



TEXAS

JUVENILE  JUSTICE

DEPARTMENT

# Overview of Determinate Sentenced Offenders

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Sentenced Offender Department

# Indeterminate vs. Determinate

## Indeterminate Sentencing

Exact Time Not Specified

Minimum Length of Stay set  
by TJJD Policy

Ends Before Or At Age 19

Contained in Juvenile System

## Determinate Sentencing

Court Sets Amount of Time

Minimum Period of Confinement  
set by law

Can Be Up To 40 Years

Can Carry Over to Adult System

Reserved for Most Serious Offenses

# Determinate Sentenced Offenders

- Youth are:
  - indicted by a Grand Jury
  - committed to TJJD with a set sentence assigned by the Judge or a Jury
  - classified by the degree of felony
  - TJJD's jurisdiction ends at age 19 regardless of sentence length

# Determinate Sentenced Offenders

- Sentenced offenders are accountable for the entire length of their sentence
- If the youth can meet their Minimum Period of Confinement (MPC) prior to age 19, TJJJ has paroling authority
- Some youth will not be able to complete their assigned MPC and will require a release or transfer hearing prior to age 19.

# Determinate Sentenced Offenders

## Minimum Period of Confinement (MPC) for Determinate Sentenced Offenders (DSO's)

- Capital Murder – 10 years
  - 1 to 3 years based on degree of felony
    - 1st degree – 3 years
    - 2nd degree – 2 years
    - 3rd degree – 1 year
- (Human Resources Code, Sec. 245.051)

DSO's will receive credit for time spent in detention toward their MPC and End of Sentence (EOS) (Family Code, Sec. 54.052)

Example:

On a 3 year MPC, if the youth did 3 months in detention and is credited with time in their court order, then their MPC in TJJD would be 2 years and 9 months

# TJJD is connected to TDCJ in 4 ways under determinate sentencing

- TJJD High Restriction to TDCJ-Correctional Institutions Division (CID)
- TJJD High Restriction to TDCJ-Parole Division (PD)
- TJJD Parole to TDCJ-CID  
(via revocation to high restriction or conviction)
- TJJD Parole to TDCJ-PD

# Transition from TJJD

# Youth with Short Sentences

For sentenced offenders that have a short sentence

3 years or less for a 1st degree felony

OR

2 years or less for a 2nd degree felony

They could qualify for a “9 month early out”

HRC Sec. 245.051(g) says that if a youth is within 9 months of their end of sentence then TJJD can parole the youth without a hearing.



# DSO Transfer to TDCJ-CID

Criteria to be met for possible return to court for transfer to prison. The youth:

- must be 16 years of age or older;
- have been in high restriction facilities for at least 6 months;
- has not completed his/her sentence; and

# DSO Transfer to TDCJ-CID

- Has met one of the following behavior criteria while in TJJD:
  - Commit a Felony or Class A Misdemeanor
  - Commit 3 or more Major Rule Violations confirmed by a Level II
  - Demonstrates Chronic Disruption of the Program
    - (5 placements/extensions in Security in 30 day OR 10 placements/extensions in 90 days)
  - Demonstrates an unwillingness to progress in treatment
- Alternate interventions have been tried without success
- Conduct indicates that the welfare of the community requires transfer

# Youth that cannot meet MPC prior to turning 19

## Required Hearing

- TJJD shall request a court hearing to determine whether he/she will be transferred to TDCJ-CID or TDCJ-PD. TJJD will consider the following in forming a recommendation for the committing court:
  - length of stay in TJJD;
  - youth's progress in the rehabilitation program;
  - youth's behavior while in TJJD;
  - youth's offense/delinquent history; and
  - any other relevant factors, such as:
    - risk factors and protective factors the youth possesses as identified in his/her psychological evaluation; and
    - the welfare of the community.

# DSO's that receive adult sentences for new offenses

- If the youth receives an adult sentence for an offense while on parole or in an institution
  - TJJD will request a court hearing to transfer him/her on the original sentence.

# Criteria for Transfer to TDCJ-CID Parole Revokee

- Criteria:
  - youth is at least age 16; and
  - youth has not completed his/her sentence; and
  - youth's conduct indicates that the welfare of the community requires the transfer.

All youth revoked will be reviewed within 45 days of return to the facility to determine if a transfer will be pursued.

# Family Code 54.11, Section J

- Nature of the offense and manner in which committed
- Experience and character of the youth before and after TJJD commitment
- Ability of youth to contribute to society
- Protection of the victim of the offense of any member of the victim's family
- Best interests of the person
- Any other factor considered to be relevant

# Court Hearings

- Executive Director or designee approves the return to court
- TJJD issues a letter requesting a hearing
- The Court has 60 days from time the letter is received to set a hearing date
- The youth returns to their committing court
- Same Judge, Prosecutor, and Defense Attorney
- The victim may be present and may testify

# Court Hearings

- TJJD will submit the youth's masterfile and incident reports to the court along with a report 5 days prior to the hearing
- The Court is the final decision authority:
  - Transfer to Prison
  - Transfer to TDCJ Parole
  - Return to TJJD
- A youth can only be transferred to prison if ordered by the court



# Parole for Sentenced Offenders

# Program Completion Criteria for DSO's

- TJJD has paroling authority over youth that can complete their MPC prior to their 19<sup>th</sup> birthday. However, MPC is only one part of the required criteria.

(HRC 245.051)

- They must also meet TJJD Program Completion Criteria

# Parole for Determinate Sentenced Offenders

## Criteria for Parole (TJJD or Adult)

- Must have completed their MPC
- Must meet TJJD's treatment goals (Stage YES-Active)
- Must complete required specialized treatment programming
- No Major Rule Violations within the last 90 days confirmed by a Level II Hearing
- Completion of or participation in any statutorily required programming (reading program, gang intervention and/or PBIS)
- TJJD Executive Director approves all releases to parole

# Age Factor for Parole

- Sentenced Offenders will transfer to either TJJD Parole or TDCJ Parole depending on their age.
  - Age 18.9 and under will be released on TJJD Parole
  - At age 18.10 and older will be released to TDCJ Parole
  - If on TJJD Parole, the youth will transfer to TDCJ Parole at 19 in order to complete their sentence.

# TDCJ Parole

- The youth signs the order of transfer and conditions of their parole
- Supervised by TDCJ Parole Officers
- On TDCJ Parole until their sentence expires
- Go through the TDCJ-BPP for parole revocation process if violations occur
- Ultimate consequence is transfer to TDCJ-CID

# Special Conditions for Sex Offenders on TDCJ Parole

- TDCJ-PD requires special conditions for all sex offenders placed on adult parole. Some of these are:
  - Participate in a treatment program
  - Not operate, work, or go into any sexually-oriented business
  - Not communicate directly or indirectly with the victim or the guardian of the victim of the offense

# Special Conditions for Sex Offenders on TDCJ Parole

- Not attend an institute of higher learning without permission from the BPP
- No electronic equipment with internet access or cameras
- Able Screen within 9 months to release to parole
- Residence cannot be in a child safety zone
- No contact with any child under the age of 18 years
- Polygraphs

# Super Intensive Supervision Program (SISP)

- SISP is the most restrictive parole program in the TDCJ-Parole Division.
- An electronic monitor tracks the youth with a global positioning system
- Each week, the parole officer and student will make up a schedule of where he/she is allowed to go.
- SISP is for a minimum of one year.



# Contact Information

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