CCJ and COSCA Survey of Evidence-Based Practices in Sentencing & Probation

Relationship Between Court and Probation

Question 3. For each case type listed, please check the degree to which the local trial court and local probation or community corrections agency work together as institutions (e.g., the trial court and probation agency have standard policies and meeting structure governing their working relationship) or work independently based on each judge’s preferences.

Aggregate Results for Juvenile Cases (see Figure 1):

For the management of juvenile cases, the largest proportion of the 45 respondents indicated that the relationship between the court and probation is mostly institutionalized (56%). A minority of respondents indicated some variation or a mixed relationship (27%), and fewer indicated that the relationship is mostly individualized (18%).

Aggregate Results for Adult Misdemeanor Cases (see Figure 1):

Of the 45 respondents to this question, 44% indicated that the relationship between the court and probation is mostly institutionalized for adult misdemeanor cases. A comparable proportion (42%) indicated some variation or mixed relationships between local courts and local probation. Only a small minority (13%) indicated that the relationship was mostly individualized.

Aggregate Results for Adult Felony Cases (see Figure 1):

Half of the 46 respondents to this question indicated that the courts and probation worked together as institutions with standard policies to manage adult felony cases. A sizeable minority (35%) of respondents indicated that the courts and probation shared a more complex or varied relationship, and 15% indicated that the relationship was mostly individualized.

Figure 1

The relationship between the court and probation is:

- Mostly Institutionalized
- Mixed
- Mostly Individualized

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Mostly Institutionalized</th>
<th>Mixed</th>
<th>Mostly Individualized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Juvenile</td>
<td>56%</td>
<td>27%</td>
<td>18%</td>
</tr>
<tr>
<td>Adult Misdemeanor</td>
<td>44%</td>
<td>42%</td>
<td>13%</td>
</tr>
<tr>
<td>Adult Felony</td>
<td>50%</td>
<td>35%</td>
<td>15%</td>
</tr>
</tbody>
</table>

Figure 1

The CCJ and COSCA Survey of Evidence-Based Practices in Sentencing & Probation was developed by the National Center for State Courts’ Center for Sentencing Initiatives in collaboration with the Criminal Justice Committee of the Conference of Chief Justices and the Conference of State Court Administrators. The survey was sent to each state’s State Court Administrator in February 2011. After review by the Criminal Justice Committee, the survey was resent to both state court administrators and chief justices in June 2012, asking them to review/update their state’s initial responses or to complete a survey if they had not yet done so. The data reported are the results of these two efforts. Preparation of the survey results was supported, in part, by the Pew Public Safety Performance Project. Questions about the survey should be directed to Pamela Casey at pcasey@ncsc.org.

Louisiana did not respond to this question.

Id.
## Results by Responding States

<table>
<thead>
<tr>
<th>State</th>
<th>Juvenile</th>
<th>Adult Misdemeanor</th>
<th>Adult Felony</th>
<th>Description, If Mixed, &amp; Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>AK</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>AL</td>
<td>Mostly Institutionalized</td>
<td>Mixed</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>AR</td>
<td>Mostly Individualized</td>
<td>Mixed</td>
<td>Mostly Institutionalized</td>
<td>In the juvenile division and in district court the probation officers are employees of the court/judge.</td>
</tr>
<tr>
<td>AZ</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>CA</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>In many counties, the court hires the Chief Probation Officer. Regarding adult felony probation cases: Under SB 678 (described below) counties are required to establish a local Community Corrections Partnership made up of various justice partner stakeholders in the counties. This is a new requirement and most counties are just beginning to implement the Partnerships. Regarding adult misdemeanor probation cases: Adult probation cases are supervised informally by courts, not probation departments. Many juvenile courts and local probation have well established policies and practices. In the larger courts the relationships can be more individualized by court since there can be multiple detention facilities and courthouses.</td>
</tr>
<tr>
<td>CO</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>The subject areas to be covered in the pre-sentence investigation report (adult) are defined in statute, as are some of the supervision requirements for intensive probation cases. The Standards for Probation, governing administrative matters, adult and juvenile supervision, pre-sentence investigation and other reports, training and victim services are reviewed and approved by the Chief Justice of Colorado before being implemented. Each Judicial District has local policies and procedures defining how the Standards will be met in the Judicial District.</td>
</tr>
<tr>
<td>CT</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>DC</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Because the CSSD is house within the Superior Court Family Court Division, the vast day-to-day operations result from the municipal code, annotated rules, and also</td>
</tr>
</tbody>
</table>

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*iowa, Kentucky, New Hampshire, New Mexico, Oregon did not complete the survey.*
<table>
<thead>
<tr>
<th>State</th>
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<th>Adult Felony</th>
<th>Description, If Mixed, &amp; Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>DE</td>
<td>Mostly Individualized</td>
<td>Mostly Individualized</td>
<td>Mostly Individualized</td>
<td>Juveniles - Delaware has one statewide court structure (Family Court) that handles delinquency cases. Probation services are provided statewide by the Division of Youth Rehabilitative Services, an agency under the Department of Services for Children, Youth and Their Families. The probation agency is separate and apart from the court. Adults - Probation and Parole works separately and individually with each judge/court.</td>
</tr>
<tr>
<td>FL</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>The judges meet with the probation agencies and workout policies.</td>
</tr>
<tr>
<td>GA</td>
<td>Mostly Institutionalized</td>
<td>Mixed</td>
<td>Mostly Institutionalized</td>
<td>Georgia's Accountability Courts work closely with the probation providers as a team. Examples of institutionalized relationships between the court and misdemeanor probation provider do exist outside of Accountability Courts, but this style is not the norm. The balance would be termed &quot;mixed.&quot; Estimated: 10% Mostly Institutionalized where the court and probation operate as a team; 90% Mostly Individualized, working independently based on each judges preference.</td>
</tr>
<tr>
<td>HI</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>ID</td>
<td>Mostly Institutionalized</td>
<td>Mixed</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>IL</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>The AOIC Probation Services Division’s training, monitoring, standards setting, and technical assistance extends to all aspects of the administration and operations of Illinois’ probation and court services departments. Judicial circuits/probation departments are required to establish an annual probation plan that is approved, in the first instance, by the chief circuit judge and also establish policies and/or procedures to apply the Supreme Court’s standards. Also, please refer to the comments sections under Question #2.</td>
</tr>
<tr>
<td>IN</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>All probation departments have to comply with statewide standards adopted by the Judicial Conference of Indiana under IC 11-13-1-18 in addition to any department</td>
</tr>
<tr>
<td>State</td>
<td>Juvenile</td>
<td>Adult Misdemeanor</td>
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<td>policies, which does allow room for individualization locally. All community correction departments operate under an advisory board that sets their policies. Also, those programs receiving state grant dollars must comply with the policies established by the Department of Correction as a part of the grant process.</td>
</tr>
<tr>
<td>KS</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Where supervision is with the Judicial Branch, the trial court and court services work very closely. Where supervision is with the Executive Branch (community corrections or the Juvenile Justice Authority) the relationship is mixed or mostly individualized.</td>
</tr>
<tr>
<td>LA</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>juvenile: Mostly institutionalized - EBR, Mixed, JP, Mostly Individualized - OJJ, CP. Adult: Department of Corrections - Probation Officers are required by departmental policy to report violations to court and they can recommend amendments to standard conditions of probation or special conditions of probation. Some judges also require probation officers to attend status/review hearings at which general compliance issues are addressed. Juvenile: Jefferson Parish - The Jefferson Parish Department of Juvenile Services and OJJ hold joint staffing around youth in custody to assist in release planning, case planning, etc.</td>
</tr>
<tr>
<td>MA</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>In Massachusetts, probation services are centralized under the Office of the Commissioner of Probation which is part of the Judicial Branch. The Office of the Commissioner of Probation establishes standard policies and procedures that govern the work of the probation service. However, that does not preclude (and may even promote) the development of very strong, individualized working relationships between probation officers and judges.</td>
</tr>
<tr>
<td>ME</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>No comments</td>
</tr>
<tr>
<td>MD</td>
<td>Mostly Individualized</td>
<td>Mostly Individualized</td>
<td>Mostly Individualized</td>
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</tr>
<tr>
<td>MI</td>
<td>Mostly Individualized</td>
<td>Mixed</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>MN</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Answer is provided specifically to the local governance only. Relationships between the local court and local probation agency vary throughout the state.</td>
</tr>
<tr>
<td>MO</td>
<td>Mostly Institutionalized</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Each jurisdiction has some local operating procedures that are germane to their particular geographic area; however there are statutory and agency policy mandates that govern most of the state probation agencies work. To the extent possible, probation and parole like to meet each court's needs balanced against policy and statutes.</td>
</tr>
<tr>
<td>State</td>
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<tr>
<td>MS</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mixed</td>
<td>No comments</td>
</tr>
<tr>
<td>MT</td>
<td>Mostly Individualized</td>
<td>Mostly Individualized</td>
<td></td>
<td>No comments</td>
</tr>
<tr>
<td>NC</td>
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<td>No comments</td>
</tr>
<tr>
<td>ND</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>NE</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>I'm not sure what you're asking here. Probation works for the Administrative Office of the Courts and Probation. Probation works for the judiciary yet partners with state and county criminal and juvenile justice entities. Probation has extensive policies which have been by the Supreme Court. Probation has a formal memorandum of understanding with the State's Dept. of Corrections in regard to a working relationship with adult parole and a contract for services for juvenile justice clients.</td>
</tr>
<tr>
<td>NJ</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>NV</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mixed</td>
<td>Our state utilizes a mixed system of parole and probation for adults. Consequently, those who are on probation are often sentenced at the local level, but those on parole are released by the state prison system. Both types of individuals, however, are supervised by the same department, which is part of the state department of public safety.</td>
</tr>
<tr>
<td>NY</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>State law and regulations set forth parameters, but there are variations in the ways individual judges work with probation.</td>
</tr>
<tr>
<td>OH</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly standardized, but judges can make special requests.</td>
</tr>
<tr>
<td>OK</td>
<td>Mostly Individualized</td>
<td>Mostly Individualized</td>
<td>Mostly Individualized</td>
<td>No comments</td>
</tr>
<tr>
<td>PA</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>No comments</td>
</tr>
<tr>
<td>RI</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>SC</td>
<td>Mostly</td>
<td>Mostly</td>
<td>Mostly</td>
<td>SCDPPPS and the Courts do, of course, work together but we are separate agencies</td>
</tr>
<tr>
<td>State</td>
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<tr>
<td>SD</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>TN</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>In TN courts exercise a wide area of discretion on supervision of offenders while on probation. We also have two forms of administrative probation that is not at the courts' discretion (Determinate Release and Boot Camp).</td>
</tr>
<tr>
<td>TX</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>It depends on the judicial culture in the county. Juvenile Boards are required to meet quarterly and approve various policies of the juvenile probation department. The Juvenile Board must also adopt annual budgets for the department. In overseeing the adult misdemeanor and felony cases, the trial court judiciary generally holds regular meeting to review and approve various policies of the CSCD. The local judiciary and district attorney's office are stakeholders involved with the local CSCD. Typically CSCDs have a good working relationship with the local judiciary and district attorney's office.</td>
</tr>
<tr>
<td>UT</td>
<td>Mostly Institutionalized</td>
<td>Mixed</td>
<td>Mixed</td>
<td>The Utah State Courts are a statewide, unified court system. Juvenile probation functions are managed by the Administrative Office of the Courts and working relationships between the juvenile court and probation are very strong in each district. In the adult system, probation functions for felony and Class A misdemeanor cases are managed by the Department of Corrections, an executive branch agency. Working relationships between the local trial courts and local probation vary depending on the district and court location. Probation is the responsibility of local government for locally funded justice courts. Although one urban county has a</td>
</tr>
<tr>
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<td>Adult Felony</td>
<td>Description, If Mixed, &amp; Comments</td>
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<td>probation department, justice courts in other counties rely on private providers. Their working relationships are individualized.</td>
</tr>
<tr>
<td>VA</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>For some purposes this response should be &quot;Mixed,&quot; as many local probation agencies work closely with their courts to provide consistency of services to all judges in that court, have coordinated docket times, consistency in when to bring cases back for violation hearings, etc. However they are local (not state) agencies and separate institutions from the courts. DCJS provides state funding, minimum standards and policy guidelines to local probation/community corrections agencies. These local agencies are local government agencies and not part of the judicial structure or work based on the judge's preferences.</td>
</tr>
<tr>
<td>VT</td>
<td>Mostly Individualized</td>
<td>Mostly Individualized</td>
<td>Mostly Individualized</td>
<td>Some meetings take place informally and irregularly between the judges and probation.</td>
</tr>
<tr>
<td>WA</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Individualized</td>
<td>No comments</td>
</tr>
<tr>
<td>WI</td>
<td>Mixed</td>
<td>Mixed</td>
<td>Mixed</td>
<td>No comments</td>
</tr>
<tr>
<td>WV</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
<tr>
<td>WY</td>
<td>Mostly Institutionalized</td>
<td>Mostly Individualized</td>
<td>Mostly Institutionalized</td>
<td>No comments</td>
</tr>
</tbody>
</table>