were males**
- **48,191 or 30% of those locked up were Hispanics**
- **58,212 or 37% of those locked up were African Americans**
- **48,951 or 31% of those locked up were Anglos**
- **77,409 or 49.5% of those locked up committed a violent offense**
- **30,421 or 19.4% of those locked up were in for a drug offense**
- **The average age of those locked up was 33.3 years**
- **15,984 of those locked up were in for homicide**
- **11,810 of those locked up were in for sexual assault against a child**
- **4,635 of those locked up were convicted in Travis County**
- **32,548 inmates were released on parole**
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## TEXAS BOARD OF PARDONS AND PAROLES

### MISSION STATEMENT:

The mission of the Texas Board of Pardons and Paroles is to perform its duties as imposed by Article IV, Section 11, of the Texas Constitution and:

- Determine which prisoners are due to be released on parole or discretionary mandatory supervision;
- Determine conditions of parole and mandatory supervision;
- Determine revocation of parole and mandatory supervision;
- Recommend the resolution of clemency matters to the Governor.

### What is Parole?

Discretionary release of offenders from prison by a Board of Pardons and Paroles decision.

The Correctional Institutions Division (CID) Records Office calculates parole eligibility dates for all offenders, with the exception of those on death row.

The percentage of a sentence that must be served for eligibility varies according to the nature of the offense.

The parole panel's decision-making is discretionary.

Table 9 on the right shows the number of offenders on parole statewide in Texas by month. Table 9 also shows the number of offenders on parole in **Travis County** by month.

Table 10 contains a racial/ethnic breakdown of those offenders on parole in **Travis County**. Black males lead in the number of those on parole. White females are the largest number of parolees with 141 for the month of March, 2009.

**Table 9**  
**Number of Offenders on Parole in Travis County by Month**

| Month         | Parole Statewide | Travis County |
|---------------|------------------|---------------|
| March '08     | 77,096           | 2,505         |
| April '08     | 77,621           | 2,530         |
| May '08       | 78,133           | 2,528         |
| June '08      | 78,432           | 2,498         |
| July '08      | 78,773           | 2,541         |
| August '08    | 78,788           | 2,523         |
| September '08 | 78,171           | 2,570         |
| October '08   | 78,520           | 2,576         |
| November '08  | 78,597           | 2,582         |
| December '08  | 78,681           | 2,604         |
| January '09   | 78,766           | 2,627         |
| February '09  | 79,159           | 2,591         |
| March '09     | 78,771           | 2,584         |

**Table 10**  
**Offenders by Race and Gender as of March 2009**

| Race     | Male  | Female | Total |
|----------|-------|--------|-------|
| Black    | 916   | 98     | 1,014 |
| Hispanic | 625   | 47     | 672   |
| White    | 748   | 141    | 889   |
| Other    | 8     | 1      | 9     |
| Total    | 2,297 | 287    | 2,584 |

## Restorative Justice and Problem-Solving Courts

By John R. Vasquez,  
Austin Municipal Court Judge

Problem solving courts applying restorative justice solutions are spreading slowly through our judicial system. Problem solving courts and restorative justice are gaining broader acceptance because they are proving to be effective in reducing recidivism and crime. But what are problem solving court and restorative justice?

A problem solving court is significantly different from a traditional courts practicing retributive justice. The most obvious difference between traditional courts and problem solving courts is the involvement of the judge. In traditional courts, judges rely on plea bargains reached between attorneys for the State and the Defendant. There is little direct contact between the judge and the defendant. After the court approves a plea bargain (often a deferred adjudication or disposition), the judge will likely have no further contact with the defendant.

In a problem solving court, the judge is much more active in the development of the order for a deferred adjudication or disposition. Judges of problem solving courts have direct contact with the defendant (with counsel present) and the victim. The judge determines the terms of the deferred adjudication or disposition based on information developed from those contacts and other sources. In some cases, defendants may be required to report to the court on a regular basis so the court may monitor their progress.

In a problem solving court, restorative justice principals are regularly applied. In contrast to traditional courts, restorative justice:

- Is concerned more with the harm of the crime rather instead of solely being concerned with the laws that have violated;
- Involves both victims and offenders in the process of justice;
- Provides the community with meaningful involvement in the response to crime;
- Provides opportunities for dialogue, direct or indirect, between the victim and the offender;
- Encourages collaboration and reintegration of both victim and offender instead of coercion and isolation; and
- Promotes respect to all parties – the defendant, the victim and the justice colleagues.

In study after study, problem solving courts and restorative justice are proving to be effective strategies for reducing crime. The concepts, however, are not universally supported. Some may see restorative justice as being “soft” on crime. In fact, restorative justice is about being “smart” on crime.

Our State incarcerates many thousands of individuals at great expense. New prisons must be built and staffed to maintain ever-growing numbers of prisoners. And instead of deterring crime, prisons often act as training schools for criminal conduct. By avoiding incarceration, defendants remain connected with the community and their families. If the conditions of the deferral are properly designed, the defendant is held accountable, but is less likely to re-offend.

Every year our courts handle thousands of cases. Within the structure the adversarial system, the prosecutor (the District, County or City Attorney) represents the State and private attorneys (court appointed if the defendant is indigent and is charged with an offense punishable by time in jail) represent the defendant. Although the defendant has the right to trial before a judge or jury, the vast majority of cases are settled through plea bargains.

The justice system is quick, but all too often ineffective at producing justice. This serves neither the community nor the victim. The proliferation of problem solving courts depends on their acceptance by the community. If problem solving courts gain wide public acceptance and support, we will reduce crime and spend less on prisons. If not, our society will continue its march to ever-greater prison budgets and greater numbers of prisoners.

# CRIMINAL DEFENSE DEFENSA DE CAUSAS PENALES



## ALBERTO GARCIA

### ATTORNEY/ABOGADO

Late Hours and Weekend Appointments Available  
No Charge For Initial Consultation/Payment Plan

**HACEMOS CITAS POR LAS TARDES Y FIN DE SEMANA  
LA PRIMERA CONSULTA GRATIS/PLAN DE PAGOS**

DWI  
DWLS  
Assault  
Family Violence  
Violation of Protective Orders  
Drugs  
Theft/Burglary  
Sexual Assault  
Probation Violation  
All Criminal Cases

Conducir Bajo La Influencia  
Conducir Con Licencia Suspendida  
Agresion  
Agresion Domestica  
Violacion De Orden De Proteccion  
Drogas  
Robo  
Agresion Sexual  
Violacion De Condiciones De Condena Probatoria  
Todos Casos Penales



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