

CCJ and COSCA Survey of Evidence-Based Practices in Sentencing & Probation¹

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 respondents² 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%).

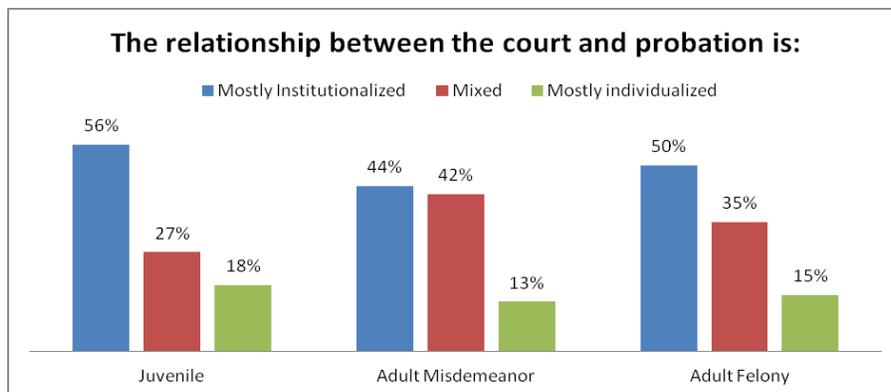
Aggregate Results for Adult Misdemeanor Cases (see Figure 1):

Of the 45 respondents³ 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



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.

² Louisiana did not respond to this question.

³ *Id.*

Results by Responding States⁴

State	Juvenile	Adult Misdemeanor	Adult Felony	Description, If Mixed, & Comments
AK	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	No comments
AL	Mostly Institutionalized	Mixed	Mostly Institutionalized	No comments
AR	Mostly Individualized	Mixed	Mostly Institutionalized	In the juvenile division and in district court the probation officers are employees of the court/judge.
AZ	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	No comments
CA	Mixed	Mixed	Mixed	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.
CO	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	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.
CT	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	No comments
DC	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	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

⁴Iowa, Kentucky, New Hampshire, New Mexico, Oregon did not complete the survey.

State	Juvenile	Adult Misdemeanor	Adult Felony	Description, If Mixed, & Comments
				established policies and operating procedures. The Superior Court for the District of Columbia and CSOSA work closely together. The Court sentences offenders and holds hearings, while CSOSA provides timely information to the Court, supervises offenders, and informs the Court of offenders' compliance with supervision conditions and completion of supervision. Joint training is offered, and executive staff meets regularly to address needs. Recently, CSOSA and the Court collaborated on a grant to implement a DWI Court.
DE	Mostly Individualized	Mostly Individualized	Mostly Individualized	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.
FL	Mixed	Mixed	Mixed	The judges meet with the probation agencies and workout policies.
GA	Mostly Institutionalized	Mixed	Mostly Institutionalized	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 "mixed." Estimated: 10% Mostly Institutionalized where the court and probation operate as a team; 90% Mostly Individualized, working independently based on each judges preference.
HI	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	No comments
ID	Mostly Institutionalized	Mixed	Mostly Institutionalized	No comments
IL	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	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.
IN	Mixed	Mixed	Mixed	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

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				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.
KS	Mixed	Mixed	Mixed	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.
LA		Mixed	Mixed	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.
MA	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	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.
ME	Mixed	Mixed	Mixed	No comments
MD	Mostly Individualized	Mostly Individualized	Mostly Individualized	No comments
MI	Mostly Individualized	Mixed	Mostly Institutionalized	No comments
MN	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	Answer is provided specifically to the local governance only. Relationships between the local court and local probation agency vary throughout the state.
MO	Mostly Institutionalized	Mixed	Mixed	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.

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MS	Mostly Institutionalized	Mostly Institutionalized	Mixed	No comments
MT	Mostly Individualized		Mostly Individualized	No comments
NC	Mixed	Mostly Institutionalized	Mostly Institutionalized	No comments
ND	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	No comments
NE	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	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.
NJ	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	No comments
NV	Mostly Institutionalized	Mostly Institutionalized	Mixed	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.
NY	Mixed	Mixed	Mixed	State law and regulations set forth parameters, but there are variations in the ways individual judges work with probation.
OH	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	Mostly standardized, but judges can make special requests.
OK	Mostly Individualized	Mostly Individualized	Mostly Individualized	No comments
PA	Mixed	Mixed	Mixed	No comments
RI	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	No comments
SC	Mostly	Mostly	Mostly	SCDPPPS and the Courts do, of course, work together but we are separate agencies

State	Juvenile	Adult Misdemeanor	Adult Felony	Description, If Mixed, & Comments
	Individualized	Individualized	Individualized	with SCDPPPS reporting to the Executive branch. Each agency has its own set of policies and procedures. SCDJJ and the local trial courts (family courts) work together but are separate agencies with SCDJJ reporting the Executive Branch. Each agency maintains its own set of policies and procedures. Note for Q4 below: When so ordered by the Family Court, SCDJJ performs comprehensive psycho-social evaluations of juvenile offenders on a post adjudicatory, pre-dispositional basis. These evaluations may be completed either in a secure facility or in the community. The results of these evaluations are reported back to the Family Court in some detail, accompanied by recommendations for the disposition of the case. SCDJJ thus stands in an advisory role to the Family Court in decision-making at final case disposition. Not every juvenile placed on probation is ordered to have a pre-dispositional evaluation; however, that is the case at least 50 percent of the time.
SD	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	No comments
TN	Mixed	Mixed	Mixed	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 (Determinante Release and Boot Camp).
TX	Mixed	Mixed	Mixed	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.
UT	Mostly Institutionalized	Mixed	Mixed	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

State	Juvenile	Adult Misdemeanor	Adult Felony	Description, If Mixed, & Comments
				probation department, justice courts in other counties rely on private providers. Their working relationships are individualized.
VA	Mixed	Mixed	Mixed	For some purposes this response should be "Mixed," 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.
VT	Mostly Individualized	Mostly Individualized	Mostly Individualized	Some meetings take place informally and irregularly between the judges and probation.
WA	Mostly Institutionalized	Mostly Institutionalized	Mostly Individualized	No comments
WI	Mixed	Mixed	Mixed	No comments
WV	Mostly Institutionalized	Mostly Institutionalized	Mostly Institutionalized	No comments
WY	Mostly Institutionalized	Mostly Individualized	Mostly Institutionalized	No comments