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TESTIMONY
Senate Committee on Criminal Justice

Dear Chairman Whitmire and Members of the Senate Committee on Criminal Justice,

Thank you for this opportunity to testify on the programs and services designed to decrease recidivism and promote successful reentry for individuals transitioning from criminal justice system involvement back to the community. An ideal reentry system begins upon arrest, so it is imperative that the state advance policies that address the factors that increase the risk of future criminal involvement at every point in the process, not just upon release from prison.

RECIDIVISM AND REVOCATION – PROGRESS AND CHALLENGES

MAKING PROGRESS

Texas is making progress in reducing recidivism for those transitioning from prison back to the community. **Only about 21.4 percent of individuals released from prison are returned to prison within three years following release.**¹ It is difficult to compare recidivism rates with other states given the various ways in which recidivism is measured and defined, but the low reincarceration rate is significant nonetheless.

Yearly parole revocations have decreased 20 percent since 2010, and almost 50 percent over the past decade,¹ saving the state millions while improving public safety.

The rate indicates a concerted effort to prevent reincarceration for those released from prison, utilizing every diversion option available to the Texas Department of Criminal Justice (TDCJ) Parole Division and Parole Board. These include treatment programming, intensive supervision, electronic monitoring, Substance Abuse Felony Punishment facilities, and Intermediate Sanction Facilities. In fact, yearly parole revocations have decreased 20 percent since 2010, and almost 50 percent over the past decade.²

Further, there have been significant improvements to the reentry system. The TDCJ Reentry and Integration Division enhanced efforts to ensure that those leaving prison have proper identification, social security cards, and birth certificates. During Texas' 2015 Legislative Session, **the Legislature provided funding for an additional 50 reentry case managers above the 139 already providing pre-release services.**³ Additionally, through HB 1908, the Legislature expanded the eligibility criteria for intensive reentry supports for people with mental illness. And through **SB 578, county-specific reentry resource materials will be provided to everyone leaving TDCJ.**

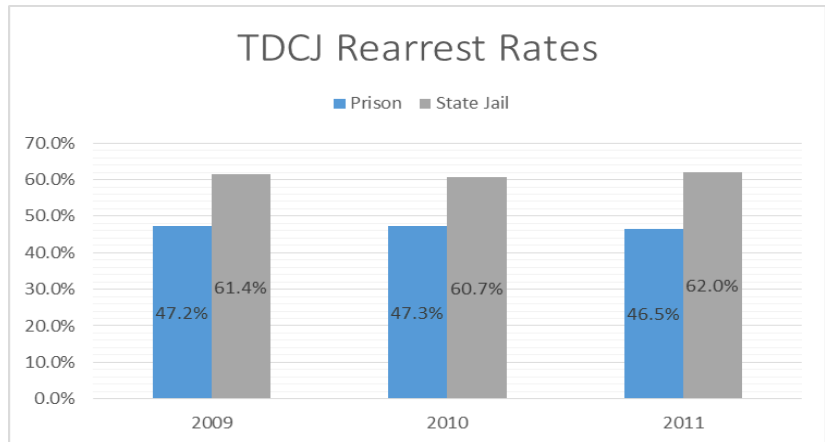
Texas also utilizes evidence-based programming to address the needs that led to criminal justice involvement in the first place, such as substance abuse. Completion of a Substance Abuse Felony Punishment program or In-Prison Therapeutic Community program, along with the aftercare components of these programs, resulted in significant reductions in reincarceration compared to control groups with similar characteristics.⁴

THE CHALLENGE AHEAD

Rearrest Rates Remain High

Despite a relatively low reincarceration rate for those leaving prison, **people attempting to transition from prison continue to struggle upon release.** More than 46 percent of those leaving prison in 2011 were rearrested within three years of release.⁵ The story for people incarcerated in state jails is even more disturbing. **At 30.7 percent, the reincarceration rate for those leaving state jail is significantly higher than for those leaving prison, and the rearrest rate is above 62 percent.**⁶

What is the reentry process like for those leaving state jail or prison? **People are released with a \$100 check, a ten-day supply of medication, a list of community resources, the clothes they are wearing, and a bus voucher.** They arrive in their communities to find barriers to employment, long-term housing, and occupational opportunity. When they attempt to find help within their communities, they often encounter obstacles. The Reentry and Integration Division identified almost 140 counties of



all sizes that lacked adequate resources with respect to housing, basic needs, education, employment, veterans services, medical, mental health, or substance abuse.⁷ Further, most employers and landlords remain largely unwilling to give formerly incarcerated individuals a chance, regardless of everything people may have done to achieve rehabilitation.

Limitations of Vocational Preparation Within TDCJ

The challenges of reentry can be mitigated significantly by ensuring that those leaving prison have the tools they need to compete in the workforce. The Windham School District, along with participating community colleges, offer academic and vocational programs within TDCJ, and there is little question that these programs provide a strong foundation for many individuals leaving TDCJ. Unfortunately, the Windham career and technical education programs are only available to those who qualify based on education level, whereas the remainder of incarcerated individuals must pay out of pocket for vocational training or collegiate programs, and often encounter extensive wait times for service. Consequently, there were only 10,554 people participating in Windham vocational training programs in 2015, which is only about 6 percent of the TDCJ population.⁸

But also beneficially, Windham is moving toward stronger partnerships with various employers who hire individuals trained in relevant career and technical programs. However, there are also problems here; most incarcerated individuals are housed in units far from their homes, and their release dates are uncertain. This makes it difficult to connect individuals with employers and community programs prior to release. Often, people learn their release dates mere weeks before they are paroled back to the community. A reentry system that allows incarcerated individuals to step down into less restricted environments, where they have greater access to employers and vocational programs within the community, is a proven model that decreases recidivism and promotes employment post-release.⁹

Community Supervision Not Adequately Addressing the Needs of Probationers

It is extremely important to understand the needs experienced by those placed on community supervision. Nearly one-third of those received by TDCJ each year were on probation prior to being sent to prison.¹⁰ Improving the outcomes for this population not only improves recidivism, it decreases the overall incarceration rates. Some characteristics of those on probation include the following:

- The vast majority of individuals begin the term of community supervision with high to moderate needs with respect to substance abuse and mental health.¹¹ **More than 22 percent rank very high in terms of risk and need, while another 52 percent are at moderate risk and need.**
- About **45 percent of probationers have achieved less than a high school education or GED** at the time of probation placement.
- Approximately **35 percent of those on felony probation are under the age of 25**, bringing a host of developmental challenges such as poor impulse control.

Due to the high risk and need level of those on probation, the conditions of community supervision make it difficult to remain in the community while addressing substance abuse, mental health, and vocational needs. **Those on probation must pay for monthly fees of up to \$60, court costs, victim restitution, drug screens, classes, co-pays for treatment programming, and additional costs related to the Driver Responsibility Program.** The totality of additional expenses on top of community service and other probation conditions makes probation an unrealistic option for those with high needs and limited resources. However, by addressing many of those needs during the pretrial phase of adjudication, many of these individuals become excellent candidates for probation or even case dismissal.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTIONS TO IMPROVE SUCCESS ON SUPERVISION

(1) Develop Pre-Release Community Reentry Services. Pre-release community programming is a promising model with many benefits to the state.¹² Successful programs connect incarcerated individuals with actual employers, helping them develop and apply the relevant skills they acquired from Windham School District within the community. Such programs also help those near release earn income that will improve the transition into the community and alleviate the demand on community resources.

These programs ease people back into the community, instead of forcing them to be abruptly released with little more than a resource guide. There is an additional benefit to these programs in that they can complement the rehabilitative work accomplished during the period of incarceration. Pre-release community programming can include evening programs to prepare people for release, while also reinforcing the gains achieved during in-prison therapeutic community treatment.¹³

Note: The main obstacle to a strong pre-release system is an unpredictable release system. People may be eligible for parole, but only 35 percent are approved. For those eligible for Mandatory Supervision, the Parole Board approves less than 48 percent.¹⁴ The average length of sentence is 19 years in Texas,¹⁵ so it is often difficult for TDCJ to accurately predict who is nearing release. However, the Department also tracks average length of sentence served based on type of offense, so the unpredictability of release is not an unsurmountable obstacle.

(2) Advance Pretrial Reentry Models. It is critical to provide funding for pretrial programs to address the substance abuse, mental health, educational, and vocational needs of those awaiting trial. This will allow counties to reduce pretrial incarceration costs while addressing the needs that might otherwise result in later criminal involvement. **It will also better ensure that people have a far lower risk and need level when they are placed on community supervision, potentially enabling them to become good candidates for case dismissal.**¹⁶

There are interesting models in Texas that could achieve this purpose. For instance, the Tarrant County Jail Inmate Reintegration Program is a partnership among the Tarrant County Sheriff's Department, the University of Texas at Arlington School of Social Work, and the Cornerstone Assistance Network. As of 2012, the program has served over 150 men and women. Services provided include 39 days of pre-release services and up to nine months of post-release services. During the post-release period, individuals receive job development training, GED preparation, substance abuse recovery classes, basic life skill classes, parenting classes, job etiquette classes, and empowerment classes, as well as weekly group therapy, assistance with all basic needs, and individualized case management. For those who completed the program, there was a 5 percent re-arrest rate over a three year period,¹⁷ far lower than the 62 percent re-arrest rate for those released from state jail in Texas.¹⁸

Citations

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² Texas Board of Pardons and Paroles, Board Administrator's Report, January, 21, 2016.

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⁴ Texas Department of Criminal Justice, "Evaluation of Offenders Released in Fiscal Year 2011 That Completed Rehabilitation Tier Programs," April, 2015, p. 2.

⁵ Legislative Budget Board, Recidivism and Revocation Rates, p. 2.

⁶ Ibid.

⁷ Texas Department of Criminal Justice, Texas Government Code Chapter 501.103 Reentry and Parole Referral Report, December, 2015, p. 15 -19.

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¹⁰ Texas Department of Criminal Justice, Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds, December 1, 2015,

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¹⁷ Cornerstone Assistance Network, Tarrant County Jail Inmate Reintegration Program Final Report, August 1, 2013, p. 2-10. http://www.canetwork.org/Images/TCJIRP%20Final%20Report_8-1-13.pdf.

¹⁸ Legislative Budget Board, Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates, February, 2015, p. 2, http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1450_CJ_Statewide_Recidivism.pdf.