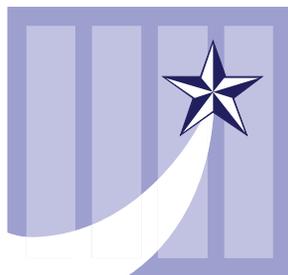


Improvements to the Texas Department of Criminal Justice Community Justice Assistance Division & Board of Pardons and Paroles

Response to Sunset Advisory Commission Staff Report

Provided by the Texas Criminal Justice Coalition



**TEXAS CRIMINAL
JUSTICE COALITION**

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*The Texas Criminal Justice Coalition is a 501(c)(3) nonprofit,
nonpartisan organization.*

We identify and advance real solutions to the problems facing Texas' juvenile and criminal justice systems. We conduct policy research and analysis, form effective partnerships, and educate key stakeholders to promote effective management, accountability, and best practices that increase public safety, save taxpayer dollars, and preserve human and civil rights.

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Guiding Principles of Criminal Justice Reform in Texas

Below are principles that can assist Texas policy-makers and stakeholders as they shape a more effective, accountable, and cost-efficient criminal justice system:

- (1) In order for the Texas Department of Criminal Justice (TDCJ) to fully realize its mission to “provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime,” the State must strongly emphasize and invest in strategies that have historically proven to save taxpayer dollars while increasing public safety, including: probation, in-prison and community-based treatment programs that effectively target the root causes of criminal behavior, and parole and other reentry strategies that reduce the number of victims by better preparing individuals to live as law-abiding, productive, self-sufficient members of Texas communities.

- (2) To maintain integrity and trust with members of the public, the Texas criminal justice system must incorporate reliable methods of accountability, including: increased levels of operational and administrative transparency; improved availability and access to information; more comprehensive oversight and independent monitoring, with regular on-site inspections of all correctional facilities; more efficient dissemination of information; means for tracking outcomes in comparison with established standards; and provision of an annual report by TDCJ to the Legislature describing how facilities comport with standards, identifying deficiencies, and recommending areas of improvement.

- (3) The state of Texas should not hand over control of state jails, prisons, or medical care to private interests that profit from incarceration. Doing so is counterproductive and antithetical to the overall mission to develop a cohesive system of quality rehabilitative services that work to reduce recidivism and keep people out of prison and jail. Moreover, privatization creates a perverse incentive to increase the number of people incarcerated. Legislators who are serious about reducing the cost of corrections should look to long-term cost saving measures, such as reducing the number of inmates who are not a danger to society and decreasing reliance on the profit-driven private sector over whom we have little control.

- (4) Criminal justice agencies can best serve their customers by facilitating an ongoing exchange of information regarding contemporary techniques and best practices. To achieve this, Texas criminal justice agencies should incorporate systemic improvements to communication practices, including: ongoing efforts to improve inter-agency, interdepartmental, and community-based communication and collaboration; improved information accessibility; and streamlined information dissemination.

- (5) Facilities should be staffed with qualified personnel who are trained to meet the specific needs of individuals who require mental health, substance abuse, and sex offender treatment. Facilities should also offer services to address traumas that individuals have experienced. Consistent with the goals of providing effective, trauma-informed treatment, correctional officers and staff who supervise programming and treatment should receive continuing training in the safest protocols possible with respect to restraints, verbal de-escalation techniques, suicide risk and prevention, sexual assault, sensitivity to cultural and gender differences, and protection of vulnerable individuals.

- (6) Given recent fiscal cutbacks, and recognizing that proven community-based programs and treatment provide viable, cost-effective alternatives to incarceration, Texas should move away from prioritizing state spending on institutional care and toward an emphasis on community-based services. TDCJ-CJAD (Community Justice Assistance Division) can more fully assist community supervision corrections departments (CSCDs) in achieving their mission to provide rehabilitative services and programs as an alternative to incarceration if CJAD is provided the following: more budgetary and operational independence; funding and resources to support each CSCD; and proper resources to fill staff positions and provide necessary staff training and technical assistance.
-
- (7) TDCJ-CJAD can best serve its customers by providing more comprehensive treatment and programming and by furnishing departments and officers with the training, tools, and power to impose a variety of treatment techniques and disciplinary sanctions specifically tailored to their community and their customers' needs.
-
- (8) Rehabilitation and reintegration begins as soon as an individual enters the criminal justice system. Therefore, successful reintegration depends on how well the criminal justice system equips individuals with the tools to become productive members of the community. TDCJ and CJAD can best achieve their rehabilitative and reintegration goals if they focus on the following: incorporating evidenced-based practices, contemporary treatment methods and techniques, and gender-based program models; specifically tailoring programming and treatment to the particularized needs of individuals suffering from substance abuse, those with mental or physical health issues, and system-involved veterans; and better developing a cooperative relationship with members of the community wishing to provide necessary educational, vocational, rehabilitation, and treatment services (including by increasing reliance on volunteers).
-
- (9) Policy-makers must strive to ensure that ALL Texans are treated with dignity and respect, especially by state agencies. This is particularly important for an agency tasked with confining individuals for long periods of time, then releasing them to Texas communities. As such, TDCJ must create and implement policies and procedures that will improve conditions of confinement for currently incarcerated individuals, including with respect to service provisions (medical care, etc.) and grievance procedures. Safer and more sanitary conditions will likewise improve the working environment for correctional officers, program staff, and other administrative staff. TDCJ must also encourage family visitation by creating a welcoming environment for families, including the children of those in confinement, which improves emotional health and reduces violence.
-
- (10) TDCJ is responsible for providing adequate healthcare that meets mandatory constitutional standards. To maintain proper medical standards and avoid preventable illness/injury and deaths, TDCJ should incorporate the following practices: (1) better train prison staff to recognize and respond to medical emergencies; (2) maintain internal unit temperatures (for example, bring the internal unit temperature down to 90°F in the summer); (3) stop charging the \$100 co-pay for medical attention; (4) release more older parole-eligible inmates or those with expensive medical conditions; (5) cease using administrative segregation to "treat" mental illnesses; and (6) ensure that the care provided meets community health care standards, and enable health care staff to institute corrective care by including a meaningful quality assurance process to assess and improve the health care provided to prisoners in individual cases.
-

(11) Again, as most incarcerated individuals in our state corrections facilities will one day be released to Texas communities, TDCJ's Parole Division must be strengthened and appropriately resourced to more effectively address the needs of exiting individuals (e.g., through case management, programming, and referrals), with such individuals' successful reintegration its priority. Furthermore, those eligible for release must be processed in the most effective, timely manner. To best accomplish these objectives, the Division must better coordinate and work collaboratively with the Board of Pardons and Paroles; it should strive to make supervision needs-based; and it should seek to ensure that programming and additional requirements are appropriate and align with Parole Board conditions, to help parolees live law-abiding, productive, self-sufficient lives in our communities.

(12) Recognizing that incarceration should serve as a last resort, reserved only for those who present a legitimate threat to public safety and who exhibit such extreme anti-social behaviors that they cannot be a productive member of the community; and recognizing that many of the people in prison are there for nonviolent offenses, suffer from mental health issues, or are incarcerated as a result of substance abuse, Texas must make every effort to reduce its low-risk population by diverting individuals with drug and other low-level offenses from incarceration, directing more individuals to community-based supervision, and improving the parole release process.

Part 1: Key Findings – Incarceration, Supervision, and Cost Savings

A. Incarceration & Associated Costs

There is a common misconception that public safety is best served by incarcerating all who break the law, regardless of level of offense or continued threat to the public. Unfortunately, because of this mentality, Texas prisons and jails will exceed capacity by .2% at the end of FY 2012.¹ This trajectory of incarceration is unsustainable, and it is forcing taxpayers to shoulder massive costs.

□ **Prisons:** According to the Texas Department of Criminal Justice (TDCJ), Texas housed 141,087 individuals in a state prison as of 31 May 2011.² The average system-wide cost to incarcerate a person in a state-run facility costs the state \$50.79 per day.³

See Table 1 below for total prisoner per-day costs.

□ **State Jails:** At the end of May 2011, a total of 11,528 individuals were housed in a state jail.⁴ The average per-day cost to the state for each inmate in a state jail facility is \$43.03.⁵

□ **Individuals Entering Facilities:** In FY 2010, a total of 42,858 individuals were received by state prisons and 23,537 were admitted to state jails.

In one day in 2011, Texas spent \$7,661,859 to incarcerate individuals in state-run facilities:⁷

Table 1 (Dollar figures rounded)

Division	# of Prisoners and State Jail Inmates Incarcerated as of 31 May 2011	Estimated cost per day	Estimated amount spent per year
Prison	141,087	\$7,165,809	\$2,615,520,285
State Jail	11,528	\$496,050	\$181,058,250
Total	152,615	\$7,661,859	\$2,796,578,535

B. Cost Savings & Public Safety Through Smart and Meaningful Supervision

Safe alternatives to incarceration – like probation, parole, and treatment programs – play an instrumental role in combating crime through smart, effective, and fiscally sound methods.

□ **Community Supervision:** A total of 419,920 individuals were placed on Community Supervision (probation) as of the end of FY 2010, including 247,102 felony probationers and 172,818 misdemeanor probationers.⁸

Each probationer costs the state \$1.56 per day.⁹ As per-day prison costs to the state average \$50.79 per individual,¹⁰ the cost of 10 days in prison is equal to over 10 months on probation.

Community Supervision and Corrections Departments (CSCDs) demonstrate that placing individuals on probation – where they can serve their sentence while maintaining family relationships, taking part in rehabilitative programs, and remaining a participant in the community – is critical to reducing the flow to prison without jeopardizing public safety.

Indeed, Texas has seen an increase in probation felony placements on community supervision, and yet a simultaneous *decrease* in revocations. Specifically, while the average Felony Direct Supervision population has increased sharply from 2006 to 2010, jumping from 158,479 in 2006 to 172,893 in 2010, the average revocation rate decreased, settling at 14.7% in FY 2010.¹¹

This outcome was made possible by critical policy changes and legislative investments in community supervision, and as a result, Texas taxpayers have saved millions of dollars that would otherwise have been spent on the construction and maintenance of prisons.

- **Parole Supervision:** As of 31 August 2010, a total of 106,667 parolees were under supervision, including both active and inactive cases. The total Active Parole Supervision population amounted to 81,101 individuals, including 61,141 under parole, 13,377 under discretionary mandatory supervision (DMS), and 6,583 under mandatory supervision (MS).¹²

Like probation, per-day parole costs to the state are significantly lower than prison costs, ringing in at only \$3.74.¹³ In other words, the cost of 10 days in prison is equal to nearly 5 months on parole.

- **SAFP Facilities:** The average total cost per day – including both operational and treatment costs – for a Substance Abuse Felony Punishment (SAFP) facility is \$70.87.¹⁴

During FY 2010, a total of 5,920 individuals were received in a SAFP facility.¹⁵ By 31 August 2010, 3,346 individuals were housed in such a facility.¹⁶

probation¹⁹ and, during that same period, most large urban probation departments decreased revocation rates.²⁰ Over time, there have also been fewer revocations to prison for rule violations and fewer individuals sentenced to prison, likely due to judges’ increased confidence in probation and treatment.

And yet, public safety is not being compromised: **the state’s crime rate was 9% lower in 2010 than in 2007.**²¹

Table 2 (Dollar figures rounded)

Division	# of individuals under supervision or in a SAFP facility as of 31 August 2010	Estimated cost per day	Estimated amount spent per year
Probation (CJAD)	419,920	\$545,896	\$199,252,040
Active Parole	81,101	\$303,318	\$110,711,070
SAFP Facility	3,346	\$237,131	\$86,552,815
Total	504,367	\$1,086,345	\$396,515,925

A review of Tables 1 and 2 shows that **more than three times** as many people are on probation, parole, or in treatment than are incarcerated in a prison or state jail in Texas, yet their costs to the state are **seven times less** than costs for those incarcerated.

Furthermore, the Pew Center on the States notes that incarceration diversions have saved the state nearly \$2 billion since 2007 while safely keeping inmate populations from exceeding state and local budget capacity.¹⁷ In fact, “Texas’ offender population has decreased slightly since 2007, when the Legislature began investing more money in treatment, diversion and lower caseloads for local probation officers.”¹⁸ Specifically, between 2006 and 2009, 14,019 people were re-routed from prison to felony

Part 2: General Objectives Applicable to All Agencies

Given the fact that Texas taxpayers spend more than \$3 billion per year on corrections,²² it is imperative that money is allocated according to data-driven needs and best practices. This will ensure governmental accountability and transparency, and guarantee a stronger return on our investments.

A. TDCJ's Mission Statement

The mission of the Texas Department of Criminal Justice (TDCJ) is “to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.”²³ This language does not offer concrete organizational objectives or outcomes.

1. **Recommendation:** *TDCJ should strengthen its mission statement to improve outcomes.*

TDCJ's mission statement should be modified to incorporate explicit language that accurately reflects TDCJ's ongoing obligation to assist individuals with rehabilitation and reintegration needs. Further, TDCJ should add language expressly stating how TDCJ seeks to achieve each objective in its mission. Incorporating a simple “how” statement provides a clear directive linking TDCJ's overall objectives to its practice. For instance, after the goal “to promote positive change in offender behavior,” TDCJ should include a clause stating the means it employs to achieve that end, e.g., “through comprehensive, annually assessed rehabilitation, treatment, education, and vocation programs.” This highlights the connection between TDCJ's responsibilities and goals, recognizing that the goals in TDCJ's mission are interconnected.

Similarly, TDCJ's mission cannot simply be to reintegrate individuals into society; it must actively assist an individual's transition from an

incarceration setting to the community. Part of this assistance is through rehabilitation programs, but it also requires TDCJ to prepare a reentry plan, assist in finding employment, provide housing assistance, and aid in developing general life skills that will prepare an individual as he or she transitions into a successful member of the community. Changing the agency's mission statement to add some descriptive language will help clarify TDCJ's overall mission and responsibilities. For instance, TDCJ could change the “reintegrate offenders into society” clause to say “more successfully reintegrate offenders into society by creating tailored reentry plans, matching needs to services, and partnering with communities.”

Lastly, TDCJ should incorporate a statement reflecting its responsibility to monitor its activities, outcomes, and efficacy, and it should correspondingly perform regular assessments of each program offered, with quantifiable data and useful descriptions related to outcomes and details of the programs and treatments offered. Over time, such evaluations will allow for the expansion of successful programs and the improvement of others. Importantly, evaluation/assessment data should be available to the public in an easily accessible format – e.g., published on TDCJ's website.

B. Oversight Improvement

Transparency and accountability are critical to establishing and maintaining public trust. Implementing an independent monitoring body would ensure that TDCJ operates in the most appropriate and effective manner to achieve its overall mission: increasing public safety by providing a safe and productive rehabilitative environment that will facilitate individuals' successful reintegration into the community.

1. **Recommendation: Policy-makers should create a Coordinating Review Council to review and monitor TDCJ.**

This independent agency should be tasked with all oversight responsibility, and should comprise various elected or appointed members to serve a set term.

The Texas Criminal Justice Coordinating Review Council could provide policy recommendations (including on known best practices), as well as analytical data, evaluations, and trends in regard to the programs and operations of the prison, probation, and parole systems. Specifically, the Council should assume the following duties:

- Conduct in-depth data reviews and analyses of the criminal justice system.
- Determine the long-range needs of the criminal justice system.
- Identify critical problems in the criminal justice system and recommend strategies to solve those problems, including safely and responsibly minimizing the number of individuals entering the system.
- Assess the efficacy of rehabilitation, vocational, educational, mental health, sex offender treatment, and substance abuse programs.
- Apply cost-benefit analyses to all aspects of the criminal justice system, statewide and locally.
- Recommend means to improve the deterrent and rehabilitative capacities of the criminal justice system.
- Coordinate with existing boards, task forces, and roundtables at the state and local level during review and recommendation processes.
- Coordinate with community and advocacy groups and provide opportunities for the general public to offer input during review and recommendation processes.
- Oversee and review the implementation of legislative criminal justice policy, including fiscal policy by TDCJ.
- Assist the Board of Pardons and Paroles in fulfilling its duties and responsibilities, including technical assistance in implementing evidence-based practices.

NOTE: The most important function of any independent review is a monitoring arm. If an independent agency can serve no other function, efforts must be made to create a monitoring body that can perform independent audits and review the performance of TDCJ divisions against established standards.

2. **Recommendation: If no independent monitoring/review agency is created, policy-makers should increase the frequency of the Sunset Review process for all criminal justice agencies.**

Given the enormity of the mission and duties of TDCJ, the Community Justice Assistance Division (CJAD), the Texas Board of Pardons and Paroles, etc., these agencies should be more regularly reviewed and their policies more frequently modified to incorporate developments in the field.

Effective assessments, treatments, and approaches to criminal justice are constantly evolving. As researchers understand more about the needs of individuals with mental health issues, substance abuse, and general criminogenic pathologies, methods of treating these issues are continually developing. A comprehensive evaluation should be required every four to six years, rather than every 12 years, to ensure Texas is implementing the most contemporary evidence-based practices.

3. **Recommendation: TDCJ's Board – the Texas Board of Criminal Justice – should increase the frequency and opportunity for public input on important criminal justice matters.**

The TDCJ Board takes public input at various hearings, and section 151.4 of the Texas Administrative Code provides the methods through which the public may provide testimony and comments, and add items to the Board's agenda.²⁴ Furthermore, the Board provides the opportunity, twice per year, to offer commentary on items that are not on the Board's agenda; these items may be placed on a later agenda for further discussion.²⁵

However, to whom the Board disseminates this information, and the methods by which it does so, are not clearly defined. Administrative Code section 151.4 mandates that individuals fill out a registration or pre-registration card to participate in a public hearing, and it gives both a mailing and email address for pre-registration, but there is no

way to determine how the public is informed further about hearing participation. TDCJ's website does not include easily available or specific participation information, and there is no reference to the rules for participation as enumerated in section 151.4.

The process for providing public input (and registering to do so) must be clarified and made more transparent so the public is more informed as to when and how to participate in critical hearings or bring other matters to the Board's attention.

4. Recommendation: Policy-makers should clarify the duties of the statewide Reentry Task Force.

Policy-makers' continued support of reentry initiatives will ensure state actors and other reentry providers best meet the particularized needs of those exiting confinement, thereby creating a more seamless and successful transition period for returning individuals and the entities that assist them.

Areas to Clarify: In 2009, House Bill (H.B.) 1711 created a statewide Reentry Task Force.²⁶ The Task Force promotes increased collaboration and coordination among localized reentry initiatives and state-level entities. It seeks to identify gaps in services for returning individuals, as well as report to the Legislature on policies that could encourage family unity while an individual is confined and/or boost family participation in an individual's post-release or post-discharge transition to the community.

Current law governing the Reentry Task Force should be amended to require reporting by the Task Force not only on family reunification, but on other legal, regulatory, programmatic, resource, implementation, and eligibility criteria barriers in reentry, including in areas of education, employment, housing, substance abuse, and mental health. Already, TDCJ and reentry-related agencies have been working to (a) identify gaps and inefficiencies in assessment, case management, transition, supervision activities, and information technology; (b) improve the pre- and post-admission orientation process, as well as family members' involvement in the entire reentry and release process; and (c) strengthen some reentry programs, including family reunification, visitation programs, and spiritual mentoring.²⁷ These efforts must be bolstered, regularly reported, and

made available to the public to help all relevant stakeholders support successful reintegration into Texas' communities.

Improved Continuum of Care: The strength of the Reentry Task Force is largely dependent on two critical components: a close relationship with service providers, and reporting its results and findings. As such, the Task Force must increase efforts to develop and maintain a close partnership with TDCJ program administrators and service providers in the community, so as to form stronger recommendations for reform both inside and outside prison walls. This is in line with both the responsibilities of the Task Force under Government Code section 501.098 and the legal requirements of TDCJ under Government Code section 501.092. Under the latter section, TDCJ is required to create a comprehensive reentry and reintegration plan. The plan must, among other things, provide for:

- (2) programs that address the assessed needs of offenders;
- (3) a comprehensive network of transition programs to address the needs of offenders released or discharged from a correctional facility;
- (4) the identification of providers of existing local programs and transitional services with whom the department may contract [...] to implement the reentry and reintegration plan; and;
- (5) [...] the sharing of information between local coordinators, persons with whom the department contracts [...], and other providers of services as necessary to adequately assess and address the needs of each offender.²⁸

These programs must offer specialized training, including life-skills training, education, special education (if needed), employment training, appropriate treatment programs, including substance abuse and mental health treatment programs, and parenting and relationship-building classes.²⁹

As such, in addition to providing programs, TDCJ should be working closely with community service providers to ensure a specialized and effective continuum of care for individuals released from a facility. Given this heavy responsibility, as well as recent budget cuts to TDCJ, the Reentry Task Force can take up some of the duties by serving as a

conduit of information between TDCJ and service providers. This could largely be accomplished through information dissemination of existing, compiled resource and contact lists.

NOTE: Government Code, subsection 501.098(b)(2) provides:

The reentry task force [...] may [...] coordinate with providers of existing local reentry and reintegration programs, including programs operated by a municipality or county, to make recommendations regarding the provision of comprehensive services to offenders following their release or discharge to rural or urban communities.³⁰

While this is not a mandate on the Task Force, policy-makers should facilitate the Task Force's efforts to develop and maintain strong relationships with service providers, where possible.

Additionally, adding a reporting requirement to the Task Force's duties will ensure that collected information is shared among TDCJ and service providers. It will also notify policy-makers about needs that arise and that require immediate attention.

C. Staffing & Staff Training

Staffing standards and regulation throughout criminal justice facilities must be improved to ensure that individuals are given the greatest chance of success on reentry. To realize Texas' public safety needs, state leadership must increase the current staffing levels in correctional facilities, at probation departments, throughout the Board of Pardons and Paroles and the Parole Division, and in both in-house and community-based programs.

1. **Recommendation:** *Policy-makers should increase funding allocations to the criminal justice system to hire additional staff, make salaries competitive to recruit highly qualified staff with specialized skills, and increase/broaden training (evidenced-based and specialized training) for all staff.*

The Community Justice Assistance Division (CJAD) uses specific practices to combat recidivism and promote positive behavioral changes for

individuals under supervision. According to CJAD, the implementation of "effective programing based upon local and national research outlining the components of programs that are proven to reduce recidivism and produce long term change in offender behavior" is what CJAD commonly refers to as "Evidence Based Practices."³¹ There are eight essential components of such practices that, when employed properly, have been proven to reduce recidivism, and staff throughout each sector of the system should employ these components for best outcomes:

- Assessment of Risk:** Individuals are given a validated risk assessment to determine appropriate programming.
- Assessment of Crime-Producing Needs:** Programs target crime-producing behaviors and values, including substance abuse, anti-social peers, poor problem solving, and relapse.
- Research-Based Strategies:** Programs use cognitive-behavioral curricula that target antisocial thinking and other related criminality factors (e.g., impulsivity, poor problem solving skills, lack of consideration of consequences, etc.).
- Motivation:** Programs have a motivational component and a trained staff with strategies to strengthen program compliance and completion.
- Peers/Family:** Programs strengthen the family and pro-social peers.
- Aftercare:** Post-release supervision/services are provided to returning individuals;
- Quality Control:** Programs are evaluated using a research-based process evaluation targeting the critical components of effective programs, which ensures that the program is being delivered as it was designed (e.g., the Correctional Program Assessment Inventory – CPAI³²).
- Public Safety:** Programs track recidivism to determine the efficacy of the program.³³

System-Wide: A large majority of individuals employed within TDCJ hold degrees in criminal justice, corrections, or law enforcement; wardens

in particular are required to have a criminal justice or related degree.³⁴ Many employees have been at TDCJ or other corrections systems for many years. Although these degrees lend a particular yet important perspective to TDCJ operations, the general lack of staff diversity can stifle creativity and discourage objectivity. Across the criminal justice system, agencies and divisions must emphasize employment opportunities for individuals – ideally with degrees in counseling and social work – who recognize and seek to implement the above components of evidence-based practices.

CJAD and Probation Departments: As a result of recent budget cuts, CJAD lost a significant portion of its staff; meanwhile, legislative changes, required policy monitoring, and requested responses to interim charges since 2005 have substantially increased CJAD’s responsibilities and workload. It is imperative that the agency’s staffing levels are reinstated to best help departments accomplish their mission. (*For further information on staffing levels in Texas’ probation system, please see page 19.*) Likewise, it is critical that probation departments themselves are provided with the necessary resources to identify, recruit, and retain highly qualified Community Supervision Officers (CSOs) who understand the nuances of substance abuse/mental health issues, and who are committed to a client-centered approach. At the very least, departments should be awarded grants to provide trainings in evidence-based practices to specific staff, who should then be expected to train remaining staff.

Correctional Facilities: TDCJ reduced its workforce by roughly 2,000 full-time employees as a result of recent budget cuts.³⁵ Policy-makers must be aware that a depleted staff level may negatively affect existing correctional staff by limiting support and resources, while also potentially limiting inmates’ ability to participate in important activities (like exercise and recreation) that contribute to successful rehabilitation³⁶ by providing a positive outlet to manage stress and maintain physical and mental health.³⁷ Limited staff may also contribute to safety concerns for prisoners and officers alike – including inmate-on-inmate assaults and inmate-on-guard assaults.³⁸ Where possible, staffing levels should be revitalized and brought back to previous levels.

Additionally, under TDCJ’s comprehensive reentry and reintegration plan, the agency must be equipped with the proper resources to employ and train staff. Specifically, Government Code subsections 501.092(b)(2) and (3) require that programs “be implemented by skilled staff experienced in working with reentry and reintegration programs.”³⁹ This requires a particularized skill set, including, among other things: individualized case management and a full continuum of care; life-skills training; education and, if needed, special education; employment training; appropriate treatment programs, including substance abuse and mental health treatment programs; and parenting and relationship-building classes.⁴⁰

Given budget realities, it is unrealistic to expect that full teams of specialized program staff will be hired at every facility. At the very least, policy-makers should strive to provide training opportunities for correctional officers, who have the greatest interaction with inmates, to better equip them with strategies to address the following:

- **The needs of inmates who have been sexually assaulted,** whether in facilities or prior to entering.
- **Violence prevention.** While TDCJ correctional staff receives specialized trainings, most involve *reactive* techniques rather than prevention methods. In 2008-09, for example, 16 trainings were provided to 3,700 staff members by TDCJ’s Correctional Training and Staff Development Department, which focused on defensive techniques, including firearms qualifications, combat, and munitions training.⁴¹ In addition to defensive training, corrections staff should be provided ample opportunity to learn violence-prevention techniques such as identification and handling of vulnerable inmates, suicide prevention, and strategies to reduce the risk of assaults.⁴²

Similarly, policy-makers should seek to expand mentoring periods for new correctional officers beyond the current weeklong allotment,⁴³ and provide resources for access to counseling, especially given correctional officers’ difficult and stressful job environment.

Parole Agencies and Departments: It is imperative that the Board of Pardons and Paroles, as well as the Parole Division, have the necessary resources to recruit and train staff and parole officers who are committed to reducing recidivism through an emphasis on appropriate and necessary programming, and the elimination of unduly burdensome supervision conditions.

2. **Recommendation:** *Policy-makers should ensure that system staff has access to adequate and frequent training specifically on substance abuse and mental health issues.*

At an increasing and unsustainable cost to Texas, our prisons have become warehouses for people with substance abuse and mental health issues who have not received proper treatment. According to one report on prisoner reentry in Texas, approximately 63% of the prison population is chemically dependent.⁴⁴ A Bureau of Justice Statistics report determined that 56% of state prison inmates also have mental health issues.⁴⁵ Additionally, a recent study from the Texas Department of State Health Services (DSHS) found that between 2007 and 2009, an average of 19% of DSHS's adult clients with mental illness reported that they had been criminal justice system-involved. DSHS also determined that, as of April 2010, an average of 23% of people involved with TDCJ (30% in prison, 30% on parole, and 19% on probation) were current or former DSHS clients.⁴⁶

This high representation may be due to current sentencing practices, a lack of recognition or understanding among criminal justice practitioners of appropriate programs and interventions, and/or a lack of availability of such programs/interventions.

With well-trained staff, probation and correctional officers (among others) can at least recommend appropriate community-based or in-house programming that will best address the root causes of criminal behavior and, as such, reduce individuals' likelihood of recidivism.

Confinement only manages, not reduces, risk.

NOTE ON COMMUNITY-BASED PROGRAMS: Non-residential treatment programs are often more cost-effective than incarceration, costing less than \$10 per day,⁴⁷ while incarceration in a state prison averages \$50.79 per day.⁴⁸

Other diversion programs are similarly cost-efficient and programmatically effective when compared to incarceration. For instance, it is estimated that the current adult drug court treatment program in Texas produces about \$2.21 in benefit for every \$1 in costs.⁴⁹ Additionally, recidivism rates are lower upon successful completion of diversion programs.⁵⁰ Travis County's probation department provides evidence of this: In 2008, through systematic implementation of evidence-based practices, the department lowered the number of revocations, post-release re-arrests, and absconders;⁵¹ this reduced probation recidivism rate by 17%.⁵²

D. Inter-Agency and Inter-Departmental Communication and Resource Improvements

Lack of uniform datasets across agencies and departments impedes the efficient exchange of vital information. Coordinated strategies and *immediate* access to uniform information will increase public safety and ensure that individuals receive the proper treatment and attention they need, including in regard to medication and programming.

More effective communication among agencies and departments is also a matter of fiscal responsibility. For example, it can ensure that individuals granted release from a facility contingent upon completion of a program are not stuck on a wait list and simply sitting in prison on the state's dime. Given the great disparity between per-day prison and parole rates, a day in prison is almost 14 times more expensive than a day on parole.

1. **Recommendation:** *Criminal justice and treatment agencies should improve communication strategies to boost efficiency, inform others of the types of available programs, and meet the state's public safety needs.*

Texas' various criminal justice agencies, departments, and treatment providers should improve their coordination, communication, and shared resources so as to provide a more

comprehensive continuum of effective and cost-efficient services for system-involved individuals.⁵³ Streamlining inter-agency communications and collaboration – including tracking data and sharing information about individuals who receive or have received social services, mental health services, substance abuse services, or health services from a particular agency – will help practitioners implement evidence-based practices.

This information/data exchange must first be accomplished by improving the communication methods and technology within each department and division. Ultimately, the overall process may require the help of an entity like the Reentry Task Force (*described above*) or an independent management entity, like an Inter-Agency Coordinating Council for Data Sharing. An oversight entity like this could facilitate the inter-agency coordination of information systems, including the creation of standards for sharing information electronically under appropriate controls to ensure that confidential information remains confidential. Agencies/departments could report to the coordinating entity regarding their implementation of various policies and procedures, and every two years that entity could evaluate the efficiency and effectiveness of the information-sharing system.

NOTE: To achieve the most rapid and effective data-sharing system, departments and agencies must be equipped with the software and technology to do so. The state should conduct an assessment to determine which information technology systems are used by each agency, which systems are compatible or lend themselves most towards compatibility, which systems can be easily and inexpensively switched over to compatible systems, and which systems are publicly accessible or have parts that could be accessible via open records.

2. **Recommendation:** *TDCJ should provide all incarcerated individuals who are nearing release with secured access to a regularly updated electronic database that contains information necessary for reentry.*

This database could utilize existing services at no cost to the state, such as United Way’s 2-1-1 referral service;⁵⁴ the Texas Criminal Justice Coalition’s own Tools for Reentry webpage, which links to a comprehensive, regional listing of services

in areas of housing, health services, employment, benefits and assistance, education, and community involvement;⁵⁵ and Restorative Justice Community of Texas’ database of services.⁵⁶

3. **Recommendation:** *TDCJ administrators should improve departmental assessment tools and promote a comprehensive, system-wide assessment that more effectively assists system-involved individuals.*

TDCJ Assessment Instruments: Various assessment tools are currently employed by TDCJ, each applied in a variety of circumstances and designed for a slightly different purpose:

- The Correctional Institutions Division uses multiple assessment tools to collect a range of information, from mental health to previous job experience.
- Probation departments use four different assessment tools: the Wisconsin Risk/Needs Assessment; Strategies for Case Supervision (SCS); the Level of Service Inventory-Revised (LSI-R), which is used by three CSCDs (in Harris, Potter, and Tarrant Counties); and the Ohio Risk Assessment System (ORAS), used only by Tarrant County CSCD, as it is currently being validated for the state of Texas.
- The Parole Division uses a modified version of the Wisconsin Assessment tool.
- The Reentry and Integration Division will be using the ORAS once it is implemented by TDCJ. At present, this Division is using a Functional Needs Assessment (FNA) to identify incarcerated individuals’ pre- and post-release needs six months prior to release from incarceration.
- The Rehabilitation Programs Division uses different assessment tools depending on the programming. According to a recent open records request response from TDCJ to the Texas Criminal Justice Coalition, there are approximately six assessment methods within the Sex Offender Rehabilitation Programs, three evaluation instruments within the Substance Abuse Treatment Programs, and one assessment tool within the Youthful Offender Program.⁵⁷

Each of these assessment methodologies involves a different timeframe for evaluation. Some require more immediacy – for instance, the Correctional Institutions Division conducts some evaluations upon intake – while others administer assessments within a longer period of time. Likewise, each assessment uses a different criterion with respect to how often assessments are conducted. These range from a scheduled evaluation every six months or annually, to an assessment conducted based a substantial change – *e.g.*, an individual changes religion, or there is a transfer of Unit of Assignment for programs, etc.⁵⁸ For some assessments, the frequency with which evaluations are conducted is less clear.

Finally, the information contained in each of the assessments ranges depending on the intention of the evaluation and the context in which it is conducted. In a recent open records request response from TDCJ, the agency compared two assessment tools within probation departments: the Wisconsin Risk/Needs Assessment and the SCS. Both are distinguishable in the level of detail and specificity of their inquiry. The information collected can also be substantially different, although neither instrument gathered information related to veteran status or combat-related illness or trauma. In contrast, however, some of the assessments used by TDCJ do actually ask about veteran history.⁵⁹

Current Evaluation of Assessment Instruments: TDCJ is evaluating the potential application of various system-wide assessment tools.⁶⁰ Some of the Department’s presently implemented assessment tools focus on risk related to supervision for classification, and others focus more heavily on needs and/or risk level related to programming or reentry services. TDCJ is currently reviewing the ORAS, which provides an assessment of community supervision, incarceration, and reentry.⁶¹ According to the ORAS validation report, it performed as well as or better than the Wisconsin Risk/Needs Assessment and LSI-R.⁶²

* * *

Ultimately, the state must improve and expand the use of validated and verified strengths-based assessment tools throughout the criminal justice

system, from sentencing through parole, to assist probation, prison/jail management, and reentry efforts. If one tool was adopted – with modifications at each stage in the criminal justice system to account for relevant factors that determine an individual’s risk to public safety (e.g., substance abuse and/or mental health issues, combat-related trauma,⁶³ age, completed programming, work history, etc.) – agency and department practitioners could have easier access to shared electronic file information that could inform next steps, including further treatment and programming decisions.

But this approach comes with one caveat: **each department/agency must be provided with training assistance to identify practitioners’ skills and enable them to properly utilize the assessment to offer individuals tailored supervision and rehabilitation plans.** For the purposes of effective information exchange and accurate program and treatment provision, it is imperative that officials are familiar with the language of the assessment components at each stage in the system, and have the means to analyze the results. Given the transient nature of individuals within the system – who can be moved from unit to unit or from incarceration to parole, etc. – it is critical that shared information is not only readily available but clearly understood.

Part 3: CJAD Sunset – Administrative and Policy Objectives

The Community Justice Assistance Division (CJAD) is a division of TDCJ, charged with administering community supervision (adult probation) throughout Texas. CJAD's mission is "to be accountable, responsive, and effective stewards of funding and other resources by assisting our collaborative partners to promote safer communities through rehabilitative services for offenders and protections of victims' rights."⁶⁴

Individuals sentenced to community supervision by local courts (who thus avoid incarceration) are assigned to community supervision corrections departments (CSCDs, also called probation departments). CJAD does not work directly with individuals; rather, it works with these departments, which supervise individuals, link them to rehabilitative programs, assign them to community service, and ensure victim restitution is made. There are 121 CSCDs that service Texas' 254 counties.

General Figures

- At the end of FY 2010, the total number of individuals under probation in Texas totaled 419,920.⁶⁵
 - Of those individuals, 271,449 were placed on Direct Supervision, meaning they are legally on community supervision, work and/or reside in the jurisdiction in which they are supervised, and receive a minimum of one face-to-face contact with a Community Supervision Officer (CSO) every three months.⁶⁶

67,534 individuals on Direct Supervision were sentenced for drug offenses and 62,219 were sentenced for DWI/DUI offenses. In other words, nearly 48% of those on Direct Supervision are there for a drug or DWI/DUI offense.⁶⁷
 - 224,010 individuals (53%) were sentenced to probation for a nonviolent offense; 172,818 (41%) were misdemeanants.

- As of FY 2010, probation in Texas costs the state \$1.56 per day, per person,⁶⁸ or \$569.40 per person per year.

On the other hand, Texas spends an average of \$18,538 per year on each prison inmate.⁶⁹

- Community supervision along with drug treatment programs cost an average of \$3,908 per client per year,⁷⁰ still far less than a prison term.

A. Necessary Funding Allocations

The population under community supervision is growing, while CJAD's responsibilities and duties have substantially increased. In fact, from FY 2005 to FY 2011, the felony direct and indirect population increased by 1.4%.⁷¹ The felony direct community supervision population particularly has increased by 8% from 2005 (157,914 individuals) to 31 August 2011 (170,558 individuals).⁷² Furthermore, the percentage of individuals placed on community supervision for violent felony offenses has increased, meaning that probation departments are supervising a higher-risk population.⁷³ As a result, probation officers must be better equipped to identify high-risk probationers early to provide treatment needs and lower the risk of re-offending.

Budget cuts are a legitimate threat to the progress being made in safely supervising and lowering revocations among probationers. Already, cuts have led to reductions in the number of audits (including financial, compliance, and performance audits), fewer training events in various areas, fewer research personnel to assist departments in developing more effective supervision strategies, and less administrative staff overall.⁷⁴

The following table reveals the dramatic loss in CJAD staff over the past 14 years:⁷⁵

Table 3

TDCJ-CJAD Authorized Positions Fiscal Year 1998 – Fiscal Year 2012	
FY 98	116
FY 99	120
FY 00	122
FY 01	121
FY 02	121
FY 03	88
FY 04	107
FY 05	107
FY 06	87
FY 07	87
FY 08	88
FY 09	87
FY 10	93
FY 11	74
FY 12	74 (as of Nov. 2011)

Largely, cuts in allocations to CJAD are due to the fact that Texas’ corrections and probation agencies are consolidated, with one pot of money biannually allocated to address the discrete agencies’ missions and activities. When budget cuts become a reality, the probation system inevitably takes a significant hit to spare larger cuts to the incarceration system. For example, according to TDCJ’s 2012 Agency Budget, across-the-board diversion cuts amounted to a 3.7% reduction (totaling almost \$9 million), while many of TDCJ’s line items increased, including correctional security operations (over \$10 million).⁷⁶ TDCJ’s de-prioritization of CJAD is a trend that the Texas Criminal Justice Coalition has observed over many years; it is threatening to roll back the crucial gains of the 2007 legislative investment in treatment, diversion, and lower caseloads for probation officers.

Another alarming problem, according to the Probation Advisory Committee, is that a growing percentage of probation departments’ budgets is being allocated to employee health insurance premiums: “In 2004 when the state health insurance package was first implemented CSCDs were paying \$25 million per year. In FY 2010 this amount was now \$41,144,602. By the end of FY 2011 \$44.3 million was used to pay for health insurance premiums. To look at this another way, for FY 2010 out

of the departments’ basic supervision budgets, health insurance premiums accounted for 27% of the budgets. **If insurance premiums continue to increase at the rate that has been experienced over the last several years by FY 2015 payment for health insurance will account for 41% of basic supervision budgets and only 59% of the budgets will provide for the operations of departments and the provision of services to probationers.** In addition to this funding mechanism consistently reducing the amount available for the operation of CSCDs and for the provision of diversion programs, this funding mechanism offers no transparency. Thus even though the Legislature over the last several sessions has approved appropriations to increase diversions, Legislators do not know to what extent these funds are being used for diversions and not to pay for health insurance.”⁷⁷

1. **Recommendation:** Overall, policy-makers must ensure that Texas’ probation system has the resources to protect public safety and taxpayer dollars.

Ultimately, programs and services that exist solely to rehabilitate individuals and reduce their risk of recidivism must be resourced at sufficient levels.

Furthermore, for probation to continue to be a strong, viable alternative to prison, policy-makers must allocate funding towards evidence-based practices in probation, and do their best to remove barriers that currently prevent departments and leadership from employing best practices.

Continued investments in community supervision are imperative to sustain a safe, successful, fiscally responsible criminal justice system.

B. Infrastructure Evaluation

The success of probation departments is largely dependent on a solid partnership with CJAD. The support that departments receive from CJAD, be it financial, technical, administrative, etc., is crucial to the long-term success of probation programs, as well as the ultimate success of individual probationers. Although continued investments made by the Texas Legislature in probation departments (via CJAD) have begun to pay off, more funding must be appropriated to the agency.

Furnishing probation departments with appropriate funding, resources, and staff is consistent with a smart-on-crime approach to criminal justice (i.e., focusing on strategies that work to reduce recidivism, combat criminogenic behaviors, and increase the likelihood of success as a productive community member – as opposed to prioritizing costly and ineffective incarceration). Adequate funding and resources for CJAD ultimately means that departments will have the necessary tools to achieve their overall goals and the general mission of probation. Recent figures in CJAD’s annual report to the Governor on the Monitoring of Community Supervision Diversion Funds provide empirical evidence supporting the assertion that probation departments with adequate funding and resources tend to produce more positive results with respect to public safety, lower recidivism rates, and less revocations. Notwithstanding the above-mentioned increase in felony direct and indirect populations between FY 2005 and FY 2011, probation departments receiving additional diversion funding **decreased** felony revocations through their implementation of evidence-based strategies (e.g., progressive sanctions). More specifically, departments with additional funding actually decreased felony revocations by 3.6%, while those not receiving additional funding **increased** revocations by 9.1%.⁷⁸ Similarly, those departments receiving additional diversion funds decreased felony *technical* revocations by about 14%, whereas those not receiving additional funding witnessed a 6.9% increase in technical revocations.

CJAD’s report also shows that probation departments receiving additional diversion funding – and thus additional treatment resources – revoked a smaller percentage of individuals with controlled substance and DWI offenses to TDCJ in comparison with those departments not receiving additional funding.⁷⁹ These results are extremely important, given the prevalence of substance abuse among system-involved individuals.

Another study conducted by CJAD reiterates that proper programming made available by probation departments can produce better results to increase public safety and ensure successful rehabilitation. Research on the outcomes of probationers in Community Corrections Facilities⁸⁰ demonstrates how necessary it is to equip local departments with the tools to implement these programs.⁸¹ Specifically, probationers completing residential programs showed a significantly lower two-year arrest and re-incarceration rate than those who did not complete their program. Furthermore, probationers who received more than 15 hours per

week of cognitive programming also had lower arrest rates than those who did not. Finally, facilities with more than six counselors per 100 beds, and those that provide an aftercare component, also result in lower arrest and re-incarceration rates than facilities that are not equally equipped.⁸²

It cannot be overstated that appropriately resourced departments are crucial to producing positive results for the both the public and individual probationers. Creating a more robust CJAD and bolstering Texas’ probation departments will increase the likelihood that Texas will continue to achieve desired outcomes regarding **statewide cost savings, lowered recidivism, decreased crime, increased probationer success, greater victim restitution, and increased public safety**. To continue along the path that is gaining Texas positive national recognition, policy-makers must work in conjunction with probation leadership, front-line practitioners, and programming/treatment providers to develop strategies that promote success for probationers and their families, and aid neighborhoods in which high concentrations of probationers live.

NOTE: In 2010, the Texas Criminal Justice Coalition sent an anonymous, electronic survey to each of Texas’ probation directors to solicit their feedback in regards to current treatment options, collaboration barriers, use of Substance Abuse Felony Punishment (SAFP) facilities and other alternatives, and departmental needs.⁸³ Our survey asked, “*What does your department need to more effectively address the needs of your probationers?*” Below are the responses:

- 19.8%** More resources to better utilize and develop assessments.
- 19.8%** More resources to address the needs of dual diagnosis probationers.
- 19.0%** More resources for community-based programming using evidence-based practices.
- 13.4%** More local flexibility to place probationers in appropriate programming based on assessment.
- 12.6%** “Other” Answers (specifically regarding additional resources or specialized programming, quality control measures, and stakeholder and probationer buy-in).
- 6.3%** More special-needs beds for males.
- 4.7%** Quality assurance for Intermediate Sanctions Facilities.
- 3.9%** More special-needs beds for females.

Policy-makers must assist these practitioners and leadership as they strive to safely and responsibly supervise probationers at every stage in the process, especially given the cost savings and collateral benefits they have produced.

1. **Recommendation: Policy-makers should give CJAD greater independence and budget authority.**

CJAD is considered a part of TDCJ for the purposes of allocating money, etc. However, in order for CJAD to fully realize its potential, it must be given greater independence to advocate for the field. Similarly, an independent structure will remove a layer of bureaucracy between CJAD and TDCJ and give both entities more freedom to focus on their respective missions and duties.

Sunset Commission members and policy-makers can look to Texas' new Indigent Defense Commission ("Commission") as a model entity with independence and budget authority. Like the Commission, CJAD should be permitted to develop its own legislative appropriations request, and it should be provided budget authority – responsibilities that will benefit not just CJAD but also probation departments.

NOTE: During Texas' 2011 Legislative Session, Senate Bill (S.B.) 1055 and H.B. 3691⁸⁴ were passed, both of which amend current Community Justice Plans and create the Commitment Reduction Plan.

Under the changes, each probation department in Texas is now required to prepare and submit a Community Justice Plan to CJAD during March of even-numbered years. The Plans serve as a summary and statement of priorities and goals related to programs' targeted level of alternative sanctions, methods for measuring success and outcomes, etc.⁸⁵ The Plans must also include a description of the programs or services that each department intends to provide to enhance public safety and reduce recidivism, and an outline of the department's projected programmatic and budgetary needs, based on the programs and services provided and intended to be provided.⁸⁶

Additionally, CJAD must now prepare a summary report detailing the programs and services provided in each of the Plans.⁸⁷ This report will include financial information relating to the departments' programs and services, including the amount of state aid and non-state aid funding used to support probation programs and services. CJAD will submit a copy of the report, along with TDCJ's legislative appropriations request, to the Legislative Budget Board,⁸⁸ as well as the Texas Board of Criminal Justice (Board) for approval. Ultimately, in determining whether to approve TDCJ's legislative appropriations request, the Board will now be required to consider CJAD's report.

In addition to CJAD's opportunity to more effectively convey the needs of community supervision, S.B. 1055 authorizes probation departments, or a regional partnership of probation departments, to adopt a Commitment Reduction Plan, under which the various departments can establish a goal to reduce the number of individuals committed to TDCJ. If they choose to adopt such a plan, departments may receive money based on the projected savings from achieving their targeted reduction goals. CJAD may grant specific fiscal awards and incentives to those departments that achieve their goals under the Commitment Reduction Plans. However, if the goals are not met, the departments must pledge to repay the state a percentage of the money received, based on the amount that should have gone towards reaching the intended goal.⁸⁹ *(The bill sets forth the information that must be contained in the Commitment Reduction Plans, when it must be submitted, and other criteria.⁹⁰)*

CJAD would be best positioned to fulfill these new system improvements – in addition to its existing responsibilities – if it was also given a voice to articulate its own staffing and resource needs, thus better allowing it to develop a strengthened probation infrastructure in Texas. The Sunset Commission should recommend that CJAD be given the independence and assistance necessary to effectively oversee funds allocated to probation departments and the programs on which those funds are spent.

Furthermore, if granted independence, CJAD should be seen as an essential criminal justice function of the state, much like TDCJ. During legislative sessions, CJAD should be similarly exempt from significant appropriations cuts, when warranted, and any additional appropriations that TDCJ receives should be proportionally offered to CJAD.

C. Operational Policies Evaluation

Probation departments must have uniformity in regard to training accessibility and the use of evidenced-based supervision and sanctioning practices, but they must have the flexibility to implement policies that address specific departmental needs.

Of particular importance is localized training in the use of **incentives and progressive sanctions** for probation violations, which officers can use in conjunction with local programming options to address the root causes of criminal behavior and reduce the likelihood of re-arrest.

1. **Recommendation: Policy-makers should strengthen CJAD through resources for additional staff.**

Specifically, CJAD should have staff that can undertake the following responsibilities:

- Ensure that funds distributed to the field are properly spent and effectively utilized.
- Conduct audits for departmental compliance with CJAD rules and standards, and efficacy of programs and services.
- Provide much-needed technical assistance to the field to further the mission and goals of effective community supervision.
- Provide meaningful ongoing training to probation officers so they can become certified within the period prescribed by law, as well as enhance their professional development.
- Broaden CJAD's current training capabilities based on best practices for judges, district attorneys, and probation departments.
- Conduct research that will be useful to the members of the Legislature, and have additional research staff to identify emerging trends and best practices.

2. **Recommendation: Policy-makers should also ensure that CJAD is resourced at levels that will allow it to help departments implement evidence-based practices and progressive sanctions, including by providing more technical assistance and staff training.**

Community supervision should be utilized more frequently for low-level offenses. Furthermore, the current probation structure must be strengthened to more effectively meet individuals' needs, specifically through the systematic implementation of evidence-based practices in all aspects of probation departments (e.g., supervision, incentives and progressive sanctions, officer interactions, evaluations, etc.).

CJAD should also be sufficiently resourced to provide intensive technical assistance grants to large departments to assist them in implementing evidence-based practices. For example, Travis County strongly benefited from the work and assistance of Dr. Tony Fabelo, Director of Research at the Justice Center of the Council of State Governments, who has also performed evaluations and associated work in San Antonio and Houston. Expert consultants can assist large counties in the implementation of resource-conscious, proven programs. After counties begin successfully utilizing such practices, their experiences can inform a curriculum to be used by smaller departments.

Confinement in county jails costs an average of \$59 per bed per day.⁹¹ With the proper elements in place, local probation departments can save their counties significant incarceration (and re-incarceration) costs. Travis County's successful implementation of evidence-based practices saved an estimated \$386,736 in jail avoidance costs in 2008. Furthermore, the new practices reduced the department's recidivism rate by 17%⁹² through fewer revocations, post-release re-arrests, and absconders.⁹³ In fact, by 2009, revocations for failing to meet the terms of probation were down by 48% from 2005. As a result of the county's evidence-based system, the Legislative Budget Board concluded that Travis County would save the state more than \$4.8 million over three years.⁹⁴

As it is currently not providing the level or frequency of assistance that it once performed, and given the urgency to improve communication and comply with the Community Justice Plan requirements,

CJAD must be resourced at a sufficient level to strengthen operations.

3. Recommendation: Probation departments should submit evidence-based program proposals to CJAD to help inform technical assistance and program grants.

Upon review and acceptance of a department's proposal, it should be provided assistance with (a) organizational change, including how to conduct staff trainings to allay staff concerns, and help implementing an appropriate personnel evaluation system; (b) implementing a validated assessment to inform tailored supervision plans; (c) supervision strategies, such as motivational interviewing and progressive incentive/sanctioning practices; (d) program improvements (including in content and delivery) that will best support risk reduction; and/or (e) accountability and auditing of programs through monitored outcomes.

To inform program modifications, departmental programs should be subject to periodic review based on a cost-benefit analysis of risk-reduction outcome measures, including, where possible, recidivism and revocations, and probationer success rates (e.g., reductions in substance abuse, or greater employment levels).

Part 4: CJAD Sunset – Practice and Policy Objectives

Many lawmakers throughout the country have continued to implement an outdated, inefficient “tough on crime” approach in their policy-making, contributing to the passage of thousands of bills nationwide that push low-level, nonviolent individuals into confinement. In Texas, just over 48% of the individuals incarcerated in Texas’ prison system (TDCJ) are there for nonviolent offenses.⁹⁵ Often, these individuals are suffering from substance abuse and/or mental illness and would benefit from (much less costly) treatment and supervision outside prison walls. However, punitive strategies keep these individuals locked inside prison walls, where programming is deficient or non-existent, resulting in warehouses that eventually release people who have not been rehabilitated.

This section addresses potential improvements to CJAD practices, focusing on assessment tools and implemented methodology, bolstering programs that work, evaluating areas that do not work, and making recommendations for improvement. Texas must focus resources on practices that will address the root causes of criminal behavior, and target those who truly pose a threat to public safety, or the cycle of incarceration and re-incarceration will simply continue.

A. Improvement of Individualized Assessments and Intake Instruments

Improvements in technology and communication can facilitate an exchange of important information (*see pages 12-13*), but the content of shared information must also be improved. The instruments used to assess the needs of probationers across departments must be both uniform and comprehensive.

1. **Recommendation:** *Probation leadership should improve the use and implementation of uniform, validated risk/needs-based assessment tools for probationers.*

While there must be uniformity among Texas’ 121 probation departments with respect to assessment instruments, there should be room for flexibility so that each department is able to particularize

treatment and programming to meet individual needs and community resource availability.

Proper identification of and tailored responses to probationers’ needs will ensure that each person receives appropriate programming, services, and surveillance. This is particularly important for individuals with frequent arrests who have demonstrated a continuing risk of recidivism. An assessment-based “roadmap” can enable these individuals to more effectively and healthily manage their lives, including by reducing the criminal activity derived from drug addiction or mental illness.

Again, a proper assessment is the first step when tailoring an individualized plan. Too heavy or too little supervision/programming may work to a person’s disadvantage. For instance, low-risk probationers tend to perform worse when they are placed in programs with high-risk probationers.⁹⁶ Furthermore, severe punishments for low-level offenses can have the opposite effect of that intended.⁹⁷ According to the National Institute of Corrections (NIC) at the U.S. Department of Justice:

- Punishment** increases an individual’s inclination towards criminal activity by .07%.
- Treatment** decreases inclination towards criminal activity by 15%.
- Cognitive skills programs** decrease inclination towards criminal activity by 29%, making them most effective at decreasing criminal behavior.⁹⁸

Use of a data-driven assessment tool ensures probationers are assigned to an appropriate risk/needs-based caseload and placed in proper, specialized programming.⁹⁹ Assessments that reveal an individual’s mental health issues are especially important, as those with mental disorders are two times more likely than individuals without such disorders to have their probation revoked.¹⁰⁰

B. Proper Sanctions for Probation and Parole Violators, Especially for Technical Violations

During FY 2010, Texas had an average felony direct supervision population of 172,893 individuals.¹⁰¹ Texas also had 25,456 felony probation revocations during that time, for an average recidivism rate of 14.7%.¹⁰² Although this recidivism rate is relatively low, probation revocations were responsible for sending 31.7% of individuals to Texas prisons during FY 2010.¹⁰³ A community supervision revocation is a costly punishment: whereas per-day probation costs to the state average \$1.56, per-day prison incarceration costs an average of \$50.79 (33 times more expensive).¹⁰⁴

What's worse, about half of probation violators are sent to confinement for technical violations such as missing a fee payment or a meeting, not new crimes.¹⁰⁵ Revocations for these infractions clog jails with individuals – many of them misdemeanants – whose violations could often be more effectively addressed without costly incarceration. According to CJAD, “**revocation and incarceration for financial noncompliance can actually increase public costs** where not only is revenue lost through nonpayment but taxpayers are burdened with the costly housing and care of technical violators in jail and prison.”¹⁰⁶

Probation revocations are also costly from a public safety perspective, as they deprive probationers of programming that can safely address the causes of criminal behavior.

1. **Recommendation:** *Policy-makers and probation departments should continue to invest in progressive sanctions for probation violators.*

An immediate revocation for a minor offense is rarely warranted. Depending on one's risk level, a probationer should be given leeway to address his or her needs on an ongoing basis (e.g., more tolerance for probationers who are low- or medium-risk; less or no tolerance for probationers who are high-risk), and departments should administer tailored and proportionate punishments according to the severity and frequency of each probation violation. Prior to a full revocation hearing and possible violation report, the continuum of sanctions for infractions should include graduated penalties outside of incarceration that focus on risk reduction in addition to accountability,¹⁰⁷ such as:

probation officer admonishment, supervisory and administrative hearings, and enhanced conditions (including a longer probation term, an additional fine, and/or mandated participation in a secure SAFF facility¹⁰⁸ if addiction is at issue).¹⁰⁹ As noted by the NIC, “swift, certain, and **proportional** actions that reflect disapproval of behavioral misconduct are more effective in reducing recidivism than actions that are disproportionate, delayed, or inconsistent.”¹¹⁰

Evidence suggests that positive reinforcements (feedback and incentives – like reduced probation fees and fewer community service hours) that are administered four times as often as negative reinforcements (sanctions for non-compliance) are “optimal for promoting behavior changes”

[Crime and Justice Institute].

Probation supervisors should employ this 4:1 ratio in efforts to better ensure that probationers successfully meet their conditions of probation and lower their risk of re-offending in the long term.

NOTE: As discussed on page 17, a recent report by CJAD to the Governor on the Monitoring of Community Supervision Diversion Funds reveals that, from FY2005 to FY2011, probation departments that have received additional diversion funding to apply progressive sanctions have decreased felony technical revocations by 14.5% and total felony revocations to TDCJ by 3.6%.¹¹¹ On the other hand, departments that did not receive additional diversion funding actually increased overall felony revocations by 9.1% and felony technical violations by 6.9%.¹¹² **Policy-makers must ensure that funding is appropriated to support continued strategies to reduce revocations, for long-term cost savings and public safety benefits.**

2. **Recommendation:** *Probation departments should be given more power over technical revocations.*

Probation departments should be given the flexibility to provide appropriate administrative sanctions to probationers with technical violations. This will allow them to efficiently place the probationer in more appropriate or intensive treatment rather than having to wait for a violation report that could potentially lead to a revocation. Furthermore, it will free up judges' time for non-technical violations.

3. **Recommendation:** *Probation departments with high revocation rates should create a Revocation Review Board.*

This body could ensure that progressive sanctions are being implemented to more effectively address probationers' behavior and keep them out of crowded prisons and jails.

4. **Recommendation:** *Probation departments should assist probationers in meeting their payment obligations.*

Bringing probationers into compliance with fee obligations and victim restitution is a time-consuming and inefficient task often relegated to probation officers. For probation departments with high absconding rates, individuals who absconded for financial purposes should be permitted to enter into a payment plan. This will encourage more probationers to successfully meet the terms of their probation while saving probation officer time and law enforcement costs associated with identifying, tracking, and re-arresting such individuals.

NOTE: Probation departments are highly dependent on probationer fees for their operations, which makes full satisfaction of fee payments critical to departments' continued success.

Treatment programs combined with community supervision cost nearly five times less than incarceration. According to the Legislative Budget Board, Texas spends an average of \$18,538 per year on each inmate, while community supervision along with drug treatment programs cost an average of \$3,908 per client per year.

supports that address the root causes of crime – while allowing individuals to sustain family relationships and continue to meet employment obligations – are not only more cost-efficient than incarceration, but they are more effective at addressing treatable addiction and mental illness. Furthermore, they allow individuals to avoid the collateral consequences associated with even low-level convictions, including job loss, housing difficulties, and negative impacts on the family, that only increase the likelihood of re-offending.

The use and proper implementation of cognitive-behavioral programs that target individuals' antisocial thinking patterns are especially effective at reducing recidivism,¹¹³ as antisocial values are called "the foundation of criminal thinking."¹¹⁴ Antisocial attitudes, antisocial relationships (potentially as a result of gang membership), substance abuse, lack of empathy, and impulsive behavior are all traits that can cause recidivism and must be adjusted.¹¹⁵

NOTE: During Texas' 2011 Legislative Session, efforts to pass S.B. 1076¹¹⁶ were thwarted, but the principles and mission behind S.B. 1076 are similar to efforts enacted in other states. For example, in 2011, the Indiana Senate approved a criminal justice reform bill aimed at diverting those with low-level drug offenses to treatment and community corrections rather than prison. The bill also reduces penalties for drug possession offenses.¹¹⁷ New York State implemented drug law reforms in 2009, which resulted in 1,400 fewer people going to prison

C. Bolstered Substance Abuse Programs & Reliance on Alternative Programs

The success of each probationer is largely dependent on the local resources available and the amount of assistance he or she has access to. For instance, individuals suffering from substance abuse and/or mental illness need real opportunities for treatment and education to break the cycle of re-offending as early as possible and turn their lives around. Community-based

between 2009 and 2010, a 27% decrease.¹¹⁸ New York also had 688,796 fewer crimes reported in 2009.¹¹⁹ In 2011, Kentucky signed H.B. 463 into law, which reduces penalties for low-risk individuals with nonviolent drug offenses who possess a small amount of a controlled substance. The savings accrued are reinvested in drug treatment opportunities. As a direct result of the measure, an estimated \$422 million in savings is expected over a decade.¹²⁰

Given demonstrated cost-savings, as well as the effectiveness of treatment versus incarceration, Texas must support clearly defined and evidence-based rehabilitation and treatment diversion programs that encourage personal responsibility and accountability. Policy-makers must make all efforts to strengthen the statewide treatment infrastructure and increase the availability of substance-abuse treatment facilities and qualified professionals.

1. Recommendation: Policy-makers should help system leadership reduce the intake of nonviolent individuals suffering from drug abuse into confinement by strengthening investments in community-based supervision and treatment.

In FY 2010, more than 22,000 individuals (just over 30% of incoming inmates) were received by TDCJ for a drug offense,¹²¹ and over 70% of those individuals were charged with possession, as opposed to delivery or other offenses.¹²² In state jail facilities, 7,303 individuals (roughly 31% of incoming inmates) were received for possession alone; most state jail felonies were for less-than-a-gram possession offenses in FY 2010.¹²³

In part, Texas' high rate of incarceration for drug offenses may be due to inadequate diversion allocations. Texas spends only 10% of its corrections budget on diversion programs, community correction, and treatment alternatives to incarceration, with the remainder going toward incarceration.¹²⁴ This is despite evidence suggesting that diversion programs are more likely to increase public safety when properly implemented.¹²⁵

Many individuals convicted of nonviolent drug offenses should be diverted from prison to community supervision and, where appropriate, drug treatment. Indeed, for those who suffer from addiction, drug treatment is the most

effective strategy for reducing recidivism.¹²⁶ As an added advantage, treatment is significantly less expensive than incarceration, and it creates long-term cost savings in overall health care, accidents, absenteeism from work, and other areas.¹²⁷ According to the National Institute on Drug Abuse, **"total savings associated with treating addiction can exceed the costs of that treatment by up to 12 to 1."**¹²⁸ It is long overdue that the state takes steps to aggressively and proactively address drug dependence, thereby decreasing associated crime.

The following are additional recommendations for further strengthening Texas' probation system and treatment provision:

(a) Front-load supervision. Probation departments should weight supervision so it is heaviest during the early critical period (the first eight months) of probation terms, with officer caseloads adjusted accordingly. Reducing caseloads will give probation officers more time to devote to helping probationers receive treatment, as well as secure housing and jobs, and support their families. This better ensures that probation terms are achievable so that revocations decrease and the flow to prison is slowed.

(b) Expand community partnerships. Probation departments should contract with a broad spectrum of community-based providers and local services. Doing so will better facilitate efforts to mitigate probationers' criminal tendencies by addressing specific or wide-ranging needs, keep probationers united with their families and larger support network, and reduce their likelihood of reentering the system. A greater and much-needed array of options for dealing with probationers will in turn improve judges' confidence that individuals can be safely supervised in the community.

2. Recommendation: Policy-makers should maintain the allocation of funds for community-based treatment programs proven to be effective.

Again, treatment programs can have great community and public safety benefits. The Drug Abuse Treatment Outcome Survey of 10,000 treatment participants found that residential treatment reduces criminal behavior, with a 50% reduction in drug use and a 61% reduction in crime. Outpatient treatment resulted in a 50% reduction

in drug use and a 37% reduction in crime.¹²⁹ The National Treatment Improvement Evaluation Study found that 19% more people received income from employment within 12 months of completing treatment, and 11% fewer people received welfare benefits.¹³⁰

3. Recommendation: Probation departments should be given more authority to meet local needs.

Probation departments should be allowed to create policies that will permit probation officers to make necessary, swift decisions about program placement. Currently, officers must collaborate with various judges before an individual can be sent to a treatment program. Allowing officers – under the supervision of the probation director – to use the results of a risk/needs assessment and their knowledge about program vacancies to drive placement decisions will move probationers into needed programs (such as substance abuse or cognitive-behavioral programs) more quickly, thus reducing their chances of recidivism.

D. Bolstered Mental Health Programs & Reliance on Alternative Programs

Through the Client Assignment and Registration System (CARE), the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) can track former and present Mental Health/Mental Retardation (MHMR) clients who are criminal justice system-involved. The figures in TCOOMMI's recent biennial report indicate over 12% of the probation population matches the CARE database.¹³¹ According to the report, while FY 2010 saw an increase in incarceration of former MHMR clients by 2,414 individuals, former clients sentenced to probation remained virtually unchanged in the same reporting period.¹³²

Despite the fact that the population of individuals sentenced to probation is almost three times the number of those incarcerated, individuals with mental health issues in prison far exceed those with mental health issues on probation.¹³³ TCOOMMI's 2009 Biennial Report explained several potential reasons for this phenomenon, including: a lack of community-based sentencing alternatives, which may result in the increased use of incarceration (versus probation); individuals with mental health issues failing to be identified prior to sentencing; and existing community corrections treatment programs that may not be designed to address the co-occurring needs of individuals with mental illnesses.¹³⁴

Administrators must prioritize a more robust system of mental health treatment at the community level, so individuals suffering from mental disorders have real treatment and education opportunities. Incarceration should be a last resort, not the first option for those with mental health issues. Mental health units within probation departments can be especially effective in meeting individuals' particularized needs in the community.

1. Recommendation: Policy-makers should invest in and strengthen mental health treatment options and resources for probationers.

Probation departments working in cooperation with Texas' Department of State Health Services (DSHS)¹³⁵ and TCOOMMI¹³⁶ can best provide intensive case management alongside various services, including psychiatric treatment, medication monitoring, substance abuse treatment, anger management, supportive job and housing assistance,¹³⁷ and programming to address criminogenic factors.¹³⁸

According to Dennis McKnight, former Commander of the Court Security, Transport and Mental Health Division of the Bexar County Sheriff's Office, cognitive adaptive training is especially important. For the majority of mental health consumers, "it is not an issue of rehabilitation, it is an issue of habilitation. The skills and knowledge are not present to rehab. New skills and knowledge must be imparted to the consumer if there is to be any hope of successful integration back into society."¹³⁹

2. Recommendation: Policy-makers should maintain the allocation of funds for community-based mental health treatment programs proven to be effective.

Treatment programs and their staff are exponentially better equipped than prisons to stabilize individuals, make effective medical recommendations, supervise prescription regimens, and recommend appropriate behavioral programming to address long-term needs. Maintaining investments in probation and the programs they utilize is more effective than continued allocations towards hard incarceration, especially to address the needs of those suffering from mental illness. The state must continue efforts to safely divert such individuals into programs that address the root causes of their criminal behavior.

E. Addressing Particularized Needs of Individuals Suffering from “Co-Occurring Disorders”¹⁴⁰

Clinical studies show that integrated treatment most appropriately and effectively addresses the needs of individuals suffering from both mental illness and substance abuse.¹⁴¹ However, findings of a joint survey of Texas judges show that additional resources are needed in integrating such treatment.¹⁴² Furthermore, according to the Public Policy Research Institute, the state’s current “lack of drug and alcohol detox and treatment services is a significant barrier to treating people in mental health crisis. [...] Repeated contact with the crisis service system may be exacerbated by the lack of treatment available for drug- or alcohol-involved mental health consumers.”¹⁴³ Policy-makers and other stakeholders must develop a strong treatment infrastructure to ensure that those with co-occurring disorders have the tools to address their illnesses and reduce their risks of re-offending in the future.

1. **Recommendation:** *System practitioners should utilize early assessments to determine co-occurring disorders.*

Specialized, assessment-driven community supervision strategies will increase the likelihood of positive changed behavior and reduce the threat of escalating offenses by an individual suffering from a co-occurring disorder.

2. **Recommendation:** *Policy-makers should maintain the allocation of funds for community-based treatment programs proven to be effective.*

Like with community-based programs addressing discrete substance abuse or mental health issues, existing treatment programs that address co-occurring disorders must be maintained and, where all possible, expanded to meet the needs of community members with dual diagnoses.

F. Improved Assessment and Treatment Particularized Towards Women

Arrests of women for drug offenses have been steadily rising.¹⁴⁴ Many of these women could benefit from tailored approaches in community-based substance abuse treatment. Likewise, women suffering from mental illness, issued related to past trauma (e.g.,

sexual abuse, domestic violence, etc.), or co-occurring disorders could similarly benefit from community-based interventions.

1. **Recommendation:** *Probation leadership and community partners should strengthen gender-specific programming in community supervision.*

The state should strengthen the ability of probation departments to provide specialized treatment options for women who have been diagnosed with a drug addiction or mental health issue. Additionally, women in community supervision programs should be provided a supportive environment created through site selection, staff selection, program development, content, and material that both reflects an understanding of the realities of women’s lives and addresses the issues of the women participants.

A program for women called C.A.R.E. (Community Awareness and Resource Empowerment for Women), which is run by the Bell County probation department, allows participation in a 10-week program that varies slightly according to each individual’s needs assessment and focuses on parenting, anger management, relationships, and communication. Incentives are used to encourage successful participation: “Clients will be rewarded by getting hours spent in the program deducted from their community service obligation. Clients who successfully complete the program may not have to complete their community service hours” [Todd Jermstad, Bell County Community Supervision and Corrections Department].

To ensure that the largest amount of women possible can take advantage of such appropriate, specialized programming, probation departments should administer a proper assessment to identify their particular needs. Where necessary, their programming should include education and job placement services, wrap-around services, childcare, etc. In addition to being a best-case scenario, this is potentially the least expensive option when dealing with a growing population of incarcerated women.

2. *Recommendation: Policy-makers should invest in community-based residential parenting programs and education services.*

No matter how effective the in-prison programming, no baby benefits from being born in a correctional facility. Policy-makers should seek to minimize by policy the number of pregnant women serving time in Texas prisons.

Alternatives to incarceration should especially be utilized to the greatest extent possible for pregnant women in the months leading up to and immediately after birth. According to the Institute on Women and Criminal Justice (IWCJ):

Community-based residential parenting programs can prevent mother-child separation while allowing mothers to address the issues that contributed to their criminal justice involvement in a real-world setting. These programs allow mothers to practice positive responses to the challenges of parenting and the challenges of everyday life. These programs also keep children out of foster care and provide children the stability of a consistent primary caregiver.¹⁴⁵

3. *Recommendation: Probation leadership should utilize existing treatment programs to address specialized needs.*

According to the National GAINS Center for People with Co-Occurring Disorders in the Justice System, “Women with trauma histories are encouraged to develop skills needed to recover from traumatic experiences and build healthy lives. These may include cognitive, problem-solving, relaxation, stress coping, relapse prevention and short- or long-

term safety planning skills.” A model that policy-makers could consider is one akin to programs for veterans, which are based on the notion that soldiers suffering from post-traumatic stress should be processed through a system that is cognizant of and not counterproductive to defendants’ mental health and/or substance abuse needs. To a very real extent, battered and abused women who themselves commit crimes and end up in the justice system have special mental health needs (including post-traumatic stress); they seem particularly likely to benefit from stronger, evidence-based supervision methods.

G. Improved Assessment and Treatment Specifically Tailored Towards Military Veterans

According to recent numbers published by the Department of Veterans Affairs (VA), as of November 2010, over 1.7 million military veterans called Texas home,¹⁴⁶ with more returning monthly.

Many individuals who return find difficulty transitioning to civilian life, often because they are suffering from mild to severe traumatic brain injury (TBI), as well as other psychological damage such as post-traumatic stress disorder (PTSD), that can severely hinder their ability to return to their pre-war lives. Furthermore, reconnecting with family, adjusting to civilian life, and finding stable employment each can pose problems.

As a result, many veterans have had contact with the criminal justice system. The Texas Public Policy Foundation points out that, of veterans in state prisons, 30% were incarcerated for first-time offenses. Importantly, 70% of veterans in state prisons were employed prior to being arrested, whereas only 54% of non-veterans were employed prior to arrest. Furthermore, veterans were more likely to have a history of alcohol dependence (30.6%) as opposed to non-veterans (23.6%), and they were more likely to suffer from some degree of mental illness, with 19.3% reporting mental illness compared to 15.8% of non-veterans.¹⁴⁷

It is imperative that Texas stakeholders devote more attention to **front-end system assessments and treatment** particularized to veterans. Treatments for combat-related mental health disorders are especially critical in light of the high rate of suicide among veterans. Sources vary, but recent VA figures indicate

that an estimated 18 veterans commit suicide each day in the United States¹⁴⁸ – one suicide every 80 minutes.¹⁴⁹ Other research has also concluded that, “there are an average of 950 suicide attempts each month by veterans who are receiving some type of treatment from the Veterans Affairs Department ... [s]even percent of the attempts are successful, and 11 percent of those who don’t succeed on the first attempt try again within nine months.”¹⁵⁰ The greatest risk factors associated with suicide among this population include difficulties with fellow military members, legal issues, and personal relationships.¹⁵¹

1. ***Recommendation: Probation leadership should address the specialized needs of military veterans, especially with respect to PTSD and TBI.***

Over recent years, courts have been seeing more and more military service members and veterans whose criminal conduct was materially affected by brain injuries or mental disorders resulting from military service. PTSD and TBI caused by blasts are considered the ‘signature’ injuries of the wars in Iraq and Afghanistan: an estimated 30% of veterans report signs of PTSD, depression, and other mental health issues, which does not include those individuals who may experience other symptoms coupled with mental disorders – such as depression and anxiety – that can contribute to aggressive behavior.

Veterans with established cases of PTSD and TBI should receive care and treatment in a supportive environment, something they are not likely to receive in a correctional setting.¹⁵² In fact, because punitive sanctions may further compromise the physical and mental health of a veteran suffering from PTSD or TBI, they should be considered as a last-resort option.¹⁵³

Instead, community-based treatment, which has proven to be effective in treating the root causes of criminal behavior (such as addiction), should be utilized to reduce the risks of re-offending while saving the state money.¹⁵⁴ For instance, Bell County has created a one-of-a-kind Substance Abuse/Post Traumatic Stress Disorder Program to assist probationers who have served in a combat zone, helping them to cope with their PTSD-related symptoms and reduce their reliance on drugs and alcohol as a means of coping. As an added benefit, this program is available to any individual

on probation who has served his or her country, regardless of discharge status. In addition to PTSD and substance abuse counseling, participants receive acupuncture treatments designed to reduce stress and anxiety.¹⁵⁵

Another PTSD program in Bell County provides services through the VA, offered at the Vet Center in Harker Heights, Texas.¹⁵⁶ The program provides 12 weeks of no-cost PTSD counseling to probationers who have served in a combat zone.¹⁵⁷ Again, the program is offered to any probationer, male or female, who served in the military, regardless of the reason for discharge from service.

Other effective treatments for PTSD, TBI, and co-occurring disorders are being undertaken nationwide. Examples include cognitive behavior and exposure therapy, as well as medications.¹⁵⁸ Cognitive-behavioral therapy focuses on re-programming an individual with regard to his or her stress response to a certain traumatic event. The therapy promotes the use of relaxation techniques in an effort to reduce the “physical reaction to PTSD triggers and overcom[e] avoidance symptoms.”¹⁵⁹ Exposure therapy, a type of cognitive-behavioral therapy, has been effective in treating symptoms associated with panic disorder and PTSD in combat veterans.¹⁶⁰ Virtual reality treatments have also begun to be used in exposure therapies with recorded success.¹⁶¹

2. ***Recommendation: Policy-makers should improve standards for medication-assisted therapy.***

Where appropriate, community-based health providers and the VA should focus on counseling and behavioral therapies, rather than rely solely on medication, to treat veterans exhibiting symptoms of PTSD and other mental health issues. However, medication-assisted therapies should be embraced where the client warrants it.¹⁶² *Note:* Anti-psychotic medication should be used cautiously due to its potential to increase negative behavioral symptoms¹⁶³ and the risk of overdose.

Part 5: TDCJ Sunset – Administrative and Policy Objectives

TDCJ’s mission is “to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.”¹⁶⁴ The chief responsibility of TDCJ is to manage individuals in state prisons, state jails, and private correctional facilities that contract with TDCJ. Its duties also include providing funding for and oversight of Community Supervision. Additionally, TDCJ is responsible for supervising individuals released from prison on parole or mandatory supervision.

General Figures:

- According to TDCJ’s self-evaluation report submitted to the Sunset Advisory Commission, a total of 155,940 inmates were on hand in state-run correctional institutions as of 31 May 2011.¹⁶⁵

These include 12,315 (8%) female inmates and 143,625 (92%) male inmates.¹⁶⁶

A total of 26,976 (17%) individuals were on hand for a drug offense, while 25,878 (17%) were incarcerated for a property offense.¹⁶⁷

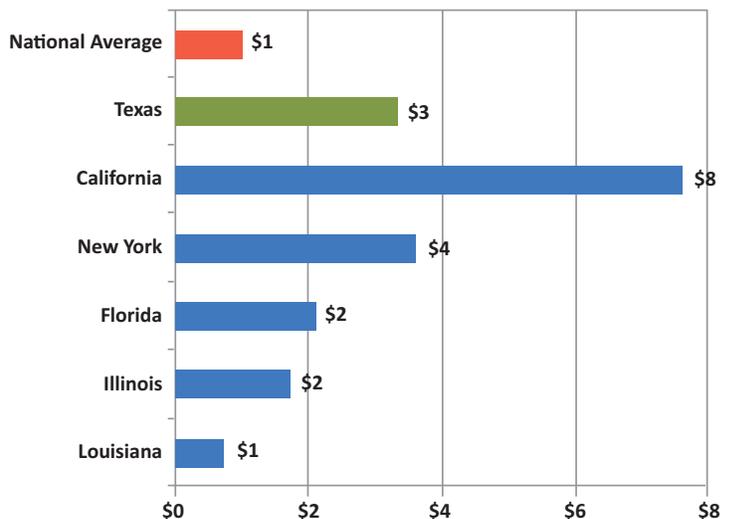
- In Fiscal Year 2010, more than 22,000 individuals (just over 30% of incoming inmates) were received by a TDCJ facility for a drug offense,¹⁶⁸ and over 70% of those individuals were charged with possession, as opposed to delivery or other offenses.¹⁶⁹

In prisons specifically, more than 11,000 individuals (27% of incoming inmates) were received by the state for a drug offense in FY 2010,¹⁷⁰ and 62% of those individuals were charged with possession, as opposed to delivery or other offenses.¹⁷¹ At system-wide average rates of \$50.79 per day to incarcerate these individuals,¹⁷² Texas is spending **more than \$350,000 daily** to house individuals who committed nonviolent possession offenses.

In state jail facilities, 7,303 individuals (roughly 31% of incoming inmates) were received for drug possession alone in FY 2010. Most state jail felonies were for less-than-a-gram possession offenses in FY 2010.¹⁷³ That carries a cost of nearly **\$315,000 per day** to the state.¹⁷⁴

- Treatment programs combined with community supervision cost nearly five times less than incarceration. According to the Legislative Budget Board, Texas spends an average of \$18,538 per year on each inmate, while community supervision along with drug treatment programs cost an average of \$3,908 per client per year.¹⁷⁵

Prisons:



Christian Henrichson and Ruth Delaney, “The Price of Prisons: What Incarceration Costs Taxpayers,” The Vera Institute, January 2012, p.8
<http://www.vera.org/download?file=3495/the-price-of-prisons-updated.pdf>

- In FY 2010, approximately 49% of individuals incarcerated in TDCJ were there for nonviolent offenses.¹⁷⁶ Furthermore, approximately 80% of individuals entering TDCJ in FY 2010 were nonviolent.¹⁷⁷ **In FY 2010, the 72,909 nonviolent individuals on hand in state prisons and state jails alone¹⁷⁸ cost taxpayers over \$3.6 million daily.**¹⁷⁹

- In 2010, a per-day average of 139,316 individuals were in prison in Texas.

60,948 individuals (44%) were incarcerated for nonviolent offenses.¹⁸⁰

State Jails:

- In FY 2010, there were 23,537 admissions to state jails.¹⁸¹
- In 2010, a per-day average of 12,133 people were housed in state jails.
11,961 individuals (99%) were incarcerated for nonviolent offenses.¹⁸²
- In FY 2010, the average total cost per day per inmate in a state jail facility was \$43.03.¹⁸³
- So, Texas spent \$522,083 per day for state jails in 2010. \$457,223 of this was spent on individuals with nonviolent offenses.
- According to the Legislative Budget Board, the average sentence served in a state jail facility in FY 2010 was 10 months.¹⁸⁴ This costs the state roughly \$12,909 per person.¹⁸⁵

Substance Abuse Felony Punishment (SAFP) Facility:

- Placement in a SAFP facility consists of an intense six-month treatment program for individuals on probation or modified parole. It is structured as a therapeutic community setting.¹⁸⁶
- In FY 2010, 3,346 people were housed in a SAFP facility.¹⁸⁷
2,635 individuals (79%) were incarcerated for nonviolent offenses.¹⁸⁸
- SAFP facilities cost an average of \$70.87 per day, per person.¹⁸⁹
- In 2010, Texas spent \$237,131 per day for SAFP facilities.¹⁹⁰
\$186,742 of this was spent on individuals with nonviolent offenses.¹⁹¹

A. Improved Accountability Measures, Including Through Transparency and Accessibility

Given TDCJ's mission to reintegrate returning individuals and assist crime victims, the agency is ultimately accountable to Texas' community members. To increase faith in the system, TDCJ must foster a culture of trust: it must increase the level of transparency under which it operates.

1. Recommendation: TDCJ should undertake a cultural shift that emphasizes customer service, and it should solicit public feedback.

Currently incarcerated individuals and their families are the most direct customers of TDCJ service. As such, TDCJ should allow the public to participate in policy and rule-making discussions, and it should provide greater access to officials, administrators, and the internal operations of its divisions.

Likewise, a centralized customer service department and a more transparent complaint process must be fully developed to allow members of the public to inquire or lodge complaints about services, policies, practices, etc. Presently, the Ombudsman serves as a point of contact for inquiries submitted by the public, while the Grievance Program is used to address inmate complaints. Both processes need improvement. *(For recommendations regarding the Offender Grievance Program, see pages 56-57.)*

In regard to the Ombudsman Office, TDCJ should begin by changing its name to something more recognizable and illustrative of the function it serves, such as the "Public Complaints and Inquiries Office." Information on how to lodge an inquiry is sparse to begin with, but confusing rhetoric and unclear instructions further obfuscates the process. TDCJ must clarify and streamline the process for addressing public concerns.

Furthermore, complaints should be catalogued to enable TDCJ to perform subsequent audits for a given year to determine where improvements should be made. The information collected by the division handling public inquires and concerns should be categorically filed based on the issue raised and, collectively, these files should include enough specificity to identify a problem and facilitate systemic improvements. Without providing confidential information, or information that would jeopardize safety, TDCJ should also publish complaint information on its website and any other location accessible to the public.

In addition, TDCJ should conduct regular evaluations of its services by asking all of its customers – including inmates, family members, and the public – to provide feedback. The public and inmates should be provided customer service evaluation forms to express concerns and comment on services. This should be made available year round, and data should be regularly collected and synthesized into a

report for review by TDCJ and the Legislature. This information should then be published and made available to the public. Above all, information solicited from family members should NOT result in inmate retaliation. A safe, reliable, meaningful complaint and feedback process for the public will increase accountability, and improve public trust in the corrections system.

2. Recommendation: TDCJ should institutionalize a culture that welcomes reliance on volunteers, where safety permits.

Due to shortages in both staffing and budget allotments, TDCJ should make efforts to recruit volunteers – family members, friends, and other community-based providers – to assist in providing rehabilitative services, including in areas of substance abuse and mental health.

Facilitating greater opportunities for programming will ultimately help exiting individuals make a more seamless transition to the community. While incarcerated, individuals may cultivate healthy relationships with volunteers that can continue into the community, which will be especially beneficial if such volunteers have participated in developing reentry plans and have informed returning individuals of available resources.

3. Recommendation: TDCJ should monitor the implementation of policies across and within units.

A certain level of autonomy is necessary for prison and state jail administrators to effectively respond to issues that arise in their facilities. However, this must be balanced with as much consistency and communication across units and regions as possible. TDCJ at times over-emphasizes unit autonomy, turning simple miscommunications into opportunities for unnecessary tension. For instance, notices of changes to administrative directives and other statewide policy changes are currently posted in unit communal spaces. This is not sufficient, as much information is not reaching certain prisoners at certain units, who are then unaware of system-wide policies that may impact their day-to-day living, treatment options, or release dates. TDCJ has an obligation to effectively inform every person incarcerated within its system of policy changes, and it should distribute individual or block-level notices of policy changes. It should

also utilize and distribute the *Echo*, the official legal means for notifying the entire Plaintiff body of policy changes.

TDCJ should also address inconsistencies between unit rules. For example, each unit is currently responsible for implementing its own contraband guidelines that fall outside the list of statewide contraband. This is problematic because an individual may have access to art supplies at one facility but have them removed from his or her property during a transfer – or worse, receive a contraband infraction for using art in his or her cell. While all facilities use the statewide TDCJ prisoner handbook, not all facilities have handbooks specific to their unit, which further miscommunicates behavioral expectations. Each unit should be responsible for creating a unit-specific handbook.

Wardens and administrative staff throughout facilities in Texas should be in frequent communication to coordinate policies and rules across units and regions. Also, TDCJ leadership should strive to ensure that all personnel who respond to family or visitor questions are knowledgeable about agency policies, are consistent in their responses, and keep in mind the challenges faced by families of incarcerated individuals, so they too have simple and transparent access to policy changes and unit rules.

4. Recommendation: TDCJ should improve overall information sharing and dissemination, especially with regard to policy changes and inmate status updates.

Because the Internet is unavailable for some, and can be difficult to navigate, information posted on TDCJ's website must be augmented by additional communication mechanisms. When there is a change in policy or procedure, individuals should be notified more directly. Even a newsletter sent periodically to family members or associations who register for them would be invaluable; TDCJ's employee newsletter, *Criminal Justice Connections*, could serve as a model.

Ultimately, there should be a better system in place to inform the public of current policies and changes as they occur. Specific to family members, TDCJ should make more efforts to keep them apprised of operational changes as well as status

updates related to their loved ones. TDCJ should give inmates and family members the option to receive notifications and important information – for instance, status or location changes. This is particularly important for family members residing far from the unit in which their loved one is placed. For those trying to schedule a visit, it is crucial to know whether their family member has been relocated or if he or she is prohibited from receiving visitors. If anything changes in an inmate's status, family members should be immediately notified.

Part 6: TDCJ Sunset – Reentry and Rehabilitation Objectives

Most individuals in Texas prisons will be released. In FY 2010 alone, over 70,000 individuals were released from a TDCJ facility.¹⁹² Services implemented in prison institutions should be carried forward post-release, thereby ensuring that care is continued and that an exiting individual will have a better chance at succeeding. This will increase public safety through reduced recidivism, and save taxpayers the associated enforcement and re-incarceration costs.

A. Improved Reentry Tools & Transition Assistance for Inmates to Better Prepare Them for Community Life

As discussed in Part 2, TDCJ is required under Texas Government Code section 501.092 to develop a comprehensive reentry and reintegration plan for returning individuals. The plan must, among other things, provide for:

(2) programs that address the assessed needs of offenders; (3) a comprehensive network of transition programs to address the needs of offenders released or discharged from a correctional facility; (4) the identification of providers of existing local programs and transitional services with whom the department may contract [...] to implement the reentry and reintegration plan; and; (5) [...] the sharing of information between local coordinators, persons with whom the department contracts [...], and other providers of services as necessary to adequately assess and address the needs of each offender.¹⁹³

Pursuant to section 501.092, TDCJ must properly assess individuals' needs, provide internal programs that address those needs, and ensure a continuity and continuum of care¹⁹⁴ through a network of transitional programs for individuals who are released or discharged. Specifically, these programs must:

(1) be implemented by highly skilled staff who are experienced in working with inmate reentry and reintegration programs; (2) provide offenders with: (A) individualized case management and a full continuum of care; (B) life-skills training, including information about budgeting, money management, nutrition, and exercise; (C) education and, if an offender has a learning disability, special education; (D) employment training; (E) appropriate treatment programs, including substance abuse and mental health treatment programs; and (F) parenting and relationship building classes; and (3) be designed to build for former offenders post-release and post-discharge support from the community into which an offender is released or discharged, including support from agencies and organizations within that community.¹⁹⁵

Given these mandates, the reentry plan not only requires coordination among service providers, it explicitly provides the programmatic responsibilities with which TDCJ is charged.

Yet despite these requirements, and TDCJ's stated mission, the Department has not prioritized rehabilitation and reentry planning. According to TDCJ, "Due to the lack of post-release supervision for discharged offenders, participation in reentry planning services are voluntary."¹⁹⁶ Furthermore, as a point of comparison, out of the more than \$3 billion in TDCJ's operating budget for 2012, approximately \$2.5 billion is set aside for incarceration needs – only \$19 million of which goes towards "Treatment Services," and just \$2.5 million of which goes towards Reentry Transitional Coordinators.¹⁹⁷

TDCJ must strengthen rehabilitation and reentry planning, and, where possible, incorporate aftercare components. A true continuum of care is crucial to the rehabilitation and reintegration process, without which many people relapse and often return to the very system that was designed to keep them from coming back. Reentry tools must be developed pre-release and extended well into an individual's transition into the community.

1. Recommendation: *Policy-makers should mandate that TDCJ create assessment-driven, individualized reentry plans that span intake and incarceration.*

Strengthening TDCJ's current intake process is critical to meeting public safety demands and addressing the issues facing individuals who have committed higher-level offenses. To get the most complete picture of individuals entering the system and the clearest overview of the incarcerated population as a whole, additional data should be collected, verified, and made easily available to policy-makers, parole officers, and county- or city-level reentry offices/entities. Such data should include the following:

- Cognitive behavior, including general behavior, criminal history, domestic violence or abuse, and criminal behavior.
- Academic abilities, intellectual functioning, literacy, and language skills.
- Employment history, career development, institution work history, and post-incarceration employment options.
- Interpersonal relationships, family ties and support systems, parental responsibilities, and communication skills.
- Wellness information, health promotion and disease prevention, disease and illness management, a post-incarceration healthcare transition plan, and governmental assistance.
- Mental health information, substance abuse management, and illness/abuse management.
- Personal characteristics and personal responsibilities.
- Leisure activities.
- Financial management, housing status

(including whether individuals are homeless, living with relatives, independently living, residing in public housing, etc.), family care, and access to community-based resources.

2. Recommendation: *TDCJ should apply a uniform requirement to help inmates create a comprehensive reentry plan prior to release.*

While creating a comprehensive procedure during intake is imperative, updating the assessment data when an individual is preparing to leave TDCJ is equally important to best capture any changes due to in-prison work or treatment programs, and to more effectively assist him or her in the reentry process. TDCJ should also provide a copy of the assessment to the exiting individual, as well as share data collected from the assessment with local reentry practitioners.

It is critical that assessment information is shared with these county- or city-level reentry providers. Presently, they are burdened with duplicating (and supplementing) TDCJ's intake process by having to ask all exiting individuals about the same points of information provided to TDCJ at intake. Collaboration among TDCJ and reentry providers will expedite placement and referrals, and provide a more comprehensive transition plan for each returning inmate.

3. Recommendation: *TDCJ should give exiting individuals additional resources to be responsible during the critical post-release period, including via a resource guide.*

TDCJ should make every effort to identify local services/resources and connect exiting individuals with them so they can succeed in the communities where they are living or being supervised. Specifically, TDCJ should provide a county-specific information packet to individuals at the time of their release, including the addresses and telephone numbers of workforce offices, viable housing options (both public and private, as well as exclusionary criteria), and contact information for support groups like churches and other places of worship, peer-to-peer counseling groups, and other charitable institutions. *Note:* This could largely be accomplished through dissemination of existing, compiled resource and contact lists.

4. **Recommendation:** *TDCJ should continue to ease restrictions on obtaining basic identification and certification documents.*

Returning individuals can find it difficult (if not impossible) to obtain housing or employment without valid identification, thus endangering their successful reintegration into the community. At individuals' intake into confinement, corrections personnel should identify and document the status of their drivers' licenses and/or state identification cards to determine what actions individuals must take to secure or maintain such identification documents upon release. This will require that each individual's true identity be verified at the point of arrest or intake.¹⁹⁸ Where possible, TDCJ should also provide other critical documents (e.g., a birth certificate, social security card, military records, etc.) to each individual released from TDCJ facilities.¹⁹⁹ These will help individuals provide sufficient supplemental information when trying to obtain a driver's license.

5. **Recommendation:** *TDCJ should provide exiting individuals with certification documents at discharge.*

Upon each exiting individual's release, TDCJ should provide him or her with verification of work history during incarceration, as well as certification of educational and/or treatment programs completed. This information will facilitate individuals' ability to obtain employment, housing, and other benefits.

6. **Recommendation:** *TDCJ should improve and standardize a therapeutic culture within its Parole District Reentry Centers (DRCs) and enhance the services they offer.*

The Parole Division's DRCs provide rehabilitative and reintegration-driven services via cognitive intervention and victim impact classes, as well as through needs-based pre-employment assistance, anger management classes, and substance abuse education.²⁰⁰ DRCs also conduct a "New Arrival Orientation" for all individuals placed on a DRC caseload.²⁰¹ To begin standardizing a therapeutic culture in DRCs, the Parole Division should provide staff trainings on cultural sensitivity towards stigmatized clients, and it should develop value-based mission statements for DRC staff. These mission statements should have at their foundation an acknowledgment of rehabilitation and the interests of public safety.

B. Improvements in Rehabilitation Programs and Services: Availability, Effectiveness, and Quality

TDCJ offers a number of rehabilitation programs in addition to educational and vocational opportunities. Below is a brief breakdown of most of the programs offered. (*Please find relevant program restrictions and requirements in TDCJ's self-evaluation report on pages 56-60.*)

Perhaps most disconcerting, six of these programs are available to male inmates only.²⁰² Additionally, despite the programs' critical need, sometimes only a few units offer these rehabilitation services,²⁰³ and they can have long waiting lists, making it difficult for individuals who need and want such programming to obtain treatment. Not only does this present an impediment to individual rehabilitation, it can also impact overcrowding, as many inmates are awaiting release contingent upon the completion of a program or treatment.

□ **Chaplaincy Program:** This program provides spiritual guidance and other assistance to inmates, including the 18-month faith-based InnerChange Freedom Initiative (IFI) operated by Prison Fellowship Ministries. The Chaplaincy program facilitates 209 faith groups and over 45,000 faith-based classes. At present, there are 121 Chaplains total: 108 in facilities, 5 providing services to those on parole, 6 who are regional, and 2 who are administrative. There are also 371 volunteer chaplain assistants in 94 facilities. Additionally, 635 mentors make 9,397 mentor visits annually.²⁰⁴ – **Must be male to participate in IFI.**

The Chaplaincy program oversees 2,890 faith-based dorm beds at 30 different facilities. According to TDCJ, this number will continue to increase. Also according to TDCJ, 83,161 service hours were provided in FY 2010.²⁰⁵

Recently, TDCJ began a new partnership with Southwest Baptist Theological Seminary. Approximately 40 students enrolled in the introduction course during March 2011, with the goal of obtaining a four-year Bachelor of Science degree in Biblical Studies.²⁰⁶ – **Must be male.**

■ *With regard to the Chaplaincy Program/IFI: 378 IFI beds are available at the Vance Unit.*²⁰⁷

- **Volunteer Services:** Volunteers assist correctional staff in providing literacy and educational programs, life-skills training, job skills training, parent training, medical issues and prevention training, arts and crafts programs, drug and alcohol rehabilitation programs, and faith-based programs. TDCJ reports that, “[a]s of July 2011, 19,124 volunteers provided services to the inmate population.”²⁰⁸
- **Serious and Violent Offender Reentry Initiative (SVORI):** This 63-bed program at the Estelle Unit in Huntsville provides pre-release and in-cell programming for male inmates released directly from administrative segregation, where they had spent almost 24 hours per day confined in a small cell with little or no human contact. The curriculum addresses anger management, thinking errors, substance abuse, life skills, and employment. Some inmates receive a parole stipulation of SVORI aftercare and they may participate in a continuum of care through a Parole District Reentry Center (DRC).²⁰⁹ SVORI, established with a federal grant, began operation in 2004 and served an average of 120 people in administrative segregation in FY 2008, FY 2009, and FY 2010.²¹⁰ Currently, it is not available at any unit other than Estelle.
 - *Must be male.*
 - *63 beds are available at one unit: Estelle.*
- **Gang Renunciation and Disassociation Program (GRAD):** This program provides in-cell programming to Security Threat Group²¹¹ members to facilitate disassociation from gang membership, as well as release from administrative segregation to the general population.²¹²
- **In Prison DWI Recovery Program:** This program provides a variety of educational modules and treatment activities for individuals with habitual DWI offenses. A comprehensive individual treatment plan is based on the results of an evaluation battery designed to assess the individuals’ needs and risk of recidivating. The program provides 20 hours of weekly programming, including education activities, individual and group therapy, and interactive discussions for family members. Blending various evidenced-based practices, the curriculum includes alternatives to drinking and driving, alcohol addiction and abuse, victim awareness, medical effects, lifestyles, stress assertion, and cognitive therapy.²¹³
 - *Must be male.*
 - *500 beds are available at the East Texas Treatment Facility.*²¹⁴
- **In Prison Therapeutic Community (IPTC):** This program provides an intensive six- to nine-month treatment program that individuals are required to complete prior to release on parole. Programming includes three phases, and the post-program continuum of care lasts for 12 to 15 months. This includes a three-month transitional residential phase and an outpatient phase of approximately nine to 12 months.²¹⁵
 - *1,537 beds are available at five units: Halbert, Havins, Henley, Kyle, and Ney.*

Note: The objectives and treatment programming are the same as for SAFF facilities.
- **Pre-release Substance Abuse Program (PRSAP):** This is a six-month program for inmates with serious substance abuse chemical dependency.²¹⁶ The program is based on the principles of therapeutic community treatment (*see above*).
 - *Must be male.*
 - *1,008 beds are available in one unit: LeBlanc.*
- **Pre-release Therapeutic Community (PRTC):** This program is similar to PRSAP – both are based on principles of a therapeutic community treatment – but PRTC adds vocational and cognitive intervention components. Individuals are placed in the program based on a vote by the Board of Pardons and Paroles. Ultimately, PRTCs involve a coordinated effort between the Rehabilitation Programs Division, the Windham School District, and the Parole Division.²¹⁷
 - *Must be male.*
 - *600 beds are available in one unit: Hamilton.*
- **State Jail Substance Abuse Program (SJSAP):** This is a multi-modal program accommodating diverse characteristics and individual needs of the population. Individuals are placed on a 30-, 60-, or a 90-day treatment track, and placement is based on an Addiction Severity Index (ASI) Assessment.²¹⁸
- **Substance Abuse Felony Punishment (SAFF) Facility:** See page 30.
 - *3,954 beds are available at 10 units: Crain, Estelle, Glosbrenner, Halbert, Henley, Jester I, Johnston, Kyle, Sayle, and the East Texas Treatment Facility.*

□ **Three Sex Offender Programs:**

(1) The **Sex Offender Education Program (SOEP)** is a four-month program intended to assist sex offenders who are assessed to pose a low re-offense risk, or who may have an extended period of supervision during which they may participate in treatment. This program employs a cognitive intervention model utilizing psycho-educational classes.

- *Must be male.*
- *287 beds are available at two units: Goree and Hightower.*²¹⁹

(2) The **Sex Offender Treatment Program (SOTP-9)** is a nine-month, moderate intensity treatment program to assist sex offenders who are assessed to pose a moderate re-offense risk. The SOTP-9 employs a cognitive-behavioral model and includes psycho-educational classes as well as group and individual therapy.

(3) The **Sex Offender Treatment Program (SOTP-18)** is an 18-month course, consisting of high intensity treatment to assist sex offenders assessed as a high re-offense risk. The SOTP-18 employs a cognitive-behavioral model and includes psycho-educational classes, as well as group and individual therapy.

- *521 beds are available at three units: Goree, Hightower, and Hilltop.*²²⁰

The table below discusses rates of recidivism after participation in some of the above programs.²²¹ While there are 11 rehabilitation “programs” described in the Rehabilitation Division section of TDCJ’s self-evaluation report, only eight are listed in the outcome table below:

Table 4

FY 2007 ²²² Tier Program Releases – 2 and 3 Year Recidivism Results						
	2-Year Recidivism Rates			3-Year Recidivism Rates		
	Treatment Group	Comparison Group	Difference	Treatment Group	Comparison Group	Difference
IFI	11.21%	17.88%	-6.66%	15.89%	25.70%	-9.81%
IPTC with Aftercare	8.56%	11.29%	-2.74%	17.11%	21.86%	-4.75%
PRSAP	13.56%	13.04%	0.52%	22.77%	21.75%	1.01%
PRTC	13.54%	12.84%	0.70%	21.88%	22.27%	-0.40%
SVORI	26.09%	29.49%	-3.40%	36.23%	41.03%	-4.79%
SOEP	10.64%	14.13%	-3.48%	15.41%	20.82%	-5.41%
SOTP	8.50%	11.82%	-3.32%	12.55%	18.23%	-5.68%
SAFP with Aftercare	15.17%	27.07%	-11.90%	24.28%	38.18%	-13.90%

As is clear from the chart, all programs were successful compared to control groups, and every program except one had positive impacts on recidivism over three years. The Substance Abuse Felony Punishment (SAFP) program with an aftercare component had the greatest impact on recidivism.²²³

A recent study by M.S.W. students at the University of Texas School of Social Work reaffirms that any evidence-based approach to rehabilitation must focus on aftercare. The study found that, “Data on a three-year post-release study of Texas substance abuse programs showed that the reincarceration rates for offenders who did not participate in an aftercare program were 41% for those treated in a therapeutic community, and 42% for those treated in a non-therapeutic community program.” Comparatively, those who completed in-prison and community-based aftercare had significantly lower reincarceration rates; the rate of recidivism for those who completed the aftercare component was 25% compared to 65% of those who did not complete aftercare. The recent data examined in this study reveals that aftercare components have a large impact on recidivism rates, suggesting that a mandatory aftercare program may increase the effectiveness of therapeutic community programs and reduce recidivism rates. [Tiffany Burd, Cory Glasgow, and Jacqueline Mercilliot, *On the Outside Looking In: A Comprehensive Look at Incarcerated Texans and State Drug Treatment Programs*]

Policy-makers must seek to improve the availability, effectiveness, and quality of in-house rehabilitation programs offered to inmates, while also concentrating on continuity and continuum of care issues.

1. **Recommendation:** *Policy-makers should help TDCJ increase the availability of programs by offering more beds at additional units.*

This will increase potential participation in programming and accelerate completion rates among the incarcerated population in need. Otherwise, long waits may persist. In response to an open records request last year, TDCJ explained that, as of July 2011, the SOEP program had a wait list of 441 individuals and SOTP-18 had a wait list of 358. The average wait was eight months for the SOEP program and 10 months for the SOTP-18 program.²²⁴ Again, by offering more opportunities to meet program requirements, Texas could see improvements in release efficiency.

2. **Recommendation:** *Individuals who are within two years of exiting confinement should be identified, assessed, and prioritized for program admission.*

This should be undertaken in coordination with the Texas Board of Pardons and Paroles, as necessary.

3. **Recommendation:** *The state should reexamine the requirements and exclusions from program participation, considering also the disparity in services, especially with respect to gender exclusivity.*

It is imperative that the requirements for program participation are evaluated and amended to ensure the maximum level of participation. Although TDCJ has a Rehabilitation Division, the agency's larger objective – safety and security – can undermine its ability to adequately incorporate rehabilitative methods and programs. Ultimately, disciplinary status, infractions, and other punitive measures can impede rehabilitative progress.

4. **Recommendation:** *TDCJ should improve the quality of in-prison programs through more frequent program/service assessments and through the development of performance measures.*

It is important that intermittent quality control checks be made to evaluate programs and services within prison walls. This will prevent obvious

problems with program administration from being overlooked and ultimately undermining the goals of the programs seeking to assist individuals in addressing reentry challenges.

TDCJ should undertake annual assessments of each program offered and implement standard performance measures to maximize positive results. Performance measures should aim to:

- Increase program participation and completion generally.
- Track individual progress and overall outcomes.
- Make public the success rates of those participating in and completing the programs, as well as all other outcomes of these programs.
- Provide feedback opportunities for participants in programs, as well as for instructors and administrators. (*Note: Feedback is the simplest method of evaluating programmatic progress and can improve participants' investment in the process when they know their feedback is valued.*)
- Make all evaluative information, both positive and negative, available to the public in comprehensive, easily understandable reports.

Meaningful outcome studies and performance evaluations of all available programs is useful to the extent that regular reviews facilitate necessary, cost-effective improvements while providing an opportunity to expand programs that are working.

5. **Recommendation:** *TDCJ should increase innovation through community partnerships, especially for educational service provision.*

Given its limited budget, TDCJ should employ innovative strategies to fulfill its programming obligations. Thinking outside the box, TDCJ should partner with members of the community, schools, and volunteers to increase inmates' access to educational and other rehabilitative opportunities.

Unfortunately, TDCJ has not taken full advantage of such community partnerships to date. For instance, as a result of fiscal cuts, Project Re-Integrate Offenders (Project RIO, a program administered by the Texas Workforce Commission to provide individuals with education, training, and employment assistance during incarceration and post-release) was completely eliminated in

2011, creating greater responsibilities for case managers and further reducing opportunities for a cooperative reintegration plan between TDCJ and community service providers and/or employers. Project RIO should have been prioritized as a creative community connection.

In addition to reentry planning services like Project RIO, TDCJ should utilize community partnerships to expand educational opportunities. As discussed above, TDCJ recently began a partnership with Southwest Baptist Theological Seminary; approximately 40 students enrolled in the introduction course during March 2011, all with the goal of obtaining a four-year Bachelor of Science degree in Biblical Studies.²²⁵ This type of program, along with any associated degrees and certificates, should be considered for expansion. Other low-cost educational courses could be offered through virtual schools and TV lessons.

C. Strengthened Rehabilitation Programs and Services

1. **Recommendation:** *TDCJ should strengthen rehabilitation programs and services that focus on education.*

The community places the same expectation on inmates that it places on youth who graduate to college or pursue careers: become productive and contributing members of society. However, we do not offer the same preparedness for incarcerated individuals. These individuals must be given the proper tools to empower them to succeed and remain out of prison once they are released.

Reduced Access to Meaningful Education

Sadly, Texas' 2011 Legislative Session resulted in severe budget cuts to the Windham School District (WSD), the in-prison entity that provides educational and vocational programming for the 156,000 inmates in TDCJ; specifically, cuts totaled \$17.8 million, or 27% of its total budget per year of the biennium. (Note: This does not include the cuts to the WSD continuing education budget, which provides funds for college programs.²²⁶) As a result of the cuts, WSD eliminated 271 full-time employees, including 157 teachers.²²⁷ General Educational Development (GED) classes were totally eliminated from the Glossbrenner, Halbert, Havins, Johnston, LeBlanc, and Sayle substance

abuse facilities, and they were significantly reduced at 19 additional units. Ultimately, WSD estimates that 16,700 individuals will lose their seats in TDCJ classrooms as a result of the cuts.

In a study of more than 3,600 individuals who participated in prison education programs, 29% were less likely to be re-incarcerated than non-participants.
[The Pew Center on the States]

In 2010, WSD provided educational services of some kind to 77,000 TDCJ inmates.²²⁸ Of the 71,000 individuals released in 2010, 12,364²²⁹ received a GED or attended college while in prison. TDCJ, through contracts with Texas universities, offers two-year degrees at 40 units; four-year degrees at seven; and a graduate program at the Ramsey Unit in collaboration with the University of Houston-Clear Lake. In 2009-2010, 502 inmates attained Associate of Arts degrees, 39 were awarded Bachelors, and 22 graduated from the Master's program.

Neither WSD nor TDCJ have specified what impact the budget cuts will have on the higher education program. But it is clear that, given new constraints, fewer individuals will be attending college, since the bulk of TDCJ inmates attend college on a promise-to-pay program, whereby TDCJ pays the university tuition for one class each semester and the student promises to pay that bill upon his or her release. Legislators specifically targeted that program this last session.

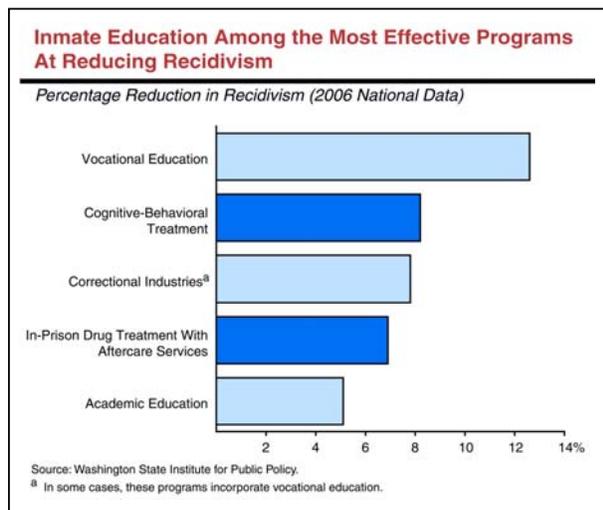
WSD's History of Success

Education is an especially important tool with respect to community integration, helping returning individuals better prepare for employment opportunities, and contributing to lowered recidivism. In its 2010 Annual Performance Report, WSD reported that:

- More than 75% of the employed releasees who received vocational training while incarcerated earned income in one or more occupations related to their training.

- In general, releasees who received vocational training while incarcerated displayed higher initial employment rates, earned higher wages, and exhibited higher job retention rates than those who did not receive vocational training.
- Vocationally trained releasees who were less than 25 years of age in the prison and state jail population exhibited overall higher job retention rates than those of the same age group who did not receive vocational training.²³⁰

Given the overwhelming benefits of education, TDCJ should seek to expand course studies and degree options. In order to achieve that goal, **policy-makers should restore WSD to its original 2010 appropriation and size, and ensure that all prisoners have access to invaluable programs that meet basic educational requirements**, such as the GED courses and the WSD literacy programs.



Peer Education: Effective and Cost-Efficient

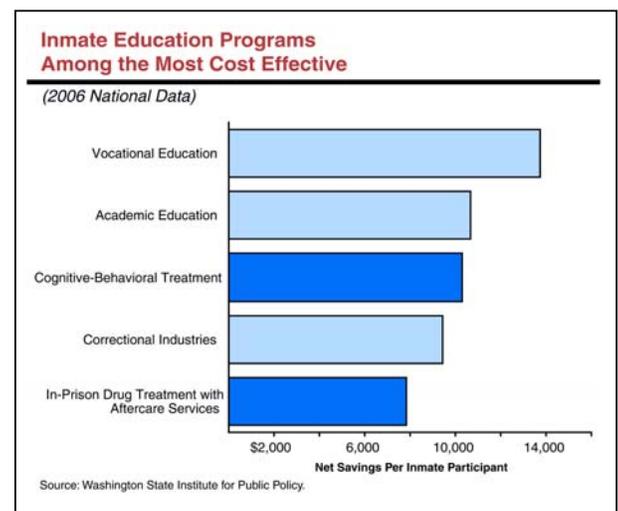
Policy-makers should also consider expanding a low-cost program in TDCJ that could go a long way toward helping the Texas prison system educate prisoners, as well as fulfill its mission to provide rehabilitation while keeping Texas citizens safe: the **Peer Educator Program**.

In place since 1999, the Peer Educator Program trains inmates in selected subjects and has offered classes to thousands of individuals in more than 70 units, including in areas of STD and AIDS prevention, and sexual assault awareness.²³¹ TDCJ should select inmates capable of teaching a variety of subjects and organize informal, ongoing, non-degree granting classes for any eligible individual. As Miles D. Harer from the Federal Bureau of Prisons states, “It is not

that specific diploma/certificate programs reduce recidivism, but it is the normalization process that takes place in the classroom.”²³²

Not only are peer education programs successful in educating those being taught; the inmates who served as peer educators “provided leadership, support, and guidance for one another, and were viewed as role models by other inmates and correctional staff.”²³³ In other words, the teachers can “develop a positive focus and purpose in their lives, empowered by the perception of their ability to influence others in ways never believed possible – thus improving self-esteem, knowledge, and renewed commitment to the community.”²³⁴

Furthermore, in-prison education programs are cost-effective. One of the most exhaustive studies of what works in reducing recidivism found that vocational and academic education are among the most effective components of successful in-house rehabilitation programs, and they are the most cost-efficient when compared to other approaches – higher than participation in prison industry, substance abuse, or cognitive-behavioral programs.²³⁵



Likewise, in-prison educational programs can decrease inmate misconduct, violence, and in-prison disciplinary infractions.²³⁶ One researcher found that, “increasing the number of college programs and increasing access to them could save taxpayers millions of dollars that are often spent on the new ways to make prisons harsher, more secure environments. Less inmate misconduct means safer prisons for inmates and prison officials; thus further reducing the cost of health care, employee insurance, and future payouts from lawsuits.”²³⁷

Using inmates to teach other inmates critical information is not a new idea. According to a recent report, 18 states have prison-based HIV programs;²³⁸ the author lamented that although peer programs have proven successful, most facilities were “not utilizing them for educational or rehabilitative purposes.”²³⁹ The author stressed that peer education should be more than inmates teaching from a ready-made curriculum about limited subject matter, which is the type of peer education offered in TDCJ. To expand the current program, the following question must be answered: *Will prisoners benefit from informal education taught by unlicensed individuals with little or no teaching experience?* If the alternative to education provided by inmates is no education at all, the answer to that question is a resounding yes.

As such, **TDCJ should expand the scope of its Peer Educator Program**, including by taking the following steps:

- TDCJ should identify prisoners with academic or professional degrees, those who have served as shop assistants to the instructors in the various vocational programs, or those who have extensive professional or on-the-job training in maintenance, construction, and various industries.
- TDCJ should train those inmates, just as it has with trained peer educators, in the most proficient method of sharing their knowledge in ways that are consistent with current teaching or workshop facilitation theory.
- TDCJ should provide space and opportunity for peer educators to offer workshops of varying length, in areas of their identified academic, vocational, and practical expertise, to all eligible inmates.
- Workshops should focus on developing critical thinking skills through the dissemination of shared knowledge.

NOTE: Workshops should not result in the awarding of a degree or certificate, other than one of participation.

This recommendation will come at little or no cost to TDCJ or WSD, and it will require little more than effort and a shift in thinking.

2. **Recommendation:** *TDCJ should strengthen rehabilitation programs and services that focus on vocational training and employment.*

Research has consistently found unemployment to be linked with crime (and crime’s associated costs to victims and communities): “one of the most important conditions that leads to less offending is a strong tie to meaningful employment.”²⁴⁰ Job preparedness programs can be particularly critical for those who know they will need employment assistance once released. Only with a strong skill set will reentering men and women have a chance to reclaim their lives, become responsible, self-sufficient members of our communities, and support their families.

Where possible, the state should maintain pre- and post-release programs that strengthen marketable skills and support stable employment through **job-readiness** (including classes to build résumés, as well as computer literacy training), **talent assessment**, **vocational training**, and **job placement** among previously incarcerated individuals. Such programs can be beneficial to prisoners and staff alike by providing a positive outlet for inmates to engage in pro-social activities that can be helpful after release. In addition, prisoners can develop skills for personal development, which may contribute to positive behavior inside the institution.

Activities that match local workforce needs and funds²⁴¹ are especially critical. TDCJ should attempt to provide training and work opportunities that are similar to opportunities that will be available to individuals upon their release.

NOTE: Work-readiness programs are especially critical in light of recent budget cuts that eliminated Project Re-Integration of Offenders (RIO).

Additional recommendations to improve TDCJ’s work-readiness assistance include the following:

- (a) **Improve pre-release training programs that emphasize communication and other soft skills.** Policy-makers should continue to support programs that offer pro-social, soft skills programming, with a focus on problem solving on the job, interviewing skills, effective interpersonal communication and negotiation with supervisors and fellow employees, and anger management skills. These skills can

boost the ability of reentering individuals to find and maintain employment.

(b) Consider the use of distance learning programs. The implementation of interactive distance learning educational programs may be invaluable to prison administrators dealing with large populations of individuals in need of work-readiness skills. Software packages can offer literacy and math tutorials; information on interview and application processes, workplace behavior, and time management; and vocation-specific skill support, all of which are crucial to reentering individuals seeking to become productive community members.

(c) Strengthen the ability of probation and parole officers to match individuals with needed employment opportunities. Policy-makers should consider the creation of a centralized job-matching system where employers who will hire previously incarcerated individuals can post their openings. Based on the participation of incarcerated individuals in pre-release training programs, as well as in other educational and work-readiness programs, they will be better prepared to meet job readiness and retention criteria. This, in turn, should allow the state to attract and retain the participation of quality employers.

3. Recommendation: TDCJ should strengthen rehabilitation programs and services that focus on improving financial literacy and responsibility.

Getting on the right financial track can be a long and difficult process, especially for people who have not managed a bank account, balanced a checkbook, or had a steady paycheck in many months or years. Furthermore, those who owed money to creditors before going to prison will likely be expected to pay upon release from confinement.

Correctional facilities should offer programming that assists inmates in understanding their financial obligations (including child support), how to pay off debts (including student loans), how to create and organize a budget, advice for opening and managing a credit card or taking out a loan, and how to save for retirement, as well as provide information about taxes. This will help returning individuals become and remain responsible community members.

4. Recommendation: TDCJ should strengthen rehabilitation programs and services that focus on substance abuse.

In Fiscal Year 2010, more than 22,000 individuals (31% of incoming inmates) were received by TDCJ for a drug offense,²⁴² and 73% of those individuals were charged with possession, as opposed to delivery or other offenses.²⁴³ Maintenance of substance abuse treatment programs is imperative, with recent studies indicating that 63% of the prison population is chemically dependent.²⁴⁴

TDCJ offers four substance abuse treatment programs that follow a therapeutic community model (*discussed more fully on page 36*): In-Prison Therapeutic Community Program (IPTC), Pre-Release Therapeutic Community (PRTC), Pre-Release Substance Abuse Program (PRSAP), and Substance Abuse Felony Punishment (SAFP) facilities.²⁴⁵

Specific recommendations to improve TDCJ's substance abuse programming include the following:

(a) Maintain the availability and improve the quality of substance abuse treatment programming in prisons. Drug users entering the criminal justice system should be provided full access to effective, professionally supervised treatment and rehabilitation programs. Cognitive therapy should especially be made available to all individuals in need, as it has been shown to reduce an individual's inclination towards criminal activity by 29%.²⁴⁶

(b) Strengthen investments in community-based supports for reentering individuals who suffer from substance abuse. For the greatest chances of recovery and changed behavior, returning individuals suffering from substance abuse – including those being released from a SAFP facility – should have access to community-based aftercare.²⁴⁷ Progress made during the detoxification and subsequent treatment process must be reinforced with post-release in- or outpatient treatment, medication-assisted treatment, and/or chemical dependency counseling – or risk relapse and re-offending.

Post-release programs in individuals' home communities are especially important. An Urban Institute survey found that previously incarcerated individuals who reported closer relationships with family members after release

were less likely to use drugs²⁴⁸ and more likely to find work.²⁴⁹

If correctional facilities are unable to link inmates with community-based services prior to their release, they should at least offer exiting individuals a comprehensive contact list of providers in local areas who can meet their needs.

NOTE: Support of Intermediate Sanction Facilities (ISFs²⁵⁰) and Transitional Treatment Centers (TTCs²⁵¹) is especially critical to preserve public safety goals as parole rates remain stable or increase.

TTC's are particularly crucial to the success of SAFF program participants, who must take part in three program stages for greatest effectiveness. First, substance abusers must stay in a SAFF facility for nine months instead of the current six-month stay. Second, after completing time in a SAFF program, individuals should be admitted to a TTC for 90 days. Finally, individuals must spend at least 9-10 months in an outpatient program. As has been demonstrated by past attempts to use a SAFF program to address drug addiction for those who cannot be treated in community-based programs, recidivism rates do not decrease without implementation of all three of these components.²⁵²

5. Recommendation: TDCJ should strengthen rehabilitation programs and services that focus on mental health.

In 2009, Texas ranked 51st (out of 50 states and the District of Columbia) in State Mental Health Agency per-capita expenditures.²⁵³ The national average was \$122.90, while Texas listed expenditures of only \$38.38.²⁵⁴ As a result, our prisons and jails have become warehouses for people with mental health issues who have failed to receive proper treatment.

In fact, according to a 2010 report by the National Sheriffs' Association, Texas is housing a significantly higher number of seriously mentally ill individuals in jails and prisons than in public or private sector psychiatric hospitals. The state's prisoner-to-patient ratio is 7.8 to 1, more than doubling than the national average of 3.2 to 1. As a result, Texas has the third highest ratio in the nation.²⁵⁵ As discussed on page 25, TCOOMMI tracks former and present Mental

Health/Mental Retardation (MHMR) clients who are incarcerated in TDCJ through the CARE system. Recent data indicates that as of December 2010, out of the 156,063 inmates in a correctional institution, over 31% are logged in the state's public mental health database, with approximately 10% (15,129) of all inmates having a diagnosis of serious mental illness, schizophrenia, bipolar, or major depression.²⁵⁶ Furthermore, the number of MHMR clients has increased by 2,414 individuals in FY 2010.²⁵⁷

Inmates with mental illness are costing the state anywhere from \$30,000 to \$50,000 per person per year,²⁵⁸ and state hospitals are routinely overburdened as they strive to treat higher-risk patients throughout Texas. Policy-makers must adopt new approaches in efforts to manage those suffering from mental illness, enhancing the supervision and treatment of individuals with special needs inside correctional facilities, and helping to provide post-release mental health services to continue to address the associated crime that accompanies mental disorders. Treatment and programming that address schizophrenia, bipolar disorder, and other mental illness issues are especially critical (including the consistent provision of psychotropic medication).²⁵⁹

The strategies below can lower the burden on agencies with strapped budgets to more cost-effectively meet the needs of those with mental illness. They can decrease the threat of injury to other inmates, corrections personnel, or hospital patients by a mentally ill person, and reduce overall re-incarceration and emergency room populations.

(a) Improve diagnoses, and increase mental health service provision and availability at correctional facilities. Mental health treatment providers are scarce in most Texas prison units. As of December 2011, over 40 of the 113 facilities (including 12 private contract facilities) listed on TDCJ's directory had no psychiatric professionals on site, though some units have a maximum capacity of more than 1,300 inmates; nine units (including two private contract facilities) had only one psychiatric professional for more than 1,000 inmates.²⁶⁰ What's worse, the effectiveness of treatment on those who do receive it while incarcerated can be undermined by long waiting lists, few incentives to follow treatment plans, and a lack of qualified mental health professionals.²⁶¹

Policy-makers must ensure that currently incarcerated individuals with special needs are being properly diagnosed and effectively treated, or they will continue to waste valuable taxpayer money on their constant incarceration and re-incarceration. Treatment and programming that address the underlying mental illness²⁶² while taking into account predictors of recidivism – like antisocial behavior or antisocial associates, substance abuse, and lack of familial support – are especially critical in minimizing rates of re-offending²⁶³ and reducing accompanying costs in enforcement and arrests.

(b) Strengthen investments in community-based supports for reentering individuals with mental health needs. Mentally ill individuals are greatly in need of assistance upon release, with follow-up care (through locally based treatment facilities) a necessity to ensure medication regimens are adhered to and doctor’s appointments are kept. Indeed, reentry efforts among the mentally ill can be compromised by the lack of discharge plans for continuity of care upon release, as well as a lack of integrated treatment for co-occurring substance abuse disorders, and the failure of parole and other providers to effectively specify who should be monitoring individuals’ case management, medication compliance, etc.²⁶⁴

NOTE: Policy-makers must especially support community mental health centers that are strengthening their reentry capacity. These community-based centers can assist individuals who have left confinement by providing medication and medical supervision, which ensures an easier transition to the community. Ideally, a seven-day supply of medication can help individuals remain stabilized while affording time to see a doctor.²⁶⁵

Again, if correctional facilities cannot connect inmates to community-based services prior to their release, they should offer exiting individuals a comprehensive contact list of providers in local areas who can meet their needs.

6. Recommendation: TDCJ should strengthen rehabilitation programs and services that focus on veterans.

Reentry is especially difficult for veterans who are leaving incarceration while struggling with post-traumatic stress disorder (PTSD) and/or other trauma-related conditions. A period of incarceration can exacerbate symptoms of PTSD and, worse, it can re-traumatize an individual.²⁶⁶ Veterans desperately need pre-release reentry support, including information about mental health services, Department of Veterans Affairs (VA) health care services (if eligible), peer support services, housing assistance, employment and vocational training, and substance abuse treatment.²⁶⁷

Specific recommendations to improve TDCJ’s veterans-centered programming include the following:

(a) Address specific needs of veterans in confinement. Incarcerated veterans have an estimated PTSD rate of 39%, compared to a rate of 7.8% among the general population.²⁶⁸ Because PTSD is linked with anger, hostility, and aggressive acts,²⁶⁹ policy-makers should encourage prison administrators to offer PTSD counseling and therapy inside the correctional setting. This not only will help veterans deal with their own traumatic experiences, but it may also mitigate aggressive and potentially violent behavior inside prison walls, thereby increasing safety for guards and prisoners alike.

Correctional facility staff should also take all steps necessary to provide overdose- and suicide-prevention educational materials to incarcerated veterans. Those suffering from PTSD and co-occurring disorders are at especially high risk of suicide and lethal overdose, particularly once they are released from incarceration.²⁷⁰ Prison staff, in partnership with the VA, should make available comprehensive educational materials regarding overdose and suicide prevention.

(b) Address specific needs of veterans leaving confinement. Because failure to secure housing and employment can lead to homelessness, it is especially crucial that an adequate support system exists for these veterans, particularly with regard to housing.²⁷¹ The VA provides assistance through the Homeless Veterans

Coordinator, but it is important that correctional facilities and community organizations partner with the VA in efforts to ensure a smooth transition to the community for veterans.

7. Recommendation: *TDCJ should strengthen rehabilitation programs and services that focus on youth incarcerated in adult facilities.*

Youth under the age of 18 comprise one-tenth of one percent of the TDCJ population, resulting in structural inefficiencies and challenges in programs for youth in TDCJ.²⁷² Furthermore, youth in state jails, SAJP facilities, or state alternative to incarceration programs do not have access to specialized programming. The TDCJ Internal Audit Division has already recommended the implementation of such programming for these youth; likewise, it has recommended greater oversight of programs for youth, noting that practices in the programs deviate significantly from policy.²⁷³

Specialized Programming

Due to their continuing cognitive and physical development, youth require specialized programming while in TDCJ custody. For instance, one successful program available in the **Youthful Offender Program (YOP)** at TDCJ is the **Challenge, Opportunity, Understanding, Respect, Acceptance, Growth and Education (COURAGE)** program. This involves a two-track programming system: Track 1 is for youth expected to leave TDCJ from (or shortly after participation in) the program; Track 2 is for youth who are facing a longer sentence and expected to transition to the general adult population. The COURAGE program focuses on basic skills and value building, with a curriculum that includes education, social skills training, anger management, values development, goal setting, cognitive restructuring, substance abuse education, conflict resolution, aggression replacement, and life skills.²⁷⁴

Sadly, structural problems within TDCJ (again, related to the relatively small size of its youth population) have reduced oversight, implementation, and outcomes for other youth-centered programs; essentially, only limited resources can be dedicated to the management and administration of programs for such a small population. As a result, the programs significantly underperform

when compared to programs for youth in juvenile facilities, even though youth in such facilities are roughly identical to youth in TDCJ in their offenses and the level of violence involved in their offense. As an example, the school attendance rate for youth at the adult Clemens Unit is 38%, while the school attendance rate for comparable youth in the Texas Juvenile Justice Department's state secure facilities is 96%.

Furthermore, the Juvenile Justice Department's Capital and Serious Violent Offenders Program has a 95% success rate;²⁷⁵ it could serve as a model for programming in adult facilities.

Greater Oversight

Insufficient oversight by TDCJ of its youth programs in particular has hampered their performance. Though Texas has significantly increased oversight of programs for youth in the juvenile justice system through recent legislation, these reforms will not affect youth incarcerated within TDCJ. Policy-makers should **abide by the recommendations by TDCJ's Internal Audit Division and independent researchers** to improve oversight of programs for youth in TDCJ to correct practices that diverge from policy.

Furthermore, policy-makers should **expand the oversight duties of the Office of the Independent Ombudsman (OIO)** for the Texas Juvenile Justice Department to include all youth in TDCJ. Ultimately, the oversight responsibilities of the OIO should match those for youth in TJJD state secure facilities, including the right to full-access inspections, as well as the ability to interview staff and youth, review records, investigate facility conditions, and examine programming.

8. Recommendation: *TDCJ should strengthen rehabilitation programs and services that focus on parenting and family reunification.*

Strong ties to families and loved ones are an extremely important aspect of rehabilitation: previously incarcerated individuals with familial support are less likely to re-offend.²⁷⁶ TDCJ should offer parenting skills and family reunification programs for both male and female prisoners. *(For more information on family reunification strategies, see pages 47-50.)*

D. Post-Release Assistance in Obtaining Housing

Housing barriers contribute to homelessness and recidivism, and they negatively impact a previously incarcerated individual's ability to reconnect with his or her family, which is pivotal to successful reentry into the community.²⁷⁷ Permanent supportive housing, which combines affordable housing with supportive services that help residents become stable after leaving a correctional setting, is effective in reducing the use of shelters and hospitals, minimizing emergency room visits and re-incarceration, and eliminating the associated costs of using these systems.²⁷⁸ In fact, "without the benefits provided by stable housing, released prisoners struggling to meet other basic needs, such as finding employment or gaining access to substance abuse treatment and health care services, may face a higher risk of relapse and recidivism."²⁷⁹

1. ***Recommendation: Policy-makers should prioritize housing assistance in "high stakes" communities.***

For tens of thousands of inmates released from TDCJ every year, the question of where they will live upon reentry to society is immediate and critical. Many reentering individuals are returning to high-stakes communities, where high poverty and crime levels can jeopardize one's attempts to maintain law-abiding behavior. Stakeholders should consider allocating housing funds to these particular communities to target areas most in need.²⁸⁰

2. ***Recommendation: Policy-makers should invest in affordable housing options for returning individuals, which may require partnership with the community.***

Many neighborhoods are unwilling to develop halfway houses, shelters, or other types of housing for fear of the wrong "element" on their streets. Housing assistance programs must be improved and the state should seek out methods to make it easier for community members to establish and maintain housing for reentering individuals.

As noted above, structured housing facilities can be especially successful in reducing crime, victims, and associated law enforcement and incarceration costs; they keep high-risk populations from engaging in criminal behavior as their means of survival.²⁸¹ Round-the-clock treatment, referrals

to education and employment opportunities, assistance with public benefits (e.g., Social Security or food stamps), information on community health care programs, and transportation services²⁸² minimize the likelihood of recidivistic behavior that is currently straining the criminal justice system. Emergency rooms, too, will benefit as more mentally ill individuals are cared for in supportive housing.²⁸³

3. ***Recommendation: Wherever possible, policy-makers should direct local Texas housing authorities to utilize federal housing assistance programs to help previously incarcerated individuals find places to live.***

Federal Community Development Block Grants and HOME Investment Partnership grants to localities can provide avenues for funding to aid previously incarcerated individuals when communities support such initiatives. Policy-makers must promote these options to increase affordable housing opportunities to help returning individuals live successfully in society. Furthermore, within the limitations of federal law, the Texas State Affordable Housing Commission should be directed to maximize the availability of low-cost housing options for previously incarcerated individuals.

Part 7: TDCJ Sunset – Family Reunification and Visitation Objectives

A. Improved Accommodations for Individuals Visiting Family or Friends

1. **Recommendation:** *TDCJ should work to improve parent-child and familial interaction.*

Incarceration not only punishes the individual who is locked up. In particular, innocent children are frequently unintended victims when the state punishes their parents' misdeeds. Denying the parent-child connection frequently leads to worsened behavior by youth that in turn spurs their involvement with the juvenile justice system, setting them down a path towards the same, self-destructive behaviors as their parent(s).²⁸⁴ According to TDCJ, "over half of the juveniles confined in a secure institution had a parent that has been or is incarcerated."²⁸⁵ In part, this can be caused by children not being told the truth about their parents' incarceration, leaving them confused and untrusting. Moreover, because children's contact with their parents is limited, the result is strained relationships, with rebellious children and inexperienced parents who are unfamiliar with their children's needs.²⁸⁶

According to TDCJ, children of incarcerated parents are six to eight times more likely to become involved in a criminal lifestyle without effective interventions.

As of 31 August 2011, nearly 95,000 individuals incarcerated in Texas prisons self-reported as having children.²⁸⁷ Unfortunately, only a small minority of Texas' 112 prison units have special programming aimed at inmate parents.²⁸⁸ Most

are basic parenting classes or programs for parents to read books on tape that are then sent to their children.

Policy-makers must support the children of incarcerated parents and assist families as they strengthen themselves through positive visitations and social service support.

(a) **Orientation process.** TDCJ should improve the orientation process for family members of incarcerated individuals to encourage family interaction. For instance, TDCJ should allocate at least one portion of orientation as a Q&A for family members, where they can learn about visitation procedures for adults and children, allowable items that can be mailed to and from incarcerated individuals, types of treatment programs available to assist their loved ones, etc. This may cut down on administrative personnel time spent answering calls or questions from concerned family members, while also keeping family networks as intact as possible.

(b) **Visitation process.** TDCJ must completely re-vamp the visitation process.

TDCJ should improve visitation rooms and environments, which are currently not conducive to positive, intimate interaction between incarcerated individuals and their children.

For instance, TDCJ should create an environment that encourages interaction and play. Currently, interaction is limited to conversation and minimal touching. (Although if incarcerated individuals have young children, they may hold them on their lap for the duration of the two-hour visitation time.) Additionally, incarcerated individuals and their visitors of any age are not allowed

to be “loud or boisterous” during visits, and parent-child play during visitations is not encouraged, nor considered important to incarcerated individuals’ mental and emotional health.

Appropriate play with children in a developmentally appropriate setting positively impacts attachment, increasing the probability of establishing stable, healthy relationships and decreasing violent and aggressive behaviors, in turn **contributing to the safety and security of the unit.**²⁸⁹ Likewise, touch and play have been connected to growth in the right brain, which controls emotions, relationships, and feelings.²⁹⁰ And physical touch can increase physical health, self-esteem and emotional connectedness/resiliency, while lessening feelings of loneliness and frustration.²⁹¹

TDCJ should encourage play, allowing parents to fully engage with their children in an authentic manner using developmentally appropriate toys to repair emotional functioning. Play areas could be part of regular visitation areas, but with boxes of appropriate toys, including the following:

Table 5

Developmentally Appropriate Toys	
Age	Toys
Babies to 12 months	soft stuffed animals, puppets, floor activity quilts, plastic coated books, rattles or sound makers
Toddlers: ages 1 to 2 years	stacking toys, push-pull toys, pop-up toys, board books, two- to four-piece puzzles
Preschoolers: ages 2 through 5 years	balls, wooden blocks, construction toys (Legos), pretend-play toys, art materials (clay, crayons), simple board and card games, up to 16-piece puzzles
School-age: ages 6 through 10 years	complex board and card games, arts and crafts kits, chapter book and short novels, jigsaw puzzles

NOTE: If incarcerated individuals are a proven danger to themselves or others (especially due to offenses against children), contact play and interaction should be prohibited.

TDCJ should also remove the “loud and boisterous” restriction: it is subjective, and it is impossible for children visiting their parent to not be happy or demonstrative, which may in fact manifest as “loud and boisterous.”

- **TDCJ should safely increase in-person contact.** In units that offer “window visits,” in which visitors are separated from inmates by glass and converse by telephone, exceptions should be made for inmates with children (excluding inmates who have committed offenses against children). Such visits are not as appropriate for small children as contact visits, and they should ultimately be used as a last resort (and then only for short periods of time). TDCJ should strive to use visitation and family reunification as one part in a positive reinforcement-oriented strategy (*for more information, see page 50*).
- **TDCJ should welcome on-site volunteers to assist with and better facilitate family visits,** including by monitoring play activities and toys, offering parent-child counseling during visitation, providing child mentoring or tutoring, etc.
- **TDCJ should make special accommodations for people with disabilities and those forced to travel great distances to visit loved ones.** Many people who are visiting their incarcerated loved ones have disabilities, are caring for someone who is ill, or must travel a great distance to visit the loved one. TDCJ should make every effort to take into consideration a person’s physical limitations, such as hearing impairments,²⁹² including by **adhering to Americans with Disabilities Act mandates.**

Regarding visitors traveling far distances, TDCJ may currently grant permission for visits of a maximum of four hours for those residing 300 or more miles from the inmate’s unit of assignment. This special

extended visit may be arranged during the week, but it can only be granted once per month. TDCJ may also permit a visitation totaling eight hours over the course of two consecutive days, for a maximum of four hours each day.²⁹³ Additional restrictions may apply: for example, “permission for an extended visit due to distance traveled shall not usually be granted if the visitor has visited [even for shorter durations than four hours] more than once in the past month.”²⁹⁴ **These special visitation hours should be extended and offered more frequently.** Many people travel nearly a day just to visit their friends or loved ones. For elderly or sick family members – or even those caring for another family member – this can create an expensive burden. But not only do limits on the hours and frequency of visitation create a hardship for inmates’ family members, they impede efforts to maintain family relationships and connections.

TDCJ should use also **available Skype technology or live video-calls** to increase visitation opportunities. More specifically, TDCJ should designate Skype/video-call visitation rooms in an accessible area and allow eligible inmates to receive calls if their relatives can demonstrate inability to physically travel to the individual’s assigned unit. While Skype/video-calls are not in-person contact, they allow incarcerated individuals eye-to-eye contact with relatives and family members. Information that is taken in the areas of the face surrounding the eyes is communicated directly to the right brain, allowing the brain to connect emotionally with the other and experience an enhanced familial attachment.²⁹⁵

(c) Child-friendly programming outside of visitation. Correctional facilities should improve strategies to assist children of incarcerated parents. Although TDCJ (i) has implemented child-friendly programs in certain units,²⁹⁶ (ii) offers informational resources targeting children,²⁹⁷ and (iii) has developed a new telephone system to further enhance inmate/family interaction, the agency could also provide after-school mentoring/

tutoring programs and counseling services for children of the incarcerated. For instance, **GO KIDS** (Giving Offenders’ Kids Incentives and Direction to Succeed) combines programs geared towards strengthening the parent-child relationship with efforts to link family members to community resources.²⁹⁸ Where appropriate, the use of volunteers could assist these efforts. *Note:* These parent-child services should be coordinated with services already being provided by the Health and Human Services Commission, Child Protective Services, child support programs, and additional state and community programs intended to aid families.

Additionally, for greatest effect in strengthening parent-child bonding, TDCJ could require each unit to periodically hold family-oriented events.

Ultimately, such investments by the state will pay off over the long term when parents and their loved ones are more prepared for the reentry transition.

2. **Recommendation:** *TDCJ should make every effort to locate inmates in units as close to their homes as possible.*

Again, boosting family interaction among incarcerated individuals and their partners and children – including through a greater frequency of visits – will ease the transition process into the community and keep the family unit strong.

3. **Recommendation:** *TDCJ should improve faith-based family interaction strategies.*

TDCJ should increase the availability of community-based, spiritual mentoring for individuals and their families pre- and post-release from confinement. Furthermore, the agency should consider creating faith-based reentry wings at certain facilities for targeted populations.²⁹⁹ Religious services, ministry teachings across various denominations, and encouragement counseling can provide a solid foundation for incarcerated individuals and families to form a healthy, loving family unit. As an additional advantage, exiting individuals have various options for continuing with faith-based services given the multiple churches and other places of worship in most towns.

B. Use of Incentives to Allow Inmates Greater Communication with Their Loved Ones

1. ***Recommendation: TDCJ should award incarcerated individuals performance-based privileges to increase family interaction.***

TDCJ should use increased or extended visitation as a positive reinforcement tool. Having the opportunity to earn extra visitation privileges will encourage inmates to curb negative behaviors and participate in programs and classes – especially given the overwhelming evidence indicating that positive reinforcement is preferable to punishment.³⁰⁰ Such increased visitation should be available for all prisoners, including death row inmates, based on their positive behavior while incarcerated. *Note:* The use of rewards has already been implemented in the juvenile system.

Part 8: TDCJ Sunset – Gender-Specific Objectives

The state must protect the rights of women and their children, to ensure a safer Texas for generations to come, through the implementation of strategies that strengthen families and assist women who have been caught in the criminal justice system.

A. Improved Programming for Women

Texas' criminal justice system has historically had little programming for women, with inmate populations in Texas always having been dominated by men. In fact, males are incarcerated more than 11 times more frequently than women, who make up nearly 8% of all individuals incarcerated in TDCJ facilities.³⁰¹ By contrast, women make up 28% of all Texas probationers, meaning most women convicted in Texas courts are being supervised in the community.³⁰²

1. **Recommendation:** *Policy-makers should invest in gender-specific programming to meet the needs of growing female populations.*

Increasing the range of in-house and post-release community-based services for females, including those that increase parent-child interaction, will better ensure responsiveness to gender-specific issues. Programming aimed at reducing recidivism among women is an especially cost-effective approach to crime reduction. Women tend to have a more difficult time with reentry and higher recidivism rates than men.³⁰³ In fact, according to a study by the Urban Institute of previously incarcerated women returning to Houston:

The unique obstacles that women face during their post-prison reintegration, driven largely by their differences in pre-prison substance use and employment histories, continue to play a role in terms of subsequent criminal behavior. At one year out, women are more likely than men to engage in drug use, to have problems stemming from

drug use, and to have partners who drink or use drugs daily. Perhaps not surprisingly, women are almost twice as likely as men to be back behind bars in a year's time, typically due to a drug-related offense or a property offense driven by addiction problems.³⁰⁴

To the extent the state can develop effective, recidivism-reduction treatment programs aimed at women, it will likely get a great return on its investment.

2. **Recommendation:** *TDCJ should improve standards among in-prison, women-focused treatment programs.*

For incarcerated women, correctional facilities should implement treatment and trauma-informed programming in all-female settings, where women may feel more nurtured, supported, and comfortable when speaking about issues like domestic violence, sexual abuse and incest, shame, and self-esteem.³⁰⁵ Where possible, the treatment curriculum should address many of the common barriers to success for women leaving confinement: how to successfully shoulder parenting responsibilities, avoid abusive relationships, handle money, and address health issues.

Furthermore, where possible, treatment programs should be part of a comprehensive continuum of care that continues after each woman's release from custody.

3. **Recommendation:** *TDCJ should make efforts to develop specific, comprehensive treatment programs for women who suffer from substance abuse, mental health issues, and/or trauma.*

These programs should address the many complicated physical, emotional, and social factors that affect women's abuse and recovery.³⁰⁶ In

specific regard to trauma, the National GAINS Center for People with Co-Occurring Disorders in the Justice System asserts, “Women with trauma histories are encouraged to develop skills needed to recover from traumatic experiences and build healthy lives. These may include cognitive, problem-solving, relaxation, stress coping, relapse prevention and short- or long-term safety planning skills.”³⁰⁷

4. Recommendation: TDCJ should target pre-release populations and ensure post-release follow-up.

Women transitioning out of confinement should undergo particularized programming with specific components, including economic planning; training in parenting, communication skills, and cognitive thinking; assistance in building self-esteem and strengthening self-care skills; provision of basic information on legal rights in regard to reuniting with children, and on dealing with domestic violence; referrals to other agencies for assistance with housing and areas of particular importance to women with children; and support services and emergency assistance for basic necessities.

In addition to offering such programming, TDCJ should enter into inter-agency agreements with relevant child welfare agencies to increase the likelihood of family reunification upon release.

After a woman’s release from confinement, TDCJ should provide aftercare and follow-up – key to ensuring successful reentry. Building upon pre-release training and skills building will decrease the likelihood of recidivism and strengthen families.

B. Strengthened Programs for Pregnant Women and Mothers

Research shows that, besides benefiting their children, women inmates’ maintenance of family ties can help reduce their own recidivism. According to the Urban Institute, “women who reported higher levels of help from their families were less likely to return to prison in the first year following release.”³⁰⁸ Furthermore, “When asked what they were most looking forward to upon release from prison, the single largest response among women was reuniting with children.” This finding led the Urban Institute to call women’s relationships with their children “a compelling motivator for reentry success.”³⁰⁹ Investments that help inmates maintain

family ties can both assist in reducing recidivism and potentially mitigate damage to children from their mother’s incarceration.

1. Recommendation: TDCJ should improve the ability of incarcerated mothers to interact with their children.

Programs to strengthen and improve a mother’s relationship with her child(ren) fit into what is already known about successful approaches to reducing recidivism. In terms of crime-reduction potential, this is an area that has been long ignored and under-resourced. It is highly likely that, because of long-term institutional neglect, significant anti-recidivism gains could be had for relatively small investments in encouraging maintenance of family ties by inmates.

The state has two overriding interests that should encourage it to maximize women’s interaction with their children (except in cases where the child has been victim of an abusive relationship): (1) Stronger family ties can reduce recidivism rates for parents upon reentry from prison, and (2) Minimizing collateral damage to children of incarcerated parents can reduce crime in the future,³¹⁰ particularly if the state focuses scarce criminal justice resources on diverting youth in this risk group from crime.

For best outcomes, the Institute on Women and Criminal Justice (IWCJ) recommends that, “women should be educated about their rights and responsibilities as parents from the time they enter the facility.”³¹¹

2. Recommendation: TDCJ should increase programming for pregnant inmates and allow more time for incarcerated mothers to spend with their new infants.

Although researchers now know a great deal about the importance of mother/child bonding for the future mental health of the child, Texas lags behind other states that have developed prison nursery programs, which allow women to keep their babies with them for a certain period of time. Instead, babies born in prison are taken away from their mothers, kept off site, and given only temporary visitation rights during their earliest weeks, if a mother qualifies to participate in the nursery program. Texas is similarly deficient in community-

based residential parenting programs that allow women to serve criminal justice sentences with their infants in a non-prison setting.

It should be noted, though, that TDCJ does operate a birthing center for pregnant mothers. At the Carole Young medical unit in Texas City, TDCJ allows mothers extra visitation time with their infants during their early weeks.³¹² Mothers may participate as long as they meet the “offender participation criteria” in the Love Me Tender Program, which is designed to promote bonding between mother and child.³¹³ Visitation takes place Monday through Friday, from 12:30-2:30 pm, and a TDCJ officer must accompany these patients. *Note:* Participation is limited to the time the mother remains at Hospital Galveston (generally less than two weeks).³¹⁴

Due to the 2007 passage of H.B. 199, TDCJ was also instructed to implement a residential infant care and parenting program for mothers confined by TDCJ. The bill instructed the agency to model its program after the successful Federal Bureau of Prisons’ **Mothers and Infants Together (MINT) program**,³¹⁵ currently operated under contract in Fort Worth.

The MINT program offers mothers and pregnant women with pre- and post-natal programs and services such as childbirth, parenting, and coping skills classes. In addition, the program offers chemical dependency treatment, physical and sexual abuse counseling, self-esteem programs, budgeting classes, and vocational/educational programs. Ultimately, mothers are given an opportunity through the program to bond with their newborn children before returning to an institution to complete their sentences.

Inmates are eligible to enter the MINT program if they are in their last two months of pregnancy. It is at the discretion of the correctional facility staff to decide whether to refer the inmate to the program. If accepted, the mother must make arrangements for a custodian to take care of the child prior to the birth; institution staff and community social service agencies will aid the inmate with placement.³¹⁶

Babies and Mothers Bonding Initiative (BAMBI) is another program, contracted through the University of Texas Medical Branch (UTMB), which subcontracts with Santa Maria Hostel, Inc. – though it is limited in scope and size. BAMBI provides

post-delivery services to up to 15 female confinees and their infants, coordinates programs such as WIC and Medicaid with clients, and provides other components, including parenting skills, GED preparation, substance abuse, and cognitive restructuring.³¹⁷ However, given the uncertain future of UTMB’s involvement with TDCJ, it is unknown what will become of this already small program.

NOTE: TDCJ should provide mothers with the means to more closely interact with their infants, including through consideration of the 2007 policy posed by former State Representative Noriega, H.B. 1770, which would have allowed infants born to women in TDCJ to stay with their mothers until one day after their first birthday. Specifically, policy-makers should invest in prison nurseries, proven to work in other states, to keep new mothers and their infants together longer.

Part 9: TDCJ Sunset – Improved Conditions and Safety Objectives

TDCJ should strive to create and implement policies and procedures that will improve conditions of confinement for currently incarcerated individuals. Safer and more sanitary conditions will likewise improve the working environment for correctional officers, program staff, and other administrative staff.

A. Improved Health and Well-Being

1. **Recommendation:** *TDCJ should allow dietary supplements to be made available to incarcerated individuals, for purposes of reducing violence, increasing inmate health, and decreasing medical expenses.*

TDCJ's institutional meals, although meeting caloric needs of inmates, are often nutritionally deficient due to the agency's practice of preparing meals hours prior to actual consumption. Furthermore, feeding schedules are inherently subject to unanticipated delays due to counting procedures, inmate movement, and unexpected medical emergencies. Studies have shown a direct link between violence and nutritional deficiencies,³¹⁸ and some studies have shown a marked decrease in violence, specifically in prisoners, who have been given supplements such as essential fatty acids, fish oil, Omega-3, and various easily obtainable and digestible vitamins and minerals.³¹⁹ While TDCJ commissaries sell vitamins and supplements, 48% of inmates cannot afford to purchase them and are limited to what they get in the cafeterias.³²⁰

TDCJ should allow families and friends to purchase and send nutritional supplements to their incarcerated loved ones. TDCJ should also allow inmates to receive packages of foods proven to be high in fiber and nutritional content, like dried fruit, granola mixes, nuts, and other items that similarly keep well. These packages can be freeze-dried, vacuum-packed, and made essentially tamper-proof. Additionally, TDCJ should offer vitamins, minerals,

and other nutritional supplements; packages could be purchased through a TDCJ-approved vendor, ordered by outside purchasers, shipped to units twice per year, and distributed either through the commissary or property offices. TDCJ could place a limit on weight, define participation in this program as a privilege (according to custody level), and limit participation to inmates whose disciplinary history has been clean for a set length of time.

2. **Recommendation:** *TDCJ should improve property assigned to inmates' cells to reduce disease, enhance inmate health, and increase unit security.*

TDCJ policy³²¹ requires storage of all foodstuffs in original containers, subject to confiscation. There is no method of sealing food. TDCJ commissaries sell bread, potato chips, cookies, crackers, pastries, and other items that easily spoil, especially under temperature extremes common in TDCJ living areas, leading to food spoilage and rodent and bug infestation.

Current storage policy also requires that all property, except for electrical items, be stored in metal boxes not to exceed 1.75 cubic feet – meaning property is not readily accessible to visual inspections.

TDCJ should issue each incarcerated individual a set of plastic, easily cleaned, stackable containers for property storage. This will enable quicker, more thorough inspections, leading to more efficient time management for correctional officers. Furthermore, all opened food items will be less liable to spoil, increasing inmate health, decreasing the chance of infestation and spread of disease, and lowering associated medical care expenses. Also importantly, removal of in-cell metal containers, which are currently a source of weapons, will lead to increased unit security.

Stackable plastic containers are available at wholesale costs for approximately \$5, and less if

bought in large quantities. Unit property rooms should issue each incoming individual a set for personal storage, requiring that all property be immediately and neatly stored in such containers.

3. **Recommendation:** *TDCJ should issue abandoned and confiscated property to indigent inmates to enhance unit security.*

TDCJ policy³²² requires that all confiscated or abandoned property be either destroyed or donated to charitable organizations. Approximately one half of all inmates are indigent³²³ and unable to buy fans, radios, hot pots, and clothing items – the desire for which leads to inmate theft, retaliatory violence, and increased disciplinary infractions and proceedings, while placing an undue and unnecessary burden on correctional staff. In fact, TDCJ Public Information Officers note that anywhere from 50,000 to 75,000 inmates are without funds at any given time, and thus unable to buy commissary items. This creates a black market, where opportunistic inmates target those with property, especially the more expensive electrical items.

TDCJ should allow property rooms to issue confiscated and abandoned items to indigent inmates. The property room could compile a list of indigent individuals who would, on a first-come, first-served basis, be issued items they do not possess and cannot afford to buy.

This policy could decrease incidences of theft, as indigent inmates who feel they have no other avenue to obtain electrical items or clothing would anticipate ownership of such items in an institutionally approved fashion. The policy could also decrease instances of “possession of contraband” and “trafficking and trading,” as indigent inmates who currently try to buy items from individuals close to their release from confinement would instead wait, again anticipating they would eventually own such items in an approved manner. Finally, this policy change will enhance prison security by decreasing inmate-on-inmate theft, reducing instances of retaliatory violence, lessening the burden on the disciplinary office, and allowing more efficient use of correctional officer time.

B. Improved Grievance Procedures

1. **Recommendation:** *TDCJ should strengthen the efficiency of its Offender Grievance Program.*

An efficient and fair grievance system is an essential tool for conflict resolution within correctional facilities, while also providing administrators insight into developing issues. It assists administrators in managing problems before they escalate, thereby saving money in litigation and other costs, and preserving staff and inmate safety.

TDCJ has implemented an internal Offender Grievance Program since 1975. The current offender grievance process has two levels, Step 1 and Step 2.

- **Step 1** allows the Warden to identify and resolve issues at the unit level.
- **Step 2** affords an inmate the opportunity to appeal the Warden’s decision. These appeals are sent to the Central Grievance Office in Huntsville, Texas, for review.

Once the two-step process has been completed, an inmate’s administrative remedies within TDCJ have been exhausted.

In FY 2010 alone, TDCJ inmates filed a combined 217,177 Step 1 and Step 2 grievances, an increase from the previous fiscal year.³²⁴ However, data from a 2010 survey of inmates conducted on behalf of the Texas Criminal Justice Coalition reveals that TDCJ’s current Offender Grievance Program is not adequate. Respondents perceived the system to be “ineffective” due to its lack of promptness, problems with confidentiality, and lack of protection from reprisals and intimidation.³²⁵ In fact, 84% of respondents did not feel that administrators addressed complaints promptly, and 58% feel they had faced retaliation as a result of filing a grievance, including through cell shakedowns and destruction of personal property by guards.³²⁶

NOTE: Approximately 25% of all Step 1 grievances were appealed to Step 2 in FY 2010, a low figure that TDCJ attributes to effective problem resolution at the unit level.³²⁷ While internal reviews of the grievance system tend to show the program favorably, the above-mentioned survey data suggests that it is possible that many Step 1 grievances are not appealed further because of fear of intimidation and reprisal, or lack of faith in the system.³²⁸

Specific recommendations to improve TDCJ's grievance system include the following:

- (a) **Improve access to forms.** While grievance forms are available in the law library, some individuals may not have access or reason to use that library, therefore making the grievance forms unavailable. TDCJ should ensure that grievance forms are accessible by all, as well as provide clear instructions on completing them. To better guarantee access to the information, these materials should be provided in common areas, such as the recreation room and cafeteria.
- (b) **Increase the grievance-filing period.** TDCJ's current grievance process allows inmates only 15 days from the date of the incident to report a grievance.³²⁹ This amount of time can be insufficient for inmates who are ill, injured, or otherwise unable to properly grieve their complaint. By allowing a longer time period in which to report and by making the grievance officers more accountable for the integrity of the grievance process, the state can increase the efficiency of the Offender Grievance Program while also increasing the safety of both inmates and prison staff.
- (c) **Clarify grievance decisions.** After inmates file an initial grievance, the grievance officers respond with either a denial of the inmate's request or agree to further investigate the inmate's claim at the unit level. These Step 1 responses from grievance officers should be specific as to why an inmate's request was denied. In other words, a one-line response denying action should be discouraged. By providing specific reasons and details as to how a decision was reached, the grievance system will be more efficient and lessen the likelihood of an inmate filing an appeal with the Central Grievance Office, which would in turn decrease that Office's workload. Furthermore, by providing a written response regardless of the outcome, TDCJ would be in line with the grievance standards advanced by the American Bar Association.³³⁰

- (d) **Create independence on grievance boards.** Grievance boards are comprised of TDCJ correctional officers who have been promoted to the Grievance Officer position. This creates a clear and inherent conflict of interest when inmates file complaints about mistreatment by guards (who are usually the former colleagues of grievance panel members) or about the lack of available services by TDCJ. TDCJ should either implement an independent entity tasked with addressing grievances lodged by inmates, or offer more independence on grievance boards as presently structured. In the case of the latter, the Governor should appoint a board at least partially composed of independent members who are not and never were employed by TDCJ. This group should review inmates' more serious grievances; also, members' credentials, expertise, and decision patterns should be made public to constituents. Having at least one independent board member will allow for more objectivity throughout the grievance decision-making process, as well as allow for a practical evaluation of the weaknesses in the Offender Grievance Program.
- (e) **Ensure confidentiality for prisoners who file grievances to protect them from reprisal.** TDCJ should commit to a "zero tolerance" policy for failure to protect prisoners from retaliation when they use the grievance system. The agency should institute severe consequences for staff members who engage in retaliation and encourage other staff members to report misconduct.

C. "Zero Tolerance" Approach to Sexual Assault in Prison

As an agency responsible for the care of thousands of prisoners, TDCJ must strive to improve safety and reduce assaults. Stopping sexual assault is particularly important, and not only for the safety and dignity of the prison population. It also affects the free world population when victims of sexual assault return to their community with possible diseases and suffering from traumatic events that may require treatment and counseling.

1. **Recommendation:** *TDCJ should increase the safety of prison environments through steps to reduce sexual assaults.*

The federal Prison Rape Elimination Act (PREA) was enacted in 2003; through grants to states to supplement efforts to investigate, prosecute, and prevent prison rape, Texas received funding in 2004. Texas now has a PREA Ombudsman's Office, which coordinates TDCJ's efforts to eliminate sexual assault in its facilities. TDCJ also has a Safe Prisons Program, through which staff is trained to assist those who have been assaulted, as well as to prevent extortion.

These efforts are critical. The Bureau of Justice Statistics publishes yearly findings of sexual assaults in prisons throughout the United States; of the 10 facilities that had the country's highest rates of sexual assault, three were in Texas, with two being the top two facilities.³³¹

While TDCJ has begun to show concern for putting an end to sexual assaults in prison, a 2010 survey of inmates conducted on behalf of the Texas Criminal Justice Coalition showed that over 36% of respondents did not know their unit's Safe Prisons representative – the individual responsible for responding to reports of sexual assaults and providing information.³³² The PREA Ombudsman and Safe Prisons Program staff must better promote their services, including through print or radio media (e.g., the Texas Prison Show), and the Ombudsman should conduct surprise visits at facilities.

Furthermore, the Ombudsman, together with the Safe Prisons Program, should seek to improve current strategies to identify and address patterns of sexual assault and abuse. For instance, the Ombudsman should create a form that inmates can use to report sexual assault rather than requiring them to write a letter. And individuals who have reported assaults should be notified of where they stand in the resolution process. Additionally, the Ombudsman should seek to include form data and other expanded information during its data gathering process, which could more effectively identify patterns of sexual abuse/misconduct. Ultimately, the Ombudsman's Office must aggressively and proactively focus its attention on units that have shown patterns of assault.

In efforts to strengthen its service efficacy, the Office of the Ombudsman should also contact volunteers who can immediately counsel individuals who have been assaulted. Separately, the Ombudsman should begin compiling a document for wardens on best practices in sexual assault prevention. (Establishing a repository of data in the Ombudsman's office on sexual assault complaints will be helpful to the Ombudsman in identifying which best practices to review.) If copies of all reports sent by the Ombudsman's Office to the Texas Board of Criminal Justice are also sent to legislative offices and selected advocates, efforts can be bolstered or additional evidence-based practices suggested. Lastly, requiring the Ombudsman's Office to collaborate with the Reentry Task Force on strategies that could address the needs of those who have been sexually assaulted will assist in their transition from confinement to our communities.

2. **Recommendation:** *TDCJ should commit to a "zero tolerance" policy on sexual assaults.*

TDCJ should voluntarily incorporate the 41 PREA Standards put forth by the National Prison Rape Elimination Commission into its policies (*please see Appendix A for the list of Standards*), as well as undertake ongoing monitoring of the standards' implementation at each facility. PREA standards are currently before the U.S. Attorney General. By incorporating these policies before they are made national law, TDCJ can proactively reduce the risk of sexual assaults in its units and present itself as a national leader in the effort to eliminate sexual assaults in prisons.³³³

D. Reforms to Administrative Segregation

1. **Recommendation:** *TDCJ should reduce reliance on the use of administrative segregation and increase opportunities for rehabilitation, which will decrease TDCJ operating expenses and lower recidivism rates.*

In 2011, TDCJ housed 8,784 prisoners³³⁴ – over 5% of its total prison and jail population³³⁵ – in administrative segregation, where inmates spend all but one hour per day confined in a small cell with little or no human contact, denied participation in rehabilitation, education, and religious programming, and deprived of contact visits with

other individuals. This is compared to a national average of 1-2% of individuals in correctional administrative segregation.³³⁶ The average length of stay in administrative segregation in Texas is 3.2 years.³³⁷

According to a recent study, the majority of prisoners being held in segregation – over 75% (6,175)³³⁸ – are there not because of proven threats to prison security or for having broken a disciplinary rule, but because of alleged membership in one of the 12 Security Threat Groups (STGs, or gangs). Furthermore, one-third of individuals currently in administrative segregation were originally incarcerated for **nonviolent offenses**.³³⁹

The STG blanket rule may have made sense in the 1980s, when weapons were more available to inmates, the officer-to-inmate ratio was much lower, unit security was more lax, prison gangs were at war, and prison crimes were rarely prosecuted. Today, TDCJ and other system stakeholders must reevaluate the outdated policy.

TDCJ should reexamine classification policies that automatically assign STG members to administrative segregation. More specifically, TDCJ should undergo a thorough review of other states' administrative segregation classification procedures, especially those of Mississippi,³⁴⁰ and assess all individuals in administrative segregation for **likelihood of violence**. The end goal should be a safe reduction in the use of isolation and the integration of individuals currently in administrative segregation with the general population.³⁴¹

For those who do warrant administrative segregation, TDCJ should, at a minimum, allow them to participate in programming, per the recommendations of both the American Bar Association (*see Appendix B*) and the American Correctional Association.³⁴² Indeed, research exists on the negative mental and emotional effects of isolation on prisoners³⁴³ and on the higher recidivism rates of inmates who do not participate in rehabilitation programs.³⁴⁴

Likewise, individuals in administrative segregation should be allowed to engage in social visits with their family members, where possible; this is also helpful to the rehabilitative process and encourages pro-social skills that will benefit inmates upon release.³⁴⁵

TDCJ must seek every opportunity to fulfill its primary mission to “promote positive change in offender behavior” and “reintegrate offenders into society.” It should also adhere to the eight principles it recommended in its Interim Report to the 82nd Legislature concerning implementation of best practices; in specific reference to providing rehabilitation programs to all incarcerated individuals, “more effective assessments of the risk and needs of the offender [should be] based on the scientific tools, the use of supervision strategies that fit the needs and risk of the population, progressive sanctions for violations and programs that can produce results.”³⁴⁶

“Being held in isolated confinement for longer than 3 months causes lasting emotional damage if not full-blown psychosis and functional disability” [Terry Kupers, “*Criminal Justice and Behavior*”].

Finally, because prisoners who are isolated are at risk of developing mental health issues, regular mental health assessments and follow-up treatment should be administered to those kept in isolation for long periods of time. In fact, in 2011, TDCJ identified 2,060 individuals in administrative segregation (nearly 25%) who had a mental health or mental retardation diagnosis.³⁴⁷ Frequent mental health assessments are especially important in light of research that shows that individuals who are released directly from isolation to the community pose a threat to public safety due to their unstable mental health condition, and because their developed reliance on the restrictive structure of confinement has left them ill-prepared to deal effectively with normal social controls.³⁴⁸ Research on prisoners in Washington shows that those released from solitary confinement were more likely to commit another felony.³⁴⁹

NOTE: In 2010 alone, Texas released 1,314 individuals directly from administrative segregation to the streets,³⁵⁰ without having provided them any rehabilitative

programming, which may endanger public safety in both the short and long term. In fact, of those released in 2007 directly to the community, 33% re-offended and returned to prison within three years.³⁵¹

Implementing these recommended changes will create significant cost-savings for Texas taxpayers.

Again, while the yearly costs of incarcerating an individual in Texas are more than \$18,000,³⁵² estimates are that it costs at least double that to house prisoners in administrative segregation. As such, the cost of incarcerating just 5,000 individuals merely for being members of an STG, at \$30,000 per year (a conservative estimate), is \$150 million. Having those same 5,000 individuals in the general population at \$18,000 per year will save \$60 million. Such a policy change will also maximize resources, as current staffing requirements for administrative segregation are almost double that of the general population.

Ultimately, the use of administrative segregation should be limited and used as a “last resort” option to house prisoners who pose a serious threat to others, as it was originally intended.

2. Recommendation: TDCJ should specifically prohibit the use of administrative segregation for incarcerated inmates ages 14 to 25, and instead emphasize and enhance rehabilitation.

TDCJ does not set minimum ages for assignment to administrative segregation. This means incarcerated individuals as young as 14 – if they have been adjudicated as adults and sentenced to prison – may serve indeterminate lengths in isolation.

This policy ignores research on brain development, and the negative effects of isolation on incarcerated individuals, which are exponentially worse on youth still undergoing changing brain structures and neural circuits.³⁵³ Specifically, research on the developing brain and the effects of trauma shows the following:

- The brain is **reorganizing** during adolescence (ages 14 to 25), which is a critical brain growth period.³⁵⁴
- By age 16, adolescents are similar in cognitive functioning to adults, but they **lack the ability to regulate their emotions**, leading to

a disconnect between what they think and how they feel. It is psychological and social development that continues into adulthood.³⁵⁵

- Stress and trauma during this time of brain growth cause the **development of socially negative behavior** due to chemical changes in the brain, signaling the brain to eliminate unused or undesired connections permanently. This leaves the body in a heightened state and manifests as impulsiveness (e.g., theft, aggression) and impaired logical judgment (e.g., rule breaking).³⁵⁶

Again, TDCJ’s mission is to “promote positive change in offender behavior,” and “reintegrate offenders into society.” Current policy allowing assignment of incarcerated youth and adolescents to long-term isolation detracts from that mission, while also potentially resulting in higher recidivism rates among the individuals who are denied access to rehabilitation and education programs. While in isolation, adolescents’ developing brains stagnate, and they do not learn to control impulses or develop their cognitive functions. The environment is not conducive to contemplation and remorse, but instead fosters fear, violence, disregard for others, and impulsive behavior.

TDCJ should reassign all incarcerated individuals under the age of 25 to alternative placements. Primarily, TDCJ should follow the Alternative Treatment Plan (ATP) outlined in the Youthful Offender Program implemented at the Clemens and Hilltop Units.³⁵⁷ The goal of ATP is to redirect incarcerated individuals toward successful rehabilitation through specialized, individual treatment, daily assignments, group sessions, and progress reviews. The ATP bypasses solitary, administrative segregation custody, instead allowing incarcerated individuals to identify and examine their socially unacceptable behavior in a pro-social setting, and develop more socially appropriate responses. This can reduce violence and increase incarcerated individuals’ mental health and coping for years to come. Already, the five-year old ATP program is estimated to have an 80-90% success rate in diverting youth from solitary confinement.³⁵⁸

NOTE: If administrative segregation must be used with an incarcerated adolescent, a TDCJ mental health professional should make daily visits and

provide educational assignments to address the issue(s) that placed each youth in segregation, with a focus on correctives.³⁵⁹ Research shows that in-person, face-to-face visitation allows the adolescent developing brain to connect with the mature adult brain that is able to regulate emotions positively. Furthermore, educational assignments will create an opportunity for adolescents to examine how they manage emotions, and learn more positive ways to respond. This could also decrease impulsive violence and increase problem solving. Ultimately, while this solution still leaves youth in administrative segregation, it begins bridging the connection between *emotion* and *cognition* that is so crucial to the healthy brain development of youth, resulting in adolescents who will be more apt to succeed in their transition to society.

Part 10: TDCJ Sunset – Parole Division Objectives

The Parole Division’s mission is “to promote public safety and positive offender change through effective supervision, programs, and services.”³⁶⁰ Overall, the Parole Division is intended to help individuals transition from prison to the community by supervising those who are released from prison. While the Division does not actually make release decisions, it does perform various pre-release services, including investigating parole plans proposed by inmates, tracking parole-eligible cases, and submitting them for consideration to the Texas Board of Pardons and Paroles. The Parole Division also supervises inmates in two pre-release programs, the Pre-Parole Transfer Program and the Work Program.³⁶¹

General Figures:

- In 2010, close to 80,000 parolees were under active supervision.³⁶²
On 31 August 2010, 63,457 individuals (78%) were on parole for nonviolent offenses.³⁶³
- Parole in Texas costs an average of \$3.74 per day, per person.³⁶⁴
On 31 August 2010, Texas spent \$303,318 per day for active parole supervision.
\$237,329 of this was spent on individuals with nonviolent offenses.³⁶⁵
- The average Active Parole population increased by 2,275 parolees from FY 2009 to 2010 (2.9% increase).³⁶⁶

A. Improvements to the Parole Division

As noted in Part 1, Texas state prisons and jails will exceed capacity by .2% at the end of FY 2012.³⁶⁷ This course is unsustainable.

Policy-makers must renew their commitment to the parole system, or face disastrous consequences. As the Legislative Budget Board (LBB) observes, an increase in parole and discretionary mandatory supervision case denials can contribute to increased incarceration rates.³⁶⁸ Separately, reductions in parole capacity can boost

revocations, potentially filling prisons with individuals who have committed administrative rule violations or minor crimes. Furthermore, a lower likelihood of release on parole can cause prisons to become a bottleneck for those otherwise eligible for release.

Under such conditions, taxpayers end up footing the bill for thousands more people to be warehoused rather than be given the (much less expensive) tools for personal responsibility they need to become productive and law-abiding community members. This, in turn, can lead to higher rates of re-offending after individuals are released, and create the need for more prison construction. The state simply cannot sustain such a cycle – especially given the recent loss in corrections staffing.

Instead, policy-makers must ensure that those eligible for release are processed in a timely manner and at a rate that does not endanger public safety. State leadership must also encourage the Parole Division to implement strategies to ensure that supervision is needs-based, and they must make programming available to help parolees make a successful transition to our communities. **Limited resources must be focused on individuals who truly pose a threat to public safety**, and the controls on low-level individuals must be minimized. With the system-wide average cost to Texas at \$50.79 per inmate per day, and parole costing the state \$3.74 per individual per day,³⁶⁹ beds must be preserved for individuals who have committed violent offenses and who will have a higher risk of failure on parole.

According to TDCJ’s FY 2010 Statistical Report, a total of 81,101 individuals were on active parole supervision in Texas as of 31 August 2010,³⁷⁰ with a rise in parole levels projected by the LBB through 2016.³⁷¹ Increasing the parole rates for eligible individuals and relieving crowded prisons will depend on current, cost-effective alternative-to-incarceration policies, as well as parole funding, remaining in place. **Funding for Intermediate Sanction Facilities, Institutional Parole Officers, and Parole Hearing Officers is especially critical to preserve public safety goals.**

1. **Recommendation:** *Policy-makers should allocate funding for an increase in parole officer staffing.*

As of November 2011, TDCJ employed only 1,278 parole officers.³⁷² This is important when considering the distribution of parole officers to releasees. According to TDCJ, the ideal caseload for each risk level is as follows:

- 75:1 for non-specialized cases (Regular)
- 55:1 for Therapeutic Community cases (Substance Abuse)
- 45:1 for Special Needs cases
- 30:1 for Sex Offenders cases
- 25:1 for Electronically Monitored (EM) cases
- 14:1 for Super-Intensive Supervision (SISP) cases³⁷³

According to an open records request response by TDCJ to the Texas Criminal Justice Coalition, these caseload recommendations “are consistent with performance measures established by the Legislative Budget Board and funding appropriated by the Legislature.”³⁷⁴

TDCJ is not able to meet these standards, based largely on recent budget cuts and a lack of resources. In fact, as of November 2011, the following numbers represent the caseload for parole officers; each is higher than recommended:

<input type="checkbox"/> Regular	76.6
<input type="checkbox"/> Substance Abuse	73.9
<input type="checkbox"/> Special Needs	51.0
<input type="checkbox"/> Sex Offender	35.0
<input type="checkbox"/> EM	29.2
<input type="checkbox"/> SISP	17.3375

Policy-makers should ensure that officer-to-parolee ratios are consistent with performance measures and best practices for more effective public safety and parolee outcomes. It is imperative that officers provide meaningful case management not only for parolees on special caseloads, but for all individuals on parole.

2. **Recommendation:** *The Parole Division and the Texas Board of Pardons and Paroles should improve coordination and exchange of information in regard to programs and conditions.*

Many individuals are approved for parole or release contingent upon the completion of a treatment program or class. Frequently, these individuals must wait until an opening in the program becomes available, and in many instances there is lag time between the individual’s approval for release by the Board of Pardons and Paroles (BPP) and the Parole Division’s identification of that person for a particular class. The Division must continually inform the BPP when program or treatment options become available, and it must also provide information regarding programming options that could fulfill potential requirements. Moreover, the BPP and Division must work closely, exchanging information as often as possible, to ensure that programmatic recommendations or requirements imposed by the BPP are immediately addressed by TDCJ.

Separately, the Division and BPP must share relevant information related to fees owed by individuals, like restitution, as well as expired or extinguished charges, and any relevant information that will help avoid revoking or penalizing an individual based on erroneous or outdated information.

3. **Recommendation:** *Policy-makers should create incentives for good behavior and for the completion of conditions to increase the number of successful parolees.*

Positive behavior reinforcement is essential to targeting the root causes of antisocial behaviors that lead an individual to break the law. Nonviolent, non-3g parolees³⁷⁶ who demonstrate good behavior and successfully complete all conditions and rules should be permitted to have their period of parole supervision shortened or terminated.

More specifically, after parolees have satisfactorily completed either one-third of their original parole supervision period or two years, whichever is greater, they should be eligible for early termination *if* they have been in substantial compliance with their conditions of release, have never been revoked, have made a good-faith effort to comply with any condition ordering restitution, and do not pose a danger to public safety.

This policy change will reduce the costs of supervision and promote public safety by allowing exemplary parolees to end their supervision early.

4. ***Recommendation: Policy-makers should create incentives for the successful completion of a community-based rehabilitation program for individuals already on parole.***

Parolees who participate in and successfully complete a substance abuse treatment program or other rehabilitation program should be eligible to have their supervision period terminated early. This incentive will motivate individuals to make real progress during treatment, in turn allowing parole officers to devote more attention and resources to parolees who pose a higher risk of offending in the community. Furthermore, early termination has the potential to free up space in already crowded halfway houses that have long waiting lists.

5. ***Recommendation: The Parole Division should increase the professional development of parole practitioners through trainings that promote evidence-based practices and measurable outcomes.***

Parole officers and their supervisors should obtain needed training on motivational interviewing, trauma-informed care, workforce development, substance abuse and mental health, and other issues so they can provide more effective and meaningful supervision to their clients, thereby boosting the likelihood of their clients' success in the community.

Effective training and professional development is particularly important given parole officers' overarching responsibilities. Parole officers are not only responsible for monitoring compliance with conditions of release, they are also responsible for providing program referrals; additionally, they often perform liaison activities with criminal justice agencies, social service agencies, and other public and private entities for the purpose of assisting with housing, employment, treatment and other services.³⁷⁷ A strong relationship between parole officer and parolee is critical, allowing the parolee to feel more comfortable being honest about drug or alcohol use, and/or other violations of conditions of parole.

As such, the Parole Division, through trainings for officers and supervisors, should commit to redefining its responsibilities in a "case management" framework, rather than solely viewing itself in a supervisory role. This method

takes a holistic approach to supervision with a focus on engaging the parolee in the process of change, addressing risk and need levels through targeted programming, and setting outcomes of success.³⁷⁸

NOTE: TDCJ should offer trainings regionally and during the workweek, in order to prevent high travel expenses or wasted time. Officers should not be punished (e.g., through forced use of vacation days for the trainings, etc.) if they are seeking out opportunities that will make them more effective.

Part 11: BPP Sunset – Texas Board of Pardons and Paroles Objectives

The mission of Texas' Board of Pardons and Paroles (BPP) is to “determine which prisoners are due to be released on parole or discretionary mandatory supervision; determine conditions of parole and mandatory supervision; determine revocation of parole and mandatory supervision; and recommend the resolution of clemency matters to the Governor.”³⁷⁹ The BPP also makes determinations on medical releases and other types of releases from TDCJ facilities.

General Figures:

- According to recent data from the Legislative Budget Board, recidivism among state prison releasees has declined from 33% in 1999 to 24.3% in 2007.³⁸⁰
- The Active Parole revocation rates from 2001 to 2010 have similarly declined, falling from 12.2% in 2001 to 8.2% in 2010.³⁸¹
- The rate of revocation and re-incarceration has consistently decreased every fiscal year since 2004, and it fell substantially in FY 2008 (a 22% decrease from the FY 2007 level).³⁸² Between 2006 and 2009, the number of parole revocations (both for rule violations and for new crimes) fell from 9,885 to 7,178, the lowest it has ever been.³⁸³ Of the 6,678 adult parolees revoked in FY 2010, 5,616 (84.1%) were returned to prison for conviction of a new offense.³⁸⁴

A. Strengthened Parole Process to Increase Public Safety, Save Taxpayer Dollars, and Increase the Number of Releases

While the system-wide average cost to the state for prison beds is just over \$50 per inmate per day, Active Supervision parole costs only \$3.74 per individual per day.³⁸⁵ Whenever possible, prison beds should be preserved for individuals who have committed violent offenses and who carry a higher risk of failure on parole.

NOTE: An increase of just 2% in the parole approval rate translates into approximately 1,500 additional parole

releases per year and an annual savings of almost \$26 million.³⁸⁶

1. Recommendation: Streamline the parole process by moving the Parole Division within the purview of the BPP.

One of the major deficiencies in the parole process is the lack of communication and information sharing among the Parole Division and the BPP. Inconsistencies between the Division and BPP often lead to unnecessary procedures, including increased revocation hearings. If the BPP were to become responsible for all parole functions, including parole officers, communication will presumably be improved. Inconsistencies in conditions and enforcement will also be eliminated.

Furthermore, separating the Division from TDCJ and consolidating it with an agency whose primary responsibility is to establish supervision conditions and ensure a safe reentry transition will simplify the parole system's budgetary structure; the merged agency will be best positioned to advocate for the needs unique to its overall activities, such as through Legislative Appropriation Requests, without having to coordinate with TDCJ's other divisions. Streamlining the budget function will also facilitate an effective allocation of resources without overreliance on the Legislative Budget Board or TDCJ. This will ensure that critical resources – including rehabilitative resources, equipment, staff, training, etc. – are procured and most effectively distributed.

Centralizing oversight responsibilities within one entity will also ensure that data collection and dissemination will be improved. Greater access to data in one location will ensure that communication is more easily achieved, and that information is more accurate and up-to-date. This is especially critical because the release process is multidimensional, involving various functions including case summary

preparation, decisions to release individuals, and supervision of individuals who are released.

As a caveat to this recommendation, special safeguards must be implemented to ensure that the entity responsible for supervising individuals released to the community – the Division and parole officers – retains a degree of autonomous authority to govern its daily activities. While it may be necessary to establish an oversight entity or committee that creates and implements general standards of practice, Commissioners or Board members should not direct the daily operations of parole officers. These officers, and each regional department, have special insight into the specific needs of both the community and the individuals they supervise. To meet particular needs, it is practical to defer to parole departments and allow officers to operate with a degree of flexibility and discretion.

2. Recommendation: Policy-makers should appoint additional Board members and Parole Commissioners, and diversify voting panels.

The BPP oversees a wide variety of cases (including special medical release reviews), and its caseload is high – in FY 2010, the BPP considered 78,575 parole applications, 18,939 mandatory release applications, 28,969 parole violation cases, and 281 clemency cases. Yet only seven Board members and 10 Commissioners take on such an onerous job. Additional Board members should be appointed, and more Parole Commissioners hired.

Furthermore, given the breadth of the BPP’s purview, and because all Board members are responsible for reviewing a variety of cases, new members should have greater expertise in specific areas. Diversifying the voting panels will foster a more comprehensive review, ensuring a more complete analysis and, ultimately, the best decision in each unique case. For instance, no current Board members or Commissioners have substantial medical experience or expertise; the majority of the BPP consists of individuals with extensive legal, law enforcement, or criminal justice backgrounds. A medical background would be extremely beneficial when reviewing the increasing number of medical release cases. Furthermore, retaining individuals with increased knowledge and experience in specialized programs and in rehabilitation will

also contribute to parole panels’ decision-making abilities. Having individuals with more understanding in areas of education, institutional training or treatment, and rehabilitation programs will help the Board and Commissioners make the most informed, appropriate decision for each release review.

3. Recommendation: Policy-makers should provide the BPP with necessary resources to facilitate expert recommendations on its risk assessment tool and parole guidelines.

The BPP’s risk assessment tool and parole guidelines are currently under evaluation.³⁸⁷ In November 2010, the BPP contracted with an outside consultant, MGT of America, Inc., to research the assessment and guidelines, and make recommendations to update them.³⁸⁸ The research study was developed by Dr. James Austin and Ken McGinnis, two experts in corrections, correctional management, and correctional research.³⁸⁹

Current parole guidelines include a recommendation that suggests an approval rate based on an inmate’s risk assessment level.³⁹⁰ Based on various criteria (“risk predictors”), inmates eligible for parole are assigned certain risk classification levels, 1 being the highest risk and 7 being the lowest. These criteria factor in a myriad of variables, including age, offense severity, gang affiliation, program completion, etc. A numerical value is assigned to each criterion, and these predictors are then tabulated to determine the overall risk assessment. An inmate with the lowest risk level, according to the guidelines, should be approved in 76-100% of the cases reviewed.³⁹¹ However, in FY 2010, the average approval rate for a level 7 inmate was only 63.8%.³⁹² In 2011, this number increased to only 65.5%.³⁹³ To preserve prison beds for those who may be higher risks to public safety, **adherence to the recommended approval rating must be enforced, specifically through assistance from TDCJ**, which must communicate available programming options necessary for inmates to complete prior to release.

In addition to appropriate parole approval rates, Dr. Austin recommends various adjustments to the current assessment tool. While he suggests that the overall instrument currently used is valid, modifications in the age, gang membership, offense severity, program completion, discipline,

and custody level items would improve the risk instrument's validity.³⁹⁴ His suggested adjustments also account for gender differences, an important modification. Ultimately, according to adjustments, the amended risk instrument will increase the number of low and moderate risk scores.³⁹⁵ Again, provided the BPP is capable of following its guidelines, more individuals who pose little risk to public safety would be released from incarceration, thereby saving the state prison costs, while space will be freed up to house only those individuals who pose a genuine risk.

4. Recommendation: *TDCJ and the BPP must collaborate to expedite program placements, and the BPP must ensure accurate information for appropriate release.*

As discussed in Recommendation 2 on page 64, the parole process is particularly deficient with respect to identifying individuals who have been recommended for release, but who have not received necessary treatment or classes. Occasionally a person is granted parole on the condition that he or she must complete a program or treatment, but the individual either cannot get into a program or must wait an extended period before being admitted. Likewise, certain restrictions may apply that pose an impediment to program participation or completion. This can create a backlog of individuals waiting to be released. TDCJ must strive to better coordinate program information with BPP to facilitate more successful, timely release.

Further, prisoners or their attorney should have access to portions of their parole files to ensure the BPP is basing release decisions on accurate, up-to-date information. Presently, there is no useful mechanism in the parole process to allow an inmate the opportunity to review or, importantly, correct potential errors in his or her parole file. Specific information can be redacted from these files to avoid jeopardizing safety or breaching confidentiality, while still allowing enough access to provide inmates with critical personal and historical information to review.

B. Improved Parolee Management

1. Recommendation: *The BPP and Parole Division should coordinate to reduce the likelihood and impact of unnecessary revocations.*

While many technical violation parole revocations are a result of multiple infractions, there is room for innovative sanction strategies.

In FY 2011, 84% of the technical-only revocations were for more than one violation; however, a majority of technical-only revocations (61%) were for three or less violations.³⁹⁶ While the BPP is not practicing a zero tolerance policy for technical violations, 30% of the technical violation revocations for FY 2011 received only one hearing before the parolee was revoked.³⁹⁷

Revocation negatively impacts a person's chance at rehabilitation: revocations result in disruption of programs, services, and overall progress toward rehabilitation. For a person who simply commits a technical violation – not a new crime – revocation should be a last resort. The Board should recommend using alternative sanctions, such as a graduated sanction schedule, which will provide the Parole Division with a more appropriate, cost-effective method for disciplining parolees.

2. Recommendation: *Policy-makers should allow the BPP to place lower-risk inmates with satisfactory disciplinary prison records, who also meet statutory requirements, on mandatory supervision as soon as they reach eligibility.*

In 1995, the Texas Legislature added language to the Government Code pertaining to mandatory supervision release (Sec. 508.149), which requires the BPP to release an individual to parole when his or her accrued "good time" plus calendar time equals the full sentence.

NOTE: To accrue good time, an inmate must first meet certain classification and status restrictions, which fluctuate depending on an individual's conduct and behavior while incarcerated. Furthermore, an individual must be actively engaged in various programs³⁹⁸ and maintain a good disciplinary record (i.e., comply with all rules and regulations).³⁹⁹

With the 1995 amendment, “discretionary” mandatory supervision was created, requiring any person who is eligible for mandatory supervision to be reviewed again by the BPP and, at the BPP’s discretion, approved for release at the pre-determined statutory time. In other words, a parole panel must conduct a discretionary review of **every** individual who meets the eligibility requirements for mandatory supervision. In effect, this system grants the BPP, in a limited set of cases, the discretion to override statutory release dates.

As a result of the policy change, more cases are sent to the BPP for approval, adding to the already high number of cases it must review. In 2010, the BPP reviewed 18,939 persons eligible for mandatory supervision in addition to the 78,575 parole considerations already under evaluation.⁴⁰⁰ This additional review effort generates unnecessary inefficiencies, incurs additional costs, and strains resources.

For instance, under current law, a person denied release to mandatory supervision under discretionary review must be reconsidered at least twice during the two years after the date of the determination.⁴⁰¹ Pursuant to BPP policy, a person is automatically given a one year set-off for his or her next review.⁴⁰² As a result, a single denial costs the state roughly \$18,358 per inmate.⁴⁰³

As of 31 August 2010, TDCJ housed a population of 8,068 inmates eligible for mandatory supervision subject to BPP review.⁴⁰⁴ This population cost the state **\$409,774 per day** to incarcerate.⁴⁰⁵

When individuals meeting specific, established statutory requirements become eligible for supervision, they should be placed on parole, allowing the BPP more time to devote to higher-risk cases.

NOTE: Under this recommendation, the BPP will still retain discretion over a significant segment of the prison population. Furthermore, policy-makers should maintain current restrictions precluding certain individuals from being considered for mandatory supervision.⁴⁰⁶ The BPP should also continue to set and approve conditions of parole and supervision for all individuals.

3. Recommendation: Policy-makers should allow the BPP to award certain individuals with “street time” credit if they are revoked on a technical parole violation.

In FY 2010, nearly 1,100 individuals were sent to prison for a technical violation of their parole, mandatory supervision, or discretionary mandatory supervision.⁴⁰⁷ They did not commit a new crime, just an administrative infraction. Again, these individuals are incarcerated at an average rate of \$50.79 per day, compared to the \$3.74 per-day cost of keeping them on parole.⁴⁰⁸

Individuals with technical parole violations who are revoked to prison do not receive street time credit, which is the time between a person’s release from confinement and his or her subsequent parole revocation. As such, they cost taxpayers great expense while they serve their entire supervision period in confinement.

Low-level, nonviolent individuals who violate an administrative condition of their parole should be eligible to receive credit for the time they successfully spent on parole prior to being revoked. This will decrease the amount of time an individual must serve in prison on a technical violation, which in turn will create a cost-savings for the state, as well as free up space and resources for violent individuals who pose a legitimate risk to public safety.

Appendix A: 41 PREA Standards

The following Prison Rape Elimination Act (PREA) standards are listed according to their cost impact on prisons seeking to implement them.⁴⁰⁹

Standards with a Negligible or Non-Existent Cost Impact

- (1) Access to emergency medical and mental health services
- (2) Coordinated response
- (3) Criminal and administrative agency investigations
- (4) Data storage, publication, and destruction
- (5) Disciplinary sanctions for inmates
- (6) Disciplinary sanctions for staff
- (7) Inmate reporting
- (8) Medical and Mental Health screenings – history of sexual abuse
- (9) Reporting to other confinement facilities
- (10) Staff and facility head reporting duties
- (11) Staff first responder duties
- (12) Third-party reporting

Standards with a Minimal or Modest Cost

\$0 – \$4,500 in upfront costs, and \$0 – \$5,800 in ongoing costs

- (1) Accommodating inmate with special needs
- (2) Agency protection against retaliation
- (3) Agreements with outside law enforcement agencies
- (4) Agreements with outside public entities and community service providers
- (5) Agreements with the prosecuting authority
- (6) Audits of standards
- (7) Contracting with other entities for the confinement of inmates
- (8) Data collection
- (9) Data review for corrective action
- (10) Duty to investigate
- (11) Employee training
- (12) Evidence protocol and forensic medical exams

- (13) Evidence standard for administrative investigations
- (14) Exhaustion of administrative remedies
- (15) Hiring and promotion decisions
- (16) Inmate access to outside confidential support services
- (17) Inmate education
- (18) Ongoing medical and mental health care for sexual abuse victims and abusers
- (19) Screening for risk of victimization and abusiveness
- (20) Sexual abuse incident reviews
- (21) Specialized training: Investigations
- (22) Specialized training: Medical and Mental Health care
- (23) Supplement to SC-2: Use of screening information
- (24) Use of screening information
- (25) Volunteer and contractor training
- (26) Zero tolerance of sexual abuse

Standards with the Highest Costs

\$0 – \$771,000 in upfront costs, and \$20,000 – \$90,000 in ongoing costs

- (1) Assessment and use of monitoring technology
- (2) Inmate supervision
- (3) Limits to cross-gender viewing and searches

Appendix B: American Bar Association Standards

The American Bar Association (ABA) Standards for the Treatment of Prisoners were approved by the ABA House of Delegates in 2010, after years of intense discussion and research. Development of the Standards involved the participation not only of legal experts but also current and former heads of correctional agencies, members of prisoner advocacy organizations, and professionals from other interested organizations. These Standards clearly set out what the ABA believes to be aspirational benchmarks that all American penal agencies should meet regarding all aspects of administrative segregation, including the following:

- (1) Admission to administrative segregation (Standard 23-2.9), which includes:
 - timely, written, and effective notice that such a placement is being considered, the facts upon which consideration is based, and the prisoner's rights under this Standard;
 - a hearing at which the prisoner may be heard in person and, absent an individualized determination of good cause, has a reasonable opportunity to present available witnesses and information; and
 - absent an individualized determination of good cause, opportunity for the prisoner to confront and cross-examine any witnesses or, if good cause to limit such confrontation is found, to propound questions to be relayed to the witnesses.
- (2) A limit on the duration spent in administrative segregation, by stating that assignment in segregated housing "should be for the briefest term and under the least restrictive conditions practicable and consistent with the rationale for placement and with the progress achieved by the prisoner. (Standard 23-2.6)
- (3) An admonition prohibiting the imposition of auditory isolation, lighting, and temperature extremes and primitive diets, and opportunity to sleep and access to water. (Standard 23-3.7)
- (4) A recommendation that all prisoners in administrative segregation receive the following:
 - in-cell programming;
 - the opportunity to exercise in the presence of other prisoners;
 - daily, face-to-face interaction with both uniformed and civilian staff; and
 - access to television and radio for programming and mental stimulation, although that should not take the place of face-to-face interaction. (Article 23-3.8)

Most importantly for Texas, the ABA Standards explicitly condemn the assignment of prisoners to administrative segregation merely for being identified as belonging to a threat group "without specific and reliable information that the prisoner either has engaged in dangerous or threatening behavior directed by the group or directs the dangerous or threatening behavior of others." (Article 23-2.7, iv)

Glossary of Terms & Abbreviations⁴¹⁰

Community Corrections Facility (CCF). A residential treatment facility run by Community Supervision and Corrections Departments (CSCD).

Community Corrections Program (CCP). A community supervision program funded by Texas Department of Criminal Justice (TDCJ)-Community Justice Assistance Division (CJAD). The CCP grant is one of four sources of funding from CJAD. It is based on the ratio of people convicted of a felony who are placed directly on community supervision and the population of the counties in the CSCD's jurisdiction.

Community Justice Assistance Division (CJAD). The TDCJ division responsible for administering and partially funding adult community supervision (formerly known as adult probation). TDCJ-CJAD also trains and certifies community supervision officers.

Community Justice Plan (CJP). A requirement for receiving funding, the CJP is created every two years by a CSCD. The CJP describes a probation department's new and existing community supervision programs. The community justice council submits the CJP for approval by the judge who manages the probation department. Thereafter, the plan is submitted to TDCJ-CJAD. The CJP is a mandate of the Texas Legislature and is the vehicle through which a CSCD receives state funding.

Community Supervision. Placement of an individual under supervision for a specified length of time, as ordered by a court, with court-imposed rules and conditions. Community supervision (also known as adult probation) may be ordered for misdemeanor or felony offenses.

Community Supervision and Corrections Departments (CSCD). The CSCDs in Texas supervise individuals who have been placed under community supervision by local courts. CSCDs are under the authority of judicial district courts but receive partial funding through TDCJ-CJAD.

Community Supervision Officer (CSO). CSOs are state-certified officers who supervise adult men and women placed on community supervision by local courts. Officers work for CSCDs, which are entities of judicial districts, not the state.

Correctional Institutions Division (CID). The TDCJ division responsible for managing and operating the state's prison system for the confinement of adult felony prisoners.

Correctional Officer (CO). An employee of the TDCJ-CID who directly supervises prisoners in their daily assigned duties, including preventing escapes and maintaining discipline.

Court Residential Treatment Centers (CRTCs) treat inmates for substance abuse and alcohol dependency. They also offer education, life skills training, and other programming. Two CRTCs accept prisoners with both substance abuse dependence and mental impairments or emotional issues.

Direct Supervision. Individuals who are legally on community supervision and who work and/or reside in the jurisdiction in which they are being supervised and receive a minimum of one face-to-face contact with a CSO every three months. Direct supervision begins at the time of initial face-to-face contact with an eligible CSO. Local CSCDs may maintain direct supervision of persons living and/or working in adjoining jurisdictions if the CSCD has documented approval from the adjoining jurisdictions.

Discharge Date. The date a prisoner completes his or her sentence and is released from incarceration, parole, mandatory supervision, or community supervision.

Discretionary Mandatory Supervision. In 1995, the 74th Legislature gave the Texas Board of Pardons and Paroles (BPP) the authority to review eligible individuals whose offenses were committed on or after September 1, 1996, for possible release to Discretionary Mandatory Supervision. The BPP must review eligible prisoners on or before their discretionary mandatory eligibility date and has the discretion to deny release.

Diversion Programs. Alternatives to prison. These programs may offer literacy training, substance abuse treatment, and/or other rehabilitative services to people on community supervision.

Driving While Intoxicated Program. A six-month educational and treatment-based recovery program.

Grievance. A formal written complaint from a prisoner.

Good Conduct Time. Credit for good conduct and participation in certain programs.

Halfway House. A privately operated facility that houses releasees on parole or mandatory supervision.

Indirect Supervision. Maintenance of a file and/or record of a person under supervision who meets one of the following criteria. An individual who:

- neither resides nor works within the jurisdiction of the CSCD and who receives the supervision in other jurisdictions;
- neither resides nor works within the jurisdiction but continues to submit written reports on a monthly basis because he is ineligible or unacceptable for supervision in another jurisdiction;
- has absconded or has not contacted his or her CSO in person within three months;
- resides or works in the jurisdiction, but, while in compliance with the orders of the court, nevertheless does not meet the criteria for direct supervision; or
- resides and works outside the jurisdiction but reports in person and does not fall under the direct supervision definition.

InnerChange Freedom Initiative. A correctional pre-release program operated by Prison Fellowship Ministries with operational support by TDCJ.

In-Prison Therapeutic Community (IPTC). An intensive six-month treatment program for eligible prisoners who are within six months of parole release and who are identified as needing substance abuse treatment. The Texas Board of Pardons and Paroles (BPP) must vote to place qualified inmates in the IPTC and successful graduates are then released on parole. Programming is similar to that of the Substance Abuse Felony Punishment (SAFP) facility program. Treatment also includes an aftercare phase, which consists of residential care for three months followed by nine to 12 months of outpatient counseling.

Intermediate Sanction Facility (ISF). A fully-secured facility used for short-term incarceration of people who violate the conditions of their community supervision, parole, or mandatory supervision. ISFs are utilized by CSCDs for individuals under community supervision and by the Parole Division (PD) for parolees and people under mandatory supervision.

Intensive Supervision Parole (ISP). A program that supervises prison releasees who are most likely to return to prison. The program requires a minimum of one contact per week and a more intense level of parole supervision than lower-risk parolees receive.

Intensive Supervision Probation (ISP). An intensive level of supervision for individuals on community supervision who are at higher risk of violating the conditions of their supervision.

Mandatory Supervision (MS). A type of release from prison provided by law for restricted categories of returning individuals. Eligible individuals are released on MS when their served calendar time added to their good time credit equals the length of their prison sentence. Under the law in effect until August 31, 1996, release to mandatory supervision was automatic, with no requirement for release approval from the BPP.

Mentally Impaired Offender Facility (MIOF). A facility designed to accommodate prisoners with special needs.

Mentally Retarded Offender Program (MROP). A program that places mentally disabled releasees on a specialized caseload with a specially trained parole officer.

Next Review Date (NR). A BPP decision stipulating an inmate is not ready for parole, but the case will be reviewed again within one to three years.

Parole. The conditional release of an inmate from prison, by a BPP decision, to serve the remainder of his or her sentence under supervision in the community.

Parole Division (PD). The TDCJ division responsible for operating the state's adult parole system and supervising individuals on parole or mandatory supervision. The PD does not make decisions to grant, deny, or revoke parole or mandatory supervision. See Texas Board of Pardons and Paroles.

Parole Officer (PO). An employee of the TDCJ-PD who is responsible for supervising releasees under parole or mandatory supervision.

Pre-Parole Investigation (PPI). An investigation of a returning individual's parole release plan, taking into consideration the living arrangements, employment plans, and treatment and counseling programs that the releasee will be following while under parole release.

Pre-Parole Transfer (PPT) Facility. Pre-Parole Transfer facilities provide secure housing for prisoners during the last 12 months of their incarceration; programming such as life skills, substance abuse education, and vocational training is offered.

Pre-Release Substance Abuse Program (PRSAP). An intensive six-month program for eligible prisoners within six to nine months of release as identified by TDCJ, Rehabilitation Division, Classification Department, and PD. Treatment modality is similar to the SAFF program and includes three phases. The Texas Board of Pardons and Paroles (BPP) must vote to place a qualified returning individual in the PRSAP.

Pre-Release Therapeutic Community (PRTC). An intensive six-month treatment program for prisoners that provides pre-release services to returning individuals within seven months of release. The PRTC is comprised of three components: educational/vocational, substance abuse treatment, and cognitive restructuring. The BPP must vote to place a qualified individual in the PRTC.

Probation. See Community Supervision.

Restitution. Repayment for having committed a crime. Restitution can be made to a specific victim in a dollar amount to repay for damages or can be made to society by working without pay for a non-profit or governmental agency.

Restitution Center. A community-based corrections facility that provides 24-hour close supervision for individuals convicted with a nonviolent felony. Individuals are confined to the Center except to go to their place of employment, perform community service work, or attend education or rehabilitation programs.

Revocation. The act of removing an individual from community supervision, parole, or mandatory supervision due to a violation of conditions of his or her supervision and/or committing a new crime.

Set Off. Informal term for Next Review Date (see “NR”).

Solitary Confinement. The separation of an inmate from the general population as punishment assessed during the disciplinary process.

State Jail Facility (Private). These are privately operated state jails that house people convicted with a state jail (4th degree) felony as well as CID transfer inmates. State jail felonies carry a sentence of two years or less.

Substance Abuse Felony Punishment (SAFP) Facility. An intensive six-month therapeutic and educational program (or nine-month program for prisoners with special needs) for individuals who are sentenced to a SAFP facility by a judge as a condition of community supervision or as a modification of parole/community supervision.

State Jail Substance Abuse Program. The program consists of a multimodal curriculum to address the needs of inmates in various stages of recovery.

Supervision Plan. A plan for supervising individuals on community supervision developed by a community supervision officer, based on an assessment of the returning individual’s needs and his or her level of risk to society.

Technical Violation. A violation of one or more of the rules of community supervision, parole, or mandatory supervision, not including commission of a new offense.

Texas Board of Criminal Justice (TBCJ). The Board that governs TDCJ. Its nine non-salaried members serve staggered six-year terms and are appointed by the Governor. The Board is required by statute to meet once per calendar quarter.

Texas Board of Pardons and Paroles (BPP). A seven-member board with constitutional and statutory authority to approve or deny a parole release, to determine the rules and conditions of release, to revoke a releasee’s parole or mandatory supervision, and to make executive clemency recommendations.

Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). A 29-member collaborative council that addresses the needs of system-involved youth and adults with mental illness, mental, or developmental disabilities.

Texas Department of Criminal Justice (TDCJ). The agency that manages the overall operation of the state's prison system, parole, and state jail systems. The agency also provides funding, training, and certain oversight of community supervision. TDCJ is the largest state agency in Texas.

Therapeutic Community (TC). A substance abuse treatment program involving non-punitive treatment modes that result in overcoming addictive behavioral patterns leading to substance abuse.

Transitional Treatment Center (TTC). Privately owned and operated community-based facilities that provide substance abuse aftercare to persons on parole, mandatory supervision, or community supervision. Individuals who have participated in the In-Prison Therapeutic Community (IPTC) or Substance Abuse Felony Punishment (SAFP) facility programs are referred to a TTC for aftercare, with a residential stay of up to 90 days.

Windham School District provides academic and vocational education to eligible inmates incarcerated within the TDCJ. Windham operates in CID facilities, including Institutional Units as well as State Jails. Windham also contracts to operate within a PD ISF.

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- ⁶⁸ LBB, *Criminal Justice Uniform Cost Report*, pp. 11, 12, 37, 38.
- ⁶⁹ LBB, *Criminal Justice Uniform Cost Report*, p. 6 (using FY 2010 average system-wide prison costs-per-day (per-bed) of \$50.79).
- ⁷⁰ LBB, *Criminal Justice Uniform Cost Report*, pp. 11, 12; state costs-per-day for community supervision of \$1.30 alone plus an average state costs-per-day for non-residential substance abuse treatment programs of \$9.41 equals \$10.70. Treatment programs are an additional cost to probation. There are several types of probation but only basic community supervision (costing \$1.30) will be coupled with a treatment program. In its FY 2010 cost analysis, the LBB points out that, within the Community Supervision scheme, "Offenders can be placed in progressively more intensive non-residential programs for rehabilitative purposes or as an alternative to residential placement." These non-residential programs include: (1) Substance Abuse Outpatient Treatment, costing the state \$7.54; (2) Targeted Substance Abuse Treatment, costing the state \$11.94; and (3) Treatment Alternatives to Incarceration Program – Non-residential program, costing the state \$8.74.
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http://www.tdcj.state.tx.us/documents/cjad/CJAD_Monitoring_of_DP_Reports_2011_Report_To_Governor.pdf.
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- ⁸⁸ For more information, see Senate Bill 1055, Engrossed Version, available at <http://www.legis.state.tx.us/tlodocs/82R/billtext/pdf/SB01055F.pdf#navpanes=0>; also see Dingman, *82nd Session Legislation Affecting TDCJ-CJAD and CSCDs*, p. 5; also see Senate Research Center, “SB 1055 Bill Analysis,” 4 August 2011, p. 1, available at <http://www.legis.state.tx.us/tlodocs/82R/analysis/pdf/SB01055F.pdf#navpanes=0>. Senate Research Center, *SB 1055 Bill Analysis*.
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- ¹⁷¹ TDCJ, *Statistical Report*, p. 21.
- ¹⁷² LBB, *Criminal Justice Uniform Cost Report*, p. 6 (using FY 2010 per-day incarceration costs).
- ¹⁷³ TDCJ, *Statistical Report*, p. 21. Possession of less than one gram of Penalty Group 1 and 2 substances are classified as state jail felonies, *see* TEX. HEALTH AND SAFETY CODE §§ 481.115 and 481.116, however, possession of a usable quantity of marijuana is a state jail felony if the amount is five ounce or less, but more than four ounces, *see* TEX. HEALTH AND SAFETY CODE § 481.121.

- ¹⁷⁴ LBB, *Criminal Justice Uniform Cost Report*, p. 6 (using FY 2010 State Jail cost-per-day, which amount to \$43.03).
- ¹⁷⁵ LBB, *Criminal Justice Uniform Cost Report*, pp. 6, 11, 12 (using FY 2010 average system-wide prison costs-per-bed-per-day of \$50.79; state costs-per-day for community supervision of \$1.30 alone plus an average state costs-per-day for non-residential substance abuse treatment programs of \$9.41 equals \$10.70. Treatment programs are an additional cost to probation. There are several types of probation but only basic community supervision (costing \$1.30) will be coupled with a treatment program.)
- ¹⁷⁶ TDCJ, *Statistical Report*, p. 1.
- ¹⁷⁷ TDCJ, *Statistical Report*, p. 2.
- ¹⁷⁸ TDCJ, *Statistical Report*, p. 1. Nonviolent individuals on hand in prison total 60,948; nonviolent individuals on hand in state jail total 11,961.
- ¹⁷⁹ LBB, *Criminal Justice Uniform Cost Report*, p. 6 (using FY 2010 system-wide prison costs-per-bed-per-day of \$50.79 and state jail costs-per-day of \$43.03).
- ¹⁸⁰ TDCJ, *Statistical Report*, p. 9.
- ¹⁸¹ TDCJ, *Statistical Report*, p. 21.
- ¹⁸² TDCJ, *Statistical Report*, p. 9.
- ¹⁸³ LBB, *Criminal Justice Uniform Cost Report*, p. 6.
- ¹⁸⁴ LBB, "Committee Substitute House Bill 2649: Criminal Justice Impact Statement," 27 April 2011, p. 1, available at <http://www.capitol.state.tx.us/tlodocs/82R/impactstmts/html/HB02649HB.htm>.
- ¹⁸⁵ LBB, *Criminal Justice Uniform Cost Report*, p. 6.
- ¹⁸⁶ TDCJ, *Self Evaluation Report*, p. 47.
- ¹⁸⁷ TDCJ, *Statistical Report*, p. 1.
- ¹⁸⁸ TDCJ, *Self Evaluation Report*, p. 47.
- ¹⁸⁹ LBB, *Criminal Justice Uniform Cost Report*, p. 6.
- ¹⁹⁰ TDCJ, *Statistical Report*, p. 6.
- ¹⁹¹ TDCJ, *Statistical Report*, p. 6.
- ¹⁹² TDCJ, *Statistical Report*, p. 34.
- ¹⁹³ TEX. GOV. CODE § 501.092(b)(2)-(5).
- ¹⁹⁴ Continuity and continuum of care refers to the concept that programming and assistance received in prison should be continue – with the state's assistance – after an individual is released, which maintains rehabilitative progress and better ensures positive long-term outcomes.
- ¹⁹⁵ TEX. GOV. CODE § 501.092(d)(1)-(3).
- ¹⁹⁶ TDCJ, *Self Evaluation Report*, p. 56.
- ¹⁹⁷ TDCJ, *Agency Operating Budget 2012*, p. 6.
- ¹⁹⁸ TDCJ, *H.B. 1711 Implementation Report*, p. 9.
- ¹⁹⁹ TDCJ, *H.B. 1711 Implementation Report*, p. 9.
- ²⁰⁰ TDCJ – Parole Division, "District Reentry Center (DRC) Administrative and Caseload Supervision Guidelines," Policy and Operating Procedure Number PD/POP-3.13.1, 30 August 2010, p. 3.
- ²⁰¹ TDCJ – Parole Division, *DRC Administrative and Caseload Guidelines*, p. 5.
- ²⁰² TDCJ, *Self Evaluation Report*, pp. 56-60. The Self Evaluation Report submitted by TDCJ to the Sunset Advisory Commission provides a graphic table illustrating the available rehabilitation type programs, as well as all the restrictions. Among the many restrictions listed, gender is a pervasive criterion that may preclude an individual from these valuable services.
- ²⁰³ See TDCJ's Rehabilitation Division Program Facilities map, available at http://www.tdcj.state.tx.us/documents/RPD_TDCJ_Program_Units_Map.pdf.
- ²⁰⁴ See TDCJ's Rehabilitation Division Program Facilities map.
- ²⁰⁵ See TDCJ's Rehabilitation Division Program Facilities map.
- ²⁰⁶ See TDCJ's Rehabilitation Division Program Facilities map.

- ²⁰⁷ The InnerChange Freedom Initiative is a faith-based pre-release program created by Prison Fellowship Ministries in conjunction with TDCJ. It targets individuals who are within 18 to 30 months of release and will return to the Greater Houston or Dallas/Ft. Worth areas. The program offers 30-day orientations, 18 months of services, and six months of aftercare upon release. Also see TDCJ, *Self Evaluation Report*, p. 44; also see TDCJ, *Evaluation of Offenders That Completed Rehabilitation Tier Programs*, p. 8.
- ²⁰⁸ See TDCJ's Rehabilitation Division Program Facilities map.
- ²⁰⁹ See TDCJ's Rehabilitation Division Program Facilities map.
- ²¹⁰ LBB, *Criminal Justice Uniform Cost Report*, p. 7.
- ²¹¹ TDCJ, *Security Threat Groups: On The Inside*, available at http://www.tdcj.state.tx.us/documents/Security_Threat_Groups_GRAD.pdf, p. 2. A Security Threat Group (STG) is defined by TDCJ simply as "any group of offenders TDCJ reasonably believes poses a threat to the physical safety of other offenders and staff due to the very nature of said Security Threat Group." These include the following: (1) Aryan Brotherhood of Texas; (2) Aryan Circle; (3) Barrio Azteca; (4) Bloods; (5) Crips; (6) Hermanos De Pistoleros Latinos; (7) Mexican Mafia; (8) Partido Revolucionario Mexicanos; (9) Raza Unida; (10) Texas Chicano Brotherhood; (11) Texas Mafia; (12) Texas Syndicate.
- ²¹² TDCJ, *Self Evaluation Report*, p. 46.
- ²¹³ TDCJ, *Self Evaluation Report*, p. 46.
- ²¹⁴ TDCJ, *Evaluation of Offenders That Completed Rehabilitation Tier Programs*.
- ²¹⁵ TDCJ, *Self Evaluation Report*, p. 47.
- ²¹⁶ TDCJ, *Self Evaluation Report*, p. 47.
- ²¹⁷ TDCJ, *Self Evaluation Report*, p. 47.
- ²¹⁸ TDCJ, *Self Evaluation Report*, p. 47.
- ²¹⁹ TDCJ, *Self Evaluation Report*, p. 45; also see TDCJ, *Evaluation of Offenders That Completed Rehabilitation Tier Programs*, pp. 14-15. The Sex Offender Education Program (SOEP) is a 4-month, low intensity program, the Sex Offender Treatment Program (SOTP) is a more intense program, and there are currently two, a nine and 18 month program (SOTP-9 and SOTP-18, respectively). These outcome studies examined both the SOEP and SOTP-18, programs, but not the SOTP-9 program.
- ²²⁰ TDCJ, *Self Evaluation Report*, p. 45; also see TDCJ, *Evaluation of Offenders That Completed Rehabilitation Tier Programs*, pp. 14-15. The Sex Offender Education Program (SOEP) is a 4-month, low intensity program, the Sex Offender Treatment Program (SOTP) is a more intense program, and there are currently two, a nine and 18 month program (SOTP-9 and SOTP-18, respectively). These outcome studies examined both the SOEP and SOTP-18, programs, but not the SOTP-9 program.
- ²²¹ TDCJ, *Self Evaluation Report*, p. 50 (citing recent Executive Services Study, these are numbers for releases in 2007, meaning the 2 year and three year rates are based on data collected in 2009 and 2010 respectively).
- ²²² Released in 2007, data is compiled from 2009 and 2010 recidivism statistics.
- ²²³ TDCJ, *SER, supra* note 2, at 50. Releases from TDCJ in FY 2007 were tracked for two and three years to determine if the individual was returned to TDCJ prison or state jail for either a new conviction or a community supervision (probation or parole) revocation. Community supervision revocations may be either for a new offense or technical reasons.
- ²²⁴ TDCJ, Response to Open Records Request, 29 July 2011, information available upon request (this inquiry response was limited to the Sex Offender Rehabilitation Programs).
- ²²⁵ TDCJ, *Self Evaluation Report*, p. 44.
- ²²⁶ Windham School District (WSD), "Annual Performance Report 2009-2010," Schools in the Texas Department of Criminal Justice, available at <http://www.windhamschooldistrict.org/apr/APR.pdf>.
- ²²⁷ Cody Stark, "Windham School Cutbacks Reduce Staff, Programs for Inmates," *Huntsville Item*, 4 September 2011, available at <http://itemonline.com/local/x1642540258/Windham-school-cutbacks-reduce-staff-programs-for-inmates>
- ²²⁸ Stark, *Windham School Cutbacks Reduce Staff*.
- ²²⁹ Stark, *Windham School Cutbacks Reduce Staff*.
- ²³⁰ WSD, *Annual Performance Report*.

- ²³¹ TDCJ, *Report on HIV and AIDS Education*, 22 January 2007, available at http://www.tdcj.state.tx.us/documents/Report_on_AIDS_HIV_Education.pdf.
- ²³² Harer, in Kaiser, M. (2010). "Correctional Education, because it Works," *Corrections Today*, no. 72 (4) p. 20.
- ²³³ K.A., Collica 2008-11-12 "Counting Down: HIV Prison-Based Peer Education Programs and Their Connection to Reduced Disciplinary Infractions," *Paper presented at the annual meeting of the ASC Annual Meeting, St. Louis Adam's Mark, St. Louis, Missouri.* 7 June 2011.
- ²³⁴ T.M. Simmons, "Inmate Peer Educator Programs: 101," *The Body: The Complete HIV/AIDS Resource.* (2004), available at <http://www.thebody.com/content/art13033.html>.
- ²³⁵ S. Aos, E. Drake & M. Miller, "Evidence-Based Adult Corrections Programs: What Works and What Does Not," Olympia: Washington State Institute for Public Policy, (2006). In this meta-analysis, authors looked at 291 evaluations of in-prison programs and examined 22 different types of programs at all levels of jails and prisons; they found that vocational and higher education were among the most effective in-prison programs when it came to lowering recidivism.
- ²³⁶ Lahm, *Educational Participation and Inmate Misconduct*, pp. 37-52.
- ²³⁷ Lahm, *Educational Participation and Inmate Misconduct*, p. 49.
- ²³⁸ K. Collica, 2006-10-31, "The Prevalence of HIV Prison-Based Peer Programming in American Correctional Facilities: Another Opportunity Wasted," *Paper presented at the annual meeting of the American Society of Criminology (ASC), Los Angeles Convention Center, Los Angeles, CA Online*, 13 march 2011.
- ²³⁹ Collica, *The Prevalence of HIV Prison-Based Peer Programming*.
- ²⁴⁰ Roger Przybylski, "What Works: Effective Recidivism Reduction and Risk Focused-Prevention Programs," RKC Group, February 2008, p. 38.
- ²⁴¹ TDCJ, *H.B. 1711 Implementation Report*.
- ²⁴² TDCJ, *Statistical Report*, p. 2.
- ²⁴³ TDCJ, *Statistical Report*, p. 21.
- ²⁴⁴ Watson, et al., *A Portrait of Prisoner Reentry in Texas*, p. 29.
- ²⁴⁵ Tiffany Burd, Cory Glasgow and Jacqueline Mercillott, "On the Outside Looking In: A Comprehensive Look at Incarcerated Texans and State Drug Treatment Programs," University of Texas at Austin School of Social Work.
- ²⁴⁶ Edwards, *Reduce Recidivism in DUI Offenders*, p. 3.
- ²⁴⁷ Urban Institute, *Substance Abuse and Reentry*, available at <http://www.urban.org/projects/reentry-portfolio/substance-use.cfm>.
- ²⁴⁸ Christy Visher, Nancy LaVigne, and Jeremy Travis, "Returning Home: Understanding the Challenges of Prisoner Reentry," Urban Institute Justice Policy Center, January 2004, pp. 117-118.
- ²⁴⁹ Visher, LaVigne, and Travis, *Returning Home*, pp. 117-118.
- ²⁵⁰ Visher, LaVigne, and Travis, *Returning Home*, p. 43. *Note:* ISFs are secure lockdown facilities that completely remove an individual from the community and provide either substance abuse treatment or cognitive treatment to medium- or high-risk felons.
- ²⁵¹ TTCs are privately owned and operated community-based facilities that provide substance abuse aftercare to individuals on parole, mandatory supervision, or community supervision. Individuals who have participated in SAFP facility programs are referred to a TTC for aftercare, with a residential stay of up to 90 days. From Texas Department of Criminal Justice, "Definitions & Acronyms," <http://www.tdcj.state.tx.us/definitions/index.html>.
- ²⁵² Tony Fabelo, Ph.D., "The Substance Abuse Felony Punishment Program: Evaluation and Recommendations," Criminal Justice Policy Council, prepared for the 77th Texas Legislature, 2001, p. i ("To complete all program components participants had to complete the institutional program (9 to 12 months), residential treatment (3 months) and outpatient treatment (3 to 9 months). [...] The SAFP program significantly reduces recidivism for those who complete all program components, but recidivism rates are high for the 56% of offenders not completing all program components. The two year recidivism rate of a comparison group with similar characteristics not participating in the program is 32%. This compares to the 7% two year recidivism rate of offenders who completed all program components.").
- ²⁵³ The Henry J. Kaiser Family Foundation, "State Mental Health Agency (SMHA), Per Capita Mental Health Services Expenditures, FY2009," available at <http://www.statehealthfacts.org/comparetable.jsp?yr=90&typ=4&ind=278&cat=5&sub=149>.

- ²⁵⁴ Kaiser Foundation, SMHA, *Per Capita Mental Health Services Expenditures*.
- ²⁵⁵ E. Fuller Torrey, M.D., et al., "More Mentally Ill Persons Are in Jails and Prisons Than Hospitals: A Survey of the States," National Sheriffs' Association and Treatment Advocacy Center, May 2010, p. 8.
- ²⁵⁶ TCOOMMI, *Biennial Report*, p. 9.
- ²⁵⁷ TCOOMMI, *Biennial Report*, p. 9.
- ²⁵⁸ Torrey, et al., *More Mentally Ill Persons Are in Jails and Prisons than Hospitals*, p. 10.
- ²⁵⁹ National Alliance on Mental Illness, "The Criminalization of People with Mental Illness," available at http://www.nami.org/Content/ContentGroups/Policy/WhereWeStand/The_Criminalization_of_People_with_Mental_Illness_WHERE_WE_STAND.htm.
- ²⁶⁰ Texas Department of Criminal Justice (TDCJ) lists 113 facilities (some facilities may serve dual purposes or be listed twice) on its directory, 18 of which are private (adult) facilities, and 3 of which are intermediate sanction facilities (parole confinement facilities). TDCJ is responsible for monitoring and oversight of private contract facilities (those privately operated). This data excludes the Hospital facility at Galveston. Units with 0 contract psychiatric employees include Briscoe, Cotulla, Dalhart, Duncan, Formby, Fort Stockton, Glossbrenner, Goodman, Halbert, Havins, Johnston, Jordan, Kegans, Marlin, Moore, C., Ney, Roach, Rudd, Sanchez, San Saba, Sayle, Scott, Stevenson, Torres, Tulia, Vance, Wallace, Ware, Wheeler, and the Baten Intermediate Sanction Facility. Private contract facilities with 0 contract psychiatric employees include both Bridgeport facilities, Cleveland, Diboll, Estes, Kyle, Lockhart, Mineral Wells, Moore, B., Willacy County, and both the South and West Texas Intermediate Sanction Facilities. Units with 1 contract psychiatric employee include Daniel, Hamilton, Hightower, Hilltop (all female), Lynaugh, Powledge, and Segovia. Private Contract Facilities with 1 contract psychiatric employee include East Texas (co-gender), and Lindsey. Data collected from Texas Department of Criminal Justice, *Unit Directory*; http://www.tdcj.state.tx.us/unit_directory/index.html.
- ²⁶¹ Kate Mize, J. D., "Stopping the Revolving Door: Reform of Community Corrections in Wisconsin," Wisconsin Policy Research Institute, 27 July 2009, p. 14.
- ²⁶² National Alliance on Mental Illness, *The Criminalization of People with Mental Illness*.
- ²⁶³ Jennifer Eno Loudon, Ph.D., "Reducing Recidivism Risk for Offenders with Mental Disorder," presented at the 2009 Conference of the Justice Research and Statistics Association and the Bureau of Justice Statistics: Meeting Justice Policy Challenges Through Research and Statistics, slides 11, 15, 16, 24.
- ²⁶⁴ Stephan Haimowitz, J.D., "Slowing the Revolving Door: Community Reentry of Offenders with Mental Illness," *Psychiatric Services*, vol. 55, no. 4, April 2004, p. 374.
- ²⁶⁵ Kevin Krause, "Policy Change to Aid Mentally Ill Inmates," *The Dallas Morning News*, 8 June 2006.
- ²⁶⁶ Claudia Baker, MSW, MPH and Cessie Alfonso, LCSW, "PTSD and Criminal Behavior," A National Center for PTSD Fact Sheet, Traumatic Stress Treatment Center, available at <http://www.traumatic-stress-treatment.com/artptsdandcriminalbehavior.html>.
- ²⁶⁷ CMHS' National GAINS Center, "Responding to the Needs of Justice-Involved Combat Veterans," citing Recommendations 3-5.
- ²⁶⁸ Andrew J. Saxon, et al., "Trauma, Symptoms of Posttraumatic Stress Disorder, and Associated Problems Among Incarcerated Veterans," *Psychiatric Services*, vol. 52, No. 7, July 2001, p. 962.
- ²⁶⁹ Matthew Jakupcak et al., "Anger, Hostility, and Aggression Among Iraq and Afghanistan War Veterans Reporting PTSD and Subthreshold PTSD," *Journal of Traumatic Stress*, vol. 20, Issue 6, December 2007, p. 946.
- ²⁷⁰ DPA, *Issue Brief: Healing a Broken System*, pp. 2, 5.
- ²⁷¹ Burke, Degeneffe, and Olney, *A New Disability for Rehabilitation Counselors*, p. 7.
- ²⁷² TDCJ, *Statistical Report*, p. 20.
- ²⁷³ TDCJ Internal Audit Division, "A Report on Rehabilitation Programs Division's COURAGE Program for Youthful Offenders," Audit 0921, 26 October 2009, pp. 1-2. (This 2009 audit is the most recent audit of the program. The Internal Audit Division noted in conversation that they will likely not audit the program again for five to ten years due to the program's small size. This suggests oversight for programs for youth in TDCJ is a structural problem. A recent small-scale riot among youth in the Clemens Unit also suggests a need for greater oversight.)
- ²⁷⁴ TDCJ, *Self Evaluation Report*, pp. 54-55. Statistical figures as of May 2011. TDCJ, *Statistical Report*, p. 47.

- ²⁷⁵ Michele Deitch, "Juveniles in the Adult Criminal Justice System in Texas," The University of Texas at Austin, LBJ School of Public Affairs, 2011.
- ²⁷⁶ Louden, *Reducing Recidivism Risk*, slides 11, 15, 16, 24.
- ²⁷⁷ Jeremy Travis, Amy L. Solomon, and Michelle Waul, "From Prison to Home: The Dimensions and Consequences of Prisoner Reentry," The Urban Institute, June 2001, pp. 35, 39.
- ²⁷⁸ Jocelyn Fontaine, Caterina Gouvis Roman, and Martha Burt, "System Change Accomplishments of the Corporation for Supportive Housing's Returning Home Initiative," The Urban Institute, June 2010, pp. 1, 3.
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- ²⁸⁰ Nastassia Walsh, "Baltimore Behind Bars: How to Reduce the Jail Population, Save Money, and Improve Public Safety," Justice Policy Institute, June 2010, p. 54.
- ²⁸¹ Corporation for Supportive Housing, "Making the Case for Re-entry Supportive Housing: A Review of the Data," 2009, p. 1.
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- ²⁸⁴ Charlene Wear Simmons, Ph.D., "Children of Incarcerated Parents," Prepared at the request of Assemblymember Kerry Mazzoni, California Research Bureau (CRB) Note Vol. 7, No. 2, March 2000, p. 1 (With regards to "children whose parents have been arrested and incarcerated [...] the behavioral consequences can be severe, absent positive intervention – emotional withdrawal, failure in school, delinquency and risk of intergenerational incarceration.").
- ²⁸⁵ TDCJ, "Giving Offenders' Kids Incentive and Direction to Succeed (GO KIDS)," available at <http://www.tdcj.state.tx.us/gokids/index.html>.
- ²⁸⁶ Win Sisson, "Don't Forget About the Children: Parenting Education Behind Bars," *Corrections Today*, vol. 68, Issue 7, 1 December 2006, pp. 54, 55.
- ²⁸⁷ Data gleaned from a TDCJ information request, 2011; actual number: 94,635. Note additionally: 8,150 inmates in state jails self-reported children, while 2,160 individuals in SAFP facilities self-reported children; information available upon request.
- ²⁸⁸ A comprehensive list of facilities is available at TDCJ, *GO KIDS Institutional Programs*, available at http://www.tdcj.state.tx.us/gokids/gokids_facilities.html.
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- ²⁹² See e.g., *Durrenberger v. TDCJ*, Civil Action No. H-09-0786, Memorandum Opinion and Order (US District Court, Southern District of Texas – Houston Division, 2010) (partial summary judgment granted in lawsuit regarding certain disability accommodations, i.e., providing amplification device for visitation booth telephone).
- ²⁹³ TDCJ, "Offender Visitation Plan," May 2008, p. 28.
- ²⁹⁴ TDCJ, *Offender Visitation Plan*, p. 28; clarification in brackets added by author.
- ²⁹⁵ A. Montgomery, "Neurobiology essentials for clinicians: What every therapist needs to know." Unreleased text used with permission by author, (n.d.).

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- ²⁹⁷ Among other things, the GO KIDS Initiative (Giving Offenders' Kids Incentive and Direction to Succeed) assists "offenders' families and children by providing a reliable connection to valuable community resources." See TDCJ, *GO KIDS*.
- ²⁹⁸ TDCJ, *Self Evaluation Report*, p. 46.
- ²⁹⁹ TDCJ, *H.B. 1711 Implementation Report*, p. 8.
- ³⁰⁰ Denise Bronson, "A Behavior Approach to Social Work Treatment," In Albert R. Roberts, Gilbert, J. Greene, *Social Workers' Desk Reference*, (New York: Oxford Press, 2002), 137-143.
- ³⁰¹ TDCJ, *Self Evaluation Report*, pp. 53-54 (figures as of May 2011). This figure includes Prisons, State Jails, and Substance Abuse Felony Punishment Facilities.
- ³⁰² TDCJ, *Self Evaluation Report*, pp. 1, 6 (figures as of 31 August 2010; data regarding individuals on direct supervision).
- ³⁰³ Nancy LaVigne, Lisa E. Brooks, and Tracey L. Shollenberger, "Women on the Outside: Understanding the Experiences of Female Prisoners Returning to Houston, Texas," Urban Institute Justice Policy Center, June 2009, p. 3.
- ³⁰⁴ LaVigne, Brooks, and Shollenberger, *Women on the Outside*, p. 3.
- ³⁰⁵ Colleen Clark, Ph.D., "Addressing Histories of Trauma and Victimization through Treatment," The National GAINS Center for People with Co-Occurring Disorders in the Justice System, September 2002, pp. 2, 3. Note additionally: "Gender-specific programs may be more effective for female offenders, particularly those with histories of trauma and abuse." From National Institute on Drug Abuse (NIDA), *What are the unique treatment needs for women in the criminal justice system?*, available at <http://www.drugabuse.gov/publications/principles-drug-abuse-treatment-criminal-justice-populations/what-are-unique-treatment-needs-women-in-criminal-j>.
- ³⁰⁶ *Ibid.* ("Incarcerated women in treatment are significantly more likely than incarcerated men to have severe substance abuse histories, as well as co-occurring physical health and psychological problems [...]. Approximately 50 percent of female offenders are likely to have histories of physical or sexual abuse. Women are also more likely than men to be victims of domestic violence. Past or current victimization can contribute to drug or alcohol abuse, depression, post-traumatic stress disorder, and criminal activity.").
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- ³¹⁰ Steve Christian, "Children of Incarcerated Parents," National Conference of State Legislatures, March 2009, p. 1 ("Research suggests that intervening in the lives of incarcerated parents and their children to preserve and strengthen positive family connections can yield positive societal benefits in the form of reduced recidivism, less intergenerational criminal justice system involvement, and promotion of healthy child development.").
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- ³¹² Staff Reporters, "Women offenders bond with babies," *Galveston Daily News*, 7 March 2007; available at http://www.tdcj.state.tx.us/gokids/gokids_articles_women_offenders_bond_babies.html.
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- ³¹⁴ TDCJ, *Program for Offender Mother and Newborn Baby*, p. 2.
- ³¹⁵ This is a program contracted with the Federal Prison located in Fort Worth, eligible individuals are those incarcerated in the Federal Facility.
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- ³²⁵ Chung and Peek, *Conditions of Confinement in Texas Prisons*.
- ³²⁶ Chung and Peek, *Conditions of Confinement in Texas Prisons*.
- ³²⁷ TDCJ – Administrative Review & Risk Management Division *Offender Grievance Program*, p. 2.
- ³²⁸ Chung and Peek, *Conditions of Confinement in Texas Prisons*.
- ³²⁹ TDCJ, *Offender Orientation Handbook: as Approved by the Director of the Texas Department of Criminal Justice, Correctional Institutions Division*, Printed November 2004, p. 52, available at http://www.tdcj.state.tx.us/documents/Offender_Orientation_Handbook_English.pdf.
- ³³⁰ American Bar Association Standard 23-9.1: “Grievance Procedures.” This Standard encourages (a) resolution of prisoners’ complaints on an informal basis, if possible; (b) providing prisoners the opportunity to make suggestions to improve programs and conditions; (c) formal procedures for resolving specific prisoner grievances, with prisoner notification; (d) minimization of technical requirements for grievances, easy accessibility to forms, and written rejections; and (e) procedures designed to instill confidence in the process, with periodic evaluations and procedural protections.
- ³³¹ Allen J. Beck and Paige M. Harrison, “Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09,” Bureau of Justice Statistics, Office of Justice Programs – U.S. Department of Justice, August 2010, pg. 8 (Table 2).
- ³³² Chung and Peek, *Conditions of Confinement in Texas Prisons*.
- ³³³ Chung and Peek, *Conditions of Confinement in Texas Prisons*.
- ³³⁴ Data gleaned from TDCJ Response to Open Records Request, “Administrative Segregation,” 12 December 2011; information available upon request.
- ³³⁵ Total population number of 141,087 prison and 11,528 state jail (152,615 total) based on 31 May 2011 statistics as reported to Sunset Advisory Commission. TDCJ, *Self Evaluation Report*, pp. 54-55; also see TDCJ Response to Open Records Request, *Administrative Segregation*.
- ³³⁶ James Austin and Emmitt Sparkman, “Colorado Department of Corrections Administrative Segregation and Classification Review,” National Institute of Corrections, October 2011, http://www.ccjrc.org/pdf/2011_Solitary_Confinement_Report.pdf.
- ³³⁷ TDCJ Response to Open Records Request, *Administrative Segregation*.
- ³³⁸ National Survey of the Management of High-Risk Inmates, National Institute of Corrections, 2002.
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- ³⁴⁰ Mississippi recently reclassified its administrative segregation population, assigned most nonviolent gang members to the general population, and reduced its administrative segregation numbers from 1,000 to less than 150, with no increase in violence. From Kupers, T. et al., “Beyond Supermax Administrative Segregation: Mississippi’s Experience Rethinking Prison Classification and Creating Alternative Mental Health Programs,” 2009. *Criminal Justice and Behavior*. OnlineFirst, doi: 10.1177/0093854809341938. As a result, the state saved over \$5 million in one year. This figure includes the staff and other costs associated with actually closing the unit, as well as the cost of incarceration for individuals moved to a high security, non-administrative segregation unit. Christopher Epps, Commissioner, Mississippi Department of Corrections and Suzanne Singletary, Director, Division of Communications for the Mississippi Department of Corrections, in email correspondence to Sarah V. Carswell, Texas Criminal Justice Coalition, 12 January 2012.
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- ³⁴⁴ James Austin, Ph.D. and Ken McGinnis. *Texas Board of Pardons and Paroles Validation Study Results*. unpublished study presented to TBPP on behalf of MGT of America, Inc., 10 November 2011, slide 24, information available upon request. Submitted at Board meeting for TBPP.
- ³⁴⁵ Chung and Peek, *Conditions of Confinement in Texas Prisons*.
- ³⁴⁶ Interim Report to the 82nd Legislature House Committee on Corrections. December 2010, accessed at http://www.house.state.tx.us/_media/pdf/committees/reports/81interim/House-Committee-on-Corrections-Interim-Report-2010.pdf.
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- ³⁵⁷ TDCJ, *CPOM 04.11 Alternative Treatment Program*, January 2010.
- ³⁵⁸ Stacey Rhodes, Programs Supervisor, TDCJ-Rehabilitations Programs Division, in telephone communication with Jorge Antonio Renaud, Texas Criminal Justice Coalition, 12 January 2012.
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- ³⁶² LBB, *Criminal Justice Uniform Cost Report*, p. 4.
- ³⁶³ TDCJ, *Statistical Report*, p. 4.
- ³⁶⁴ LBB, *Criminal Justice Uniform Cost Report*, p. 3.
- ³⁶⁵ LBB, *Criminal Justice Uniform Cost Report*, p. 3; also see TDCJ, *Statistical Report*, p. 4.
- ³⁶⁶ LBB, *Recidivism and Revocation Rates*, p. 44.
- ³⁶⁷ LBB, *Correctional Population Projections: FY 2011-2016*, p. 10.
- ³⁶⁸ LBB, *Correctional Population Projections: FY 2011-2016*, pp. 3, 9, 11. Active parole supervision populations are projected to rise from 81,545 (end-of-month yearly average) in FY 2011 to 84,135 in FY 2016.
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- ³⁷² Data gleaned from TDCJ response to Open Records Request, "TDCJ Parole Division," 11 January 2012, information available upon request.
- ³⁷³ TDCJ response to Open Records Request, *TDCJ Parole Division*.
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- ³⁷⁶ 3g offenses include aggravated kidnapping, robbery and sexual assault, indecency with a child, murder, sexual assault of a child or adult, and any felony with a deadly weapon.
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- ³⁷⁸ Peggy Burke and Michael Tonry, "Successful Transition and Reentry for Safer Communities: A Call to Action for Parole," Center for Effective Public Policy, 2006, p. 29.
- ³⁷⁹ BPP, *Mission Statement*.
- ³⁸⁰ LBB, *Recidivism and Revocation Rates*, p. 32; also see TDCJ, *Self Evaluation Report*, p. 7. Note: the LBB prison statistics separates SAFP facilities from prison statistics.
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- ³⁸³ Fabelo, *Data obtained from TDCJ*.
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- ³⁸⁶ Marc Levin, *Texas Criminal Justice Reform: Lower Crime, Lower Cost*, p. 3; also see LBB, *Criminal Justice Uniform Cost Report*, pp.3,10 (using FY 2010 average system-wide prison costs-per-day-per-bed of \$50.79 and parole per person costs-per-day of \$3.74; 1,500 parolees would save the state \$25,759,875 annually).
- ³⁸⁷ Texas Board of Pardons and Paroles (BPP), "Parole Guidelines Annual Report Fiscal Year 2011," p. 8, available at <http://www.tdcj.state.tx.us/bpp/publications/PG%20AR%202011.pdf>.
- ³⁸⁸ BPP, *Parole Guidelines Annual Report*, p. 8.
- ³⁸⁹ BPP, *Parole Guidelines Annual Report*, p. 8. Ken McGinnis is a Senior Partner at MGT of America, Inc. in Austin, he is director of two state agencies, a former warden and a nationally recognized expert in the field of corrections, Ken has been involved in virtually every aspect of correctional management and operations over the course of his 30+ year career, see MGT of America, Inc., see http://www.mgtamer.com/index.cfm?p=3&s=Experts_sub&&Staff_ID=31&page=Our-Experts:-Ken-McGinnis. Dr. Austin is currently President of the JFA Institute, and has over twenty-five years of experience in correctional planning and research. He is the former director of the Institute on Crime, Justice and Corrections at George Washington University in Washington, DC. He serves, or has recently served, as director for several large U.S. Department of Justice-funded research and evaluation programs.
- ³⁹⁰ BPP, *Parole Guidelines Annual Report*, pp. 7-10.
- ³⁹¹ BPP, *Parole Guidelines Annual Report*, p. 10.
- ³⁹² BPP, *Parole Guidelines Annual Report*, p. 10.
- ³⁹³ BPP, *Parole Guidelines Annual Report*, p. 9.
- ³⁹⁴ Austin and McGinnis, *BPP Validation Study Results*, slide 24.
- ³⁹⁵ Austin and McGinnis, *BPP Validation Study Results*, slide 24.
- ³⁹⁶ Data gleaned from TDCJ response to Open Records Request, "Administrative Decisions to Revoke Parole Supervision in FY 2011," 5 March 2012, information available upon request.
- ³⁹⁷ TDCJ response to Open Records Request, *Administrative Decisions to Revoke Parole Supervision*.
- ³⁹⁸ TEX. GOV. CODE § 498.003 (regardless of the classification...department may grant good conduct time to inmate only if inmate is actively engaged in an agricultural, vocational, or educational endeavor, in an industrial program or other work program, or in a treatment program, unless the inmate is not capable of participating in such a program or endeavor.).
- ³⁹⁹ TDCJ, *Offender Orientation Handbook*, p. 7.
- ⁴⁰⁰ BPP, *Parole Guidelines Annual Report*, pp. 2, 17, 21.
- ⁴⁰¹ TEX. GOV. CODE § 508.149(d).
- ⁴⁰² Texas Board of Pardons and Parole, *Discretionary Mandatory Supervision*, Board Policy Number BPP-POL.145.202.
- ⁴⁰³ LBB, *Criminal Justice Uniform Cost Report*, p. 6 (using FY 2010 average system-wide prison costs-per-day-per-bed of \$50.79).
- ⁴⁰⁴ TDCJ, *Statistical Report*, p. 17.

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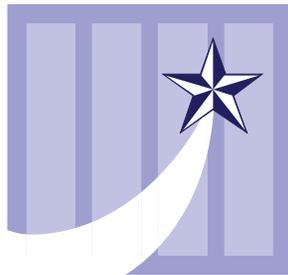
⁴⁰⁶ See e.g., TEX. GOV. CODE § 508.149(a) (excluded offenses include: (1) use of deadly weapon in commission of crime; (2) murder; (3) capital murder; (4) aggravated kidnapping; (5) indecency with child; (6) sexual assault; (7) aggravated sexual assault; (8) aggravated assault; (9) injury to a child, elderly individual, or disabled individual (first degree felony); (10) arson (first degree felony); (11) robbery; (12) aggravated robbery; (13) burglary (first degree felony); (14) offenses relating to employment, authorization, or inducement of sexual conduct or performance by a child; (15) continuous sexual abuse of child or children; (16) enhancements of drug offenses committed in “drug-free zones (e.g., near kids/schools); (17) use of child in commission of certain drug offenses (e.g., manufacture or delivery); and (18) solicitation to commit a capital felony). Bear in mind that the Texas Legislature occasionally amends this provision to incorporate more/new offenses.

⁴⁰⁷ TDCJ, *Statistical Report*, p. 18.

⁴⁰⁸ LBB, *Criminal Justice Uniform Cost Report*, pp. 3, 6, 10.

⁴⁰⁹ Booz Allen Hamilton, “Prison Rape Elimination Act (PREA): Cost Impact Analysis: Final Report,” prepared for the Department of Justice, Office of Justice Programs, 18 June 2010, pp. i-ii.

⁴¹⁰ Also see TDCJ, *Definitions*.



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