LET THE PUNISHMENT FIT THE CRIME: AN OVERVIEW OF THE HISTORICAL APPROACH TO PROBATION IN THE STATE OF TEXAS

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Thesis Prepared for the Degree of

MASTER OF SCIENCE

UNIVERSITY OF NORTH TEXAS

May 2015

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Adult probation evolved in the United States as a result of the suspended sentence concept. As a result of a lack of follow through when an individual obtained a suspended sentence, there was no “checks and balances” to monitor whether an individual completed the guidelines set forth. As time progressed, it became apparent a more cohesive and monitored system was needed. Thus, an energetic and motivated individual, John Augustus, started the concept of probation by taking it upon himself to assist in the rehabilitative process of individuals charged with criminal behavior. Subsequent to his death, the concept of probation was embraced by his advocates who lobbied legislatively in order to enact probation laws that would oversee the success of probationers. It wasn’t until the 1950’s that the counties in the state of Texas took it upon themselves to enact their own system of monitoring of probationers. Over time the states have guided their probation concepts from evidence based research.

Juvenile probation in the United States didn’t gain a solid foundation until the end of the 19th century with the development of the first juvenile court in Illinois. It took this country time to understand that juveniles were different than adults mentally; therefore, there would need to be a separation of juveniles from adults from being subjected to the same punishments as adults. The approach in dealing with juveniles was more grounded in treatment rather than in punishment. In the state of Texas, the focus for juvenile probation was based on different approaches based on the areas within the state. The juvenile system has gone through the due process era to its current state of the evidence based research.
This thesis will provide the reader an overview of the history of the development of probation in the United States and in the State of Texas, specifically in the two largest counties in Texas. This thesis will go into detail in how probation came into existence to where it is in its current state.
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ACKNOWLEDGEMENTS

I would like to express my deepest and most sincere appreciation to my thesis committee members, in particular, my thesis chair, Dr. Chad Trulson for his guidance, insight and expertise throughout the entirety of my thesis. Dr. Trulson was instrumental in the development of my writing technique and provided encouragement and support in order to assist in the refinement and betterment of this project. I want to thank Dr. Eric Fritsch for his guidance in the development of my research skills which I used on a consistent basis throughout this endeavor. I want to thank Dr. Adam Trahan for his encouragement and support throughout this project. I also want to thank the late Dr. Daniel Stewart for his passion for teaching and disseminating the information in an inspiring way providing an avenue in which this thesis is founded.

I would also like to offer my special thanks to the staff of the Sam Houston State University Newton Gresham Library, specifically Ms. Felicia Williamson, Special Collection Librarian, Mr. James Williamson, Digital Resources Librarian and Ms. Susan Strickland, Reference Librarian for their assistance in the location of specific information that were instrumental in the development of the writing of this thesis.

I would also like to offer my special thanks to the staff of the Harris County Clerk, in particular Ms. Sarah Canby Jackson and Ms. AnnElise Golden of the Harris County Archives department for their assistance in the location of specific information that were instrumental in the development of the writing of this thesis.

In addition, I would also like to thank Ms. Stephanie Noell, Special Collections Librarian, at the University of Texas at Arlington for her assistance in the location of specific information that was instrumental in the development of the writing of this thesis.
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INTRODUCTION

Punishment in one form or another is as old as human society. As early societies developed codes of conduct, systems of punishment were devised to enforce the codes. Punishment for violations of societal norms emerged as a means of correcting unacceptable behavior and of bringing the violator into conformity with the law by teaching him right from wrong. Society’s reaction to crime centered on the vengeance system – an eye for an eye (Abadinsky, 1991). “An eye for an eye ...” is from Hammurabi’s Code, which consists of 282 specific laws (Ancient Civilizations, 2008 – 2014). Hammurabi’s Code was designed to carry out the ruler’s wish to impose justice throughout society and to prevent individuals with ill intentions from praying on the weak (Ancient Civilizations, 2008 – 2014). At the same time, this code, furthermore, made criminals financially responsible to their victims as a result of their actions (Ancient Civilizations, 2008 – 2014). The ancient Hebrews employed a justice system after the eye for an eye concept; however the punishments were mostly financial. Those who failed to meet their financial obligations were made to perform a form of community service by force (Abadinsky, 2009).

Inception of Probation

The concept of probation has its roots dating back to biblical times; however, the history of American probation evolved around the 19th century. The idea of probation (a word derived from the Latin words pro-batio, which means “period of proving”) coming from the concept of judicial reprieve, which was a temporary suspension of sentence used in English courts allowing defendants to appeal for pardons to the Crown (Abadinsky, 2009). In the English justice system,
the Crown is the state and everything associated with it. Its intent was to temporarily suspend punishment; which eventually evolved into a suspended sentence, in which punishment failed to be carried out (Abadinsky, 2009).

In 1830 the concept of judicial reprieve began in the United States. Judge Peter Oxenbridge Thacher, a municipal court judge from Boston, began a type of sentence known as recognizance, a type of suspended sentence not unlike judicial reprieve (Jones, 2004). Recognizance is a type of recorded mandate, imposed by a judge, for a defendant to perform a specific act in order to remain in the community (Cambridge Dictionary, 2012). The sentence of Jerusha Chase in 1830, upon her own recognizance, was the first known recorded case of its kind allowing the defendant to remain in the community instead of going into custody contingent upon good behavior. If the defendant failed to maintain good behavior, incarceration would be implemented (Clear et al. 2006). In Judge Thacher’s words:

The indictment against Jerusha Chase was found at the January term of this court, 1830. She pleaded guilty to the same, and sentence would have been pronounced at that time, but upon the application of her friends, and with the consent of the attorney of the commonwealth, she was permitted, upon her recognizance for her appearance in this court whenever she should be called for, to go at large. It has sometimes been practiced in this court, in cases of peculiar interest, and in the hope that the party would avoid the commission of any offence afterwards, to discharge him on a recognizance of this description. The effect is that no sentence will ever be pronounced against him, if he shall behave himself well afterwards, and avoid any further violation of the law (Woodman, 1845, pg. 268).

A short later in Massachusetts, paying money to a court for a sentence of recognizance began. These funds would be forfeited in the event an individual failed to maintain satisfactory behavior (Jones, 2004). Some members of the community showed an interest in helping offenders who had been released on their own recognizance. They were motivated by hopes of rehabilitating these offenders. These caring people were not court personnel, but they were
instrumental in laying the groundwork for probation where supervision is required. These volunteers came from the Protestant, Jewish, and Catholic faiths (Petersilia, 1998).

Inception of Probation in the United States

In 1841, probation originated in the United States from the pioneering work of John Augustus, a Boston boot maker who was a wealthy religious man. Augustus was the originator of the concept of posting bail for individuals charged with criminal offenses (Petersilia, 1998). His first client was a man charged with being drunk in public. Upon sentencing, Mr. Augustus requested that the judge postpone sentencing for a period of 3 weeks and to release the man under his supervision. At the end of the 3-week period, the judge was convinced of the offender’s reformation and therefore rendered him a minimal fine (Petersilia, 1998). The idea of probation had been born (Dressler, 1962).

Over an 18 year period, up to his death in 1859, Augustus posted bail for over 1,800 defendants. It was known that Augustus carefully selected his candidates providing assistance to those who were indicted for the first time and whom he felt were not totally corrupt and showed signs of promise (Latessa et al. 2011). The assistance provided by Augustus was through aiding offenders in obtaining employment, an education, and housing. Augustus also was the first to prepare impartial reports to the court on the progress of those he supervised. These reports were generally accepted by the court. Augustus was rightfully credited with the development of one of the key concepts of probation, the investigative process. Augustus was also credited with coining the term probation within his detailed notes describing his activities in the treatment of offenders (Augustus, 1939).
After the death of John Augustus in 1859, his advocates lobbied the Massachusetts legislature for a probation statute, which was finally enacted in 1878, making it the first of its kind. The statute conferred upon the mayor of Boston the authority to hire a probation officer whose superior would be the superintendent of police. The probation officer was then recognized as an extension of the court to investigate cases and recommend probation for individuals who showed promise in the ability to be rehabilitated without any further punishment. Probation in Boston was given to individuals regardless of age, sex, or offense (felonies or misdemeanors). In 1880, the legislature granted all municipalities the ability to hire probation officers; however, very few took advantage. By 1898, the authority to employ a probation officer was extended to all courts in the state of Massachusetts.

The enabling legislation enacted in the state of Massachusetts, together with the municipal ordinances in Boston which implemented it, set a trend which was followed by Missouri (1897), Vermont (1898), Illinois (1899), Minnesota (1899), Rhode Island (1899), and New Jersey (1900). (Abadinsky, 2009) These statutes allowed trial courts to suspend sentences and place defendants on probation. Missouri passed a bench parole law allowing courts to suspend sentences under certain circumstances. The courts offering probation also selected probation officers to carry out its enforcement. Vermont was the second state to authorize the appointment of probation officers to monitor offenders in the courts of all counties. Rhode Island’s innovative probation law, which applied both to juveniles and to adults, introduced the concept of a state controlled probation system. The State Board of Charities and Correction was authorized to appoint a state probation officer and deputies, “at least one of whom should be a woman” (Glueck, 1933, p. 231). A second innovation in the Rhode Island law, however, maybe regarded as a retreat from a basic principle of positivism: “Judge the offender, not just the
offense” (Abadinsky, 2009, p. 25). Positivists believed that offenders commit crimes by force of circumstances rather than through their own fault. Remedying the underlying conditions and/or behaviors that caused the criminal conduct will ultimately result in rehabilitation of the offender (Probation and Parole). In violation of this principle, Rhode Island excluded persons convicted of certain offenses – including treason, murder, robbery, arson, rape, and burglary – from eligibility for probation. Nonetheless, the restrictive aspects of Rhode Island’s probation law set a new trend which was adopted by many other states.

At the turn of the twentieth century, many states were continuing to use suspended sentencing practices. In a suspended sentence, no actual punishment takes place. This type of sentence without punishment stood in contravention to the statutory duty resting on the judge to punish (Chappel, 1938). A challenge was brought to the legal authority to implement such a sentence. Before the U.S. Supreme Court, the question posed was: did the judges have the authority to grant a suspended sentence without legislative authority to do so? In 1916, in the U.S. Supreme Court’s Killits decision (Ex parte United States, 242 US 27, 37 S.Ct. 72, 61 L.Ed. 129 (1916), the courts ruled that judges did not have the unrestricted authority to suspend a sentence. This decision led to the National Probation Act of 1925, which gave judges the authority to suspend a sentence and place offenders on supervised probation (Sage Publications, 2012).

Probation Inception through the 1930s

From its inception through the 1930s, the main focus of probation was “saving offenders’ souls by divine grace” (Canton and Hancock, 2013, p.xxiii). The main focus in the correction of behavior was the identification, and subsequent correction, of the causes of crime. During this
period, two explanations were offered for the causes of crime: societal factors (economic and environmental) and internal factors (psychological deficiencies). According to either explanation, the individual should not be held totally accountable, in that he needed assistance in correcting the issue or deficiency. Proponents of probation were extremely optimistic that the social sciences would find cures which could be implemented into programs of probation.

By 1930 all states had passed probation laws except Kentucky, Nevada, New Mexico, North Dakota, South Dakota, Tennessee, Texas, and Wyoming. In 1938, there were 37 states, the District of Columbia, as well as the federal government that had discretionary probation sentencing. Adult probation was made available in every state by 1956 (Abadinsky, 2009).

1930s through 1960s

The time period between the 1930s and 1960s was plagued with growing pains and a lack of professionalism. As probation practices were implemented, the principle of reform faltered from the lack of funding and professionalism. In many cases the result was a failed system that bore little resemblance to its idealized concept. Rothman stated that “probation supervision was superficial, routine, and careless with almost every county and city having its own way of doing things. This haphazard approach included the inadequate training of probation officers” (Rothman, 2002). Although the promise of probation reform was made, there would be no guarantee that there would be genuine success due to probation being handed out on a large scale basis and the lack of dedication that was previously witnessed at the onset of probation.

One of the major problems during this era was the lack of funding. Even if probation officers were well-trained and dedicated, the mass influx of probationers would cripple a system which lacked adequate staff to handle such large caseloads. To make matters worse, the local
communities, who had to foot the bill for probation, did not have a favorable viewpoint of probation as a whole and would rather see the state pay for incarceration.

During the 1960s probation was based in part on the medical model, which conceived of the offender as either physically, mentally, or socially sick. Crime, according to this model, is a symptom of a criminal’s illness and a cry for help, requiring early and correct diagnosis followed by therapeutic intervention (treatment). Based on this medical model approach to probation, there was a trend to align probation with social casework, a trend which continued throughout the 1960s. By 1965, the majority of probation officers possessed a social work background and the medical model of probation was therefore universally accepted in the field.

1960s through 1980s

From the late 1960s through the mid-1980s, the concept of probation was being challenged, with questions being raised about the effectiveness of supervision. Beyond the question of effectiveness, there were serious doubts as to the very nature of probation. Some even asked, “Does probation do any good?” Even probation officers themselves, who no longer hailed from a social work background, had transitioned to being more traditional court officers willing to implement pragmatic programs. Many probation officers began to view probation work “as a job” rather than “as a calling.”

During the 1980s, there was a major shift in the way offender management procedures and goals were implemented. The particular way in which offenders were to be rehabilitated shifted from casework, diagnosis, rehabilitation, and positivism to more of a crime control mandate, in which offenders were dealt with more stringently and stricter custodial alternatives were suggested.
Mid-1980s through 2000

The period from the mid-1980s through the year 2000 saw a new-found optimism on the part of critics and probation officers alike. New supervision approaches gave the promise that probation would achieve its most difficult goal: reducing offender recidivism. These approaches were designed to intensify the level of supervision administered to offenders who were assessed to be of higher risk, but not to intensify it to the level of incarceration. Under the new model, probation officers would monitor the offenders on a more regular basis, maintaining a focus on education, community service, and restitution. These programs ultimately became known as intensive supervision programs (ISP’s), whose implementation varied from state to state. The development of ISP’s was prompted by prison overcrowding, poor economy, and a lack of opportunity.

Current Probation

In their search for ways to reduce growing rates of incarceration, probation professionals have turned to new ideas, among which are treatment alternatives, electronic bracelets, and boot camps. Few programs, however, have proven over time to reduce recidivism. Currently, probation departments employ evidence-based “best practices” based on current research as to what works in the field to reduce recidivism. Best practices in adult probation include tools such as diagnostic risk assessment forms, progressive sanctions, and motivational interviewing techniques (Sprow, 2009). Travis County has taken the extra step of combining these tools into a comprehensive probation system. In the course of a multi-year “experiment,” Travis County Adult Probation created a unified system of probation officers that specialized in specific areas that focused on addressing law-breaking behaviors exhibited by their probationers (Sprow,
In the central diagnosis unit, specially trained probation officers employ a variety of assessments in determining an offender’s risk level. Once a probationer’s risk level is determined, they are assigned a probation officer who specializes in their specific area of risk, needs, and geographic location. A strategy of supervision is determined for the probationer based on a diagnostic analysis. In the first four years of the Travis Community Impact Supervision (TCIS) system, the one-year overall recidivism rates dropped 5 percent (Sprow, 2009).

Historical Treatment of Youthful Offenders

Depending on society, children who violate society’s rules have historically been treated like or unlike adult offenders. As early as 2270 B.C., the Code of Hammurabi, most famous for the concept of “an eye for an eye,” referred to runaways, children who disobeyed their parents, and sons who cursed their fathers (Lawrence, 2008, p. 20). On the other hand, early Roman civil law and canon (church) law drew a distinction between juveniles and adults based on the idea of “age of responsibility” (Lawrence, 2008, p. 20). Likewise, the Talmud viewed immaturity as a factor considerate of punishment to be imposed on Jewish youth. Moslem law made room for leniency in punishing youthful offenders, with children under 17 exempted from the death penalty (Lawrence, 2008).

American juvenile justice is rooted in English common law, which in turn bore the influence of Roman Civil Law and Canon Law. The Chancery courts in-15th-century England were created as courts of equity to handle petitions for relief other than monetary damages. Most commonly, the petitioners were women and children who stood in need of aid or intervention on account of abandonment, divorce, or the death of a spouse. The courts, on behalf of the king,
exercised the patriarchal prerogative of *parens patriae* ("parent of the country"). The courts also stood *in loco parentis* ("in place of the parents") in providing assistance to women and children in need. In America, juvenile court judges exercised the *parens patriae* function in guiding and protecting juveniles under the jurisdiction. Acting *in loco parentis*, the state may guide the child and take actions in the child’s best interest (Lawrence, 2008). In the -18th century, however, there were no juvenile courts to exercise the principle of *parens patriae*. Children who broke the law in America as well as in England were treated the same as adults. Parents disciplined their children with strict and harsh punishments. When the courts stepped in to enforce the law, no provision was made for the age of the offender. The term “delinquent” as applied to youthful offenders had yet to be coined. In 19th century America, the law subjected children to the same severe punishments as adults, such as prison sentences, whippings, and even the death penalty. During this same period, criminal codes applied to adults and children alike. Children who were in trouble with the law had no specific laws, courts, or facilities that specialized in dealing with youth in terms of proper discipline and moral behavioral adjustment (Lawrence, 2008).

During the 19th century, a separate system of justice for juveniles came about in response to cataclysmic changes in American society. An increase in the birthrate and the arrival of waves of immigrants to America caused cities to grow to new levels of population and density. Cities were crowded with dependent and destitute children, many of them children of immigrants. These youth were viewed as more susceptible to deviant and immoral behavior. Early reformers, such as members of the Society for the Prevention of Pauperism, expressed disdain by placing children in the same confinements as adult offenders - adult jails and workhouses – and subjecting them to the same punishments. They called for “institutions that would instruct delinquent youth in proper discipline and moral behavior” (Lawrence, 2008 p.
21). This reformist impulse, in reaction to the punitive treatment of youth, would eventually lead to the creation of juvenile probation.

**Juvenile Probation**

From the start, the juvenile courts announced that their purpose was different from that of the adult courts. Their focus was to give protection, care, and training to juvenile offenders, as opposed to subjecting them to the same confinement and harsh treatment as adult offenders. Juvenile probation was developed as a means of extending such protection, care, and training to delinquent children or, in the case of neglected or destitute children, to their delinquent parents. Under this system, children and parents generally remain free and live at home but are supervised by a probation officer, acting as an agent of the court, through the probation period. Legally speaking, probation of this sort is a disposition made by the court in lieu of commitment. Probation may also be ordered as a condition of an indefinitely suspended commitment. Besides being, as its Latin origin implies, a system of proving or examining, investigating, and supervising a child brought to the court for treatment, probation was seen by its earliest practitioners as an ideal of social service, carried out with missionary zeal (Hoag, 1921).

Cook County (Chicago, IL) was the site of the first juvenile court, which began operations in 1899. The court, acting under the *parens patriae* doctrine, carried out a philosophy which was focused on not treating juveniles as criminals. Juvenile court judges approached their position more like a doctor-counselor with the purpose of healing the delinquent behavior (Platt, 1969). “We do not know the child without a thorough examination,” wrote Judge Julian Mack, the second judge of the Cook County court (Mack, 1925, p.315). “We must reach into the soul-
life of the child” (Mack, 1925, p.315). The concept of juvenile justice was to rehabilitate rather than to punish, therefore, youthful offenders were not labeled as criminal (Platt, 1969).

In stressing treatment over punishment, the juvenile court sought to mold juvenile delinquents into productive citizens. It differed in purpose from the adult courts in that it acted for the protection and treatment of juvenile offenders in lieu of their punishment. Treatment became the outcome of choice in juvenile court because judges recognized that youthful offenders failed to have the same culpability and the same understanding of the legal consequences of his conduct as adults had. Juvenile court hearings were more informal and were held in the “best interests” of the child, a procedure which differed greatly from that of the more formal criminal court process. Among the rights that children were thought not to need was the legal right to counsel. The courts saw the social issues underlying delinquency as better addressed by social workers and probation officers rather than corrections officers. Therefore, the duties of a probation officer were to look into the background and social histories of the child and family environment in order to evaluate the needs of the child and to develop a treatment plan with the intent of changing delinquent juveniles (Lawrence et al., 2008).

The juvenile justice system, founded on the principle of individualized justice, was geared towards the rehabilitation of the youthful offenders. Due to the courts’ primary emphasis on care, treatment, and rehabilitation, due process protections, although important, were considered secondary (Lawrence et al, 2008). The society of the time believed that the best interest of the child should be its main focus. This would allow youths to be held accountable for their delinquent behavior while at the same time society could feel protected. This approach is still successful for the majority of juveniles whose commit a variety of crimes; however, a growing number of juveniles have participated in violent crimes such as school violence, gang
related violence, and fatalities and serious injuries involving weapons. The public outcry against juvenile violence has led to more accountability in punishment similar to the criminal justice system for adults (Lawrence et al, 2008). Over a hundred years after Chicago, Illinois established the first juvenile court, the goals of the juvenile justice system and the proper legal framework for administering juvenile justice are still up for debate. The debate focuses on whether the sentencing of juvenile offenders should differ from that of adult offenders (Friedman, 2011).

Congress passed the Juvenile Delinquency Prevention and Control Act in 1968. This act was developed to motivate states to implement guidelines that would discourage juvenile delinquency within the communities. The programs, once implemented and approved, would receive federal funding (Lawrence et al, 2008). In the 1970s the juvenile justice policy focused on community based programs, diversion, and deinstitutionalization. (Lawrence et al, 2008)

Significant strides were taken towards accomplishing major goals in American juvenile justice in the 1970s: preventing juvenile delinquency, separating youthful offenders from adult offenders, and removing youth from institutional settings. In this connection, the Juvenile Justice and Delinquency Prevention Act of 1974, enacted in 1974, established three new entities: the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Runaway Youth Program, and the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP). As a condition of receiving federal funding under this act, qualifying states were mandated to separate youth from adult offenders and to remove them from the secure institutions which housed them (History of America’s Juvenile Justice System, 2008).

The years that followed -- the 1980s through the mid 1990s -- saw a significant rise in juvenile crime, peaking in 1994 with a gradual decline thereafter. Fearing the increase of
juvenile crime, legislatures enacted a get tough on crime approach. The Act of 1974 was subsequently amended to deal with this growing fear and to give states the ability to have juveniles stand trial in adult courts for violent crimes. Some states also enacted minimum detention standards.

Recent research has shown, however, that warehousing youth is large lockdown institutions is in fact counterproductive and does not rehabilitate juvenile offenders. State legislatures, aware of this fact, have tried to balance the law and order, punitive approach that rose to the forefront in the 1980s with the more traditional rehabilitative approach (State of Louisiana, 2010).

Conclusion

Probation was created as a way of mitigating punishment. It developed out of English common law practices and included concepts such as judicial reprieve and recognizance, which were implemented in America and became the foundation of modern-day probation. In 1841, probation originated in the United States from the pioneering work of John Augustus, a Boston boot maker who was a wealthy religious man (Petersilia, 1998). It was known that Augustus carefully selected his candidates providing assistance to those who were indicted for the first time and whom he felt were not totally corrupt and showed signs of promise (Latessa et al, 2011). Augustus was credited with the development of such procedures as presentence reports and supervision classification, which became the trademark of probation work. Massachusetts in 1878 was the first state to enact a probation law which set the mandate to hire probation officers, while Mississippi in 1956 was the last state to pass such a law.
In the early 20th century probation was expanded significantly by those supporters who used probation as a cornerstone in an overall movement of correctional reform. Probation became a routine judicial alternative with the passage of the Federal Probation Act of 1925. Although probation went through growing pains and was faced with problems early on, the support was still significant enough to quell the objections of those who questioned its effectiveness. Between the 1930s and 1960s probation officers used the treatment model and social work construct to administer probation during this time period. In the mid-1960s, critics were scrutinizing the fact that recidivism was not being reduced as originally promised. In response to the scrutiny, probation officers abandoned the treatment and social work techniques for more punitive supervision methods which were largely successful at the time (Petersilia, 1998). During the 1980s, on account of prison overcrowding, a poor economy and a lack of opportunity, probation came to the forefront of the correctional system as a means of alleviating the problems caused by those conditions (Sprow, 2009). Currently, based on evidence-based “best practices” which is supported by research, proponents of probation are optimistic that if you focus more on individuals rather than paperwork, evidence reflects you achieve better outcomes in reducing recidivism (Sprow, 2009).

In its treatment of juvenile offenders over the past one hundred years, the juvenile justice system has differentiated itself from the adult criminal justice system in notable ways. One of the key differences was the recognition of the reduced offender accountability and legal understanding and a willingness on the part of the state to treat the offender. From the origins of the juvenile court until the late 1960s, the primary focus was on care, treatment, and rehabilitation. In the late 1960s, concerns about due process protections came to the forefront. A series of due process cases changed how juvenile offenders were treated. Previously, juveniles
were not afforded any due process rights because focus was on treatment rather than punishment. These cases changed all of that by affording juveniles the same due process protections as adults. In the 1980s and 90s, there was a significant increase in juvenile crime, which caused the United States Congress to amend the Act of 1974 to deal with the growing public fear. The amendments subsequently gave states the authority to try juveniles as adults for specific crimes. In the late 1990s, Americans’ concerns regarding publicized juvenile crime (school shootings and other violence) caused them to fear a new breed of “juvenile super predators,” defined by OJJDP as “juveniles for whom violence was a way of life – new delinquents unlike youth of past generations” (“Challenging the myths,” 2000, p. 2). More recently, states have attempted to create a balance in dealing with the juvenile justice system by demonstrating that if you lock youth away in large, secure juvenile facilities, it does not prove to be effective and does not provide rehabilitation (State of Louisiana, 2010).

This thesis sets out to give an historical overview of the development of probation in the state of Texas through legislative acts and guidelines and to explain how these changes helped probation evolve into its current state. Additionally, this thesis explains the evolution of both adult and juvenile probation in the two largest counties in the state of Texas. Chapter 2 focuses on the development of probation, both adult and juvenile, in the state of Texas from its inception to the present. More specifically, this chapter thoroughly explains the transitions that probation went through during the course of its development; from the beginning of probation through the 1913 Texas Suspended Sentence Act, the 1965 Texas legislature revision of the Texas Code of Criminal Procedure, and beyond. Chapter 3 focuses on the development of adult probation in the two largest counties in Texas, Dallas County (Dallas, Texas) and Harris County (Houston, Texas) and the legislative impact on the adult probation system from its beginning to the present.
day. Chapter 4 focuses on the development of juvenile probation in the same two counties. This chapter traces the development of the juvenile youth agencies charged with the responsibility for overseeing the implementation of the rules and guidelines set forth by the Texas legislature and discusses the ramifications of its effects on juveniles. The thesis concludes by summarizing the inception of probation in the United States, development in the state of Texas, and its implementation in the two largest counties in the State of Texas.
CHAPTER 2
DEVELOPMENT OF ADULT AND JUVENILE PROBATION IN TEXAS

By 1911, most states had adopted some form of a suspended sentence system for adult criminal defendants. A suspended sentence, under traditional common law practice, was a kind of disposition following a conviction for either a misdemeanor or felony offense. When the offender received a suspended sentence from the judge, it was understood that the offender was sentenced to a term of incarceration in jail or prison; however, the sentence would not be imposed as long as he or she committed no further criminal offenses during a specified period of time. The first suspended sentence bill in Texas was proposed by State Senator F.C. Weinert of Seguin in 1911. In designing a suspended sentence system to follow the model of those already adopted elsewhere, Weinert sought to relieve the overcrowding of prisons and to avoid the needless punishment of primarily first offenders convicted of not to heinous a crime. Weinert believed that these offenders would take advantage of and not abuse the opportunity to understand the danger of loss of liberty and loss of citizenship that faced them, knowing all the while that the sentence of the court was hanging over them. These same offenders might otherwise be disgraced and hardened into moral turpitude by association with convicts in the prisons or convict camps (Weinert, 1911). Weinert’s bill, which became law in 1911, provided that “when there is a conviction of any felony in any district court of this state except murder, rape, perjury, burglary, and burglary of a habitation, robbery, arson, seduction, bigamy, and abortion, the court may suspend sentence upon application made therefor in writing by the defendant when the maximum punishment assessed by a jury shall not exceed five years confinement in the penitentiary; provided, that in no case shall sentence be suspended except
when the defendant shall prove to a jury that they have never been convicted of a felony in this state or in any other jurisdiction (Gammel, 1911).

The Texas Suspended Sentence Act of 1911 was held to be unconstitutional one year after passage, on the grounds that it granted district judges the ability to issue what amounted to a pardon, an executive-branch power, which belongs to the governor alone (Texas Court of Criminal Appeals, 1912). A replacement act, the Texas Suspended Sentence Act of 1913, followed in short order (Potts, 1923). This law allowed for the jury to suspend a sentence, thereby removing the authority from the judge (Texas Criminal Appeals, 1913). By contrast with the system in place in Texas, thirty-five other states imposed suspended sentences, however, the judge or the jury was allowed to grant suspended sentence (Potts, 1923). In the event of a bench trial, however, the judge in Texas courts retained unlimited discretion to suspend the imposition of sentence. With the passage of the 1913 Texas Suspended Sentence Act, adult probation came into use in the state as a sentencing alternative to incarceration (Horton, et. al, 1999).

The Act, while allowing for suspended sentences, was restrictive in its scope and inconsistent in its application (Potts, 1923). First, it applied only to felony crimes, not misdemeanor crimes. Only first-time felony offenders could, before trial, apply for a suspended sentence (Potts, 1923). Furthermore, not all felonies were eligible for a suspended sentence; excluded from consideration were abortion, arson, bigamy, burglary of a private residence, incest, murder, and perjury (Acts 1913, 33rd R.S., ch. 7, General Laws of Texas). If the defendant were found guilty, a jury could recommend imposing a suspended sentence if punishment were less than 5 years imprisonment. Suspended sentence law, at variance with positivistic philosophy seemed to focus on the crime itself instead of the details of the case. It
did not call for an investigation into the overall circumstances or background of the offender. Additionally, if a suspended sentence were granted, the law did not provide for supervision of the defendant during the course of the suspended term. The commission of a subsequent felony offense was the only grounds for a suspended sentence to be revoked (Horton et al., 1999).

**Early Probation in Texas**

Between 1913 and 1941, the Suspended Sentence Act was amended by the Texas Legislature on three occasions. In 1931 the Legislature authorized judges presiding over jury trials to suspend sentences independent of a jury recommendation. In 1935 the legislature again amended the Suspended Sentence Act, this time taking away from juries the authority and discretion to recommend a suspended sentence in lieu of incarceration, and vesting the power to suspend sentences only with judges presiding in Texas courts having original jurisdiction. In 1941 the Texas Legislature then expanded the power of Texas judges to revoke a suspended sentence. The 1941 amendment to the 1913 Suspended Sentence Act authorized judges to revoke a suspended sentence and impose incarceration where the convicted criminal was found to have committed a misdemeanor offense (Horton et al., 1999).

The Texas Legislature’s approach to creating a workable probation law from 1913 to 1941 resulted in two serious deficiencies. The first--the failure to provide judges with meaningful guidelines for using suspended sentences--brought on allegations of corruption and favoritism in the granting and revocation of probation. The second was the Legislature’s failure to provide a consistent framework for supervising convicts released back into the community under the Suspended Sentence Act. The task of supervision fell upon community volunteers on a county-by-county basis in a manner not unlike that associated with early parole supervision practices in
Texas which were characterized as inconsistent and lacked uniformity (Babb et al., 1966). Even though often amended since its inception, the Suspended Sentence Law of 1913, fundamentally unchanged, remained the law of the state until 1947 (Horton et al., 1999).

**Adult Probation Law Reformed - 1947**

During the 1947 legislative session, in an effort to remedy the longstanding deficiencies of Texas probation law, the Texas legislature passed the Adult Probation and Parole Law. This law conferred discretion upon the judge, sitting with or without a jury, to suspend the imposition or the execution of sentence of individuals convicted of most felonies, provided that the maximum punishment assessed was no more than 10 years. The defendant would thereby be placed on probation under the supervision of the court and a probation officer. Authority to probate a sentence no longer lay with the jury. Another change emanating from this law was that probation was extended to a maximum term of 10 years. Excluded from probation eligibility were “murder, rape, and offenses against moral decency and chastity” (Act of June 21, 1947, Sec. 1, p. 1050). This was a shorter list of excluded felonies than that provided in the 1913 Texas Suspended Sentence Act.

Furthermore, the court could establish specific conditions or rules for probation at its own discretion; however, the act suggested nine conditions, requiring that the probationer:

1. Commit no offense against the laws of this state or of any other state of the United States;
2. Avoid injurious or vicious habits;
3. Avoid persons or places of disreputable or harmful character;
4. Report to the probation officer as directed;
5. Permit the probation officer to visit him at his home or elsewhere;
6. Work faithfully at suitable employment as far as possible;
7. Remain within a specific place;
8. Pay his fine, if one be assessed, and all court costs whether a fine be assessed or not, in one or several sums, and make restitution or reparation in any sum that the court shall determine; and
9. Support his dependents


These suggestions are identical with those put forward in the Standard Probation and Parole Act (National Probation and Parole Association, now known as the National Council on Crime and Delinquency) (Commission on the Standard Probation and Parole Act of the National Council on Crime and Delinquency, 1964). It was first employed in New York in 1928 which was then used by Texas in a modified version with the addition of condition 1 which is unique in the state.

The 1947 law gave legislative approval to the use of probation facilities at the county level. Correcting one of the principal defects of the 1913 Texas Suspended Sentence Act, the new law permitted the court to investigate the circumstances and background of the probationer. A probation officer was responsible for conducting the investigation. The Legislature failed, however, to appropriate state funds for overseeing the law. As a result, the law of 1947 was inconsistent in its application, being limited to the few counties where funding from state sources was available. Such a program, while credible on its face, could be considered a probation system in name only. This law was later revised and amended in 1957 and 1965.

The Independence of Adult Probation

The administration of adult probation in Texas cried out for reform. In 1957, the Texas Legislature addressed the lack of funding for probation services and the chaotic application of the probation law by passing amendments to the ten-year-old Adult Probation and Parole Law. As a result of the reform effort, oversight of probation was removed from the Board of Pardons
and Paroles, a state agency, and authority was delegated to county governments to create county probation departments. Furthermore, the Legislature set guidelines for the employment of probation officers, allowing county commissioners’ courts the ability to employ probation officers, fund the departments, and set the salaries of the officers. The first full-time, professional probation officers appeared in Texas in late 1957 (Horton et al, 1999).

In 1965 the most significant changes in probation law and practice took place when the Texas Legislature revamped the Texas Code of Criminal Procedure. In the area of probation, the 1965 Code revision was designed to overcome the limitations of existing statutes, except for issues dealing with constitutionality, which had impeded the effectiveness of probation in the public interest. Five major changes to the Code contributed significantly to the way probation is practiced in Texas today. The first revision eliminated the 1913 Suspended Sentence Law. Second, the legislature allowed the use of probation for misdemeanors as well as felony convictions. Third, the Code allowed probation in cases of all felonies whose maximum sentence was ten years. Fourth, juries were allowed to recommend probation for all misdemeanor convictions and for first-time felony convictions only. Finally, the Texas Legislature authorized district court judges to hire probation officers and administer probation programs, even though the funding was still the responsibility of the county commissioners’ court (Vernon’s Texas Codes Annotated, Code of Criminal Procedure, 1965). Altogether, this law provided a proper framework for the development of local probation services and a legal foundation to foster better use of probation by the courts. Despite these significant changes in the law, three main problems continued to plague the probation system after 1965: inconsistent probation services and facilities from one county to the next; a disinterest on the part of some judges in employing probation as an alternative to incarceration; and a lack of stable funding for
the implementation of proper probation services. Interestingly, as recently as 1971, only 210 out of the 254 counties in Texas provided professional probation services (del Carmen, 1989).

Creating a Standard for Adult Probation

In 1977, the 65th Texas Legislature passed legislation standardizing adult probation practices and services on a statewide basis and providing a source of funding for probation throughout the state. This task was achieved by creating a state agency known as the Texas Adult Probation Commission. The responsibilities of this agency were three-fold. First, the commission was required to establish uniformity with set standards in regards to the operation and management of probation programs, services, and facilities. Second, the commission was responsible for the equal distribution of state funds for operating programs statewide. Lastly, the adult probation commission had the responsibility for administering training and technical assistance to the newer probation departments (previously known as county probation departments) (Acts 1977, 65th R.S., Ch. 343, General and Special Laws of Texas).

In 1989 the Texas Adult Probation Commission’s name changed to the Community Justice Assistance Division under the Texas Department of Criminal Justice (TDCJ). In addition to their previous oversight responsibilities, the Division was required to perform two additional tasks. The first was overseeing, inspecting, auditing, and evaluating the performance of probation departments. The second was to create a standard of professional expertise for probation officers by implementing training and certification programs for probation officers within the state. However, the responsibility for the administration and delivery of probation services was still divided. The Community Justice Assistance Division was responsible for the state oversight, with the responsibility for actually supervising probationers being entrusted to
probation departments operating at the community level under the guidance of the judicial
district court judges (Acts 1989, 71st R.S., Ch. 785, General and Special Laws of Texas).

Current Probation in Texas

Currently, probation in Texas is referred to as community supervision. Judges of courts
having original criminal jurisdiction over defendants are bound by statute and responsible for
determining (1) when to suspend sentence and grant probation, (2) what the conditions of
probation should be, and (3) how to supervise defendants placed on probation (del Carmen et al.,
1989).

Probation is the most widely used sentence given to individuals convicted of
misdemeanors and felonies. There are three key reasons why probation in Texas today is used as
an alternative to incarceration. First, it is much cheaper to supervise and manage probationers
rather than to incarcerate them. Second, probation is primarily used with non-violent offenders
convicted of misdemeanors and felonies offenses. And third, probationers are required to pay
probation fees (pay court costs associated with their case, make financial restitution to their
victims, and pay all fines that were assessed along with the probation sentence) which help
reduce the cost of their supervision (del Carmen et al., 1989).

After a defendant has been convicted, pled guilty, or pled no contest, the judge may
suspend the sentence and grant the defendant a probated sentence. A jury may grant a defendant
a probated sentence as long as the punishment range for the crime of which he or she has been
convicted does not exceed 10 years imprisonment and as long as the defendant has not been
previously convicted of a felony. A presiding judge must honor a jury’s recommendation for
probation. However, the presiding judge has sole authority for setting the conditions of probation (del Carmen et al, 1989).

A convicted offender can only receive a probated sentence by agreeing to abide by certain conditions which are set forth by the judge. The two types of conditions of probation are: standard and special. Standard conditions apply to all offenders placed on probation that have minimal behavioral expectations related to the probation set forth. Special conditions of probation are those that the judge may impose on a probationer which focus on protecting the community or the victim, or which serve in the best interest of punishment, rehabilitation, or reformation of the offender. At any time during the defendant’s probation, the judge has the authority to modify the original conditions that were granted (del Carmen et al., 1989).

In a felony case, the minimum probationary term is two years or the minimum term of imprisonment for the offense, whichever is greater; the maximum probationary term is ten years, subject to extensions. In a misdemeanor case, the maximum probationary term is two years, also subject to extensions (Texas Code of Criminal Procedure, Article 42.12, 2012). A probationary period may be reduced (early terminated) act the discretion of the judge so long as the probationer has successfully completed at least a third of the original probationary period or two years, whichever comes first (Texas Code of Criminal Procedure, Article 42.12, 2012).

Community Supervision and Corrections Department Practices

Supervising probationers and providing services to them in Texas are community level functions. Community supervision and corrections departments are structured to serve one judicial district. A director of the community supervision and corrections department is hired by the local judicial district judge. The director is responsible for the hiring of probation officers to
supervise offenders placed on probation by that judicial district. The state’s Community Justice Assistance Division of the Texas Department of Criminal Justice sets the guidelines for probation programs and services and affords the funding to local community supervision and corrections departments at the local judicial district level (Lette, 2012).

Probation officers in Texas have three principal responsibilities. First, they assist judges in issues relating to the eligibility of an offender for probation. This is done by conducting a pre-sentence investigation. A pre-sentence investigation report (PSI) is done by gathering pertinent information such as the offender’s social history, potential rehabilitative needs, and any other relevant information that will assist the judge in determining the offender’s suitability for probation. This information is presented to the judge in report form to guide the judge in determining what the best course of action for the offender should be. Second, probation officers look out for the best interests of public safety through the monitoring and supervision of probationer’s behavior and activities. Third, probation officers help offenders in their rehabilitation by linking them to services which are necessary to assist with their successful completion and reintegration into society as productive and law-abiding citizens (del Carmen et al., 1989).

Probation is the most popular and most frequently employed sentencing alternative in Texas, and its popularity will grow well into the future. According to projections by the Legislative Budget Board in the State of Texas, the 2013 projections for adult correctional populations predicted that offenders on adult probation are projected to be 268,176 vs. 152,000 of incarcerated adults in prison with probation amounting to approximately 2/3 of the total adult correctional population in Texas (Legislative Budget Board, 2013). Not only is probation cost effective as compared to incarceration, but it is also offender-specific in that it provides
flexibility in tailoring treatment and rehabilitation programs and services to fit the specific needs of individual criminal offenders (del Carmen et al, 1989).

Texas Juvenile Justice Beginnings

Until late in the 19th century, Texas’ juvenile cases were handled within the adult correctional system. Juveniles were incarcerated with adult offenders, regardless of the offense committed. Facilities with a mixed adult-juvenile population included the Rusk State Penitentiary, where members of the Texas chapter of the Women’s Christian Temperance Union (WCTU) paid a visit to juvenile offenders in 1886. In its work to promote total abstinence from alcohol, the WCTU found poverty and ignorance at the root of alcohol abuse. This finding led them to become involved in prison reform and other causes (Votes for Women! – Texas Joins the Battle). Following this visit, the WCTU launched a petition drive to demand the segregation of juvenile and adult offenders. Within a year, an act was passed by the Texas legislature which provided for a house of correction for youthful offenders; in August 1887, 700 acres of land were purchased by state commissioners near Gatesville where, in January 1889, the first statewide juvenile reformatory opened (Bush, 2008).

“The lay of the land is most beautiful,” wrote one commissioner, “and commands the most beautiful and picturesque scenery we have ever had the pleasure of witnessing” (Report of the Commissioners and Trustees of the House of Correction and Reformatory, located at Gatesville, Coryell County, to Governor L.S. Ross, August 1887, cited in Bush, 2008, p. 1). The initial campus consisted of two buildings “fitted with all modern appliances, an engine, an engine house, electric light machine,” and a “first-class” laundry. With an “imposing appearance and pleasing to the eye,” the campus buildings, according to state officials, had “scarcely a

Women’s reform organizations continued their activism on behalf of juvenile justice reform into the early decades of the 20th century. The Women’s Joint Legislative Council (also known as the “Petticoat Lobby”), created in 1922, was a collaborative lobbying group which supported legislative reforms for issues relating to women and children. Membership included the League of Women Voters of Texas, The Texas Federation of Women’s Clubs, the Mothers Congress, and the Texas chapter of the Women’s Christian Temperance Union (Hobbs).

The Juvenile Delinquency Court Act of 1907 was one of the main achievements of the women’s reform groups. This act established juvenile courts for offenders under the age of 16 and required parental notification of the charges against their children. In passing this legislation, the Texas Legislature followed a national trend which had begun with the establishment of the nation’s first juvenile court in Chicago, Illinois, in 1899. Within two decades of that date, all states would develop a juvenile court system. However, juvenile justice struggled to maintain a balance between the goals of prevention and rehabilitation, on the one hand, and the protection of public safety, on the other. In Texas, this balance was especially difficult to achieve. Under the legislation of 1907, the juvenile court was to focus on transforming reformatories, which were punishment based, into humane training schools (Bush, 2008). However, unlike their counterparts in other states, where juvenile proceedings were more civil and rehabilitative, juvenile courts in Texas were more criminal and punishment oriented. Texas law stressed punishment over rehabilitation and criminal responsibility over protection of the children; however, there was a lack of concise guidelines in reference to court procedure, probation, or sentencing (Bush, 2008).
The Juvenile Delinquency Court Act of 1913 expanded and clarified the authority of juvenile courts in Texas. Regardless of the severity of the offense, the courts maintained original jurisdiction over all offenders age sixteen or less. Even though it operated as a criminal proceeding until the mid-1940s, the court was now required to evaluate the juvenile offenders rehabilitation prior to his release (Bush, 2008). Under the system of indeterminate sentencing, the juvenile would face a sentence of between one and five years, or until he reached the age of twenty-one, whichever came first. If the court determined that a juvenile had made sufficient progress toward rehabilitation, he could be paroled or released back into the community. This procedure represented a break from the past, when youthful offenders had gained their release by successful completion of their sentence, by a recall from the sentencing court, or by means of an executive pardon, the same as their adult counterparts. However, rehabilitation was a nebulous and elusive concept, contributing to the uncertainty engendered in the juvenile court system (Bush, 2008).

Texas’s Training Schools - Boys

Legislation enacted in 1909 removed Gatesville from the penal system. Under the new arrangement, an appointed state Board of Trustees controlled operations for the facility, which was now called the State Institution for the Training of Juvenile Delinquents, later renamed the State Juvenile Training School (Dallas Morning News, 1909). The logic behind the name changes was that the new names conveyed the message that training schools for juvenile offenders should henceforth be viewed as places of education, both vocational and academic, instead of institutions of labor (Bush, 2008).
Aside from the provisions relating to original jurisdiction over all offenders under the age of 17 and the mandatory use of indeterminate sentences, practically all of the Juvenile Delinquency Court Act of 1913 was given over to establishing new guidelines for Gatesville, with an emphasis on rehabilitating juveniles through education. Numerous groups had significant input in creating the guidelines, including the governor and women’s reform groups (Juvenile Act of 1913).

Gatesville afforded juveniles the opportunity to learn at all grade levels, from elementary through high school (Biennial Reports of 1914 and 1916). Gatesville earned its certification as an Independent School District in 1915, a change in status which made funding available for teachers’ salaries and supplies. In addition, extracurricular activities and programs, similar to those of public schools, were also made available to juvenile offenders at Gatesville (Biennial Report, 1916).

Military discipline and hierarchy were also implemented as part of the curriculum at Gatesville. The boys marched in formation, attended flag ceremonies, wore khaki uniforms and saluted their peers and staff (Miller, 1916).

The juvenile offenders’ progress toward rehabilitation was measured on a merit/demerit system. Those who performed well could earn rank promotions, as well earning special privileges such as sleeping in the “honor cottage” (Biennial Report, 1914-1915).

Corporal punishment was no longer allowed except as a last resort. This was done to maintain discipline. It had specific guidelines on how it was to be administered such as no more than 20 blows with an object that would not cause bodily injury and with a witness present, specifically, the Superintendent and a nurse (Acts 1913, 33\textsuperscript{rd} 1\textsuperscript{st} C.S., ch.6, sec 15).
Texas’s Training Schools - Girls

Gainesville, a school strictly for delinquent girls, opened in 1916 with its main focus on providing “a home for delinquent and dependent girls where they may be instructed in the areas of arts and sciences to which women were well-suited,” to instill a sense of “the sacredness of the responsibility of parenthood and wifehood,” and “to prepare them for future womanhood and independence” (First Annual Report of the State Board of Control to the Governor and the Legislature (Austin, TX: 1920, p. 117 – 118).

Gainesville dealt with a smaller population than its counterpart at Gatesville. In its first four years of existence, Gainesville had a total population of 232 girls, with an average daily population was 71 girls (First Annual Report of the State Board of Control to the Governor and the Legislature (Austin, TX: 1920).

Although racial segregation was a part of life at Gatesville, black girls were not allowed at Gainesville. The state legislature was petitioned to create a specific training school for delinquent black girls (First Annual Report of the State Board of Control to the Governor and the Legislature (Austin, TX: 1920). Also recognizing a need for a training school for delinquent black girls, the Texas Association of Colored Women’s Clubs (TACWC) began campaigning for this cause (Texas Youth Commission: Compiled History of the Brady State School, The Final Report, 1947 – 1950). Much as they had done in the late 1800’s, women’s reform groups, both black and white, launched a campaign to develop a black girls school. Although the legislature authorized the construction of a training school for black girls, funding was not provided for nearly two decades.

The state legislature, in 1945, granted funding for a school for delinquent black girls. The new site was donated by the United States Army, a decommissioned prisoner of war camp
(Camp Brady), near Austin, which was the future home of The Brady School for Black Delinquent Girls (Texas State Library, Weaver H. Baker files, 1945).

The first referrals to this new school came in February 1947. By the summer of that year, the school housed approximately 30 girls. During its first year, the school faced challenges such as remodeling and construction of buildings as well as the lack of proper equipment for academic and vocational facilities (Texas Youth Commission: Compiled History of the Brady State School, The Final Report, 1947 – 1950).

The school’s focus was on creating a family-like atmosphere, housing delinquent black girls specifically by age groups. “The vocational courses were designed to prepare young girls in the areas associated with marriage: cleaning, cooking, and child rearing. At the same time, additional courses also prepared girls for wage labor in hairstyling, typing, and domestic service” (Annual Report of the Brady State School, 1948, pp. 9 - 10).

The Evolution of the Texas Youth Commission (TYC)

The Gatesville School for Boys, the Gainesville School for Girls, and Camp Brady were novel in their approach to juvenile rehabilitation and seemed on the surface to be outstanding facilities for the placing of delinquent juvenile offenders. Gatesville touted an academic curriculum which offered classes at all educational levels, a politically attractive asset which allowed it to obtain public educational funds, to hire teachers, to obtain school supplies, and even to obtain a large number of books, magazines and newspapers, which formed the cornerstone of its lending library. There were, however, significant issues for concern as well. The residents of the program at Gatesville were still viewed as inmates rather than students. It was reported that
the residents were subjected to physical labor and harsh discipline under the watchful eye of untrained staff, who acted as guards rather than as mentors (Bush, 2008).

The Brady School for black delinquent girls, whose mission was to foster a family-like atmosphere, housed girl inmates in three dormitories separated by age. The focus of the vocational courses offered was to prepare young girls in the areas associated with marriage: cleaning, cooking, and child rearing. As was the case with Gatesville, however, all was not as it was presented to the public. Owing to the shortage of public and private resources for the welfare of black children, there was not adequate placement upon release back into the community, a circumstance which resulted in a pattern of benign neglect.

The Texas Training School Code Commission submitted a proposal to place all state and local juvenile justice agencies under the supervision of the Texas Youth Development Council (TYC), with an emphasis on reforming the juvenile justice system. TYC was responsible for creating diagnostic and treatment programs centered on child psychology. Children found to be delinquent in juvenile court were to be administered a diagnostic assessment at a diagnostic center by trained professionals. After the assessment was completed, a rehabilitation plan was formulated and implemented. Another of the Texas Youth Councils goals was to help local governments in devising diversion programs with specific goals being the improvement of facilities for delinquent youth (Austin American-Statesman, 1949).

In 1957, TYC, under its new name the Texas Youth Council, was reclassified as a state agency responsible for overseeing three juvenile training schools and three institutions for dependent children (TYC Meeting Minutes, 1956). One of its main goals was to focus on a get tough approach which was initiated within the organization. This was done due to their inability
to prosecute juveniles as adults for the crimes that juveniles had committed (TYC Meeting Minutes, 1956).

As early as 1961, once a youth was released from incarceration, TYC had the responsibility for providing parole services for these youth. The 1960s – 1970s, better known as the due process revolution, brought changes in how delinquent youth were dealt with. Prior to this time period, it was uncommon for prosecutors and defense attorneys to be anything other than adversarial; however, since Supreme Court decisions such as Kent v. U.S. (1966) and In Re Gault (1967) focus had switched to the treatment of the youth, both sides working together for this purpose.

In 1983, the name changed again to the Texas Youth Commission. In its current state, the TYC has evolved to focus on the control and rehabilitation of the most violent and chronic juvenile offenders of the state (Texas Juvenile Probation Commission, 2010). Since its inception, TYC has gone through three name changes which signified the redirection and restructuring of its mission (Texas Juvenile Probation Commission, 2010).

Texas Juvenile Probation Commission

The second state agency created by the state legislature in 1981 was the Texas Juvenile Probation Commission (TJPC). The purpose of this agency was to bring uniformity to the quality of probation services for juveniles in the state (Texas Juvenile Probation Commission, 2010). The state-mandated purposes of this agency are as follows:

- To make probation services available to juveniles throughout the state;
- To improve the effectiveness of juvenile probation services;
- To provide alternatives to the commitment of juveniles by providing financial aid to juvenile boards to establish and improve probation services;
• To establish uniform standards for the community-based juvenile justice system;
• Improve communications among state and local entities within the juvenile justice system; and
• To promote delinquency prevention and early intervention programs and activities for juveniles
  (Texas Juvenile Probation Commission, 2010)

The TJPC is led by an executive director. The agency is governed by a nine member board, all having been appointed by the state Governor. Each member serves a six year term.

The daily operations of this agency entail thirteen primary functions:

1. Conduit for Legislative Appropriations. With 168 local boards TJPC has the responsibility of distributing funds in order to assist local operations.

2. Strategic Planning and Policy Development. TJPC regularly conducts formal strategic planning sessions with key personnel in the system. The purpose is to be forward thinking about needs and developments crucial to juveniles in the state.

3. Promulgate and Enforce Statewide Standards. TJPC produces administrative standards to regulate practices, administration, and physical construction of local probation departments. This includes pre-adjudication as well as post-adjudication facilities. TJPC monitors compliance of standards by conducting on-site visits to all local probation departments.

4. Education and Training. TJPC provides training for juvenile justice professionals, including local juvenile board members, juvenile court judges, justice and municipal court judges, juvenile prosecutors, probation officers, correctional and detention officers, law enforcement, students, state agencies and the general public. The topics are broad and cover a variety of subjects in order to aid the operation of the juvenile justice system at the local level.

5. Certify Juvenile Probation and Detention Officers. All juvenile justice officers, inside and outside of a facility must meet minimal requirements. TJPC certifies these personal have at a minimum a bachelor’s degree, completed one year of graduate study or one year of social work experience, and forty hours of juvenile justice training.

6. Legal and Technical Assistance. By having three divisions including legal and Legislative, Field Services and Research/Statistics assistance is provided to practitioners statewide regarding juvenile justice laws, practices, programs and services.
7. Interagency Workgroups and Projects. In an effort to improve the delivery of services to children and reduce barriers to efficiency, TJPC develops interagency workgroups with governing boards and staff of other statewide agencies serving the children of Texas.

8. Federal Programs Interface. TJPC serves as the Texas agency handling federal programs such as Title IV-E Federal Foster Care Reimbursement Program and other federal monies for juveniles placed in approved residential facilities.

9. Management Information Systems. The CASEWORKER system is the software program developed by TJPC and used by the majority of local probation departments to facilitate case management and statistical compilation of data.

10. Publications. In order to disseminate information throughout the state, TJPC publishes a variety of documents including annual reports, newsletters, program manuals, references materials and statewide statistical reports.

11. Advocacy for Children. Through the education of lawmakers, juvenile justice professionals and the general public, TJPC works to further the well-being of children in the state of Texas.

12. Programs. TJPC provides funding and statewide assistance for the development of creative and innovative programs for children.

13. Research and Planning. The Research and Statistics Division collects all data related to juvenile crime in the state and annually distributes its findings.

(Texas Juvenile Probation Commission, 2010)

Prior to 1981, although juveniles were eligible to receive probation services, they were not afforded the ability to do so due to the lack of resources and funding to receive the services needed. Therefore, they were referred to TYC in order to receive care, custody, rehabilitation and reestablishment in society of youth who were sentenced by the courts for engaging in delinquent conduct as described in Title 3 of the Texas Family Code. The establishment of the Texas Juvenile Probation Commission in 1981, ensured access to juvenile probation services throughout the state (Texas Juvenile Probation Commission, 2010). In 1984, juvenile probation services became available for the first time to all juveniles in the state. Those counties unable to sustain their own departments, they joined forces with other smaller counties in order to provide services for juveniles in their surrounding areas. One of TJPC’s key functions was to disburse
state and federal funds for the purpose of providing probation services and to help prevent youth from being committed to TYC.

Texas Juvenile Justice Department

As a result of Senate Bill 653 that was passed by the 82nd Texas Legislature, the Texas Juvenile Justice Department (TJJD) was formed on December 1, 2011 and the previous two agencies, the Texas Juvenile Probation Commission (TJPC) and Texas Youth Commission (TYC) were absorbed (http://www.tjjd.texas.gov/aboutus/agency_mission.aspx).

TJJD is committed to providing safety to citizens throughout the state as well as delivering a variety of services and programs assisting youth in leading more meaningful lives within the community. Youth are encouraged to take responsibility for their actions by being held accountable and are encouraged to plan for future success (http://www.tjjd.texas.gov/aboutus/agency_mission.aspx).

The agency’s mission can be accomplished through:

- Organizational excellence and integrity that earns and promotes public trust;
- Evidence-based performance and accountability that produces results;
- Collaboration and teamwork that builds on partnerships with youth, families and local communities; and
- Innovation and technology that results in efficient systems and services. (http://www.tjjd.texas.gov/aboutus/agency_mission.aspx).

Conclusion

Adult probation has come a long way since the original inception of the 1911 Suspended Sentence Act. When the Act was passed, adult offenders were given a suspended sentence
which was not monitored and the sentence was not imposed as long as he or she committed no further criminal offenses during a specified period of time. The Act was transformed throughout the next 28 years and subsequently ended with judges being authorized to revoke a suspended sentence and impose incarceration where the convicted criminal was found to have committed a misdemeanor offense. In 1947, the Texas legislature created the Adult Probation and Parole Law. It allowed judges, not juries, to grant probation and to suspend sentences of individuals having been convicted of specific felonies, provided the assessed range of punishment was less than 10 years imprisonment.

In 1957, the Texas legislature amended the 10-year old Adult Probation and Parole Law. As a result of the reform effort, oversight of probation was removed from the Board of Pardons and Paroles, a state agency, and authority was delegated to county governments to create county probation departments. In 1965 the Texas legislature revamped the Texas Code of Criminal Procedure. In the area of probation, the 1965 Code revision was designed to overcome the limitations of existing statutes, except for issues dealing with constitutionality, which had impeded the effectiveness of probation in the public interest. Five major changes to the Code contributed significantly to the way probation is practiced in Texas today. The first revision eliminated the 1913 Suspended Sentence Law. Second, the legislature allowed the use of probation for misdemeanors as well as felony convictions. Third, the Code allowed probation in cases of all felonies whose maximum sentence was ten years. Fourth, juries were allowed to recommend probation for all misdemeanor convictions and for first-time felony convictions only. Finally, the Texas Legislature authorized district court judges to hire probation officers and administer probation programs, even though the funding was still the responsibility of the county commissioners’ court (Vernon’s Texas Codes Annotated, Code of Criminal Procedure, 1965).
In 1977, the 65th Texas Legislature passed legislation standardizing adult probation practices and services on a statewide basis and providing a source of funding for probation throughout the state. This task was achieved by creating a state agency known as the Texas Adult Probation Commission. In 1989 the Texas Adult Probation Commission became the Community Justice Assistance Division under the Texas Department of Criminal Justice (TDCJ). In addition to their previous oversight responsibilities, the Division was required to perform two additional tasks. The first was overseeing, inspecting, auditing, and evaluating the performance of probation departments. The second was to create a standard of professional expertise for probation officers by implementing training and certification programs for probation officers within the state. Currently, probation in Texas is referred to as community supervision. Judges of courts having original criminal jurisdiction over defendants are bound by statute and responsible for determining (1) when to suspend sentence and grant probation, (2) what the conditions of probation should be, and (3) how to supervise defendants placed on probation (del Carmen et al., 1989).

Texas’s juvenile justice had its beginnings within the adult correctional system, where juveniles, until late in the nineteenth century, were incarcerated with adult offenders, regardless of the severity of the offense. The Juvenile Delinquency Court Act of 1907 established juvenile courts for offenders under the age of 16 and required parental notification of charges. The Juvenile Delinquency Court Act of 1913 expanded and clarified the authority of juvenile courts in Texas. Regardless of the severity of the offense, the courts maintained original jurisdiction over all offenders under the age of 17, an age limitation which holds to the present day (Bush, 2008).
The juvenile justice system in the State of Texas is administered at both the local and state levels. This system provides services and alternative to incarceration for youth. The Texas Youth Commission, a state agency formed under another name in 1949, is responsible for providing services for the most serious offenders. This agency handles fewer cases that agencies at the county level, which handle the vast majority of the cases.

The second state agency created by the state legislature in 1981 was the Texas Juvenile Probation Commission (TJPC). The purpose of this agency was to bring uniformity to the quality of probation services for juveniles in the state (Texas Juvenile Probation Commission, 2010). In 2011, the Texas legislature created the Texas Juvenile Justice Department. The 168 juvenile probation departments are under the Texas Juvenile Justice Department (TJJD). From the development of TYC in 1949 through the commencement of the TJPC in 1981 through the creation of TJJD in 2011, there have been a variety of significant decisions that have shaped Texas juvenile justice (http://www.tjjd.texas.gov/aboutus/agency_mission.aspx).

Chapter 3 provides the reader with a historical overview of adult probation in Dallas and Harris counties, how they began, and what programs were in place during their inception throughout current time. Chapter 4 provides the reader a historical overview of the juvenile probation department in Dallas and Harris counties from its inception through its current state. Chapter 5 provides the reader an overview of the entire development of probation in the United States, as well as the development of probation in the state of Texas, specifically focusing on the two largest counties within the state.
CHAPTER 3
HISTORICAL OVERVIEW OF ADULT PROBATION IN
DALLAS AND HARRIS COUNTIES

Introduction

The Texas Adult Probation and Parole Law of 1947, which allowed judges to grant adult probation in certain criminal cases, also set forth the duties and responsibilities of probation officers. Among their enumerated duties, probation officers were to supervise probationers and to visit them at their home or elsewhere, as appropriate; when directed by the court, to investigate a defendant's offense, criminal record, social history, and current circumstances, and to submit a report to the court in writing; and to arrest defendants for violations of any of the conditions of the probation, to notify the court of any arrests or detainments, and submit a written report alleging which conditions the probationer has violated. (Act of June 21, 1947, 50th Leg., R.S., ch. 452, 1947 Tex. Gen. Laws 1049, http://www.lrl.state.tx.us/LASDOCS/50R/HB120/HB120_50R.pdf). With respect to probation officers, however, the law was stillborn. Owing to what was apparently a legislative oversight, the law failed to provide for the appointment of probation officers and, furthermore, failed to authorize a salary to be paid to them. An enabling statute would have to be enacted by the Texas Legislature in order to cure these defects. At the instigation of Nueces County, the legislature passed such a statute in 1950. This statute, for the benefit of Nueces County only, provided for the appointment of a bailiff and probation officer by the District Judge of the 105th Judicial District for Nueces County and authorized a salary to be paid to said officer (General and Special Laws of Texas, 1950). Acting on this legislative authority, Judge Harry M. Carroll of the 105th District Court named Fred B. Norris as his first probation officer (Texas Bar Journal, Dec. 1950).
This funded adult probation system, which was started on April 1, 1950, made Nueces County the first county in Texas to implement an adult probation program supervised by a full-time probation officer paid for by the county.

Judge Carroll called his probation program his "noble experiment" (Texas Bar Journal, Dec. 1950, pp. 603-4). Before a full-time probation officer was hired, the district clerk was the adult probation officer and had so little time to give to this part of the work that his only contact with adult probationers was a letter each thirty days. From April 1, 1950, when Fred B. Norris took up his duties as Judge Carroll's probation officer, to September 30, 1950, a total of 139 adults were under supervision. Of this total, only two probations of defendants who had been placed on probation since the program began were revoked. Norris must be credited with much of the program's success. As soon as a defendant was placed on probation, Norris contacted the probationer and worked out a case history on him. Norris drove him home, met the family, and made sure that the probationer as well as his family understood the conditions and terms of the probation. The probationer was taken to the Texas Employment Commission (TEC) for a General Aptitude Tests Battery in order to find his talents and skills. With the help of the TEC, the probationer would find suitable employment. Judge Carroll and Adult Probation Officer Norris also planned a vocational course of reading and study for each probationer. The probationer was not allowed to go out at night or to renew associations that originally caused him or her to commit crime.

During this first six months of the program, Norris made 63 home visits, conferred with 386 persons in the office, arranged Aptitude Tests for 41 probationers, called on 61 employers to hire them, and obtained employment for 32 probationers in cooperation with the Texas Employment Commission. Norris arranged to be in his office Saturday afternoon and early
Sunday morning for office visits by probationers. Through this program of counseling, conferring, and visiting in the home and on the job, Judge Carroll and Adult Probation Officer Norris felt that the probationer would better meet his obligations to society and his family and at the same time re-establish himself as a respected and productive citizen (Texas Bar Journal, Dec. 1950).

The Nueces County model was adopted by scattered Texas counties until passage of the 1957 amendment to the Adult Probation and Parole Law, which gave statewide authorization to the appointment and funding of probation officers by Texas counties. The 1957 amendment also made possible the exponential growth of probation services in Texas from that date to the present, as exemplified in the largest Texas counties, Dallas County and Harris County.

Dallas County Adult Probation – The Inception

The Nueces County probation system met with such success that it became the subject of study by other district courts in Texas which desired to set up similar programs. In 1953, Judge Harold B. Wright, newly appointed as judge of Criminal District Court No. 1, Dallas, Texas, wrote Judge Carroll that Tom White, member of the Texas Board of Pardons and Paroles, had recommended he study the Nueces County system because it is "the best in the state" (Corpus Christi Caller-Times, June 1953, p.13). By October 1953, Dallas County, drawing on the Nueces County model, hired two persons to supervise felony probation for its two criminal district courts. They were called grand jury bailiffs (Adult Probation and Community Corrections in Texas, 1977). In 1954, a third criminal district court was established in Dallas County, a move which necessitated the employment of a third probation officer. With increasing caseloads, it became necessary to employ another officer to assist each of the other three in
supervisory and investigative functions. The years 1963 and 1965 saw the creation of two more criminal district courts (1963 – Criminal District Court #4, 1965 – Criminal District Court #5) and the addition of two more probation officers to the staff (Dallas County Adult Probation Department, “Procedures Manual,” undated).

The law governing the administration of probation policies and procedures was revised to provide for the assessment of a supervisory fee in felony and misdemeanor cases in 1967. This fee, which was not to exceed ten dollars per month, was to be paid by persons granted probation by the court (Acts 1967, 60th Legislature). The change in the law went into effect on August 28, 1967. The following month the courts began assessing this fee. The defendant’s ability to pay was always taken into consideration. Some Dallas County probationers even paid as low as one dollar per month (Dallas County Adult Probation Department, “Procedures Manual,” undated). The supervisory fee not only helped relieve the taxpayers of the financial burden of supervising the offenders, but it also made the probationer aware that crime had costs.

In 1969, two more courts which had primary criminal jurisdiction were created in Dallas County. The addition of these courts – the 194th and the 195th Judicial District Courts – necessitated the hiring of more probation officers. The same year, the judges of the courts appointed a director to head the Dallas County Adult Probation department. This brought the total number of district courts with jurisdiction over criminal cases to seven and the number of probation officers to eleven (Dallas County Adult Probation Department, “Procedures Manual,” undated).

In September 1973, criminal district courts eight and nine were created. This time the probation department was better prepared through proper staffing in order to handle the potential increase in the volume of potential probationers. A 3-year grant from the Law Enforcement
Assistance Administration, received in May of 1973, provided them the ability to implement proper staffing by placing one supervisor, one assistant and five officers in each unit serving a court. Although female officers could be hired under this grant, it was not until 1974 that the first female officer was hired to assume a male caseload (Dallas County Adult Probation Department. Annual Report 1973 – 1976).

Reorganization

By the end of August 1977, a major reorganization of the probation department was implemented. The reorganization was to provide more control to the director, more uniformity and standardization among the officers supporting different courts, and increased specialization in order to deal with larger caseloads. Individual court units would be replaced by a centralized casework unit and a court services unit, including a pre-sentence investigation team.

Under this new reorganization, probation officers assigned to the nine court units were responsible for performing most of the functions considered a routine but integral part of the probation process. In cases being considered for probation, the probation officer was responsible for conducting pre-sentence investigations, including interviews, and talks with the prosecution and defense attorneys. The probation officer, when necessary, appeared in court to testify in revocation hearings, processed individuals placed on probation, and made recommendations to the court. In some courts, these tasks were handled primarily by the supervisor or a designated court officer. In other courts, each individual officer engaged in all such activities. Unit supervisors were additionally responsible for the training of subordinate officers, audits of individual caseloads, personnel evaluations, and liaison with other criminal justice agencies (Dallas County Adult Probation Department, “Annual Report, 1976”).
In 1979 another criminal district court came into existence. The 265th Judicial District Court began operation on January 1, 1979. This addition brought the number of district courts which dealt exclusively with criminal cases to ten. By March of 1979, the Dallas County Adult Probation Department had expanded to the point where it employed eighty-two probation officers (Boone, 1979).

The legal responsibility of the Dallas County Adult Probation department rests with the criminal district judges but with the consent of the Commissioner’s Court. The Commissioner’s Court is the county funding source that is authorized to grant monies to the probation department to run effectively and efficiently. The Commissioner’s Court relies on the Board of Judges recommendation in reference to probation department related matters. The Board of Judges rely on the director of the probation department for information on the need for additional funds and thus provide recommendations regarding the internal function and requests for increase funding for the expansion of programs.

The director of the Dallas County Adult Probation Department was delegated the responsibility of operating the department. His appointment was by the district judges and he reported directly to the criminal district judges of Dallas County. It was the director’s responsibility to outline operational procedures which promoted an effective and efficient department (Boone, 1979).

Dallas County Adult Probation Department had several units other than those concerned primarily with felony court services and field supervision. They included the Community Resources Department, Special Programs Section, Misdemeanor Supervision Unit, and Computer Services.
Community Resources – Responsibilities

The Community Resources Department was charged with the responsibility for transfer supervision and special programs. Transfer supervision is the transferring of probation services which were granted in other counties, to Dallas County, as the probationers from other counties moved to Dallas County which then assumed the supervision of those probationers. The Dallas County Adult Probation Department provided supervision of these transfer cases based on the guidelines established by the Texas Adult Probation Commission (Dallas County Adult Probation Department, Annual Report 1978).

Internal Programs

The establishment of probation logically required a plethora of specialized internal programs to service the growing probationer population. The special programs section dealt with volunteers, alcohol education, employment, orientation, and Spanish-speaking caseload. The volunteer program was designed to recruit people in the community to work on an individual basis with probationers. The alcohol education program dealt with the alcoholic and problem drinker. The program was conducted by an alcohol counselor and consisted of ten weekly, two-hour group meetings. In addition to the program, many of the probationers were required to attend weekly Alcoholics Anonymous meetings for a minimum of six months. The objective of the employment program was to address one of the most critical needs of the probationer – employment. There was an arrangement between the Dallas County Adult Probation Department and the Texas Employment Commission where all known available job openings in the Dallas area were supplied to the department. Probationers seeking employment were then interviewed by the employment counselor in an attempt to match skills with jobs. The
orientation program was designed to educate probationers. During that time, probationers were shown a film depicting prison life. One of the district court judges would then speak to the group and a probation officer would explain the conditions of probation. A Spanish-speaking caseload program also began operation in 1978 when it became clear that an increasing number of probationers were having difficulty either speaking or understanding English. A bilingual probation officer was then assigned to those specific cases (Dallas County Adult Probation Department Annual Report 1978).

The Misdemeanor Supervision Unit was established in 1978. Before this time persons receiving misdemeanor probation received no supervision or assistance from a probation officer. The opening of this unit marked the first time in Dallas County history that significant numbers of misdemeanor probation cases were supervised by a probation officer. The new unit focused on those probationers who the county criminal judges believed would best benefit from supervision. The basis of this program utilized the wide range of community resources to solve individual problems (Dallas County Adult Probation Department Annual Report 1978).

The Computer Services Unit performed two main functions for the Dallas County Adult Probation Department. They included providing information on the probationers which could be used by the probation officer and the courts and providing accounting information regarding fees and restitution. The computer offered the probation officer much needed information. This included informing the officer as to when and why a probationer was placed on probation, arrest information which occurred prior to and/or during the probation period, pertinent personal information and how the probationer stands in regard to their probation fees and/or restitution (Dallas County Adult Probation Department Annual Report 1978).
From the beginning of the 21st century to the present, the Dallas County Adult Probation Department has implemented programs based on research and best practices. Evidence-based best practices are techniques that have been successfully linked to solving a problem. These techniques have been researched and validated by departments throughout the county and have been attributed to resolving specific problems (Sprow, 2009).

Current Probation Practices

Currently, the Dallas County Community Supervision and Corrections Department employs a variety of programs and services to best assist defendants on probation. The department’s mission statement reflects a commitment “to protecting society, serving victims and the community, and facilitating positive change in offender behavior through the use of evidence-based intervention strategies.” (Community Supervision & Corrections Department, http://www.dallascounty.org/department/csc/mission.php). These evidence-based intervention strategies include the Judge John C. Cruezot Judicial Treatment Center, which is an in-patient treatment facility for substance abuse treatment and supportive services for community reintegration. This treatment facility is for both male and female felons only who have been court-ordered to this specific treatment program. To be eligible for assignment to the facility, they cannot suffer from any medical or mental health problems.

Other evidence-based intervention strategies include the Dual Diagnosis Center (DDC), a treatment facility for individuals with co-occurring disorders (mental health diagnosis and substance abuse disorders). This is a 90-day inpatient treatment program with an aftercare component. Individuals entering the DDC must be diagnosed drug abuse or dependent felons and have a major mental health diagnosis. This treatment program is court ordered and includes
both males and females. The Mental Illness and Mental Retardation (MIMR) caseloads provide in-community oversight to probationers with diagnosed mental illness and/or mental retardation. Participants in this program are expected to follow set treatment objectives and follow all guidelines set forth to best assist in a successful outcome.

The High Risk Caseload Diversion focuses on high-risk/needs felony offenders. Offenders accepted into this program must be court ordered mandating participation and taking responsibility for personal behaviors such as anger management, etc. The Intensive Intervention Groups (IIG) administers educational classes for the general equivalency degree (GED) and other educational-based programs. In addition, the group employs interviewing techniques that give offenders the best opportunity for obtaining employment. The Sex Offender Unit focuses on high-risk/needs sex offenders on probation. Participants must comply with all mandated conditions of probation until they no longer are classified as a serious risk to the community.

The Substance Abuse Felony Punishment Facilities (SAFPF) Unit provides unique supervision for graduates of the TDCJ one year after their release from the facility. This is a court ordered participation only program whose offenders are felons from the SAFPF inpatient facilities. The Neighborhood Based Supervision focuses on specialized community service projects targeting high risk/low income neighborhoods. This program excludes sex offenders. These programs focus on teaching offenders specific skills that would give them the best opportunity to law-abiding citizens while on and after probation.


It is apparent that the Dallas County Adult Probation department has made great strides in probation services since it first began operation in 1953. Their current strategies employ
evidence-based techniques which provide better insight into how to problem solve and deal with offender behaviors.

In Dallas County, there are a number of potential misdemeanor offenses with which an individual can be charged. As of January 31, 2014, there are 26,645 misdemeanor cases that received some form of probationary sentence. Of those 26,645, there were 1,419 individuals that were granted probation for an assaultive offense, 3,106 individuals that were granted probation for drug offenses, 2,001 individuals that were granted probation for a driving while intoxicated (DWI) offense, 695 individuals that were granted probation for driving with a license suspended/driving with a license invalid (DWLS/DWLI), 2,755 individuals that were granted probation for theft related offenses, 10,951 individuals that were granted probation for traffic related offenses and 5,718 individuals that were granted probation for other misdemeanor offenses (evading arrest, failure to identify, etc.) (http://card.txcourts.gov/ReportSelection.aspx).

As Dallas County began to move forward with the concept of probation, Harris County was laying the foundation for their own probation system.

**Harris County Adult Probation**

As the other counties in the state were implementing their own adult probation systems, Harris County lagged behind. It was not until March 1, 1958, that the county officially began its adult probation program. It was one of the last counties in Texas with a major city to establish an adult probation system. This is not to say that probation was not available for adults in Harris County prior to 1958. The Adult Probation and Parole Law of 1947 in fact allowed the Criminal Courts to defer the execution of a penitentiary sentence for deserving defendants. Under the law,
however, there was no systematic surveillance or probation service (First Annual Report 1958, Adult Probation Department of Harris County).

In the Regular Session of the 55th Legislature, the Adult Probation and Parole Law of 1957 was enacted. This law enabled adult probation for any county that was willing to finance it. (Acts 1957, 55th Leg., R.S., p. 468, ch. 226, http://texashistory.unt.edu/ark:/67531/metapth221758/m1/516/). Acting in accordance with the new law, the juvenile board of Harris County commissioned Paul Irick, Chief Probation Officer, to prepare a budget and submit it to Commissioner’s Court. The court approved the budget and created the adult probation department effective March 1, 1958, as a new and separate County Department with an adult probation officer, two assistant probation officers, and a secretary (First Annual Report 1958, Adult Probation Department of Harris County).

The first Chief Adult Probation Officer hired by Harris County was Charles Garland Shandera (1928-2007), in 1958 (The Huntsville Item, 2007). During his tenure, Shandera helped to define the role of probation in the state of Texas as a realistic alternative to incarceration (http://www.legis.state.tx.us/tlodocs/74R/billtext/doc/HR00459I.doc).

By September 1, 1958, the department’s workload justified employment of one additional probation officer, bringing the total number of staff to five. It was clear by the increase in popularity of probation the addition of personnel was a decision that was not difficult to make. By year’s end, the number of cases supervised by Harris County totaled 520 (First Annual Report 1958, Adult Probation Department of Harris County).

Due to the continual growth of offenders being granted probation, at the rate of approximately 50 per month, a new probation officer was added on March 1, 1959, and the budget authorized employment of another probation officer July 1, 1959. In the late summer of
that year, the two new Criminal District Courts authorized by the legislature were placed in operation. To service these new courts, two probation officers and a typist were employed on September 1, 1959, bringing the total staff to eight probation officers and two clerical workers supervising 884 probationers at the end of 1959 (Second Annual Report 1959, Adult Probation Department of Harris County).

Caseloads and workloads were not interchangeable terms. Each court made use of probation services in its own way. Therefore, one caseload of 150 probationers could conceivably be a lighter workload than another caseload of 150. In order to equalize workloads, a point-value system was fixed to different categories of cases representing the amount of work generally required per case (Second Annual Report 1959, Adult Probation Department of Harris County). This was a result of judges mandating more requirements in the probations issued from their courts than other judges. In order to alleviate probation officers from being overloaded with work in specific courts, the point-system was created for the probation officers to balance the workload amongst their peers.

The primary function of the probation department was the enforcement of the courts’ conditions of probation through surveillance. It was recognized that all probationers did not require the same amount of supervision; each probationer was supervised in the manner and to the extent of his needs. The probation officer’s job was to help the probationer understand his responsibilities, to show him how he can fulfill those responsibilities, even when his efforts were insufficient, and to report his shortcomings to the court for disposition (Second Annual Report 1959, Adult Probation Department of Harris County).

At the end of 1959 the Harris County Adult Probation Department was responsible for the supervision of 884 probationers which was an increase of 364 cases which were the total
number of cases by the end of 1958. Of these, 51 were Harris County cases living in other Texas counties and 48 were living in other states. Seventy were cases from other counties living in Harris County and 61 from other states. In 1959 a total of 542 were added; 492 were cases from Harris County courts. During the year, 178 cases had been closed including 63 successfully and 23 revoked and sent to prison (Second Annual Report 1959, Adult Probation Department of Harris County).

Harris County Adult Probation – Model Probation Project

Harris County continued on this pace until 1973, when it developed the Harris County Model Probation Project. It was the goal of this project to continue to be a leader in the development of the community’s resources relative to the rehabilitation of the offender. The specific goals of the project included: the development and use of satellite reporting offices, increased emphasis upon the supervision of misdemeanor cases, increasing the interstate probation compact divisions staff, maintaining a departmental drug abuse program, the development of an incentive point program, the development of a localized based expectancy plan, providing for a job development program, participation in the newly created Texas Alcohol Safety Action Program, the development of a projects training program for interns and officers, and improvement of the effective court services unit system (Harris County Model Probation Project, 1973).

The development and use of satellite reporting offices was concerned with the establishing of four Community Based Satellite Offices whereby the existing resources of the immediate community, as well as the immediate community job development program, could better serve the needs of the probationer and his family. This program would give the
community resources unit a community base from which to work (Harris County Model Probation Project, 1973).

There was a need for an increase in additional court personnel in the misdemeanor division due to a 25% increase in the number of probationers from 1971 to 1972. The misdemeanor division served the four Harris County Criminal Courts at Law with two probation officers and one intern. The probation officer’s time was proportionately divided within three major areas: selective supervision of current cases, daily administrative paperwork, and availability to each assigned court for in-court work. The addition of three new court personnel reduced the officer/probationer ratio from overwhelming proportions and required that new casework procedures be initiated for all courts. During this time period, Harris County envisioned that additional resources that were to be generated would cover the increased costs of the addition of personnel (Harris County Model Probation Project, 1973).

The Interstate Compact Division was responsible for the departments transfer cases receiving adequate attention by other departments within the State of Texas as well as out of the state. This division was created on November 1, 1972 in order to afford the attention and supervision to transfer cases which is presumed by the Interstate Compact Commission (Harris County Model Probation Project, 1973).

Recognizing the seriousness of the illegal drug use during this time period, the Harris County Model Probation project initiated a departmental drug abuse program which utilized the respective services of recognized and qualified drug treatment agencies in the community which included the Texas Research of Mental Sciences, Alternative Division of Vocational Guidance, Cenikor, and Texas Vocational Rehabilitative Agencies (Harris County Model Probation Project, 1973).
The Incentive Point Scale Program was created in an effort to motivate probationers to comply with their conditions in order to obtain an early termination as a result of their compliance with their conditions of probation (Harris County Model Probation Project, 1973).

The Base Expectancy Scale was a program that used a rating scale to determine levels of supervision (minimum, medium and maximum) based on a needs/risk assessment. This program was implemented in the misdemeanor section August 1, 1972. This program was also then implemented in the felony section November 1, 1972 (Harris County Model Probation Project, 1973).

The Job Development program was implemented in May of 1972 in which the objective was to obtain employment opportunities for unemployed probationers. The community resource division of this project was responsible for developing employment opportunities for probationers (Harris County Model Probation Project, 1973).

The Texas Alcohol Safety Action program was created to assist in the reduction of DUI offenses. The probation department was responsible for the necessary probation supervision of selected DUI cases from each of the Harris County Criminal Courts, in addition, worked closely with the Baylor School of Medicine in the testing and screening of DUI offenders (Harris County Model Probation Project, 1973).

The training program division was charged with the development and publication of an office manual, general in scope, but applicable specifically to the department’s needs. The operating manual was designed so that it served as a prototype for new probation departments desiring to prepare their own training manual (Harris County Model Probation Project, 1973).

The Court Services unit is responsible for the processing of all cases that have been assigned a probation status. The probation officer is responsible for the explanation of the
conditions that have been set forth by the court, the processing of cases in order to send them to
the appropriate offices for supervision, and are responsible for dealing with cases that are not in
compliance and go before the court for the appropriate direction by the judge. The felony court
unit was staffed with a unit supervisor, who is the Chief Probation Officer of the Unit, and
probation officers/interns and unit clerical help which was deemed necessary in order to
efficiently process the unit workload. The misdemeanor court unit was composed of a unit
supervisor, probation officers/interns, and necessary unit clerical help. The misdemeanor unit
differed from the felony court unit in that it serviced four (4) County Criminal Courts at Law
whereas the felony court unit only serviced one (1) Criminal District Court. Each court unit
continued to prepare pre-sentence investigations for the courts whenever requested. The pre-
sentence investigations were also tailored to comply with the wishes of the respective courts
relative to supplying the courts with adequate information which the courts used in making
proper disposition of a particular case (Harris County Model Probation Project, 1973). All of
these programs were developed to focus on the specific identified areas of need for each
probationer.

Harris County Adult Probation – Transition Period

As probation in Harris County continued to grow, the adult probation department
transitioned from a department which was hiring personnel to accommodate the rapid growth to
a period which was more focused on the consolidation and streamlining of all services in order to
maximize efficiency throughout the department.

Fiscal year 1985 was a year of personal and professional challenges as major changes
were made in the Harris County Adult Probation department. All areas of the department went
through staff adjustments and reassignments as the emphasis on field service strength and accountability increased. In July 1985 the Board of Judges appointed a new acting director – Joseph Callan (Harris County Adult Probation Department, Annual Review, 1985).

Fiscal year 1985 also experienced a growth in the probation population which had not been experienced since 1981. The total direct supervision caseload at the end of the fiscal year was 31,800. The types of cases for which probation was most frequently granted by judges in Harris County were driving while intoxicated or driving under the influence of drugs, which ranked first among probation offenses, comprising 39% of the total caseload and 75% of the misdemeanor caseload. Theft (19%) was the felony offense for which probation was most frequently granted, followed closely by burglary (17%). Drug related offenses such as possession of a controlled substance, possession of marijuana, and delivery of a controlled substance comprised 19.6% of the felony population (Harris County Adult Probation Department, Annual Review, 1985).

During this period of transition, the Harris County Adult Probation department conjoined three different departmental services into one unit that dealt directly with probationers. The first of these was the field services unit, in which probation officers and supervisors were responsible for the day-to-day supervision of both felony and misdemeanor probationers. The regional probation officers monitored each probationer’s compliance with all conditions of probation, including the payment of restitution, supervisory fees, fines, and other costs.

The second departmental service was that of the community service option program. When the conditions of probation included the performance of community service restitution, this stipulation was handled through a contract with the Community Service Option Program. The community service option program performed an initial interview, determined eligibility for
participation and placed the individual in one of 141 affiliated non-profit organizations for the performance of the court ordered community service (Harris County Adult Probation Department, Annual Review, 1985).

The last of the departmental services was the court services branch. The court services branch was composed of three divisions; court liaison, intake, and pre-sentence investigation. The court liaison division consisted of 34 probation officers, each of whom was assigned to a specific felony of misdemeanor court, and 3 supervisors who coordinated the activities of the court liaison officers. These officers acted as the primary contacts between the courts and the probation department, presenting motions to revoke probation or to adjudicate guilt, motions for termination, amendments to conditions of probation and pre-sentence investigations to the court. Furthermore, they conducted initial interviews with new defendants at the time probation was granted, performed pre-sentence investigations, supervised defendants on bond, and coordinated court ordered community service activities. The intake division’s responsibility was for interviewing new probationers to include only a portion of new defendants, with the majority being handled in the courtroom by the court liaison officers. The pre-sentence investigation division’s responsibility was conducting the majority of 890 investigations which were ordered during 1985 by the courts (Harris County Adult Probation Department, Annual Review, 1985).

The Special Programs Branch provided supervision and services to those cases traditionally considered by probation professionals to be the most difficult to control and rehabilitate. The Branch consisted of three units: the Intensive Supervision program (ISP), Specialized Caseloads, and the Indirect Compact Unit (ICU). It was also responsible for the management and administrative support of the departments’ urinalysis laboratory.
The Intensive Supervision program was a program in which probationers were seen at least three times monthly by experienced and specially trained probation officers. Detailed, individual treatment programs were formulated and updated every three months. These specialized caseloads were provided through grants from the Texas Adult Probation Commission’s special funding for the operation of four specialized caseloads – for drug abuse, alcohol abuse, mental retardation and family violence. A number of felony and misdemeanor probationers with problems in these areas were given the opportunity to benefit from the closer supervision formally unavailable to them on a regular caseload. The Indirect Compact Unit was a unit whose primary function was to monitor Harris County probation cases on indirect supervision. These included probationers transferred out of county or out of state for courtesy supervision and those placed on mail-in or unsupervised probation by the courts. The Urinalysis laboratory (EMIT – Enzyme Multiplied Immunoassay Technique) was used to detect the use of drugs and controlled substances in probationers when authorized by the courts (Harris County Adult Probation Department, Annual Review, 1985).

The DWI (Driving While Intoxicated) program maintained its status as the largest such program in the state. It also was the only certified DWI program in Harris County capable of accommodating Spanish-speaking referrals. The DWI program was mandated by Senate Bill I in 1985, to screen and classify probationers convicted of DWI offenses.

The next area of specialization that Harris County engaged in was that of Residential and Restitution Centers. The Residential and Restitution Centers were composed of three different facilities: The Harris County Court Residential Treatment Center, The Little York Restitution Center and New Directions Restitution Center. The Harris County Court Residential Treatment Center was developed to provide a community based corrections program for felony offenders
with a history of alcohol and/or drug abuse. The center provided the Harris County District Courts with a sentencing alternative to incarceration. The Little York Restitution Center was a community based residential center for non-violent felony offenders which opened on September 1, 1984. Residents were placed in the facility for 6 – 12 months by orders from the District Courts as an alternative to incarceration in the Texas Department of Corrections. Each resident was required to complete a minimum of 50 hours of community service for non-profit organizations. The New Directions Restitution Center operated as a female restitution center under contract with the Harris County Adult Probation Department. This center helped residents obtain employment as its top priority. A wide variety of in-house programs were offered to assist the women in dealing more effectively with their day-to-day lives in a positive manner (Harris County Adult Probation Department, Annual Review, 1985).

The last area of specialization that Harris County engaged in was the Pre-Trial Services Division. The Harris County Adult Probation Department remained one of the few probation agencies in Texas with the responsibility for administering a Pre-Trial Services Division. Pre-Trial Services Division was charged with gathering and verifying information on all arrested defendants. This information was then presented to the courts for consideration regarding the granting of personal recognizance bonds. If a bond was granted, pre-trial personnel assumed responsibility for supervising the defendant until the disposition of the case (Harris County Adult Probation Department, Annual Review, 1985).
Over the next two decades, change has been constant due to the development and implementation of evidence-based best practices. This has led to the current state of adult probation in Harris County.

The current non-residential programs that Harris County currently employs are: regular probation, specialized caseloads, residential programs, and supervision programs/tools. Defendants on regular probation are required to report to a probation officer on a monthly basis and provide proof of compliance with agreed upon conditions of probation. The goal of regular supervision is to supervise clients according to evidence-based practices, court policies, and risk/need assessment. The length of probation is determined by the court. Under the Specialized caseloads section there are eight identifiable caseloads that deal with specific identified needs. These identifiable caseloads include: Change through Intervention (CTI) caseloads, Day reporting center (DRC) caseloads, FaVOR caseloads, Mental health caseloads, Non-English speaking caseloads, Residential aftercare caseloads, Substance Abuse Treatment and Aftercare (SATA) caseloads, Substance Abuse Felony Punishment (SAFPF) caseloads, sex offender unit and Young Adult Offender caseloads.

CTI is for clients with non-compliance issues: eligibility determined by CTI instrument and court approval. This program is designed to monitor more closely probationers who have demonstrated issues with complying with conditions of probation. Day Reporting Centers are for clients with a history of unemployment and other high risk/needs. This program focuses on addressing the high risk/high need areas in order to assist in obtaining employment. FaVOR caseloads are for clients that are victims or perpetrators of domestic violence. FaVOR educate probationers about the affects of domestic violence. Mental Health caseloads are for clients that
are mentally impaired and have been diagnosed with a mental disorder Non-English speaking caseloads – Spanish speaking caseloads in all regions of the department; Vietnamese in South and West regions of the department only. All other foreign language speaking probationers will be dealt with on a case-by-case basis. Residential aftercare caseloads are for clients successfully discharged from either a residential substance abuse treatment (RSAT) program, substance abuse treatment facility (SATF), or substance abuse treatment facility-peden building (SATF-Peden). Substance Abuse Treatment and Aftercare are for high risk clients in need of a continuum of care after successful completion of an inpatient residential treatment program or other substance abuse program. Substance Abuse Felony Punishment caseloads are for clients successfully discharged from a substance abuse felony punishment facility (SAFPF). The sex offender unit is for all felony sex offenders and high-risk misdemeanor sex offenders. Special compliance is required from these offenders; therefore, special requirements (ex: polygraph examinations, special field visits) are mandatory requirements of these types of offenders. Young Adult Offender caseloads are for clients successfully discharged from the young adult offender residential program (YOP). This program provides aftercare supervision for high risk adult male offenders in need of an intensive structured residential facility focusing on their criminal behavior (ages 17 – 25) (Harris County Adult Probation Department, Annual Review, 1985).

The current residential in-patient programs are: Residential Substance Abuse Treatment (RSAT), Substance Abuse Treatment Facility (SATF), Substance Abuse Treatment Facility-Peden (SATF-Peden), Women Helping Ourselves (WHO), and Young Adult Offender Program (YOP). In addition, there is are two in-patient treatment programs through the Texas Department of Criminal Justice (TDCJ) and the Harris County Sheriff’s Office. Both the RSAT and the SATF are facilities that focus on treatment of substance abuse problems that affect individuals’
ability to live a sober and functional lifestyle. The programs involve six-months residential and 
six-months intensive supervision on an aftercare caseload. The SATF-Peden program requires 
three to six months residential placement and aftercare of moderate to high-risk adult male 
clients. It also has a relapse track program. This program is available only to felony district 
courts participating in the CTI program. The WHO program is for female clients who have high 
needs and a history of substance abuse. Pregnant clients are taken on a case-by-case basis 
depending on medical stability. The residential phase lasts 180 days and the reintegration phase 
includes an additional 180 days of intensive case supervision. The YOP program is a facility 
designed to provide residential aftercare to high risk youth adult male clients in need of an 
intensive structured residential facility focusing on changing criminal behavior (Harris County 
Adult Probation Department, Annual Review, 1985). Target population is 17 – 25 years old or 
certified 15 – 16 year old juveniles. The residential program offered through the TDCJ is the 
Substance Abuse Felony Punishment Facility (SAFPF). This is a cooperative effort between 
TDCJ, CJAD, and Board of Pardons and Paroles. This is an in-patient program of 180 days for 
clients with documented substance abuse problems who would benefit from corrections 
supervision addressing risk management through punishment and rehabilitative philosophies. 
The residential program offered through the Harris County Sheriff’s Office is known as New 
Choices Substance Abuse program which is a 180 day program used as an intervention in the 
cycle of chemical abuse to reduce recidivism through the reduction of substance abuse and 
criminal behavior. Participants are isolated from the general population (Harris County Adult 
Probation Department, Annual Review, 1985).

The Harris County Community Supervision and Corrections Department (Harris County 
Adult Probation) employs other supervision programs and/or tools for the benefit of
probationers. They are: the drug court, adult education, cognitive/life skills training, community
service restitution program, contract services program, electronic monitoring, employment
program, drug dealers awareness program, DWI school, Texas drug offender program, treatment
alternatives to incarceration program, victim-impact panel, victim’s assistance programs and
weapons education safety program (Harris County Adult Probation Department, Annual Review,
1985).

In Harris County, there are a number of potential misdemeanor offenses that an
individual can be charged with. As of January 31, 2014, there are 11,727 misdemeanor cases
that received some form of probationary sentence. Of those 11,727, there were 969 individuals
that were granted probation for an assaultive offense, 1,988 individuals that were granted
probation for drug offenses, 3,860 individuals that were granted probation for a driving while
intoxicated (DWI) offense, 105 individuals that were granted probation for driving with a license
suspended/driving with a license invalid (DWLS/DWLI), 2,660 individuals that were granted
probation for theft related offenses, one individual that was granted probation for traffic related
offenses and 2,144 individuals that were granted probation for other misdemeanor offenses
(evading arrest, failure to identify, etc.) (http://card.txcourts.gov/ReportSelection.aspx).

Conclusion

Since the inception of the programs in the two largest counties in the state of Texas, it is
clear that they have evolved from start-up programs to the evidence-based entities that they have
become, with Dallas County beginning in October of 1953 and Harris County not until March 1,
1958.
The history of probation in the state of Texas began with Nueces County in 1950. This was a result of the Texas legislature enacting a statute which allowed for the funding of the appointment of probation officers and the salaries to be paid to them. Following the enactment of the probation statute other counties in the state began to take notice of the success that Nueces County was having with probation. Therefore, Dallas County began their operation of probation with Harris County following soon thereafter.

As the concept of probation grew, it became apparent that more courts were needed to handle the significant volume that was being created through this concept. Both counties added additional courts to handle the increase of probation cases as they continued to develop. Courts in both counties applied probation services how they saw fit. Both counties continued to focus on the individual needs of probationers in order to create the numerous specialized options afforded to probationers to guide them accordingly into living a positive law-abiding lifestyle.

Both Dallas and Harris County developed offense-specific programs for both males and females to best focus on the identified needs of the probationers. These programs are not only designed to protect the community and assist victims of criminal offenses, but to encourage positive change in offender behavior with the use of specific innovative techniques that have been researched and validated (http://www.dallascounty.org/departments/csc/mission.php).

These programs consisted of DWI caseloads, which were specifically for repeat DWI offenders, educational programs, which were for probationers that have been identified as having educational deficiencies, high-risk felony caseloads, which were for probationers who have been identified with anger management issues, mental health caseload, which were for probationers who had identifiable mental health diagnosis, sex offender caseload, which were for probationers who have committed a sex related offense, Spanish-speaking caseload, which were for
probationers where English was not their primary language, substance abuse treatment programs, where were for probationers who were identified as having substance abuse issues and the substance abuse felony punishment caseloads, which were for probationers who had identifiable substance abuse issues and after serving time in an in-patient treatment facility.

Both counties have experienced transitional periods in which reorganization was a part of their development in meeting the demands of all of the courts specific demands and requirements by each judge granting probation. These transitional periods took place in order to provide the services offered to probationers based on their identifiable needs in order to achieve the most positive outcome. These transitional periods are what makes probation successful. They are striving to focus on the identifiable needs of those individuals placed on probation and how to provide them with the best chance to live a positive and law-abiding lifestyle.

Chapter 4 provides the reader with a historical overview of the juvenile probation departments in Dallas and Harris counties from its inception through its current state. Chapter 5 provides the reader an overview of the entire development of probation in the United States, as well as the development of probation in the State of Texas specifically focusing on the two largest counties, Dallas and Harris, within the state.
CHAPTER 4
HISTORICAL OVERVIEW OF JUVENILE PROBATION IN DALLAS AND HARRIS COUNTIES

Introduction

Chicago, Denver, Indianapolis, Louisville, and New York numbered among the cities which took the lead in establishing juvenile courts between 1899 and 1904 (Larned, 1618). Juvenile court laws followed in short order in a number of other states. The Texas State Democratic Platform of 1906 acknowledged the need for similar juvenile court enabling legislation in the state. Plank 11 of the platform stated that "We recognize that our laws are inadequate to properly deal with youthful offenders, and we demand that the Legislature enact laws conferring necessary power in courts of competent jurisdiction to the end that youthful offenders may be corrected, reformed and more suitably dealt with" (Governor T.M. Campbell, 1906, pg 26). In 1907, in keeping with the platform, the Texas Legislature passed a law providing that county and district courts should have original jurisdiction over cases of boys under seventeen years of age and girls under eighteen; that when disposing of such cases the court should be known as the juvenile court; and that County Commissioners Courts should provide a staff of juvenile probation officers. (Vernon’s Civil Statutes, 1907 Title 38, Chapter 2, Delinquent Children).

The act of 1907 defined the delinquent child as:

any child under sixteen years of age who violates any of the laws of this state, or any city ordinance, or who is in incorrigible, or who knowingly associates with thieves, vicious or immoral persons, or who knowingly visits a house of ill repute, or who knowingly operated, or who patronized any saloon or place where any intoxicating liquors was sold, or who wanders about the streets in the nighttime without being on any business or occupation, or who habitually wanders about any railroad yards or tracks, or who habitually jumps on or off of any moving train, or enters any car or engine without lawful authority, or habitually uses vile,
obscene, vulgar, profane, or indecent language, or who is guilty of immoral conduct in any public place (http://www.hcjpd.org/annual_reports/1999.pdf).

The act also made provisions for a child to be incarcerated by the judge of the court, or in the absence of the judge by the sheriff or officer executing the writ. No child shall be incarcerated in any compartment of a jail or lock-up in which persons over sixteen years of age are kept or detained. Any such child also had the right to give bond or other security for its appearance at their trial. The court also had the right to appoint counsel to appear and defend on behalf of the child. The county and district courts of the various counties of the state were charged with hearing juvenile matters. The county attorney was responsible to file the charges (Vernon’s Civil Statutes, 1907).

The act also gave the county judge the right to appoint probation officers. The person or persons must be of good moral character and willing to work on a voluntary basis. The duties were to investigate, be present in court, and to represent the child’s best interest.

The court could continue the hearing; place the child under the care of the Probation officer or other suitable people with the parent paying support, or remain in their own home with the Probation officer to visit, work, home, county or state institution. In no case shall a child be incarcerated after the age of twenty-one. The court must prescribe the length of time and conditions of commitment as set forth by Vernon’s Civil Statutes (Vernon’s Civil Statutes, 1907).

Dallas County Juvenile Probation

The Inception

In 1898, six Dallas women’s clubs met and formed the Dallas Federation of Women’s Clubs, also known as the City Federation, whose first president (1898–99) was May Dickson
(Mrs. Henry) Exall (1859–1936) (Perez, 2010). From the very beginning of its constructive career, this far-reaching organization was an integral part and a prime cause of the city’s progress, reaching deeply into the multiple and varied life of Dallas development (Dallas Federation of Women’s Clubs, 1898 – 1936). As Dallas grew, other women’s clubs joined the City Federation. Among the civic-minded projects taken up by the Federation were lobbying efforts in support of juvenile court legislation in Texas and the creation of a juvenile court for Dallas County.

The role of women’s organizations in contributing to the work of juvenile courts and probation officers was by no means unique to Dallas. In 1899, Chicago had six probation officers who were financially compensated by the Juvenile Court Committee of the Chicago Woman’s Club (formerly known as the Chicago Women’s Club) (Platt, 1969).

The early active work of the City Federation was done by fourteen standing committees: Juvenile Court, Playgrounds and Social Centre, Club Extension, Water Filtration, Civics, Kindergarten, Press, Municipal, River and Harbors, Child Labor and Compulsory Education, Fire Prevention, Tag Day, Empty Stocking, and Social Committee. (The Standard Blue Book of Texas, 1912-14). The President of the City Federation during the inception of juvenile probation (1907-1908) was Isadore Miner Callaway (Mrs. W.A. Callaway) (1863–1916), a *Dallas Morning News* columnist better known under her pseudonym “Pauline Periwinkle” (Seaholm, 1985). Mrs. Callaway had also been called “the unofficial record keeper of the Federation,” and it is largely from her weekly contribution to the *News* that the first facts concerning the Federation’s history had been gathered by the modern women who wished to preserve for posterity the remarkable story of achievement of the Dallas’s Women’s Clubs (Dallas Federation of Women’s Clubs, 1898 – 1936, pg 41 -42).
The first mention of juvenile courts is found in Pauline’s column of February 2, 1903, in which she advocates a home for juvenile offenders – “not a reform school.” She wrote on crime, showing records from the Denver Juvenile Court, under the direction of noted judge Ben B. Lindsey, and urged that child offenders be saved. She pointed out that the real race suicide is found in infant mortality and juvenile crime (Dallas Federation of Women’s Clubs, 1898 – 1936). An honor accorded her was an invitation to represent Texas at Philadelphia in a conference in 1906 on Child Saving at the National Conference of Charities and Corrections. This invitation came to her because of her pioneer effort for the establishment of Juvenile Courts in Texas (Dallas Federation of Women’s Clubs, 1898 – 1936).

The Juvenile Court committee, on behalf of the City Federation, adopted the contemporary point of view that the human element must be taken into consideration when dealing with youthful wrongdoers. With a view to affording them an opportunity to adjust themselves to society, the committee looked for means to give the youthful criminals and potential criminals of the community a new start in living before it was too late (Dallas Federation of Women’s Clubs, 1898 – 1936). For example, the City Federation was instrumental in securing the passage of the Juvenile Court Act of 1907, under the terms of which Dallas County was able to employ its first probation officer, William George Leeman (1880-1945). The City Federation paid Leeman’s salary for approximately one year, until the county took over the work and probation service became the duty of county officials (Dallas Federation of Women’s Clubs, 1898 – 1936). Leeman was a former Dallas Times Herald courthouse reporter who, in the course of his assignments for the paper, had developed an interest in juvenile work.

Taking up his official duties with the county on August 27, 1908, Leeman wasted no time in visiting the Dallas city jail, where he found fourteen juvenile boys incarcerated for trespassing.
For the majority of his tenure (1908-1912), he served under Judge John L. Young of the Dallas Probate and Juvenile Court, who was also the county judge from 1909 to 1912. Leeman supported the belief of the Juvenile Court of Dallas County in believing that “anything that can be done for a child will possibly be the means of saving that child from a future known only to criminals” (Leeman, 1912, pg 459).

In its early years, the juvenile court of Dallas County focused on bettering the conditions of the dependent and delinquent children of the county. In order to meet this goal, the juvenile court committed to spending between $6,000 and $8,000 each year (Leeman, 1912). During Leeman’s four-year tenure in office, over 4,000 children were brought before the court. Of this number, it was necessary to commit to industrial training institutions only 5%, while homes were secured and children, both delinquent and dependent, placed as follows: white boys, 271; white girls, 157; colored boys, 54; colored girls, 32. In all, 514 children were placed in good homes (Leeman, 1912). Seventy-two children were returned to their parents; being reformed and having taken a new hold on life, they showed to the satisfaction of the court they now had a proper realization of their responsibilities (Leeman, 1912).

Leeman noted that about 89% of the children brought before the Juvenile Court were the products of parents who were either mentally, physically, morally, or financially unable to care for them. In Leeman’s opinion, the best way to reform a child waywardly disposed was first to understand them, having sympathy and patience with their faults as far as possible. In dealing with children we must be firm, we must be just, or as the average boy would say, “be on the square” (Leeman, 1912, pg. 459).

To better conditions among children, he urged that some consideration be given the Mothers’ Compensation Act. This act provided that mothers with large families of children
should be granted pensions by the state, if they have no other means of support. In this way, the mothers could stay at home and care for their children, giving them the proper training and not be forced to permit her children to run the streets while the mother was at work, striving to make both ends meet. Leeman believed the state would save money being expended on its institution and was confident that it would do away with a great part of juvenile delinquency (Leeman, 1912). Leeman further believed that juvenile detention homes should be established in every city in Texas, and no girl or boy should ever be placed in a jail (Leeman, 1912).

Besides their efforts in securing the passage of the Juvenile Court Act of 1907 and hiring the county’s first probation officer, the City Federation instigated passage in 1909 of a bill changing the existing institution in Gatesville from a junior penal institution to a juvenile boy’s training school (General Laws of Texas SB 202, Acts 1909). The City Federation’s next project was the establishment of a home for dependent and neglected children. This was soon taken over by the county government and moved to 1535 S. Ewing Avenue and was named Sunshine Home (Lucas, 1986).

The City Federation’s next venture was the promotion of the establishment of a home for delinquent girls. This home, with a capacity of 20 girls, was opened in 1914 on property donated by the First Baptist Church (of Dallas) near Elam Avenue. This facility was closed when the state opened a training school for delinquent girls at Gainesville in September of 1916. The property was then sold and the proceeds were used for the establishment of Hope Cottage, a private agency caring for abandoned babies (Lucas, 1986).

In 1923, another development that was endorsed by the Federation, under the guidance of Mrs. W.P. Zumwalt, Federation President -- one that had a large effect on the life of Dallas -- was the creation of the Child Guidance Clinic. The hearty approval of the Dallas Women’s
Clubs, given to this important clinic in its incipiency, had an encouraging effect upon its future, and upon the future mental health of the children of Dallas. The Juvenile Department assisted in the setting up of the Child Guidance Clinic in Dallas (Dallas Federation of Women’s Clubs, 1898 – 1936). At first, a worker was loaned by the Juvenile Department to work in the clinic full-time. The director of the clinic worked with the Juvenile Department by counseling the court in determining the wisest disposition of each juvenile case coming before the court (Lucas, 1986).

The primary focus of Juvenile Courts of Dallas County in the late 1920’s was to build up the child’s morale and make the child feel that he or she was not an unusual child who had begun to form bad habits, but instead was an ordinary boy or girl who, for some reason, stepped aside from the path society expected him or her to follow, and that the child must necessarily change that course (Parker, 1929). Every effort was made to make the child feel his own responsibility for correcting his bad habits, without the intervention of Court, and it was only when the child and his family failed to correct his bad habits that the Juvenile Court would intervene (Parker, 1929).

In 1932, a Boy’s Home was set up in a house on E. 8th Street as a joint venture of the City (of Dallas) and the County, with a capacity of twenty-five boys. In 1936 it was moved to its present site near Hutchins, taking over the facilities there of a former Federal Transient Camp, where it had a capacity of fifty boys. Here it used the name of City-County Boys Industrial School. The facilities consisted of three drafty, barn-like wooden buildings. Because of the city’s participation in financing it, was managed by a separate board, appointed jointly by the city council and the Commissioners’ Court and was not part of the juvenile department (Lucas, 1986).
In 1917 the legislature passed a bill creating juvenile boards, composed of all civil and criminal district judges plus the county judge in all counties of over 100,000 population. Dallas County reached this population bracket in 1940. Prior to that time the County judge had supervised the operation of the Juvenile Department and had heard the juvenile court cases. After 1940, the Civil District Judges took six-month terms serving as Juvenile Court judge. Upon the department’s being transferred to the supervision of the Juvenile board, a merit system for employment was established, providing for a written qualifying examination and selection through interviews by a three-member committee of social work authorities who were not connected with the county government. A college degree was required for employment. The department, which at that time had a staff of ten persons, was “departmentalized” with a Delinquency Division and a Dependency Division, each headed by a supervisor (Lucas, 1986).

On November 5, 1946, a $1,000,000 county bond issue was voted for construction of four juvenile facilities. The publicity for the bond vote emphasized the Detention Home, and it was generally thought of as a detention home vote. Juveniles, at that time, were detained in the county jail located in the upper floors of the Criminal Courts Building. Their detention spaces were entirely separate from those of adult prisoners, but they were booked in and out at the same place as were adults and used the same elevators. The boys were kept in three tanks with double deck bunks. There were no facilities for recreation, diversion or exercise. In addition to the Juvenile Department Administration building and an adjacent Juvenile Detention home, the bond issue included funds for remodeling and enlarging the Sunshine Home and new brick buildings in (five units connected by a breezeway) for the City-County Boys Industrial School (Lucas, 1986).
On June 1, 1947, a staff member from the Juvenile Probation department was assigned to the newly created position of Placement Officer, with a responsibility for all boys placed in the City-County Boys Industrial School and all boys committed from Dallas County to the Gatesville State School. At that time, neither the Boys Industrial School nor the Gatesville State School had case workers on their own staffs, nor did the State have any juvenile probation officers. A second placement officer was appointed on November 27, 1953, and a third one was appointed on February 1, 1957. The titles were changed to parole officer in February 1958, and the Parole Division was discontinued at the end of January 1959, with the beginnings of case workers being added to the Boys Homes own staff and the Juvenile Parole Officers being employed by the state (Lucas, 1986).

The “second placement officer” was the first black man to be employed in a professional capacity by the Juvenile Probation department. There had been a black female probation officer who was originally employed on March 1, 1936, and had been re-employed on April 16, 1941, after a 15-month absence. She had been responsible for all dependency cases regarding black children and all black girls referred as delinquent. She was not, however, allowed a desk in the Courthouse complex and occupied a branch office on Pacific Avenue, later on Ross Avenue (Lucas, 1986).

The Juvenile Detention Home was opened in May 1951 with a staff of eighteen, providing juvenile detention facilities widely recognized as among the best in the nation at the time. The program included recreation, arts and crafts, individual group conferences, play therapy, etc. From the beginning, only college trained group supervisors were employed (Lucas, 1986).
Effective August, 1957, a full-time Juvenile Court for Dallas County, as well as the county’s Domestic Relations Court, was created by the Legislature. In 1959, the Juvenile Department’s first policies and procedures manual (93 pages) was produced, and a copy was placed in the hands of each staff member (Lucas, 1986).

The findings of a three-year-study of the needs of the youth of Dallas County, sponsored by the Council of Social Agencies at the request of the Juvenile Welfare Federation, were released in February 1963, and thereafter became the guide for planning for the Juvenile Probation department (Lucas, 1986).

The Juvenile Probation department was divorced from the responsibility for Dependency cases (which were relabeled as Termination Cases in the 1973 Family Code) with the creation of the County Child Welfare Unit, effective April 1, 1965, by an agreement between the Commissioners Court and the Texas State Department of Public Welfare (which was later renamed the Department of Human Resources), with an initial sixty-seven persons as compared with the sixteen Juvenile Probation department personnel which they replaced. Thirteen Juvenile Probation department employees were transferred to the Child Welfare Unit staff (Lucas, 1986).

Beginning in 1960, a full-time liaison officer from the Dallas Police Department was officed in the Juvenile Department Building. This was done so that there was an on-site officer present with arrest powers in the event they were needed.

The Juvenile Probation Department first became involved in the field of delinquency prevention in 1967 by cooperating in a program of assigning volunteers to befriend pre-delinquent boys. In 1969, it set up its own program with a probation officer assigned to direct it, along with the responsibility of coordinating other volunteer services in the various units of the Juvenile Probation department. In 1971, this program was given the name of Volunteer
Inspirational Personalities (V.I.P.) and was affiliated with National Volunteers in Probation (Lucas, 1986).

A second Juvenile Court Dallas County was created by the Legislature effective September 5, 1969. Also in September 1969, the Juvenile Probation Department participated in setting up four School-Community Guidance Centers in the Dallas Independent School District, a joint project of the school district, the Youth Division of the Dallas Police Department and the Juvenile Probation Department. Two probation officers were assigned, each to divide their time between the two centers. The following year there were seven centers, with a full-time probation officer in each (Lucas, 1986).

In that same year, in August 1970, the Key-Link Program was developed with a staff of two people. That staff increased to four the following year. This program was financed by a Federal Grant under the official label of Student Volunteer Prevention Project. In this program, senior high school students were recruited, each to serve as a “friend” to a junior high school student. During 1973 the Key-Link Program and the V.I.P Program were brought together under a single coordinated supervision. The Key-Link Program became involved in sponsoring a Teen Jury project in Grand Prairie, but was later phased out in 1979 (Lucas, 1986).

In May, 1973, a new unit was created in the Juvenile Probation department, called the Court Action Processing Unit (CAPU), with a twenty-two member staff financed by a federal grant. Bringing more specialization to the department, this unit became responsible for all delinquency cases requiring court action. At the same time, the former Delinquency Division became the Probation Supervision Division, which was decentralized by placing most of its thirty-two probation officers into thirteen new branch offices strategically located throughout the county (Lucas, 1986).
In September, 1973, a new state Juvenile code went into effect, drastically changing the procedures and rules in delinquency cases and the terminology relating to them. Under this new code, instead of adjudicating a child to be a “delinquent child,” they provided two categories whereby a child may be found to have engaged in delinquent conduct or conduct indicating a need for supervision. In January, 1974, a completely new and different state Penal Code became law, changing terminology, definitions and penalties of offenses, while omitting some and adding others (Lucas, 1986).

On June 1, 1979, the Juvenile Courts and the Juvenile Probation department began participation in an innovative Face-to-Face Program which was designed to deter juveniles from further delinquent behavior. This program had a full-time coordinator who was officed at the Juvenile Probation department but who was not a Juvenile Probation department employee. Under this program, a participant chosen by the Juvenile Court judge was informed of his legal rights and his legal counsel was obtained. Then he, with a group of other participants, was processed according to the same procedures used for transporting actual prisoners from the Dallas County jail to the State Penitentiary at Huntsville. The group would be transported to Huntsville, where they spent an entire day of actual penitentiary routine including prison haircuts, solitary confinement, and field work. Their day included planned contact with designated inmates, who informed the participants about the personal impact of prison life. The Face-to-Face program also included follow-up through continued interest in and monitoring of participants and further psychological evaluations (Lucas, 1986).
Dallas County Juvenile Probation – Current

The Dallas County Juvenile Probation departments goal is to put “youth first” in each
decision it makes. In order to carry out this mission, each youth must be treated respectfully,
staff will maintain structured boundaries through supervision, youth must feel safe in their
surroundings, and order and consistency must be in place to provide youth and their family’s
insight to behaviors in order to adopt change.


Juvenile Probation since its inception has evolved to its current state offering a multitude
of services in order to achieve its mission. Currently, the Dallas County Juvenile Probation
department provides a variety of services such as clinical services, educational services,
institutional services, probation services, and services for crime victims. Throughout this variety
of services the juvenile probation department offers alcohol and substance abuse education,
psychological evaluations, individual counseling, and educational curriculum. The services and
education that they provide assist in their ultimate goal of reducing recidivism.


Juvenile cases that are brought before the court may be disposed of in a variety of ways.
A case may be disposed due to the actions of the probation department, the prosecutor, or the
court. Dispositional outcomes result in juveniles being placed under supervision. In 2008, 28%
of cases were disposed resulting in probation, while 25% resulted in deferred prosecution.
Twenty-three percent were disposed with a supervisory caution whereas 22% were dismissed.
Two percent resulted in incarceration to the Texas Youth Commission or the youths were
certified to stand trial as adults (The State of Juvenile Probation Activity in Texas, 2008).
As of the end of 2009, there were 3,575 cases that were actively being supervised by the Dallas County Juvenile Probation Department; each with their own specific rules and guidelines that had to be adhered to. Of these 3,575 active supervision cases, approximately 51% were male (The State of Juvenile Probation Activity in Texas, 2008).

Harris County Juvenile Probation Department

*The Inception*

Harris County had a juvenile court before it had a probation officer to serve it or a probation department in the county budget. A.E. Amerman (1878-1958), who served as Harris County Judge from 1907 to 1913, served simultaneously as the first judge of the juvenile court (Hardy and Roberts, 1910). Amerman seems to have been unhappy in his role. In 1908, he reported that the juvenile court was created due to being a platform demand by the state democratic party [i.e., plank 11 of the State Democratic Platform of 1906]. “No one seems to be able to determine what good it is, and certainly our experience with it in Harris County has not been of a sort to command respect for the law. If the state had provided a penal institution of some sort in which to place the youthful criminals, it might have accomplished some good” (http://blog.chron.com/bayoucityhistory/2008/02/juvenile-justice/). Instead, Amerman had no choice but to commit juveniles to the county jail, where they could comingle with the hardened criminals (Houston Chronicle, 1908). By 1910, however, Amerman could send delinquent boys to the Harris County School for Boys at Seabrook, which opened in July of that year (The American Year Book, 1911).

By 1909, Harris County had its first probation officer in Mrs. Love (otherwise unidentified), who served until 1912. In the spirit of John Augustus, she worked as a volunteer
(Texas SuperVision, 1998). It is unknown how many juveniles were placed on probation under Mrs. Love’s supervision. Not until 1912 did the Harris County Commissioners Court vote to establish a Probation Department (Harris County Juvenile Probation Department Annual Report, 1999). In early 1913, the Social Service Federation, an influential Houston relief organization with four departments – including a Children's Department – adopted a resolution in favor of securing the services of probation officers to work in connection with the Harris County Juvenile Court (Montgomery, 1913). Later that same year, J. Dixie Smith, a lawyer, was appointed by Judge William Henry Ward -- who served as Harris County Judge and juvenile court judge from 1913 to 1916 -- to the position of Harris County probation officer (Houston Post, 1913). Smith was succeeded by R. R. Adcock (1916-1918?), who served under Judge Chester H. Bryan, and by J.W. Mills (1919-1933).

From the passage of the Juvenile Court statute until the beginning of the 1940s, Harris County Juvenile Probation took on the responsibility of a multitude of obligations dealing with child issues. These issues range from delinquency, neglect, custody issues, mental health issues and medical diagnosis issues (Harris County Archives, 1913 – 1989).

Due to their inability to keep up with increased flow of referrals, Harris County Juvenile Probation Department remains short on staff and funding as a result. These shortages became most evident during the Depression time period (World War I and World War II) through the 1960s with the increase in population throughout the community (Harris County Auditor’s Office, Auditor’s Voucher Register, 1914 – 1916).
Departing from its experience in earlier years, the Harris County probation department faced very definite handicaps during 1943, foremost among which was a lack of personnel, especially in the delinquency section of the department. Owing primarily to the emergency brought about by World War II, some members of the staff entered the service, while others resigned to accept work with war industries. It was difficult to secure replacements, and at no time during the year was there a complete, experienced staff. On account of the increase in volume of work as well as staff shortages, the caseloads of staff members grew noticeably heavier. This circumstance called for more individual effort on the part of the probation officer than was necessary before in order to maintain the same quality of work (Harris County Juvenile Probation Department Annual Report, 1943).

Domestic stress brought on by the war was a factor helping to lead to an increase in delinquent behaviors. In 1943, there was approximately the same number of cases known to the probation department involving delinquent acts of children as were handled in the previous year. However, when the cases known to the Crime Prevention Division of the Houston Police Department and not referred to the probation department were taken into consideration, the number of cases of children involved in difficulty who were known officially by either or both of the departments represented a marked increase over the previous year. The number of children brought officially to the attention of the court was practically the same as that for the preceding year, and the number of children returned to the court because of repetition of misconduct showed a material decrease (Harris County Juvenile Probation Department Annual Report, 1943).
Of particular importance was the number of cases referred to the probation department from various sources which were given intensive pre-court case work service. The total of 1,045 cases of boys and 688 girls in 1943 compared with 662 boys and 762 girls for the year before. This meant an increase of intensive effort on the part of the probation department in the cases of approximately 400 more children then was given similar service in the previous year (Harris County Juvenile Probation Department Annual Report, 1943).

Greater emphasis was placed on continued supervision of children, as a consequence of which there was a noticeable decrease in the number of children with repeat offenses. More than 200 boys who were wards of the district or juvenile courts or under the active supervision of the probation department for extended periods of time and for whom the department had official responsibility joined various branches of the service. Many saw action on the South Pacific and in the European area. Some were wounded, and others were in prison camps (Harris County Juvenile Probation Department Annual Report, 1943).

The number of individual girls with whom the probation department worked remained on a par with the previous year. However, the Crime Prevention Division of the Houston Police Department handled many cases of less seriousness which were not referred to the probation department. The total of those handled by the probation department and the crime prevention division after the elimination of those known to both departments increased enormously (Harris County Juvenile Probation Department Annual Report, 1943). Based upon the same proportion of children to cases from the probation department report from the Crime Prevention Division of the Houston Police Department, the more than 10,000 cases represented approximately 7,147 individual different children (Harris County Juvenile Probation Department Annual Report, 1943).
In 1951, the operations of the Harris County Juvenile Probation Department were divided into four divisions: intake, delinquency, dependency-neglect, and child support (Harris County Juvenile Probation Department Annual Report, 1951). All cases, except those involving problems concerning child support, were referred to the intake division, where they were examined and screened. Cases that indicated a need for extensive supervision or planning were referred to either the dependency-neglect division or the delinquency division, while cases with comparatively minor problems were handled in their entirety by the intake division. Plans for disposition of the cases involving all runaway children were the responsibility of the intake division, as was the processing of applications for admission to eleemosynary institutions except those requiring treatment for tuberculosis (Harris County Juvenile Probation Department Annual Report, 1951).

Upon receiving a referral from the intake division, the delinquency division investigated alleged delinquent acts involving boys over the age of ten years and under the age of seventeen, and girls over the age of ten and under the age of eighteen. The division endeavored to determine the causes of the child’s behavior problems and formulated plans designed to prevent future contraventions with the law; prepared individual case reports on both unofficial and official cases; and, on an individual basis, furnished such supervision as was necessary or ordered by the court (Harris County Juvenile Probation Department Annual Report, 1951).

Upon referral from the intake division, the dependency-neglect division investigated cases involving neglect of children under the age of sixteen years; supervised the care of children within their own homes when a plan is feasible; supervised placement of children in foster homes when such a plan is authorized by the court, and continued efforts to improve the home conditions of the natural parents or guardians so as to effect a return of the children; made
recommendations to the court for adoption placements of court wards; upon order of the court, investigated the former environment and antecedents of children placed for adoption, as well as the home of the petitioner in all such cases; investigated cases involving child custody; and investigated applications for admissions to state institutions for treatment of tuberculosis (Harris County Juvenile Probation Department Annual Report, 1951).

Upon receipt of court-ordered payments of child support, the Harris County Juvenile Probation Department disbursed the funds to designated beneficiaries. Information regarding child support payments was furnished to courts regarding any cases where court action involved failure to make such ordered payments (Harris County Juvenile Probation Department Annual Report, 1951).

During the year 1951, there were 1,373 boys and 385 girls referred to the Harris County Juvenile Probation Department because of behavioral problems. Of this total, 1,582 were referred by law enforcement agencies (Sheriff’s Department and Police Department), 46 by school authorities, and 130 by parents or other interested individuals. This represents a 29% increase over cases brought to the attention of the probation department in 1950, when a 1,248 were referred to the department. It should be pointed out that neither of these figures represented all children who came into conflict with the law during either of those years, as many cases handled by law enforcing agencies were handled without referral to the probation department (Harris County Juvenile Probation Department Annual Report, 1951).

On January 1, 1951, there were a total of 945 active cases with the juvenile probation department, making a total of 2,703 cases involving delinquent children during the year of 1951 (Harris County Juvenile Probation Department Annual Report, 1951).
By the end of the decade (1959), 4,490 boys and girls were referred to the Harris County Juvenile Probation Department for a wide variety of offenses. This represented a better than two-fold increase in the number of referrals to the Harris County Juvenile Probation Department in the course of the decade. These offenses included auto theft, robbery, burglary and unlawful entry, other theft, truancy, runaway, being ungovernable, sex, use or possession of drugs, assault, injury to a person, malicious mischief, traffic violations and other offenses (Harris County Juvenile Probation Department, Annual Report 1959).

1960s and 1970s

As the Harris County Juvenile Probation Department transitioned from the 1950s to the 1960s, there was a shocking increase in delinquency in the county. By the end of the 1960s, 7,265 different young individuals were referred to the Harris County Juvenile Probation Department 11,793 times. Of the 11,793 referrals, 7,265 were first time offenders, with the remaining 4,528 being repeat offenders. Of the 11,793 referrals, close to 27% (3,223) were sixteen years of age. Of the 11,793 referrals, 23% of these referrals were for runaways with a 47.5% increase in narcotics abuse and a 68.5% in glue sniffing. Fifty-eight percent of the youth referred were living with both natural parents; 23% had only one natural parent living in the home and 19% were living with neither parent. In 32% of the families, both parents were working. The average wage of all the families referred was between $4,000 - $6,000 annually (Harris County Juvenile Probation Department, Annual Report, 1969).

The majority of the youth who were referred were accused of burglary and theft offenses. There was a notable increase in runaways and drug abuse referrals. There were 3,063 boys and 1,056 girls placed in detention during the year 1969. Of the total number of youth referred, 85%
of were given probation services without formal petitions filed. This represented 10,694
individual boys and girls who were given supervision by 40 probation officers. The rest of the
cases -- 15% of the total number of youth referred -- were heard by the judges of the juvenile
courts. Of these, 179 were committed to state training schools, 79 were committed to Harris
County Boys School, and 75 were committed to foster homes and other institutions (Harris
County Juvenile Probation Department, Annual Report, 1969).

In 1979, John A. Cocoros (1926-2009) took office as the new Chief Probation Officer of
Harris County, a position he would hold for twelve years (Houston Chronicle, 2009). During
Cocoros’s first year in office, 20,753 referrals, which came within the authority of the Family
Code, Title III, were made to the Harris County Juvenile Probation Department. The spectrum
of referrals included male and female children between the ages of ten and seventeen and of all
race and ethnic backgrounds, who had committed felonies, misdemeanors and status offenses
(Harris County Juvenile Probation Department, Annual Report 1979).

Approximately 55% of the 20,753 referrals required some level of service by staff, while
the balance of the referrals was closed as a need for further action. Of those referrals requiring
service, there was representation by 77.07% males, 48.67% whites, 29.59% blacks, 21.48%
Spanish surnamed youth and 0.26% others. Further, the youth averaged 14.66 years of age
(Harris County Juvenile Probation Department, Annual Report 1979). The vast majority
(93.93%) of the referrals in 1979 stemmed directly from the law enforcement agencies of Harris
County. The majority of the youth referred were accused of burglary/theft and runaway offenses
(Harris County Juvenile Probation Department, Annual Report 1979).

Field services supervises children on informal adjustment and those children adjudicated
who engaged in delinquent conduct or conduct needing supervision. In 1979, there was an
average of 1,076 probationers and 533 children under informal adjustment contracts being supervised by the Harris County Juvenile Probation Department Field Services Division (Harris County Juvenile Probation Department, Annual Report 1979).

1980s and 1990s

The 1980s, a decade under Cocoros’s leadership, was one of great rewarding achievement as well as events that were not so positive. Topping the list of rewarding agency achievements was the naming of the Harris County Juvenile Probation Program as the best in the nation by the National Council of Juvenile and Family Court Judges in 1989. This highly prized award came on the heels of last year’s “Best Detention Program” award in 1988 from the same organization. The detention center education program was greatly expanded in September of 1989, allowing every child in detention to attend class five days a week. In order to accomplish this, the Houston Independent School District (HISD) assigned nine teachers and three aides to the detention center. HISD provided a curriculum which focused on testing, remedial reading, and language and math skills, areas in which these children were generally deficient (Harris County Juvenile Probation Department, Annual Report, 1989).

By the end of the decade, (1989), not all events were so positive. Felony drug offenses increased by 368% in just two years. Robbery, burglary, auto theft, and all categories of physical and sexual assault were up as well. By year’s end, probation officers’ caseloads nearly doubled those of the last decade, and the backlog time for cases waiting to go to court nearly tripled! The daily population in detention, which recently averaged 100, was nearly 200 (Harris County Juvenile Probation Department, Annual Report, 1989).
Another cause for concern in 1989 was the jump in the number of local youth gangs identified by the Houston Police Department. The number of gangs identified went from 24 to 75, which increased over 300%. Consequently, the juvenile probation department established a small youth gang task force to maintain communications with law enforcement locally and in other large cities, such as Los Angeles, Washington D.C., and other cities from which greater gang activity was spreading (Harris County Juvenile Probation Department, Annual Report, 1989).

The number of cases that were referred through the juvenile probation departments’ intake screening totaled 18,861, representing a decline of a little over 15% from the mid-1980s as a result of an in-custody diversion program. This program focused on sending children home when appropriate and often provided transportation. This unit diverted 590 children from detention (Harris County Juvenile Probation Department, Annual Report, 1989).

In 1989, probation officers faced increasing challenges as more young probationers were involved with drugs. The average probation officer’s caseload had risen to 61, nearly double that of a couple of years earlier. In that same year, 1,619 new probation cases were assigned to Field Services Division officers (Harris County Juvenile Probation Department, Annual Report, 1989).

In 1998 the Burnett-Bayland Reception Center (BBRC) opened with the goal of providing a complete evaluation for juveniles prior to placement or probation (Harris County Juvenile Probation Department, Annual Report, 1999).

The TRIAD Prevention program, operating out of the Chimney Rock Center, was a round-the-clock intake center for youths 10 – 16 who were arrested for status offenses and those who were in need of supervision. In 1999, this program provided services to 4,223 referrals (Harris County Juvenile Probation Department, Annual Report 1999).
In 1999, there were 24,641 referrals, 448 placements (in an institutional setting) and 4,607 probations granted. The majority of offenses that youth were being referred were assault, theft, drugs, runaway, and other felony and misdemeanor offenses (Harris County Juvenile Probation Department, Annual Report 1999).

2000s - Current

The Harris County Juvenile Probation department is focused on community protection by implementing strategies focusing on family-oriented interventions, with both the parent and child accepting accountability for their behaviors. In order to achieve their goals, the department provides numerous services. These services include Intake Court Services, Specialized Court Programs, Behavioral Services, Residential Services, Education Services, Field Services, and Administrative Services (http://www.hcjpd.org/mission.asp; accessed December 2014). Throughout this variety of services the juvenile probation department main focus is to administer a thorough assessment upon intake in order to determine whether to release or detain youth prior to their court date. If released, there are programs in place in order to monitor juvenile movements until that scheduled date. One of these programs is the juvenile tracking program. As an alternative to detention, this program tracks the daily whereabouts of juveniles who have pending court dates. This is a continual process until the juvenile’s court date which is usually within 30 days of entering the program. (Harris County Juvenile Probation Department, 2012 Annual Report).
Conclusion

In the century or more since the inception of juvenile probation in Dallas and Harris counties, the probation services in the respective counties have passed through developmental stages which have served to improve the quality of services provided to youth classified as delinquent. Both counties needed insight into the reasons behind the delinquent acts in order to develop adequate programs that could provide effective treatment to correct the delinquent behavior.

The development of juvenile probation in Dallas County relied heavily upon the determination and focus of the Dallas Federation of Women’s Clubs, which took a specific interest in all areas of civic endeavors, including the welfare of children. As a result, in 1908, Dallas County hired its first probation officer, W.H. Leeman. As time went on, programs were added to the variety of structured programs offered by the Dallas County Juvenile Probation department to best guide children and lead them away from committing future delinquent acts. As societal problems grew, Dallas County added additional programs and solutions to best address the issues. Currently, Dallas County is addressing all known delinquent issues with current state of the art programs.

On the other hand, Harris County created a juvenile court in 1908 due to being a platform demand by the state democratic party [i.e., plank 11 of the State Democratic Platform of 1906]. It took Harris County approximately two years from the time that it established its first juvenile court to send delinquent boys to a school for boys rather than commingling them with hardened adult criminals in County jail settings. By 1909, Harris County had its first probation officer in a Mrs. Love, who supervised juveniles on probation until 1912. In that year, the Harris County Commissioners Court finally voted to establish a Probation Department. In early 1913, the Social
Service Federation, an influential Houston relief organization with four departments – including a Children's Department – adopted a resolution in favor of securing the services of probation officers to work in connection with the Harris County Juvenile Court. Although, in comparison with Dallas County, the Harris County Juvenile Probation department started slowly, in time it added programs similar to those employed by Dallas County for the guidance of children and the deterrence of their future delinquent acts. As societal problems grew, Harris County added additional programs and solutions to best address the issues. Currently, Harris County is addressing all known delinquent issues with current state of the art programs based on an approach of best practices.

Chapter 5 is an overview of the entire thesis and provides insight into the importance and significance of the history of probation in the State of Texas.
CHAPTER 5
CONCLUSION
The Beginnings

The concept of probation has its roots in biblical times; however, American probation dates from a 19th-century reform movement designed to provide alternatives to incarceration. It developed out of English common law practices and included concepts such as judicial reprieve and recognizance, which were implemented in America and became the foundation of modern-day probation.

In 1841, probation originated in the United States from the pioneering work of John Augustus, a volunteer reformer who hand-selected first-time offenders for provision of assistance in obtaining employment, education, and housing. Augustus was credited with the development of such procedures as presentence reports and supervision classification, which became the trademark of probation work. Augustus was rightfully credited with the development of one of the key concepts of probation, the investigative process.

Massachusetts was the first state to enact a probation law which set the mandate to hire probation officers, at first (1878) limited to Suffolk County (Boston) but extended throughout the state two years later (Bolster, 1910/1911). Other states followed suit. By 1910, probation systems were authorized by state statute in California, Connecticut, Georgia, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, and Rhode Island (Bolster, 438-439).

Although the apparatus of probation systems and probation officers received wide legislative sanction by 1910, the tradition of judicial suspension of sentences and the placing of defendants on probation had no such sanction. In a suspended sentence, no actual punishment
takes place. This was contrary to the statutory duty resting on the judge to punish (Chappel, 1938). A challenge was raised to the judicial authority, in the absence of specific legislative permission, to suspend sentence. In Ex parte United States, 242 US 27, 37 S.Ct. 72, 61 L.Ed. 129 (1916), commonly known as the Killits Case, the U.S. Supreme Court ruled that judges did not have the unrestricted authority to suspend a sentence. This decision led to the National Probation Act of 1925, which gave judges the authority to suspend a sentence and place offenders on supervised probation.

Early probation systems faced numerous growing pains, including a lack of funding and professionalism and an unfavorable public attitude toward probation. Between the 1930s and 1960s, probation officers used the treatment model and social work construct to administer probation. In the mid-1960s, critics were pointing to the fact that recidivism was not being reduced as originally promised. In response to the criticisms, probation officers abandoned the treatment and social work techniques for more punitive supervision methods which were largely successful at the time (Petersilia, 1998). During the 1980s, on account of prison overcrowding, a poor economy and a lack of opportunity, probation came to the forefront of the correctional system as a means of alleviating the problems caused by those conditions (Sprow, 2009). Probation departments began to employ evidence-based best practices, which have been researched and validated by departments across the country and linked to the reduction of recidivism.

From the origins of the juvenile court until the late 1960s, the primary focus was on care, treatment, and rehabilitation of youthful offenders, whose diminished accountability and legal understanding called for different treatment from that accorded to adult offenders. In the late 1960s, a series of due process cases further changed how juvenile offenders were treated,
affording them the same due process protections as adults. The amendments subsequently allowed states to try juveniles as adults for violent crimes and weapons charges. More recently, states have attempted to create a balance in their dealings with the juvenile justice system by demonstrating that if you incarcerate youth it does not prove to be effective and does not assist in their rehabilitative process (State of Louisiana, 2010).

Texas Probation – Adult/Juvenile

Adult probation began in Texas with passage of the 1911 Suspended Sentence Act, under whose terms adult offenders were given an unsupervised suspended sentence. Sentence was not imposed as long as he or she committed no further criminal offenses during a specified period of time. In 1947, the Texas legislature created the Adult Probation and Parole Law, which allowed judges, not juries, to grant probation and to suspend sentences of individuals convicted of certain felonies, provided the assessed punishment did not exceed 10 years imprisonment. The history of adult probation in the state of Texas began in earnest with Nueces County in 1950. In that year, Nueces County took advantage of a recent state statute, passed at the county’s urging, which allowed for the funding of appointed probation officers and provided for salaries to be paid to them. On the same authority, Dallas County’s adult probation program began in October of 1953, with Harris County’s program established on March 1, 1958.

In 1957, oversight of probation was removed from the Board of Pardons and Paroles, a state agency, and authority was delegated to county governments to create county probation departments. In 1965 the Texas legislature revamped the Texas Code of Criminal Procedure. In the area of probation, the 1965 Code revision was designed to overcome the limitations of existing statutes, except for issues dealing with constitutionality, which had impeded the
effectiveness of probation in the public interest. In 1977, the 65th Texas Legislature passed legislation standardizing adult probation practices and services on a statewide basis and providing a source of funding for probation throughout the state. Since 1990, probation in Texas has been referred to as community supervision (Acts 1989, 71st Leg., ch. 785, § 1.20, at 3476, http://www.lrl.state.tx.us/scanned/sessionLaws/71-0/HB_2335_CH_785.pdf).

Dallas/Harris County Probation - Adult/Juvenile

As the adult probation programs in the two largest counties in Texas evolved from start-up programs to evidence-based entities, the counties added additional courts to handle the increase of probation cases. Both Dallas and Harris County developed offense-specific programs for both males and females to best focus on the identified needs of the probationers. These programs are committed “to protecting society, serving victims and the community, and facilitating positive change in offender behavior through the use of evidence-based intervention strategies” (Community Supervision & Corrections Department, http://www.dallascounty.org/department/csc/mission.php).

Texas’s juvenile justice had its beginnings within the adult correctional system, where juveniles, until late in the nineteenth century, were incarcerated with adult offenders, regardless of the severity of the offense. The Juvenile Delinquency Court Act of 1907 established juvenile courts for offenders under the age of 16 and required parental notification of charges. The Juvenile Delinquency Court Act of 1913 expanded and clarified the authority of juvenile courts in Texas. Regardless of the severity of the offense, the courts maintained original jurisdiction over all offenders under the age of 17. A century later, this jurisdiction remains unchanged.
The juvenile justice system in the state of Texas is administered at both the local and state levels. This system provides services and alternatives to incarceration for youth. The Texas Youth Commission, a state agency formed under another name in 1949, is responsible for providing services for the most serious offenders. This agency handles fewer cases than agencies at the county level, which handle the vast majority of the cases.

The second state agency created by the state legislature in 1981 was the Texas Juvenile Probation Commission (TJPC). The purpose of this agency was to bring uniformity to the quality of probation services for juveniles in the state (Texas Juvenile Probation Commission, 2010).

In 2011, the Texas legislature created the Texas Juvenile Justice Department. It was formed after the abolishment of the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC). These programs are not only designed to protect the community and assist victims of criminal offenses, but to encourage positive change in offender behavior with the use of specific innovative techniques that have been researched and validated (http://www.dallascounty.org/departments/csc/mission.php). The 168 juvenile probation departments are under the Texas Juvenile Justice Department (TJJD), which are county driven and promotes evidence-based performance from each department (http://www.tjjd.texas.gov/).

In the century or more since the inception of juvenile probation in Dallas and Harris counties, the probation services in the respective counties have passed through developmental stages which have served to improve the quality of services provided to youth classified as delinquent. The development of juvenile probation in Dallas County relied heavily upon the determination and focus of the Dallas Federation of Women’s Clubs, which took a specific interest in all areas of civic endeavors, including the welfare of children. As a result, in 1908,
Dallas County hired its first probation officer, W.H. Leeman. As societal problems grew, Dallas County added additional programs and solutions to best address the issues. Currently, Dallas County is addressing all known delinquent issues with current state of the art programs.

On the other hand, Harris County created a juvenile court in 1908 in response to a platform demand by the Democratic party of the state, which dominated state politics at the time. In 1912, the Harris County Commissioners Court finally voted to establish a Probation Department. Although, in comparison with Dallas County, the Harris County Juvenile Probation Department started slowly, in time it added programs similar to those employed by Dallas County for the guidance of children and the deterrence of their future delinquent acts. Currently, Harris County is addressing all known delinquent issues with current state of the art programs based on an approach of best practices, including offender-specific probation programs.

Overview

Reducing recidivism has historically been the main focus of probation. In pursuit of this objective, probation agencies have been charged with developing programs that assist offenders to transform their behavior. When the programs are successful, behaviors that once led offenders to committing criminal offenses are displaced by behaviors that lead them to becoming law-abiding members of the community.

The history of probation is, in one sense, the history of the treatment models that have been successively introduced to reduce recidivism. As this thesis has shown, the philosophy of probation has passed through several distinct stages. In the earliest stage, offenders were allowed to self-supervise under suspended sentence laws on the theory that first offenders – the main beneficiaries of suspended sentences – would be sensible enough to take advantage of their
second chance not to become hardened criminals. This stage yielded to the medical model, where agencies treated the offender as if the criminal behavior were an illness. Political reaction to the high recidivism rate led to a get-tough-on-crime approach, where the mentality was to lock up the offenders and throw away the key. The leading model today is evidence-based best practices, by which field-conducted research is the basis for treatment models calculated to lead to the greatest reduction in recidivism for criminal offenders.

Political pressures arising from budgetary issues, scandals, recidivism rates, and other factors are primary drivers of change in the probation field. In 2015, pressures for change in Texas are relatively low, as evidenced by bills introduced during the 84th Regular Session of the Texas State Legislature, meeting in the early months of 2015. Among the bills relating to community supervision are three which propose changes to the Penal Code and twelve which propose changes to the Code of Criminal Procedure (Legislative Updates, http://www.tdca.com/legislative/). Worthy of notice are bills requiring the monitoring of the Internet access of certain sex offenders; setting the amount of community service work ordered for the offense of burglary of a vehicle; allowing donations to certain local veteran's charities to be ordered as a condition of community supervision; allowing alcohol awareness programs or drug education programs for certain minors on community supervision for certain drug or alcohol related offenses; requiring evidence-based risks and needs screening and evaluation procedure as a condition of community supervision for certain drug possession offenses; and requiring a fee to be paid to a children's advocacy center as a condition of community supervision for certain sexual offenses involving a child victim (Legislative Updates).

Collectively, these proposals emphasize restitution to the community (donations and community service) and continuation and expanded use of the evidence-based best practices model
(evaluation procedures). Furthermore, the lack of any substantive changes to the Texas probation system beyond these minor adjustments suggests that the current legislature is giving its tacit endorsement to the existing system and its treatment model.
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