

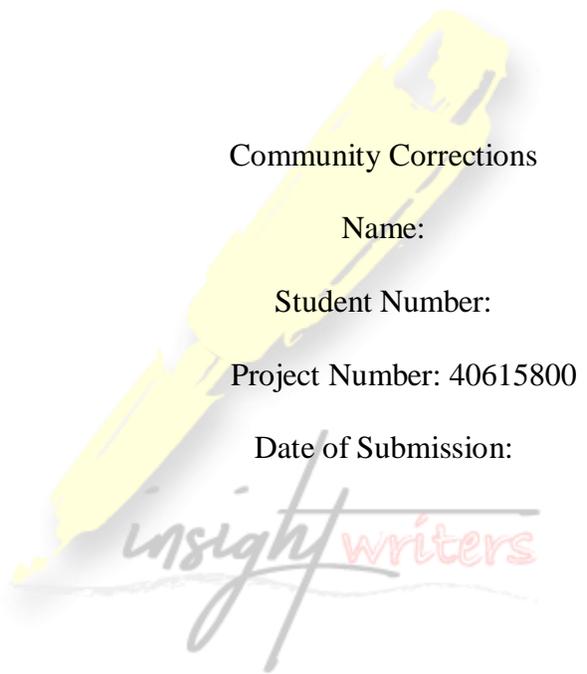
Community Corrections

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Introduction

The following paper will provide details on arraignment of criminals, parole and probation, community and drug courts, pretrial release, sentencing alternatives and treatment and details on community service in Harris County. In order to obtain accurate information for this research paper, I had to personally visit two courts in Harris County namely the district county court and the county criminal court. My request for being part of the court proceedings was granted after I made prior appointments with the court clerks and notified them of my reason for visiting the courts. I recorded down every trivial observation in my notebook for referencing purposes.

I made observations on arraignments in the two courts so as to enable comparisons and make solid conclusions regarding the topic. I obtained a copy of the Texas State laws online to have a better understanding of the rules and regulations governing criminal procedures in the region and get enlightened on probation and parole, sentencing alternatives and prison release programs. With the assistance of parole officers in Houston 1 District Parole Office I got educated on the laws governing parole and probation in Harris County. I was also able to clearly see the scheduling program that parolees use to fulfill their mandated obligations. Below are my findings on arraignment, parole and probation, community and drug courts, pretrial release, sentencing alternatives and treatments and community service.

Arraignment

Arraignment is the very first step in a criminal case after a person has been arrested. It entails informing the accused of the charges against him/her. The sixth amendment in the United States of America Constitution guarantees the person accused of a particular crime the right to know what he or she is being accused of (Kubena Lillemon, 2013)

In Harris County, arraignment is usually the very first step that takes place in litigation, whereby the defendant is made aware of the charges that have been filed by the prosecutor. Depending on whether the charge is a misdemeanor or a felony, the arraignment could also arise when the person accused of committing a crime pleads to be guilty or not guilty to the charges before him/her.

There are two courts in Harris County that have jurisdiction over criminal cases. These two courts are the District Court found in the Criminal Justice Center situated in Houston, 1201 Franklin Street and County Criminal Courts which is also found in Houston Criminal Justice Center. The former has legal power over misdemeanor and felony cases while the latter specializes on misdemeanor cases.

In Harris County, the judge who is presiding over an arraignment begins by verifying the identity of the person accused and determines whether the case is a felony or a misdemeanor. Any relevant information must be passed on to the defendant and resolved before further proceedings. The defendant is also informed of the right to be represented by an attorney. If the person does not have an attorney to represent him the presiding judge appoints a suitable attorney to do so.

Unless the attorney appointed by the judge to represent the defendant turns down the case, the judge then reads the charges to the accused. It's at this instance where the accused pleads guilty or not guilty. The defendant's attorney then consults with the prosecutor that is handling the case at hand to arrange a plea bargain during the arraignment with an appeal of not guilty or arranges a plea bargain of no contest. From this point, the bail is set to ensure that the accused appears in all court hearings. There are several factors that judges in Harris County consider when determining whether the defendant is to be released with or without bail. These

factors are: the gravity of the charges, the defendant's link to the community through family or steady job, the period that the defendant has resided in the county and the defendant's criminal record and his/her previous record in making court appearances.

Parole and Probation

Parole is the release of an offender on a temporary basis before he/she completes the specified jail term. During this time the offender is to serve the remainders of the jail term in the community under supervision. In Harris County, parole officers are responsible for the supervision of the offenders during regular office visits; they also visit them at work or home and maintain frequent contacts. The offenders otherwise referred to as parolees can be returned to jail in case of any violation of the conditions stipulated during the parole period (Drecun, 2017)

Probation arises when a jail sentence is suspended and the person who has committed a certain crime is granted an opportunity to remain in his/her community instead of being imprisoned in jail. The person under probation is required to adhere to court rules and is to be under the supervision of a probation officer. Some of the rules stipulated include refraining from use of drugs or use of alcohol including mandatory drug tests, avoiding certain type of people, performing certain community services and appearing in courts at certain stipulated times. In Harris County, the conditions imposed in probation vary with the type of criminal offense at hand. For example if the case is about a drug-related offense, the court judge may order frequent drug tests to be conducted on the person and subsequently submit the report to court. The judge may also order the person to attend a rehabilitation program (Drecun, 2017).

In Harris County, there are two types of probation: straight probation and deferred adjudication. Unlike straight probation, deferred adjudication is whereby the individual does not receive any conviction as long as he/she adheres to the terms stipulated in the deferred

adjudication. Probation violation leads to severe consequences. The probation officer may give prior warnings to the person under probation or order the person to be present in a probation violation hearing. If the presiding judge establishes that there is a probation violation, the person may be subjected to heavy fines, face probation revocation or go to jail. However, a probation revocation does not mean automatically going to jail.

Community and Drug Courts

Introduced in 1989, drug courts are an alternative solution to the traditional courts to solve the increasing number of drug offenders that continuously enter the criminal justice system (Messa, Patten & Candela, 2016). Since their inception these courts have grown drastically totaling to more than 2400 courts nationwide (Huddleston & Marlowe, 2011). They are the most effective intervention by the justice system to solve the drug-addiction menace. For example in the year 2010, 85% of those that were put behind bars under the federal and state jurisdiction required to be treated of substance abuse (National Center on Addiction and Substance Abuse, 2010). These courts also help decrease crime level, restore people's lives and help reunite people with their loved ones.

In Harris County, drug courts keep drug-addicted individuals under a minimum of one year supervision. During the stated term, they are given intensive treatment together with other services that they may need so as to be sober. These individuals are also held accountable by the drug court judge whereby they are required to meet certain obligations to the society, meet certain obligations to themselves, to their families and to the court. These courts also require them to undergo regular and random drug tests and present themselves before court for the court judge to check their progress. More stringent measures are imposed on the individuals who violate any of the obligations.

Pretrial Release

Pretrial release is whereby the accused is set free when the case is pending (Usta&Wein, 2015). In Harris County, the aim of a pretrial release determination is to ensure that the judicial service system has maintained utmost integrity by securing the accused for trial, to guarantee that due process has been followed in the system, to protect witnesses, victims and the community in general from any form of danger, threat or interference. The United States constitution advocates for the release of the accused as the case continues to be solved in a court of law. It is the work of the presiding judge to determine whether the accused is to be released on unsecured appearance bond, whether the defendant is to be released on personal surety. The judge also determines whether the accused is to be released on certain conditions or a series of conditions and whether to temporarily confine the defendant based on stipulated standards (Goldkamp, Gottfredson, Jones & Weiland, 2012). Deprivation of this liberty is harsh and exposes the defendants to psychological and economic hardships to them and their families as well as interfering with the defendant's capability to defend themselves.

When a judge is deciding on pretrial release in Harris County, the court of law officer usually stipulates the least restrictive set of conditions that favors the accused to attend the proceeding case in court and also protects the victims, witnesses and any other person in the community. An example of such conditions is the accused being subjected to mandatory drug treatment. There is a pretrial service agency in Harris County that presents vital information, performs risk evaluation and gives recommendations to the judge making a pretrial release decision (Cadigan & Lowenkamp, 2011). The pretrial agency also monitors the eligibility of the accused to be granted the pretrial release, regularly informs the persons released of their court dates, help those who cannot be able to communicate in written or oral English, monitor the

compliance of the defendant to the conditions governing the pretrial release and inform the court of any violations on the conditions governing the pretrial release.

Sentencing Alternatives and Treatment

The establishment of the rehabilitation and treatment programs in the year 2007 diverted the thousands of similar types of offenders from prison to the centers. It was specifically for the probation programs and the recidivism for the non-violent criminals and the low-level victims. The county thought it would be a better idea and a new solution for the overcrowding in prison. During this time, there was a sex scandal in a certain youth correction center which led to a sweeping reform that resulted to rehabilitation programs and the community-based treatment. This prompted the eradication of traditional punishments for the juvenile offenders (Houston public media). This has helped reduce the population of the prisons from about 4,000 lawbreakers to 1000 individuals within a period of five years. The Harris County Jail functions as the third largest jail in the nation. There is continuous research concerning the adverse effects that the prison and jail can create on the mentally ill, low-level offenders and the communities of color. It does not afford its usual operation process. The people of color are usually over-represented in various jurisdictions (Neill, 2015). The court considers approximately 8,000 low-level and felony cases that are non-violent every year to assist in reducing the usage of the jail. The utilization of the diversion reduces the long time disparities for the people of color.

The rehabilitation and treatment programs authorize the individuals that will usually run with two or fewer ounces of bhang which is termed as Class B misbehavior and engage in the diversion plan that will demand of the person to stop using the substance, as well as attend classes that go for three months (90 days) or community service without conviction upon the completion of the diversion program. The initiative of the district attorney is only applicable to

the individuals to decide to enter the recreation plan at the time of arrest with no counseling benefits. It is important to note that program is not part of citing- and -release as defined under the article 14.06 (c) and (d) of the code of criminal procedure in Texas (Buchanan, 2014).

The drug diversion program saves a life. Similar initiatives have proven to offer great solution and effectiveness as compared to prosecution in terms of enhancing accessibility and enabling the substance abuse treatment completion. These sentencing alternatives eradicated stabilization that results from conviction and the incarceration of drug cases that consequently limits a person's ability to get employment, housing and other necessary resources that reduce the instance of recidivism (Welsh & Harris, 2016).

The diversion program as well saves money and equitable allocation of the scarce police resources: the various studies indicate that the diversion reduces the cost of running the system by up to approximately \$8,000 for every defendant annually. It means that the drug diversion for the proportion of the eligible arrestees help in saving millions of dollars belonging to the taxpayers. The system enables the Houston Police Department to provide assurance to the victims of the offense as well as the citizens of safety (Welsh & Harris, 2016).

Community Service

Community service is one type of alternative imprisonment under supervision which entails the offender doing mandatory work without monetary gain for a specified number of hours (Rahim, TgZainudin, AdibSamun& Rahim,2013).As an alternative form of punishment; it possesses special characteristics through which the person on the wrong must consequently payback his misconduct to the community. The offender assumes the role of being the one who is helping instead of the one being helped. The offender becomes a person of positive contribution to the society instead of being a liability. While it is considered as a form of

punishing the wrong doer, it gives the offender a chance to pay back for unlawful actions and be able to acquire new skill that greatly helps to reform character.

In Harris County, community service requires the offender to attend daily at a specified center in order to engage in the compulsory. The offender is also expected work for a duration not exceeding three months and a time period not exceeding four hours depending on the stipulated conditions. Examples of services or duties that are stipulated under the compulsory attendance order in the community service laws in the county include:

- i) Working with employees of the local Houston County Government
- ii) Working at public health facilities or hospitals to help the elderly sick patients,
- iii) Working at Houston County recreational parks, clean public amenities and playgrounds
- iv) Working at Houston County orphanages, places of worship and welfare houses
- iv) Mandatory attendance to career talks, lectures and motivational sessions
- v) Attending sponsored courses at Houston County Government training centers and short duration training courses at training centers
- vi) Undertaking any service that is considered suitable by the officer in charge of compulsory attendance.

Summary and Conclusion

From the above research, I have learnt that in the administration of the law, each procedure from the arrest to the conviction of the offender must be followed to the detail. The presumption of innocence which states that the defendant is guilty until proven innocent must be given key attention during law enforcement.

From the research I am now familiar with the various functions of the drug courts and their main objective of handling drug related cases better. Pretrial release is a right to the accused and is enshrined in the United States of America Constitution. Rehabilitations and treatment programs and community service are alternative solutions to the judicial system and help in disciplining wrong doers in the community and help in easing congestion in the prisons.

The Harris county justice system should formulate more strategies of bringing efficiency and smooth operation in the justice system in the county. Use of alternative forms of punishment such as parole and probation and use of alternative forms of sentencing such as setting up more rehabilitation centers should also be encouraged to reduce congestion in Harris County jails and break away from traditional forms of punishment. The strategies should give assurance of justice and wisely utilize the limited resources for the criminal justice without the compromising the security of the public. The help of the Harris County criminal justice coordinating council with the assistance of the strong leadership and the coalition of other stakeholders have taken the great opportunity of identifying, evaluating, and targeting its focus towards managing the challenges that it is currently facing as the biggest criminal justice system in the country.

insight writers

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