



**TEXAS CRIMINAL
JUSTICE COALITION**

WRITTEN TESTIMONY

**SUBMITTED BY DOUGLAS SMITH, MSSW
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ON

**TEXAS BOARD OF PARDONS AND PAROLES
LEGISLATIVE APPROPRIATIONS REQUEST, FY 2018 AND 2019**

AND THE

**THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
LEGISLATIVE APPROPRIATIONS REQUEST, FY 2018 AND 2019**

To

**THE GOVERNOR'S OFFICE OF BUDGET, PLANNING AND POLICY
AND THE LEGISLATIVE BUDGET BOARD**

SEPTEMBER 12, 2016

Dear Members of the Committee,

My name is Douglas Smith. I am a Policy Analyst for the Texas Criminal Justice Coalition. Thank you for allowing me this opportunity to present public comments on the Legislative Appropriations Requests of the Texas Board of Pardons and Paroles and the Texas Department of Criminal Justice for Fiscal Years 2018 and 2019.

The Texas Criminal Justice Coalition has been closely monitoring our state criminal justice system for years, and as an organization we greatly support the success of Texas' probation and parole systems, diversion programs, reentry strategies, and other practices that reduce prison populations while tackling the root causes of crime, increasing public safety, and saving taxpayers' money.

TEXAS BOARD OF PARDONS AND PAROLES (BPP)

- **Baseline Request**

For 2018 and 2019, state leadership has requested that agency baseline budget requests are four percent lower than 2016-2017 levels. The Texas Criminal Justice Coalition is concerned that BPP's proposal to reduce staffing levels to meet this request will increase prison populations. The BPP's budget is largely allocated to meet staff costs, so there are few alternative strategies to reduce the budget other than through staffing cuts. The BPP proposes to achieve the four percent reduction by:

- » decreasing Board staff by five FTEs,
- » reducing the number of Hearing Officers by eight FTEs, and
- » reducing the number of Institutional Parole Officers by 13 FTEs.

Each of these positions serves a critical role in meeting the performance measures for the agency. For instance, Institutional Parole Officers assist in the parole review process, ensuring that victims, prosecutors, and family members are engaged in the review process and that incarcerated individuals are able to present evidence of rehabilitation. Reducing these staff positions may delay the review process, keeping good candidates for parole supervision in prison at an average cost to the taxpayer of nearly \$54.89 per day versus \$4.04 per day for parole supervision.¹

The state expects the BPP to maintain a 34.85 percent parole approval rate, as well as a low re-incarceration rate for technical violators of parole. The BPP has been able to achieve this rate and to keep technical revocations low thanks to a well-trained staff with the experience to address violations through the various rehabilitative and diversion options available to the Board.

Parole Accomplishments 2005 - 2015
• Revocations down 50 percent over past 10 years and 20 percent over past five years
• Only 10 percent of revocations for technical violations

We strongly urge the state to maintain funding levels for the BPP at the FY 2016-2017 level, as well as to fund the exceptional items listed below. Given the Board's track record, level funding will allow the BPP to continue achieving the goals of prison diversion and successful parole supervision, which will improve public safety while saving taxpayer dollars.

- ***Exceptional Items Above the Baseline Budget***

The BPP has submitted requests for exceptional items above the baseline request. We believe that the requests are reasonable and modest, with most of the funds going to reinstate the budget reduction noted above. The BPP also requests funds to relocate several offices in order to better accomplish its mission, which will likely reduce staff travel expenses. Further, the BPP requests funds to pay for consulting services to upgrade its parole guidelines, which is in keeping with the Sunset Advisory Commission's recommendations.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE (TDCJ)

- ***Baseline Request***

The Texas Criminal Justice Coalition is highly supportive of TDCJ's budget proposal with respect to state leadership's instructions to limit baseline requests to 96 percent of the 2016-2017 funding levels. Rather than reduce funding to core operational strategies that are critically important to diverting people from prison, reducing recidivism, and maintaining security within existing facilities, we support TDCJ's proposal to close the 450-bed South Texas Intermediate Sanction Facility.

Over the past 12 months, the total TDCJ population has decreased by 1,309 people, leaving more than 2,631 available beds,² and TDCJ can bring an additional 6,228 beds online if necessary. It is also important to note that the number of people sent to prison in Texas is likely to continue to decline, thanks in large part to the raising of the property offense penalty thresholds accomplished during the 84th Legislative Session.³ Therefore, closing a superfluous facility is an ideal way to achieve desired budget reductions without reducing services and programs that are likely to further reduce the prison population over time.

- ***Exceptional Items Above the Baseline Budget***

We are also supportive of TDCJ's request for the Legislature to fund exceptional items above the baseline budget. These items will have a direct and favorable impact on prison diversion as well as recidivism, which will improve public safety and save general revenue funds that can be better utilized to meet state needs. Key exceptional items are listed below, along with the Texas Criminal Justice Coalition's position on each request. We believe that each of the items will help increase public safety, lower recidivism rates, and create taxpayer savings.

Exceptional Item	Requested Amount		Texas Criminal Justice Coalition Position
	FY18	FY19	
(5) Probation – Specialized Caseloads (Mental Health and Substance Abuse Aftercare Caseloads)	\$10.7 million	\$10.6 million	People with mental health and substance abuse issues are at particularly high risk of probation revocation, especially when they do not receive comprehensive treatment with aftercare. Specialized aftercare caseloads provide for specially trained officers that help this population complete treatment and become stable, productive members of the community. Funding this request will reduce revocations, especially for technical violations, which will in turn reduce prison populations, improve public safety, and save taxpayer dollars.
(7) In-Prison Therapeutic Community (IPTC)	\$7.7 million	\$7.7 million	Compared to individuals with similar needs not placed in an IPTC prior to release from prison, those who completed the program as well as the aftercare component had an 8.31 percent lower recidivism rate (13.71 percent for program completers vs. 22.02 percent for the comparison group). ⁴ The success of the IPTC program has allowed the Board of Pardons and Paroles to increase placement into the program, thereby increasing parole approval rates while lowering recidivism. This request will provide for an increase of 500 slots, which can ultimately lower incarceration costs while improving public safety.
(8) Expand TCOOMMI Services to Additional Clients	\$6 million	\$6 million	This is a particularly important request in that it is geared toward safely diverting people with special needs from jail and prison, especially in underserved areas of the state. The TCOOMMI program is a proven model that reduces the likelihood of re-arrest or re-incarceration for a population with the highest risk and highest need. ⁵ With a very modest investment, the program could serve an additional 1,250 people with serious mental illness, expand caseloads to serve 3,890 clients with high criminogenic risk and clinical care needs, and provide services to 160 people on probation in dual-diagnosis residential treatment facilities.
(9) Reentry Transitional Coordinators	\$1.5 million	\$1.4 million	Individuals released from state jails are at particularly high risk of re-offending, especially those with substance abuse and mental health issues. While the state jail model was originally conceived as a rehabilitative response to low-level, nonviolent criminal activity, it has become a short-term determinate sentence with limited programming and no post-release services or supervision. People sentenced to state jail have an average sentence length of 10 months, and they typically serve more than 40 percent

		<p>of that time in county jail.⁶ There is little time to provide comprehensive services while in state jail, and most individuals are released with no supervision. This is why the re-arrest rate for those leaving state jail is 62 percent, significantly higher than any other TDCJ population.⁷ By funding this exceptional item, TDCJ will, upon a person's intake into state jail, be able to identify whether he or she is at the highest risk of re-offending and, as needed, immediately provide cognitive intervention, substance abuse interventions, vocational programming, life skills classes, and reentry services. These services will lower the recidivism rate for those leaving state jail, improving public safety and saving taxpayer dollars.</p>
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The Texas Criminal Justice Coalition is also supportive of TDCJ's request for exceptional items not listed above. We believe that TDCJ provides sufficient justification for the requests, and that the funding will ensure that it can meet the goals of the agency to divert people from prison, address the health care needs of incarcerated individuals, and maintain safe, secure, and rehabilitative facilities.

¹ Legislative Budget Board, Criminal and Juvenile Justice Uniform Cost Report, February 2015, 1, http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1440_Criminal_Juvenile_Justice_Uniform_Cost_Report.pdf.

² Legislative Budget Board, Monthly Tracking of Adult Correctional Population Indicators, August 2016, 1, http://www.lbb.state.tx.us/Documents/Publications/Info_Graphic/812_Monthly_Report_Aug_2016.pdf.

³ HB 1393 84(R), Section Five, <http://www.capitol.state.tx.us/tlodocs/84R/billtext/pdf/HB01396F.pdf#navpanes=0>.

⁴ Texas Department of Criminal Justice, Evaluation of Offenders Released in FY 2011 That Completed Rehabilitation Tier Programs, April 2015, 2, <https://drive.google.com/file/d/0B6HJLeMEu3hlQ0NzcF81TzJOcms/view>.

⁵ Texas Department of Criminal Justice, Biennial Report of the Texas Correctional Office on Offenders with Medical and Mental Impairments, Fiscal Years 2013 and 2014, February 2015, 4, http://www.tdcj.state.tx.us/documents/rid/TCOOMMI_Biennial_Report_2015.pdf.

⁶ Texas Department of Criminal Justice, Response to Data Request, June 2016.

⁷ Legislative Budget Board, Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates, February 2015, 2, http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1450_CJ_Statewide_Recidivism.pdf.