

Rights of the Accused

Probable cause: the legal grounds law enforcement uses to make an arrest or conduct a search

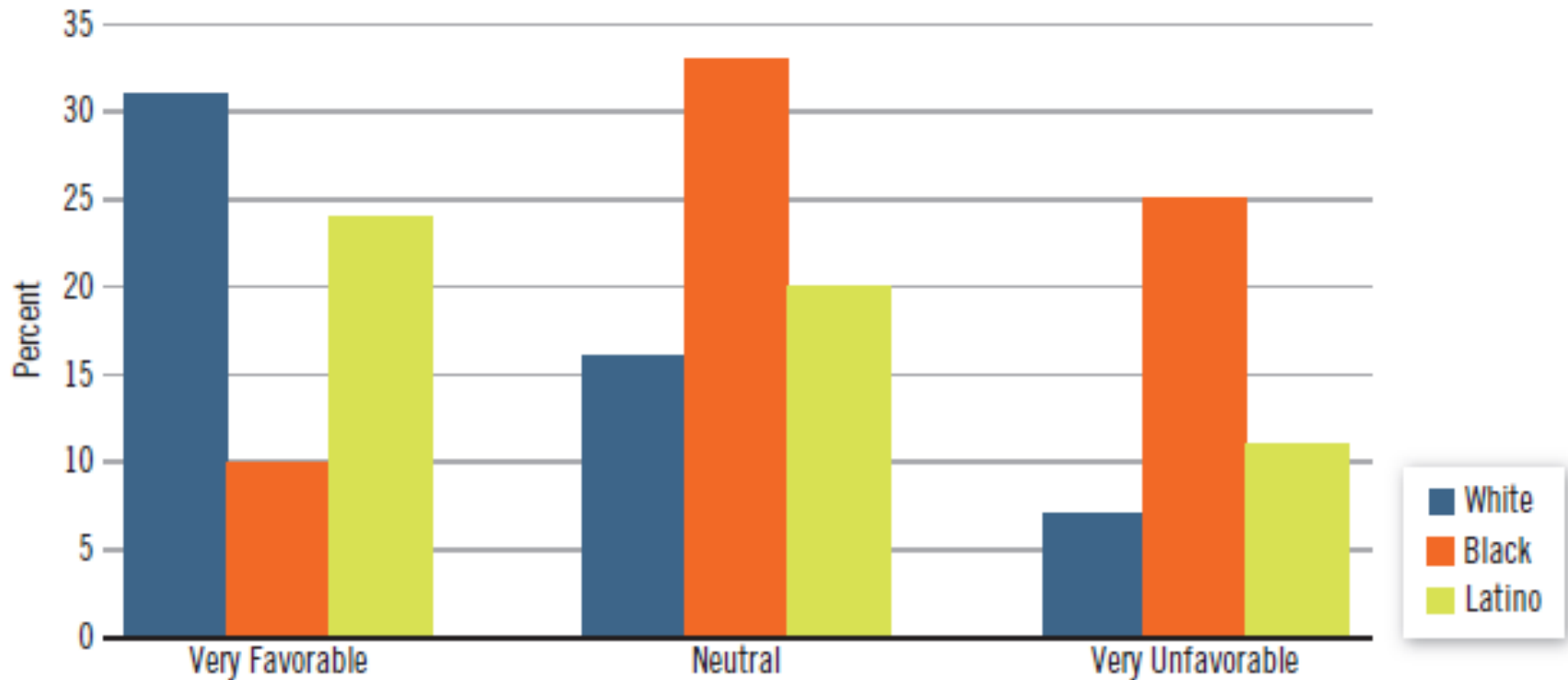
Search and seizure: where law enforcement agents search an accused's property and collect any evidence relevant to the alleged crime

- Most of the rights of the accused are guaranteed both by the US Constitution and the Texas Constitution.

Victims' Rights

- The Texas Constitution guarantees several rights to crime victims and their families.
- Victims of crimes such as sexual assault, kidnapping, aggravated robbery or other criminal bodily harm are entitled to *protection by law enforcement*, the right to be *informed about the progress of a case* at various points, and the right to have the court *take their safety into account* on release of their attacker from a correctional facility.

Attitudes toward Police by Race



Source: Texas Tribune poll, February 2015.

Texans' Views on Justice

- Anglo residents feel most favorable toward law enforcement, followed by Latinos.
- African Americans are less likely to have a very favorable opinion of law enforcement and are much more likely to have an unfavorable opinion than any other racial group.
- African Americans generally have a disproportionate amount of negative interactions with law enforcement, leading to diminished trust between the groups.
- Highly visible tragedies involving African Americans and law enforcement officers contribute to a widening gap in approval of law enforcement between African Americans and other racial groups in Texas.

Types of Crimes

- **Misdemeanors:** misdemeanors can range from Class A, the most severe, to Class C, the least. The most common Class C misdemeanor is a traffic offense (speeding). Other Class C misdemeanors are minor theft, usually shoplifting, a minor in possession of alcohol, or leaving a child unattended in a vehicle.
- **Felonies:** in Texas, felonies range from failure to pay child support to murder and vary in punishment from short prison sentences to death by lethal injection. The circumstances of the crime also play a part in sentencing.

Types of Crimes

MISDEMEANORS		
Category	Punishment	Example
Class A	Up to one year in jail and/or a fine up to \$4,000	Assault, harassment, burglary of a vehicle, theft/criminal mischief of \$500 or more
Class B	Up to 180 days in county jail and/or a fine up to \$2,000	Indecent exposure, disorderly conduct, DWI (first offense), theft/criminal mischief of \$50 or more
Class C	Fine only, not to exceed \$500	Possession of alcoholic beverage in motor vehicle, theft/criminal mischief of \$50 or less
FELONY		
Capital	Death by lethal injection (only if 18 years or older) or life in prison without parole	Murder
First Degree	5 to 99 years or life in prison, and/or fine up to \$10,000	Murder, aggravated sexual assault, injury to child, elderly or disabled individual, aggravated robbery, arson
Second Degree	2 to 20 years in prison, and/or fine up to \$10,000	Murder (including sudden passion), manslaughter, indecency with a child, robbery, burglary of habitation
Third Degree	2 to 10 years in prison, and/or fine up to \$10,000	Intoxication assault, kidnapping, stalking (first offense), DWI (with two prior convictions only), theft/criminal mischief of \$20,000 or more
State Jail	180 days to 2 years in state jail, and/or fine up to \$10,000	Criminally negligent homicide, burglary of a building, failure to pay child support, theft/criminal mischief of less than \$1,500 to a habitation with a firearm, forgery

Drug Crimes

- Drug offenses are based on the type and amount of drug in question, how the drug was concealed, and whether the defendant manufactured, delivered, or possessed the drug.
- Since 1999, arrests for drug crimes have skyrocketed, although most arrests are for possession rather than distribution.
- Even trace amounts of drugs (1/100th the amount of a packet of Splenda) can lead to prosecution, often as a way to meet a political conviction goal for prosecutors.

Juvenile Crimes

- The Texas Juvenile Justice Department is responsible for the supervising and rehabilitation of juveniles—aged ten to sixteen—in the criminal justice system.
- At seventeen, a defendant may be tried as an adult, and Texas is only one of nine states to do this. Juvenile justice is administered locally with the hearings, terms of detention, and probation determined at the county level.
- The state has established different procedures for police interrogations and confessions, and juveniles also have separate case managers, detention facilities, courts (for some offenses), and punishments.



Criminal Justice Process in Texas

Pretrial

- The first step is an appearance before a judge. Within forty-eight hours after an arrest, a suspect must have a hearing before a judge to inform the accused of the charges.
- The judge must advise the accused that he or she can retain counsel, remain silent, and have an attorney present during interviews with law enforcement officers or attorneys representing the state.

Bail: a contract where the accused is temporarily released from prison on the condition he or she pay a sum of money to guarantee an appearance in court



Criminal Justice Process in Texas

Pretrial

prosecutor: the state's lawyer who is responsible for bringing charges against accused lawbreakers

arraignment: the initial appearance of the accused in court

grand jury: a legal body charged with the task of conducting official proceedings to investigate potential criminal conduct

plea bargain: where the defendant agrees to a lesser set of charges than initially charged by the prosecutors



Criminal Justice Process in Texas

Trial

voir dire: jurors are questioned by attorneys and judges in court to determine if a potential juror is biased, cannot deal with the issues fairly, or knows a party to the case

- If your case doesn't end in a plea, your case will likely go to trial.
- For jury trials, a jury must be selected.



Criminal Justice Process in Texas

Trial

- A defendant must enter a plea in response to the charges. The plea can be guilty, not guilty, or no contest.
- A defendant can request a jury trial with six jurors in misdemeanor cases and twelve jurors in felony trials.

No Contest: where a defendant does not admit guilt but is not contesting the underlying facts



Criminal Justice Process in Texas

Punishment

Physical Labor

- Originally, prisons were largely expected to be self-sufficient by growing or manufacturing items to generate revenue.
- Today, young, first-time offenders are sometimes sentenced to a type of “boot camp” modeled after the military’s basic training—a sentencing sometimes called “shock probation.”
- In addition, in adult prisons, some of the convicted work on “hoe squads” where they plant and pick produce and carry rocks.



Criminal Justice Process in Texas

Punishment

Probation

- **Community supervision:** a defendant is released and allowed to live in the community under conditions set by the court
- **Deferred adjudication:** a defendant pleads guilty and the judge delays a final verdict until the time the defendant successfully completes the supervision period



Criminal Justice Process in Texas

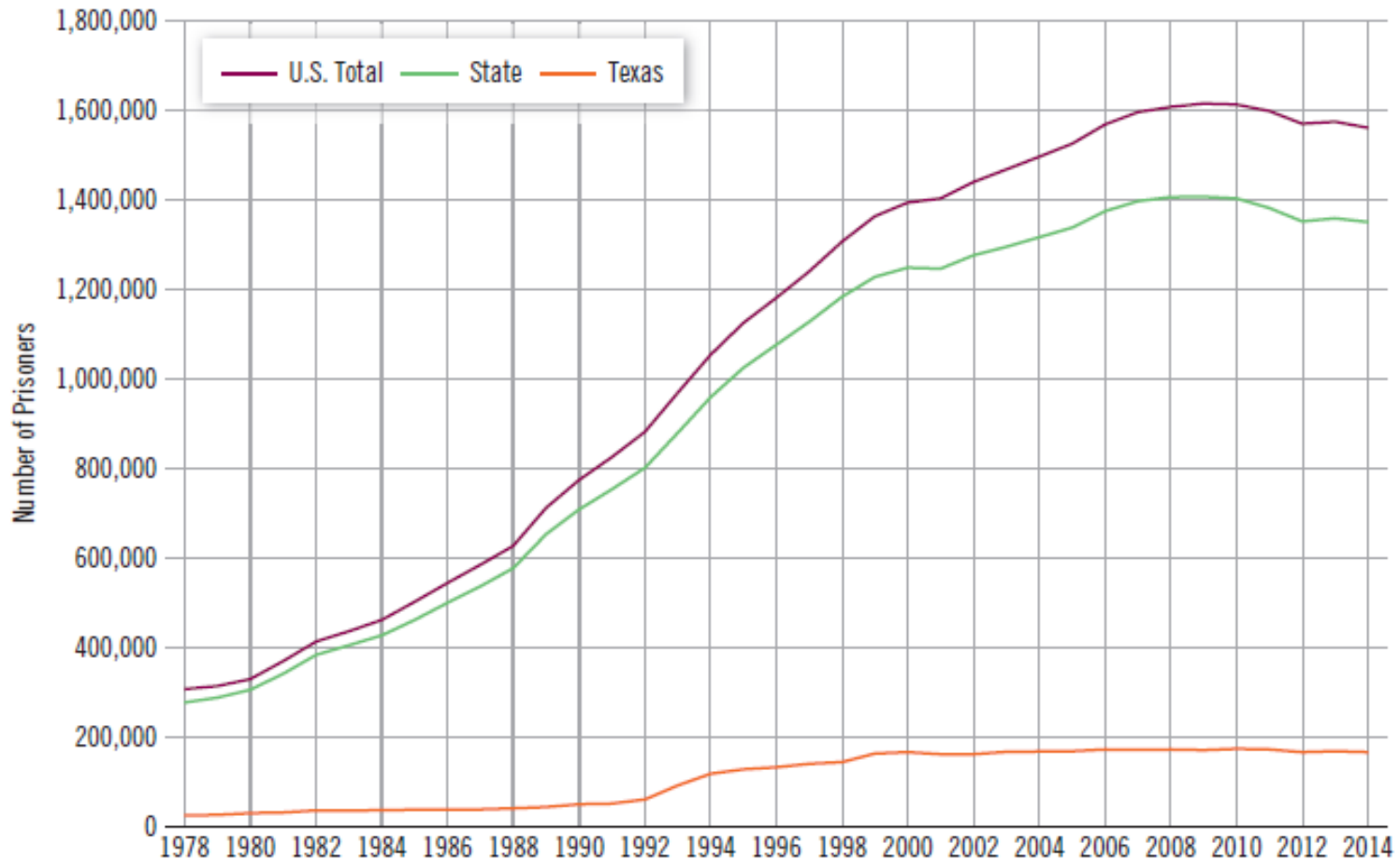
Punishment

Incarceration

- Local, state, and federal governments maintain correctional facilities in Texas. Municipal (city) jails hold those arrested until either bail is made or they are transferred to county jails.
- County jails hold defendants awaiting trial or transfer to prison, community correctional facilities such as “boot camps” or substance abuse treatment facilities.
- Federal penitentiaries house convicts who have violated federal law. There are 112 correctional facilities in Texas, including federal correctional institutions, private correctional institutions, and residential reentry centers (halfway houses to provide assistance to inmates nearing release).

Criminal Justice Process in Texas

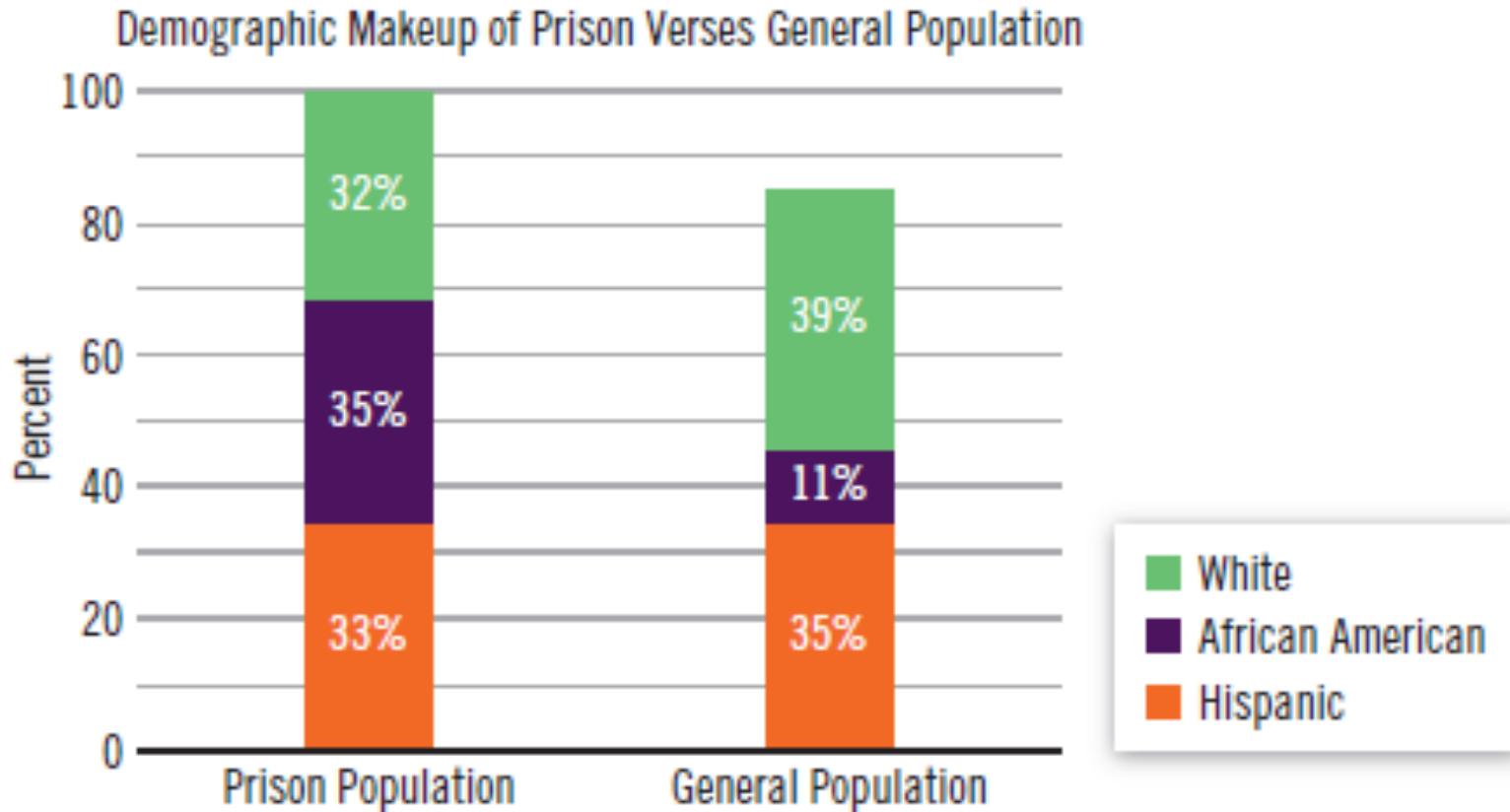
State and Federal Prisoners under Jurisdiction of Correctional Authorities



Source: Bureau of Justice Statistics, National Prisoner Statistics Program.

Criminal Justice Process in Texas

Demographic Makeup of Texas Prisons





Criminal Justice Process in Texas

Demographic Makeup of Texas Prisons

- The percentage of total prison population from each racial group is roughly equal at about one-third each. Although the percentage of the prison population is similar, the representation by each group in prison is not balanced.
- African Americans and Latinos, however, make up slightly more of the prison population than Anglos, and are disproportionately unrepresentative of their percentages in the population.
- African Americans are more likely to be in prison on drug crimes than other racial groups, and these crimes have longer sentences than other crimes.



Criminal Justice Process in Texas

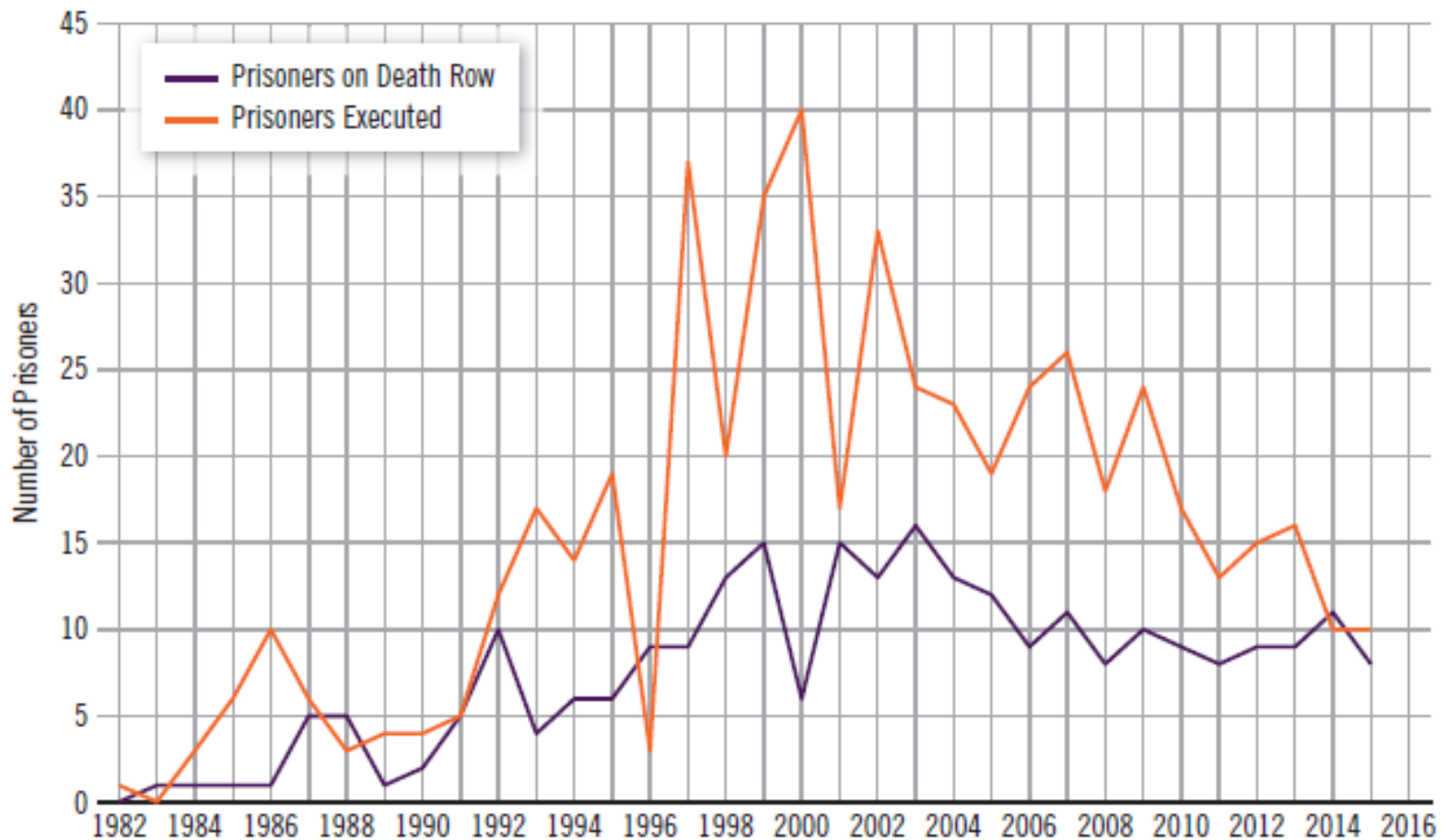
Death Penalty

Death Penalty: (capital punishment) the sentence of a convicted individual to death

- Texas has a long history of issuing and implementing the death penalty for capital offenses.
- Tough talking Governor Richards approved fifty executions in her term as governor. On the campaign trail in 1994, Richards, a Democrat, bragged about being as tough on crime as any Republican.
- George W. Bush responded that if elected, he promised to shorten the time spent on death-row appeals.

Criminal Justice Process in Texas

Number of Prisoners Scheduled to Be Executed and Executed



Life after Prison

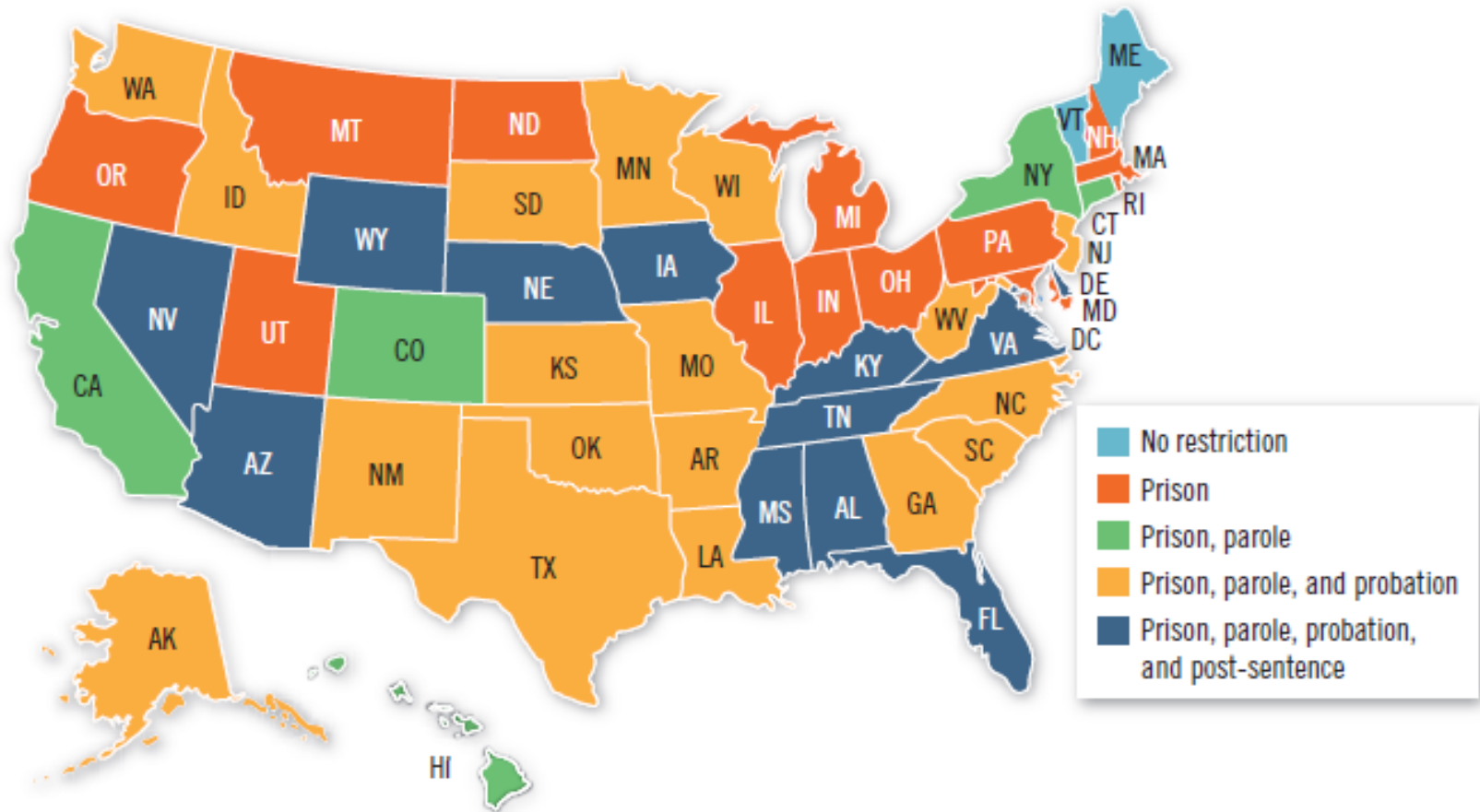
- After their release, persons with felony convictions may face collateral consequences by being banned from certain employment, access to benefits, and eligibility for specific programs.

collateral consequences: additional civil punishments of criminal convictions

criminal disenfranchisement: the loss of voting rights for felons during incarceration and after they have served their sentence

Life After Prison

Number of Prisoners Scheduled to Be Executed and Executed



Reforms

- The question is how to balance the generally tough-on-crime approach with the requirements for a just system. Add in the cost of the criminal justice system, especially to county jails, and it becomes clear that creative solutions are needed to reform the criminal justice system in Texas.
 - Alternatives to incarceration
 - Bail reforms
 - Addressing prison suicides
 - Grand Jury Reform
 - Death Penalty Reform