



## LEGISLATIVE BUDGET BOARD

# Statewide Criminal Justice Recidivism and Revocation Rates

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**STATEWIDE CRIMINAL JUSTICE RECIDIVISM AND REVOCATION RATES**



**LEGISLATIVE BUDGET BOARD  
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## STATEWIDE CRIMINAL JUSTICE RECIDIVISM AND REVOCATION RATES

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One responsibility of the Criminal Justice Data Analysis Team of the Legislative Budget Board is to calculate recidivism rates for adult and juvenile correctional populations. The purpose of this report is to highlight what is known about the success and failure of populations in the Texas criminal and juvenile justice systems in recent years.

This report summarizes the rearrest and reincarceration rates for adults released from prisons, state jails, Substance Abuse Felony Punishment Facilities, In-Prison Therapeutic Community programs, and Intermediate Sanction Facilities. It also presents rearrest and incarceration/reincarceration rates for juveniles released from the Texas Juvenile Justice Department secure residential facilities, supervised by county juvenile probation departments (JPD), and released from JPD secure residential facilities. Rearrest rates cover fiscal years 2008 to 2009 cohorts, and incarceration/reincarceration rates cover fiscal years 2008 to 2009 cohorts. This report also provides revocation rates for adults under community supervision, adults and juveniles under parole, and juveniles under juvenile probation department supervision.



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## **EXECUTIVE SUMMARY**

## EXECUTIVE SUMMARY

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In fiscal year 2012, nearly 80,000 adults and over 5,000 juveniles returned to neighborhoods following their release from Texas correctional facilities. More than 355,000 adults and more than 30,000 juveniles were under active supervision in the community. In fiscal year 2013, appropriations for the state agency overseeing the care of these adult populations, the Texas Department of Criminal Justice, totaled \$3.1 billion, and appropriations for the state agency overseeing the care of these juvenile populations, the Texas Juvenile Justice Department, totaled \$330.4 million. This report examines the public safety outcomes for this investment.

This report assesses whether groups of these individuals were rearrested and/or (re)incarcerated within three years of release from incarceration or after beginning supervision. This report refers to subsequent incarcerations as reincarcerations if the population has been previously incarcerated; otherwise, they are referred to as incarcerations. Adult cohorts analyzed in this report include individuals released from Texas prisons, state jails, Substance Abuse Felony Punishment Facilities, In-Prison Therapeutic Community programs, and Intermediate Sanction Facilities. Juvenile cohorts include individuals released from Texas Juvenile Justice Department secure residential facilities, juveniles starting juvenile probation department (JPD) supervision, and juveniles released from JPD secure residential facilities. This report also summarizes whether populations under active supervision in the community were terminated (i.e., revoked) and incarcerated in response to the commitment of a new offense or technical violation of supervision conditions.

The populations included in this analysis represent a diverse set of offenders with varying levels of community-based supervision, offense severity, offense history, and risk of reoffending. Caution should be used when comparing rates across different population groups, such as comparing state jail and intermediate sanction facility rearrest rates. Key findings from the report include:

- **Arrest and Incarceration Trends:** The rearrest and (re)incarceration rates for most population groups analyzed in this report were generally stable across the fiscal years analyzed. However, the reincarceration rate for intermediate sanction facility releases decreased considerably – falling from 47.1 percent for the 2005 cohort to 36.8 percent for the 2009 cohort. Local and state policies and practices (e.g., parole supervision practices and decisions by the Texas Board of Pardons and Paroles) can impact these rates.
- **Offense Type:** Property offenders had the highest rearrest rates for all 2008 adult population groups, and violent offenders had the lowest rearrest rates among three of five adult population groups. For the 2008 juvenile population groups, juveniles who committed violent offenses tended to have the lowest rearrest rates.
- **Age:** Across all 2008 adult population groups, offenders' rearrest rates generally decreased with age: offenders 24 years of age or younger consistently had the highest rearrest rates, and offenders 45 years of age and older consistently had the lowest rearrest rates. Across 2008 juvenile population groups, juveniles 13 and 14 years of age tended to have the highest rearrest rates and juveniles 17 years and older tended to have the lowest rearrest rates.
- **Time to Rearrest:** Among adults and juveniles in the 2008 population groups who were rearrested in the three-year follow-up period, the greatest percentage was rearrested in the first year. Services may therefore provide the greatest impact if administered in the first year.
- **Revocation Trends:** Revocation rates have decreased or remained low in recent years for most supervision populations. Technical violations of supervision conditions account for differing shares of revocations depending on the supervision group: 50.0 percent of adult felony community supervisions, 15.1 percent of adult parole supervisions, 60.8 percent of juvenile adjudicated probation supervisions, and 25.7 percent of juvenile parole supervisions.

## EXECUTIVE SUMMARY

### Rearrest

Adults and juveniles released from correctional facilities or starting supervision were monitored to determine the percentage rearrested for an offense of at least a Class B Misdemeanor level within three years of release or the start of supervision.<sup>1</sup> The 2008 cohort is the most recent group for which the three-year rearrest rate has been calculated. Some historical rearrest rates are unavailable for some populations. Table 1 shows that the rearrest results for each population analyzed remained relatively stable across the fiscal years analyzed.

**Table 1: Percent of Cohort Rearrested in Three Years, Fiscal Years 2004 to 2008<sup>2</sup>**

COHORT	PERCENT REARRESTED IN THREE YEARS (Number of Recidivists / Number in Cohort)				
	2004	2005	2006	2007	2008
<b>Adults</b>					
Prison	<b>48.7%</b> (19,518 / 40,037)	<b>49.1%</b> (18,925 / 38,559)	<b>48.9%</b> (19,582 / 40,033)	<b>48.3%</b> (19,491 / 40,347)	<b>47.2%</b> (19,262 / 40,780)
State Jail	<b>62.7</b> (15,623 / 24,928)	<b>64.3</b> (15,828 / 24,599)	<b>64.2</b> (15,549 / 24,218)	<b>63.2</b> (15,300 / 24,213)	<b>62.7</b> (15,036 / 23,990)
Substance Abuse Felony Punishment Facility	--	--	--	<b>41.9</b> (2,292 / 5,464)	<b>40.9</b> (2,259 / 5,528)
In-Prison Therapeutic Community	--	--	--	<b>40.8</b> (324 / 794)	<b>44.5</b> (737 / 1,657)
Intermediate Sanction Facility	--	--	--	<b>59.0</b> (6,033 / 10,221)	<b>57.2</b> (5,632 / 9,852)
<b>Juveniles</b>					
Deferred Prosecution Supervision	--	--	--	<b>51.6</b> (9,890 / 19,183)	<b>50.6</b> (10,242 / 20,233)
Adjudicated Probation Supervision	--	--	--	<b>64.6</b> (14,774 / 22,880)	<b>64.5</b> (13,971 / 21,654)
Secure Residential Facility – Juvenile Probation Departments	--	--	--	<b>69.6</b> (2,698 / 3,874)	<b>66.6</b> (2,723 / 4,087)
Secure Residential Facility – Texas Juvenile Justice Department	--	<b>76.4</b> (2,177 / 2,849)	<b>73.6</b> (2,433 / 3,304)	<b>76.8</b> (3,107 / 4,045)	<b>77.6</b> (2,314 / 2,982)

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety; Texas Juvenile Justice Department.

Note: For deferred prosecution and adjudicated probation cohorts, the three-year recidivism period begins at the start of supervision. For all other cohorts, the three-year recidivism period begins at release from the correctional residential facility.

<sup>1</sup> Class C Misdemeanors (which include traffic offenses); supervision condition violations (which include failure to attend office visits); and, for juveniles, conduct-in-need-of-supervision (which include truancy and runaways) are low-level offenses and, therefore, do not count as a rearrest. For any offender who had more than one subsequent arrest during the three-year follow-up period, only the first arrest was counted in the calculation of the rearrest rate. For juveniles, rearrests include both re-referrals to juvenile probation departments and rearrests.

<sup>2</sup> Some historical cohort and rearrest statistics for certain adult populations were updated to reflect a minor methodological change, and some were updated for certain juvenile populations to reflect updated population and rearrest information. These changes are described later in the report.

## EXECUTIVE SUMMARY

### Incarceration/Reincarceration

Adults and juveniles released from correctional residential facilities were monitored to determine the percentage reincarcerated within three years. Juveniles starting supervision were also monitored to determine the percentage incarcerated within three years.<sup>3</sup> Table 2 summarizes (re)incarceration rates for each cohort. The 2009 cohort is the most recent group for which the three-year rate has been calculated. The reincarceration/incarceration rates for most groups remained relatively stable across the fiscal years analyzed. However, the reincarceration rate for intermediate sanction facility releases decreased notably – falling from 47.1 percent for the 2005 cohort to 36.8 percent for the 2009 cohort.

**Table 2: Percent of Cohort Incarcerated/Reincarcerated in Three Years, Fiscal Years 2005 to 2009<sup>4</sup>**

COHORT	PERCENT REINCARCERATED/INCARCERATED IN THREE YEARS (Number of Recidivists / Number in Cohort)				
	2005	2006	2007	2008	2009
<b>Adults</b>					
Prison	<b>27.2%</b> (10,503 / 38,559)	<b>25.3%</b> (10,134 / 40,033)	<b>23.9%</b> (9,630 / 40,347)	<b>22.4%</b> (9,142 / 40,780)	<b>22.6%</b> (9,059 / 40,093)
State Jail	<b>32.8</b> (8,061 / 24,599)	<b>32.5</b> (7,867 / 24,218)	<b>31.8</b> (7,705 / 24,213)	<b>30.6</b> (7,345 / 23,990)	<b>31.1</b> (7,374 / 23,747)
Substance Abuse Felony Punishment Facility	<b>41.3</b> (2,201 / 5,323)	<b>39.5</b> (2,104 / 5,329)	<b>40.2</b> (2,197 / 5,464)	<b>38.9</b> (2,153 / 5,528)	<b>40.3</b> (2,687 / 6,662)
In-Prison Therapeutic Community	--	<b>23.9</b> (221 / 924)	<b>23.7</b> (188 / 794)	<b>22.6</b> (374 / 1,657)	<b>21.7</b> (536 / 2,470)
Intermediate Sanction Facility	<b>47.1</b> (4,499 / 9,550)	<b>42.0</b> (4,447 / 10,594)	<b>39.0</b> (3,984 / 10,221)	<b>36.8</b> (3,629 / 9,852)	<b>36.8</b> (3,604 / 9,793)
<b>Juveniles</b>					
Deferred Prosecution Supervision	--	--	<b>2.7</b> (544 / 20,518)	<b>2.4</b> (566 / 23,745)	<b>2.3</b> (538 / 23,256)
Adjudicated Probation Supervision	--	--	<b>13.4</b> (2,726 / 20,380)	<b>12.9</b> (2,954 / 22,879)	<b>12.3</b> (2,560 / 20,788)
Secure Residential Facility – Juvenile Probation Departments	--	--	<b>27.5</b> (926 / 3,365)	<b>29.8</b> (1,172 / 3,932)	<b>27.4</b> (970 / 3,540)
Secure Residential Facility – Texas Juvenile Justice Department	<b>43.3</b> (1,399 / 3,234)	<b>41.2</b> (1,414 / 3,428)	<b>35.7</b> (1,521 / 4,256)	<b>45.5</b> (1,399 / 3,078)	<b>46.0</b> (972 / 2,114)

Sources: Legislative Budget Board; Texas Department of Criminal Justice, Texas Department of Public Safety, Texas Juvenile Justice Department.

Note: For these cohorts, the three-year recidivism period begins at the start of supervision. For all other cohorts, the three-year recidivism period begins at release from the correctional facility.

<sup>3</sup> Each adult or juvenile who was incarcerated in state jail, prison, or secure state juvenile residential facilities at least once during the three-year follow-up period was considered incarcerated/reincarcerated. For any adult or juvenile who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the reincarceration/incarceration rate.

<sup>4</sup> Some historical cohort and (re)incarceration statistics for certain adult populations were updated to reflect a minor methodological change, and some cohort statistics were updated for certain juvenile populations to reflect updated population information. These changes are described later in the report.

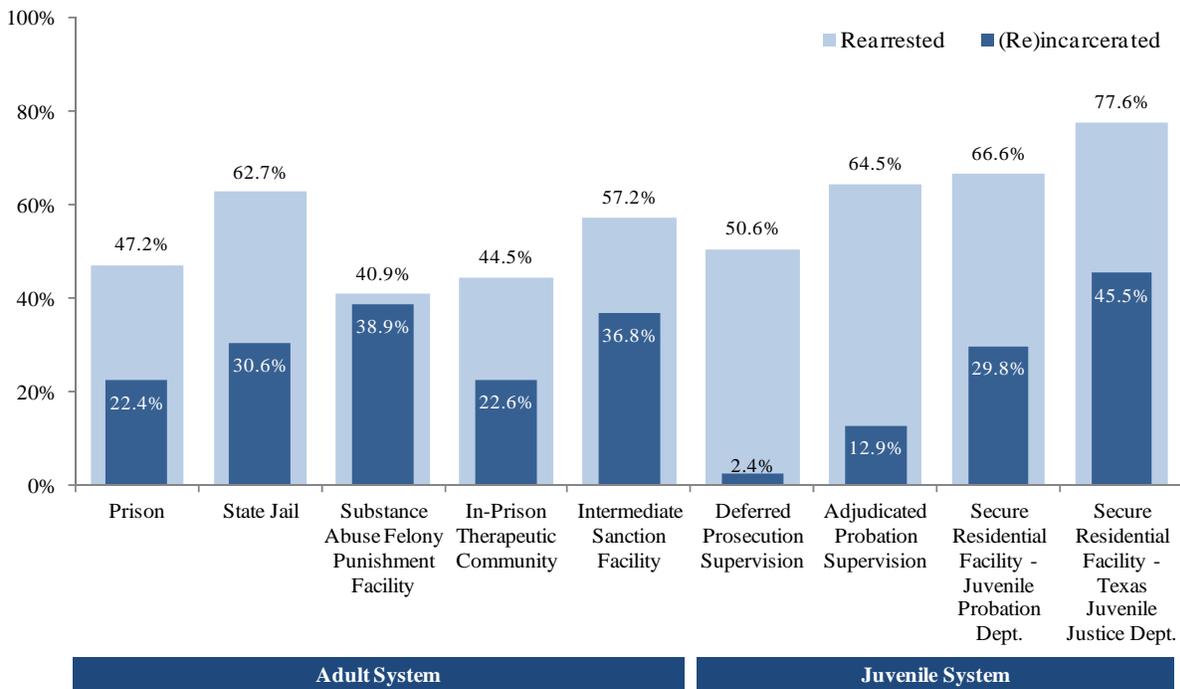
## EXECUTIVE SUMMARY

### Rearrest and Incarceration/Reincarceration

The following figure depicts the rearrest and (re)incarceration rates for fiscal year 2008 cohorts, the most recent year for which both rates are available. Most notably, substance abuse felony punishment facility (SAFPF) rearrests nearly equal SAFPf reincarcerations: the difference between the SAFPf rearrest and reincarceration rates was 2.0 percent (40.9 percent rearrested minus 38.9 percent reincarcerations). For all other cohorts, the rearrest rate exceeded the (re)incarceration rate by between 20.4 percent and 32.1 percent.

In contrast to other adult cohorts, the SAFPf rearrest rate is approximately equal to the SAFPf reincarceration rate due to a higher share of SAFPf offenders being released to community supervision and revoked for technical offenses. Technical revocations accounted for approximately half of all SAFPf reincarcerations. As the Community Justice Assistance Division reports, SAFPf is the most intensive treatment option available for community supervision offenders and an offender has likely exhausted the range of treatments once placed in a SAFPf. Local courts may consider incarceration the best response for offenders who have exhausted all treatment options and who have committed technical violations of supervision conditions, which may include non-participation in treatment programs.

**Figure 1: Percent of Cohort Rearrested and Incarcerated/Reincarcerated in Three Years, Fiscal Year 2008**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety; Texas Juvenile Justice Department.

To be incarcerated in state jail, prison, or state juvenile residential facilities, an offender must have committed a felony offense or violated their supervision conditions. Supervision violations may include technical violations of supervision conditions or the commitment of a new offense, which could include a misdemeanor offense. Please note that an arrest may not lead to a state incarceration if, for example, the arrest was for a Class A or B Misdemeanor. Likewise, for these calculations, an incarceration may not be preceded by an arrest if, for example, the offender was incarcerated for violating supervision conditions.

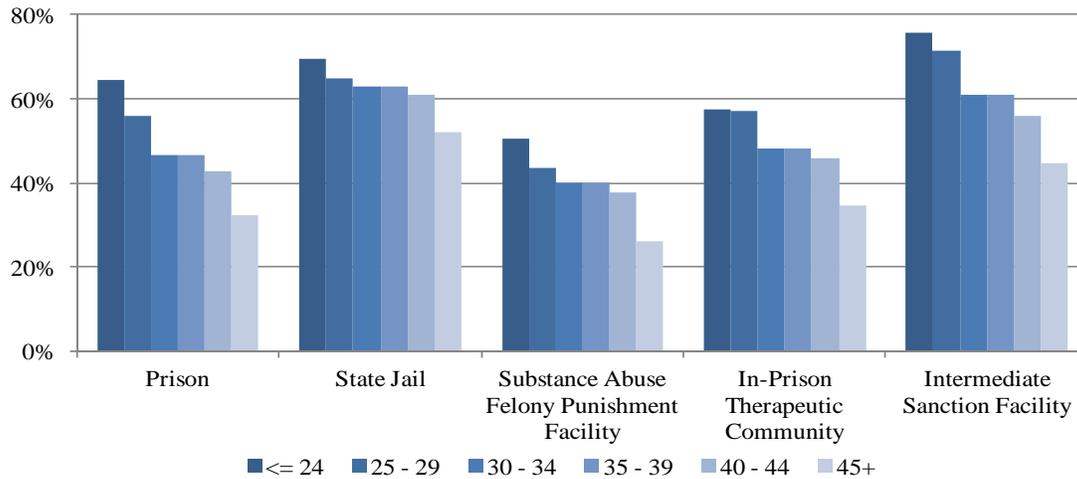
## EXECUTIVE SUMMARY

### Rearrest Rates by Age

Figures 4 and 5 summarize the rearrest rates for 2008 cohorts according to their age at release from a correctional facility or at the start of supervision.

**Adults** Across each 2008 adult cohort, a clear trend exists: as offenders age, their rearrest rates decrease. Within each cohort, offenders 24 years of age or younger consistently had the highest rearrest rates, and offenders 45 years of age and older consistently had the lowest rearrest rates. This trend also applied to 2009 reincarceration rates for these cohorts.

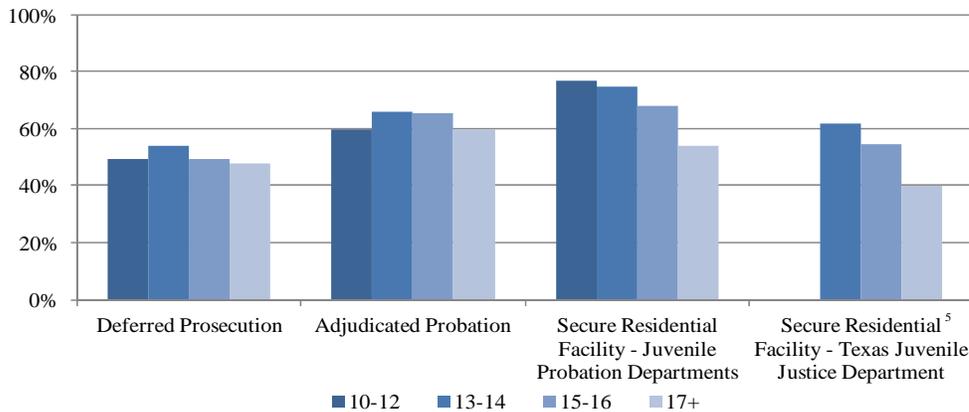
**Figure 2: Percent of Adults Rearrested in Three Years by Age at Release, Fiscal Year 2008**



Sources: Legislative Budget Board; Texas Department of Criminal Justice, Texas Department of Public Safety.

**Juveniles** Across all 2008 juvenile cohorts except the adjudicated probation cohort, juveniles' rearrest rates peaked when juveniles were 13 and 14 years of age and then decreased in each subsequent age group. Juveniles 17 years and older had the lowest rearrest rates in all cohorts except the adjudicated probation cohort.

**Figure 3: Percent of Juveniles Rearrested in Three Years by Age at Release or Start of Supervision, Fiscal Year 2008**



Sources: Legislative Budget Board; Texas Department of Public Safety, Texas Juvenile Justice Department.

<sup>5</sup> Too few cases existed in the Texas Juvenile Justice Department age group of 10 to 12 years (one case) to draw general conclusions, so it was excluded from this analysis.

## EXECUTIVE SUMMARY

### Rearrest Rates by Initial Offense Type

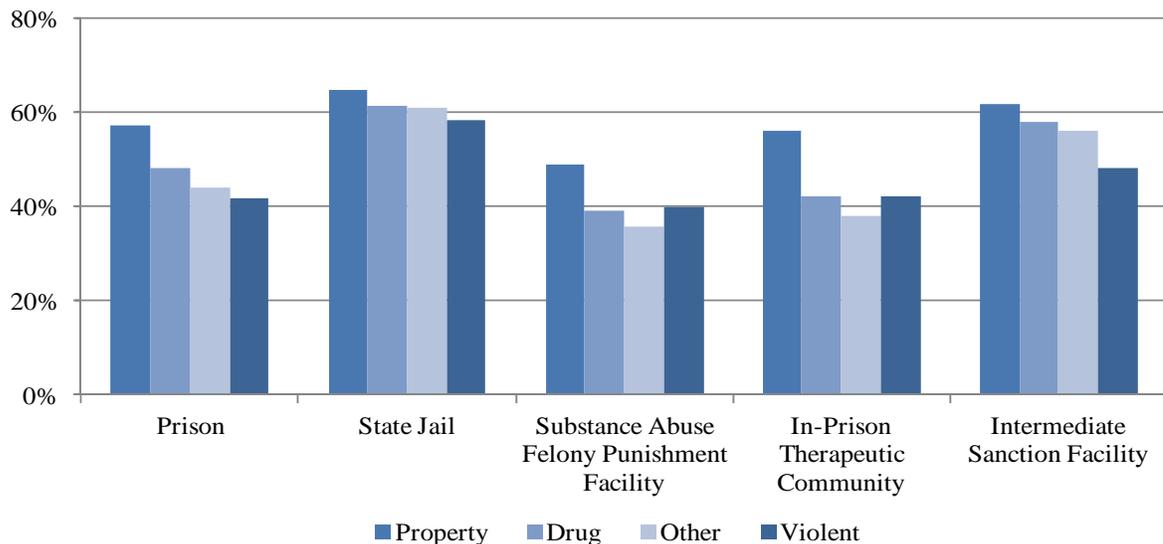
Figures 4 and 5 summarize the rearrest rates for 2008 cohorts according to their initial offense type. The initial offense type describes the offense for which the individual was originally incarcerated or placed on supervision. It does not capture violations of supervision conditions but rather the original offense for which the individual was placed on supervision.

**Adults** Across all 2008 adult cohorts, property offenders had the highest rearrest rates. Violent offenders had the lowest rearrest rates among prison, state jail, and intermediate sanction facility cohorts. This trend also applied to 2009 reincarceration rates for these cohorts.

The largest percentage of adult property offenders was younger than 25 years of age at the start of the three-year follow-up period. Given that younger offenders tend to have higher rearrest rates, as shown in the previous section, the fact that property offenders tend to be younger may contribute to their higher rearrest rates.

The greatest share of adult violent offenders was over 44 years of age at release at the start of the three-year follow-up period. Given that older offenders tend to have lower rearrest rates, as shown in the previous section, the fact that violent offenders tend to be older may contribute to their lower rearrest rates among prison, state jail, and intermediate sanction facility cohorts. The older age of violent offenders at release is expected given that they typically have the lengthiest sentences.

**Figure 4: Percent of Adults Rearrested in Three Years by Initial Offense Type, Fiscal Year 2008**



Sources: Legislative Budget Board; Texas Department of Criminal Justice, Texas Department of Public Safety.

## EXECUTIVE SUMMARY

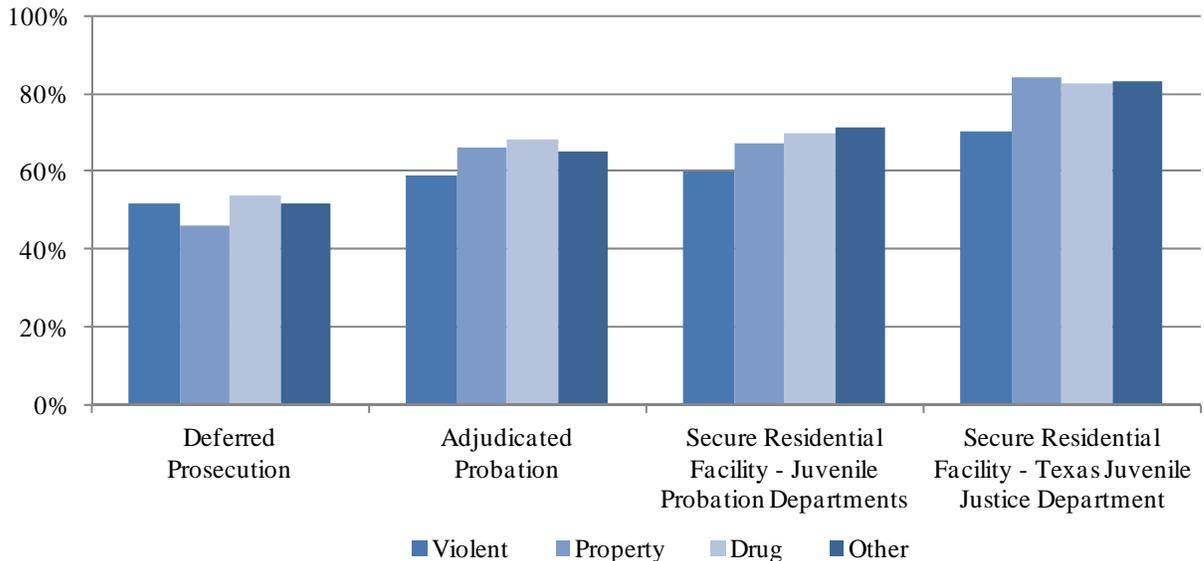
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### Rearrest Rates by Initial Offense Type (continued)

*Juveniles* Juveniles initially committed to Texas Juvenile Justice Department (TJJD) secure residential facilities for violent offenses had notably lower rearrest rates than others sentenced to TJJD. This pattern also applied to 2009 TJJD reincarceration rates. The rearrest rates for other cohorts were generally similar across initial offense type and no such pattern was identified.

The largest share of TJJD’s violent offenders were 17 years of age or older at release at the start of the three-year follow-up period. Given that older juveniles tend to have lower rearrest rates, as shown in the previous section, the fact that violent juveniles tend to be older may contribute to their lower rearrest rates compared with populations committed to TJJD for different offense types.

**Figure 5: Percent of Juveniles Rearrested in Three Years by Initial Offense Type, Fiscal Year 2008**



Sources: Legislative Budget Board; Texas Department of Public Safety, Texas Juvenile Justice Department.

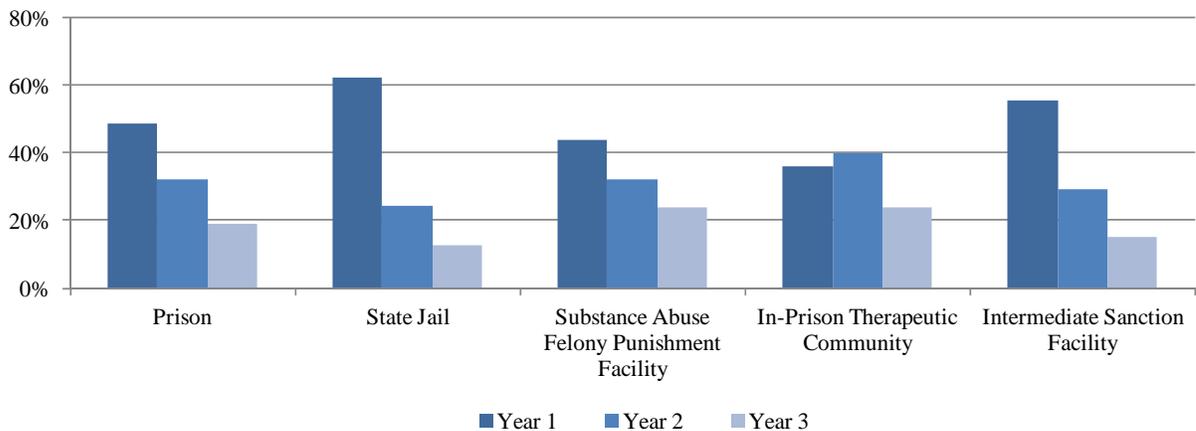
## EXECUTIVE SUMMARY

### Time until Rearrest

Figures 6 and 7 show the share of adults and juveniles rearrested each year in the three-year follow-up period for rearrested offenders in the 2008 cohort. The first year of the three-year follow-up period is the time when offenders are most at risk of reoffending, and interventions may therefore be most effective during this period. With each passing year, the percentage of rearrests decreased substantially for all adult and juvenile cohorts except the adult in-prison therapeutic community cohort, whose rearrests were more evenly distributed across the three years.

**Adults** For all except the in-prison therapeutic community cohort, the largest percentage of adult offenders was rearrested within the first year of release. State jail and intermediate sanction facility cohorts were most likely to be rearrested in the first year: over half of rearrested offenders in both cohorts were rearrested in the first year; and, by the end of the second year, a significant share had been rearrested (87.1 percent of state jail offenders and 84.8 percent of rearrested intermediate sanction offenders).

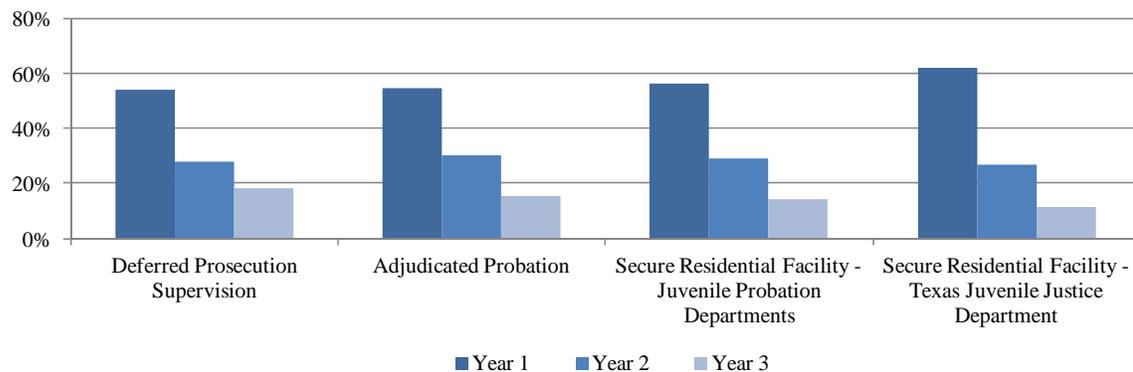
**Figure 6: Percent of Rearrested Adults by Year of Rearrest, Fiscal Year 2008**



Sources: Legislative Budget Board; Texas Department of Criminal Justice, Texas Department of Public Safety.

**Juveniles** Of juveniles rearrested across each cohort, the greatest share of juveniles was rearrested within the first year of release. Slightly more than half of rearrested juveniles were rearrested within the first year of the three-year follow-up period; and, by the end of the second year, nearly 90.0 percent of all rearrested juveniles had been rearrested.

**Figure 7: Percent of Rearrested Juveniles by Year of Rearrest, Fiscal Year 2008**



Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

## EXECUTIVE SUMMARY

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### Average Time to Rearrest and (Re)Incarceration

Table 3 presents the average time from release or start of supervision to rearrest and/or (re)incarceration for 2008 recidivists. For substance abuse felony punishment facility offenders, the average number of months to rearrest and to reincarceration was the same (16 months). The delay between rearrest and reincarceration is shorter for this population compared to that of other populations, which ranges from four to six months. Juveniles under lower-level supervision (adjudicated probation and, especially, deferred prosecution supervision) experience a longer delay between rearrest and (re)incarceration than those exiting secure residential facilities. This delay may indicate that, before turning to incarceration, juvenile probation departments and juvenile courts utilize an array of supervision and programmatic approaches for juveniles with more limited delinquent histories in response to rearrests and violations of supervision conditions.

**Table 3: Average Time until Rearrest and (Re)incarceration, Fiscal Year 2008**

Cohort	Months to Rearrest	Months to (Re)incarceration	Months from Rearrest to (Re)incarceration
<b>Adult System</b>			
Prison	14	19	5
State Jail	11	17	6
Substance Abuse Felony Punishment Facility	16	16	0
In-Prison Therapeutic Community	17	22	5
Intermediate Sanction Facility	13	17	4
<b>Juvenile System</b>			
Deferred Prosecution	13	23	10
Adjudicated Probation	13	18	5
Secure Residential Placement - Juvenile Probation Departments	12	16	4
Secure Residential Placement - Texas Juvenile Justice Department	11	15	4

Sources: Legislative Budget Board; Texas Department of Criminal Justice, Texas Department of Public Safety; Texas Juvenile Justice Department.

## EXECUTIVE SUMMARY

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### Supervision Revocations

Revocation is defined in this analysis as the termination of active supervision and resulting incarceration in response to the supervisee's commitment of a new offense or technical violation of supervision conditions (e.g., failure to report to a parole or probation officer). The table below provides the revocation rates for adults and juveniles actively supervised for felony offenses.

In recent years, revocation rates have fallen for most supervision populations. The community supervision (adult probation) revocation rate decreased slightly each year between fiscal years 2007 and 2011; and it remained the same between fiscal years 2011 and 2012. Since fiscal year 2004, the adult parole revocation rate decreased each fiscal year except one. The juvenile parole revocation rate also decreased each year from fiscal year 2009 to 2012. Revocations for juvenile deferred prosecution supervision continue to be rare events; this finding is expected given that this supervision is typically reserved for juveniles with limited delinquent histories. Revocations for juvenile adjudicated probation have remained stable – at or below 4.0 percent since fiscal year 2008.

**Table 4: Revocation Rates for Active Felony Supervision, Fiscal Years 2001 to 2012**

Fiscal Year	Adult System		Juvenile System		
	Community Supervision	Parole	Deferred Prosecution	Adjudicated Probation	Parole
2001	13.8%	12.2%	--	--	16.6%
2002	14.4%	12.8%	--	--	14.4%
2003	15.7%	13.3%	--	--	15.7%
2004	16.7%	14.8%	--	--	17.8%
2005	16.4%	13.1%	0.2%	5.6%	18.9%
2006	15.7%	12.9%	0.1%	5.1%	16.7%
2007	15.9%	12.2%	0.1%	4.5%	13.7%
2008	15.3%	9.5%	0.05%	4.0%	14.0%
2009	15.2%	9.1%	0.1%	3.8%	18.0%
2010	14.7%	8.2%	0.2%	3.2%	14.3%
2011	14.5%	8.3%	0.1%	4.0%	13.9%
2012	14.5%	7.4%	0.04%	3.5%	11.5%

Sources: Legislative Budget Board; Texas Department of Criminal Justice, Texas Department of Public Safety; Texas Juvenile Justice Department.

Of fiscal year 2012 revocations, the following share of revocations were for technical violations:

- 50.0 percent of adult community supervisions,
- 15.1 percent of adult parole supervisions,
- 60.8 percent of juvenile adjudicated probation supervisions, and
- 25.7 percent of juvenile parole supervisions.

None of the juvenile deferred prosecution supervisions resulted in revocations for technical violations of supervision conditions.

## **INTRODUCTION**

## INTRODUCTION

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The purpose of this report is to summarize recidivism data for Texas' adult criminal and juvenile justice populations. In general terms, recidivism is defined as a return to criminal or delinquent activity after previous criminal or delinquent involvement. Since all criminal or delinquent activity committed by an offender is not known, certain indicators of subsequent criminal and delinquent activity are used to calculate recidivism rates. Some of these indicators include rearrest, conviction, probation or parole revocation, and recommitment to incarceration. Definitions of terms used throughout this report can be found in the glossary. All rates are calculated by the Legislative Budget Board's (LBB) Criminal Justice Data Analysis Team except the juvenile probation department supervision revocation rates.

To calculate a recidivism rate, a group of individuals exposed to a treatment or sanction are followed over a period of time. The number in the group who "fail" within the specified time period divided by the total number in the group is used to determine the recidivism rate. The typical follow-up period for individuals in the criminal or juvenile justice system is three years, the time period in which the largest percent of offenders are likely to recidivate.

Three-year reincarceration rates were calculated for fiscal year 2008 and fiscal year 2009 cohorts. Adult cohorts include individuals released from Texas prisons, state jails, Substance Abuse Felony Punishment Facilities (SAFPFs), In-Prison Therapeutic Community (IPTC) programs, and Intermediate Sanction Facilities (ISFs). Juvenile cohorts include individuals released from Texas Juvenile Justice Department (TJJD) secure residential facilities, juveniles starting juvenile probation department (JPD) supervision, and juveniles released from JPD secure residential facilities. For adults, anyone reincarcerated in either a state jail or prison facility at least once during the three-year follow-up period was considered a recidivist. For juveniles, anyone incarcerated in a state jail, prison, or TJJD secure residential facility at least once during the three-year follow-up period was considered reincarcerated.

Three-year rearrest rates were computed for all adult and juvenile fiscal year 2007 and fiscal year 2008 cohorts. Any individual rearrested for at least a Class B Misdemeanor within the three-year follow-up period was considered a recidivist.

Revocation rates for adult felony community supervision, adult parole, juvenile parole, and juvenile probation department supervision were calculated to determine the number of probationers and parolees who had their supervision revoked and were subsequently incarcerated.

The LBB has worked with various state agencies for the past nine years in order to improve its repository of individual offender data. Significant enhancements have been made to the data available for both the adult criminal and juvenile justice populations. As additional data become available, analyses contained within this report will become more comprehensive.

## **INTRODUCTION**

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In particular, efforts have been undertaken to improve the information available on the offenders under supervision in the community. After April 2010, the Texas Department of Criminal Justice – Community Justice Assistance Division (CJAD) transitioned from compiling aggregate population data from counties through the Monthly Community Supervision and Corrections Report (MCSCR) to generating monthly population reports based on detailed case-based data collected through the Community Supervision Tracking System / Intermediate System (CSTS Intermediate System). The fiscal year 2010 cohort will be the first cohort for which individual rates can be calculated. To account for the gaps in information, the LBB conducted various projects to address the information needs of the Legislature. In various sections of this report, there are references to additional publications that review cohorts of offenders, as well as qualitative information resources.

Please note, percentages presented in this report do not always add to 100% due to rounding.

**ADULT CORRECTIONAL RECIDIVISM AND REVOCATION**

## **COMMUNITY SUPERVISION**

## DESCRIPTION

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Offenders on community supervision serve their sentences in the community rather than in jail or prison. They receive basic supervision conditions (e.g., commit no new offense, avoid injurious habits, report regularly, and pay fines) and may be placed into a variety of residential and non-residential programs. This section of the report provides revocation information for offenders placed on felony community supervision who were subsequently revoked and sentenced to prison, state jail, county jail, state boot camp, or other correctional facility type.

This report only analyzes offenders under direct community supervision. Direct supervision applies to offenders on community supervision who work or reside in the jurisdiction in which they are being supervised. Offenders under direct supervision receive a minimum of one face-to-face contact with a community supervision officer (CSO) every three months. Indirect supervision requires the maintenance of a file and/or record of an offender under supervision who meets one of the following criteria: an offender who neither resides nor works within the jurisdiction of the CSCD and receives supervision in another jurisdiction; an offender who neither resides nor works within the jurisdiction but continues to submit written reports on a monthly basis because of being ineligible or unacceptable for supervision in another jurisdiction; an offender who has absconded or who has not contacted a CSO in person within three months; or an offender who resides or works in the jurisdiction but who, while in compliance with the orders of the court, does not meet the criteria for direct supervision.

The Texas Department of Criminal Justice – Community Justice Assistance Division (CJAD) provides funding and oversight of community supervision in Texas (formerly called adult probation). CJAD does not work directly with offenders. Instead, it works with the local Community Supervision and Corrections Departments (CSCDs) that supervise and rehabilitate the offenders. As of August 31, 2012, there were 122 CSCDs operating in Texas and organized within judicial districts, and serving all 254 counties. CSCDs monitor offenders who are sentenced to community supervision by county and district courts. While CSCDs receive funding from CJAD, they are not part of the division. They are organized within and work for local judicial districts from which they receive office space, equipment, and other forms of support. CJAD distributes state funds to CSCDs based on appropriations by the Texas Legislature. CSCDs receive additional funds through the collection of court-ordered fees from offenders.

This report presents revocation rates for community supervision populations supervised from fiscal years 2001 to 2012. Revocation rates are currently the best indicators of community supervision outcomes because individual-level data are only available for fiscal year 2010 and subsequent cohorts. Rearrest and reincarceration analyses cannot be conducted without individual-level data. These additional analyses may be available in later reports once the data are assessed for reliability.

The case-based statewide tracking system for adults under community supervision (CSTS Intermediate System) did not become fully operational until January 2008 for statewide community supervision. Prior to generating detailed case-based monthly population reports through the CSTS Intermediate System in 2010, CSCDs submitted aggregate revocation data to CJAD on a monthly basis. To account for the gaps in information, the Legislative Budget Board (LBB) conducted various projects to address the information needs of the legislature. Following

## DESCRIPTION

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is a list of reports published as a result of these projects. They can be obtained from the LBB website at <http://www.lbb.state.tx.us/>.

*Texas Community Supervision Revocation Project: A Profile of Revoked Felons during September 2005.* Legislative Budget Board, September 2006.

This report establishes a baseline profile of felony probation revocations during September 2005 from the five largest CSCDs in Texas (i.e., Bexar, Dallas, Harris, Tarrant, and Travis counties). The time period is important because it is prior to significant appropriation increases by the Seventy–ninth Legislature, Regular Session, 2005, as well as subsequent funding appropriations by the Eightieth Legislature, 2007, and Eighty–first Legislature, 2009, intended to enhance community supervision alternatives to incarcerations (e.g., residential treatment beds, out-patient substance abuse services, caseload reductions).

*Texas Community Supervision Revocation Project: Fiscal Year 2006 Follow-up Study.* Legislative Budget Board, January 2007.

This report documents the preliminary impact of additional community supervision funding, and the process changes that occurred in the five selected CSCDs during fiscal year 2006.

*Texas Community Supervision Revocation Project: A Comparison of Revoked Felons during September 2005 and September 2007.* Legislative Budget Board, August 2008.

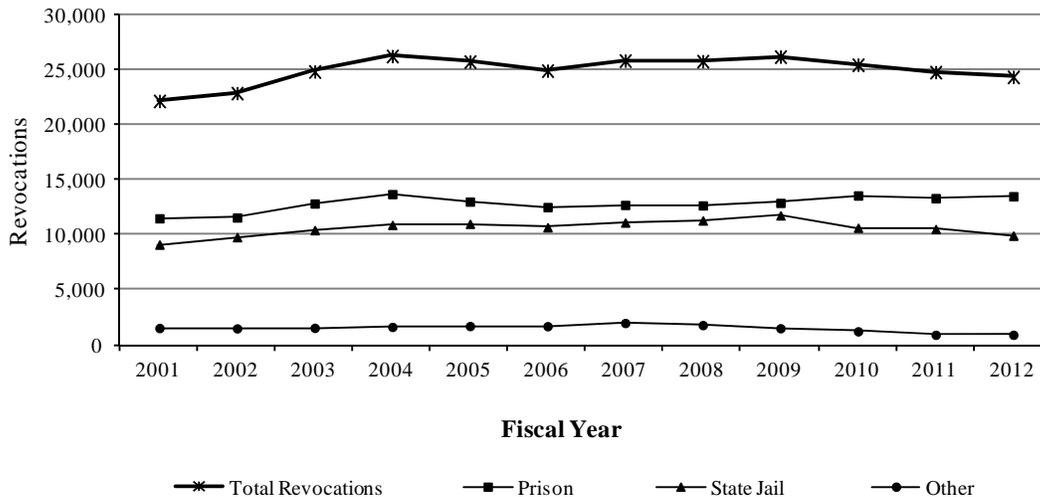
This report addresses the potential impact of the additional community supervision funds provided by the Seventy–ninth Legislature, 2005, and the shifts in local policies and practices, by capturing information on all felons revoked during September 2007 from the selected CSCDs and comparing the findings with the 2005 cohort.

## DIRECT FELONY COMMUNITY SUPERVISION – REVOCATIONS

### Revocations

An offender under felony community supervision (adult probation) may be revoked and sentenced to imprisonment for violating conditions of community supervision. An offender can be revoked for committing a new offense and/or for technical violations. A technical violation is any violation of community supervision conditions other than committing a subsequent new offense (e.g., positive urinalysis or failure to pay court-ordered fees).

**Figure 8: Direct Felony Community Supervision Revocations, Fiscal Years 2001 to 2012**



Note: Other revocations include revocations to county jail, state boot camps, and other revocations.

Sources: Legislative Budget Board; Texas Department of Criminal Justice – Community Justice Assistance Division (CJAD), *Monthly Community Supervision and Corrections Report (MCSCR)*, *Community Supervision Tracking System / Intermediate System (CSTS Intermediate System)*.<sup>6</sup>

- The majority of revoked direct supervision felons are sentenced to prison or state jail (96.3 percent in fiscal years 2011 and 2012).
- From fiscal years 2001 to 2005, approximately 54.7 percent of the felony community supervision revocations were for technical violations, and the remaining 45.3 percent involved probationers who had a subsequent new offense conviction or arrest as the primary reason for revocation. Since fiscal year 2006, approximately one-half of the felony revocations have been for technical violations (49.5 percent), and the other half for subsequent new offense convictions or arrests (50.5 percent).
- In fiscal year 2011, felony community supervision revocations accounted for 13,351 of 44,386 prison admissions (30.1 percent), and they accounted for 10,530 of 23,231 state jail admissions (45.3 percent). In fiscal year 2012, felony community supervision revocations accounted for 13,523 of 44,608 prison admissions (30.3 percent), and they accounted for 9,926 of 23,226 state jail admissions (42.7 percent).

<sup>6</sup> During fiscal year 2010, CJAD transitioned from compiling aggregate population data from counties through the MCSCR to generating monthly population reports based on detailed case-based data collected through the CSTS Intermediate System. Community supervision data through fiscal year 2009 are based on population counts reported to the MCSCR, and data beginning in fiscal year 2010 are based on monthly reports generated from the CSTS Intermediate System.

## DIRECT FELONY COMMUNITY SUPERVISION – REVOCATIONS

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### *Revocation Rates*

To compute the average felony community supervision revocation rate, the number of felony revocations during a given year is divided by the average felony direct supervision population for that same year. The average felony direct supervision population reflects the average number of offenders on supervision at the end of each month for the year analyzed. The table below summarizes the average felony revocation rates for the last twelve fiscal years. Felony community supervision revocations include revocations to prison, state jail, county jail, and other revocations.

**Table 5: Revocation Rates for Direct Felony Community Supervision, Fiscal Years 2001 to 2012**

<b>FISCAL YEAR</b>	<b>AVERAGE FELONY DIRECT SUPERVISION POPULATION</b>	<b>FELONY REVOCATIONS</b>	<b>REVOCATION RATE</b>
2001	160,457	22,164	13.8%
2002	159,352	22,876	14.4%
2003	158,075	24,838	15.7%
2004	157,216	26,249	16.7%
2005	157,323	25,741	16.4%
2006	158,479	24,921	15.7%
2007	161,999	25,830	15.9%
2008	168,788	25,782	15.3%
2009	172,514	26,194	15.2%
2010	172,893	25,456	14.7%
2011	170,994	24,788	14.5%
2012	168,487	24,355	14.5%

Sources: Legislative Budget Board; Texas Department of Criminal Justice – Community Justice Assistance Division (CJAD), *Monthly Community Supervision and Corrections Report (MCSCR)*, *Community Supervision Tracking System / Intermediate System (CSTS Intermediate System)*.

- The felony community supervision revocation rate decreased every fiscal year from 2007 to 2011 and remained unchanged from fiscal years 2011 to 2012.
- From fiscal years 2001 to 2012, the average revocation rate was 15.2 percent. The revocation rate was below this average prior to fiscal year 2003 and after fiscal year 2009.
- Among the fiscal year 2011 direct supervision population, 53.9 percent were revoked to prison, 42.5 percent were revoked to state jail, 3.6 percent were revoked to county jail, and 0.1 percent were revoked to other facilities. Among the fiscal year 2012 active supervision population, 55.5 percent were revoked to prison, 40.8 percent were revoked to state jail, 3.6 percent were revoked to county jail, and 0.1 percent were revoked to other facilities.

## **ADULT CORRECTIONAL INSTITUTIONS**

## DESCRIPTION

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The Texas Department of Criminal Justice oversees state prisons, state jails, pre-release facilities, psychiatric facilities, a Mentally Retarded Offender Program facility, medical facilities, transfer facilities, a geriatric facility, and Substance Abuse Felony Punishment Facilities (SAFPF). The agency also administers rehabilitative programs, such as the In-Prison Therapeutic Community.

**Prison:** A prison is a facility that houses offenders who receive capital, first-degree, second-degree, or third-degree felony sentences. Prison sentences range from two-year incarceration periods to death. For the purpose of this report, all classes and custodies of prisoners are included with the exception of death row, shock probation, and state boot camp offenders. Prisoners may be released without supervision (i.e., by discharge) or under parole supervision, discretionary mandatory supervision, or mandatory supervision.

**State Jail:** A state jail is a facility that houses offenders convicted of state jail felonies. Sentences for state jail offenders range from 180 days to two years. State jail offenders are usually convicted of property and low-level controlled substance offenses. Prior to fiscal year 2012, nearly all offenders served their entire sentence, did not receive good conduct credit, and were released by discharge. A negligible percentage (less than one percent) is released to community supervision. House Bill 2649, Eighty-second Legislature, Regular Session, 2011, permitted judges to award certain state jail offenders good conduct time credits for participation in educational, vocational, treatment, or work programs. State jails also temporarily house prison-transfer offenders and these offenders are not included in the state jail analysis.

**Substance Abuse Felony Punishment Facility:** SAFPF is a facility that provides an intensive therapeutic community treatment program for individuals sentenced by a judge as a condition of community supervision or as a modification of parole or community supervision. The SAFPF program typically lasts six months for regular needs offenders and nine months for special needs offenders. Upon completion of the treatment program, SAFPF participants spend three months in a residential transitional treatment center or approved outpatient alternative program, which provides substance abuse treatment and reentry services. SAFPF participants then return to supervision and begin a six to nine month outpatient treatment program with up to twelve months of support groups and follow-up services.

**In-Prison Therapeutic Community:** An In-Prison Therapeutic Community (IPTC) serves the prison population and is a therapeutic community program that operates in the same manner as SAFPFs, including the three programmatic phases. Placement in the program occurs upon approval from the Board of Pardons and Paroles.

**Intermediate Sanction Facility:** Intermediate Sanction Facilities are short-term, residential program primarily for probation and parole violators but also includes some offenders sentenced to ISFs as part of their community supervision conditions. ISFs provide an alternative to revocation and incarceration. Programs typically last 90 days and may include substance abuse treatment, community service restitution, education, cognitive and life skills programs, and/or employment skills training.

This section of the report provides various recidivism information for offenders released from prison, state jails, SAFPFs, IPTCs, and ISFs.

## PRISON – REARREST

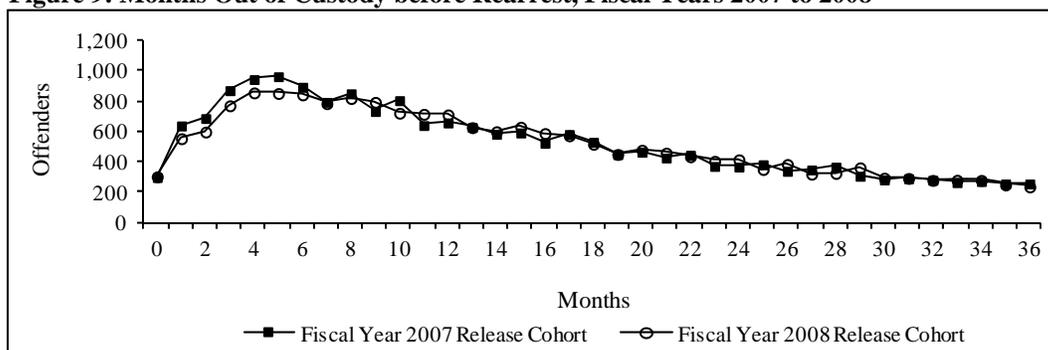
### Rearrest Rates

Offenders released from prison during fiscal years 2007 and 2008 were monitored to determine the percentage rearrested within three years of release for at least a Class B Misdemeanor.<sup>7</sup> Class C Misdemeanors (which include traffic offenses) and technical violations of supervision conditions are not included in the rearrest rate since these are typically low-level offenses. Each offender who was rearrested at least once during the three-year follow-up period was considered rearrested. For any offender who had more than one subsequent arrest during the three-year follow-up period, only the first arrest was counted in the rearrest rate calculation. If an offender had more than one arrest in a day, only the most serious arrest for that day was counted in the rearrest rate calculation. The 2008 release cohort is the most recent group for which the three-year rearrest rate has been calculated.

**Table 6: Rearrest Rates for Release Cohorts, Fiscal Years 2007 to 2008**

REARREST YEAR	FY 2007 COHORT N = 40,347		FY 2008 COHORT N = 40,780	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	9,814	24.3%	9,362	23.0%
Year 2	5,999	14.9%	6,213	15.2%
Year 3	3,678	9.1%	3,687	9.0%
<b>Total</b>	<b>19,491</b>		<b>19,262</b>	
<b>Rearrest Rate</b>		<b>48.3%</b>		<b>47.2%</b>

**Figure 9: Months Out of Custody before Rearrest, Fiscal Years 2007 to 2008**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average time out of custody before rearrest was 14 months for both release cohorts.
- A similar share of the fiscal years 2007 and 2008 prison release cohorts recidivated within the first year of release (24.3 percent in the 2007 cohort and 23.0 percent in the 2008 cohort). By the second year of release, 39.2 percent of the fiscal year 2007 cohort had recidivated and 38.2 percent of the fiscal year 2008 cohort had recidivated.

<sup>7</sup> Included in the study are offenders discharged, as well as those released under parole supervision, discretionary mandatory supervision and mandatory supervision. Shock probation and state boot camp releases are not included. An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

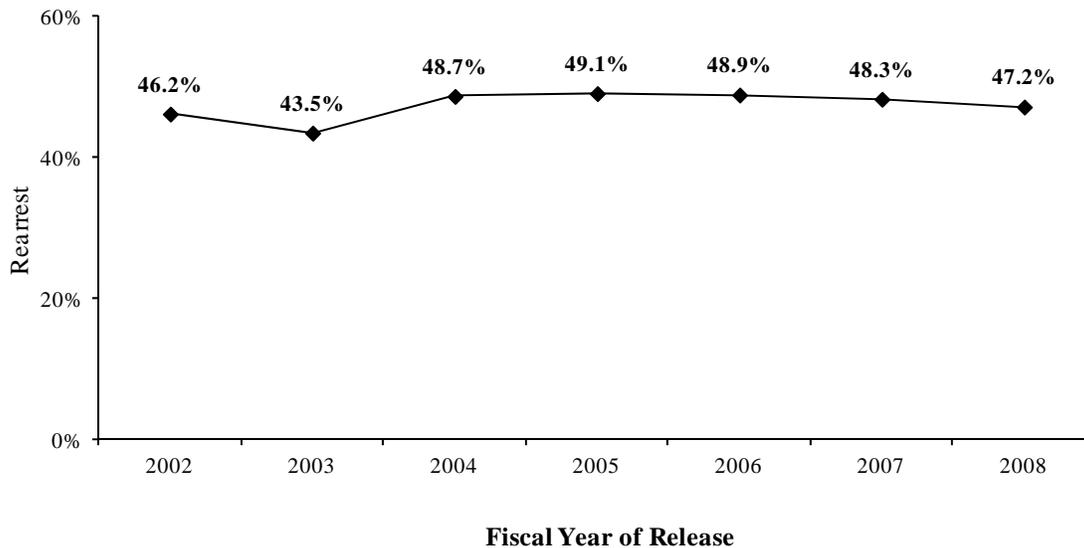
## PRISON – REARREST

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### *A Comparison of Fiscal Years 2002 to 2008*

The following figure plots the three-year rearrest rate for seven separate prison release cohorts.<sup>8</sup> Cohorts include all offenders discharged from a Texas prison and those released under parole supervision, discretionary mandatory supervision, and mandatory supervision. Shock probation and state boot camp releases are excluded from the analysis. The 2008 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 10: Percent of Cohort Rearrested within Three Years, Fiscal Years 2002 to 2008**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The prison rearrest rate was first calculated for the fiscal year 2002 release cohort. Since fiscal year 2002, the fiscal year 2003 release cohort had the lowest rate (43.5 percent) and the fiscal year 2005 release cohort had the highest rate (49.1 percent).
- In each of the 2007 and 2008 cohorts, 78.5 percent of releases were placed on parole supervision, discretionary mandatory supervision, or mandatory supervision. The remaining 21.5 percent were released by discharge.
- Of the rearrested offenders, 49.4 percent (in the 2007 cohort) and 48.9 percent (in the 2008 cohort) were rearrested for a felony offense.

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<sup>8</sup> Fiscal year 2006 is the first year of prison data that identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of the release (i.e., the revocation was rejected). Since these are not permanent revocations, they are not counted as part of the release cohort. The 2006 rearrest rates have been updated to reflect this methodological change. The fiscal year 2006 rate changed from 48.8 to 48.9 percent. All subsequent years reflect this methodological change (i.e., exclude reinstatements).

## PRISON – REARREST

### *A Profile of Recidivists*

**Table 7: Share of Cohort and Rearrested Offenders with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 RELEASES		FY 2008 RELEASES	
	COHORT N = 40,347	RECIDIVISTS (rearrest) N = 19,491	COHORT N = 40,780	RECIDIVISTS (rearrest) N = 19,262
<b>GENDER</b>				
Female	10.1%	9.0%	9.9%	8.8%
Male	89.9%	91.0%	90.1%	91.2%
<b>RACE/ETHNICITY</b>				
African American	34.3%	39.2%	35.0%	39.7%
Hispanic	32.6%	29.0%	32.4%	29.6%
White	32.7%	31.4%	32.1%	30.4%
Other	0.5%	0.3%	0.5%	0.3%
<b>AGE AT RELEASE</b>				
<= 24	14.8%	19.8%	13.9%	18.9%
25 - 29	18.8%	22.0%	19.3%	22.8%
30 - 34	14.9%	15.2%	14.8%	15.4%
35 - 39	14.6%	14.5%	13.9%	13.7%
40 - 44	13.7%	12.7%	13.5%	12.3%
45+	23.3%	15.8%	24.7%	16.9%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	28.4%	25.3%	29.8%	26.3%
Property	21.1%	25.6%	20.0%	24.2%
Drug	31.7%	32.3%	31.7%	32.2%
Other	18.7%	16.8%	18.6%	17.3%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average age of the 2007 and the 2008 prison release cohort was 36 years, and the average age of recidivists in both cohorts was 34 years. Compared to the state jail cohort of recidivists, the prison recidivists were slightly older (the average age of the state jail recidivists was 33 years).

## PRISON – REARREST

### *Rearrest Rates for Select Offender Characteristics*

**Table 8: Rearrest Rates for Offenders with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 RELEASES	FY 2008 RELEASES
	REARREST RATE N = 19,491	REARREST RATE N = 19,262
Overall Rearrest Rate	48.3%	47.2%
<b>GENDER</b>		
Female	42.8%	42.1%
Male	48.9%	47.8%
<b>RACE/ETHNICITY</b>		
African American	55.2%	53.5%
Hispanic	43.1%	43.1%
White	46.5%	44.8%
Other	34.2%	28.6%
<b>AGE AT RELEASE</b>		
<= 24	64.7%	64.4%
25 - 29	56.6%	55.8%
30 - 34	49.4%	49.1%
35 - 39	48.2%	46.8%
40 - 44	44.8%	42.9%
45+	32.7%	32.4%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	43.0%	41.7%
Property	58.6%	57.2%
Drug	49.2%	48.1%
Other	43.3%	44.0%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The rearrest rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, in fiscal year 2008, 5,963 offenders 24 years of age and younger were released from prison. Of these released offenders, 3,857 were rearrested for an offense of at least class B misdemeanor severity within three years of their release. Dividing 3,857 by 5,963 yields a rearrest rate of 64.7 percent for the 24-years-and-younger age group in the fiscal year 2008 release cohort.
- Among age groups, offenders 24 years of age and younger had the highest rearrest rates in both the 2007 and 2008 cohorts. In contrast, offenders 45 years of age and older had the lowest rearrest rates.
- Property offenders had the highest rearrest rates for both cohorts, and violent offenders had the lowest rearrest rates for both cohorts. See the Glossary for examples of offense types.

## PRISON – REINCARCERATION

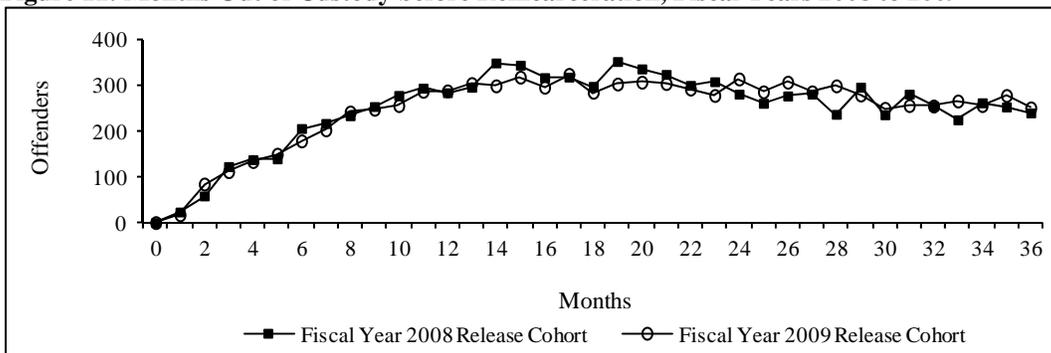
### *Reincarceration Rates*

Offenders released from prison during fiscal years 2008 and 2009 were monitored to determine the percentage reincarcerated within three years of release.<sup>9</sup> Each offender who returned to state jail or prison at least once during the three-year follow-up period was considered reincarcerated. For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the recidivism rate. The table and figure below highlight reincarceration rates for each release cohort, and the amount of time out of custody before reincarceration.

**Table 9: Reincarceration Rates for Release Cohorts, Fiscal Years 2008 to 2009**

REINCARCERATION YEAR	FY 2008 COHORT N = 40,780		FY 2009 COHORT N = 40,093	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	2,239	5.5%	2,190	5.5%
Year 2	3,811	9.3%	3,612	9.0%
Year 3	3,092	7.6%	3,257	8.1%
<b>Total</b>	<b>9,142</b>		<b>9,059</b>	
<b>Reincarceration Rate</b>		<b>22.4%</b>		<b>22.6%</b>

**Figure 11: Months Out of Custody before Reincarceration, Fiscal Years 2008 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average time out of custody before reincarceration was 19 months for the 2008 release cohort and 20 months for the 2009 release cohort.
- An identical share of the fiscal years 2008 and 2009 prison release cohorts recidivated within the first year of release (5.5 percent). By the second year of release, 14.8 percent of the fiscal year 2008 cohort had recidivated and 14.5 percent of the fiscal year 2009 cohort had recidivated.

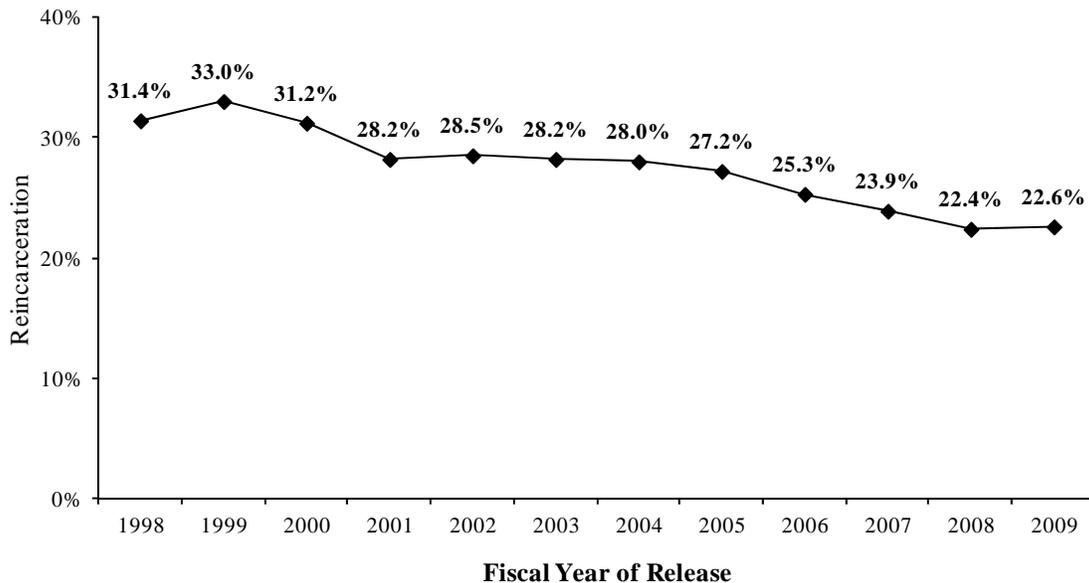
<sup>9</sup> Included in the study are offenders discharged, as well as those released under parole supervision, discretionary mandatory supervision, and mandatory supervision. Shock probation and state boot camp releases are not included. An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

## PRISON – REINCARCERATION

### *A Comparison of Fiscal Years 1998 to 2009*

The following figure plots the three-year reincarceration rate for twelve separate prison release cohorts.<sup>10</sup> Cohorts include all offenders discharged from a Texas prison and those released under parole supervision, discretionary mandatory supervision, and mandatory supervision. Shock probation and state boot camp releases are excluded from the analysis. The 2009 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 12: Percent of Cohort Reincarcerated within Three Years, Fiscal Years 1998 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Criminal Justice Policy Council.

- Between fiscal years 1998 and 2009, the reincarceration rate fell from 31.4 percent to 22.6 percent.
- Of the fiscal year 2008 prison release cohort, 78.5 percent were placed on parole, discretionary mandatory supervision, or mandatory supervision. The remaining 21.5 percent were released by discharge. Of the fiscal year 2009 prison release cohort, 78.7 percent were placed on parole, discretionary mandatory supervision, or mandatory supervision. The remaining 21.3 percent were released by discharge.
- Parole revocation and return policies during the three-year follow-up period affect the reincarceration rate of offenders under parole supervision. The use of Intermediate Sanction Facilities (ISFs) for parole violators in lieu of revocation to prison is one such parole policy that can lower the reincarceration rate.
- See Appendix A for a comparison of Texas and other states' reincarceration rates.

<sup>10</sup> Fiscal year 2006 is the first year of prison data that identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of the release (i.e., the revocation was rejected). Since these are not permanent revocations, these are not counted as part of the release cohort or as a reincarceration. The fiscal year 2006 and 2007 reincarceration rates have been updated to reflect this change in methodology. The fiscal year 2006 rate changed from 26.0 to 25.3 percent, and the fiscal year 2007 rate changed from 24.3 to 23.9 percent. All subsequent years reflect this methodological change (i.e., exclude reinstatements).

## PRISON – REINCARCERATION

### *A Profile of Recidivists*

**Table 10: Share of Cohort and Reincarcerated Offenders with Select Characteristics, Fiscal Years 2008 to 2009**

OFFENDER CHARACTERISTICS	FY 2008 RELEASES		FY 2009 RELEASES	
	COHORT N = 40,780	RECIDIVISTS (reincarceration) N = 9,142	COHORT N = 40,093	RECIDIVISTS (reincarceration) N = 9,059
<b>GENDER</b>				
Female	9.9%	7.3%	10.3%	7.2%
Male	90.1%	92.7%	89.7%	92.8%
<b>RACE/ETHNICITY</b>				
African American	35.0%	41.3%	35.5%	40.5%
Hispanic	32.4%	28.3%	33.0%	29.9%
White	32.1%	30.1%	31.1%	29.3%
Other	0.5%	0.3%	0.4%	0.3%
<b>AGE AT RELEASE</b>				
<= 24	13.9%	18.6%	14.1%	19.0%
25 - 29	19.3%	21.5%	19.5%	22.5%
30 - 34	14.8%	14.4%	15.6%	15.5%
35 - 39	13.9%	13.7%	13.4%	12.9%
40 - 44	13.5%	13.4%	12.7%	12.2%
45+	24.7%	18.4%	24.7%	17.9%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	29.8%	23.2%	30.6%	24.0%
Property	20.0%	26.3%	19.4%	26.7%
Drug	31.7%	32.2%	30.6%	30.4%
Other	18.6%	18.3%	19.4%	18.9%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average age of the 2008 prison release cohort was 36 years, and the average age of recidivists was 35 years. The average age of the 2009 prison release cohort was 36 years, and the average age of recidivists was 34 years. Compared to the state jail cohort of recidivists, the prison recidivists were slightly older (the average age of the state jail recidivists was 33 years).
- The most prevalent offense for which offenders were reincarcerated was drug-related (35.3 percent for the 2008 cohort and 32.1 percent for the 2009 cohort). See the Glossary for examples of offense types.

## PRISON – REINCARCERATION

### *Reincarceration Rates for Select Offender Characteristics*

**Table 11: Reincarceration Rates for Offenders with Select Characteristics, Fiscal Years 2008 to 2009**

OFFENDER CHARACTERISTICS	FY 2008 RELEASES	FY 2009 RELEASES
	REINCARCERATION RATE N = 9,142	REINCARCERATION RATE N = 9,059
Overall Reincarceration Rate	22.4%	22.6%
<b>GENDER</b>		
Female	16.5%	15.9%
Male	23.1%	23.4%
<b>RACE/ETHNICITY</b>		
African American	26.5%	25.8%
Hispanic	19.6%	20.5%
White	21.0%	21.3%
Other	14.1%	17.2%
<b>AGE AT RELEASE</b>		
<= 24	30.0%	30.5%
25 - 29	25.0%	26.0%
30 - 34	21.8%	22.5%
35 - 39	22.2%	21.8%
40 - 44	22.3%	21.7%
45+	16.7%	16.4%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	17.5%	17.7%
Property	29.5%	31.1%
Drug	22.8%	22.4%
Other	22.0%	21.9%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The reincarceration rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, in fiscal year 2008, 5,655 offenders 24 years of age and younger were released from prison. Of these released offenders, 1,699 returned to state jail or prison within three years of their release. Dividing 1,699 by 5,655 yields a reincarceration rate of 30.0 percent for the 24-years-and-younger age group in the fiscal year 2008 release cohort.
- Among age groups, offenders 24 years of age and younger had the highest reincarceration rates in both the 2008 and 2009 cohorts. In contrast, offenders 45 years of age and older had the lowest reincarceration rates.
- Property offenders had the highest reincarceration rates for both cohorts, and violent offenders had the lowest reincarceration rates for both cohorts. See the Glossary for examples of offense types.

## STATE JAIL – REARREST

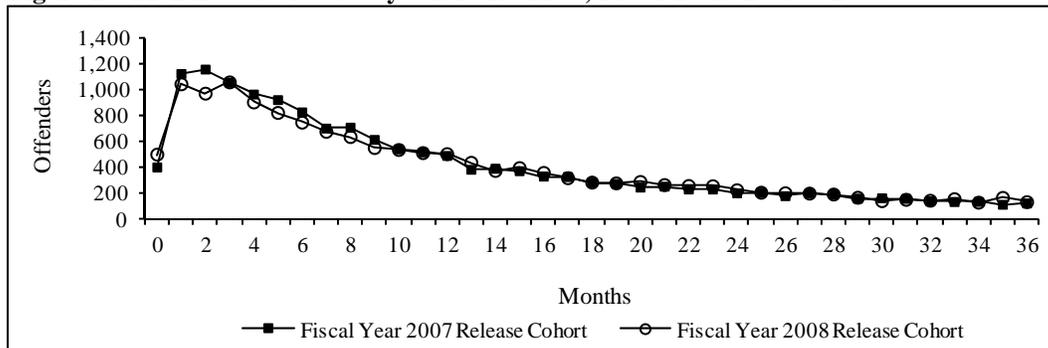
### Rearrest Rates

Offenders released from state jail during fiscal years 2007 and 2008 were monitored to determine the percentage rearrested within three years for at least a Class B Misdemeanor offense.<sup>11</sup> Class C Misdemeanors (which include traffic offenses) and technical violations of supervision conditions are not included in the rearrest rate since these are typically low-level offenses. Each offender who was rearrested at least once during the three-year follow-up period was considered rearrested. For any offender who had more than one subsequent arrest during the three-year follow-up period, only the first arrest was counted in the rearrest rate calculation. If an offender had more than one arrest in a day, only the most serious arrest for that day was counted in the rearrest rate calculation. The 2008 release cohort is the most recent group for which the three-year rearrest rate has been calculated.

**Table 12: Rearrest Rates for Release Cohorts, Fiscal Years 2007 to 2008**

REARREST YEAR	FY 2007 COHORT N = 24,213		FY 2008 COHORT N = 23,990	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	9,967	41.2%	9,407	39.2%
Year 2	3,476	14.4%	3,691	15.4%
Year 3	1,857	7.7%	1,938	8.1%
<b>Total</b>	<b>15,300</b>		<b>15,036</b>	
<b>Rearrest Rate</b>		<b>63.2%</b>		<b>62.7%</b>

**Figure 13: Months Out of Custody before Rearrest, Fiscal Years 2007 to 2008**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average time out of custody before rearrest was 11 months for both release cohorts.
- A slightly higher share of the fiscal year 2007 cohort recidivated within the first year of release compared to the fiscal year 2008 cohort (41.2 percent in the 2007 cohort and 39.2 percent in the 2008 cohort). By the second year of release, 55.6 percent of the fiscal year 2007 cohort had recidivated and 54.6 percent of the fiscal year 2008 cohort had recidivated.

<sup>11</sup> An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

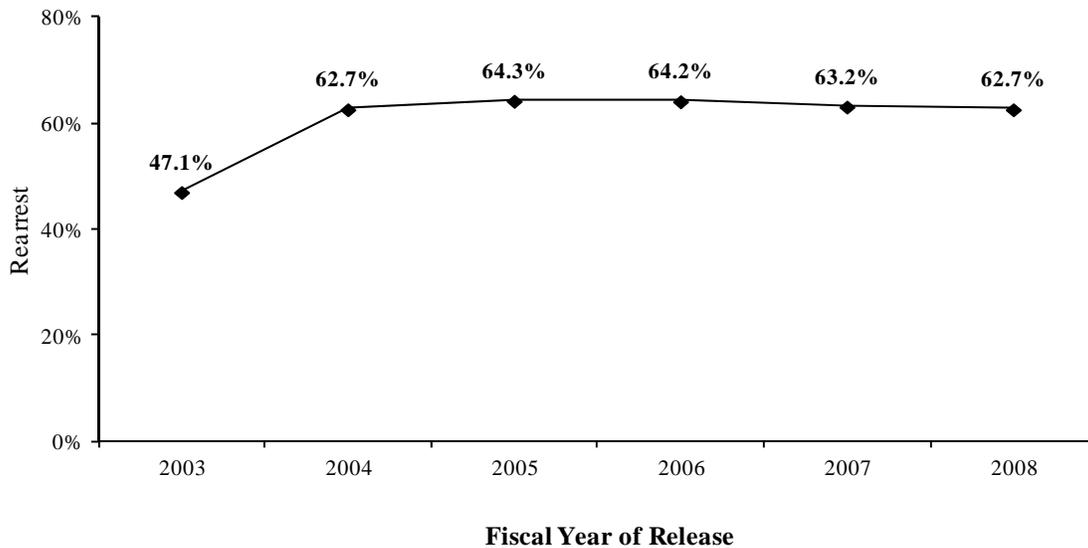
## STATE JAIL – REARREST

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### *A Comparison of Fiscal Years 2003 to 2008*

The following figure plots the three-year rearrest rate for six separate state jail release cohorts. Fiscal year 2003 is the first year that the LBB calculated a rearrest rate for state jail releases, and the 2008 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 14: Percent of Cohort Rearrested within Three Years, Fiscal Years 2003 to 2008**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- Following a sharp increase from fiscal year 2003 to 2004, the rate at which state jail offenders are rearrested has remained relatively steady.
- On June 30, 2003, programs provided within state jail facilities ended primarily due to funding constraints. Offenders released during fiscal years 2004 through 2007 would not have had access to these programs prior to their release. The Eightieth Legislature, Regular Session, 2007, appropriated additional funding for correctional treatment programs and sanction alternatives. Among the funded programs were 1,200 State Jail Substance Abuse Treatment beds, which became operational at the beginning of fiscal year 2008.
- All members of the 2007 and 2008 cohorts were discharged without supervision.<sup>12</sup>
- Of the rearrested offenders, 50.6 percent (in the 2007 cohort) and 50.5 percent (in the 2008 cohort) were rearrested for a felony offense.

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<sup>12</sup> In fiscal year 2007, 1.1 percent of state jail offenders were released to community supervision. In fiscal year 2008, 0.8 percent of state jail offenders were released to community supervision. These offenders were excluded from the analysis for greater comparability among the release population.

## STATE JAIL – REARREST

### *A Profile of Recidivists*

**Table 13: Share of Cohort and Rearrested Offenders with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 RELEASES		FY 2008 RELEASES	
	COHORT N = 24,213	RECIDIVISTS (rearrest) N = 15,300	COHORT N = 23,990	RECIDIVISTS (rearrest) N = 15,036
<b>GENDER</b>				
Female	22.4%	20.4%	22.7%	20.3%
Male	77.6%	79.6%	77.3%	79.7%
<b>RACE/ETHNICITY</b>				
African American	39.2%	42.3%	37.1%	40.1%
Hispanic	26.5%	25.2%	27.8%	26.6%
White	33.9%	32.1%	34.6%	32.9%
Other	0.5%	0.5%	0.5%	0.4%
<b>AGE AT RELEASE</b>				
<= 24	23.6%	25.8%	22.7%	25.1%
25 - 29	19.7%	20.2%	20.4%	21.1%
30 - 34	14.1%	14.1%	14.2%	14.2%
35 - 39	14.0%	13.9%	13.5%	13.5%
40 - 44	12.8%	12.4%	12.2%	11.9%
45+	15.9%	13.6%	17.0%	14.2%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	1.1%	0.9%	1.2%	1.1%
Property	44.1%	44.9%	43.7%	45.2%
Drug	42.4%	41.6%	42.1%	41.0%
Other	12.4%	12.6%	13.0%	12.6%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average age of the 2007 state jail release cohort was 33 years, and the average age of recidivists was 33 years. The average age of the 2008 state jail release cohort was 34 years, and the average age of recidivists was 33 years.

## STATE JAIL – REARREST

### *Rearrest Rates for Select Offender Characteristics*

**Table 14: Rearrest Rates for Offenders with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 RELEASES	FY 2008 RELEASES
	REARREST RATE N = 15,300	REARREST RATE N = 15,036
Overall Rearrest Rate	63.2%	62.7%
<b>GENDER</b>		
Female	57.4%	55.9%
Male	64.9%	64.7%
<b>RACE/ETHNICITY</b>		
African American	68.2%	67.8%
Hispanic	60.1%	60.0%
White	59.9%	59.5%
Other	62.7%	52.5%
<b>AGE AT RELEASE</b>		
<= 24	69.1%	69.4%
25 - 29	64.8%	65.0%
30 - 34	63.1%	62.3%
35 - 39	63.0%	62.8%
40 - 44	61.4%	61.1%
45+	54.1%	52.2%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	50.4%	58.4%
Property	64.5%	64.8%
Drug	62.0%	61.1%
Other	63.9%	60.9%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The rearrest rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, in fiscal year 2008, 5,715 offenders 24 years of age and younger were released from state jails. Of these released offenders, 3,948 were rearrested for an offense of at least class B misdemeanor severity within three years of their release. Dividing 3,948 by 5,715 yields a rearrest rate of 69.1 percent for the 24-years-and-younger age group in the fiscal year 2008 release cohort.
- Among age groups, offenders 24 years of age and younger had the highest rearrest rates in both the 2007 and 2008 cohorts. In contrast, offenders 45 years of age and older had the lowest rearrest rates.
- In both the 2007 and 2008 cohorts, property offenders had the highest rearrest rates and violent offenders had the lowest rearrest rates. See the Glossary for examples of offense types.

## STATE JAIL – REINCARCERATION

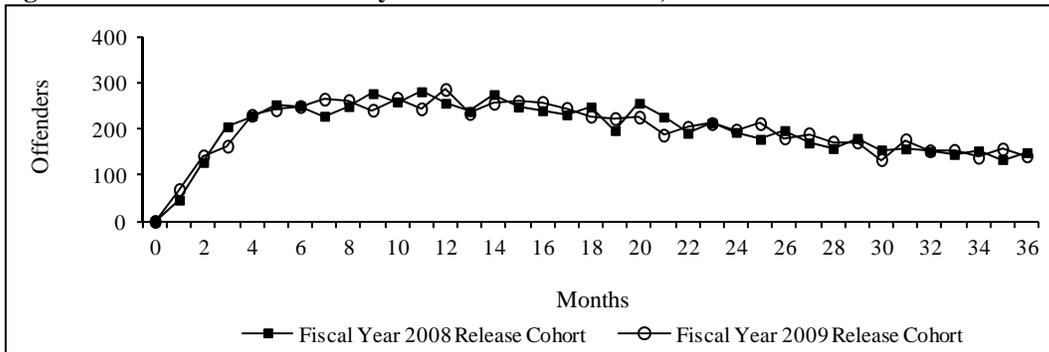
### *Reincarceration Rates*

Offenders released from state jail during fiscal years 2008 and 2009 were monitored to determine the percentage reincarcerated within three years of release.<sup>13</sup> Each offender who returned to state jail or prison at least once during the three-year follow-up period was considered reincarcerated. For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the reincarceration rate. The table and figure below highlight reincarceration rates for each release cohort, and the amount of time out of custody before reincarceration.

**Table 15: Reincarceration Rates for Release Cohorts, Fiscal Years 2008 to 2009**

REINCARCERATION YEAR	FY 2008 COHORT N = 23,990		FY 2009 COHORT N = 23,747	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	2,661	11.1%	2,660	11.2%
Year 2	2,756	11.5%	2,731	11.5%
Year 3	1,928	8.0%	1,983	8.4%
<b>Total</b>	<b>7,345</b>		<b>7,374</b>	
<b>Reincarceration Rate</b>		<b>30.6%</b>		<b>31.1%</b>

**Figure 15: Months Out of Custody before Reincarceration, Fiscal Years 2008 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average time out of custody before reincarceration was 17 months for both cohorts.
- A similar share of the fiscal years 2008 and 2009 state jail release cohorts recidivated within the first year of release (11.1 percent in the 2008 cohort and 11.2 percent in the 2009 cohort). By the second year of release, 22.6 percent of the fiscal year 2008 cohort had recidivated and 22.7 percent of the fiscal year 2009 cohort had recidivated.

<sup>13</sup> An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

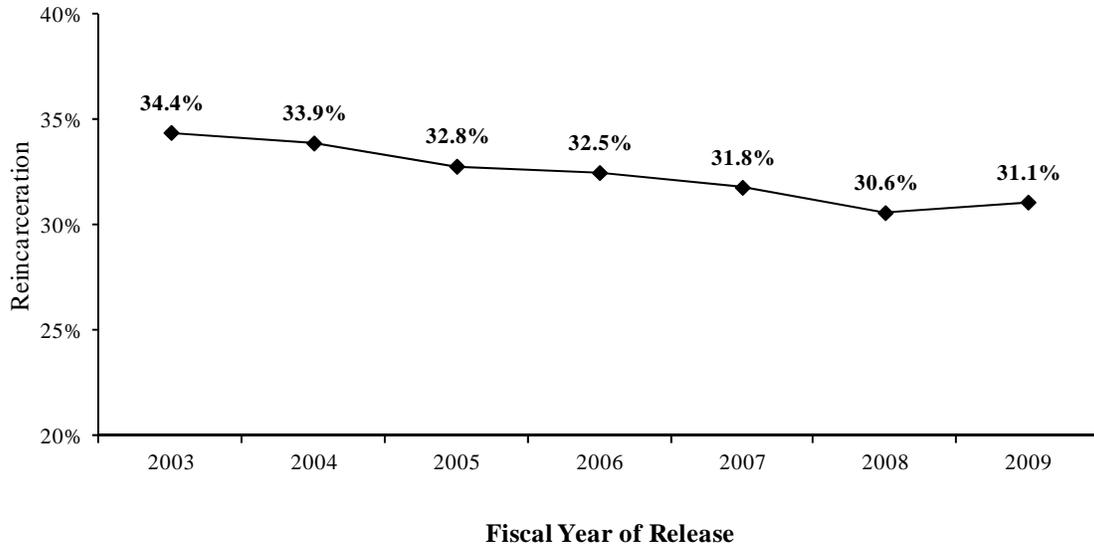
## STATE JAIL – REINCARCERATION

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### *A Comparison of Fiscal Years 2003 to 2009*

The following figure plots the three-year reincarceration rate for seven separate state jail release cohorts.<sup>14</sup> The 2009 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 16: Percent of Cohort Reincarcerated within Three Years, Fiscal Years 2003 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The state jail reincarceration rate decreased each year between fiscal years 2003 and 2008 and then rose slightly from fiscal years 2008 to 2009.
- All members of the 2008 and 2009 release cohorts were discharged without supervision.<sup>15</sup>
- The most prevalent offenses for which offenders were reincarcerated were property-related for the 2008 cohort (41.4 percent) and 2009 cohort (42.8 percent). See the Glossary for examples of offense types.

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<sup>14</sup> Fiscal year 2006 is the first year of prison data that identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of the release (i.e., the revocation was rejected). Since these are not permanent revocations, these are not counted as part of the release cohort or as a reincarceration. The fiscal year 2006 and 2007 reincarceration rates have been updated to reflect this change in methodology. The fiscal year 2006 rate was unaffected, and the fiscal year 2007 rate changed from 31.9 to 31.8 percent. All subsequent years reflect this methodological change (i.e., exclude reinstatements).

<sup>15</sup> In fiscal years 2008 and 2009, 0.8 percent of state jail offenders were released to community supervision. These offenders were excluded from the analysis for greater comparability among the release population.

## STATE JAIL – REINCARCERATION

### *A Profile of Recidivists*

**Table 16: Share of Cohort and Reincarcerated Offenders with Select Characteristics, Fiscal Years 2008 to 2009**

OFFENDER CHARACTERISTICS	FY 2008 RELEASES		FY 2009 RELEASES	
	COHORT N = 23,990	RECIDIVISTS (reincarceration) N = 7,345	COHORT N = 23,747	RECIDIVISTS (reincarceration) N = 7,374
<b>GENDER</b>				
Female	22.7%	18.2%	22.2%	17.3%
Male	77.3%	81.8%	77.8%	82.7%
<b>RACE/ETHNICITY</b>				
African American	37.1%	44.0%	38.2%	43.9%
Hispanic	27.8%	25.8%	28.6%	27.1%
White	34.6%	29.7%	32.7%	28.6%
Other	0.5%	0.4%	0.5%	0.4%
<b>AGE AT RELEASE</b>				
<= 24	22.7%	24.3%	22.0%	23.4%
25 - 29	20.4%	20.8%	19.7%	19.3%
30 - 34	14.2%	14.1%	14.8%	15.4%
35 - 39	13.5%	13.5%	13.1%	13.4%
40 - 44	12.2%	12.8%	11.8%	12.3%
45+	17.0%	14.6%	18.7%	16.2%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	1.2%	0.8%	1.3%	1.1%
Property	43.7%	48.3%	43.7%	49.4%
Drug	42.1%	38.1%	41.3%	36.1%
Other	13.0%	12.7%	13.7%	13.4%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average age of the 2008 state jail release cohort was 34 years, and the average age of recidivists was 33 years. The average age of the 2009 state jail release cohort was 34 years, and the average age of recidivists was 33 years.

## STATE JAIL – REINCARCERATION

### *Reincarceration Rates for Select Offender Characteristics*

**Table 17: Reincarceration Rates for Offenders with Select Characteristics, Fiscal Years 2008 to 2009**

OFFENDER CHARACTERISTICS	FY 2008 RELEASES	FY 2009 RELEASES
	REINCARCERATION RATE N = 7,345	REINCARCERATION RATE N = 7,374
Overall Reincarceration Rate	30.6%	31.1%
<b>GENDER</b>		
Female	24.6%	24.1%
Male	32.4%	33.0%
<b>RACE/ETHNICITY</b>		
African American	36.3%	35.7%
Hispanic	28.5%	29.4%
White	26.3%	27.1%
Other	26.3%	26.9%
<b>AGE AT RELEASE</b>		
<= 24	32.8%	33.1%
25 - 29	31.3%	30.5%
30 - 34	30.2%	32.4%
35 - 39	30.6%	31.7%
40 - 44	32.0%	32.2%
45+	26.3%	27.0%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	21.3%	26.6%
Property	33.8%	35.1%
Drug	27.8%	27.1%
Other	30.0%	30.2%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The reincarceration rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, in fiscal year 2008, 5,443 offenders 24 years of age and younger were released from state jails. Of these released offenders, 1,783 returned to state jail or prison within three years of their release. Dividing 1,783 by 5,443 yields a reincarceration rate of 32.8 percent for the 24-years-and-younger age group in the fiscal year 2008 release cohort.
- Among age groups, offenders 24 years of age and younger had the highest reincarceration rates in both the 2008 and 2009 cohorts. In contrast, offenders 45 years of age and older had the lowest reincarceration rates.
- Property offenders had the highest reincarceration rates for both cohorts, and violent offenders had the lowest reincarceration rates for both cohorts. See the Glossary for examples of offense types.

## SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY – REARREST

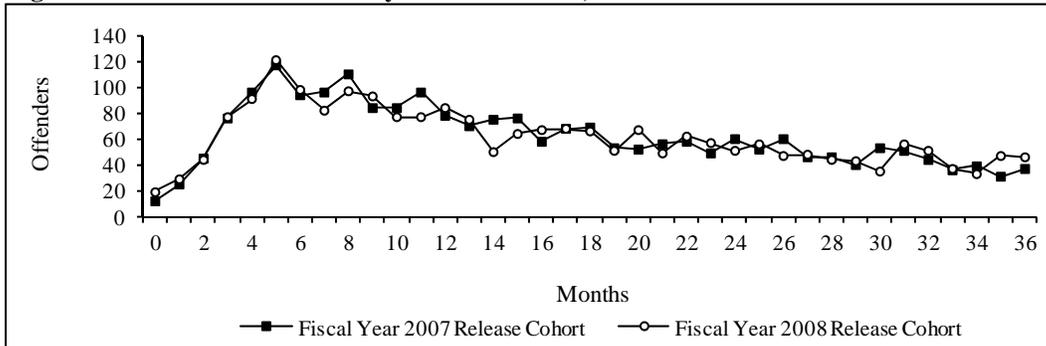
### Rearrest Rates

Offenders released from substance abuse felony punishment facilities during fiscal years 2007 and 2008 were monitored to determine the percentage rearrested within three years for at least a Class B Misdemeanor offense.<sup>16</sup> Class C Misdemeanors (which include traffic offenses) and technical violations of supervision conditions are not included in the rearrest rate since these are typically low-level offenses. Each offender who was rearrested at least once during the three-year follow-up period was considered rearrested. For any offender who had more than one subsequent arrest during the three-year follow-up period, only the first arrest was counted in the rearrest rate calculation. If an offender had more than one arrest in a day, only the most serious arrest for that day was counted in the rearrest rate calculation. The 2008 release cohort is the most recent group for which the three-year rearrest rate has been calculated.

**Table 18: Rearrest Rates for Release Cohorts, Fiscal Years 2007 to 2008**

REARREST YEAR	FY 2007 COHORT N = 5,464		FY 2008 COHORT N = 5,528	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	1,013	18.5%	989	17.9%
Year 2	744	13.6%	727	13.2%
Year 3	535	9.8%	543	9.8%
<b>Total</b>	<b>2,292</b>		<b>2,259</b>	
<b>Rearrest Rate</b>		<b>41.9%</b>		<b>40.9%</b>

**Figure 17: Months Out of Custody before Rearrest, Fiscal Years 2007 to 2008**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average time out of custody before rearrest was 15 months for the fiscal year 2007 release cohort and 16 months for the fiscal year 2008 release cohort.
- A similar share of the fiscal years 2007 and 2008 SAFPF release cohorts were rearrested within the first year of release (18.5 percent in the 2007 cohort and 17.9 percent in the 2008 cohort). By the second year of release, 32.1 percent of the fiscal year 2007 cohort had been rearrested and 31.1 percent of the fiscal year 2008 cohort had been rearrested.

<sup>16</sup> An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

## SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY – REARREST

### *A Profile of Recidivists*

**Table 19: Share of Cohort and Rearrested Offenders with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 RELEASES		FY 2008 RELEASES	
	COHORT N = 5,464	RECIDIVISTS (rearrest) N = 2,292	COHORT N = 5,528	RECIDIVISTS (rearrest) N = 2,259
<b>GENDER</b>				
Female	19.5%	15.1%	21.7%	17.2%
Male	80.5%	84.9%	78.3%	82.8%
<b>RACE/ETHNICITY</b>				
African American	23.3%	24.1%	23.0%	23.7%
Hispanic	28.5%	31.1%	28.9%	30.8%
White	47.8%	44.6%	47.7%	45.2%
Other	0.4%	0.2%	0.4%	0.4%
<b>AGE AT RELEASE</b>				
<= 24	25.4%	35.1%	25.1%	31.1%
25 - 29	20.8%	21.0%	20.5%	21.8%
30 - 34	12.7%	11.7%	12.6%	12.8%
35 - 39	12.4%	11.2%	12.3%	12.0%
40 - 44	12.0%	9.2%	11.9%	11.0%
45+	17.8%	11.8%	17.6%	11.3%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	19.1%	18.9%	19.5%	19.0%
Property	24.8%	29.7%	23.1%	27.5%
Drug	40.0%	39.2%	40.1%	38.2%
Other	16.1%	12.2%	17.4%	15.2%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average age of the 2007 and the 2008 prison release cohort was 33 years, and the average age of recidivists in both cohorts was 31 years.
- Most SAFPF offenders were released under community supervision (88.7 percent in the 2007 cohort and 89.4 percent in the 2008 cohort). The remainder was released to parole supervision (11.3 percent in the 2007 cohort and 10.6 percent in the 2008 cohort).
- Of the rearrested offenders, 45.3 percent (in the 2007 cohort) and 44.0 percent (in the 2008 cohort) were rearrested for a felony offense.

## SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY – REARREST

### *Rearrest Rates for Select Offender Characteristics*

**Table 20: Rearrest Rates for Offenders with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 RELEASES	FY 2008 RELEASES
	REARREST RATE N = 2,292	REARREST RATE N = 2,259
Overall Rearrest Rate	41.9%	40.9%
<b>GENDER</b>		
Female	32.4%	32.4%
Male	44.3%	43.2%
<b>RACE/ETHNICITY</b>		
African American	43.3%	42.0%
Hispanic	45.8%	43.5%
White	39.2%	38.7%
Other	20.8%	40.9%
<b>AGE AT RELEASE</b>		
<= 24	54.0%	50.6%
25 - 29	45.8%	43.4%
30 - 34	40.3%	41.7%
35 - 39	37.9%	39.9%
40 - 44	32.5%	37.7%
45+	29.0%	26.2%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	41.4%	39.8%
Property	50.3%	48.8%
Drug	41.1%	39.0%
Other	31.8%	35.8%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The rearrest rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, in fiscal year 2008, 1,488 offenders 24 years of age and younger were released from SAFPFs. Of these released offenders, 804 were rearrested for an offense of at least Class B Misdemeanor severity within three years of their release. Dividing 804 by 1,488 yields a rearrest rate of 54.0 percent for the 24-years-and-younger age group in the fiscal year 2008 release cohort.
- Among age groups, offenders 24 years of age and younger had the highest rearrest rates in both the 2007 and 2008 cohorts. In contrast, offenders 45 years of age and older had the lowest rearrest rates.
- Property offenders had the highest rearrest rates for both cohorts, and offenders incarcerated for other offenses had the lowest rearrest rates for both cohorts. See the Glossary for examples of offense types.

## SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY – REINCARCERATION

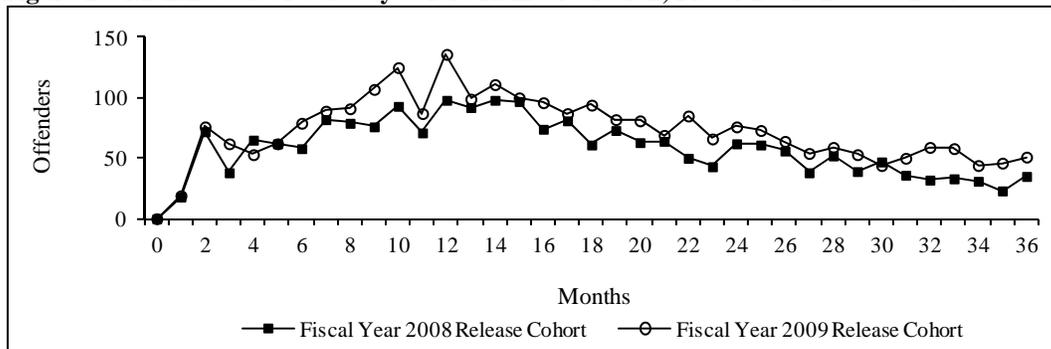
### *Reincarceration Rates*

Offenders released from a Substance Abuse Felony Punishment Facility (SAFPF) during fiscal years 2008 and 2009 were monitored to determine the percentage reincarcerated within three years of release.<sup>17</sup> Each offender who returned to state jail or prison at least once during the three-year follow-up period was considered reincarcerated. An offender’s return could occur during the first, second, or third year following release. Returns to SAFPFs are not included in the analysis. For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the reincarceration rate. The table and figure below highlight reincarceration rates for each release cohort, and the amount of time out of custody before reincarceration.

**Table 21: Reincarceration Rates for Release Cohorts, Fiscal Years 2008 to 2009**

REINCARCERATION YEAR	FY 2008 COHORT N = 5,528		FY 2009 COHORT N = 6,662	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	812	14.7%	986	14.8%
Year 2	858	15.5%	1,046	15.7%
Year 3	483	8.7%	655	9.8%
<b>Total</b>	<b>2,153</b>		<b>2,687</b>	
<b>Reincarceration Rate</b>		<b>38.9%</b>		<b>40.3%</b>

**Figure 18: Months Out of Custody before Reincarceration, Fiscal Years 2008 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average time out of custody before reincarceration was 16 months for the 2008 cohort and 17 months for the 2009 cohort.
- A similar share of the fiscal years 2008 and 2009 SAFPF release cohorts recidivated within the first year of release (14.7 percent in the 2008 cohort and 14.8 percent in the 2009 cohort). By the second year of release, 30.2 percent of the fiscal year 2008 cohort had recidivated and 30.5 percent of the fiscal year 2009 cohort had recidivated.

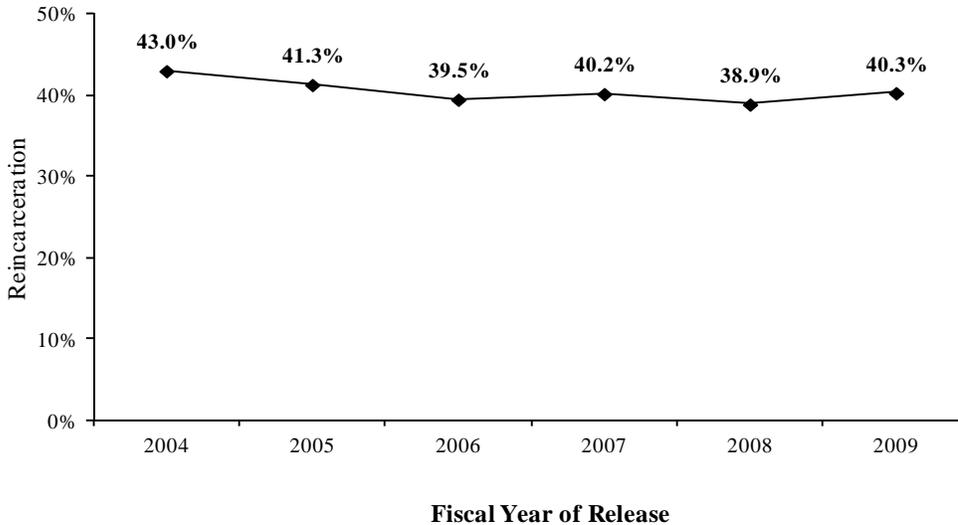
<sup>17</sup> An offender’s first release during the fiscal year was used as the study case and, therefore, offenders released multiple times during the fiscal year are only counted once in the analysis. By only counting an offender once in the analysis, the number of records may be less than release statistics previously published by the Texas Department of Criminal Justice, which include all releases by an offender within a fiscal year.

## SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY – REINCARCERATION

### *A Comparison of Fiscal Years 2004 to 2009*

The following figure plots the three-year reincarceration rate for six separate Substance Abuse Felony Punishment Facility (SAFPF) release cohorts.<sup>18</sup> Cohorts include all offenders released from a Texas SAFPF under parole or community supervision (adult probation). The 2009 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 19: Percent of Cohort Reincarcerated within Three Years, Fiscal Years 2004 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The SAFPF reincarceration rate has been relatively stable since fiscal year 2004, when it was first measured. The lowest reincarceration rate (38.9 percent) occurred in fiscal year 2008, and the highest reincarceration rate (43.0 percent) occurred in fiscal year 2004.
- The most prevalent offense for which offenders were reincarcerated was drug-related (33.3 percent for the 2008 cohort and 33.6 percent for the 2009 cohort). See the Glossary for examples of offense types.
- Most SAFPF offenders were released under community supervision (89.4 percent in the 2008 cohort and 87.4 percent in the 2009 cohort). The remaining offenders were released to parole supervision (10.6 percent in the 2008 cohort and 12.6 percent in the 2009 cohort).
- For the fiscal year 2008 cohort, the SAFPF rearrest rate was very close to the reincarceration rate (40.9 percent and 38.9 percent, respectively) because approximately half of reincarcerations were due to revocations for technical offenses. As the Community Justice Assistance Division reports, SAFPF is the most intensive treatment option available for community supervision offenders and offenders have likely exhausted the range of treatments once placed in SAFPFs. Local courts may consider incarceration the best response for offenders who have exhausted all treatment options and who have committed technical violations of supervision conditions (e.g., non-participation in treatment programs).

<sup>18</sup> Fiscal year 2006 is the first year of prison data that identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of the release (i.e., the revocation was rejected). Since these are not permanent revocations, these are not counted as part of the release cohort or as a reincarceration. The fiscal year 2006 and 2007 reincarceration rates have been updated to reflect this change in methodology. The fiscal year 2006 rate changed from 39.6 to 39.5 percent, and the fiscal year 2007 rate changed from 40.3 to 40.2 percent. All subsequent years reflect this methodological change (i.e., exclude reinstatements).

## SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY – REINCARCERATION

### *A Profile of Recidivists*

**Table 22: Share of Cohort and Reincarcerated Offenders with Select Characteristics, Fiscal Years 2008 to 2009**

OFFENDER CHARACTERISTICS	FY 2008 RELEASES		FY 2009 RELEASES	
	COHORT N = 5,528	RECIDIVISTS (reincarceration) N = 2,153	COHORT N = 6,662	RECIDIVISTS (reincarceration) N = 2,687
<b>GENDER</b>				
Female	21.7%	16.3%	20.3%	16.4%
Male	78.3%	83.7%	79.7%	83.6%
<b>RACE/ETHNICITY</b>				
African American	23.0%	25.8%	24.3%	24.9%
Hispanic	28.9%	30.1%	28.1%	29.6%
White	47.7%	43.7%	47.0%	45.0%
Other	0.4%	0.4%	0.5%	0.5%
<b>AGE AT RELEASE</b>				
<= 24	25.1%	31.6%	24.7%	30.9%
25 - 29	20.5%	22.2%	18.5%	20.1%
30 - 34	12.6%	12.6%	13.3%	13.2%
35 - 39	12.3%	12.3%	11.6%	10.4%
40 - 44	11.9%	9.8%	11.3%	10.0%
45+	17.6%	11.5%	20.5%	15.2%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	19.5%	21.9%	17.9%	19.8%
Property	23.1%	28.5%	24.9%	29.1%
Drug	40.1%	35.4%	39.7%	35.7%
Other	17.4%	14.2%	17.5%	15.4%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average age of the 2008 SAFPF release cohort was 33 years, and the average age of recidivists was 31 years. The average age of the 2009 SAFPF release cohort was 34 years, and the average age of recidivists was 32 years.

## SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY – REINCARCERATION

### *Reincarceration Rates for Select Offender Characteristics*

**Table 23: Reincarceration Rates for Offenders with Select Characteristics, Fiscal Years 2008 to 2009**

OFFENDER CHARACTERISTICS	FY 2008 RELEASES	FY 2009 RELEASES
	REINCARCERATION RATE N = 2,153	REINCARCERATION RATE N = 2,687
Overall Reincarceration Rate	38.9%	40.3%
<b>GENDER</b>		
Female	29.3%	32.6%
Male	41.6%	42.3%
<b>RACE/ETHNICITY</b>		
African American	43.7%	41.3%
Hispanic	40.6%	42.5%
White	35.7%	38.6%
Other	36.4%	38.2%
<b>AGE AT RELEASE</b>		
<= 24	49.1%	50.4%
25 - 29	42.2%	43.8%
30 - 34	39.0%	40.2%
35 - 39	38.9%	36.2%
40 - 44	31.9%	35.9%
45+	25.5%	29.9%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	43.7%	44.5%
Property	48.1%	47.3%
Drug	34.5%	36.3%
Other	31.9%	35.5%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The reincarceration rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, in fiscal year 2008, 1,386 offenders 24 years of age and younger were released from a SAFPF. Of these released offenders, 681 returned to state jail or prison within three years of their release. Dividing 681 by 1,386 yields a reincarceration rate of 49.1 percent for the 24-years-and-younger age group in the fiscal year 2008 release cohort.
- Among age groups, offenders 24 years of age and younger had the highest reincarceration rates in both the 2008 and 2009 cohorts. In contrast, offenders 45 years of age and older had the lowest reincarceration rates.
- Property offenders had the highest reincarceration rates for both cohorts, and offenders originally incarcerated for other offenses had the lowest reincarceration rates for both cohorts. See the Glossary for examples of offense types.

## IN-PRISON THERAPEUTIC COMMUNITY – REARREST

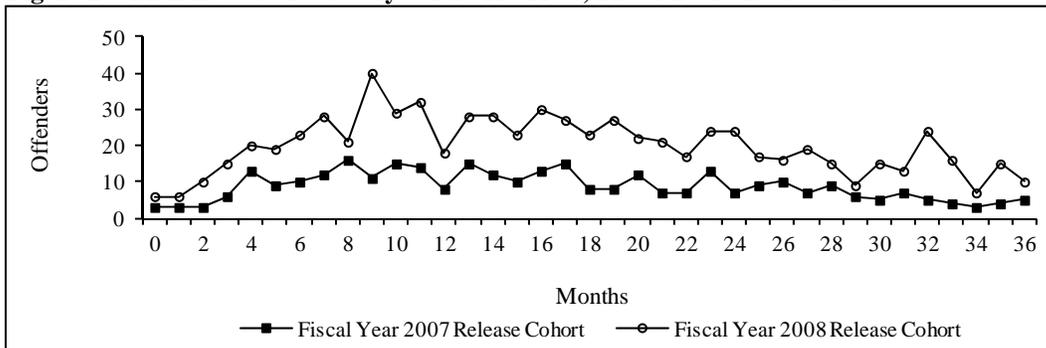
### Rearrest Rates

Offenders who participated in in-prison therapeutic community and were released from prison during fiscal years 2007 and 2008 were monitored to determine the percentage rearrested within three years for at least a Class B Misdemeanor offense.<sup>19</sup> Class C Misdemeanors (which include traffic offenses) and technical violations of supervision conditions are not included in the rearrest rate since these are typically low-level offenses. Each offender who was rearrested at least once during the three-year follow-up period was considered rearrested. For any offender who had more than one subsequent arrest during the three-year follow-up period, only the first arrest was counted in the rearrest rate calculation. If an offender had more than one arrest in a day, only the most serious arrest for that day was counted in the rearrest rate calculation. The 2008 release cohort is the most recent group for which the three-year rearrest rate has been calculated.

**Table 24: Rearrest Rates for Release Cohorts, Fiscal Years 2007 to 2008**

REARREST YEAR	FY 2007 COHORT N = 794		FY 2008 COHORT N = 1,657	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	123	15.5%	267	16.1%
Year 2	127	16.0%	294	17.7%
Year 3	74	9.3%	176	10.6%
<b>Total</b>	<b>324</b>		<b>737</b>	
<b>Rearrest Rate</b>		<b>40.8%</b>		<b>44.5%</b>

**Figure 20: Months Out of Custody before Rearrest, Fiscal Years 2007 to 2008**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average time out of custody before rearrest was 16 months for the 2007 release cohort and 17 months for the 2008 release cohort.
- A similar share of the fiscal years 2007 and 2008 IPTC release cohorts recidivated within the first year of release (15.5 percent in the 2007 cohort and 16.1 percent in the 2008 cohort). By the second year of release, 31.5 percent of the fiscal year 2007 cohort had recidivated and 33.8 percent of the fiscal year 2008 cohort had recidivated.

<sup>19</sup> Included in the study are offenders discharged, as well as those released under parole supervision, discretionary mandatory supervision, and mandatory supervision. Shock probation and state boot camp releases are not included. An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

## IN-PRISON THERAPEUTIC COMMUNITY – REARREST

### *A Profile of Recidivists*

**Table 25: Share of Cohort and Rearrested Offenders with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 RELEASES		FY 2008 RELEASES	
	COHORT N = 794	RECIDIVISTS (rearrest) N = 324	COHORT N = 1,657	RECIDIVISTS (rearrest) N = 737
<b>GENDER</b>				
Female	21.5%	18.8%	16.8%	12.5%
Male	78.5%	81.2%	83.2%	87.5%
<b>RACE/ETHNICITY</b>				
African American	35.9%	41.4%	37.8%	41.7%
Hispanic	22.0%	18.2%	22.8%	21.7%
White	41.8%	40.4%	39.2%	36.5%
Other	0.3%	0.0%	0.2%	0.1%
<b>AGE AT RELEASE</b>				
<= 24	7.9%	9.0%	6.3%	8.1%
25 - 29	11.7%	13.9%	12.2%	15.6%
30 - 34	14.4%	14.2%	10.3%	11.3%
35 - 39	15.7%	19.1%	16.2%	17.5%
40 - 44	17.4%	20.1%	18.6%	19.3%
45+	32.9%	23.8%	36.4%	28.2%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	8.7%	10.2%	8.9%	8.4%
Property	22.9%	24.1%	21.4%	27.0%
Drug	54.2%	54.3%	54.5%	51.6%
Other	14.2%	11.4%	15.2%	13.0%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average age of the 2007 cohort was 39 years, and the average age of recidivists was 37 years. The average age of the 2008 prison release cohort was 40 years, and the average age of recidivists was 38 years.
- In both the 2007 and 2008 cohorts, 99.9 percent of releases were placed on parole, and the remainder was placed on either mandatory or discretionary mandatory supervision.
- Of the rearrested offenders, 55.6 percent (in the 2007 cohort) and 54.1 percent (in the 2008 cohort) were rearrested for a felony offense.

## IN-PRISON THERAPEUTIC COMMUNITY – REARREST

### *Rearrest Rates for Select Offender Characteristics*

**Table 26: Rearrest Rates for Offenders with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 RELEASES	FY 2008 RELEASES
	REARREST RATE N = 324	REARREST RATE N = 737
Overall Rearrest Rate	40.8%	44.5%
<b>GENDER</b>		
Female	35.7%	33.1%
Male	42.2%	46.8%
<b>RACE/ETHNICITY</b>		
African American	47.0%	49.0%
Hispanic	33.7%	42.4%
White	39.5%	41.4%
Other	0.0%	25.0%
<b>AGE AT RELEASE</b>		
<= 24	46.0%	57.7%
25 - 29	48.4%	56.9%
30 - 34	40.4%	48.5%
35 - 39	49.6%	48.1%
40 - 44	47.1%	46.0%
45+	29.5%	34.5%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	47.8%	42.2%
Property	42.9%	56.1%
Drug	40.9%	42.1%
Other	32.7%	38.1%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The rearrest rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, in fiscal year 2008, 63 offenders 24 years of age and younger who had participated in an in-prison therapeutic community program were released from prison. Of these released offenders, 29 were rearrested for an offense of at least Class B Misdemeanor severity within three years of their release. Dividing 29 by 63 yields a rearrest rate of 46.0 percent for the 24-years-and-younger age group in the fiscal year 2008 release cohort.
- Among age groups, offenders between the ages of 35 and 39 years had the highest rearrest rates in the 2007 cohort, and offenders 24 years of age and younger had the highest rearrest rates in the 2008 cohorts. In contrast, offenders 45 years of age and older had the lowest rearrest rates in both cohorts.
- Among the 2007 cohort, violent offenders had the highest rearrest rate, and offenders who were incarcerated for other offenses had the lowest rearrest rate. Among the 2008 cohort, property offenders had the highest rearrest rate, and drug offenders had the lowest rearrest rate. See the Glossary for examples of offense types.

## IN-PRISON THERAPEUTIC COMMUNITY – REINCARCERATION

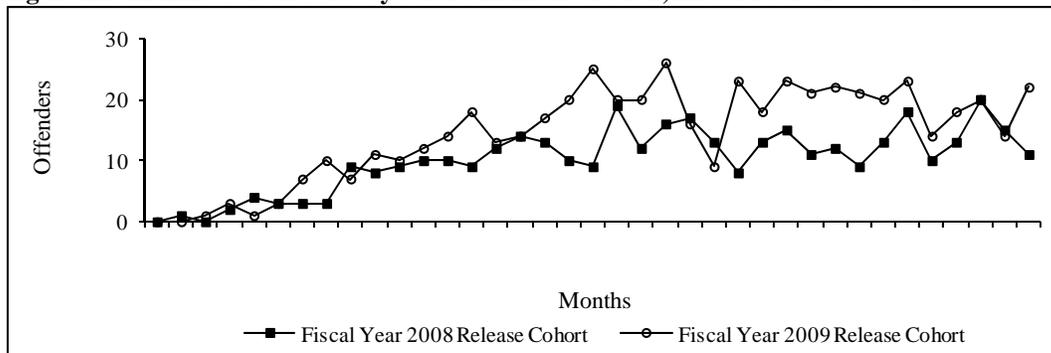
### Reincarceration Rates

Offenders who participated in a Texas In-prison Therapeutic Community program (IPTC) and were released from a Texas prison during fiscal years 2008 and 2009 were monitored to determine the percentage reincarcerated within three years of release.<sup>20</sup> Each offender who returned to state jail or prison at least once during the three-year follow-up period was considered reincarcerated. For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the reincarceration rate. The table and figure below highlight reincarceration rates for each release cohort, and the amount of time out of custody before reincarceration.

**Table 27: Reincarceration Rates for Release Cohorts, Fiscal Years 2008 to 2009**

REINCARCERATION YEAR	FY 2008 COHORT N = 1,657		FY 2009 COHORT N = 2,470	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	62	3.7%	79	3.2%
Year 2	152	9.2%	221	8.9%
Year 3	160	9.7%	236	9.6%
<b>Total</b>	<b>374</b>		<b>536</b>	
<b>Reincarceration Rate</b>		<b>22.6%</b>		<b>21.7%</b>

**Figure 21: Months Out of Custody before Reincarceration, Fiscal Years 2008 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average time out of custody before reincarceration was 22 months for both cohorts.
- A similar share of the fiscal years 2008 and 2009 IPTC release cohorts recidivated within the first year of release (3.7 percent in the 2008 cohort and 3.2 percent in the 2009 cohort). By the second year of release, 12.9 percent of the fiscal year 2008 cohort had recidivated and 12.1 percent of the fiscal year 2009 cohort had recidivated.

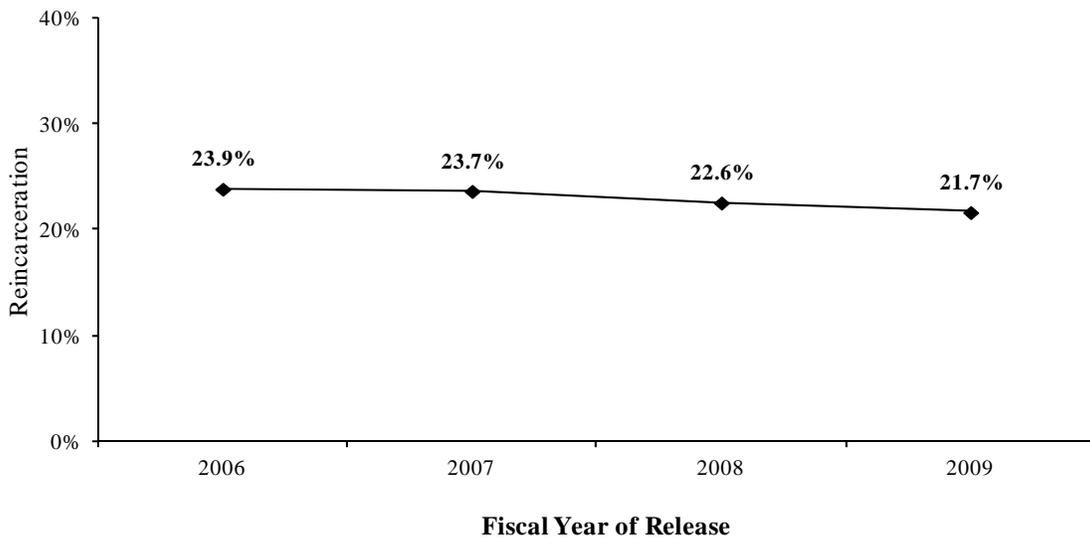
<sup>20</sup> An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

## IN-PRISON THERAPEUTIC COMMUNITY – REINCARCERATION

### *A Comparison of Fiscal Years 2006 to 2009*

The following figure plots the three-year reincarceration rate for four separate in-prison therapeutic community (IPTC) release cohorts.<sup>21</sup> Cohorts include all offenders who participated in a Texas in-prison therapeutic community program and were released from a Texas prison. The 2009 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 22: Percent of Cohort Reincarcerated within Three Years, Fiscal Years 2006 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The IPTC reincarceration rate decreased slightly each year between fiscal years 2006 and 2009 (from 23.9 percent to 21.7 percent).
- Nearly all IPTC offenders were released to parole supervision (99.9 percent in fiscal year 2008 and 99.8 percent in fiscal year 2009). All remaining offenders were released to discretionary mandatory supervision.
- Parole revocation and return policies during the three-year follow-up period affect the reincarceration rate of offenders under parole supervision. The use of Intermediate Sanction Facilities (ISFs) for parole violators in lieu of revocation to prison is one such parole policy that can lower the reincarceration rate.
- The most prevalent offenses for which offenders were reincarcerated were drug-related for the 2008 cohort (50.0 percent) and 2009 cohort (47.4 percent). See the Glossary for examples of offense types.

<sup>21</sup> Fiscal year 2006 is the first year of prison data that identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of the release (i.e., the revocation was rejected). Since these are not permanent revocations, these are not counted as part of the release cohort or as a reincarceration. The fiscal year 2006 and 2007 reincarceration rates have been updated to reflect this change in methodology. The fiscal year 2006 rate changed from 24.1 to 23.9 percent, and the fiscal year 2007 rate changed from 24.7 to 23.7 percent. All subsequent years reflect this methodological change (i.e., exclude reinstatements).

## IN-PRISON THERAPEUTIC COMMUNITY – REINCARCERATION

### *A Profile of Recidivists*

**Table 28: Share of Cohort and Reincarcerated Offenders with Select Characteristics, Fiscal Years 2008 to 2009**

OFFENDER CHARACTERISTICS	FY 2008 RELEASES		FY 2009 RELEASES	
	COHORT N = 1,657	RECIDIVISTS (reincarceration) N = 374	COHORT 2,470	RECIDIVISTS (reincarceration) N = 536
<b>GENDER</b>				
Female	16.8%	10.2%	15.5%	10.4%
Male	83.2%	89.8%	84.5%	89.6%
<b>RACE/ETHNICITY</b>				
African American	37.8%	41.2%	39.3%	44.2%
Hispanic	22.8%	22.2%	26.1%	23.3%
White	39.2%	36.4%	34.1%	32.1%
Other	0.2%	0.3%	0.5%	0.4%
<b>AGE AT RELEASE</b>				
<= 24	6.3%	9.1%	6.2%	7.5%
25 - 29	12.2%	16.3%	15.1%	17.7%
30 - 34	10.3%	9.1%	14.2%	16.6%
35 - 39	16.2%	18.2%	14.9%	15.3%
40 - 44	18.6%	19.3%	15.9%	15.5%
45+	36.4%	28.1%	33.7%	27.4%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	8.9%	8.3%	11.2%	11.6%
Property	21.4%	25.9%	19.9%	26.7%
Drug	54.5%	51.6%	54.1%	48.7%
Other	15.2%	14.2%	14.8%	13.1%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average age of the 2008 IPTC release cohort was 40 years, and the average age of recidivists was 38 years. The average age of the 2009 IPTC release cohort was 39 years, and the average age of recidivists was 38 years.

## IN-PRISON THERAPEUTIC COMMUNITY – REINCARCERATION

### *Reincarceration Rates for Select Offender Characteristics*

**Table 29: Reincarceration Rates for Offenders with Select Characteristics, Fiscal Years 2008 to 2009**

OFFENDER CHARACTERISTICS	FY 2008 RELEASES	FY 2009 RELEASES
	REINCARCERATION RATE N = 374	REINCARCERATION RATE N = 536
Overall Reincarceration Rate	22.6%	21.7%
<b>GENDER</b>		
Female	13.7%	14.6%
Male	24.4%	23.0%
<b>RACE/ETHNICITY</b>		
African American	24.6%	24.4%
Hispanic	22.0%	19.4%
White	21.0%	20.4%
Other	25.0%	16.7%
<b>AGE AT RELEASE</b>		
<= 24	32.7%	26.0%
25 - 29	30.2%	25.5%
30 - 34	19.9%	25.4%
35 - 39	25.4%	22.3%
40 - 44	23.3%	21.1%
45+	17.4%	17.6%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	21.1%	22.5%
Property	27.3%	29.1%
Drug	21.4%	19.5%
Other	21.0%	19.1%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The reincarceration rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, in fiscal year 2008, 104 offenders 24 years of age and younger who had participated in an in-prison therapeutic community program were released from prison. Of these released offenders, 34 returned to state jail or prison within three years of their release. Dividing 34 by 104 yields a reincarceration rate of 32.7 percent for the 24-years-and-younger age group in the fiscal year 2008 release cohort.
- Among age groups, offenders 24 years of age and younger had the highest reincarceration rates in both the 2007 and 2008 cohorts. In contrast, offenders 45 years of age and older had the lowest reincarceration rates.
- Property offenders had the highest reincarceration rates for both cohorts, and offenders originally incarcerated for other offenses had the lowest reincarceration rates for both cohorts. See the Glossary for examples of offense types.

## INTERMEDIATE SANCTION FACILITY – REARREST

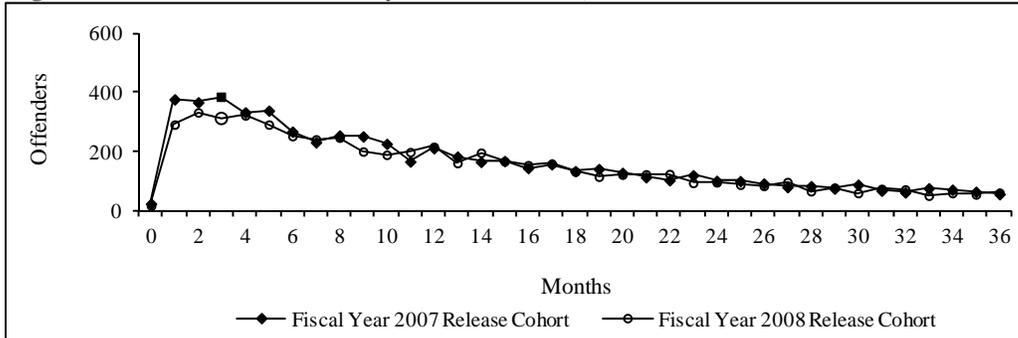
### Rearrest Rates

Offenders were released from an intermediate sanction facility during fiscal years 2007 and 2008 were monitored to determine the percentage rearrested within three years for at least a Class B Misdemeanor offense.<sup>22</sup> Class C Misdemeanors (which include traffic offenses) and technical violations of supervision conditions are not included in the rearrest rate since these are typically low-level offenses. Each offender who was rearrested at least once during the three-year follow-up period was considered rearrested. For any offender who had more than one subsequent arrest during the three-year follow-up period, only the first arrest was counted in the rearrest rate calculation. If an offender had more than one arrest in a day, only the most serious arrest for that day was counted in the rearrest rate calculation. The 2008 release cohort is the most recent group for which the three-year rearrest rate has been calculated.

**Table 30: Rearrest Rates for Release Cohorts, Fiscal Years 2007 to 2008**

REARREST YEAR	FY 2007 COHORT N = 10,221		FY 2008 COHORT N = 9,852	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	3,437	33.6%	3,119	31.7%
Year 2	1,669	16.3%	1,655	16.8%
Year 3	927	9.1%	858	8.7%
<b>Total</b>	<b>6,033</b>		<b>5,632</b>	
<b>Rearrest Rate</b>		<b>59.0%</b>		<b>57.2%</b>

**Figure 23: Months Out of Custody before Rearrest, Fiscal Years 2007 to 2008**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average time out of custody before rearrest was 12 months for the fiscal year 2007 release cohort and 13 months for the fiscal year 2008 release cohort.
- A similar share of the fiscal years 2007 and 2008 ISF release cohorts recidivated within the first year of release (33.6 percent in the 2007 cohort and 31.7 percent in the 2008 cohort). By the second year of release, 49.9 percent of the fiscal year 2007 cohort had recidivated and 48.5 percent of the fiscal year 2008 cohort had recidivated.

<sup>22</sup> Included in the study are offenders discharged, as well as those released under parole supervision, discretionary mandatory supervision, and mandatory supervision. Shock probation and state boot camp releases are not included. An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

## INTERMEDIATE SANCTION FACILITY – REARREST

### *A Profile of Recidivists*

**Table 31: Share of Cohort and Rearrested Offenders with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 RELEASES		FY 2008 RELEASES	
	COHORT N = 10,221	RECIDIVISTS (rearrest) N = 6,033	COHORT N = 9,852	RECIDIVISTS (rearrest) N = 5,632
<b>GENDER</b>				
Female	9.4%	9.1%	9.2%	9.1%
Male	90.6%	90.9%	90.8%	90.9%
<b>RACE/ETHNICITY</b>				
African American	44.8%	45.0%	43.7%	42.9%
Hispanic	14.4%	15.5%	19.3%	21.2%
White	40.5%	39.2%	36.8%	35.7%
Other	0.4%	0.3%	0.3%	0.2%
<b>AGE AT RELEASE</b>				
<= 24	9.0%	11.6%	8.4%	11.1%
25 - 29	12.6%	15.6%	12.1%	15.2%
30 - 34	11.1%	12.2%	11.2%	12.7%
35 - 39	15.4%	16.3%	14.3%	15.3%
40 - 44	18.6%	17.9%	17.8%	17.4%
45+	33.2%	26.5%	36.2%	28.3%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	18.3%	16.0%	18.2%	15.3%
Property	34.6%	36.8%	34.2%	36.8%
Drug	36.9%	36.6%	36.8%	37.4%
Other	10.2%	10.6%	10.7%	10.5%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average age of the 2007 intermediate sanction facility release cohort was 39 years and the average age of the 2008 intermediate sanction facility release cohort was 40 years. The average age of the 2007 recidivists was 37 years and the average age of the 2008 recidivists was 38 years.
- All members of both release cohorts were released to parole supervision.
- Of the rearrested offenders, 48.1 percent in the 2007 cohort and 47.5 percent in the 2008 cohort were rearrested for a felony offense.

## INTERMEDIATE SANCTION FACILITY – REARREST

### *Rearrest Rates for Select Offender Characteristics*

**Table 32: Rearrest Rates for Offenders with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 RELEASES	FY 2008 RELEASES
	REARREST RATE N = 6,033	REARREST RATE N = 5,632
Overall Rearrest Rate	59.0%	57.2%
<b>GENDER</b>		
Female	57.0%	56.5%
Male	59.2%	57.2%
<b>RACE/ETHNICITY</b>		
African American	59.3%	56.1%
Hispanic	63.6%	62.8%
White	57.2%	55.5%
Other	44.2%	50.0%
<b>AGE AT RELEASE</b>		
<= 24	75.8%	75.9%
25 - 29	72.9%	71.6%
30 - 34	64.7%	64.8%
35 - 39	62.2%	61.0%
40 - 44	56.7%	55.9%
45+	47.1%	44.7%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	51.4%	48.0%
Property	62.8%	61.5%
Drug	58.6%	58.1%
Other	61.6%	56.0%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The recidivism rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, in fiscal year 2008, 921 offenders 24 years of age and younger released from ISFs. Of these released offenders, 698 were rearrested for an offense of at least class B misdemeanor severity within three years of their release. Dividing 698 by 921 yields a recidivism rate of 75.8 percent for the 24-years-and-younger age group in the fiscal year 2008 release cohort.
- Among age groups, offenders 24 years of age and younger had the highest recidivism rates in both the 2007 and 2008 cohorts. In contrast, offenders 45 years of age and older had the lowest recidivism rates.
- Property offenders had the highest recidivism rates for both cohorts, and violent offenders had the lowest recidivism rates for both cohorts. See the Glossary for examples of offense types.

## INTERMEDIATE SANCTION FACILITY – REINCARCERATION

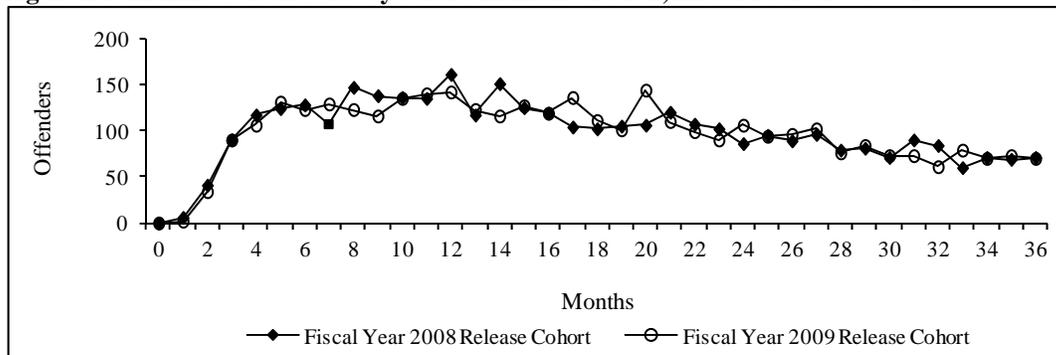
### *Reincarceration Rates*

Offenders released from an Intermediate Sanction Facility (ISF) during fiscal years 2008 and 2009 were monitored to determine the percentage reincarcerated within three years of release.<sup>23</sup> Each offender who returned to state jail or prison at least once during the three-year follow-up period was considered reincarcerated. Returns to ISFs are not included in the analysis. For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the reincarceration rate. The table and figure below highlight reincarceration rates for each release cohort, and the amount of time out of custody before reincarceration.

**Table 33: Reincarceration Rates for Release Cohorts, Fiscal Years 2008 to 2009**

REINCARCERATION YEAR	FY 2008 COHORT N = 9,852		FY 2009 COHORT N = 9,793	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	1,329	13.5%	1,271	13.0%
Year 2	1,344	13.6%	1,382	14.1%
Year 3	956	9.7%	951	9.7%
<b>Total</b>	<b>3,629</b>		<b>3,604</b>	
<b>Reincarceration Rate</b>		<b>36.8%</b>		<b>36.8%</b>

**Figure 24: Months Out of Custody before Reincarceration, Fiscal Years 2008 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average time out of custody before reincarceration was 17 months for both cohorts.
- A similar share of the fiscal years 2008 and 2009 ISF release cohorts recidivated within the first year of release (13.5 percent in the 2008 cohort and 13.0 percent in the 2009 cohort). By the second year of release, the same percentage of both cohorts had recidivated (27.1 percent).

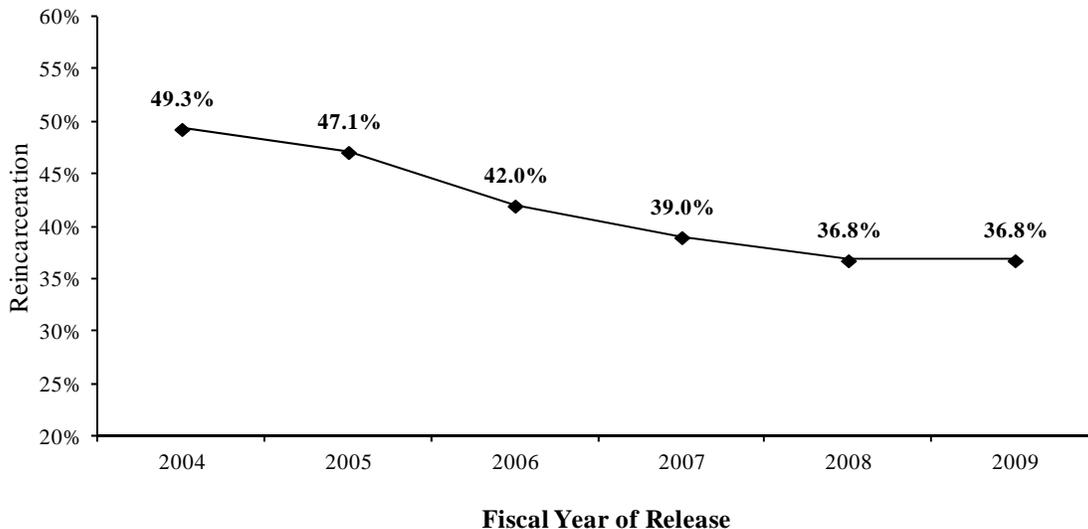
<sup>23</sup> An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

## INTERMEDIATE SANCTION FACILITY – REINCARCERATION

### *A Comparison of Fiscal Years 2004 to 2009*

The following figure plots the three-year reincarceration rate for six separate Intermediate Sanction Facility (ISF) release cohorts.<sup>24</sup> Cohorts include all offenders released from a Texas ISF. The 2009 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 25: Percent of Cohort Reincarcerated within Three Years, Fiscal Years 2004 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The ISF reincarceration rate decreased each year between fiscal years 2004 and 2008 and was flat between fiscal years 2008 and 2009.
- All members of both ISF cohorts were released under parole supervision. Parole revocation and return policies during the three-year follow-up period affect the reincarceration rate of offenders under parole supervision. The use of Intermediate Sanction Facilities (ISFs) for parole violators in lieu of revocation to prison is one such parole policy that can lower the reincarceration rate.
- The most prevalent offense for which offenders were reincarcerated was property-related (38.2 percent for the 2008 cohort and 36.1 percent for the 2009 cohort). See the Glossary for examples of offense types.

<sup>24</sup> Fiscal year 2006 is the first year of prison data that identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of the release (i.e., the revocation was rejected). Since these are not permanent revocations, these are not counted as part of the release cohort or as a reincarceration. The fiscal year 2006 and 2007 reincarceration rates have been updated to reflect this change in methodology. The fiscal year 2006 rate changed from 42.9 to 42.0 percent, and the fiscal year 2007 rate changed from 40.1 to 39.0 percent. All subsequent years reflect this methodological change (i.e., exclude reinstatements).

## INTERMEDIATE SANCTION FACILITY – REINCARCERATION

### *A Profile of Recidivists*

**Table 34: Share of Cohort and Reincarcerated Offenders with Select Characteristics, Fiscal Years 2008 to 2009**

OFFENDER CHARACTERISTICS	FY 2008 RELEASES		FY 2009 RELEASES	
	COHORT N = 9,852	RECIDIVISTS (reincarceration) N = 3,629	COHORT N = 9,793	RECIDIVISTS (reincarceration) N = 3,604
<b>GENDER</b>				
Female	9.2%	7.9%	8.5%	7.1%
Male	90.8%	92.1%	91.5%	92.9%
<b>RACE/ETHNICITY</b>				
African American	43.7%	44.9%	44.0%	44.0%
Hispanic	19.3%	20.1%	22.1%	23.7%
White	36.8%	34.6%	33.7%	32.1%
Other	0.3%	0.3%	0.3%	0.3%
<b>AGE AT RELEASE</b>				
<= 24	8.4%	9.0%	8.9%	9.7%
25 - 29	12.1%	12.6%	13.1%	15.2%
30 - 34	11.2%	11.5%	11.0%	11.4%
35 - 39	14.3%	15.5%	12.7%	13.0%
40 - 44	17.8%	18.2%	16.5%	16.4%
45+	36.2%	33.2%	38.0%	34.3%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	18.2%	16.7%	18.3%	17.0%
Property	34.2%	39.1%	33.2%	36.4%
Drug	36.8%	35.1%	36.6%	35.3%
Other	10.7%	9.0%	11.9%	11.3%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average age of the 2008 and 2009 ISF release cohorts was 40 years, and the average age of the 2008 and 2009 ISF recidivists was 39 years.

## INTERMEDIATE SANCTION FACILITY – REINCARCERATION

### *Reincarceration Rates for Select Offender Characteristics*

**Table 35: Reincarceration Rates for Offenders with Select Characteristics, Fiscal Years 2008 to 2009**

OFFENDER CHARACTERISTICS	FY 2008 RELEASES	FY 2009 RELEASES
	REINCARCERATION RATE N = 3,629	REINCARCERATION RATE N = 3,604
Overall Reincarceration Rate	36.8%	36.8%
<b>GENDER</b>		
Female	31.6%	30.7%
Male	37.4%	37.4%
<b>RACE/ETHNICITY</b>		
African American	37.9%	36.8%
Hispanic	38.5%	39.4%
White	34.7%	35.1%
Other	35.7%	37.0%
<b>AGE AT RELEASE</b>		
<= 24	39.5%	40.3%
25 - 29	38.5%	42.9%
30 - 34	37.8%	38.3%
35 - 39	39.9%	37.7%
40 - 44	37.6%	36.7%
45+	33.8%	33.2%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	33.8%	34.2%
Property	42.1%	40.3%
Drug	35.2%	35.5%
Other	31.0%	35.0%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The recidivism rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, in fiscal year 2008, 826 offenders 24 years of age and younger were released from ISFs. Of these released offenders, 326 returned to state jail or prison within three years of their release. Dividing 326 by 826 yields a recidivism rate of 39.5 percent for the 24-years-and-younger age group in the fiscal year 2008 release cohort.
- Among age groups, offenders between the ages of 35 and 39 years had the highest recidivism rate in the 2008 cohort, and offenders between the ages of 25 and 29 years had the highest recidivism rate in the 2009 cohort. In contrast, offenders 45 years of age and older had the lowest recidivism rates in both cohorts.
- Property offenders had the highest recidivism rates for both cohorts. Offenders who were originally incarcerated for other offenses had the lowest recidivism rate for the 2008 cohort, and violent offenders had the lowest recidivism rate for the 2009 cohort. See the Glossary for examples of offense types.

**PAROLE**

## **DESCRIPTION**

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The Texas Department of Criminal Justice – Parole Division supervises offenders released from prison, by a Board of Pardons and Paroles decision, who are serving the remainder of their sentence under supervision in the community. Offenders released on parole or mandatory supervision must abide by certain rules while in the community and are subject to revocation or other sanctions for violations of release conditions. Examples of release conditions include: obeying all municipal, county, state, and federal laws; reporting to a supervising parole officer; and obtaining the parole officer's written permission before changing residence. Offenders also agree to abide by all rules of parole and laws relating to the revocation of parole and mandatory supervision, including appearing at any required hearings or proceedings.

Offenders who violate conditions of their parole may be brought before a parole panel as part of the revocation process. The parole panel may opt to not revoke parole and, thereby, allow the offenders to continue on supervision often with modifications of their release conditions. The panel may also revoke the offenders' supervision and return them to prison. One other option available to the parole panel is to place the offenders into Intermediate Sanction Facilities (ISFs). An ISF is a short-term, fully secured detention facility used for offenders who violate conditions of their parole or mandatory supervision. ISFs are used as an alternative to revoking the offenders' supervision and sending them to prison.

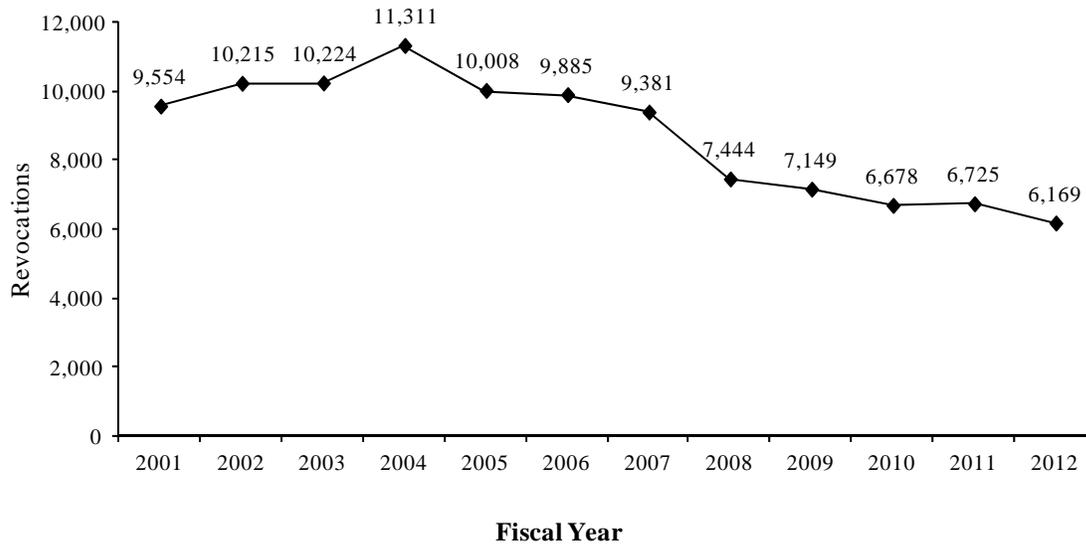
This section of the report provides revocation information for parolees who were revoked and sent back to prison.

## TEXAS DEPARTMENT OF CRIMINAL JUSTICE ACTIVE PAROLE – REVOCATIONS

### Revocations

An offender under parole or mandatory supervision may be revoked and returned to prison by the Texas Board of Pardons and Paroles (BPP). An offender can be revoked for committing a new offense or for technical violations. A technical violation occurs when an offender violates the terms of release conditions established by the BPP (e.g., positive urinalysis or failure to report).

**Figure 26: Active Parole Supervision Revocations, Fiscal Years 2001 to 2012**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- Of the 44,386 prison admissions in fiscal year 2011, 6,725 were revoked parolees (15.2 percent). In fiscal year 2012, there were 44,608 prison admissions and 6,169 of them were parole revocations (13.8 percent).
- Of the fiscal year 2011 parole revocations, 70.7 percent had been released through parole, 21.4 percent had been released through discretionary mandatory supervision, and 7.9 percent had been released through mandatory supervision. Of the fiscal year 2012 parole revocations, 70.8 percent had been released through parole supervision, 21.9 percent had been released through discretionary mandatory supervision, and 7.3 percent had been released through mandatory supervision.

## TEXAS DEPARTMENT OF CRIMINAL JUSTICE ACTIVE PAROLE – REVOCATIONS

### *Revocation Rates*

To compute the average active parole revocation rate, the number of revocation admissions to prison during a given year is divided by the average active parole population for that same year. The table below summarizes the average active parole revocation rates since fiscal year 2001.

**Table 36: Revocation Rates for Active Supervision, Fiscal Years 2001 to 2012**

<b>FISCAL YEAR</b>	<b>AVERAGE ACTIVE PAROLE POPULATION</b>	<b>PAROLE REVOCATION ADMISSIONS TO PRISON</b>	<b>REVOCATION RATE</b>
2001	78,215	9,554	12.2%
2002	79,740	10,215	12.8%
2003	76,727	10,224	13.3%
2004	76,669	11,311	14.8%
2005	76,540	10,008	13.1%
2006	76,696	9,885	12.9%
2007	76,601	9,381	12.2%
2008	77,964	7,444	9.5%
2009	78,945	7,149	9.1%
2010	81,220	6,678	8.2%
2011	80,953	6,725	8.3%
2012	83,749	6,169	7.4%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average active parole population has generally risen since fiscal year 2007. Between fiscal years 2007 and 2012, the average active parole population increased by 7,148 parolees or by 9.3 percent.
- Of the 6,725 adult parolees revoked in fiscal year 2011, 5,690 (84.6 percent) were returned to prison for a new offense. Technical violators comprised 15.4 percent of the revoked parolees. Of the 6,169 adult parolees revoked in fiscal year 2012, 5,237 (84.9 percent) were returned to prison for a new offense. Technical violators comprised 15.1 percent of the revoked parolees.
- The rate at which the parole supervision population is revoked and returned to prison has decreased in all but one fiscal year since 2004, and it fell substantially in fiscal year 2008.

## TEXAS DEPARTMENT OF CRIMINAL JUSTICE ACTIVE PAROLE – REVOCATIONS

### *A Profile of Revoked Parolees*

**Table 37: Share of Revoked Supervisees with Select Characteristics, Fiscal Years 2011 to 2012**

<b>OFFENDER CHARACTERISTICS</b>	<b>FY 2011 REVOCATIONS N = 6,725</b>	<b>FY 2012 REVOCATIONS N = 6,169</b>
<b>GENDER</b>		
Female	5.7%	5.1%
Male	94.3%	94.9%
<b>RACE/ETHNICITY</b>		
African American	38.5%	38.6%
Hispanic	27.1%	28.4%
White	34.1%	32.8%
Other	0.4%	0.3%
<b>AGE AT REVOCATION</b>		
<= 24	7.8%	8.5%
25 - 29	14.7%	13.4%
30 - 34	15.0%	15.5%
35 - 39	12.4%	12.2%
40 - 44	14.6%	13.9%
45+	35.5%	36.5%
<b>REVOCATION OFFENSE</b>		
Violent	18.5%	18.5%
Property	29.8%	29.5%
Drug	35.6%	35.6%
Other	16.2%	16.4%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average age of the fiscal years 2011 and 2012 revoked parolees was 40 years.
- In fiscal years 2011 and 2012, drug offenders comprised the largest share of revoked parolees followed by property offenders.

**JUVENILE CORRECTIONAL RECIDIVISM AND REVOCATION**

## DESCRIPTION

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The Texas Juvenile Justice Department (TJJD) oversees state residential facilities and oversees parole supervision, and it provides funding and oversight of local juvenile probation departments' supervision of juveniles. This section of the report summarizes rearrest, incarceration/reincarceration, and supervision revocation information for juveniles served by juvenile probation departments and by TJJD.

### **Juvenile Probation Departments: Supervision and Residential Facilities**

TJJD provides county juvenile probation departments (JPD) funding, technical assistance, and training; establishes and enforces standards; collects, analyzes, and disseminates information; and facilitates communication. TJJD does not work directly with juveniles under JPD supervision. Instead, it works with JPDs, which supervise and rehabilitate the juveniles. At the end of fiscal year 2012, 165 JPDs served all 254 Texas counties.

Juveniles may be referred to JPDs by law enforcement agencies, schools, and others. Juveniles are eligible for JPD supervision for felony, misdemeanor, and conduct in need of supervision offenses. A juvenile must also have committed the offense at the ages of 10 through 17. JPD jurisdiction ends on or before the juvenile's 18<sup>th</sup> birthday or, if the juvenile was placed on determinate sentence probation, the juvenile's 19<sup>th</sup> birthday.

The following JPD populations are included in the analyses in this report:

- *Adjudicated Probation Supervision* – Adjudicated probation is a type of community-based supervision. To be placed on this type of supervision, a judge must first determine that the juvenile committed the petitioned offense(s). During a disposition hearing the judge then specifies the supervision length of probation and the conditions of supervision. The judge may place the juvenile on probation at home or in a secure or non-secure residential facility. As part of this supervision, the juvenile is required to follow certain requirements (e.g., meet with the probation officer regularly or be at home by a certain time of day), participate in programs (e.g., mentoring, drug treatment, or counseling), and/or fulfill obligations (e.g., complete community service restitution, pay a fine, or have the family pay a fine). If the judge determines a juvenile violated the conditions of probation, the judge may modify the probation terms (e.g., extend the length of probation or increase requirements) or, if the juvenile is eligible, revoke probation and commit the juvenile to the custody of the TJJD. For further detail see the Family Code, Chapter 54, Section 4.
- *Deferred Prosecution Supervision* – Juveniles may avoid adjudication by successfully completing another community-based supervision program called deferred prosecution. This supervision type is typically reserved for juveniles with less significant and severe offense histories. Participation requires consent from the juvenile and the juvenile's family. At any time during supervision, the juvenile and the family may terminate the supervision and request an adjudication hearing. Supervision may last up to six months unless extended by the judge for up to another six months. Similar to adjudicated probation supervision, deferred prosecution includes supervision conditions. If the juvenile violates any of the conditions during the supervision period, the department may

## DESCRIPTION

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request formal adjudication of the case. If a juvenile successfully completes deferred prosecution, the juvenile must be released from supervision and any filed petition for the case should be dismissed. For further detail see the Family Code, Chapter 53, Section 3.

- *Secure Residential Facilities* – JPDs may place adjudicated juveniles in secure residential facilities. These facilities are constructed to control a juvenile’s ability to enter, travel within, and exit from the facilities. JPDs may administer their residential facilities or contract with private entities to administer them. Typically, JPDs place juveniles with more serious delinquent histories and/or more serious needs in these facilities.

Supervision and residential placement include JPD and court-imposed conditions and requirements. For example, supervised juveniles may be required to attend regular visits with juvenile probation officers, meet curfew requirements, and participate in drug testing. In addition to supervision and residential placement, many juveniles receive a wide variety of services, such as mental health counseling, sex offender therapy, and substance abuse treatment.

### **Texas Juvenile Justice Department: Residential Facilities and Supervision**

TJJD oversees the state’s residential facilities and parole for juveniles committed to state care by juvenile courts. To be committed to TJJD residential facilities, a juvenile must have committed a felony offense between his or her 10<sup>th</sup> and 17<sup>th</sup> birthday. TJJD jurisdiction ends on or before the juvenile’s 19<sup>th</sup> birthday.

The following JPD populations are included in the analyses in this report:

- *Secure Residential Facilities* – Nearly all juveniles committed to TJJD are initially placed in secure residential facilities. These facilities are constructed to control a juvenile’s ability to enter, travel within, and exit from the facilities. TJJD administers most of their secure residential facilities but contracts with private organizations to administer some. Juveniles may be released from a secure residential facility to non-secure residential facilities, parole, or discharged from custody.
- *Parole* – TJJD supervises juveniles released from secure and non-secure residential facilities under parole supervision in the community. TJJD may contract with the local JPD to perform this supervision. Juveniles must abide by certain rules while in the community and are subject to revocation or other sanctions for violating release conditions. Examples of release conditions include: reporting to a supervising parole officer; obeying all municipal, county, state, and federal laws; and participating in required programs.

## DESCRIPTION

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Recent legislative reforms have reduced commitments to TJJD residential facilities, which may affect incarceration rates of the JPD populations.

- Senate Bill 103, Eightieth Legislature, Regular Session, 2007, excluded misdemeanants from eligibility for commitment to TJJD residential facilities and reduced the maximum age of confinement in TJJD residential facilities from juveniles' 21<sup>st</sup> birthday to their 19<sup>th</sup> birthday. Juveniles in the fiscal year 2008 cohort and subsequent cohorts were under JPD care after this change took effect.
- The Eighty-first Legislature, 2009, created the Community Corrections Diversion Program through Rider 21 of the General Appropriations Act. Implemented in fiscal year 2010, this initiative provided JPDs additional funding to divert juveniles from TJJD residential commitment. TJJD residential commitments decreased 32.1 percent between fiscal years 2009 and 2010 due, in part, to this program. Juveniles in the fiscal year 2010 cohort and subsequent cohorts were under JPD care after this change took effect.

These legislative changes and other shifts in policies and practices may affect recidivism and revocation rates. By reducing TJJD residential commitments, these legislative changes may reduce incarceration rates for JPD cohorts. Also, by reducing TJJD residential commitments, both JPDs and TJJD have served, on average, juveniles with more serious delinquent backgrounds and more serious needs than in the past. This shift may affect the rearrest rates of juveniles served by JPDs and TJJD.

The Legislative Budget Board (LBB) calculated the recidivism and revocation rates presented in this section of the report based on individual-level data provided by TJJD, the Texas Department of Criminal Justice, and the Texas Department of Public Safety. The LBB calculated the TJJD residential revocation statistics based on individual-level data provided by TJJD. TJJD calculated the JPD revocation statistics based on individual-level data.

## **JUVENILE PROBATION DEPARTMENTS**

## JUVENILE PROBATION DEPARTMENT DEFERRED PROSECUTION – REARREST

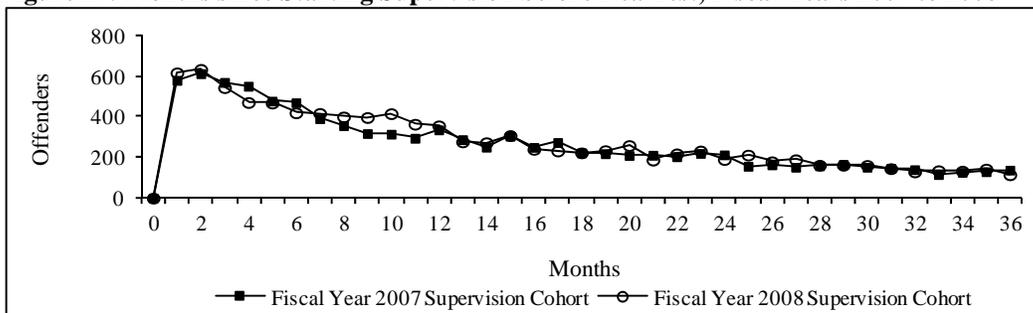
### Rearrest Rates

Juveniles beginning juvenile probation department deferred prosecution supervision during fiscal years 2008 and 2009 were monitored to determine the percentage rearrested or rereferred within three years for at least a Class B Misdemeanor.<sup>25</sup> Class C Misdemeanors (which include traffic offenses), conduct-in-need-of-supervision offenses, and violations of supervision conditions are low-level offenses not included in this analysis.<sup>26</sup> Each juvenile rearrested or rereferred to a juvenile probation department at least once during the three-year follow-up period was considered rearrested. For any juvenile who had more than one subsequent rearrest or rereferral during the three-year follow-up period, only the first rearrest or rereferral was counted in the calculation of the rearrest rate. The table below summarizes the rearrest rates for each cohort, and the figure below depicts the amount of time between starting supervision and rearrest.

**Table 38: Rearrest Rates for Supervision Cohorts, Fiscal Years 2007 to 2008**

REARREST YEAR	FY 2007 COHORT N = 19,183		FY 2008 COHORT N = 20,233	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	5,274	27.5%	5,504	27.2%
Year 2	2,868	15.0%	2,873	14.2%
Year 3	1,748	9.1%	1,865	9.2%
<b>Total</b>	<b>9,890</b>		<b>10,242</b>	
<b>Rearrest Rate</b>		<b>51.6%</b>		<b>50.6%</b>

**Figure 27: Months since Starting Supervision before Rearrest, Fiscal Years 2007 to 2008**



Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- Among rearrested juveniles, the average time out of custody before rearrest was 13 months for both cohorts.
- Slightly more than one-quarter of rearrested juveniles were rearrested within the first year of supervision. By the second year of release, 42.5 percent of the fiscal year 2007 cohort and 41.4 percent of the fiscal year 2008 cohort were rearrested.

<sup>25</sup> A juvenile's first disposition to deferred prosecution supervision during the fiscal year was used as the study case. To be included in the analysis, a juvenile must have either (1) matched to a DPS arrest record or (2) been placed on supervision for an offense not reported to DPS or for which they were not referred to juvenile probation by law enforcement. Offenses not reported to DPS include conduct-in-need-of-supervision, Class C Misdemeanors, court-order violations, and contempt of court offenses. Under these criteria, 19.1 percent (4,517 juveniles) of the fiscal year 2007 cohort and 15.6 percent (3,741 juveniles) of the fiscal year 2008 cohort were excluded from the rearrest analysis. Arrests occurring the first day a juvenile was disposed to supervision were not counted as rearrests because arrests leading to the current supervision disposition could not be distinguished from new arrests. The fiscal year 2007 cohort and rearrest rate were updated with current population and arrest data.

<sup>26</sup> Conduct-in-need-of-supervision offenses include such offenses as truancy and runaway. Class C Misdemeanors include such offenses as traffic violations and loitering. They typically do not result in confinement unless as a violation of supervision terms.

## JUVENILE PROBATION DEPARTMENT DEFERRED PROSECUTION – REARREST

### *A Profile of Recidivists*

**Table 39: Share of Cohort and Rearrested Juveniles with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 SUPERVISEES		FY 2008 SUPERVISEES	
	COHORT N = 19,183	RECIDIVISTS (rearrest) N = 9,890	COHORT N = 20,233	RECIDIVISTS (rearrest) N = 10,242
<b>GENDER</b>				
Female	31.9%	22.9%	31.5%	22.7%
Male	68.1%	77.1%	68.5%	77.3%
<b>RACE/ETHNICITY</b>				
African American	21.2%	23.1%	21.7%	23.0%
Hispanic	46.2%	48.3%	47.6%	49.1%
White	31.2%	27.5%	29.4%	26.8%
Other	1.3%	1.2%	1.3%	1.1%
<b>AGE AT START OF SUPERVISION</b>				
10-12	8.6%	8.0%	7.9%	7.7%
13-14	32.4%	34.4%	30.7%	32.7%
15-16	54.9%	53.9%	56.4%	55.0%
17	4.1%	3.7%	4.9%	4.6%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	16.8%	16.4%	17.6%	17.9%
Property	28.6%	25.3%	29.3%	26.7%
Drug	19.9%	21.6%	20.7%	21.9%
Other	34.4%	36.3%	32.0%	32.9%
Unknown	0.3%	0.4%	0.4%	0.6%

Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- At the start of deferred prosecution supervision, the average age of both cohorts was 15 years. The average age of rearrested juveniles was 15 years for both cohorts.
- Slightly more than one-quarter of rearrested juveniles were rearrested for felony offenses (26.4 percent among the fiscal year 2007 cohort and 26.9 percent among the fiscal year 2008 cohort).

## JUVENILE PROBATION DEPARTMENT DEFERRED PROSECUTION – REARREST

### *Rearrest Rates for Select Juvenile Characteristics*

**Table 40: Rearrest Rates for Juveniles with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 SUPERVISEES	FY 2008 SUPERVISEES
	REARREST RATE N = 9,890	REARREST RATE N = 10,242
Overall Rearrest Rate	51.6%	50.6%
<b>GENDER</b>		
Female	37.1%	36.5%
Male	58.3%	57.1%
<b>RACE/ETHNICITY</b>		
African American	56.0%	53.8%
Hispanic	53.9%	52.2%
White	45.4%	46.1%
Other	44.7%	43.9%
<b>AGE AT START OF SUPERVISION</b>		
10-12	48.2%	49.1%
13-14	54.7%	53.9%
15-16	50.6%	49.3%
17	46.3%	47.6%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	50.4%	51.6%
Property	45.6%	46.1%
Drug	56.0%	53.8%
Other	54.4%	51.9%
Unknown	70.2%	78.2%

Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- The rearrest rate for each category is calculated by dividing the number of rearrested individuals by the number of juveniles starting supervision. For example, in fiscal year 2007, 1,648 juveniles from 10 to 12 years of age began deferred prosecution supervision. Of these juveniles, 795 were rearrested within three years of starting supervision. Dividing 795 by 1,648 yields a rearrest rate of 48.2 percent for 10 to 12 year-olds in the fiscal year 2007 cohort.
- Among age groups, juveniles who were 13 and 14 years old had the highest rearrest rates while juveniles 17 years of age had the lowest rearrest rates in both cohorts.
- For both cohorts, juveniles on supervision for committing property offenses had the lowest rearrest rates, and juveniles on supervision for committing drug offenses had the highest rearrest rates. See the Glossary for examples of offense types.

## JUVENILE PROBATION DEPARTMENT DEFERRED PROSECUTION – INCARCERATION

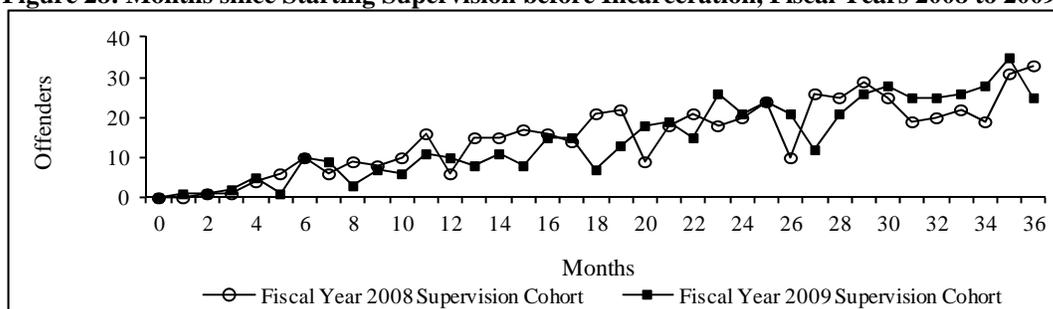
### *Incarceration Rates*

Juveniles beginning juvenile probation department deferred prosecution supervision during fiscal years 2008 and 2009 were monitored to determine the percentage incarcerated within three years.<sup>27</sup> Each juvenile sent to a secure TJJD facility or a TDCJ prison or state jail at least once during the three-year follow-up period was considered incarcerated. For any juvenile who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the incarceration rate. The table below summarizes the incarceration rates for each cohort, and the figure below depicts the amount of time between starting supervision and incarceration.

**Table 41: Incarceration Rates for Supervision Cohorts, Fiscal Years 2008 to 2009**

INCARCERATION YEAR	FY 2008 COHORT N = 23,745		FY 2009 COHORT N = 23,256	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	77	0.3%	66	0.3%
Year 2	206	0.9%	176	0.8%
Year 3	283	1.2%	296	1.3%
<b>Total</b>	<b>566</b>		<b>538</b>	
<b>Incarceration Rate</b>		<b>2.4%</b>		<b>2.3%</b>

**Figure 28: Months since Starting Supervision before Incarceration, Fiscal Years 2008 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- Among incarcerated juveniles, the average time out of custody before incarceration was 23 months for the fiscal year 2008 cohort and 24 months for the fiscal year 2009 cohort.
- A negligible share of juveniles on deferred prosecution supervision was incarcerated within the first year of supervision (0.3 percent of the 2008 cohort and 0.3 percent of the 2009 cohort). By the second year of supervision, 1.2 percent of the fiscal year 2008 cohort and 1.1 percent of the fiscal year 2009 cohort were incarcerated.
- While approximately half of juveniles under deferred prosecution supervision are rearrested within three years of starting supervision, few are incarcerated within that three year period. Since deferred prosecution supervision is reserved for juveniles with the most limited and low-level delinquent histories, juvenile probation departments and juvenile courts may employ a range of progressive sanctions in response to rearrests and supervision violations before utilizing the most severe response of incarceration for these low-level offenders.

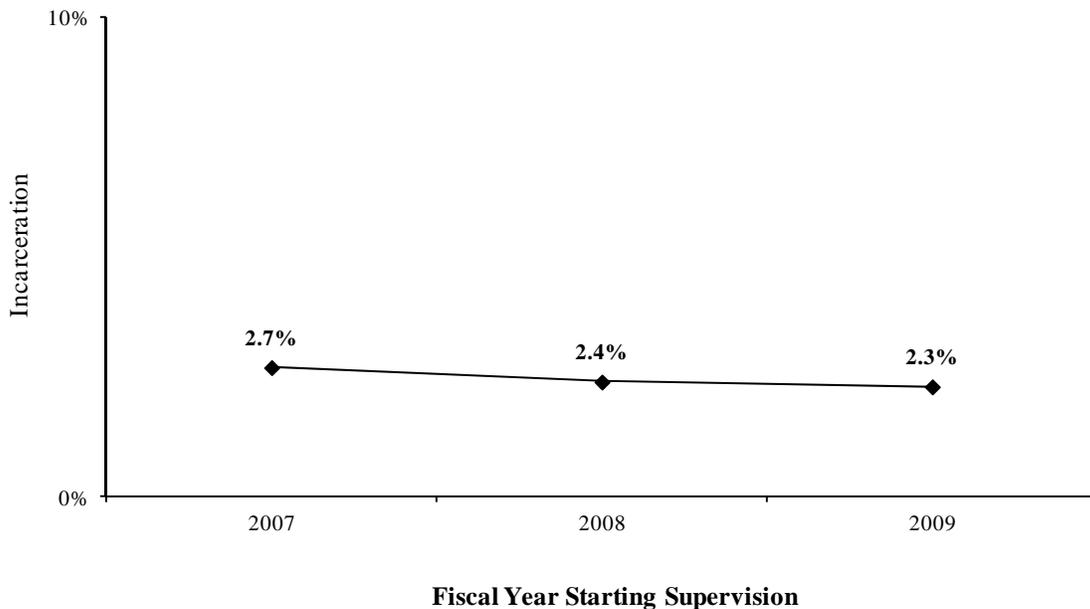
<sup>27</sup> A juvenile's first disposition to deferred prosecution supervision during the fiscal year was used as the study case.

## JUVENILE PROBATION DEPARTMENT DEFERRED PROSECUTION – INCARCERATION

### *A Comparison of Fiscal Years 2007 to 2009*

The following figure plots the three-year incarceration rate for three separate juvenile probation department deferred prosecution supervision cohorts. Cohorts include all juveniles beginning deferred prosecution supervision. The former Texas Juvenile Probation Commission, whose functions are now part of TJJD, calculated the incarceration rate for the fiscal year 2007 cohort. The Legislative Budget Board calculated subsequent incarceration rates. The 2009 cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 29: Percent of Cohort Incarcerated within Three Years, Fiscal Years 2007 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- The incarceration rate for juveniles on deferred prosecution supervision remained very low from fiscal years 2007 to 2009. The incarceration rate fell from 2.7 percent in fiscal year 2007 to 2.3 percent in fiscal year 2009.

## JUVENILE PROBATION DEPARTMENT DEFERRED PROSECUTION – INCARCERATION

### *A Profile of Recidivists*

**Table 42: Share of Cohort and Incarcerated Juveniles with Select Characteristics, Fiscal Years 2008 to 2009**

CHARACTERISTICS	FY 2008 SUPERVISEES		FY 2009 SUPERVISEES	
	COHORT N = 23,745	RECIDIVISTS (incarceration) N = 566	COHORT N = 23,256	RECIDIVISTS (incarceration) N = 538
<b>GENDER</b>				
Female	32.7%	6.5%	32.4%	6.7%
Male	67.3%	93.5%	67.6%	93.3%
<b>RACE/ETHNICITY</b>				
African American	20.9%	36.2%	22.6%	34.8%
Hispanic	47.2%	42.4%	47.0%	42.4%
White	30.5%	20.7%	29.0%	22.1%
Other	1.4%	0.7%	1.4%	0.7%
<b>AGE AT START OF SUPERVISION</b>				
10-12	8.2%	4.2%	8.5%	4.1%
13-14	30.9%	29.7%	30.6%	27.0%
15-16	55.9%	60.6%	55.8%	61.9%
17	5.0%	5.5%	5.0%	7.1%
Unknown	0.004%	0.0%	0.01%	0.0%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	17.8%	16.3%	18.5%	19.0%
Property	29.9%	25.6%	32.6%	27.5%
Drug	20.4%	21.9%	20.0%	19.9%
Other	31.3%	35.5%	28.4%	33.5%
Unknown	0.5%	0.7%	0.5%	0.2%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- At the start of deferred prosecution supervision, the average age of both cohorts was 15 years. The average age of incarcerated juveniles was 15 years for both cohorts.

## JUVENILE PROBATION DEPARTMENT DEFERRED PROSECUTION – INCARCERATION

### *Incarceration Rates for Select Juvenile Characteristics*

**Table 43: Incarceration Rates for Juveniles with Select Characteristics, Fiscal Years 2008 to 2009**

JUVENILE CHARACTERISTICS	INCARCERATION RATE FY 2008 SUPERVISEES N = 566	INCARCERATION RATE FY 2009 SUPERVISEES N = 538
Overall Incarceration Rate	2.4%	2.3%
<b>GENDER</b>		
Female	0.5%	0.5%
Male	3.3%	3.2%
<b>RACE/ETHNICITY</b>		
African American	4.1%	3.6%
Hispanic	2.1%	2.1%
White	1.6%	1.8%
Other	1.2%	1.2%
<b>AGE AT START OF SUPERVISION<sup>28</sup></b>		
10-12	1.2%	1.1%
13-14	2.3%	2.0%
15-16	2.6%	2.6%
17	2.6%	3.2%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	2.0%	2.0%
Property	2.6%	2.3%
Drug	2.7%	2.7%
Other	3.1%	0.9%
Unknown	2.4%	2.3%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- The incarceration rate for each category is calculated by dividing the number of individuals incarcerated by the number of juveniles starting supervision. For example, in fiscal year 2008, 1,943 juveniles 10 to 12 years of age began deferred prosecution supervision. Of these juveniles, 24 were incarcerated within three years of starting supervision. Dividing 24 by 1,943 yields an incarceration rate of 1.2 percent for the 10-12 year-old age group in the fiscal year 2008 cohort.
- Among age groups, juveniles 10 to 12 years of age had the lowest incarceration rates in both cohorts while juveniles 15 to 17 years of age had the highest incarceration rates across both cohorts.
- In the 2008 cohort, juveniles on supervision for committing “other” offenses had the highest incarceration rates, and juveniles on supervision for committing violent offenses had the lowest rates. In the 2009 cohort, juveniles on supervision for committing drug offenses had the highest incarceration rates, and juveniles on supervision for committing “other” offenses had the lowest rates. See the Glossary for examples of offense types.

<sup>28</sup> There were too few cases (less than 30 cases) in the unknown age groups to draw general conclusions from the results; they have been removed from this analysis.

## JUVENILE PROBATION DEPARTMENT ADJUDICATED PROBATION – REARREST

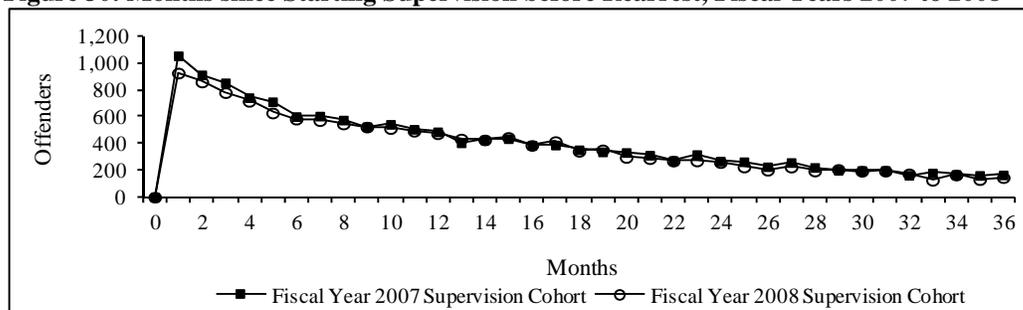
### Rearrest Rates

Juveniles beginning juvenile probation department adjudicated probation supervision during fiscal years 2008 and 2009 were monitored to determine the percentage rearrested for a new offense of at least a Class B Misdemeanor within three years.<sup>29</sup> Class C Misdemeanors (which include traffic offenses), conduct-in-need-of-supervision offenses, and violations of supervision conditions are low-level offenses not included in this analysis.<sup>30</sup> Each juvenile rearrested or rereferred to a juvenile probation department at least once during the three-year follow-up period was considered rearrested. For any juvenile who had more than one subsequent rearrest or rereferral during the three-year follow-up period, only the first rearrest or rereferral was counted in the calculation of the rearrest rate. The table below summarizes the rearrest rates for each cohort, and the figure below depicts the amount of time between starting supervision and rearrest.

**Table 44: Rearrest Rates for Supervision Cohorts, Fiscal Years 2007 to 2008**

REARREST YEAR	FY 2007 COHORT N = 22,880		FY 2008 COHORT N = 21,654	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	8,118	35.5%	7,607	35.1%
Year 2	4,243	18.5%	4,183	19.3%
Year 3	2,413	10.5%	2,181	10.1%
<b>Total</b>	<b>14,774</b>		<b>13,971</b>	
<b>Rearrest Rate</b>		<b>64.6%</b>		<b>64.5%</b>

**Figure 30: Months since Starting Supervision before Rearrest, Fiscal Years 2007 to 2008**



Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- Among incarcerated juveniles, the average time out of custody before rearrest was 13 months for both cohorts.
- Slightly more than one-third of supervised juveniles were rearrested within the first year of supervision. By the second year of release, slightly more than half were rearrested (54.0 percent of the fiscal year 2007 cohort and 54.4 percent of the fiscal year 2008 cohort).

<sup>29</sup> A juvenile's first disposition to adjudicated probation supervision during the fiscal year was used as the study case. To be included in the analysis, a juvenile must have either (1) matched to a DPS arrest record or (2) been placed on supervision for an offense not reported to DPS or for which they were not referred to juvenile probation by law enforcement. Offenses not reported to DPS include conduct-in-need-of-supervision, Class C Misdemeanors, court-order violations, and contempt of court offenses. Under these criteria, 5.9 percent (1,442 juveniles) of the fiscal year 2007 cohort and 5.7 percent (1,299 juveniles) of the fiscal year 2008 cohort were excluded from the rearrest analysis. Arrests occurring the first day a juvenile was disposed to supervision were not counted as rearrests because arrests leading to the current supervision disposition could not be distinguished from new arrests. The fiscal year 2007 cohort and rearrest rate were updated with current population and arrest data.

<sup>30</sup> Conduct-in-need-of-supervision offenses include such offenses as truancy and runaway. Class C Misdemeanors include such offenses as traffic violations and loitering. They typically do not result in confinement unless as a violation of supervision terms.

## JUVENILE PROBATION DEPARTMENT ADJUDICATED PROBATION – REARREST

### *A Profile of Recidivists*

**Table 45: Share of Cohort and Rearrested Juveniles with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 SUPERVISEES		FY 2008 SUPERVISEES	
	COHORT N = 22,880	RECIDIVISTS (rearrest) N = 14,774	COHORT N = 21,654	RECIDIVISTS (rearrest) N = 13,971
<b>GENDER</b>				
Female	19.8%	14.5%	20.0%	15.0%
Male	80.2%	85.5%	80.0%	85.0%
<b>RACE/ETHNICITY</b>				
African American	27.0%	28.7%	27.1%	29.1%
Hispanic	46.8%	48.7%	47.1%	48.4%
White	25.4%	22.0%	24.9%	21.7%
Other	0.8%	0.6%	0.9%	0.8%
<b>AGE AT START OF SUPERVISION</b>				
10-12	4.2%	3.8%	3.6%	3.4%
13-14	25.5%	26.5%	24.1%	24.5%
15-16	60.2%	60.1%	61.0%	61.7%
17	10.1%	9.6%	11.3%	10.4%
Unknown	0.0%	0.0%	0.0%	0.0%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	24.8%	22.6%	24.5%	22.4%
Property	32.4%	33.6%	32.8%	33.5%
Drug	17.7%	18.0%	16.8%	17.7%
Other	23.1%	23.8%	22.6%	22.8%
Unknown	1.9%	1.9%	3.4%	3.5%

Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- At the start of supervision, the average age of both cohorts was 15 years. The average age of rearrested juveniles was 15 years for both cohorts.
- Slightly more than one-third of rearrested juveniles were rearrested for felony offenses (33.7 percent among the fiscal year 2007 cohort and 33.8 percent among the fiscal year 2008 cohort).

## JUVENILE PROBATION DEPARTMENT ADJUDICATED PROBATION – REARREST

### *Rearrest Rates for Select Juvenile Characteristics*

**Table 46: Rearrest Rates for Juveniles with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 SUPERVISEES	FY 2008 SUPERVISEES
	REARREST RATE N = 14,774	REARREST RATE N = 13,971
Overall Rearrest Rate	64.6%	64.5%
<b>GENDER</b>		
Female	47.5%	48.2%
Male	68.8%	68.6%
<b>RACE/ETHNICITY</b>		
African American	68.8%	69.3%
Hispanic	67.1%	66.3%
White	55.9%	56.2%
Other	51.3%	56.0%
<b>AGE AT START OF SUPERVISION<sup>31</sup></b>		
10-12	58.4%	59.6%
13-14	67.2%	65.7%
15-16	64.5%	65.3%
17	61.1%	59.7%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	59.0%	59.1%
Property	67.0%	66.0%
Drug	65.7%	68.2%
Other	66.4%	65.3%
Unknown	64.3%	66.1%

Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- The rearrest rate for each category is calculated by dividing the number of rearrested individuals by the number of juveniles starting supervision. For example, in fiscal year 2007, 951 juveniles 10 to 12 years of age began probation. Of these juveniles, 555 were rearrested within three years of starting supervision. Dividing 555 by 951 yields an incarceration rate of 58.4 percent for 10 to 12 year-olds in the fiscal year 2007 cohort.
- Among age groups in both cohorts, juveniles who were 13 and 14 years old had the highest rearrest rates while juveniles who were 10 to 12 years old had the lowest rearrest rates.
- Juveniles on supervision for committing violent offenses had the lowest rearrest rates for both cohorts. See the Glossary for examples of offense types.

<sup>31</sup> There were too few cases (less than 30 cases) in the unknown age groups to draw general conclusions from the results; they have been removed from this analysis.

## JUVENILE PROBATION DEPARTMENT ADJUDICATED PROBATION – INCARCERATION

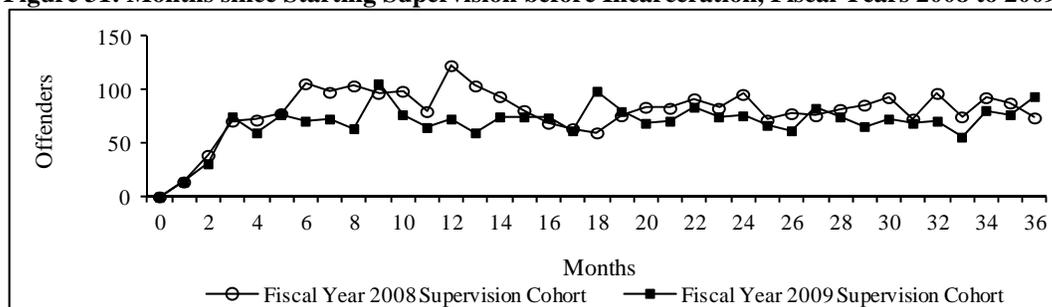
### *Incarceration Rates*

Juveniles beginning juvenile probation department adjudicated probation supervision during fiscal years 2008 and 2009 were monitored to determine the percentage incarcerated within three years.<sup>32</sup> Each juvenile sent to a secure TJJD facility or a TDCJ prison or state jail at least once during the three-year follow-up period was considered incarcerated. For any juvenile who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the incarceration rate. The table below summarizes the incarceration rates for each cohort, and the figure below depicts the amount of time between starting supervision and incarceration.

**Table 47: Incarceration Rates for Supervision Cohorts, Fiscal Years 2008 to 2009**

INCARCERATION YEAR	FY 2008 COHORT N = 22,879		FY 2009 COHORT N = 20,788	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	981	4.3%	1,562	7.5%
Year 2	986	4.3%	358	1.7%
Year 3	987	4.3%	640	3.1%
<b>Total</b>	<b>2,954</b>		<b>2,560</b>	
<b>Incarceration Rate</b>		<b>12.9%</b>		<b>12.3%</b>

**Figure 31: Months since Starting Supervision before Incarceration, Fiscal Years 2008 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- Among incarcerated juveniles, the average time out of custody before incarceration was 18 months for the fiscal year 2008 cohort and 11 months for the fiscal year 2009 cohort.
- A small share of juveniles under probation supervision was incarcerated within the first year of release (4.3 percent of the 2008 cohort and 7.5 percent of the 2009 cohort). By the second year of release, 8.6 percent of the fiscal year 2008 cohort and 9.2 percent of the fiscal year 2009 cohort were incarcerated.

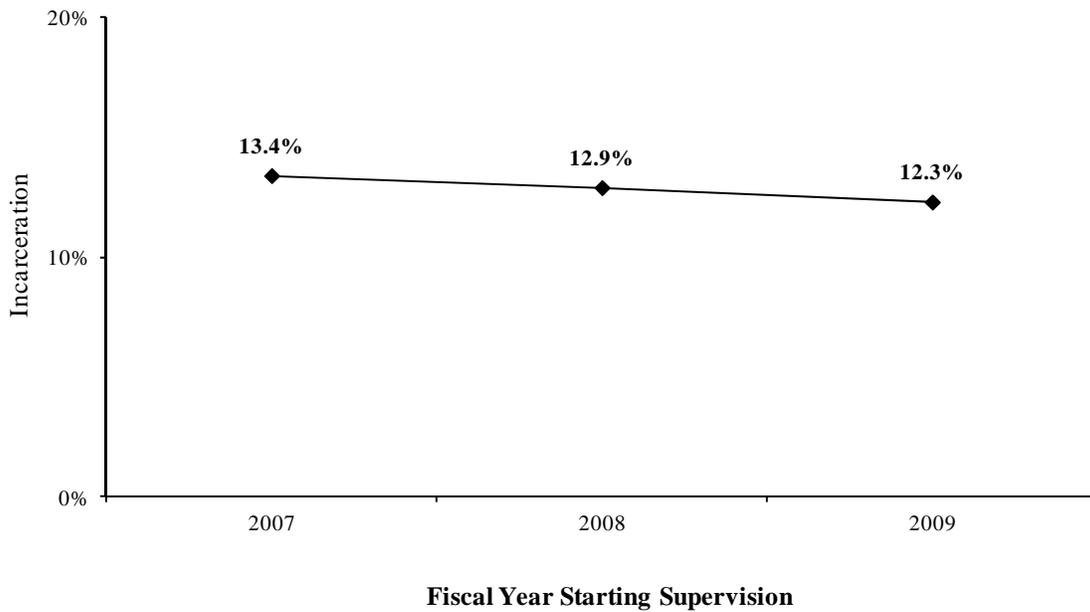
<sup>32</sup> A juvenile's first disposition to adjudicated probation supervision during the fiscal year was used as the study case.

## JUVENILE PROBATION DEPARTMENT ADJUDICATED PROBATION – INCARCERATION

### *A Comparison of Fiscal Years 2007 to 2009*

The following figure plots the three-year incarceration rate for three separate juvenile probation department adjudicated probation supervision cohorts. Cohorts include all juveniles beginning adjudicated probation supervision. The Texas Juvenile Probation Commission, whose functions are now part of TJJD, calculated the incarceration rate for the fiscal year 2007 cohort. The Legislative Budget Board calculated subsequent incarceration rates. The 2009 cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 32: Percent of Cohort Incarcerated within Three Years, Fiscal Years 2007 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- The adjudicated probation incarceration rate decreased slightly each fiscal year from 2007 to 2009. The incarceration rate fell from 13.4 percent in fiscal year 2007 to 12.3 percent in fiscal year 2009.

## JUVENILE PROBATION DEPARTMENT ADJUDICATED PROBATION – INCARCERATION

### *A Profile of Recidivists*

**Table 48: Share of Cohort and Incarcerated Juveniles with Select Characteristics, Fiscal Years 2008 to 2009**

CHARACTERISTICS	FY 2008 SUPERVISEES		FY 2009 SUPERVISEES	
	COHORT N = 22,879	RECIDIVISTS (incarceration) N = 2,954	COHORT N = 20,788	RECIDIVISTS (incarceration) N = 2,560
<b>GENDER</b>				
Female	20.3%	7.1%	19.7%	7.0%
Male	79.7%	92.9%	80.3%	93.0%
<b>RACE/ETHNICITY</b>				
African American	26.7%	37.5%	26.6%	37.2%
Hispanic	47.2%	43.2%	48.9%	43.8%
White	25.2%	18.9%	23.6%	18.6%
Other	0.9%	0.5%	0.9%	0.5%
<b>AGE AT START OF SUPERVISION</b>				
10-12	3.8%	2.9%	3.5%	2.3%
13-14	24.3%	25.0%	23.7%	24.6%
15-16	60.6%	61.3%	60.9%	60.3%
17	11.3%	10.7%	11.8%	12.7%
Unknown	0.04%	0.1%	0.03%	0.1%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	22.2%	19.9%	27.3%	25.5%
Property	29.6%	28.7%	34.7%	40.4%
Drug	14.8%	13.2%	16.9%	14.1%
Other	31.7%	36.0%	19.3%	16.8%
Unknown	1.7%	2.2%	1.9%	3.1%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- At the start of supervision, the average age of both cohorts was 15 years. The average age of incarcerated juveniles was 15 years for both cohorts.

## JUVENILE PROBATION DEPARTMENT ADJUDICATED PROBATION – INCARCERATION

### *Incarceration Rates for Select Juvenile Characteristics*

**Table 49: Incarceration Rates for Juveniles with Select Characteristics, Fiscal Years 2008 to 2009**

JUVENILE CHARACTERISTICS	INCARCERATION RATE FY 2008 SUPERVISEES N = 2,954	INCARCERATION RATE FY 2009 SUPERVISEES N = 2,560
Overall Incarceration Rate	12.9%	12.3%
<b>GENDER</b>		
Female	4.5%	4.3%
Male	15.1%	14.3%
<b>RACE/ETHNICITY</b>		
African American	18.1%	17.2%
Hispanic	11.8%	11.0%
White	9.7%	9.7%
Other	6.5%	7.0%
<b>AGE AT START OF SUPERVISION<sup>33</sup></b>		
10-12	9.9%	8.2%
13-14	13.3%	12.8%
15-16	13.1%	12.2%
17	12.3%	13.2%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	11.6%	11.5%
Property	12.5%	14.4%
Drug	11.5%	10.3%
Other	14.6%	10.7%
Unknown	17.1%	20.5%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- The incarceration rate for each category is calculated by dividing the number of individuals incarcerated by the number of juveniles starting supervision. For example, in fiscal year 2008, 869 juveniles 10 to 12 years of age began adjudicated probation supervision. Of these juveniles, 86 were incarcerated within three years of starting supervision. Dividing 86 by 869 yields an incarceration rate of 9.9 percent for the 10 to 12 year-old age group in the fiscal year 2008 cohort.
- Among age groups, juveniles 10 to 12 years of age had the lowest incarceration rates in both cohorts.
- For both cohorts, juveniles on supervision for committing “other” offenses had the highest incarceration rates, and juveniles on supervision for committing drug offenses had the lowest incarceration rates. See the Glossary for examples of offense types.

<sup>33</sup> There were too few cases (less than 30 cases) in the unknown age groups to draw general conclusions from the results; they have been removed from this analysis.

## JUVENILE PROBATION DEPARTMENT SECURE RESIDENTIAL – REARREST

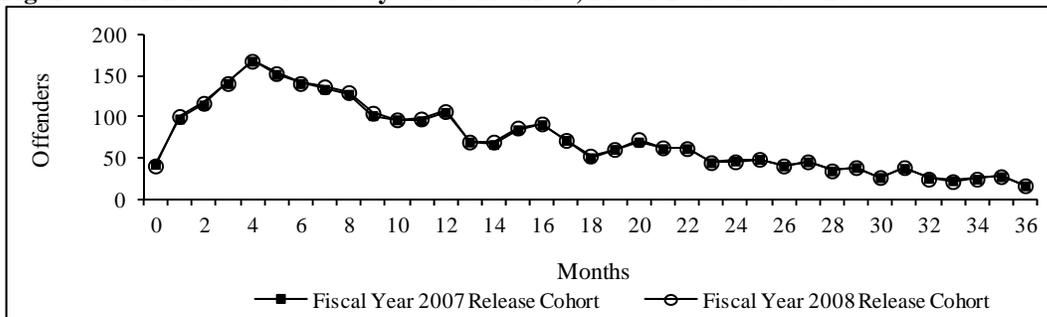
### Rearrest Rates

Juveniles released from juvenile probation department secure residential facilities during fiscal years 2007 and 2008 were monitored to determine the percentage rearrested for a new offense of at least a Class B Misdemeanor within three years of release.<sup>34</sup> Class C Misdemeanors (which include traffic offenses), conduct-in-need-of-supervision offenses, and violations of supervision conditions are low-level offenses not included in this analysis.<sup>35</sup> Each juvenile who was rearrested or received a formal referral to a local juvenile probation department at least once during the three-year follow-up period was considered rearrested. For any juvenile with more than one subsequent rearrest or rereferral during the three-year follow-up period, only the first rearrest or rereferral was counted in the calculation of the rearrest rate. The table below summarizes the rearrest rates for each cohort, and the figure below depicts the amount of time out of custody prior to rearrest.

**Table 50: Rearrest Rates for Release Cohorts, Fiscal Years 2007 to 2008**

REARREST YEAR	FY 2007 COHORT N = 3,874		FY 2008 COHORT N = 4,087	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	1,521	39.3%	1,536	37.6%
Year 2	783	20.2%	794	19.4%
Year 3	394	10.2%	393	9.6%
<b>Total</b>	<b>2,698</b>		<b>2,723</b>	
<b>Rearrest Rate</b>		<b>69.6%</b>		<b>66.6%</b>

**Figure 33: Months Out of Custody before Rearrest, Fiscal Years 2007 to 2008**



Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- Among rearrested juveniles, the average time out of custody before incarceration was 12 months for both cohorts.
- Slightly more than one-third of releases were rearrested within the first year of release (39.3 percent of the 2007 cohort and 37.6 percent of the 2008 cohort). By the second year of release, over half were rearrested (59.5 percent of the fiscal year 2007 cohort and 57.0 percent of the fiscal year 2008 cohort).

<sup>34</sup> A juvenile's first release during the fiscal year was used as the study case. To be included in the analysis, a juvenile must have either (1) matched to a DPS arrest record or (2) been placed on supervision for an offense not reported to DPS or for which they were not referred to juvenile probation by law enforcement. Offenses not reported to DPS include conduct-in-need-of-supervision, court-order violations, and contempt of court offenses. Under these criteria, 6.9 percent (285 juveniles) of the fiscal year 2007 cohort and 1.7 percent (72 juveniles) of the fiscal year 2008 cohort were excluded from the rearrest analysis. The fiscal year 2007 cohort and rearrest rate were updated with current population and arrest data.

<sup>35</sup> Conduct-in-need-of-supervision offenses include such offenses as truancy and runaway. Class C Misdemeanors include such offenses as traffic violations and loitering. They typically do not result in confinement unless as a violation of supervision terms.

## JUVENILE PROBATION DEPARTMENT SECURE RESIDENTIAL – REARREST

### *A Profile of Recidivists*

**Table 51: Share of Cohort and Rearrested Juveniles with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 SUPERVISEES		FY 2008 SUPERVISEES	
	COHORT N = 3,874	RECIDIVISTS (rearrest) N = 2,698	COHORT N = 4,087	RECIDIVISTS (rearrest) N = 2,723
<b>GENDER</b>				
Female	9.0%	6.4%	8.8%	6.4%
Male	91.0%	93.6%	91.2%	93.6%
<b>RACE/ETHNICITY</b>				
African American	32.5%	35.6%	31.9%	35.5%
Hispanic	44.6%	45.6%	45.5%	45.8%
White	22.0%	18.2%	21.7%	18.1%
Other	0.9%	0.6%	0.9%	0.6%
<b>AGE AT RELEASE</b>				
10-12	1.0%	1.2%	1.1%	1.2%
13-14	18.2%	19.9%	18.0%	20.2%
15-16	63.0%	63.8%	62.7%	63.8%
17	17.8%	15.1%	18.2%	14.8%
Unknown	0.0%	0.0%	0.1%	0.0%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	23.2%	21.6%	24.1%	21.6%
Property	29.9%	30.1%	30.6%	30.7%
Drug	17.9%	18.8%	18.1%	18.9%
Other	24.8%	26.3%	24.5%	26.1%
Unknown	4.2%	3.3%	2.8%	2.6%

Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- At release, the average age of both cohorts was 15 years, and the average age of rearrested juveniles was 15 years.
- Of the fiscal year 2007 release cohort, 38.7 percent were rearrested for felony offenses. Of the fiscal year 2008 release cohort, 38.8 percent were rearrested for felony offenses.

## JUVENILE PROBATION DEPARTMENT SECURE RESIDENTIAL – REARREST

### *Rearrest Rates for Select Juvenile Characteristics*

**Table 52: Rearrest Rates for Juveniles with Select Characteristics, Fiscal Years 2007 to 2008**

OFFENDER CHARACTERISTICS	FY 2007 SUPERVISEES	FY 2008 SUPERVISEES
	REARREST RATE N = 2,698	REARREST RATE N = 2,723
Overall Rearrest Rate	69.6%	66.6%
<b>GENDER</b>		
Female	49.7%	47.9%
Male	71.6%	68.4%
<b>RACE/ETHNICITY</b>		
African American	76.2%	74.1%
Hispanic	71.1%	67.1%
White	57.8%	55.6%
Other	48.6%	44.7%
<b>AGE AT RELEASE<sup>36</sup></b>		
10-12	80.0%	76.7%
13-14	76.4%	74.9%
15-16	70.5%	67.8%
17	59.1%	54.1%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	64.7%	59.8%
Property	70.0%	67.0%
Drug	73.3%	69.8%
Other	73.8%	71.1%
Unknown	54.3%	61.7%

Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- The rearrest rate for each category is calculated by dividing the number of rearrested individuals by the number of juveniles exiting secure residential facilities. For example, in fiscal year 2007, 40 juveniles who were ages 10 to 12 years exited facilities. Of these juveniles, 32 were rearrested within three years of release. Dividing 32 by 40 yields a rearrest rate of 80.0 percent for 10-12 year-olds in the fiscal year 2007 release cohort.
- Among age groups, juveniles 10 to 12 years of age had the highest rearrest rates in both cohorts. In contrast, juveniles who were 17 years of age had the lowest rearrest rates in both cohorts.
- For both cohorts, juveniles who committed “other” offenses had the highest rearrest rates. See the Glossary for examples of offense types.

<sup>36</sup> There were too few cases (less than 30 cases) in the unknown age groups to draw general conclusions from the results, so they have been removed from this analysis.

## JUVENILE PROBATION DEPARTMENT SECURE RESIDENTIAL – INCARCERATION

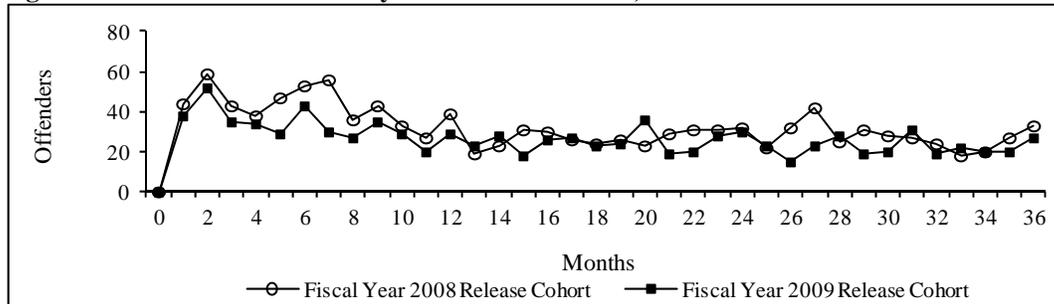
### *Incarceration Rates*

Juveniles released from juvenile probation department secure residential facilities during fiscal years 2008 and 2009 were monitored to determine the percentage incarcerated within three years of release.<sup>37</sup> Each juvenile sent to a secure TJJD facility or a TDCJ prison or state jail at least once during the three-year follow-up period was considered incarcerated. For any juvenile who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the incarceration rate. The table below summarizes the incarceration rates for each cohort, and the figure below depicts the amount of time out of custody prior to incarceration.

**Table 53: Incarceration Rates for Release Cohorts, Fiscal Years 2008 to 2009**

INCARCERATION YEAR	FY 2008 COHORT N = 3,932		FY 2009 COHORT N = 3,540	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	518	13.2%	401	11.3%
Year 2	325	8.3%	302	8.5%
Year 3	329	8.4%	267	7.5%
<b>Total</b>	<b>1,172</b>		<b>970</b>	
<b>Incarceration Rate</b>		<b>29.8%</b>		<b>27.4%</b>

**Figure 34: Months Out of Custody before Incarceration, Fiscal Years 2008 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- Among incarcerated juveniles, the average time out of custody before incarceration was 16 months for both cohorts.
- Slightly more than one in ten releases were incarcerated within the first year of release (13.2 percent of the 2008 cohort and 11.3 percent of the 2009 cohort). By the second year of release, approximately one in five releases were incarcerated (21.5 percent of the fiscal year 2008 cohort and 19.8 percent of the fiscal year 2009 cohort).

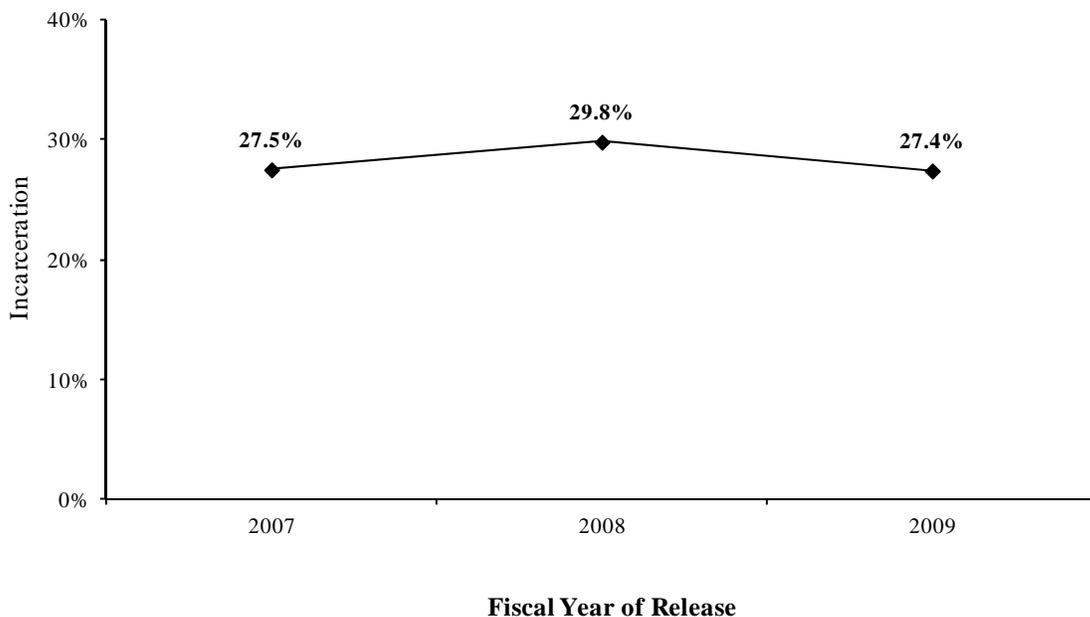
<sup>37</sup> A juvenile's first release during the fiscal year was used as the study case.

## JUVENILE PROBATION DEPARTMENT SECURE RESIDENTIAL – INCARCERATION

### *A Comparison of Fiscal Years 2007 to 2009*

The following figure plots the three-year incarceration rate for three separate juvenile probation department (JPD) secure residential facility release cohorts. Cohorts include all juveniles released from a JPD secure residential facility. The Texas Juvenile Probation Commission, whose functions are now part of TJJD, calculated the incarceration rate for the fiscal year 2007 cohort. The Legislative Budget Board calculated subsequent incarceration rates. The 2009 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 35: Percent of Cohort Incarcerated within Three Years, Fiscal Years 2007 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- The JPD secure residential incarceration rate remained relatively stable from fiscal years 2007 to 2009 – ranging from a low of 27.4 percent in fiscal year 2009 to a high of 29.8 percent in fiscal year 2008.

## JUVENILE PROBATION DEPARTMENT SECURE RESIDENTIAL – INCARCERATION

### *A Profile of Recidivists*

**Table 54: Share of Cohort and Incarcerated Juveniles with Select Characteristics, Fiscal Years 2008 to 2009**

CHARACTERISTICS	FY 2008 RELEASES		FY 2009 RELEASES	
	COHORT N = 3,932	RECIDIVISTS (incarceration) N = 1,172	COHORT N = 3,540	RECIDIVISTS (incarceration) N = 970
<b>GENDER</b>				
Female	9.2%	4.2%	10.6%	4.9%
Male	90.8%	95.8%	89.4%	95.1%
<b>RACE/ETHNICITY</b>				
African American	32.5%	36.0%	30.3%	35.8%
Hispanic	47.9%	48.0%	47.3%	49.1%
White	18.7%	15.2%	21.6%	14.5%
Other	0.9%	0.8%	0.8%	0.6%
<b>AGE AT RELEASE</b>				
10-12	1.1%	1.0%	0.8%	0.8%
13-14	16.2%	18.5%	15.4%	19.0%
15-16	63.8%	64.1%	60.8%	61.3%
17	18.8%	16.2%	22.8%	18.9%
Unknown	0.1%	0.2%	0.1%	0.0%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	23.1%	22.1%	26.1%	25.2%
Property	31.3%	35.4%	31.5%	36.0%
Drug	16.9%	15.4%	15.7%	14.7%
Other	25.5%	25.6%	23.9%	22.0%
Unknown	3.2%	1.5%	2.8%	2.2%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- At release, the average age of the 2008 cohort was 16 years, and the average age of incarcerated juveniles was 15 years. At release, the average age of the 2009 release cohort and incarcerated juveniles was 16 years.

## JUVENILE PROBATION DEPARTMENT SECURE RESIDENTIAL – INCARCERATION

### *Incarceration Rates for Select Juvenile Characteristics*

**Table 55: Incarceration Rates for Juveniles with Select Characteristics, Fiscal Years 2008 to 2009**

JUVENILE CHARACTERISTICS	INCARCERATION RATE FY 2008 RELEASES N = 1,172	INCARCERATION RATE FY 2009 RELEASES N = 970
Overall Incarceration Rate	29.8%	27.4%
<b>GENDER</b>		
Female	13.6%	12.7%
Male	31.4%	29.1%
<b>RACE/ETHNICITY</b>		
African American	33.1%	32.3%
Hispanic	29.9%	28.4%
White	24.2%	18.4%
Other	24.3%	21.4%
<b>AGE AT RELEASE</b>		
10-12	28.6%	26.7%
13-14	34.0%	33.8%
15-16	29.9%	27.6%
17	25.7%	22.7%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	33.8%	31.3%
Property	27.0%	25.8%
Drug	29.9%	25.1%
Other	14.4%	21.4%
Unknown	29.3%	27.4%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

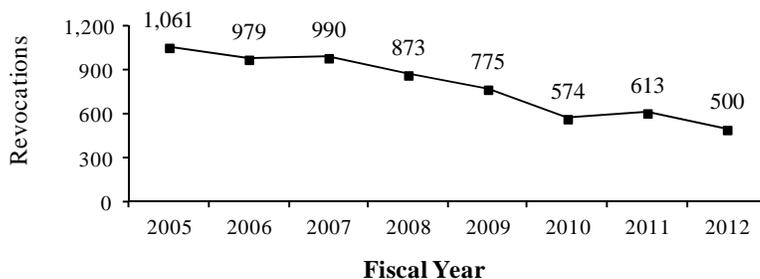
- The incarceration rate for each category is calculated by dividing the number of individuals incarcerated by the number of releases. For example, in fiscal year 2008, 42 juveniles 10 to 12 years of age were released from JPD secure residential facilities. Of these released juveniles, 12 were incarcerated within three years of their release. Dividing 12 by 42 yields an incarceration rate of 28.6 percent for the 10 to 12 year-old age group in the fiscal year 2008 release cohort.
- Among age groups, juveniles 13 and 14 years of age had the highest incarceration rates in both cohorts. In contrast, juveniles 17 years of age had the lowest incarceration rates.
- For both cohorts, juveniles on supervision for committing violent offenses had the highest incarceration rates, and juveniles on supervision for committing “other” offenses had the lowest incarceration rates. See the Glossary for examples of offense types.

## JUVENILE PROBATION DEPARTMENT ACTIVE FELONY SUPERVISION – REVOCATIONS

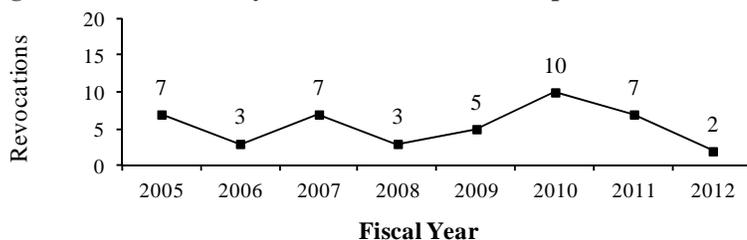
### Revocations

Revocation is defined in this analysis as the termination of active deferred prosecution or adjudicated probation supervision and commitment to TJJD residential facilities in response to the juvenile committing a new offense or technical violation of supervision conditions (e.g., failure to report to a juvenile probation officer). Figures 36 and 37 provide the total number of juveniles under active supervision for felony offenses.<sup>38</sup> This analysis only includes juveniles under supervision for felony offenses because, with the enactment of Senate Bill 103 by the Eightieth Legislature, 2007, a juvenile must have been adjudicated for a felony offense to be committed to TJJD.

**Figure 36: Active Felony Adjudicated Probation Supervision Revocations, Fiscal Years 2005 to 2012**



**Figure 37: Active Felony Deferred Prosecution Supervision Revocations, Fiscal Years 2005 to 2012**



Source: Texas Juvenile Justice Department.

- Over the last eight fiscal years, juveniles actively supervised under adjudicated probation for felony offenses accounted for nearly all revocations (between 98.3 and 99.7 percent). This finding is consistent with expectations given that deferred prosecution supervision is typically reserved for juveniles with limited delinquent histories.
- Between fiscal years 2005 and 2012, adjudicated probation revocations decreased 52.9 percent (from 1,061 to 500) while the total number of juveniles under adjudicated probation supervision only decreased 24.6 percent (from 18,908 to 14,262). The notable decrease in commitments to TJJD stem, in part, from juvenile justice system legislative reforms in recent years, which are described in the introduction of this section of the report.
- During each of the last eight fiscal years, deferred prosecution revocations have remained small in number, ranging from two to ten per year. During the same period, the total number of juveniles under deferred prosecution supervision increased 5.7 percent (from 4,535 to 4,793).

<sup>38</sup> A juvenile is not considered under active supervision if the probation officer does not know the juvenile's whereabouts for the entire fiscal year; since the juvenile was never located during the time period examined, revocation would not have been possible. In fiscal year 2011, 492 juveniles were under indirect supervision and 27 were revoked. In fiscal year 2012, 456 juveniles were under indirect supervision and 29 were revoked. In the January 2011 *Statewide Criminal Justice Recidivism and Revocation Rates* report, the number of juveniles under indirect supervision was reported to be 43 cases but it is now reported by the Texas Juvenile Justice Department to be 486 and 31 were revoked.

## JUVENILE PROBATION DEPARTMENT ACTIVE FELONY SUPERVISION – REVOCATIONS

### *Revocation Rates*

To compute revocation rates, the number of juveniles whose supervision was revoked (as defined in this analysis) during a given fiscal year is divided by the total number of juveniles on active supervision for felony offenses during the same time period. Table 56 summarizes active deferred prosecution and adjudicated probation supervision revocation rates since fiscal year 2005.

**Table 56: Revocation Rates for Active Felony Supervision, Fiscal Years 2005 to 2012**

FISCAL YEAR	NUMBER OF JUVENILES UNDER ACTIVE SUPERVISION FOR FELONY OFFENSES	REVOCATIONS TO TJJD RESIDENTIAL	REVOCATION RATE
<b>ADJUDICATED PROBATION</b>			
2005	18,908	1,061	5.6%
2006	19,047	979	5.1%
2007	22,114	990	4.5%
2008	21,901	873	4.0%
2009	20,191	775	3.8%
2010	17,913	574	3.2%
2011	15,310	613	4.0%
2012	14,262	500	3.5%
<b>DEFERRED PROSECUTION</b>			
2005	4,535	7	0.2%
2006	4,994	3	0.1%
2007	5,619	7	0.1%
2008	6,197	3	0.05%
2009	6,125	5	0.1%
2010	5,705	10	0.2%
2011	5,184	7	0.1%
2012	4,793	2	0.04%

Sources: Legislative Budget Board; Texas Juvenile Justice Department; Texas Juvenile Probation Commission.

- The felony adjudicated probation revocation rate has remained relatively stable since fiscal year 2005, ranging from 3.2 to 5.6 percent.
- The felony deferred prosecution revocation rate has remained consistently low for the last eight fiscal years, ranging from a low of 0.04 to 0.2 percent.

## JUVENILE PROBATION DEPARTMENT ACTIVE FELONY SUPERVISION – REVOCATIONS

### *A Profile of Revoked Supervisees*

**Table 57: Share of Active Felony Adjudicated Probation Cohort and Revoked Juveniles with Select Characteristics, Fiscal Years 2011 to 2012**

JUVENILE CHARACTERISTICS	FY 2011 SUPERVISEES		FY 2012 SUPERVISEES	
	COHORT N = 15,310	REVOCATIONS N = 613	COHORT N = 14,262	REVOCATIONS N = 500
<b>GENDER</b>				
Female	12.1%	11.7%	12.4%	8.6%
Male	87.9%	88.3%	87.6%	91.4%
<b>RACE/ETHNICITY</b>				
African American	24.7%	32.0%	25.5%	33.2%
Hispanic	48.4%	45.0%	48.0%	45.4%
White	25.9%	22.0%	25.5%	21.2%
Other	1.0%	1.0%	1.0%	0.2%
<b>AGE AT SUPERVISION END OR END OF FISCAL YEAR <sup>36</sup></b>				
10-12	3.5%	1.1%	3.8%	1.6%
13-14	20.6%	18.8%	21.3%	19.0%
15-16	55.4%	66.1%	54.5%	64.8%
17	20.0%	14.0%	20.2%	14.4%
Unknown	0.4%	0.0%	0.2%	0.2%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	33.8%	40.8%	35.5%	39.0%
Property	46.7%	45.8%	46.1%	46.4%
Drug	11.2%	6.2%	10.3%	7.4%
Other	8.3%	7.2%	8.1%	7.2%

Sources: Legislative Budget Board; Texas Juvenile Justice Department; Texas Juvenile Probation Commission.

- In fiscal year 2011, nearly two-thirds (63.5 percent) of revoked probationers were revoked for technical violations of supervision conditions. This analysis excludes the 8.3 percent (or 51) of probation revocations without a specified reason for the violation.
- In fiscal year 2012, nearly two-thirds (60.8 percent) of revoked probationers were revoked for technical violations of supervision conditions. This analysis excludes the 5.2 percent (or 26) of probation revocations without a specified reason for the violation.
- Probation revocations comprised 57.2 percent of total TJJD residential admissions in fiscal year 2011. In fiscal year 2012, probation revocations accounted for 59.3 percent of TJJD residential admissions.

## JUVENILE PROBATION DEPARTMENT ACTIVE FELONY SUPERVISION – REVOCATIONS

### *Revocation Rates for Select Juvenile Characteristics*

**Table 58: Revocation Rates for Revoked Active Felony Adjudicated Probation Supervisees with Select Characteristics, Fiscal Years 2011 to 2012**

JUVENILE CHARACTERISTICS	REVOCATION RATE	REVOCATION RATE
	FY 2011 PROBATIONERS N = 613	FY 2012 PROBATIONERS N = 500
Overall Revocation Rate	4.0%	3.5%
<b>GENDER</b>		
Female	3.9%	2.4%
Male	4.0%	3.7%
<b>RACE/ETHNICITY</b>		
African American	5.2%	4.6%
Hispanic	3.7%	3.3%
White	3.4%	2.9%
Other	3.9%	0.7%
<b>AGE AT REVOCATION <sup>39</sup></b>		
10-12	1.3%	1.5%
13-14	3.6%	3.1%
15-16	4.8%	4.2%
17	2.8%	2.5%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	4.8%	3.8%
Property	3.9%	3.5%
Drug	2.2%	2.5%
Other	3.5%	3.1%

Sources: Legislative Budget Board; Texas Juvenile Justice Department; Texas Juvenile Probation Commission.

- Among the 2011 and 2012 cohorts, juveniles between 15 and 16 years of age had the highest revocation rates while juveniles between 10 and 12 years of age had the lowest revocation rates.
- In both fiscal years, juveniles disposed at the start of their supervision for violent offenses had the highest revocation rates, and those disposed at the start of their supervision for drug offenses had the lowest revocation rates.

<sup>39</sup> The age at release reflects the juvenile's age at supervision's end if it occurred during the fiscal year of interest. If the juvenile's supervision did not end during the fiscal year, the age at release is the juvenile's age at the end of the fiscal year of interest.

## TEXAS JUVENILE JUSTICE DEPARTMENT SECURE RESIDENTIAL – REARREST

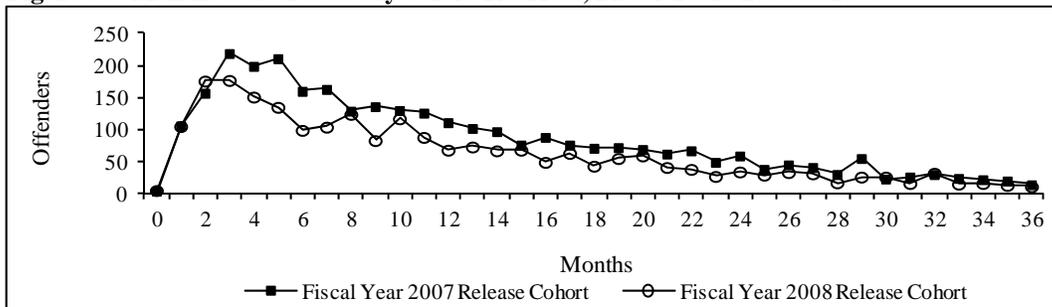
### Rearrest Rates

Juveniles released from secure TJJJ residential facilities during fiscal years 2007 and 2008 were monitored to determine the percentage rearrested for a new offense of at least a Class B Misdemeanor within three years of release.<sup>40</sup> Class C Misdemeanors (which include traffic offenses), status offenses, and technical violations of supervision conditions are low-level offenses not included in this analysis.<sup>41</sup> Each juvenile who was arrested or received a formal referral to a local juvenile probation department at least once during the three-year follow-up period was considered rearrested. For any juvenile who had more than one arrest or referral during the three-year follow-up period, only the first arrest or referral was counted in the calculation of the rearrest rate and only the most serious offense for that first arrest or referral was used in the offense severity analysis.

**Table 59: Rearrest Rates for Release Cohorts, Fiscal Years 2007 to 2008**

FAILURE PERIOD	FY 2007 COHORT N = 4,045		FY 2008 COHORT N = 2,982	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	1,851	45.8%	1,432	48.0%
Year 2	888	22.0%	617	20.7%
Year 3	368	9.1%	265	8.9%
<b>Total</b>	<b>3,107</b>		<b>2,314</b>	
<b>Rearrest Rate</b>		<b>76.8%</b>		<b>77.6%</b>

**Figure 38: Months Out of Custody before Rearrest, Fiscal Years 2007 to 2008**



Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- Among juveniles who were rearrested, the average time out of custody before rearrest was 12 months for the fiscal year 2007 cohort and 11 months for the fiscal year 2008 cohort.
- Nearly half of the fiscal years 2007 and 2008 release cohorts were rearrested in the first year after release (45.8 percent and 48.0 percent, respectively). By the second year after release, approximately two-thirds of the release cohorts were rearrested (67.8 percent of the 2007 cohort and 68.7 percent of the 2008 cohort).

<sup>40</sup> A juvenile's first release during the fiscal year was used as the study case. Juveniles released directly to county jail, TDCJ prison, or TDCJ state jail are excluded from the cohort. Also excluded from the cohort are any juveniles whose commitment to TJJJ residential was overturned and, if applicable, any juveniles who were released and reincarcerated within the same day. Juveniles not found in DPS arrest records are excluded from the sample analyzed; 149 juveniles were excluded from the fiscal year 2007 release cohort and 96 juveniles were excluded from the fiscal year 2008 release cohort. The fiscal year 2007 cohort was updated with current population data.

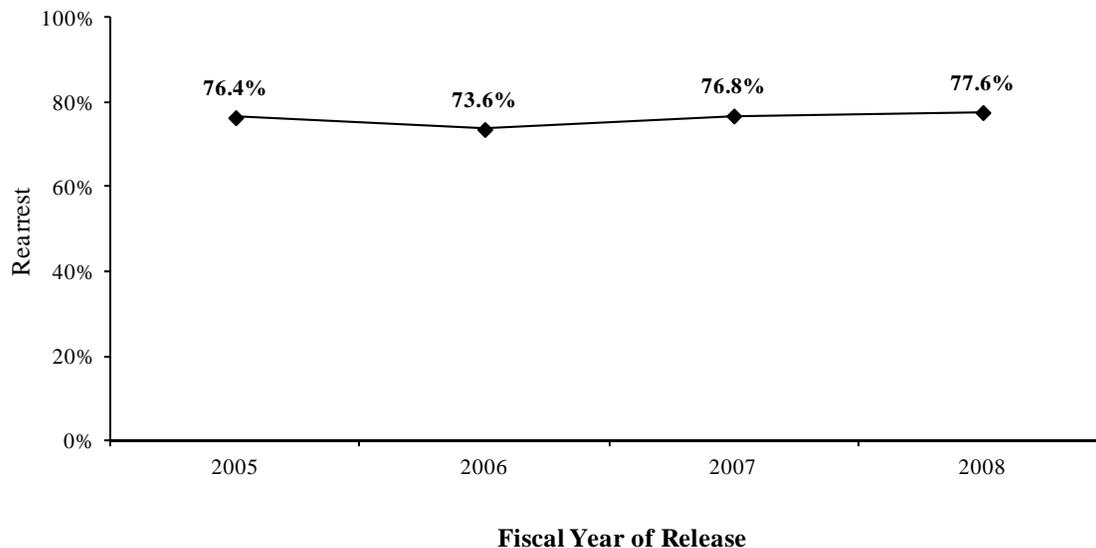
<sup>41</sup> Status offenses include such offenses as truancy and runaway. Class C Misdemeanors include such offenses as traffic violations and loitering. They typically do not result in confinement unless as a violation of supervision terms.

## TEXAS JUVENILE JUSTICE DEPARTMENT SECURE RESIDENTIAL – REARREST

### *A Comparison of Fiscal Years 2005 to 2008*

The following figure plots the three-year rearrest rate for four separate TJJD release cohorts. Cohorts include juveniles released from a TJJD secure residential facility who had a DPS arrest record. The 2008 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 39: Percent of Cohort Rearrested within Three Years, Fiscal Years 2005 to 2008**



Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department; Texas Juvenile Probation Commission; Texas Youth Commission.

- The TJJD rearrest rate was relatively stable from fiscal years 2005 to 2008 but did increase slightly each of the last three fiscal years.
- Nearly half of all rearrests were for felony offenses (45.4 percent in the fiscal year 2007 cohort and 44.1 percent in the fiscal year 2008 cohort).
- Among the 2007 cohort, 65.0 percent were released to TJJD parole, 26.1 percent were released to a non-secure TJJD residential facility, 2.0 percent were released to TDCJ parole, and 6.9 percent were discharged from custody without supervision. Among the 2008 cohort, 57.7 percent were released to TJJD parole, 29.0 percent were released to a non-secure TJJD residential facility, 2.9 percent were released to TDCJ parole, and 10.4 percent were discharged from custody without supervision.

## TEXAS JUVENILE JUSTICE DEPARTMENT SECURE RESIDENTIAL – REARREST

### *A Profile of Recidivists*

**Table 60: Share of Cohort and Rearrested Juveniles with Select Characteristics, Fiscal Years 2007 to 2008**

CHARACTERISTICS	FY 2007 RELEASES		FY 2008 RELEASES	
	COHORT N = 4,045	RECIDIVISTS (rearrest) N = 3,107	COHORT N = 2,982	RECIDIVISTS (rearrest) N = 2,314
<b>GENDER</b>				
Female	10.2%	7.4%	9.7%	6.4%
Male	89.8%	92.6%	90.3%	93.6%
<b>RACE/ETHNICITY</b>				
African American	34.3%	37.3%	37.3%	39.3%
Hispanic	41.5%	41.5%	42.2%	42.6%
White	23.4%	20.6%	19.7%	17.5%
Other	0.8%	0.6%	0.8%	0.6%
<b>AGE AT RELEASE</b>				
10-12	0.0%	0.0%	0.2%	0.2%
13-14	2.3%	2.5%	3.8%	4.0%
15-16	32.3%	34.2%	37.1%	38.0%
17-20	65.4%	63.2%	58.9%	57.8%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	38.0%	33.9%	45.0%	40.7%
Property	40.1%	42.7%	35.8%	38.9%
Drug	10.5%	11.0%	9.2%	9.7%
Other	11.3%	12.5%	10.0%	10.8%

Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- The percentage of juveniles in the cohort who were initially committed to TJJD residential facilities for violent offenses increased from 38.0 percent in fiscal year 2007 to 45.0 percent in fiscal year 2008.
- At release, the average age of all juveniles in both cohorts and rearrested juveniles in both cohorts was 17 years.

## TEXAS JUVENILE JUSTICE DEPARTMENT SECURE RESIDENTIAL – REARREST

### *Rearrest Rates for Select Juvenile Characteristics*

**Table 61: Rearrest Rates for Juveniles with Select Characteristics, Fiscal Years 2007 to 2008**

JUVENILE CHARACTERISTICS	REARREST RATE FY 2007 RELEASES N = 4,045	REARREST RATE FY 2008 RELEASES N = 2,982
Overall Rearrest Rate	76.8%	77.6%
<b>GENDER</b>		
Female	55.6%	51.2%
Male	79.2%	80.4%
<b>RACE/ETHNICITY</b>		
African American	83.6%	81.7%
Hispanic	76.8%	78.4%
White	67.5%	69.2%
Other	60.6%	56.0%
<b>AGE AT RELEASE</b>		
10-12	100.0%	57.1%
13-14	83.9%	83.0%
15-16	81.5%	79.4%
17-20	74.2%	76.2%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	68.4%	70.2%
Property	81.8%	84.1%
Drug	80.3%	82.4%
Other	84.3%	83.3%

Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Juvenile Justice Department.

- There are too few cases (less than 30 cases) in the group of juveniles 10 to 12 years of age to draw general conclusions from the results. Analyzing other age groups, juveniles from 13 to 14 years of age had the highest rearrest rates. Juveniles from 17 to 20 years of age had the lowest rearrest rates.
- In both cohorts, juveniles initially committed to TJJD residential facilities for a violent offense had the lowest rearrest rates. Juveniles initially committed to TJJD residential for property, drug, and other offenses had similar rearrest rates. See the Glossary for examples of offense types.

## TEXAS JUVENILE JUSTICE DEPARTMENT SECURE RESIDENTIAL – REINCARCERATION

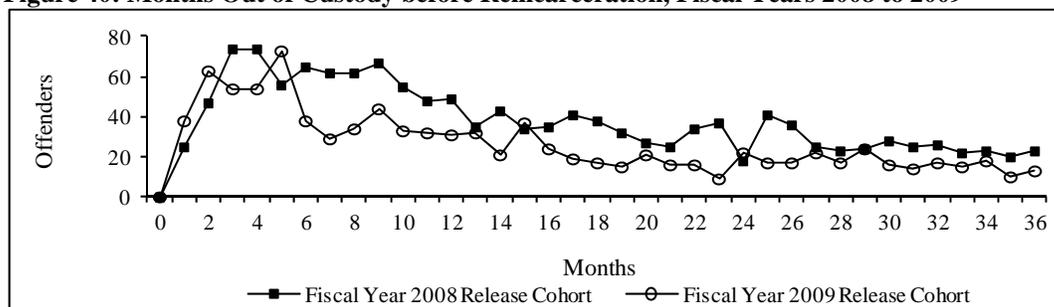
### *Reincarceration Rates*

Juveniles released from TJJD secure residential facilities during fiscal years 2008 and 2009 were monitored to determine the percentage reincarcerated within three years of release.<sup>42</sup> Each juvenile who returned to a secure TJJD facility or a TDCJ prison or state jail at least once during the three-year follow-up period was considered reincarcerated. For any juvenile who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the reincarceration rate. The table below summarizes the re-incarceration rates for each cohort, and the figure below depicts the amount of time out of custody prior to reincarceration.

**Table 62: Reincarceration Rates for Release Cohorts, Fiscal Years 2008 to 2009**

REINCARCERATION YEAR	FY 2008 COHORT N = 3,078		FY 2009 COHORT N = 2,114	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	684	22.2%	523	24.7%
Year 2	399	13.0%	249	11.8%
Year 3	316	10.3%	200	9.5%
<b>Total</b>	<b>1,399</b>		<b>972</b>	
<b>Reincarceration Rate</b>		<b>45.5%</b>		<b>46.0%</b>

**Figure 40: Months Out of Custody before Reincarceration, Fiscal Years 2008 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- Among juveniles who were reincarcerated, the average time out of custody before reincarceration was 15 months for the fiscal year 2008 cohort and 13 months for the fiscal year 2009 cohort.
- Approximately one-quarter of both cohorts were reincarcerated within the first year of release (22.2 percent of the 2008 cohort and 24.7 percent of the 2009 cohort). By the second year of release, approximately a third was reincarcerated (35.2 percent of the fiscal year 2008 cohort and 36.5 percent of the fiscal year 2009 cohort).

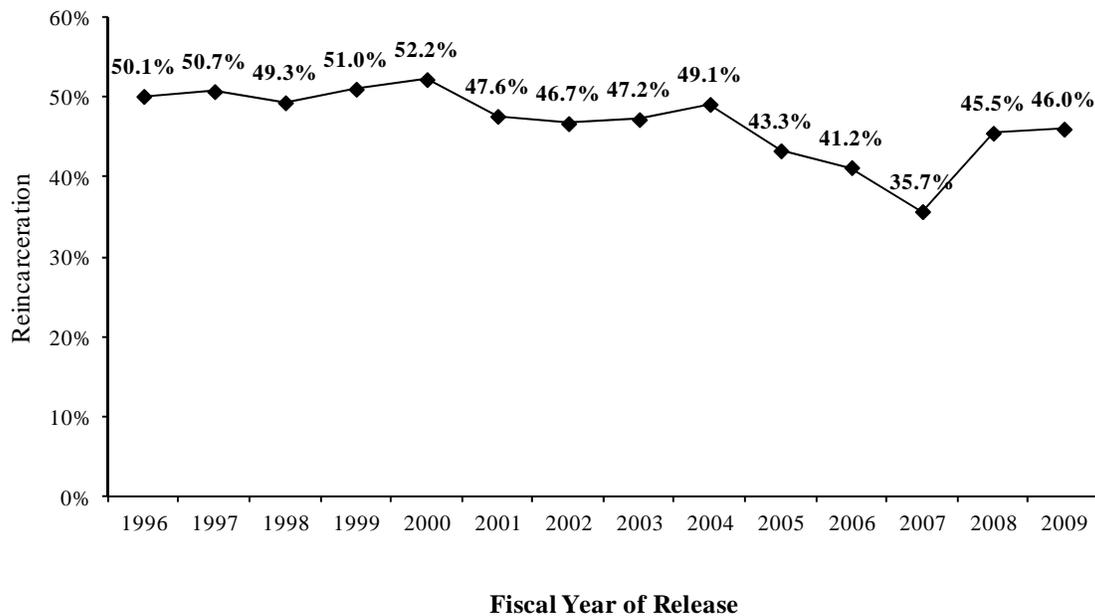
<sup>42</sup> A juvenile's first release during the fiscal year was used as the study case. Juveniles released directly to county jail, TDCJ prison, or TDCJ state jail are excluded from the cohort. Also excluded from the cohort are any juveniles whose commitment to TJJD residential was overturned and, if applicable, any juveniles who were released and reincarcerated within the same day. Excluded from the reincarceration count are juveniles who return to a secure TJJD residential facility for a revocation hearing but are not subsequently revoked as well as those reincarcerated for non-disciplinary admissions (for example, for medical care).

## TEXAS JUVENILE JUSTICE DEPARTMENT SECURE RESIDENTIAL – REINCARCERATION

### *A Comparison of Fiscal Years 1996 to 2009*

The following figure plots the three-year reincarceration rate for 14 separate TJJD release cohorts. Cohorts include all juveniles released from a TJJD secure residential facility. The Texas Youth Commission (the state juvenile correctional agency that is now part of TJJD) calculated the reincarceration rates for fiscal years 1996 to 2005. The Legislative Budget Board calculated all subsequent reincarceration rates. The 2009 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 41: Percent of Cohort Reincarcerated within Three Years, Fiscal Years 1996 to 2009**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- The average TJJD reincarceration rate was 46.8 percent from fiscal years 1996 to 2009. The reincarceration rate has been below this average rate since fiscal year 2005 however, the rate rose each of the last two fiscal years. Fiscal year 2007 had the lowest reincarceration rate (35.7 percent) and fiscal year 2000 had the highest rate (52.2 percent).
- Among the 2008 cohort, 57.1 percent were released to TJJD parole, 29.8 percent were released to a non-secure TJJD residential facility, 2.8 percent were released to TDCJ parole, and 10.3 percent were discharged from custody without supervision. Among the 2009 cohort, 48.9 percent were released to TJJD parole, 40.4 percent were released to a non-secure TJJD residential facility, 4.3 percent were released to TDCJ parole, and 6.4 percent were discharged from custody without supervision.

## TEXAS JUVENILE JUSTICE DEPARTMENT SECURE RESIDENTIAL – REINCARCERATION

### *A Profile of Recidivists*

**Table 63: Share of Cohort and Reincarcerated Juveniles with Select Characteristics, Fiscal Years 2008 to 2009**

CHARACTERISTICS	FY 2008 RELEASES		FY 2009 RELEASES	
	COHORT N = 3,078	RECIDIVISTS (reincarceration) N = 1,399	COHORT N = 2,114	RECIDIVISTS (reincarceration) N = 972
<b>GENDER</b>				
Female	9.7%	5.6%	7.4%	5.7%
Male	90.3%	94.4%	92.6%	94.3%
<b>RACE/ETHNICITY</b>				
African American	37.2%	42.8%	34.6%	38.5%
Hispanic	42.2%	39.8%	44.2%	42.8%
White	19.8%	17.1%	20.7%	18.3%
Other	0.8%	0.3%	0.5%	0.4%
<b>AGE AT RELEASE</b>				
10-12	0.2%	0.2%	0.05%	0.1%
13-14	3.7%	5.8%	3.1%	4.1%
15-16	37.2%	41.7%	36.4%	43.0%
17-20	58.8%	52.3%	60.5%	52.8%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	44.4%	40.1%	45.2%	38.6%
Property	36.3%	41.0%	39.9%	46.7%
Drug	9.3%	9.1%	8.8%	8.6%
Other	10.0%	9.9%	6.1%	6.1%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

- At release, the average age of the 2008 cohort was 17 years, and the average age of reincarcerated juveniles was 16 years. At release, the average age of the 2009 release cohort and reincarcerated juveniles was 17 years.

**TEXAS JUVENILE JUSTICE DEPARTMENT SECURE RESIDENTIAL – REINCARCERATION**

*Reincarceration Rates for Select Juvenile Characteristics*

**Table 64: Reincarceration Rates for Juveniles with Select Characteristics, Fiscal Years 2008 to 2009**

JUVENILE CHARACTERISTICS	REINCARCERATION RATE	REINCARCERATION RATE
	FY 2008 RELEASES N = 3,078	FY 2009 RELEASES N = 2,114
Overall Reincarceration Rate	45.5%	46.0%
<b>GENDER</b>		
Female	26.2%	35.0%
Male	47.5%	46.9%
<b>RACE/ETHNICITY</b>		
African American	52.3%	51.1%
Hispanic	42.9%	44.5%
White	39.2%	40.7%
Other	16.0%	40.0%
<b>AGE AT RELEASE</b>		
10-12	42.9%	100.0%
13-14	71.1%	61.5%
15-16	50.9%	54.3%
17-20	40.4%	40.1%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	41.0%	39.2%
Property	51.3%	53.9%
Drug	44.4%	44.9%
Other	44.8%	46.1%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Juvenile Justice Department.

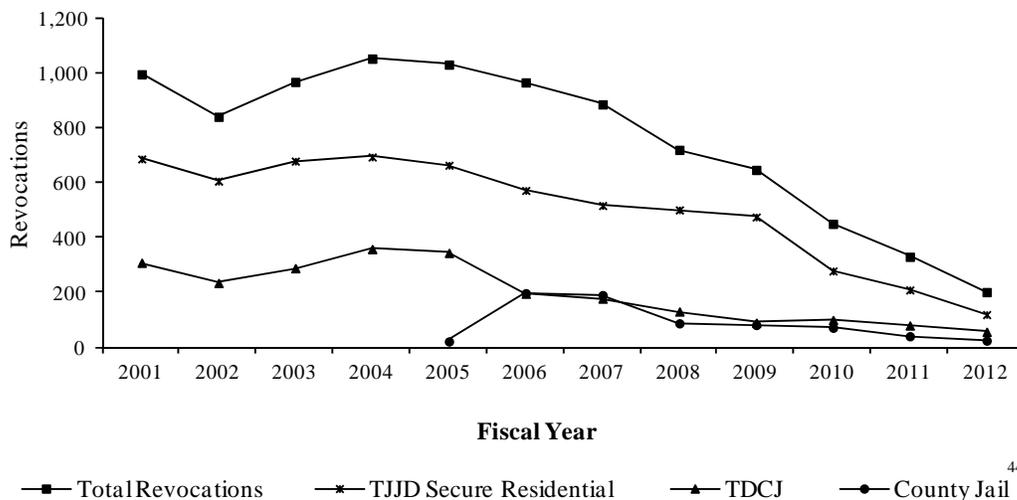
- The reincarceration rate for each category is calculated by dividing the number of individuals reincarcerated by the number of releases. For example, in fiscal year 2008, 114 juveniles 13 and 14 years of age were released from TJJD secure residential facilities. Of these released juveniles, 81 were reincarcerated within three years of their release. Dividing 81 by 114 yields a reincarceration rate of 71.1 percent for the 13 and 14 year-old age group in the fiscal year 2008 release cohort.
- There are too few cases (less than 30 cases) in the 10 to 12 age group to draw general conclusions from the results. Examining other age groups, juveniles 13 and 14 years of age had the highest reincarceration rates in both cohorts while juveniles between 17 years of age and older had the lowest reincarceration rates.
- For both cohorts, juveniles initially committed to TJJD for property offenses had the highest reincarceration rates, and those committed for violent offenses had the lowest reincarceration rates. See the Glossary for examples of offense types.

## TEXAS JUVENILE JUSTICE DEPARTMENT ACTIVE PAROLE – REVOCATIONS

### Revocations

Revocation is defined in this analysis as the termination of active parole supervision and incarceration in response to the parolee’s commitment of a new offense or technical violation of supervision conditions (e.g., failure to report to a parole officer).<sup>43</sup> Confinement may occur in a secure TJJD residential facility, TDCJ prison or state jail, or county jail. The figure below provides the total number of parole revocations.

**Figure 42: Active Parole Supervision Revocations, Fiscal Years 2001 to 2012**



Sources: Legislative Budget Board; Texas Juvenile Justice Department; Texas Youth Commission.

- Between fiscal years 2001 and 2012, parole revocations decreased 79.7 percent (from 997 to 202 revocations). During this time, the total number of parolees supervised decreased 70.9 percent (from 6,003 to 1,749 parolees).
- The majority of revoked parolees are returned to secure TJJD residential facilities. In fiscal year 2011, nearly two-thirds of revoked parolees (63.4 percent) were reincarcerated in secure TJJD residential facilities, 24.2 percent were incarcerated in TDCJ, and 12.4 percent were incarcerated in county jails. In fiscal year 2012, 59.4 percent of revoked parolees were reincarcerated in secure TJJD residential facilities, 28.2 percent were incarcerated in TDCJ, and 12.4 percent were incarcerated in county jails.

<sup>43</sup> A juvenile is not considered under active supervision if the parole officer does not know the juvenile’s whereabouts for the entire fiscal year; since the juvenile was never located during the time period examined, revocation would not have been possible (23 cases in 2011 and 21 cases in 2012). Juveniles transferred to out-of-state supervision (60 cases in 2011 and 49 cases in 2012) are also excluded from the revocation analysis since TJJD is not the supervising agency. Similarly, juveniles transferred from another state to TJJD are excluded from the rate calculation since any revocation would occur in the sending state (134 cases in 2011 and 99 cases in 2012). Juveniles under the supervision of U.S. Immigration and Customs Enforcement are also considered under inactive under TJJD supervision (22 cases in 2011 and 28 cases in 2012). Additionally, a parolee is not considered revoked if the (a) juvenile was re-incarcerated in TJJD for a documented reason other than a revocation (e.g., medical care) or (b) the revocation was reversed on appeal. Please note that juveniles residing in non-secure residential facilities are supervised by residential facility staff and not actively supervised by assigned parole officers; these juveniles are therefore excluded from the parole supervision count. A parolee may not have participated in a formal revocation hearing but may still be counted as revoked. For example, the parole officer may have terminated supervision upon learning the juvenile was incarcerated in TDCJ for a new offense and, as a result, the juvenile was unable to participate in a formal revocation hearing.

<sup>44</sup> In fiscal year 2005, the Texas Youth Commission (now TJJD) implemented a policy to discharge parolees if they had a sanction of at least six months in a county jail. In prior years, these juveniles would have been returned to the Texas Youth Commission once they completed their county jail sentence. The Texas Youth Commission began tracking this county jail information in fiscal year 2005; as a result revocation rates from prior fiscal years do not include county jail incarcerations.

## TEXAS JUVENILE JUSTICE DEPARTMENT ACTIVE PAROLE – REVOCATIONS

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### *Revocation Rates*

To compute the parole revocation rate, the number of parolees revoked during a given fiscal year is divided by the total number of juveniles on active parole supervision at any time during that same fiscal year. The table below summarizes active parole revocation rates since fiscal year 2001.

**Table 65: Revocation Rates for Active Parole Supervision, Fiscal Years 2001 to 2012**

<b>FISCAL YEAR</b>	<b>TOTAL NUMBER OF ACTIVE PAROLEES SUPERVISED</b>	<b>TOTAL NUMBER OF REVOCATIONS</b>	<b>REVOCATION RATE</b>
2001	6,003	997	16.6%
2002	5,829	842	14.4%
2003	6,166	969	15.7%
2004	5,913	1,054	17.8%
2005	5,468	1,032	18.9%
2006	5,792	967	16.7%
2007	6,460	887	13.7%
2008	5,163	721	14.0%
2009	3,598	648	18.0%
2010	3,143	451	14.3%
2011	2,379	331	13.9%
2012	1,749	202	11.5%

Sources: Legislative Budget Board; Texas Juvenile Justice Department; Texas Youth Commission.

- In fiscal year 2012, the revocation rate reached its lowest rate since the rate was first calculated in fiscal year 2001. This trend toward lower rates began after fiscal year 2009 when the revocation rate was 18.0 percent.
- Parolees may be revoked either for committing a new offense or for a technical violation of supervision conditions. Between fiscal years 2001 and 2012, technical violations accounted for 32.7 percent of all revocations, on average. Technical violations comprised 28.7 percent of all revocations in fiscal year 2011, and they comprised 25.7 percent of all revocations in fiscal year 2012.
- Parole revocations to secure TJJD residential facilities comprised 16.6 percent of total TJJD residential admissions in fiscal year 2011, and they comprised 11.2 percent in fiscal year 2012.
- Parolees sent to non-secure TJJD residential facilities for parole violations are not counted as revocations since they are considered alternatives to reincarceration. Parolees sent to non-secure TJJD residential facilities accounted for 1.6 percent of total TJJD residential admissions in fiscal year 2011, and they accounted for 2.6 percent in fiscal year 2012.

## TEXAS JUVENILE JUSTICE DEPARTMENT ACTIVE PAROLE – REVOCATIONS

### *A Profile of Revoked Parolees*

**Table 66: Share of Cohort and Revoked Juveniles with Select Characteristics, Fiscal Years 2011 to 2012**

JUVENILE CHARACTERISTICS	FY 2011 PAROLEES		FY 2012 PAROLEES	
	COHORT N = 2,379	REVOCATIONS N = 331	COHORT N = 1,749	REVOCATIONS N = 202
<b>GENDER</b>				
Female	9.4%	6.9%	9.5%	7.4%
Male	90.6%	93.1%	90.5%	92.6%
<b>RACE/ETHNICITY</b>				
African American	35.8%	39.6%	33.4%	41.1%
Hispanic	45.9%	43.5%	47.1%	42.6%
White	17.6%	16.6%	18.6%	15.3%
Other	0.7%	0.3%	0.9%	1.0%
<b>AGE AT SUPERVISION END OR END OF FISCAL YEAR <sup>45</sup></b>				
10-12	0.0%	0.0%	0.0%	0.0%
13-14	0.7%	1.5%	0.4%	0.5%
15-16	13.4%	30.5%	10.9%	25.7%
17-20	86.0%	68.0%	88.7%	73.8%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	42.6%	35.6%	46.1%	41.6%
Property	42.5%	49.2%	40.9%	45.5%
Drug	7.7%	6.9%	6.6%	5.9%
Other	7.2%	8.2%	6.3%	6.9%

Sources: Legislative Budget Board; Texas Juvenile Justice Department; Texas Youth Commission.

- At release or at the end of the fiscal year, the average age of parolees and revoked parolees was 17 years in fiscal year 2011. At release or at the end of the fiscal year, the average age of parolees was 18 years in fiscal year 2012, and it was 17 years for revoked parolees.

<sup>45</sup> The age at release reflects the parolee's age at supervision's end if it occurred during the fiscal year of interest. If the juvenile's supervision did not end during the fiscal year, the age at release is the parolee's age at the end of the fiscal year of interest.

## TEXAS JUVENILE JUSTICE DEPARTMENT ACTIVE PAROLE – REVOCATIONS

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### *Revocation Rates for Select Juvenile Characteristics*

**Table 67: Revocation Rates for Juveniles with Select Characteristics, Fiscal Years 2011 to 2012**

JUVENILE CHARACTERISTICS	REVOCATION RATE	REVOCATION RATE
	FY 2011 PAROLEES N = 331	FY 2012 PAROLEES N = 202
Overall Revocation Rate	13.9%	11.5%
<b>GENDER</b>		
Female	10.3%	9.0%
Male	14.3%	11.8%
<b>RACE/ETHNICITY</b>		
African American	15.4%	14.2%
Hispanic	13.2%	10.4%
White	13.2%	9.5%
Other	5.9%	12.5%
<b>AGE AT REVOCATION</b>		
10-12	--	--
13-14	31.3%	34.8%
15-16	31.8%	15.6%
17-20	11.0%	8.5%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	11.6%	10.4%
Property	16.1%	12.8%
Drug	12.6%	10.3%
Other	15.7%	12.7%

Sources: Legislative Budget Board; Texas Juvenile Justice Department; Texas Youth Commission.

- Parolees 13 and 14 years of age had consistently high revocation rates across both cohorts. Parolees between the ages of 17 and 20 years had the lowest revocation rates in both cohorts.
- Parolees initially committed to TJJD for property offenses had the highest revocation rates for both cohorts. Those committed for violent offenses consistently had low evocation rates across both cohorts. See the Glossary for examples of offense types.

## **GLOSSARY**

## GLOSSARY

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**ADULT PAROLE REVOCATION:** An offender under parole or mandatory supervision may be revoked and sent back to prison by the Board of Pardons and Paroles (BPP). An offender can be revoked for committing a new offense or for technical violations. A technical violation occurs when an offender violates the terms of release conditions established by the BPP (e.g., positive urinalysis, failure to report).

**COMMUNITY SUPERVISION REVOCATION:** An offender under community supervision (adult probation) may be revoked and sentenced to imprisonment or confinement for violating conditions of community supervision. An offender can be revoked for committing a new offense or for technical violations. A technical violation is any violation of conditions other than committing a subsequent new offense (e.g., positive urinalysis, failure to pay fees).

**DETERMINATE SENTENCE TO TEXAS JUVENILE JUSTICE DEPARTMENT (TJJJ) SECURE RESIDENTIAL FACILITIES:** Local juvenile judges or juries may sentence a juvenile for up to 40 years for some felony offenses. For each determinate sentence, a juvenile must serve a minimum period of time in a residential facility before becoming eligible for parole. The juvenile begins the sentence at TJJJ and may be transferred to Texas Department of Criminal Justice (TDCJ) prison, state jail, or parole if the sentence is not complete. Determinate sentences primarily target juveniles adjudicated for violent offenses as well as habitual, felony offenders. No special age-related eligibility requirements are applicable to this sentence type.

**IN-PRISON THERAPEUTIC COMMUNITY:** An In-Prison Therapeutic Community is a therapeutic community program that provides six months of treatment for offenders who are within six months of parole release and who are identified as needing substance abuse treatment. Placement in the program is subject to approval from the BPP. Programming is similar to that of the Substance Abuse Felony Punishment Facility.

**INTERMEDIATE SANCTION FACILITY:** An Intermediate Sanction Facility (ISF) is a short-term, fully secured detention facility used for offenders who violate conditions of their community supervision, parole, or mandatory supervision. ISFs are used as an alternative to revoking the offenders' supervision and sending them to prison. ISFs may include services such as education and life skills training.

**OFFENSE OF INITIAL SENTENCE:** The offense of initial sentence is the offense for which an adult offender or certified adult offender is originally sentenced to the TDCJ. For reincarceration analysis, it is the offense that resulted in the original incarceration in prison or state jail.

For juveniles in TJJJ custody, the offense of initial sentence is the offense for which the juvenile was most recently committed to TJJJ by a juvenile court. In cases when a juvenile is reincarcerated in TJJJ due to revocation, it is the offense that resulted in the most recent commitment to TJJJ rather than any offense that may be associated with the revocation. Likewise, for the recidivism analysis, the offense of initial sentence is the offense that resulted in the most recent commitment to TJJJ rather than the recidivating offense.

## GLOSSARY

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For juveniles under the supervision of juvenile probation departments, the offense of initial sentence is the offense for which a juvenile was originally disposed to deferred prosecution or adjudication probation supervision. In cases when a juvenile commits a new offense and the juvenile court extends a juvenile's supervision or adds another supervision term onto the existing supervision term, the offense of initial sentence still reflects the offense for which the juvenile was originally disposed to supervision rather than any subsequent offense associated with any modification to supervision terms.

- *Violent Offenses* – Examples include murder, non-negligent manslaughter, sexual assault, aggravated assault, stalking, robbery, and injury to a child.
- *Property Offenses* – Examples include arson, burglary, larceny/theft, motor vehicle theft, tampering, counterfeiting, fraud, embezzlement, stolen property, and vandalism.
- *Drug Offenses* – Examples include drug manufacture, possession, and delivery.
- *Other Offenses* – Examples include weapons carrying and possession, prostitution and commercial vice, evading arrest or detention, permitting/facilitating escape, driving while intoxicated (DWI), and all other offenses not previously mentioned (except traffic).

**PRISON:** A prison is a facility that houses offenders who receive capital, first-degree, second-degree, or third-degree felony sentences.

**REFERRAL/FORMAL REFERRAL:** A juvenile is considered to have a referral if (1) the juvenile was alleged to have been engaged in delinquent conduct, conduct indicating a need for supervision, or violation of probation; (2) the juvenile probation department has jurisdiction and venue; and (3) the juvenile was seen face-to-face by juvenile probation department staff or an official designated by the juvenile board.

**RELEASE TYPE FROM PRISON:** There are four primary ways an offender can be released from prison (not including death):

- *Parole* – The conditional release of an offender from prison to serve the remainder of his/her sentence under supervision in the community, after approval by two (of three) members of the BPP. Non-3g offenders are eligible for parole after serving 25 percent of their sentence (time served plus good conduct credit). Offenders with 3g offenses are eligible after serving 50 percent of their sentence (time served only). Offenses considered 3g include murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, and felony offenses with affirmative driving finding.
- *Mandatory Supervision (MS)* – Automatic release from prison, with no requirement for release approval from the BPP, when the time served plus good conduct credit earned equals the sentence length. MS was abolished in August 1996 and replaced by discretionary mandatory supervision (see below); however, some offenders who entered prison prior to that time are still eligible for MS release. Only certain offenses are eligible for MS (mostly drug and property offenses). Offenses that are 3g, including any prior 3g convictions, are not eligible.

## GLOSSARY

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- *Discretionary Mandatory Supervision* – Current form of “mandatory” release (i.e., MS release), which requires approval for release of eligible offenders from the BPP.
- *Discharge* – Release when the sentence is completely served (e.g., having served five calendar years in prison for a five year sentence, not including good conduct credit). Once released, the individual is no longer under any type of supervision.

**RELEASE TYPE FROM STATE JAIL:** Nearly all offenders are released from state jail by discharge and do not leave state jail under any form of supervision (i.e., do not leave on parole supervision). Less than one percent of state jail offenders are released to probation; however these offenders are not included in this recidivism study. Offenders eligible for the diligent participation time credit program may reduce their original sentence by up to 20.0 percent. Other offenders must serve their entire sentence and do not receive good conduct credit.

**SHOCK PROBATION:** Shock probation is a program in which offenders are sentenced to incarceration in prison, state jail, or county jail for a short period of time, and are subsequently removed from incarceration by the original sentencing judge and placed on community supervision (adult probation) under the supervision of a Community Supervision and Corrections Department. Shock probation does not include offenders sentenced to incarceration as a condition of community supervision.

**STATE BOOT CAMP:** A state boot camp is a highly structured residential punishment program for offenders on community supervision, which is modeled after military basic training. The program targets young, first-time, TDCJ offenders. Boot camps emphasize physical exercise, strict supervision, and discipline.

**STATE JAIL:** A state jail is a facility that houses offenders who receive conviction sentences of two years or less. State jail sentences cannot exceed two years for one offense, but a repeat offender may receive overlapping state jail sentences not to exceed three years. State jail offenders are usually convicted of property and low-level controlled substance offenses. State jails also temporarily house prison-transfer offenders.

**SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY:** A Substance Abuse Felony Punishment Facility (SAFPF) is a facility that provides an intensive six-month therapeutic community program for offenders who are sentenced by a judge as a condition of community supervision or as a modification of parole/community supervision. SAFPF programming consists of orientation, main treatment, reentry education, and aftercare. The program length was gradually transitioned from nine months to six months starting on March 1, 2003.

**APPENDIX A:  
TEXAS AND OTHER STATES' ADULT RECIDIVISM RATES**

## APPENDIX A: TEXAS AND OTHER STATES' REINCARCERATION RATES

**Table 68: Comparison of Three-Year Recarceration Rates by State**

STATE	COHORT RELEASE YEAR	TYPE	THREE-YEAR RECIDIVISM RATE
California <sup>a</sup>	2005	Reincarceration	58.9%
Colorado <sup>b</sup>	2006	Reincarceration	53.2%
Florida <sup>c</sup>	2005	Reincarceration	32.7%
Illinois <sup>d</sup>	2002	Reincarceration	51.8%
New York <sup>e</sup>	2005	Reincarceration	41.3%
Pennsylvania <sup>f</sup>	2002	Reincarceration	46.3%
Texas Prison	2009	Reincarceration	22.6%
Texas State Jail	2009	Reincarceration	31.1%

<sup>a</sup> California Department of Corrections and Rehabilitation. *Recidivism Rate Report: One, Two, and Three Year Follow-up Recidivism Rates for All Paroled Felons Released from Prison for the First Time in 2005 Under the Supervision of the California Department of Corrections and Rehabilitation*. April 2009. Note: California's rate of return is for felons released on parole.

<sup>b</sup> Colorado Department of Corrections. *Statistical Report: Fiscal Year 2009*. June 2010. Note: Colorado's rate of return is for inmates released to parole, sentence discharges, court order discharges, and probation releases.

<sup>c</sup> Florida Department of Corrections. *2009 Florida Prison Recidivism Study: Releases from 2001 to 2008*. May 2010. Note: Florida's rate of return includes new convictions and violations of post prison supervision.

<sup>d</sup> Illinois Department of Corrections. *2005 Department Data*. June 2005. Note: Illinois' rate of return includes new crimes and violations of parole.

<sup>e</sup> State of New York Department of Correctional Services. *2005 Releases: Three Year Post Release Follow-Up*. December 2009. Note: New York's rate of return includes new felony convictions and violations of parole.

<sup>f</sup> Pennsylvania Department of Corrections. *Recidivism in Pennsylvania State Correctional Institutions 1999–2004*. December 2006. Note: Pennsylvania's rate of return includes returns to custody for any reason.