

# Texas's Criminal Justice System

CAROLINA ACADEMIC PRESS

State-Specific Criminal Justice Series

---

*Criminal Justice Basics and Concerns*

William G. Doerner, ed.

---

*Alabama's Criminal Justice System*

Vicki Lindsay and Jeffrey P. Rush, eds.

*Arkansas's Criminal Justice System*

Edward Powers and Janet K. Wilson

*California's Criminal Justice System*

Third Edition

Christine L. Gardiner and Georgia Spiropoulos, eds.

*Florida's Criminal Justice System*

Second Edition

William G. Doerner

*Georgia's Criminal Justice System*

Deborah Mitchell Robinson

*Illinois's Criminal Justice System*

Jill Joline Myers and Todd Lough, eds.

*Maryland's Criminal Justice System*

Debra L. Stanley, ed.

*Minnesota's Criminal Justice System*

Jeff Bumgarner, Susan Hilal, and James Densley

*Missouri's Criminal Justice System*

Frances P. Reddington, ed.

*North Carolina's Criminal Justice System*

Second Edition

Paul E. Knepper and Mark Jones

*Ohio's Criminal Justice System*

Joshua B. Hill, Nancy E. Marion, Kevin M. Cashen,  
R. James Orr, III, and Kendra J. Kec

*Pennsylvania's Criminal Justice System*

Mary P. Brewster and Harry R. Dammer, eds.

*Texas's Criminal Justice System*

Durant Frantzen and Marshall Lloyd

*West Virginia's Criminal Justice System*

Kimberly A. DeTardo-Bora, Dhruba J. Bora,  
and Samuel L. Dameron



# Texas's Criminal Justice System

**Durant Frantzen**

PROFESSOR OF CRIMINOLOGY  
TEXAS A&M UNIVERSITY-SAN ANTONIO

**Marshall B. Lloyd**

INSTRUCTOR  
ST. MARY'S LAW SCHOOL, SAN ANTONIO



CAROLINA ACADEMIC PRESS  

---

Durham, North Carolina

Copyright © 2018  
Carolina Academic Press, LLC  
All Rights Reserved

Library of Congress Cataloging-in-Publication Data

Names: Frantzen, Durant, author. | Lloyd, Marshall, author.  
Title: Texas's criminal justice system / Durant Frantzen and Marshall Lloyd.  
Description: Durham, North Carolina : Carolina Academic Press, 2017. |  
Series: State-specific criminal justice series | Includes bibliographical  
references and index.  
Identifiers: LCCN 2017016741 | ISBN 9781594609794 (alk. paper)  
Subjects: LCSH: Criminal justice, Administration of--Texas. | Law  
enforcement--Texas.  
Classification: LCC KFT1762 .F73 2017 | DDC 364.764--dc23  
LC record available at <https://lcn.loc.gov/2017016741>

eISBN 978-1-5310-1152-9

CAROLINA ACADEMIC PRESS, LLC  
700 Kent Street  
Durham, North Carolina 27701  
Telephone (919) 489-7486  
Fax (919) 493-5668  
[www.cap-press.com](http://www.cap-press.com)

Printed in the United States of America

*This book is dedicated to the criminal justice professionals who set an example of professionalism, integrity, and dignity in everything they do for the citizens of Texas.*

*This book is also dedicated to my students and the students of criminal justice throughout the state. May they seek justice and equality for all.*

*Finally, this book is written for Lana and for Cole and Chad.*

*—Durant Frantzen*

*This book is dedicated to the police officers I served with who were dedicated to protecting the public, and my family: Monica, Laura and Robert.*

*—Marshall B. Lloyd*





# Contents

List of Charts, Figures, Illustrations, and Tables	xvii
Series Note	xxi
Preface	xxiii
<b>Chapter One • Crime in Texas</b>	<b>3</b>
Learning Objectives	3
Introduction	3
Measurement of Crime	4
The FBI's Uniform Crime Reports	4
Limitations of the UCR and Official Data	5
The Hierarchy Rule	6
Issues Interpreting Crime Rates	6
The National Incident-Based Reporting System	7
The National Crime Victimization Survey	8
Crime in Texas	8
Texas Incident-Based Reporting System	9
Crime Trends	9
Crime in Texas Cities	12
Hate Crime in Texas	14
Recent Criminal Justice Reform Issues	15
Summary	16
Key Terms	16
Selected Internet Sites	17
Review Questions	17
References	17
<b>Chapter 2 • Texas Law Enforcement</b>	<b>19</b>
Learning Objectives	19
Introduction	20

Becoming a Peace Officer in Texas	20
Minimum Standards	20
Police Officer Training Academy	22
Police Officer Certification	22
Bill Blackwood Law Enforcement Management Institute	24
Law Enforcement Officer Selection Process	25
Structure and Functions of Texas’s Law Enforcement System	26
State Law Enforcement Agencies	31
Texas Department of Public Safety (DPS)	31
Texas Rangers	33
State Agencies with Special Jurisdiction	34
Texas Alcoholic Beverage Commission	34
Texas Department of Insurance — Fraud Unit	35
Texas and Southwestern Cattle Raisers Association: Special Rangers	36
Local Law Enforcement Agencies	37
County Sheriff Offices	37
Constables	38
Municipal Police Departments	39
Accreditation	43
National Efforts	43
Texas Accreditation of Law Enforcement Personnel	44
Summary	48
Key Terms	49
Selected Internet Sites	50
Review Questions	51
References	51
<b>Chapter 3 • Texas Criminal Law</b>	<b>53</b>
Learning Objectives	53
Introduction	53
Enforcement of the Texas Penal Code	54
Homicide	54
Murder	55
Capital Murder	56
Manslaughter	56
Criminal Negligent Homicide	57
Assault	57
Misdemeanor	57
Aggravated Assault	59

Sexual Assault	59
Aggravated Sexual Assault	60
Theft	61
Robbery	63
Burglary	64
Driving While Intoxicated	65
Summary	67
Key Terms	67
Selected Internet Sites	68
Review Questions	69
References	69
<b>Chapter 4 • Texas Courts</b>	<b>71</b>
Learning Objectives	71
Introduction	72
Texas Court Structure	72
Texas Supreme Court	74
Court of Criminal Appeals	74
Courts of Appeal	75
District Courts	75
County Courts	77
County Courts-at-Law	77
Justice of the Peace	77
Municipal Courts	78
Trials <i>De Novo</i>	78
Court of Administration	79
Board of Law Examiners	79
Texas Bar Association	80
Office of Court Administration	81
Operations of Texas Courts	84
Court Personnel	86
State Attorney	86
District Attorney and County Attorney	86
Public Defender	87
Clerk of the Court (District and County)	88
Texas Attorney General	89
Post-Arrest and Pretrial Process	90
Booking	90
Filing Formal Charges	93

Arrest/Initial Appearance	93
Examining Trial (Preliminary Hearing)	95
Pretrial Motions	95
Plea Bargaining	96
Non-Negotiated Guilty Plea (Open Plea)	97
Trial Activities	97
Trial Stage	97
Jury Selection	98
Opening Arguments	100
Prosecutor's Presentation	100
Defense's Presentation	101
Jury Instructions	101
Closing Arguments	102
Jury Deliberations	102
Post-Trial Process	103
Presentence Investigation	103
Punishment Phase	104
Texas Criminal Justice Integrity Unit	105
Summary	106
Key Terms	106
Selected Internet Sites	107
Review Questions	108
References	109
<b>Chapter 5 • Specialty Courts in Texas</b>	<b>123</b>
Learning Objectives	123
Introduction	123
Funding Sources for Specialty Courts	125
Structure of Specialty Courts	127
Drug Courts	129
Treatment for Drug Court Defendants	132
DWI Courts	135
Assessment Process for DWI Court Defendants	136
Treatment and Monitoring of DWI Court Defendants	137
Mental Health Courts	138
Mental Health Courts and Recidivism	139
Mental Health Court Programs in Texas	141
Veterans Treatment Courts	142
VTCs in Texas	143

Summary	144
Key Terms	145
Selected Internet Sites	145
Review Questions	146
References	146
<b>Chapter 6 • Texas Corrections</b>	<b>153</b>
Learning Objectives	153
Introduction	153
Becoming a Correctional Officer in Texas	154
Minimum Standards	154
The Structure of the Texas Correctional System	155
Community Supervision	160
Probation	161
Parole	162
Jails	168
Regulation and Oversight	170
Privatization	170
Aging Inmate Population	174
Summary	176
Key Terms	176
Selected Internet Sites	177
Review Questions	177
References	178
<b>Chapter 7 • The Death Penalty in Texas</b>	<b>181</b>
Learning Objectives	181
Introduction	181
A Concise Review of the Death Penalty in Texas	184
Reinstitution of the Death Penalty	186
Texas Legislative Response	186
Post- <i>Furman</i>	187
The Supreme Court Response to Texas's Revised Death Penalty Statute	187
Subsequent Legislative Developments Impacting Texas's Death Penalty	188
The Post-Conviction Process	190
Writ of Habeas Corpus	191
Granting Clemency	193

Execution Protocol in Texas	194
Resumption of Executions in Texas	195
Challenges to Texas’s Death Penalty	196
Juveniles	196
Mental Disabilities	198
Lethal Injection	199
Botched Executions	201
Legal Representation	203
The Cost of Implementing the Death Penalty	204
Contemporary Developments	206
Summary	207
Key Terms	208
Selected Internet Sites	209
Review Questions	210
References	211
<b>Chapter 8 • Texas Juvenile Justice</b>	<b>215</b>
Learning Objectives	215
Introduction	215
A Brief History of Juvenile Justice in Texas	216
Texas Juvenile Crime Trends	218
Stages of the Texas Juvenile Justice System	221
Referral and Intake	221
Detention Hearing	223
Adjudicatory Hearing	223
Certification of Youths as Adults	224
Community Resources for Youths in the Juvenile Justice System	225
Juveniles in Residential Facilities	226
Assessment of Juvenile Treatment Needs	226
Treatment Programs	228
Special Issues	233
School to Prison Pipeline	233
Curfews	235
Summary	236
Key Terms	237
Helpful Websites	237
Review Questions	238
References	238

<b>Chapter 9 • Crime Victims in Texas</b>	241
Learning Objectives	241
Introduction	241
Victims' Rights Movement	242
Reforming Victims' Rights in Texas	245
Victim-Offender Mediation in Texas	248
Travis County	249
Galveston County	250
Nueces County	250
Family Violence and Protective Orders (POs) in Texas	251
Victim Impact Statements	254
Victim Involvement in Criminal Prosecutions	256
Victim-Precipitated Offenses	257
Summary	258
Key Terms	259
Helpful Websites	259
Review Questions	260
References	261
<b>Chapter 10 • Texas and Border Security</b>	263
Learning Objectives	263
Introduction	264
Texas and Mexico Border Region	267
Border Governors Conference	269
The Institutional Response to Border Security Issues	271
Texas Department of Public Safety and Border Security	272
Border Security Operations	273
Mexican Cartel Related Activity	274
Transnational and Organized Crime Division	275
The Cost of Border Security	276
Summary	277
Key Terms	278
Selected Internet Sites	279
Review Questions	279
References	280
<b>Index</b>	285





# List of Charts, Figures, Illustrations, and Tables

Figure 1.1	2014 Crime Clock Comparison of the United States and Texas	5
Figure 1.2	Trend Analysis of Texas and National Violent Crime Rates, 1999–2014	10
Figure 1.3	Trend Analysis of Texas and National Property Crime Rates, 1999–2014	11
Table 2.1	Texas Peace Officer Proficiency Certificates	24
Illustration 2.1	Selection Process for Police Officers in Texas	27
Chart 2.1	Peace Officers in Texas	28
Table 2.2	Comparison of Sheriffs’ Offices among the Largest Populated Counties in Texas	38
Chart 2.2	Organization of the Houston Police Department	40
Table 2.3	Comparison of the Seven Largest Police Department in Texas	42
Table 2.4	Accreditation of Texas Law Enforcement Agencies	45
Table 2.5	Initial Accreditation and Annual Continuation Fees	47
Illustration 2.2	Major Events in TCOLE History	47
Chart 3.1	Aggravated Assault Penalties	58
Chart 3.2	Classification and Penalties for Theft in Texas	62
Chart 3.3	Punishment Range for Driving While Intoxicated	65
Figure 4.1	Texas Judicial System	73
Figure 4.2	Texas Judicial Districts	76
Figure 4.3	Office of Court Administration Organization Chart	82
Table 4.1	Judicial Boards and Policymaking Bodies Served by Office of Court Administration	84
Table 4.2	Texas Judiciary Appropriations, 2014–15 Biennium	85
Table 4.3	Criminal Cases on Docket, Fiscal Year 2015	86

Table 4.4 Punishment Response in Texas	105
Illustration 4.1 Oath of Office for Newly Licensed Attorneys	110
Illustration 4.2 Application for Court Appointed Attorney	111
Illustration 4.3 Motion Requesting an Examining Trial	114
Illustration 4.4 Example Plea Agreement	116
Illustration 4.5 Waiver of Jury Trial	121
Figure 5.1 Specialty Courts by Type, 2016	124
Figure 5.2 Key Components of Drug Court (1997/2004)	126
Figure 5.3 The Specialty Court Process	128
Figure 5.4 Drug Court Eligibility Criteria	130
Figure 5.5 Descriptions of Selected Inpatient Treatment Facilities in Bexar County	132
Figure 5.6 Reasons for Declining to Accept Participants for a MHC Program	140
Figure 6.1 Entrance Requirements for Texas Correctional Officers	155
Figure 6.2 Mission of the Texas Department of Criminal Justice Correctional Institutions Division	156
Figure 6.3 Role of the Canine Coordinator	157
Figure 6.4 Texas Department of Criminal Justice Organizational Structure	157
Figure 6.5 State Imprisonment Rates (Prisons/Jails Top 10) as of 2014	159
Figure 6.6 Demographic Characteristics of the TDJC Inmate Population On-Hand as of 8/31/2014	160
Figure 6.7 Demographic Characteristics of Community Supervision Population as of 8/31/14	163
Figure 6.8 Demographic Characteristics of Parole Population as of 8/31/2014	166
Figure 6.9 County Jail Population by Offense Type	168
Figure 6.10 Cause of Inmate Deaths in Texas Jails	171
Figure 6.11 Private Prison Facilities Operated by TDCJ as of July 2016	172
Figure 6.12 Elderly Inmates Incarcerated by Crime Type	175
Table 7.1 Reported Executions Worldwide in 2014	182
Illustration 7.1 International Treaties and U.N. General Assembly Resolution 69/186 (2014) on Abolishing the Death Penalty	183
Chart 7.1 Executions in the United States	184

Table 7.2	Death Row Inmates by States	185
Illustration 7.2	Legacy of Jerry Lane Jurek	189
Figure 7.1	Progression of a Texas Death Penalty Case from Arrest to Execution	192
Table 7.3	Number of Executions by Lethal Injection in Texas since 1982	197
Table 7.4	Number of Executions in Selected Jurisdiction, 1976 to Present	198
Illustration 7.3	Authorized Methods of Execution since 1976 to Present	200
Illustration 7.4	Execution Problems	202
Table 7.5	Estimates on the Costs Associated with Executions in Texas	205
Figure 8.1	Texas Juvenile Justice Reforms in the 21st Century	218
Figure 8.2	All Texas Juvenile Arrests, 2004–2012	219
Figure 8.3	Trend in Juvenile Arrests for Violent Offenses, 2006–2012	219
Figure 8.4	Texas and National Juvenile Property Crime Arrest Rates, 2006–2012	220
Figure 8.5	Phases of the Texas Juvenile Justice System	222
Figure 8.6	Excerpt on Waiver of Jurisdiction and Discretionary Transfer to Adult Court	224
Figure 8.7	Services for Youth with Mental Disorders	228
Figure 8.8	Specialized Treatment Programs for TJJD Youth	229
Figure 9.1	Proposed Change to the Sixth Amendment of the United States Constitution	243
Figure 9.2	Proposed Victim Rights Amendment to the United States Constitution	243
Figure 9.3	Map of States with Victims' Rights Amendments	244
Figure 9.4	Sources of Victim Restitution in Texas	245
Figure 9.5	Text of the Texas Victim Rights Act	246
Figure 9.6	Crime Victims Applications by Crime Type in 2015	248
Figure 9.7	Programs Offered by Nueces County Dispute Resolution Services	250
Figure 9.8	Protective Orders for Specific Crime Types	253
Figure 9.9	Protective Orders Provisions	254
Chart 10.1	Interagency Workgroup on Border Issues	268



# Series Note

Carolina Academic Press' state-specific criminal justice series fills a gap in the field of criminal justice education. One drawback with many current introduction to criminal justice texts is that they pertain to the essentially non-existent "American" criminal justice system and ignore the local landscape. Each state has its unique legislature, executive branch, law enforcement system, court and appellate review system, state supreme court, correctional system, and juvenile justice apparatus. Since many criminal justice students embark upon careers in their home states, they are better served by being exposed to their own states' criminal justice systems. Texts in this series are designed to be used as primary texts or as supplements to more general introductory criminal justice texts.



# Preface

The Texas justice system is a complex structure of both public and private institutions at the state, county and local communities. A population of more than 28 million across a region sharing borders with four states and Mexico, the state faces substantial challenges to ensure public safety across all levels of government. As a result, this book describes the primary institutions involved in combating crime, as well as the division of powers among government stakeholders. Students will learn about the interface among the justice components that requires cooperative efforts, as well as discretion among police personnel, judges, and correctional officials. During the collaboration on the book, the authors strived to include unique aspects of the state justice system. The illustrations, charts and other graphics in each chapter are presented to provide a clear description of changes in laws and historical developments impacting the state justice system. Students and the general public can consider the textbook a primary resource to begin scholarly research with respect to public policy and criminal justice agencies in Texas.

Marshall B. Lloyd  
Durant Frantzen  
May 17, 2018

