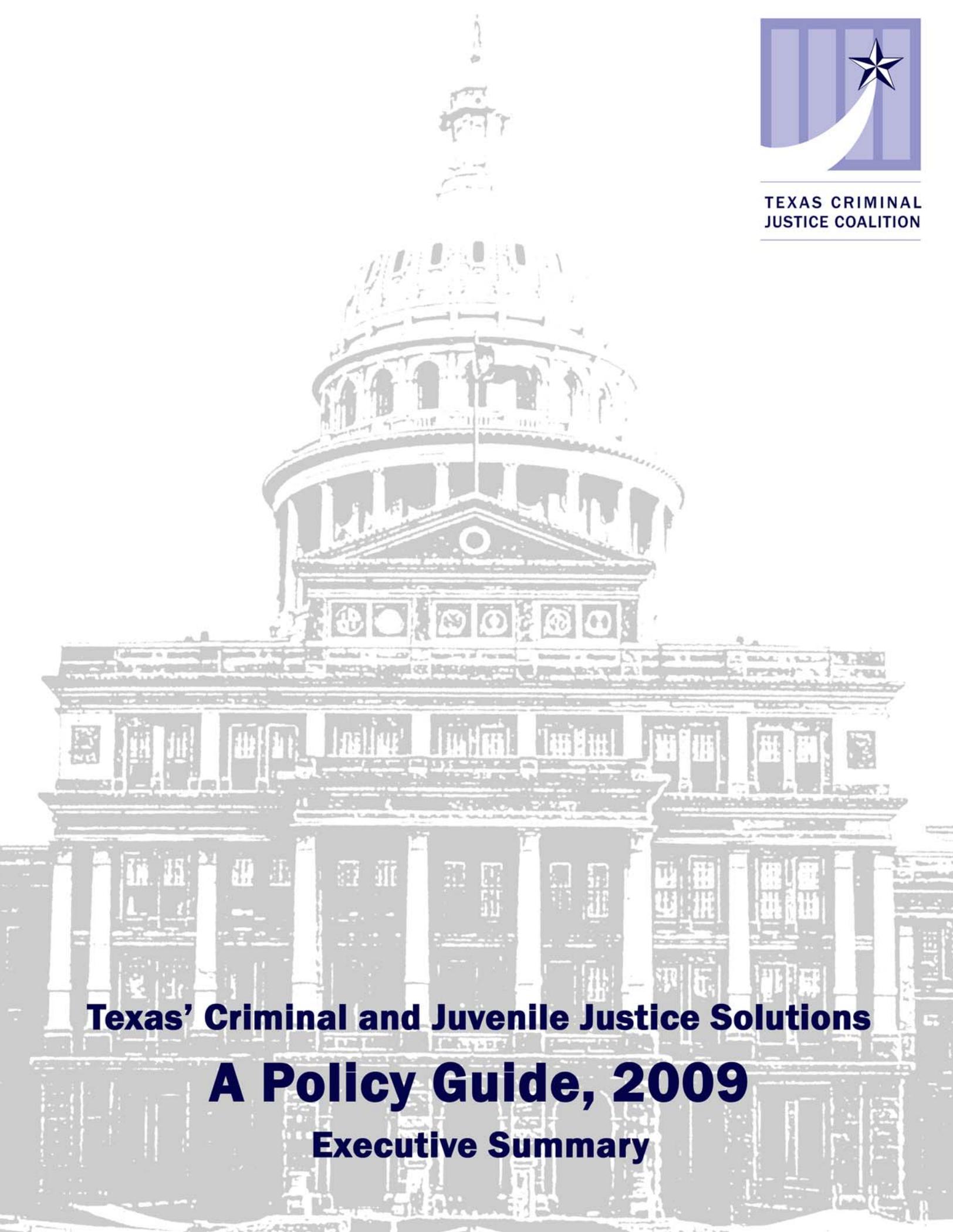




TEXAS CRIMINAL  
JUSTICE COALITION

A large, detailed black and white illustration of the Texas State Capitol building in Austin, Texas, serves as the background for the entire page. The building's iconic dome and classical architectural features are clearly visible.

**Texas' Criminal and Juvenile Justice Solutions**  
**A Policy Guide, 2009**  
**Executive Summary**



The Texas Criminal Justice Coalition promotes criminal and juvenile justice solutions that embody the principles of effective management, accountability, public safety, and human and civil rights.

**For the full recommendations summarized in this Executive Summary, please visit [www.criminaljusticecoalition.org/public\\_policy\\_center/2009policy\\_primer](http://www.criminaljusticecoalition.org/public_policy_center/2009policy_primer), or contact TCJC at (512) 441-8123.**

**JANUARY 2009**

We would like to acknowledge Kim Wilks for her cover design and interior layout and design.

Cover photo is courtesy of [photohome.com](http://photohome.com)

# PART 1:

## PROTECT YOUTH AND COMMUNITIES BY IMPROVING JUVENILE JUSTICE

---

- Improve Efficiency and Positive Outcomes Within Independent Juvenile Justice Agencies
- Strengthen Juvenile Probation and Increase Accountability

### **Improve Efficiency and Positive Outcomes Within Independent Juvenile Justice Agencies**

- (1) Maintain TYC and TJPC as two separate agencies, rather than waste valuable resources and energy to establish a new Texas Juvenile Justice Department. [Page 3]
- (2) Require the development of a five-year Juvenile Justice Improvement Plan to facilitate effective coordination between TYC and TJPC. [Page 3-4]
- (3) Redesign state funding to encourage the use of intensive, non-residential interventions for lower-risk offenders. [Page 4-5]
- (4) Support partnerships with private foundations engaged in innovative juvenile justice reform efforts. [Page 5-6]
- (5) Effectively implement S.B. 103 (Texas' omnibus juvenile justice bill, effective 2007). [Page 6-9]
  - (a) Hire qualified staff and improve rehabilitative programming to increase control and safety in TYC institutions. [Page 6-7]
    - (i) TYC should develop a long-term workforce development plan with the goal of recruiting and retaining qualified staff. [Page 6-7]
    - (ii) TYC must have adequate numbers of clinical staff to provide needed rehabilitative services in order to best administer quality rehabilitative programming. [Page 7]
  - (b) Enhance independent oversight of TYC services and youth rights. [Page 7]
  - (c) Strengthen TYC parole to protect public safety and give troubled youth, families, and communities a chance at success, without placing additional burdens on counties. [Page 7-8]
  - (d) Move TYC over the next decade toward a regionalized system of state-operated juvenile correctional and transition facilities that are smaller (< 100 beds), more therapeutic, and closer to the communities that youth come from - similar to those operated in Missouri. [Page 8-9]

## **Strengthen Juvenile Probation and Increase Accountability**

- (1) Make permanent the juvenile probation intensive community-based pilot program to divert non-violent, repeat offenders from TYC. [Page 11]
- (2) Expand the state's successful Special Needs Diversionary Program (SNDP) to keep youth with mental health needs from being committed to TYC. [Page 11]
- (3) To more effectively allocate state funding, Texas must improve data collection and analysis around revocation of youth on juvenile probation to TYC. [Page 11-12]
- (4) Texas should develop and monitor the implementation of a pilot program to divert youth from being committed to TYC for non-law violations of probation to community-based sanctions. [Page 12-13]
- (5) To assist in informed decision making, Texas must improve data collection on progressive sanctions guidelines. [Page 13]

## **PART 2: REBUILD CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM**

---

- Improve Funding for Effective Indigent Defense Delivery Models**
- Ensure Innocent Individuals Are Not Sent to Prison**

### **Improve Funding for Effective Indigent Defense Delivery Models**

- (1) Fund indigent defense models that work, specifically through an expansion of the number of general and specialized public defender offices (including Mental Health and Juvenile public defender offices). [Page 17-20]

## **Ensure Innocent Individuals Are Not Sent to Prison**

- (1) Require all interrogations to be recorded prior to being admissible in felony cases. [Page 21]
- (2) Require law enforcement agencies to use known best practices in photo or live lineup procedures to strengthen the quality of eyewitness identifications. [Page 22]
- (3) Ensure informant testimony is corroborated in certain situations (when used to secure the conviction of another individual). [Page 22]
- (4) Ensure continued implementation of H.B. 681 (effective 2007), which amended Texas' post-conviction DNA statute to untie judges' hands in granting DNA tests, as well as improve opportunities for justice. [Page 22]
- (5) Remove the barriers that exonerated individuals face in their efforts to re-enter society. [Page 23]
- (6) Create an Innocence Advisory Council to identify the common causes of wrongful conviction. [Page 23]

## **PART 3: SAVE MONEY AND INCREASE PUBLIC SAFETY BY STRENGTHENING CRIMINAL JUSTICE PRACTICES**

---

- Stop the Flow into Prisons by Supporting Probation
- Fight Drug Addiction and Address Mental Illness Head On
- Increase the Efficiency of the Texas Department of Criminal Justice

### **Stop the Flow into Prisons by Supporting Probation**

- (1) Give probation departments the necessary resources to identify, recruit, and retain highly qualified probation officers. [Page 27]

- (a) Reduce turnover rates at probation departments. [Page 27]
- (b) Assist probationers in improving their chances of success. [Page 27]
- (2) Reduce probation officers' caseloads for high- and medium-risk individuals, and increase programming opportunities for probationers (as needed) in additional efforts to improve probationer success. [Page 27-28]
- (3) Invest in strategies that will reduce risk. [Page 28-29]
  - (a) Increase basic funding for departments. [Page 28-29]
  - (b) Continue to implement shorter and stronger probation terms. [Page 29]
  - (c) Encourage judges to learn more about the use of evidence-based practices. [Page 29]
- (4) Encourage the use of and fully fund locally tailored, evidence-based supervision and sanctions practices. [Page 29-30]
  - (a) Expand the use of validated and verified diagnostic tools, and make training available to all departments so that they can most effectively use the results of the diagnostic. [Page 29]
  - (b) Fully fund progressive sanctions. [Page 29-30]
- (5) Mandate accountability to verify progress. [Page 30]
  - (a) Strengthen the Community Justice Assistance Division (CJAD) and provide technical assistance/accountability grants to eligible probation departments to implement progressive sanctions. [Page 30]
  - (b) Promote the sharing of what works. [Page 30]

## **Fight Drug Addiction and Address Mental Illness Head On**

- (1) Expand community-based substance abuse and mental health diversion opportunities. [Page 32-37]
  - (a) With regards to non-violent defendants charged with drug possession or drug use, reject the policy of incarceration and divert individuals to probation and treatment, as needed (previously filed as S.B. 1909 in 2007). [Page 32-35]
    - (i) Boost probation departments' ability to identify and seek treatment for individuals suffering from substance abuse. [Page 32-33]
    - (ii) Maintain the allocation of funds for the treatment of substance abuse addiction. [Page 33-34]

- (iii) Ensure that SAFPFs and TTCs use effective, evidence-based treatment practices. [Page 34]
  - (iv) Address treatment program backlogs for current probationers. [Page 34-35]
  - (v) View probation and drug treatment separately to reduce drug-related technical violations. [Page 35]
- (b) With regards to defendants suffering from mental illness, reject the policy of incarceration and divert individuals to mental health treatment, as needed. [Page 35-36]
- Note:** With specific regards to military service members or veterans whose criminal conduct was materially affected by brain injuries or mental illnesses resulting from military service, courts should allow participation in a deferred prosecution program with treatment options. [Page 36]
- (c) Fully fund specialty courts, such as drug, DWI, mental health, and re-entry courts. [Page 36-37]
- (2) Maintain in-prison substance abuse treatment programs and expand mental health treatment services. [Page 37-38]
- (a) Improve the availability of in-prison substance abuse treatment programs. [Page 38]
  - (b) Improve the availability of in-prison mental health treatment services. [Page 38]
- (3) Ensure that programs are properly implemented by having qualified staff in the criminal justice field (including both adult and juvenile probation, parole, and in-prison program staff). [Page 38-39]
- (a) Increase the number of qualified treatment professionals that focus on criminal and juvenile justice clients. [Page 38-39]

## **Increase the Efficiency of the Texas Department of Criminal Justice**

- (1) Improve medical access and treatment within prison walls, especially with regards to infectious diseases. [Page 40-41]
- (2) Strengthen the efficiency of TDCJ's Offender Grievance Program. [Page 41-42]
- (a) Improve access to forms. [Page 41-42]
  - (b) Increase the grievance filing period. [Page 42]
  - (c) Clarify grievance decisions. [Page 42]
  - (d) Create independence on grievance boards. [Page 42]
  - (e) Protect truthful guards. [Page 42]

- (3) Increase correctional officers' salaries to decrease turnover. [Page 42]
- (4) Improve communication strategies between criminal justice and treatment agencies to meet the state's public safety needs. [Page 43]
- (5) Adopt a Public Health Model of Correctional Care to ensure inmates, correctional staff, and the public lead healthy and productive lives. [Page 43-44]

## **PART 4: ENCOURAGE ECONOMIC AND WORKFORCE DEVELOPMENT BY REDUCING RE-ENTRY BARRIERS**

---

- Equip Individuals with Personal Responsibility Tools, Inside and Outside of Prison Walls**
- Broaden Access to Housing and Food**
- Create an Enhanced Employability and Employment Protection Policy**

### **Equip Individuals with Personal Responsibility Tools, Inside and Outside of Prison Walls**

- (1) Mandate that TDCJ create assessment-driven, individualized re-entry plans that span intake and incarceration, and provide funding to implement these plans. [Page 46-48]
  - (a) Strengthen TDCJ's current intake process. [Page 47]
  - (b) Mandate that all TDCJ inmates will have comprehensive transition planning services and resources during incarceration. [Page 47-48]
- (2) Improve the quality of in-prison programs for the more than 70,000 individuals being released each year, especially through performance measures. [Page 48]
- (3) Invest in additional post-release substance abuse and mental health treatment programs. [Page 48-49]

- (a) Ensure there is a continuum of care readily available for exiting individuals who will require ongoing substance abuse and/or mental health assistance. [Page 48]
- (b) Offer incentives for participants who successfully complete a drug treatment program. [Page 49]
- (4) Create program enhancements to support the children of incarcerated parents. [Page 49-50]
- (5) Assist formerly incarcerated individuals as they leave incarceration, whether at full discharge of their sentence or when being released onto parole. [Page 50]
  - (a) Provide exiting individuals with reasonable records at discharge to facilitate successful re-entry. [Page 50]
  - (b) Give exiting individuals the tools to be responsible during the key post-release period. [Page 50]
- (6) Establish a statewide Re-Entry/Re-Integration Policy Council outside of the purview of TDCJ (to allow Texas to become eligible for much needed federal grant funds). [Page 51]
- (7) Encourage the creation of re-entry offices in municipalities or counties with proportionately high populations of returning individuals ("high stakes communities"). [Page 52]
- (8) Follow program models from other states that have successfully implemented re-entry plans. [Page 52-53]

## **Broaden Access to Housing and Food**

- (1) Promote affordable housing options for formerly incarcerated individuals. [Page 54-55]
  - (a) Wherever possible, the state should direct local Texas housing authorities to utilize federal housing assistance programs to help formerly incarcerated individuals find places to live. [Page 54]
  - (b) Maintain funding for halfway housing and other transitional housing for formerly incarcerated individuals. [Page 54-55]
  - (c) Offer tax incentives to landlords who provide housing to formerly incarcerated individuals. [Page 55]
  - (d) Implement a housing voucher program for formerly incarcerated individuals. [Page 55]
  - (e) Create a pilot program with a family mentoring re-integration plan. [Page 55]
- (2) Expand access to temporary public assistance (food stamps) in Texas. [Page 55]

## Create an Enhanced Employability and Employment Protection Policy

- (1) Invest in additional pre- and post-release programs that support job-readiness, talent assessment, and placement among formerly incarcerated individuals. [Page 56-58]
  - (a) Continue to support in-prison education and employment-focused programs offered to incarcerated individuals. [Page 56-57]
    - (i) Invest in recidivism-reduction programs (e.g. Windham School District program expansion and other pre-release training programs). [Page 56-57]
    - (ii) Allow for the in-cell education of inmates confined in administrative segregation. [Page 57]
  - (b) Give probation and parole officers access to a centralized job-matching system where employers who will hire formerly incarcerated individuals can post their openings. [Page 57-58]
    - (i) Give parole and probation officers the authority similar to Project RIO to bestow tax credits to employers willing to hire formerly incarcerated individuals. [Page 57]
    - (ii) Boost parole officers' salaries. [Page 58]
  - (c) Standardize a therapeutic culture within TDCJ's Parole District Reentry Centers (DRCs) - where the Texas Workforce Commission's Project RIO employment services are provided - and enhance the services they offer. [Page 58]
- (2) Remove the legal barriers to employment for previously incarcerated individuals. [Page 58-59]
  - (a) Provide legal protection to employers willing to give formerly incarcerated individuals a second chance. [Page 58]
  - (b) Remove barriers that prevent formerly incarcerated individuals from obtaining licensing for jobs that are not directly related to the crime committed. [Page 58-59]
  - (c) Grant expunctions to individuals who successfully complete a term of deferred adjudication community supervision. [Page 59]





**TEXAS CRIMINAL  
JUSTICE COALITION**