



**Hidalgo County Alternative Incarceration
Program**

EXECUTIVE SUMMARY:

The Alternative to Incarceration Program (AIP) will allow the courts of Hidalgo County to place offenders that would normally be incarcerated in the Hidalgo County Jail into a house arrest program, while providing service and treatment options to the inmates, which will increase the likelihood of reducing crime and reduce the jail population, thus improving the criminal justice system in Hidalgo County. Each inmate participating in the program will serve their sentence in the community allowing them to work and support their families, under the supervision of an AIP staff member who will monitor the daily activities/itineraries of the participants while engaging the participant in treatment and service options (based on assessments), thus reducing the likelihood of them being re-arrested for another offense in the future, and consequently reducing crime.

Target Group: Low risk offenders sentenced to county jail, offenders in jail awaiting probation hearings, offenders not eligible for personal recognizance bonds.

Procedure: Jail list will be reviewed M-F and offenders that appear to be potential candidates for the program will be examined closer. A criminal history and Able Term will be examined to confirm there are no other holds/pending charges on the offender. Once it is determined that the offender meets the basic criteria, which includes an established residence in Hidalgo County, and if they have employment inside the county, the terms of release will be reviewed with the offender. In addition, an AIP staff member will visit the proposed residence to ensure suitability.

Once an eligible offender is identified, the case will be taken to the appropriate Judge for approval and released into AIP custody.

AIP staff will interview the offender in jail, review the conditions of release with the offender, and have the offender sign the appropriate release forms. In addition, upon completion of the proper forms, the Hidalgo County Jail will release the offender into AIP custody. Furthermore, AIP staff will then transport the offender to the CSCD, where the offender will commence his participation in the program; expectations are clarified and the offender will immediately complete an itinerary and be scheduled for the next appointment. Moreover, offenders will be allowed a phone call if transportation is needed.

Supervision of the offender will continue until completion of the term of AIP.

Proposed program budget
\$189,000

Savings to County
\$766,000 +

**HIDALGO COUNTY
ALTERNATIVE INCARCERATION PROGRAM
Proposal**

1. INTRODUCTION

The Alternative Incarceration Program (AIP) is a proposal for a community corrections program funded by Hidalgo County and administered by the Hidalgo County Community Supervision and Corrections Department (HCCSCD). The AIP proposal is committed to providing alternative incarceration and sentencing options to the courts by creating a community equivalent of confinement.

AIP will address the issues of enhanced defendant/offender supervision, public safety and restitution. AIP will function as a community-based focal point of supervision, reporting and referral for nonviolent defendant/offenders who meet eligibility criteria. Finally, it will provide a cost-effective means of reducing the population of crowded correctional facilities.

AIP will work closely with the referring courts, prosecutors, correctional facilities, and law enforcement agencies to coordinate activities and operations. AIP will also coordinate efforts with other public and private agencies that may be involved with the defendant/offenders.

Programs to be administered by the AIP that will provide an alternative for the courts are the Pre-Trial Release Program (PTRP) and the Community House Arrest Program (CHAP).

PRE-TRIAL RELEASE PROGRAM

The PTRP is designed to provide a wide range of services to released defendants to ensure subsequent court appearances. Defendants will be placed in the PTRP through a court order or bond releasing the defendant from jail and specifying release conditions. Defendants targeted for pre-trial supervision will usually be those considered poor risks for unsupervised release. Basic program guidelines include, but are not limited to:

- a. Prior to placement defendants will be evaluated and assessed by the AIP for program eligibility. Recommended conditions for placement will be recommended to the court based on the defendant's risk/need to be included in the release conditions.
- b. Participants will be assessed supervisory fees \$60 for each month or partial month.
- c. Failure to successfully comply with the pre-trial release conditions will result in more stringent conditions or bond revocation.

COMMUNITY HOUSE ARREST PROGRAM

CHAP, also known as home confinement, may be used as an alternative to serving a sentence in

the Hidalgo County Jail (HCJ) or as a condition of community supervision. Used primarily for non-violent offenders, home confinement can be tailored to meet the needs of a given situation; the offender can be confined 24 hours a day or during non-working hours. CHAP is a program of intermediate punishment involving the offender's residence for mandatory incarceration during evening hours after a curfew and on weekends. CHAP is targeted at low-risk, jail bound offenders and the program stresses surveillance, employment, community service and victim restitution.

CHAP will include a curfew, restriction to one's residence during all hours except for court-approved limited activities, and can involve the use of electronic monitoring for offenders determined to be "at risk". The program is individualized in which the freedom of the offender is restricted in the community. Offenders eligible for CHAP are limited to two categories:

- a. Those found guilty of non-violent offenses and sentenced to a minimum term of 30 days.
- b. Probationers charged with technical or misdemeanor violations in which jail time would be used as a sanction.

Basic program guidelines include, but are not limited to:

- d. Prior to placement, offenders will be evaluated and assessed by AIP for program eligibility. Recommended contract conditions for placement will be recommended to the court based on the offender's risk/need.
- e. Participants will be assessed supervisory fees \$60 for each month or partial month.
- f. Failure to successfully comply with CHAP contract conditions will result in more stringent conditions or program termination.

2. AUTHORIZATION

PRE-TRIAL RELEASE PROGRAM

Pre-trial release services are provided pursuant to the Texas Government Code, Section 76.011.

COMMUNITY HOUSE ARREST PROGRAM

The Texas Code of Criminal Procedure, Article 42.035 provides:

- a. A court in a county served by a community supervision and corrections department that has an electronic monitoring program approved by the community justice assistance division of the Texas Department of Criminal Justice may require a defendant to serve all or part of a sentence of confinement in a county jail by submitting to electronic monitoring rather than being confined in the county jail.

- b. A judge, at the time of the pronouncement of a sentence of confinement or at anytime while the defendant is serving the sentence, on the judge's own motion or on the written motion of the defendant, may permit the defendant to serve the sentence under house arrest, including electronic monitoring and any other conditions the court chooses to impose, during the person's off-work hours. The judge may require bail of the defendant to ensure the faithful performance of the sentence.
- c. The court may require the defendant to pay to the community supervision and corrections department or the county any reasonable cost incurred because of the defendant's participation in the house arrest program, including the cost of electronic monitoring.
- d. A defendant who submits to electronic monitoring or participates in the house arrest program under this section discharges a sentence of confinement without deductions, good conduct time credits, or commutations.

3. PROGRAM SUMMARY

Target Population:

PRE-TRIAL RELEASE PROGRAM

Pre-trial detainees from the Hidalgo County Jail who have been granted a conditional release by the court.

Conditions and sanctions available: Curfew, urinalysis testing, home confinement, electronic monitoring, and CHAP placement.

Supervision: Daily itinerary (if applicable), reporting requirements, and monitoring by staff.

Services: Employment development/ job assistance, educational assessments, financial planning, and referrals for education, substance abuse treatment and mental health treatment.

COMMUNITY HOUSE ARREST PROGRAM

Offenders ordered by the court to serve an alternative sentence; inmates of HCJ who are serving a jail sentence imposed by the court; serving a term of confinement as a condition of probation; awaiting placement in a community corrections facility; or any other inmate released and assigned to the AIP by proper authority.

Conditions and sanctions available: Curfew, urinalysis testing, community service work, home confinement, electronic monitoring, and restitution.

Supervision: Daily itinerary, reporting requirements, and monitoring by staff.

Services: Employment development/ job assistance, life skill training, anger management

groups, educational assessments, drug and alcohol education, financial planning, and referrals for education, referral for substance abuse treatment and mental health treatment.

4. ADMISSION

To be eligible for admission to the AIP, offenders must meet the following eligibility criteria:

- a. Not charged or sentenced for a serious violent offense.
- b. No outstanding warrants, restraining orders, significant default records or significant criminal records.
- c. Be a resident of Hidalgo County.
- d. An approved residence and means of support.
- e. Agreement to abide by the conditions of the PTRP bond or the CHAP contract.
- f. A telephone at the approved residence for all CHAP offenders, and if deemed appropriate any PRTP defendant, unless otherwise authorized.

Staff of the HCJ will screen and refer offenders to the AIP staff, with priority given to offenders who have an established residence and are employed or have good prospects for employment.

AIP staff will assess each referral from the HCJ and interview all eligible offenders. The assessment will include, but not limited to:

- a. Review of criminal records.
- b. Warrant check.
- c. Review of confinement records.
- d. Contract with District Attorney's for any pending charges.
- e. Review of current and past probation records if applicable.

AIP staff will assess referrals from the court in the same manner as referrals from the HCJ.

PRE-TRIAL RELEASE PROGRAM

*The pretrial release portion of the program will work similar to CHAP with conditions of release being set individually by the magistrate.

COMMUNITY HOUSE ARREST PROGRAM

AIP staff will develop a contract with each offender detailing the sanctions, supervision and services.

The basis for participation in the CHAP is the contract agreed upon by the offender, the AIP and the court of jurisdiction. Each contract is individualized to meet the specific needs of the offender. Contract stipulations may include:

- a. Daily in-person reporting or contact with AIP staff as determined by employment status
- b. Scheduled call-in reports by the offender
- c. Random *in-person (field visit)* or telephone checks by AIP staff
- d. Daily itinerary (to be verified by field visit)
- e. Employment plan
- f. Financial plan (savings, restitution)
- g. Community service plan
- h. Treatment (counseling, substance abuse) plan
- i. Curfew and curfew checks
- j. Urinalysis testing
- k. Other activities (as authorized by the court)

Prior to a recommendation to the court, a urine drug test result must be received for sentenced offenders to be utilized as comparison only.

AIP staff will verify contract stipulations and present the contract to the court for release approval.

If approved, the AIP staff will escort the offenders from the court or HCJ to the AIP office.

AIP staff will ensure that the offender has a CHAP identification card and an orange-stripped

wristband immediately upon arrival at the AIP. Staff will instruct the offender that the ID card must be carried at all times and the wristband worn while in the CHAP. A photograph of the offender will be taken for the case file.

AIP staff will provide an orientation of the offender upon acceptance to the CHAP, which includes:

- a. A further introduction to the program.
- b. A review of their contract, program rules and regulations.
- c. A full explanation of program services and expectations.
- d. Mandatory attendance at programs required by the contract.

5. PROGRAM OPERATION

Schedule: The Hidalgo County AIP normal business hours of operation are:

Monday through Friday: 8:00 a.m. - 5:00 p.m.

An AIP duty officer will be on call by cell phone during off-hours, as offenders' itineraries continue to be monitored by staff.

PRTP Reporting/Supervision: AIP staff will supervise each defendant's performance on the following:

- a. Each defendant must report to the AIP in person as required by the court or at other times as directed by the AIP staff.
- b. Each defendant must report to the AIP by telephone as directed by the AIP staff.
- c. Each defendant must be available as directed for random checks by AIP staff at the residence or place of employment. AIP staff will conduct these checks on a random basis as determined by the officer without the defendant's prior knowledge.
- d. Each defendant must submit to urinalysis testing when required by the AIP staff. Staff will conduct urinalysis testing on a random basis without the defendant's prior knowledge.

AIP staff will monitor each defendant's performance during participation in the PTRP. Not all services are necessary for all offenders, but are provided based on individual need. The following services are provided by a developing network of community agencies, as well as by AIP staff: job development/placement, individual and group counseling, substance abuse

treatment, and education assistance.

CHAP Reporting/Supervision: AIP staff will supervise each offender's performance on the following:

- e. Each offender must complete a daily itinerary, which includes all activities and destinations for each day.
- f. Each offender must report to the AIP in person at times determined by the AIP staff, usually two to three times weekly.
- g. Each offender must report to the AIP by telephone times determined by AIP staff.
- h. Each offender must be available as indicated on the daily itinerary for checks by AIP staff by telephone or in person. AIP staff will conduct these checks on a random basis as determined by the officer without the offenders' prior knowledge.
- i. Each offender must submit to urinalysis testing when required by the AIP staff. Staff will conduct urinalysis testing on a random basis without the offender's prior knowledge.

AIP staff will monitor each offender's contract performance during participation in the CHAP. Not all services are necessary for all offenders, but are provided based on individual need. The following services are provided by a developing network of community agencies, as well as by AIP staff: job development/placement case management, individual and group counseling, substance abuse treatment, education, vocational training and community work service.

6. DISCIPLINARY

Minor violations include:

- a. Inappropriate behavior - fighting, creating a disturbance, lying.
- b. Failure to report or call in as scheduled.
- c. Failure to follow daily itinerary.
- d. Failure to notify staff of changes in situation.
- e. Failure to comply with program rules and regulations or conditions of release or of the contract.

Upon determination of a "minor" violation of AIP rules and regulations, AIP staff will review the incident with the defendant/offender and determine what, if any, sanction is appropriate. Staff may impose additional reporting and supervision requirements, recommended changes in court

release conditions or contract stipulations.

AIP staff will write an incident report on any minor violations and include it in the defendant/offender file.

Major violations include:

- a. Violating the laws of the State of Texas.
- b. Escape from the CHAP (defined as a period of two hours or more for which a sentenced offender is unaccounted for).
- c. A 24-hour period for which a PTRP defendant is unaccounted for.
- d. Repeated minor violations of the court release conditions or contract.
- e. Failure to appear for court.

Upon determination of a "major" violation of AIP rules and requirements, AIP staff will recommend to the court the defendant/offender be terminated the program.

AIP staff will notify the HCJ that the defendant/offender has been terminated and will provide the reasons for termination.

7. TERMINATION

In the event of a successful completion of the pre-trial/contract period, AIP staff will complete the following:

- a. The defendant/offender AIP ID card and wristband will be obtained from the individual and placed in the supervision file.
- b. The AIP's follow-up procedure will be explained to the defendant/offender.
- c. Defendants/offenders will be encouraged to maintain contact with the AIP for the purpose of follow-up.

In the event of a termination of a defendant/offender due to a major violation of program rules, AIP staff will follow these procedures:

- a. Complete the required termination procedures as directed by the releasing/sentencing court.
- b. The AIP supervisor will notify the HCJ of the defendant's/offender's termination.
- c. The HCJ will handle the return to custody of the terminated defendant/offender.

- a. AIP staff will provide the HCJ with any relevant information to assist in the return of a terminated defendant/offender.
- b. Every attempt will be made to have the defendant/offender transported from the AIP rather than the place of employment or residence.

8. FOLLOW-UP

AIP staff will contact each successful defendant/offender three months, six months and one year after program completion. The staff will inquire about employment status, treatment activity and legal status.

On an annual basis, AIP staff will conduct a local files check of each successful defendant/offender to verify legal status and recidivism information.

9. AIP REPORTING

AIP staff will be responsible for the following reports:

- a. Weekly status reports to HCCSCD Assistant Director.
- b. Incident reports to HCCSCD Assistant Director.
- c. Monthly status reports to all parties involved with an offender.
- d. Quarterly statistical and narrative reports to all parties.
- e. Annual statistical and narrative reports to all parties.
- f. Notification of defendant/offender termination to all parties.
- g. Status reports for scheduled court appearances.
- h. Additional reports to parties involved with the defendant/offender upon request.

10. OFFICE PROCEDURES

Assessment: Once a referral has been made or potential defendant/offender identified, an AIP officer interviews the defendant/offender to fully explain the program and review the bond/community release agreement. An in-depth assessment is done and will include:

- a. A review of the defendant's/offender's criminal record.
- b. A warrant check.
- c. A review of the individual's social history.
- d. A review of jail records including disciplinary reports.
- e. A drug/alcohol screening or assessment if deemed appropriate.
- f. Program participation and medical screening.
- g. Verification of eligibility dates.

PTRP Bond Conditions: Once a defendant's eligibility has been determined, bond conditions are developed which describes the supervision, reporting and activities which the defendants are expected to follow. The officer verifies information contained in the conditions prior to presenting them to the court for final approval.

CHAP Contract Development: Once an offender's eligibility has been determined, a contract is developed which describes the supervision, reporting and activities which the offender will be expected to follow. The officer verifies information contained in the contract. Prior to final approval drug test results must be received for sentenced offenders.

Employment **MUST** be verified and may be done over the telephone.

The officer **MUST** check the residence **IN PERSON**. The residence check will include a review of the living arrangements, a full explanation of the program to other residents and a review of the contract and the community release agreement. The telephone number will be verified and checked for call forwarding. The person representing the residence will be given a copy of the community release agreement and will sign the appropriate section of the contract.

The AIP officer will review all contracts. The contract is then presented to the sentencing judge for approval for program participation.

Transportation: All individuals will be escorted from court or the HCJ to the AIP by staff.

Identification Cards: All defendants/offenders must receive an AIP identification card and for CHAP defendants an orange wristband, upon arrival at the department. Defendants/offenders will be instructed to carry their ID with them, and if required, wear the wristband at all times.

CHAP Vehicle Decal: Case officers will affix a "CHAP" decal to the front and rear of the offender's personal vehicle. Offenders will be warned this is the only means of personal transportation authorized during the term of CHAP participation. Offenders will not be authorized to travel in any other vehicle unless granted prior written permission by AIP staff. A CHAP decal may be used with a PTRP defendant only with authorization of the court.

Orientation: Upon arrival at the AIP defendants/offenders will be oriented to the AIP including introduction to case officers, a review of their bond conditions or contract and the community release agreement, an explanation of telephone procedures, review of daily itinerary usage (if required), and other daily operations. Contract activities will be finalized and necessary community referrals made. All CHAP participants will be required to perform community service restitution.

Itineraries: During the report-in, each offender will complete an itinerary for the period until the next required AIP reporting. The itinerary will be checked by the case officer to ensure that all locations and activities are listed and approved. The case officer will add in the times for telephone check-ins and the next report-in. The offender signs the itinerary and receives a copy to be kept with them at all times.

Supervision: In addition to case management done at the AIP, case officers may call or check on offenders at any time during the day. Most offenders will be called at least one time each day, especially at night after curfew. Random checks at an offender's home, place of work, or other location will be done at the discretion of the case officer.

Urinalysis: For sentenced offenders, a urinalysis test must be received before transfer to the AIP. In cases where this is not possible a urine sample will be taken as soon as the offender arrives at the AIP. In the case of positive test results at this point, subsequent tests will be monitored to insure reduction in the substance levels.

Each AIP participant is required to leave a urine sample at the request of staff usually on a weekly basis. Male case officers will supervise testing for male participants, female officers for female participants.

Before a participant submits his or her urine sample, the officer will ensure that the individual washes his or her hands. The officer will be present for all testing and must be in a position to insure that the sample submitted is not tampered with, altered or switched for another.

Incident Reports: Minor contract violations (i.e. missed call, late for daily report) will be documented on an AIP "Special Report". The report will include a detailed account of the violation and action to be taken. It will be reviewed and signed by the offender and the officer, and placed in the offender's file with a copy forwarded to the HCCSCD Assistant Director.

Major Violations: Major contract violations

(escape, commission of a crime) MUST be IMMEDIATELY reported to the HCCSCD Assistant Director.

The releasing/sentencing judge will be notified and the AIP staff will initiate "return to custody procedures". AIP staff will cooperate by providing all necessary information to the jail staff. An AIP incident report will be completed and copies submitted to the jail.

Terminations/Completions: Offenders who complete or are terminated from the program will be required to submit their AIP identification card and wristband to AIP staff, and remove the CHAP vehicle decal. Officers will be responsible for completing a final status report and for closing out the defendant/offender file.

Confidentiality: Staff of the AIP has access to defendant/offender information and criminal histories. Staff will be aware that disclosure of any confidentiality information except as necessary to perform job duties can result in criminal charges, in addition to civil liability. Staff will be advised NOT TO DISCUSS any current or former participant or participant information other than in the course of regular job functions.

Reports and Documentation: Officers will be responsible for the following reports and documentation:

- a. Progress note entries for every offender contact.
- b. Documentation of all incoming and outgoing telephone
- c. Contacts in the telephone logbook.
- d. Special notes for other shifts in the staff logbook.
- e. Weekly status reports to the HCCSCD Assistant Director.
- f. Monthly status reports to the HCCSCD Assistant Director.
- g. Incident reports when applicable.
- h. Final status reports on terminated/completed offenders.

The designated AIP officer will be responsible for quarterly and annual reports, and the bi-monthly program report to be submitted to the HCCSCD Assistant Director. The AIP officer will also be responsible for the dissemination of monthly and quarterly reports to appropriate parties at the institutions.

Staff will be responsible for telephone coverage during their shift. If there is a need to leave the office at any time for any reason, staff will be sure to take the "on call cell" and turn on the answering machine. Staff will turn off the answering machine upon return to the office.

11. JOB DESCRIPTIONS

See attached.

13. PERSONNEL

Refer to the HCCSCD Policy and Procedures Manual.

HIDALGO COUNTY
COMMUNITY SUPERVISION & CORRECTIONS DEPARTMENT
(ADULT PROBATION)



RICARDO P. RODRIGUEZ, JR.
JUDGE 92ND DISTRICT COURT

RODOLFO "RUDY" DELGADO
JUDGE 93RD DISTRICT COURT

BOBBY FLORES
JUDGE 139TH DISTRICT COURT

ROSE GUERRA REYNA
JUDGE 206TH DISTRICT COURT

JUAN R. PARTIDA
JUDGE 275TH DISTRICT COURT

MARIO E. RAMIREZ, JR.
JUDGE 332ND DISTRICT COURT

NOÉ GONZALEZ
JUDGE 370TH DISTRICT COURT

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JUDGE 398TH DISTRICT COURT

ISRAEL RAMON, JR.
JUDGE 430TH DISTRICT COURT

JESSE CONTRERAS
JUDGE 449TH DISTRICT COURT

RODOLFO "RUDY" GONZALEZ

JUDGE COUNTY COURT AT LAW NO. 1

JAIME J. PALACIOS

JUDGE COUNTY COURT AT LAW NO. 2

FEDERICO (FRED) GARZA, JR.

JUDGE COUNTY COURT AT LAW NO. 4

ARNOLDO CANTU

JUDGE COUNTY COURT AT LAW NO. 5

ALBERT GARCIA
JUDGE COUNTY COURT AT LAW NO. 6

Honorable Ramon Garcia
Hidalgo County Judge
1615 S. Closner, Suite J
Edinburg, Tx 78539

March 1, 2011

Judge Garcia,

The Hidalgo County Community Supervision and Correction Department is facing serious fiscal difficulties in the current fiscal year as well as the upcoming biennium. In anticipation of these difficulties, we have developed an alternative to incarceration that will allow us to further assist the county and allow the county to assist us as well. Please review our proposal at your convenience and let us know what we can do to obtain the necessary approval.


Arnold Patrick, Director
Hidalgo County CSCD

Present to:
11 - Judges
H) - C. E.
21 - A.A.
31 - Sheriff

Cc: Yolanda Chapa, Chief of Staff

Category	Sub Category	Amount
Personell	Officer	42000
(Include fringe)	Officer	42000
	Security Tech	31000
	Security Tech	31000
Transportation	Vehicle	25000
	Fuel	12000
	Insurance	2000
	Maint	2000
Training		2500
		189500