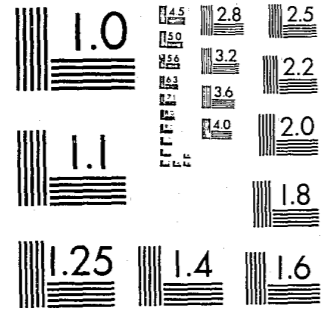


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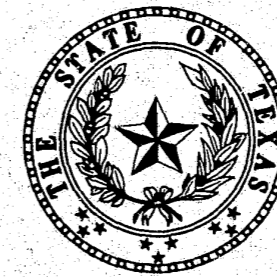
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National Institute of Justice  
United States Department of Justice  
Washington, D. C. 20531

3-24-83

# STANDARDS FOR ADULT PROBATION SERVICES IN TEXAS



87504

NOVEMBER, 1982

TEXAS ADULT PROBATION COMMISSION

TEXAS ADULT PROBATION COMMISSION

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## FOREWORD

This document is designed to provide adult probation decision-makers the goals and regulations of the Texas Adult Probation Commission.

The Standards, as published, are an effort to establish, for the first time in Texas, a comprehensive set of objectives for adult probation departments. They are the product of the Judges and Probation Officers of the State who have shared their concerns and goals with the Commission and its staff. Without their input, the Standards would not have been developed. Much time and consideration has been devoted to developing standards which will lead to orderly improvement and standardization without causing undue hardship at the local level, and at the same time provide for accountability.

We at the Commission take pride in the cooperative spirit which has developed between the Commission and the Judges and departments and between the departments themselves. Thank you for your continuing support.

As we learn from experience, and consider the evolving needs of probation services, the Commission will consider and make necessary modifications to the Standards, to better reflect the goals and objectives of probation as defined by the law and community needs.

We trust this publication will be a practical reference book for those involved in providing probation services.

The date in parenthesis after a standard indicates the effective date.

## CODE OF ETHICS TEXAS ADULT PROBATION OFFICERS

*The people of Texas expect of probation officers unfailing honesty, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. To this end the Texas Adult Probation Commission subscribes to the following principles:*

### PROBATION OFFICERS SHALL ENDEAVOR TO:

- Respect the authority and follow the directives of the court, recognizing at all times that they are an extension of the court.*
- Respect and protect the civil and legal rights of all probationers.*
- Serve each case with appropriate concern for the probationers welfare and with no purpose of personal gain.*
- Encourage relationships with colleagues of such character to promote mutual respect within the profession and improvement of its quality of service.*
- Make statements critical of colleagues or their agencies only as these are verifiable and constructive in purpose.*
- Respect the importance of all elements of the criminal justice system and cultivate a professional cooperation with each segment.*
- Subject to the probationer's rights of privacy, respect the public's right to know, and willingly share information with the public with openness and candor.*
- Respect and protect the right of the public to be safeguarded from criminal activity.*
- Be diligent in his responsibility to record and make available for review any and all case information which could contribute to sound decisions affecting a probationer or the public safety.*
- Report without reservation any corrupt or unethical behavior which could affect either a probationer or the integrity of the agency.*
- Maintain the integrity of private information; he will neither seek personal data beyond that needed to perform his responsibilities, nor reveal case information to anyone not having proper professional use for such.*
- In any public statement clearly distinguish between those that are personal views and those that are statements and positions on behalf of an agency.*
- Not discriminate against any employee, prospective employee or probationer on the basis of race, sex, creed or national origin.*

### PROBATION OFFICERS SHALL NOT:

- Use official position to secure privileges or advantages.*
- Act in official capacity in any manner in which personal interest could in the least degree impair objectivity.*
- Use official position to promote any partisan political purposes.*
- Accept any gift or favor of a nature to imply an obligation that is inconsistent with the free and objective exercise of professional responsibilities.*

### PROBATION OFFICERS WHO ARE RESPONSIBLE FOR AGENCY PERSONNEL ACTIONS SHALL:

- Make all appointments, promotions or dismissals only on the basis of merit and not in furtherance of partisan political interest.*

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STANDARDS  
321.1-.9

The Texas Adult Probation Commission adopted Rules 321.1-.9 concerning standards for adult probation departments participating in state funding.

The objectives of the standards are:

1. To make probation services available to every judicial district in Texas.
2. To make probation effective as an alternative to incarceration.
3. To assist probation departments in providing protection to the community by rehabilitation and adequate supervision of the offender.
4. To assist in the establishment, improvement and expansion of community-based alternative programs.
5. To fully utilize available services from Federal, State and local resources.
6. To establish uniform probation administration standards.
7. To increase and improve citizen involvement and pride in probation and other community corrections.
8. To improve the self-image of probation personnel as professionals in the judicial system.
9. To establish a statewide statistical information service.
10. To establish a service center to provide assistance to probation departments.
11. To encourage and assist in in-service training for probation personnel.
12. To establish an on-going study of probation and community-based correctional methods and systems.

These rules are promulgated under the authority of Article 42.121, Section 3, Texas Code of Criminal Procedure.

321.1 Administration

- a. Public Protection. Probation departments should recognize their responsibility to the community by rehabilitation of the offender, and by initiating action to remove promptly from the community those probationers who through their conduct have indicated their inability to follow the rules of probation imposed by the court.
- b. Community Education. Probation departments should recognize their position as a public agency, always responsive to the needs of the community, making every reasonable effort to educate the community to the duties, responsibilities and accomplishments of the probation system.
- c. Professional Competence. Probation departments should be impartial, non-political, professionally competent, and should devote the necessary time for full consideration of each case.
- d. Administrative Manual. Probation departments should develop an administrative manual defining general purpose and functional objectives, incorporating all written policies and procedures, assuring that they are distributed to all staff members. These policies and procedures should be reviewed annually and revised as necessary. (July 12, 1982)
- e. Job Description. Probation departments should write job descriptions for all positions. Probation officers should be released from routine clerical and record keeping responsibilities which may be performed by clerical personnel. Job descriptions should be reviewed and revised at least annually.
- f. Entry Level Salary. Probation departments should establish the entry level salary of probation officers based upon educational requirements as provided by law, experience, levels of responsibility and the prevailing wage structure for comparable positions at the local level.
- g. Automobile Allowance. (Article 42.12, sec. 10(f), (i)). Probation departments should establish an automobile allowance for the use of personal automobiles on official business by authorized department personnel to be paid from Judicial District funds. Personal automobile allowance should not be less than the state allowance per mile. Flat rate monthly payment based on approximate mileage computed at not less than the current state rate per mile is not prohibited. Departments paying flat rate monthly allowances should maintain written documentation within the probation department of business mileage. This documentation should include the officer's name, month, and officer's signature. The form should

also contain the date, beginning odometer reading, ending odometer reading, total miles driven, and purpose of trips for each business day. These forms should be available for review by TAPC auditors.

- h. Per Diem. (Article 42.12, sec. 10(i)). Probation departments should establish per diem allowance for employee expenses at a rate not less than the rate allowed state employees.
- i. Records. (Article 42.121, sec. 3.02, 4.03, 4.04). Probation departments should provide fiscal records and statistical data consistent with the statutes.
- j. Audits. (Article 42.121, sec. 4.03, 4.04). Probation departments should have fiscal audits made at least annually by an auditor not employed by the district adult probation department.
- k. Budget. (Article 42.121, sec. 4.03, 4.04). Probation departments should prepare and operate from an annual budget developed in a form consistent with good accounting practices and approved by the judge or judges of their judicial district. A copy of the budget should be provided to the Texas Adult Probation Commission.
- l. Annual Report. (Article 42.121, sec. 3.02). Probation departments should publish an annual report to the judge or judges of the judicial district covering its operations and the condition of probation services in its judicial district during the previous year making whatever recommendations it considers necessary. A copy of this report should be provided the Texas Adult Probation Commission.
- m. Pre-Sentence Capability. Probation departments should have the necessary staff and resources to permit a pre-sentence investigation and written reports of its results.
- n. Equal Employment Opportunity. Probation departments should comply with the Equal Employment Opportunity Act. (9-22-81)
- o. Ethics. Probation departments should provide each probation officer with a copy of the Code of Ethics adopted by the Texas Adult Probation Commission and a copy of the procedure developed by the department to be used in investigating and reviewing any alleged violation. Probation departments shall see that the Code of Ethics is complied with and take disciplinary action for non-compliance.

- p. Probation Transfer. (Article 42.12, sec. 5, sec. 9). Probation departments should notify other jurisdictions when probationers will be working or residing in that jurisdiction temporarily. If the probationer will be in another jurisdiction more than thirty days courtesy supervision should be requested.
- q. Extradition. Probation officers should not transport prisoners.
- r. Multi-Department Districts. Judicial districts composed of more than one county may apply to the Texas Adult Probation Commission for authorization to establish more than one probation department within that judicial district. The application should explain how the creation of more than one department will promote:
1. Administrative convenience, or
  2. Economy, or
  3. Improved probation services, and other reasons, if any.

The application should indicate the financial impact and the approval of all district judges hearing criminal cases of the judicial district or districts affected by the change.

- s. Automobile Liability Insurance. Probation departments should require probation officers to provide documentation of liability insurance coverage or fiscal responsibility as required by law for personal motor vehicles used in the conduct of official business.
- t. Automobiles purchased or leased by judicial districts. Probation departments should insure that economical use of judicial district adult probation funds is considered if the judicial district purchases automobiles to be used by adult probation personnel. Automobiles with four or six cylinder engines and high EPA mileage estimates should be given strong consideration.
- u. Courtesy Supervision. Departments providing direct supervision to probationers transferred from other jurisdictions within Texas should monitor payments of court ordered fees, costs, and restitution, and cooperate with the department of original jurisdiction in enforcing all conditions of probation. (9-22-81)

### 321.2 Probation Officers

- a. Eligibility. (Article 42.12, sec. 10(c)(d)(d)). All probation officers should meet the statutory requirements. Judicial district may apply to TAPC for exemption of the one year of experience required in Subdivision (B) Subsection (C). The application should document that reasonable efforts were made to employ a probation officer with one year experience and state why, in their opinion, the efforts were unsuccessful.

Probation officers requiring a waiver under this rule, should be hired at a salary lower than the entry level salary of probation officers with experience.

- b. Training. Probation officers should be provided not less than 20 hours professional training annually.
- c. Professional Membership. Probation departments should encourage membership in the appropriate professional organizations and maintain a current library of professional journals and publications available to all personnel.
- d. Conference. Probation departments should encourage continual professional development and the exchange of information and concepts. Departments should encourage as many of their personnel as practically possible to attend regional, state and national training and professional conferences. These opportunities should be made available to all professional staff on a rotating basis.



### 321.3 Supervision

- a. Pre-Sentence Quality. A pre-sentence investigation report should be submitted to the courts, using a uniform pre-sentence format which will supply accurate, objective and relevant information.
- b. Sentencing. Sentencing evaluations, when requested, should be based upon the circumstances of the particular offense, the needs of the community, social history and prior criminal conduct of the individual offender and all available resources.
- c. Initial Interview. An initial supervisory interview with the probationer should be conducted immediately following the court placing the defendant on probation. This interview with the probationer should include a thorough discussion of the conditions of probation assuring that the probationer clearly understands his responsibilities. The probation officer should determine that the probationer has received a copy of the conditions of probation ordered by the court as provided by law.
- d. Case Records. Probation departments should develop written administrative policies and procedures regarding case record management, assuring that each case record should contain a chronological recording of all significant actions, decisions, services rendered and periodic evaluations.
- e. Confidentiality. Case records including criminal history should remain confidential and departmental policy should clearly state the circumstances under which information could be released from the files.
- f. Violations. Probation departments should develop standards setting forth the conditions upon which violations may be handled administratively. Standards should clearly state the conditions under which violation reports are to be submitted to the court.
- g. Incarceration Reports. (Article 42.12, sec. 4). Available pre-sentence investigation reports together with a summary of rehabilitative efforts that appear successful and those that failed, projected efforts that were deemed appropriate but not reached, rehabilitative efforts interrupted by incarceration, and suggestions that might be helpful to a parole officer as supervisor, should be sent to the receiving institution on every offender incarcerated.
- h. Courtesy Supervision. Departments providing direct supervision to probationers transferred from other jurisdictions should extend the same level of services afforded persons placed under supervision within the local jurisdiction. Separate caseloads for Courtesy Supervision to probationers is not prohibited, however the size of these caseloads should not differ substantially from caseloads of local probationers.

(9-22-81)

### 321.4 Caseloads

- a. Case. A case is defined as an adult assigned to a probation officer for supervision. Included are felony and misdemeanor probationers.
- b. Supervision. Supervision is a relationship that exists between a probation officer and an adult as ordered by the court.
- c. Case Classification. Case classification is defined as a system of evaluating the degree of supervision needed by each individual based on needs and/or risk. As ordered by the court, the probation department, subsequent to evaluation of each case, should classify each case, taking into consideration the needs of the individual and the protection of the community.
  1. Direct supervision is defined as supervision which includes regular personal contact between the probation officer and the probationer who resides and/or works in the jurisdiction.
    - A. Maximum: Cases in need of a high level of supervision who report in person to the probation officer once each month (more often if required by the court) and are seen by the probation officer not less than once each month outside the probation office and more often if circumstances of the case indicate.
    - B. Medium: Cases in need of average supervision who report in person to the probation officer each month and are contacted by the probation officer outside the probation office not less than once each three months.
    - C. Minimum: Cases which have demonstrated responsible behavior and report to the probation officer in person not less than once each three months and submit written reports by mail monthly.
  2. Indirect supervision is defined as the maintenance of a file and/or record of an adult under supervision who is not being seen personally by the probation officer on a regularly scheduled basis. Included are the following:
    - A. Probationers who neither reside nor work within the jurisdiction of the judicial district probation department and receive supervision in other jurisdictions.

- B. Probationers who neither reside nor work within the jurisdiction but continue to submit written reports on a monthly basis because they are ineligible or unacceptable for supervision in another jurisdiction.
  - C. Probationers who have absconded or with whom there has been no contact with the probation officer in person within three months.
  - D. Probationers who reside and/or work in the jurisdiction, but who with the permission of the court, do not meet the criteria for direct supervision.
- d. Caseload. A caseload average within a department should be calculated by dividing the number of cases under direct supervision by the number of officers within the department devoting 80 percent or more of their time to direct case supervision.

The average caseload of a probation officer should not exceed 200 cases on January 1, 1979; 150 cases on June 1, 1979; 100 cases on January 1, 1982.

### 321.5 Programs

- a. Case Work Orientation. Emphasis should be placed on the responsibilities of a probation officer to be a case work manager, utilizing all the available resources within the community.
- b. Community Resources. Probation departments should establish a close liaison with all city, county, state and federal agencies in order to utilize all available resources in the criminal justice and social service field.
- c. Referral Procedures. Referral procedures should be clearly defined and whenever possible, contracts which specify the responsibilities of both the providing and receiving agencies should be negotiated with cooperating agencies.
- d. Information for Probationer. Probation departments should develop in written form information describing purposes, functions and services to be made available to each probationer and to the public.
- e. Services for Probationer. All programs should be designed for the benefit of the probationer and every effort should be made to make these programs available and applicable to the needs of the probationer. Participation by the probationer may be ordered as a condition of probation; however, efforts should be made to present the services at a time, place and in a manner which assists successful adjustment.
- f. Cooperative Efforts. The probation department or departments contracting together should provide programs to meet the needs of probationers not available from other sources including but not limited to employment placement, academic and vocational education, physical and mental health treatment and counseling.
- g. Local Regional Planning. Probation departments should participate in local and regional planning and cooperate in the providing of information and data to official agencies and universities doing research.
- h. Program Planning. Program planning in probation departments should take into account information regarding broad cultural, social and political change, relationships between probation departments, government and private agencies, and the community at the county, state and federal level. Planning should carefully consider changes in cultural and socio-economic conditions.
- i. Community Involvement. Probation departments should encourage community education and involvement in the correctional process. Probation departments should seek opportunities to provide speakers to professional, civic, labor and other public groups.

- j. Volunteers. Probation departments should establish volunteer programs and provide orientation and training for citizen volunteers.
- k. Victims. Probation departments should recognize the rights of the victims of crime and make every effort to collect restitution in all cases applicable.

#### 321.6 Facilities

- a. Minimum Facilities. (Article 42.12, sec. 10(g)). Each probation officer should be provided a private office, or in the alternative a private office should be available to the probation officer for interviewing and counseling. Each office should have the necessary lighting, air conditioning, telephone, furniture, equipment, privacy and decor to provide and promote professional conduct and the establishment of good rapport with the probationer.
- b. Location. (Article 42.12, sec. 10(g)). Each probation office providing direct court services should be located in the courthouse or as near the courthouse as practically possible to promote prompt and efficient services to the court.
- c. Satellite Offices. (Article 42.12, sec. 10(g)). Satellite probation offices should be established in the area of the judicial district to provide efficient services to the probationer as is practically possible.
- d. Correctional Facilities. (Article 42.12, sec. 10(g)). Each probation department should promote the establishment of community-based correctional facilities other than jails and prisons.

### 321.7 Equipment

- a. **Minimum Equipment.** (Article 42.12, sec. 10(g)). Each probation officer should be furnished adequate furniture, telephone, recording and transcribing equipment, copy making equipment, and other equipment as necessary and consistent with efficient office operations.
- b. **Identification.** (Article 42.12, sec. 10(g)). Each probation officer should be furnished identification which clearly states his authority and is easily recognized by the public and other agencies.

### 321.8 Fiscal

- a. **Requested Information.** (Article 42.121, sec. 4.03). Probation departments should present to their district judge, or judges, data determined necessary by the Commission to calculate the amount of state financial aid needed for use in maintaining and improving probation services and community-based correctional programs and facilities other than jails or prisons in the district.
- b. **State Aid Deposit.** (Article 42.121, sec. 4.03, 4.05(b)). State-aid received by the district should be deposited in a special fund of the county treasury, to be used solely for the provision of adult probation services and adult community-based correctional programs and facilities other than jails and prisons.
- c. **Fees Deposit.** (Article 42.121, sec. 4.03, 4.05, Article 42.12, Sec. 6a). Adult probation fees collected by the court should be deposited to the same special fund of the county treasury receiving state financial aid and should be used solely for the provision of adult probation services.
- d. **Fee Restrictions.** (Article 42.12, sec. 10(g)), Article 42.121, sec. 4.03). No funds from state financial aid or probation fees should be used by the county to provide physical facilities, equipment and utilities for probation departments as required by the statutes.
- e. **Available Records.** (Article 42.121, sec. 3.05, 4.03). Probation departments and/or the fiscal officer should make financial records available to representatives of the Texas Adult Probation Commission as provided in the statutes.
- f. **Distribution.** The judicial district having jurisdiction of the case should receive the probation supervisory fee. The judicial district providing direct supervision should receive the state aid.
- g. **Fees for Fiscal Services.** (Article 42.12, sec. 10(g)), Article 42.121, sec. 4.03). The judicial district may use up to 3% of the state funding received in the first quarter of the state fiscal year (September) to contract annually with the county or counties providing services of auditing, bookkeeping and those services set forth in the statutes and other services deemed necessary by the judicial district other than those services required to be provided by the county or counties in Article 42.12, sec. 10(g).

- h. Honesty bond. Probation departments should insure that all public monies are protected by requiring that all employees with access to monies are covered by honesty bonds. The fee for these bonds may be paid from the Judicial District Adult Probation Fund.
- i. Investment of Idle Funds. The chief probation officer should consult with the fiscal officer to determine what appropriate amount of idle funds may be invested. Idle funds herein refer to state aid and probation fees only. The investment should provide for a reasonable interest rate, necessary protection of principal, and flexibility. Interest received shall be considered locally generated monies for determining the surplus apportionment at the end of the fiscal year. (October 13, 1980)

#### 321.9 Waiver to Standards

Waiver. The Texas Adult Probation Commission may grant a waiver to a judicial district probation department from standard or standards upon receipt and approval by Texas Adult Probation Commission of a plan to adopt said standard or standards by a date certain, and an explanation of why standard or standards cannot be complied with immediately.

Application for waiver of standards should be received by the Texas Adult Probation Commission not less than 60 days prior to the beginning date of the quarter of the state fiscal year in which funding is requested.

FUND DISTRIBUTION  
323.1-.3

The Texas Adult Probation Commission adopted Rules 323.1-.3 concerning the distribution of funds to judicial districts whose probation departments comply with the Standards set forth in Rules 321.1-.9

The objectives of state aid to judicial districts is to provide financial aid necessary for use in maintaining and improving probation services and community-based correctional programs and facilities other than jails and prisons in the district and to achieve the purposes of 42.121, Sec. 1.01, T.C.C.P.

The Texas Adult Probation Commission intends that the following policies for the distribution of state aid for adult probation services be reasonably stable so as to assist judicial districts and adult probation departments to plan their organization and services wisely. However, the Texas Adult Probation Commission reserves the right to amend their policies as circumstance demands as provided by law.

These rules are promulgated under the authority of Article 42.121, Sec. 4, Texas Code of Criminal Procedure.

323.1 Per Capita Funding

- a. Allocation. The Texas Adult Probation Commission (TAPC) will make quarterly per capita payments in September, December, March and June to judicial districts whose probation departments comply with TAPC Standards. These payments will be based on (1) the number of adults under direct supervision (as defined in 321.4 as stated in monthly reports supplied to the Commission by departments, and (2) the number of days in the quarter in which payment is made. The TAPC will average the caseloads on the last workday of three consecutive months to determine the number of adults under direct supervision.
- b. First Quarter. The per capita payments in September, will be computed at a per capita per day rate of 50¢ using the number of adults under direct supervision for a three month average. The caseload will be determined from the monthly reports supplied to the TAPC by averaging the number of adults under direct supervision on the last working days of April, May and June.
- c. Remaining Funds. After making the per capita payments of September, the TAPC will divide the remaining per capita funds into three equal parts for distribution in the second, third and fourth quarters respectively. For example, the per capita payments in December will be calculated by subtracting the September payment from the total per capita allocation and dividing the result by three. The per capita payments in the second, third and fourth quarter will not utilize a pre-determined per capita per day rate (50¢ is pre-determined for the first quarter payments only). The TAPC will distribute second, third and fourth quarter funds on a proportion of the total state caseload basis, not to exceed an equivalent per capita per day rate of 50¢.
- d. Second Quarter Payment. The per capita payments in December will be distributed on the basis of a department's proportion of the total state caseload (not to exceed an equivalent per capita per day rate of 50¢). The caseload will be determined from the monthly reports supplied to the TAPC by averaging the number of adults under direct supervision on the last working day of July, August and September.
- e. Third Quarter. The per capita payments in March will be distributed on the basis of a department's proportion of the total state caseload (not to exceed an equivalent per capita per day rate of 50¢). The caseload will be determined by averaging the number of adults under direct supervision on the last working days of October, November and December.

- f. Fourth Quarter. The per capita payments in June will be distributed on the basis of a department's proportion of the total state caseload (not to exceed an equivalent per capita per day rate of 50¢). The caseloads will be determined by averaging the number of adults under direct supervision on the last working days of January, February and March.
- g. Transfer of Surplus Funds. If the maximum per capita per day rate of 50¢ is invoked for the second, third or fourth quarter payments, any resulting quarterly fund surplus may be transferred to the program funding described in Rule 323.2
- h. Qualifying for Funds. Judicial districts whose probation departments comply with TAPC standards qualify for per capita funding by submitting to the TAPC in writing the following information:
  - (1) the designation of a chief probation officer in accordance with Article 42.12, Sec. 10 (a), C.C.P.;
  - (2) the designation of a chief fiscal officer to administer the special judicial district fund;
  - (3) a statement of intention to participate in state aid under subchapter D of Article 42.121;
  - (4) the completed monthly caseload reporting forms (form TAPC-6002) for the months upon which the quarterly payment is based.

### 323.2 Program Funding

- a. Allocation. The TAPC has allocated funds for judicial districts who have need of funds for:
  - (1) initial organization of probation departments,
  - (2) departments who cannot meet standards due to unique problems and lack of adequate funds and
  - (3) for departments who demonstrate need for special programs.
- b. Priority Programs. The TAPC will give priority to judicial districts requesting funds to establish new adult probation departments where none presently exist and departments who cannot meet standards due to unique problems. Special programs may include, but not be limited to, the development of pre-sentence investigation capability, high-risk offender programs, and court residential programs. The TAPC will evaluate applications for program funding and award these funds based on merit and availability of funds.
- c. Program Application Design. The TAPC will make available a format for designing and requesting program funding which will include, but not be limited to, the following:
  - 1. Goals and Measurable Objectives
  - 2. Organization and/or Methodology
  - 3. Budget and Narrative Explanation of Budget
  - 4. Evaluation

Normally the program should be designed in such a way as to achieve self-sufficiency.
- d. Application Deadlines. Application deadlines for program funding requests will be one month before the appropriate Commission meeting. Contact the Program Services Division of the TAPC for deadline dates.
- e. Transfer of Surplus Funds. Surplus funds in program funding may be transferred to the per capita funding described in Rule 323.1
- f. Extradition. Judicial district funds should not be used to pay nor reimburse agencies or persons for the cost of transfer of prisoners.

Determination and Recovery of Judicial District Adult Probation Fund Surplus

- a. Surplus Monies. All monies deposited and projected to be deposited into the Adult Probation Fund of the judicial district are considered in the determination of any surplus monies available after all financial payments and projected financial payments have been completed. The fiscal officer designated by the judicial district will be allowed a period of three months to complete payment of a prior year's financial commitments. The fiscal year will end August 31st. After all revenues have been accrued and all accrued payments have been completed, the remaining fund balance becomes the beginning fund balance of the new fiscal year.
- b. Determination of Surplus. At the end of the third quarter of each fiscal year (May 31st), the Texas Adult Probation Commission (TAPC) Fiscal Services Division will project total revenues, total expenditures, and ending fund balance for the fiscal year for each probation department. These projections will be based on quarterly financial reports received from fiscal officers for the first three quarters of the fiscal year.
- c. Revenue Percentage Calculation. When the determination is made that projected surplus monies do exist, the TAPC Fiscal Services Division will prepare a schedule identifying all monies deposited and projected to be deposited into the fund for that fiscal year as either locally generated or state generated. Examples of locally generated monies are probation fees and interest on time deposits. Examples of state generated monies are per capita payments and supplemental funding payments. After the sources of monies are identified, a calculation is made to indicate the percentage contributed by each source.
- d. Application of Percentage to Surplus Balance. The percentage of projected surplus monies corresponding to the percentage of projected state monies deposited is multiplied by 75%. The amount determined by this calculation will then be deducted from the first quarter per capita payment of the succeeding fiscal year. If the first quarter per capita payment is not sufficient to cover the deduction, the remaining amount will be deducted from the second quarter per capita payment.

- e. Special Project Fund Surplus. Funds allocated to judicial district adult probation departments for special projects will not be included as a portion of surplus monies in this method. Any surplus remaining in a special project grant after all payments have been completed will be refunded to the Texas Adult Probation Commission. (July 12, 1982)



**END**