

SUNSET ADVISORY COMMISSION

STAFF REPORT
WITH COMMISSION DECISIONS

*Texas Department of
Criminal Justice*

*Correctional Managed
Health Care Committee*

Windham School District

*Board of Pardons
and Paroles*

SEPTEMBER 2012



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Cover photo: The Texas Capitol is a marvel of craftsmanship down to the smallest details. The beautifully carved wood door frames are emphasized with elaborate, custom-designed bronze hinges and hardware produced especially for the building by Sargent and Co. of New Haven, Connecticut, in the late 1880s. The eight inch by eight inch hinges are inscribed with the words "Texas Capitol", decorated with incised designs of geometric and stylized floral motifs, and weigh over seven pounds each.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

**CORRECTIONAL MANAGED HEALTH
CARE COMMITTEE**

WINDHAM SCHOOL DISTRICT

BOARD OF PARDONS AND PAROLES

**SUNSET STAFF REPORT WITH COMMISSION DECISIONS
SEPTEMBER 2012**

This document is intended to compile all recommendations and action taken by the Sunset Advisory Commission for an agency under Sunset review. The following explains how the document is expanded and reissued to include responses from agency staff and the public.

- *Sunset Staff Report, May 2012* – Sunset staff develops a separate report on each individual agency, or on a group of related agencies. Each report contains both statutory and management recommendations developed after the staff’s extensive evaluation of the agency.
 - *Sunset Staff Report with Hearing Material, May 2012* – Adds responses from agency staff and the public to Sunset staff recommendations, as well as new issues raised for consideration by the Sunset Commission at its public hearing.
 - *Sunset Staff Report with Decision Material, August 2012* – Adds additional responses, testimony, or new issues raised during and after the public hearing for consideration by the Sunset Commission at its decision meeting.
 - *Sunset Staff Report with Commission Decisions, September 2012* – Adds the decisions of the Sunset Commission on staff recommendations and new issues. Statutory changes adopted by the Commission are presented to the Legislature in the agency’s Sunset bill.
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TABLE OF CONTENTS

	PAGE
SUMMARY	1
AGENCIES AT A GLANCE	
TEXAS DEPARTMENT OF CRIMINAL JUSTICE	9
CORRECTIONAL MANAGED HEALTH CARE COMMITTEE	15
WINDHAM SCHOOL DISTRICT	17
BOARD OF PARDONS AND PAROLES	21
ISSUES/RECOMMENDATIONS	
1 Texas Has a Continuing Need for the Texas Department of Criminal Justice.....	25
Responses to Issue 1 (page 32a)	
Commission Decision (page 32a)	
2 Reentry Strategies Lack Focus and Coordination, Limiting Opportunities for Texas to Further Reduce Recidivism and System Costs	33
Responses to Issue 2 (page 44a)	
Commission Decision (page 44e)	
3 Community Supervision Funding Formulas and Grant Processes Need Strengthening to Keep Pace With a Changing Adult Probation System	45
Responses to Issue 3 (page 50a)	
Commission Decision (page 50a)	

4	Statute Does Not Align With Recent Changes in the State’s Approach to Providing Offender Health Care	51
	Responses to Issue 4 (page 58a)	
	Commission Decision (page 58b)	
5	Without a Regular Review of the Windham School District and Its Programs, the Legislature Cannot Best Direct Resources to Programs That Work.....	59
	Responses to Issue 5 (page 64a)	
	Commission Decision (page 64a)	
6	The Parole Board’s Ability to Make Effective Parole Release Decisions Is Impeded by Its Limited Use of Available Resources and Inconsistent Access to Information.....	65
	Responses to Issue 6 (page 74a)	
	Commission Decision (page 74e)	
7	Texas Correctional Industries Cannot Sell to Privately Run Correctional Facilities, Resulting in a Missed Opportunity to Reduce TDCJ’s General Revenue Funding.....	75
	Responses to Issue 7 (page 76a)	
	Commission Decision (page 76a)	
8	Texas Criminal Justice Agencies’ Statutes Do Not Reflect Standard Elements of Sunset Reviews.....	77
	Responses to Issue 8 (page 80a)	
	Commission Decision (page 80b)	

NEW ISSUES

.....	81
Commission Decision (page 107)	

APPENDICES

Appendix A — TDCJ Facilities Map.....	109
Appendix B — TDCJ Facilities	113
Appendix C — TDCJ Rehabilitation Programs	115
Appendix D — History of Texas Parole Guidelines	119
Appendix E — Texas Criminal Justice Agencies Reporting Requirements	121
Appendix F — Texas Department of Criminal Justice Equal Employment Opportunity Statistics	127
Appendix G — Windham School District Equal Employment Opportunity Statistics	131
Appendix H — Board of Pardons and Paroles Equal Employment Opportunity Statistics	135
Appendix I — Texas Department of Criminal Justice Historically Underutilized Businesses Statistics.....	139
Appendix J — Windham School District Historically Underutilized Businesses Statistics.....	143
Appendix K — Staff Review Activities	147

SUMMARY

SUMMARY

When the Texas Department of Criminal Justice (TDCJ), Correctional Managed Health Care Committee (Committee), and Board of Pardons and Paroles (Parole Board) were last under Sunset review in 2007, Texas' adult criminal justice system had reached a pivotal point. The system was at capacity and the Legislature had to decide whether to invest in building new prisons or in alternatives to incarceration. The Legislature chose the latter, investing in diversion strategies including treatment programming, probation, and parole to help control incarceration capacity. These significant investments and policy changes to support these diversion strategies ultimately triggered a shorter Sunset review date for these agencies.

As a result, this Sunset review began with the basic question — where are the agencies and the system now, six years later? The Legislature's reforms have clearly improved the system. Since 2007, the number of offenders entering prison as a result of having their probation or parole status revoked has decreased, while the Parole Board's overall release rates have increased. State jail and prison reincarceration rates have declined and as a result, Texas has not had to build more prisons and was able to close the Central Unit in 2011. These successes indicate that overall, the Texas criminal justice system is working well.

With legislative reforms resulting in a healthier criminal justice system overall, this Sunset review focused on giving the agencies solid foundations to meet upcoming challenges.

Against this backdrop, the review assessed the agencies' functions, structures, and relationship to one another, as they all play an integral role in the system. Many still have concerns about how TDCJ's consolidated structure, in place since 1989, affects the independence of the community and parole supervision functions. However, when considering the benefits of the current system's structure, Sunset staff's analysis did not find significant problems, certainly none large enough to recommend dismantling the functions, nor were there significant cost savings related to an alternative structure. In considering alternative structures, the review examined whether all parole functions — determining timing and conditions of release (Parole Board) and overseeing paroled offenders in the community (TDCJ Parole Division) — should be housed together within a single agency. The review found that the benefits of separation such as preserving the integrity and independence of release and revocation decisions outweighed issues that essentially came down to poor communication and coordination between the two agencies. The issues can, and should, be resolved by the agencies' management.

Another difference between this Sunset review and the last is that the Legislature placed the Windham School District (Windham) — Texas' correctional education provider — under a special purpose Sunset review to examine its structure, management, and operations. Sunset staff found

that while numerous alternatives to Windham's structure and delivery methods exist, advantages to these alternatives did not clearly outweigh the benefits of the current system and, in particular, the potential costs of changing Windham's current school district structure. In contrast, prompted by the Legislature's recent decision to considerably reduce the Committee's responsibilities by transferring offender healthcare contracting to TDCJ, Sunset staff determined continuing the Committee as a separate, independent agency is no longer necessary to provide medical expertise to TDCJ and the State.

Overall, Sunset staff found problems as discussed in the material below, but did not find significant enough evidence to justify major structural changes to the system, particularly when recognizing any single structural change could easily impact the system's current stability, potentially causing renewed capacity problems. However, coordination challenges continue to exist among the system's agencies, several of which are addressed in this report. Other issues, which arise mostly from the lack of effective communication, did not justify the need for recommendations typically made in Sunset reviews. The agencies simply need to focus on doing a better job of communicating and resolving these coordination concerns.

Within this context, and with many of the Legislature's investments over the last several years beginning to bear fruit, the issues and recommendations in this report focus on giving the agencies clear direction, as well as a solid foundation and statutory framework needed to address future priorities and challenges. The following material summarizes Sunset staff's recommendations on all four agencies.

Issues and Recommendations

Issue 1

Texas Has a Continuing Need for the Texas Department of Criminal Justice.

Texas has a need to protect the public's safety, and TDCJ provides the support and structure to supervise offenders on probation in the community, securely confine more serious offenders, and directly supervise offenders on parole. With about 627,200 offenders in Texas and TDCJ's current prison and state jail capacity at 162,809 beds, community supervision and parole offer less expensive alternatives to traditional incarceration. These strategies are needed to help TDCJ manage its prison capacity efficiently while protecting public safety, particularly as Texas' offender population is projected to continue growing in the next five years. The review also found that TDCJ is the most appropriate agency to oversee this system.

Of the four agencies reviewed in this report, only TDCJ has an abolishment date under the Sunset Act, necessitating a recommendation to continue the agency. As a constitutionally established agency, the Parole Board is not subject to abolishment, but will continue to come under Sunset review at the same time as TDCJ. Neither the Committee nor Windham has an abolishment date, but as discussed in Issues 4 and 5, Sunset staff recommends continuing to review both of these entities along with TDCJ in future reviews.

Key Recommendation

- Continue the Board and Department of Criminal Justice for 12 years.

Issue 2

Reentry Strategies Lack Focus and Coordination, Limiting Opportunities for Texas to Further Reduce Recidivism and System Costs.

Reentry programming and related services help improve offenders' transition from prison to communities and reduce the likelihood of recidivism. Though TDCJ and partner agencies are working to improve the reentry process, the agencies have yet to establish clear and thorough reentry strategies. Specifically, the agencies have not created a comprehensive reentry plan defining each agency's role in reentry; established a system-wide assessment to help target offender programming; or developed an all-inclusive process to capture and transmit offender assessment results and program participation information to decision makers throughout the system.

Without concrete goals and responsibilities for participants in the reentry planning process, or compulsory coordination, reentry partners run the risk of missing opportunities to leverage limited resources and better manage offenders. Given the pivotal role of reentry in improving the criminal justice system, Sunset staff concluded that the agencies need explicit direction and clear expectations to make offender reentry an ongoing priority.

Key Recommendations

- Require TDCJ to produce a written reentry plan, detailing the reentry goals and strategies, and how it will evaluate the plan.
- Require TDCJ to implement a system-wide risk and needs assessment for use in managing offenders on probation, parole, and in prison.
- Require the Individual Treatment Plan to capture all of an offender's risk and needs information, as well as all participation in both state-funded and volunteer programs.
- Require the Parole Board to use the ITP in making programming placement decisions.

Issue 3

Community Supervision Funding Formulas and Grant Processes Need Strengthening to Keep Pace With a Changing Adult Probation System.

Many of the Legislature's recent investments in diversion and rehabilitation initiatives have focused on community supervision. TDCJ's Community Justice Assistance Division (CJAD) provides state money — through competitive grants and formula funding — to local Community Supervision and Corrections Departments (CSCDs) that directly supervise and rehabilitate offenders sentenced to community supervision by local courts. The State's significant investment in community supervision, combined with its impact of reducing state jail and prison populations, has underscored the need to ensure CJAD's funding mechanisms work well, particularly as the State has prioritized evidence-based programming. The Sunset review found CJAD lacks a statutory grant-making structure to ensure funds are awarded transparently and fairly to programs that can show a direct impact by reducing recidivism and community supervision revocations.

With respect to formula funding, the statutory formulas, which are essentially based on the number of offenders under supervision, do not align with or reward community supervision initiatives that

emphasize successful outcomes. In fact, the current formulas can discourage participation in some of these new initiatives. However, because changing the statutory formulas could have a drastic effect on CSCDs, community supervision success, and recidivism, taking a measured approach in making any changes is critical. Although CJAD is working on collecting additional offender risk data to help policymakers' deliberations, it does not yet have the data. Requiring CJAD to fully examine modified approaches to formula funding using this additional data when available would ensure careful consideration of a range of well-informed options, if the Legislature considers changing the statutory funding formulas in the future.

Key Recommendations

- Require CJAD to establish standard grant processes.
- Require CJAD to study the use of performance-based funding formulas and report its recommendations to the Legislature.

Issue 4

Statute Does Not Align With Recent Changes in the State's Approach to Providing Offender Health Care.

Providing incarcerated offenders with a constitutional level of health care costs the State approximately \$490 million annually. Historically, Texas has provided such care by contracting with two university providers — the University of Texas Medical Branch (UTMB) and Texas Tech University Health Sciences Center (Texas Tech) — with the Correctional Managed Health Care Committee acting as a contracting intermediary between the universities and TDCJ. However, last session, the Legislature shifted healthcare contracting oversight from the Committee to TDCJ.

This change, coupled with public acknowledgement that UTMB might end its long-term relationship with the State to provide offender healthcare, highlighted inconsistencies in TDCJ's current contracting authority in state law. These inconsistencies could limit TDCJ's ability to move forward and partner with new entities to provide offender health care. Recognizing the offender healthcare contract landscape is changing almost daily, the review identified the need to give TDCJ both the structure and flexibility to be responsive to healthcare provider changes and legislative direction. Providing TDCJ with clear statutory authority and a strong contracting framework would better ensure TDCJ can fully protect the State's interest while providing the necessary level of health care to offenders in its new healthcare contractor role.

In addition, the Legislature's transfer of healthcare contract oversight from the Committee to TDCJ left little for Committee staff to do, ultimately leading Sunset staff to conclude that an independent agency structure is no longer necessary in this new era of offender healthcare contracting. While university-affiliated physicians who serve as Committee members serve a needed and useful role in helping formulate offender healthcare policies and procedures, the Committee can continue to perform these functions without its own independent agency and staff.

Key Recommendations

- Clarify TDCJ's authority to contract with any provider for offender health care, to include, but not be limited to, specifically named university providers.

- Require TDCJ to adhere to standard contracting requirements for offender healthcare services contracts, and report healthcare cost and use information to state leadership.
- Restructure the Correctional Managed Health Care Committee as a committee to the Texas Board of Criminal Justice, instead of maintaining an independent state agency.

Issue 5

Without a Regular Review of the Windham School District and Its Programs, the Legislature Cannot Best Direct Resources to Programs That Work.

Although not subject to regular Sunset review, the Legislature placed the Windham School District under a special purpose Sunset review to examine its structure, management, and operations. Windham has an uncommon mission and structure — it provides educational programs within a correctional system and is Texas' only school district whose programs support a state agency. Windham provides academic, vocational, and life skills programming and services, but cannot consistently show whether its programs actually accomplish the district's statutory goals — to reduce recidivism and incarceration costs, and improve offender behavior and employability. Requiring Windham to conduct an ongoing evaluation of the effectiveness of all of its programs would allow Windham to make necessary adjustments to improve future programming. This evaluation would help Windham and the Legislature determine which programs are most effective to best direct limited resources toward programs that have the greatest positive impact on recidivism. Also, requiring Windham to be reviewed by Sunset in conjunction with TDCJ would ensure the Legislature receives a comprehensive evaluation of the entire adult correctional system.

Key Recommendations

- Require Windham to conduct biennial program evaluations to measure whether its programs reduce recidivism and meet the district's other statutory goals, and to recommend changes to programs when needed.
- Require Windham to be reviewed by the Sunset Commission in conjunction with future Sunset reviews of TDCJ.

Issue 6

The Parole Board's Ability to Make Effective Parole Release Decisions Is Impeded by Its Limited Use of Available Resources and Inconsistent Access to Information.

As an independent entity, the Board of Pardons and Paroles is responsible for releasing offenders early from prison. Since 1987, the Legislature has required the Parole Board to use validated guidelines that indicate an offender's risk to recidivate as a baseline when making these decisions. However, the Parole Board has shown continued reluctance to use tools such as the guidelines and lacks explicit direction to use other available resources and management tools in making and reviewing parole decisions. The review found the Parole Board recently discontinued its public use of recommended approval rates, without which the Parole Board's overall voting cannot be fully assessed to ensure consistent and fair parole decisions. Establishing a peer review process as part of the Parole Board's annual review of its guidelines would provide an additional management tool to proactively assess aggregate voting to ensure

guidelines are applied consistently, and to identify needed changes to the guidelines or recommended parole approval rates. Standardized processes are also needed to ensure crime victim input is available for full consideration by the Parole Board when making parole decisions.

Additionally, despite efforts to increase clarity, the Parole Board continues to provide offenders with unnecessarily vague parole denial reasons. Requiring the denial notifications to include information that pertains directly to the offender would help the offender understand what steps could be taken to improve the offender's chance for parole in the future. Also, the Parole Board needs clear authority to delegate certain hearings to better manage its time and resources.

Key Recommendations

- Require the Parole Board to develop and maintain recommended parole approval rates for use with the parole guidelines, and to conduct peer reviews to help improve parole decision making and management of its operations.
- Require standardized processes to ensure crime victim input is available for Parole Board consideration.
- Require parole panels, when approving or denying an offender's release from incarceration, to provide a clear and understandable explanation of the panel's decision.
- Authorize the Parole Board to delegate all hearings, but not final determinations, to its hearing officers.

Issue 7

Texas Correctional Industries Cannot Sell to Privately Run Correctional Facilities, Resulting in a Missed Opportunity to Reduce TDCJ's General Revenue Funding.

TDCJ's Texas Correctional Industries (TCI) division uses offender labor to produce items necessary for TDCJ use, as well as for sale to other governmental agencies. Since TCI makes many of the necessity items the State would otherwise need to purchase to support the prison system — such as offender clothing, sheets, mattresses, soap, and janitorial supplies — this production allows the Legislature to appropriate less General Revenue funding to TDCJ than it actually costs to provide this support.

However, State law prohibits TCI from selling offender-made products to private entities. While this limitation appropriately allows Texas' state and local governments to take advantage of TCI products without unduly infringing upon private business, it also prevents private companies that contract with TDCJ to house State offenders in TDCJ facilities from buying TCI products. Amending state law very narrowly to allow only private companies that contract with TDCJ to operate prisons to purchase items from TCI could reduce TDCJ's contracting costs, and further offset TDCJ's need for General Revenue funding in the long-term.

Key Recommendation

- Authorize TCI to sell offender-made goods to companies that contract with TDCJ to house state offenders.

Issue 8

Texas Criminal Justice Agencies' Statutes Do Not Reflect Standard Elements of Sunset Reviews.

Among the standard elements considered in a Sunset review, the Sunset Act charges the Sunset Commission to recommend the continuation or abolishment of each reporting requirement imposed on an agency under review. Sunset staff found that one of TDCJ's reporting requirements does not serve a useful purpose and should be eliminated, and that all other reporting requirements for the four agencies should be continued. In addition, the Act directs the Sunset Commission to consider agencies' compliance with applicable federal and state requirements regarding equal employment opportunities and historically underutilized businesses. Sunset staff found that TDCJ, Windham, and the Parole Board did not meet many statewide workforce percentages; and that TDCJ and Windham failed to meet several statewide purchasing goals.

Key Recommendations

- Abolish TDCJ's report on bed ratios for SAFP facilities, and continue all other reporting requirements for TDCJ, the Committee, Windham, and the Parole Board.
- TDCJ should research and implement innovative alternatives to recruit a more diverse workforce.

Fiscal Implication Summary

These recommendations would result in a savings to General Revenue of about \$555,000 per year. The overall fiscal impact of these recommendations is summarized below.

Issue 4 — Abolishing the Correctional Managed Health Care Committee as an independent entity, and reconstituting it as a committee to the Board of Criminal Justice would result in a savings of about \$555,000 per year with the elimination of salaries, rent, and other Committee-related expenses. The recommendation anticipates a transfer of one employee position from the Committee to TDCJ to provide for continued contract management and auditing services. Because the Committee is currently funded through TDCJ's appropriations, total savings would be offset by the amount TDCJ would retain to fund this position at the current salary of \$87,000 and associated benefits of approximately \$24,000, as well as Committee travel expenditures which currently total about \$5,500 annually, based on fiscal year 2011 expenditures. Also, because the Committee's current full-time equivalent (FTE) positions are not included in TDCJ's overall FTE cap, the transfer of this position would increase TDCJ's FTE cap by one position.

Issue 7 — The recommendation to allow certain private companies to purchase goods from TCI could result in a savings to General Revenue, but the amount cannot be estimated, since the recommendation would authorize, but not require, private companies to purchase TCI goods. Based on the average unit usage, and considering the 17,000 offenders housed in privately run facilities, TCI estimates that if all vendors bought TCI necessity items, total sales could be about \$3.3 million annually. If this were to occur, over time, the Legislature could eventually reduce the amount of General Revenue it provides to TDCJ for offender support.

Texas Criminal Justice Agencies

Fiscal Year	Savings to the General Revenue Fund	Change in TDCJ FTEs
2014	\$556,262	+1
2015	\$556,262	+1
2016	\$556,262	+1
2017	\$556,262	+1
2018	\$556,262	+1

AGENCIES AT A GLANCE
MAY 2012

AGENCY AT A GLANCE

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Created in 1989 by consolidating Texas' adult probation, incarceration, and parole supervision functions, the Texas Department of Criminal Justice (TDCJ) works with the Windham School District, the Correctional Managed Health Care Committee, and the Texas Board of Pardons and Paroles (Parole Board), to operate and oversee the adult criminal justice system in Texas. TDCJ's major functions include:

- assisting local Community Supervision and Corrections Departments (CSCDs) that provide supervision for offenders on probation;
- providing for confinement and rehabilitation of offenders in state jails and prisons; and
- supervising offenders released on parole by the Parole Board.

Key Facts

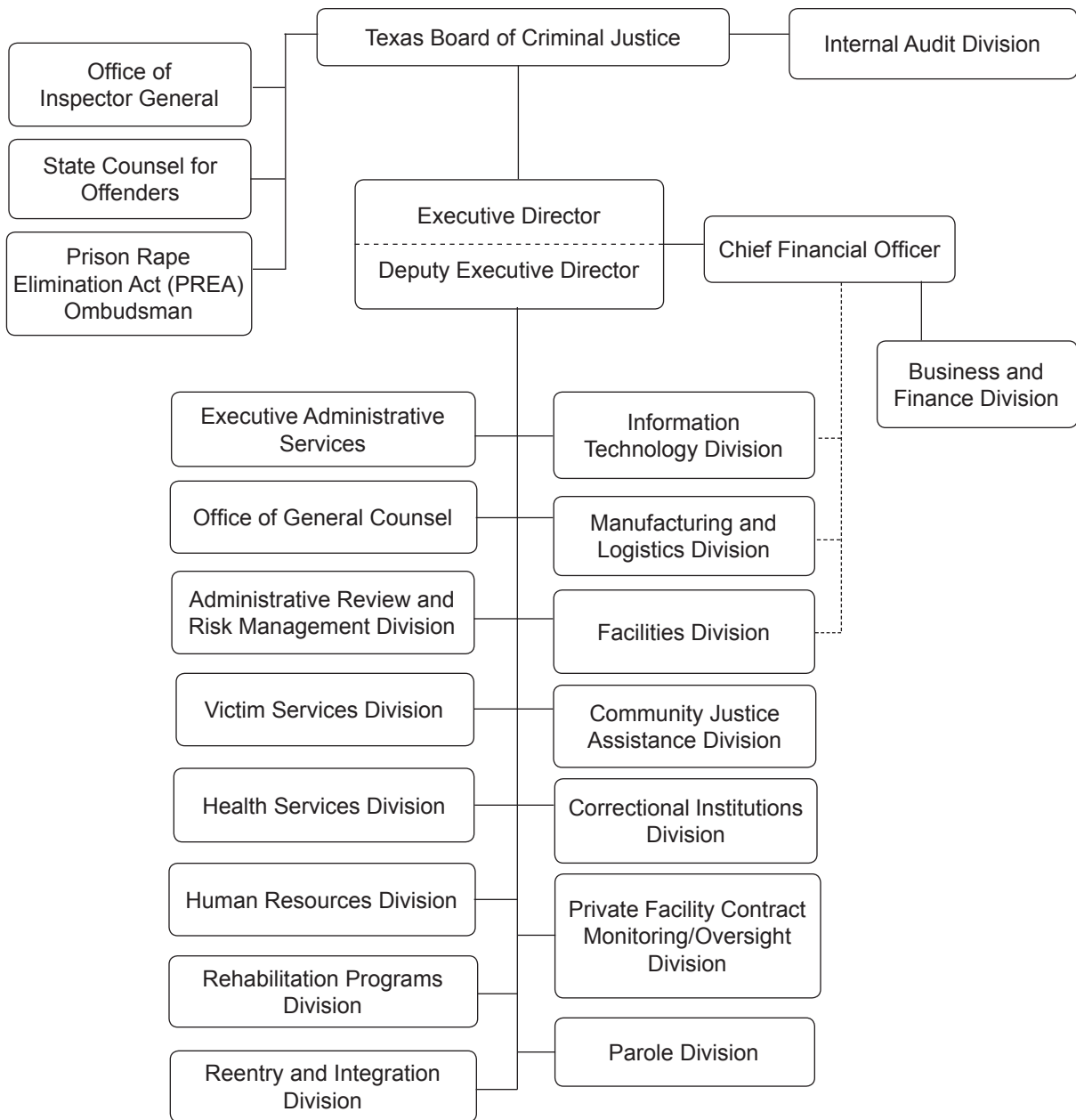
- **Board.** The Texas Board of Criminal Justice (Board) governs TDCJ's operations, and in a separate capacity serves as the Board of Trustees for the Windham School District. The Board consists of nine members appointed by the Governor to serve staggered, six-year terms. The Governor designates the Chairman of the Board. The chart, *Texas Board of Criminal Justice*, provides information on current Board members.

Texas Board of Criminal Justice

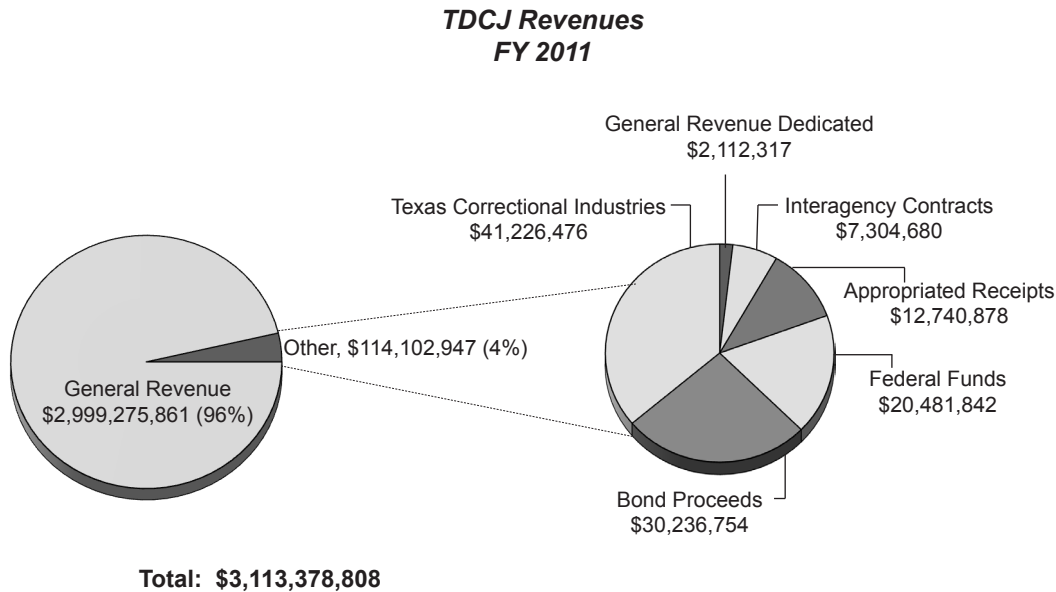
Member	City	Term Expiration
Oliver J. Bell, Chair	Austin	2015
Tom Mechler, Vice Chair	Claude	2017
Leopoldo "Leo" Vasquez III, Secretary	Houston	2017
"Eric" Gambrell	Highland Park	2013
Judge Lawrence "Larry" Gist	Beaumont	2017
Janice Harris Lord	Arlington	2015
R. Terrell McCombs	San Antonio	2013
J. David Nelson	Lubbock	2013
Carmen Villanueva-Hiles	Palmhurst	2015

- **Staff.** TDCJ employed more than 40,200 staff in fiscal year 2011, including 26,145 correctional officers. The *Texas Department of Criminal Justice Organizational Chart* on the following page depicts the agency's structure. Staff work in central offices in Huntsville and Austin, as well as in correctional facilities, and parole and regional offices throughout the state.

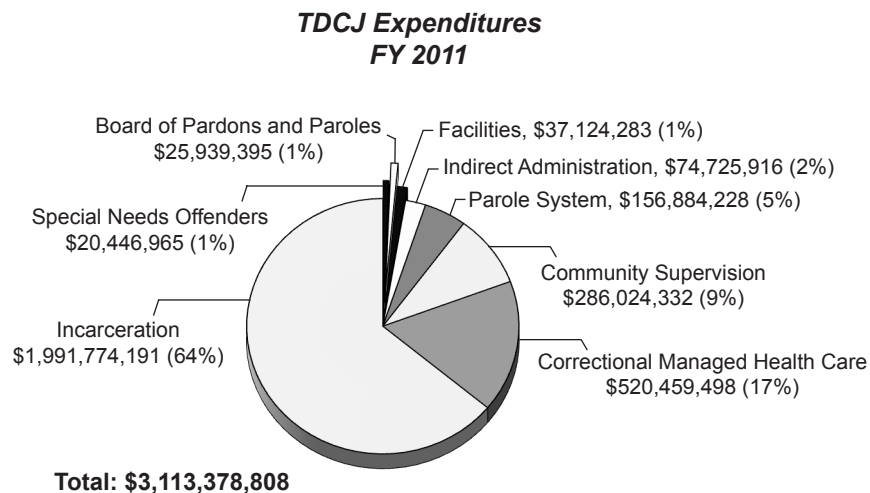
Texas Department of Criminal Justice Organizational Chart



- Funding.** In fiscal year 2011, TDCJ spent about \$3.1 billion, most of which was derived from General Revenue. Other sources of funding TDCJ receives include General Revenue dedicated funds, general obligation bond proceeds, federal grant funds, and revenues generated from the sale of agricultural products as well as items manufactured by Texas Correctional Industries. The pie chart, *TDCJ Revenues*, details TDCJ’s funding sources in fiscal year 2011.



The pie chart, *TDCJ Expenditures*, provides a breakdown of TDCJ’s \$3.1 billion in expenditures for fiscal year 2011. The agency expended almost \$2 billion, or 64 percent of its funds, overseeing and confining offenders, and an additional \$520 million providing healthcare services.



- **Offender Population.** Texas has about 408,300 probationers, 155,100 incarcerated offenders, and 83,800 parolees. Offenders in TDCJ’s custody include first, second, and third degree felons in prisons; and 4th degree felons in state jails. The table, *Offender Demographics*, gives additional information on these offenders.¹ TDCJ’s total bed capacity is about 163,000, though it must operate at 96 percent capacity to give the agency flexibility to move offenders and comply with restrictions on housing certain types of offenders together.

Offender Demographics – FY 2011

Gender	Male	144,036	92%
	Female	12,486	8%
Race	Black	56,339	36%
	Hispanic	51,054	32.6%
	White	48,313	30.9%
	Other	816	0.5%
Offense	Violent Offense	80,517	51.4%
	Drug Offense	27,013	17.3%
	Property Offense	25,927	16.6%
	Other Offense	23,065	14.7%
Average Age		37.5	

- **Facilities.** The agency manages 111 correctional facilities in Texas, including both state and private facilities, and an additional three Intermediate Sanction Facilities. The *TDCJ Facilities Map*, located in Appendix A, shows the locations of all correctional facilities. The agency oversees 11 different types of facilities, as described in Appendix B. Different types of facilities house different types of offenders based on offense, sentence length, healthcare needs, and a number of other factors.
- **Community Supervision.** Community supervision, or “probation,” diverts offenders from prison by allowing them to serve their sentences in the community. Texas has 121 CSCDs that supervise about 408,300 probationers, including both felons and misdemeanants. Local judges establish and oversee CSCDs. Community supervision officers perform all supervision duties including meeting with probationers, developing supervision plans, and ensuring that probationers comply with the terms of their probation.

TDCJ’s Community Justice Assistance Division (CJAD) provides state funding to CSCDs to supervise offenders; develops supervision standards to which CSCDs must adhere; and monitors CSCDs’ programs and budgets. CSCDs’ budgets are mostly funded through a combination of state formula and competitive grant funds, and local probation fees. CJAD disbursed about \$286 million in state funding to CSCDs in fiscal year 2011. The legislatively created Judicial Advisory Council advises CJAD and the Board on community supervision issues.

- **Incarceration.** The agency provides for the safe confinement of Texas’ 155,100 offenders. Throughout their sentences, TDCJ works to maintain an orderly, secure, and just environment for offenders; provides for basic necessities such as food and health care; and provides programs and services that support rehabilitation and prepare offenders for eventual release into the community.

Confinement and Security. The agency’s oversight begins once an offender is transferred to a TDCJ facility from county jail. TDCJ receives, identifies, and screens an average of 1,400 offenders from counties every week, providing an orientation, health examination, sociological interview, and other assessments. The agency uses this information to classify offenders, determining initial custody levels and units of assignment. At the offender’s initial unit of assignment, unit staff determine the offender’s ultimate custody level and make other housing and job assignment decisions. Over the course of their sentence, offenders may change housing within a unit or be transferred to another unit based on security, health, or other programming needs, as those needs change.

To maintain order, TDCJ staff may file disciplinary reports against offenders for violating agency policy. In fiscal year 2011, TDCJ held more than 326,000 disciplinary hearings. Sanctions from disciplinary hearings can range from lost or limited privileges to a change in custody level. Correctional officers may also use force when necessary to control offenders, in accordance with TDCJ's Use of Force Plan. In fiscal year 2011, TDCJ tracked about 7,300 instances of use of force, 186 of which were referred for investigation by the Office of the Inspector General. The Inspector General also investigates all criminal allegations within TDCJ facilities, such as sexual assault. In fiscal year 2011, the Inspector General investigated almost 7,800 criminal cases.

Basic Services. Once assigned to a unit, TDCJ provides offenders with basic necessities such as food and laundry services. About 40 percent of the food offenders consume is produced from the 140,000 acres of agricultural land TDCJ manages. Many offenders also work at one of TDCJ's 37 unit-based factories, training programs, and warehouses, which produce goods for offender use, such as clothing, sheets, mattresses, and soap, as well as goods for sale to other state and governmental entities. The agency is also responsible for transporting offenders who are reassigned to other units, or have court appearances or medical appointments. TDCJ moves an average of 10,000 offenders within the system every week, travelling about 4.6 million miles with its 195-vehicle fleet in fiscal year 2011.

Health Services. The agency primarily contracts with two public universities, the University of Texas Medical Branch (UTMB) and Texas Tech University Health Sciences Center, to provide constitutionally required health care to offenders on the units, in regional clinics and hospitals, and at Hospital Galveston, Texas' prison hospital run by UTMB. TDCJ staff monitors the quality and access to care provided to offenders through audits, investigations, and complaint and grievance resolution. The agency also coordinates medical and mental health services throughout the criminal justice system through the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). Primarily, TCOOMMI assists in providing continuity of care services for offenders moving within the system, and coordinates the early medical release program with the Parole Board.

Rehabilitation and Reentry Services. TDCJ operates rehabilitation programs, such as substance abuse and sex offender treatment, to reduce recidivism of offenders released from prison and prevent future victimization. Offenders who have been voted into a program as a condition of release by the Parole Board receive priority placement in most of these programs. However, TDCJ offers a smaller number of programs to offenders not connected with parole decisions, and also oversees chaplaincy and volunteer programs. Appendix C provides more information about TDCJ's rehabilitation programs, including program completions for fiscal year 2011.

In fiscal year 2011, TDCJ provided 57,000 releasing offenders assistance in getting documentation needed to obtain identification, such as birth certificates and social security documents. TDCJ also provides selected offenders with limited unit-based reentry counseling to connect them with local resources to foster successful release, such as housing, employment, healthcare services, and benefits. TDCJ provided these services to more than 12,000 offenders in fiscal year 2011.

Offender Complaint Resolution. Offenders have the ability to file grievances with TDCJ about any issue related to their incarceration. In fiscal year 2011, TDCJ received about 174,500 Step 1 grievances, which mean the grievances are resolved at the unit, and more than 43,000 Step 2 grievances, which are appeals of Step 1 grievances that are centrally investigated and resolved. That same year, of the total 44,966 Step 2 grievances resolved, about 1,900 were resolved in the offender's

favor. Most offender grievances relate to facility operations, complaints against TDCJ staff, and disciplinary and medical issues. In addition, TDCJ's ombudsman acts as a centralized point of contact for outside inquiries about TDCJ operations or offender concerns. In fiscal year 2011, TDCJ received more than 17,000 inquiries, the majority of which related to parole or classification issues.

- **Release and Parole Supervision.** In fiscal year 2011, more than 30,500 offenders fully served their terms of incarceration and were released, primarily from one of TDCJ's six regional prison release facilities, state jails, or Substance Abuse Felony Punishment facilities. Most of these offenders receive no supervision upon release. That same year, the Parole Board voted to release about 34,000 offenders before the end of their sentences. The Board of Pardons and Paroles' Agency at a Glance gives more detail about the Parole Board's parole decision-making process.

Once released, TDCJ is responsible for supervising paroled offenders for the remainder of their original sentence to ensure compliance with the terms of their release and any special conditions of release imposed by the Parole Board. More than 1,300 TDCJ parole officers across the state manage individual caseloads of approximately 75 parolees each, except for parole officers managing cases involving high-profile crimes or offenders who are required to be on intensive supervision, such as sex offenders or parolees with mental impairments. In total, TDCJ supervises about 83,800 parolees. In circumstances where parolees violate their terms of supervision or commit a new crime, parole officers may apply sanctions or initiate the revocation process. In cases where sanctions are insufficient, TDCJ staff issue a summons or warrant for the offender's arrest while awaiting a revocation hearing and decision from the Parole Board.

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¹ The *Offender Demographics* table represents the number of offenders housed in TDCJ facilities on the last day of fiscal year 2011, which totaled 156,522. Unless otherwise noted, all other offender population numbers used in this report reflect the most current numbers available from TDCJ at the time of publication.

AGENCY AT A GLANCE

CORRECTIONAL MANAGED HEALTH CARE COMMITTEE

The Legislature created the Correctional Managed Health Care Committee (Committee) in 1993 to serve as a third-party intermediary between the Texas Department of Criminal Justice (TDCJ) and state university contractors for offender healthcare services. However, the Legislature transferred contracting authority from the Committee to TDCJ in 2011. While the Committee continues to define its new role, today its major responsibility is in using its medical expertise to develop the Managed Health Care Plan and policies that outline the standards to which contract providers adhere in delivering offender healthcare services.

Key Facts

- Committee.** The Committee consists of six members, including one representative from TDCJ; one physician representative each from the University of Texas Medical Branch (UTMB) at Galveston and Texas Tech University Health Sciences Center; two public members appointed by the Governor; and the State Medicaid Director, who serves as an ex officio, nonvoting member. The Governor selects the Committee Chair, who must be both a public member and a physician. The two Governor-appointed members serve staggered four-year terms, and all other members serve at the will of their appointing authority. The chart, *Correctional Managed Health Care Committee*, provides information on the Committee's membership.

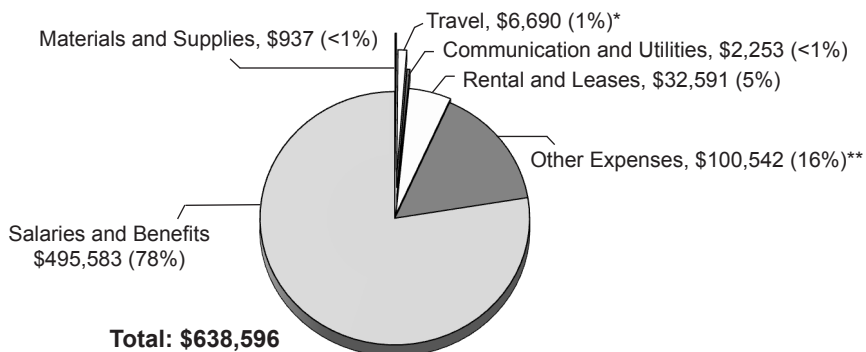
Correctional Managed Health Care Committee

Member	Appointed By
Margarita de la Garza-Graham, M.D., Chair*	Governor
Harold Berenzweig, M.D.**	Governor
Lannette Linthicum, M.D.	TDCJ
Cynthia Jumper, M.D.	Texas Tech
Ben G. Raimer, M.D.	UTMB
Billy Millwee (Ex Officio)	Medicaid Director

*Term expires in February 2015. **Term expires in February 2013.

- Funding and Staff.** The Committee spent about \$638,600 on its administrative operations in fiscal year 2011.¹ The Committee receives its funding through a healthcare strategy in TDCJ's appropriation pattern, and is funded entirely by General Revenue. The pie chart on the following page, *Committee Expenditures*, provides information on the Committee's use of this funding. The Committee has three employees headquartered in Huntsville, including an Executive Director, administrative assistant, and a financial analyst who provides TDCJ with assistance in auditing the contracts. UTMB provides all administrative support for the Committee's staff.

**Committee Expenditures
FY 2011**



* Includes both Committee staff travel costs and reimbursements made to public Committee members. Travel expenses for other Committee members are paid by the respective entity and are not included in this figure.

**Includes \$87,265 in unexpended balances from FY 2010 repaid to the State Treasury.

- Managed Health Care Plan.** The Committee creates, and updates annually, the Managed Health Care Plan, which provides a general description of the types of healthcare services and treatments provided to offenders incarcerated in TDCJ. In addition to the Plan, to ensure consistency in healthcare delivery across the state and by different providers, the Committee also adopts more detailed policies and procedures that outline the protocols for delivering care on-unit and within hospitals and specialty clinics.

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¹ The Committee's total expenditures for fiscal year 2011 were much higher, since the Committee was still responsible for contracting with UTMB and Texas Tech. The \$638,600 figure for fiscal year 2011 represents what the Committee spent on its own operations, and is similar to the Committee's \$673,000 budget for fiscal year 2012, the first year in which it is not contracting for offender healthcare services.

AGENCY AT A GLANCE

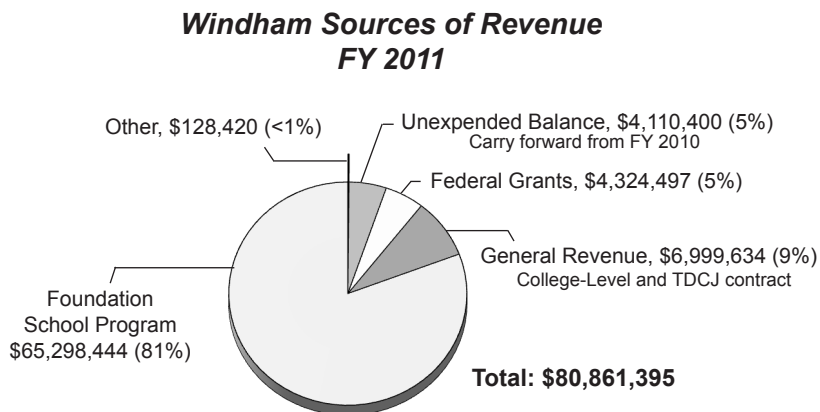
WINDHAM SCHOOL DISTRICT

The Windham School District (Windham) provides educational, vocational, and life skills programs for offenders in the Texas Department of Criminal Justice (TDCJ) to assist offenders in becoming responsible, productive members of their communities. Windham's statutory goals are to:

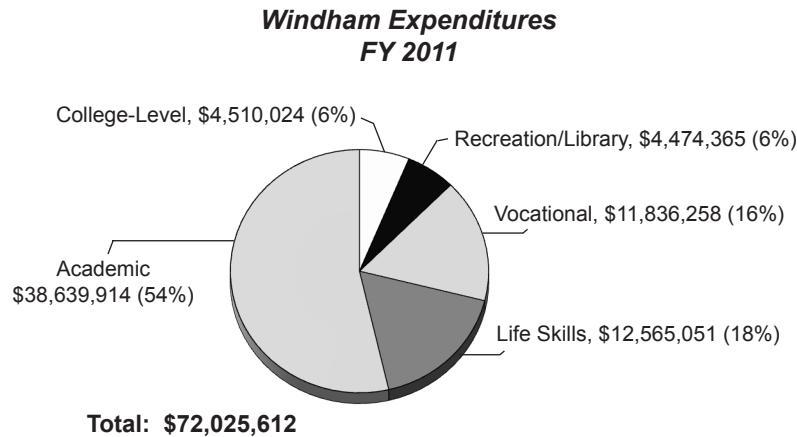
- reduce recidivism;
- reduce the cost of confinement or imprisonment;
- increase the success of former offenders in obtaining and maintaining employment; and
- provide incentives to offenders to behave in positive ways during imprisonment.¹

Key Facts

- **Board.** Although Windham is separate from TDCJ, the Texas Board of Criminal Justice (Board) serves as Windham's Board of Trustees. In this capacity, the nine-member, Governor-appointed Board provides general oversight of the school district and hires Windham's superintendent.
- **Staff.** The superintendent serves as Windham's chief executive officer, managing and supervising Windham's daily operations, including hiring principals and teachers. Windham currently employs about 1,100 staff, including 46 principals, 646 certified teachers, 253 counselors and support staff, 79 college-level instructors and support staff, and 70 central administrators and support staff. Staff work at Windham's central office in Huntsville and in 86 TDCJ correctional facilities located throughout the state. As a result of budget cuts in fiscal year 2011, Windham eliminated 271 staff positions, including 21 principals, 157 teachers, 68 counselors and support staff, and 25 central administrators.
- **Funding.** The average cost to provide educational programming to offenders is \$9.77 per offender, per day.² In fiscal year 2011, Windham received more than \$80 million in total revenue, including about \$65.3 million in General Revenue funding from the Foundation School Program via a pass-through grant from the Texas Education Agency. Windham also received state funds to support college-level programs, federal grants, and funding from TDCJ to operate its recreation programs and library services. The pie chart, *Windham Sources of Revenue*, details Windham's funding in fiscal year 2011.



In fiscal year 2011, Windham's expenditures totaled more than \$72 million, which included more than \$64 million in costs associated with providing services to offenders and about \$5.2 million in administrative costs. The pie chart, *Windham Expenditures*, provides a breakdown of Windham's expenditures by program in fiscal year 2011.³



- Windham Students.** Approximately 75,000 offenders participated in Windham's programs in fiscal year 2011. Windham serves offenders as young as 14 years old and as old as 65; however, about 56 percent of the offenders are between the ages of 20 and 29. Windham prioritizes services to offenders by age, need, and projected release date. The typical Windham student dropped out of school in the ninth grade, functions at a sixth-grade level, and has an average IQ of 86.
- Academic Programs.** Windham's academic programs provide adult basic education for offenders functioning below the sixth-grade level, and secondary level adult education for offenders working towards attaining a general educational development (GED) certificate. Academic programs offered by Windham include literacy, GED preparation, English as a second language, and special education. In fiscal year 2011, about 35,500 offenders participated in Windham's academic programs, more than 4,600 offenders learned to read or became functionally literate, and 5,169 offenders received their GED.
- Vocational Programs.** Windham's vocational programs provide training in 34 occupational fields. Windham provides training to industry standards, including classroom instruction and application of skills in a workshop, and administers industry certification tests. Examples of vocational classes include automotive specialization, culinary arts, landscape design, and welding. In fiscal year 2011, about 11,200 offenders participated in vocational classes, and 5,835 industry certifications were awarded.
- Life Skills Programs.** Windham's life skills programs address self-development; communication skills; job and financial skills; interpersonal and family relationships; and stress and anger management. Life skills programs include cognitive intervention, parenting, and a pre-release program, Changing Habits and Achieving New Goals to Empower Success (CHANGES). About 45,500 offenders participated in life skills programs in fiscal year 2011.
- College-Level Programs.** Windham's college-level programs provide both academic and vocational college-level classes for eligible offenders through contractual agreements with two- and four-year colleges and universities. To be eligible for these programs, offenders must meet specific academic standards and vocational criteria, as well as appropriate security and classification requirements.

The costs of Windham's college-level programs are paid for by federal grants and by offenders while they are incarcerated or upon release from prison. Examples of college-level degrees offenders can earn while incarcerated include an Associate of Arts, Bachelor of Business Administration, and a vocational certificate in auto body repair. In fiscal year 2011, about 8,100 offenders participated in Windham's college-level programs and more than 2,200 offenders received a college-level degree or vocational certificate.

- **Recreation Programs and Library Services.** Windham's recreation programs promote offender physical wellness and help TDCJ to better manage offenders. Examples of out-of-cell recreational activities include allowing offenders to use exercise equipment and spend time in craft shops. Windham also publishes TDCJ's offender newsletter and provides basic library services to offenders. Windham provides these services through a contract with TDCJ.

¹ Section 19.003, Texas Education Code.

² Legislative Budget Board, *Criminal Justice Uniform Cost Report, Fiscal Years 2008-2010* (Austin: Legislative Budget Board, January 2011).

³ In fiscal year 2011, Windham's revenues exceeded its expenditures due primarily to district staffing and programming cuts. Windham maintains some unexpended balances between years as a reserve fund.

AGENCY AT A GLANCE

BOARD OF PARDONS AND PAROLES

Established in 1929, the Texas Board of Pardons and Paroles (Parole Board) is a constitutionally created agency primarily charged with determining which eligible offenders to release early from prison. The mission of the Parole Board is to:

- determine which offenders to release on parole or discretionary mandatory supervision;
- determine conditions of parole and mandatory supervision;
- determine revocation of parole and mandatory supervision; and
- recommend the resolution of clemency matters to the Governor.¹

Key Facts

- **Parole Board and Parole Commissioners.** The Parole Board consists of seven full-time, public members appointed by the Governor to serve staggered, six-year terms. The Governor designates a presiding officer who hires 12 full-time Parole Commissioners to serve on parole panels with Parole Board members to make parole release decisions. Board members also make clemency recommendations to the Governor. The chart, *Parole Panel Members*, provides information on current Parole Board members and Commissioners, including their assigned panel and board office location.

*Parole Panel Members**

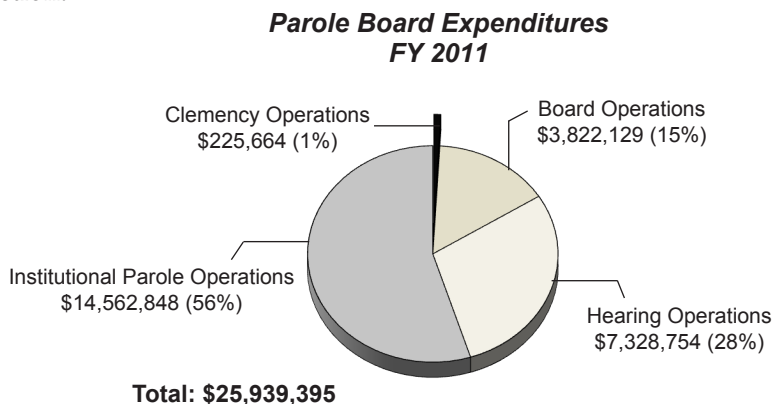
Rissie L. Owens, Presiding Officer (2015)	
Amarillo	Angleton
James W. LaFavers, Board Member (2017) Marsha S. Moberley, Parole Commissioner Charles Shipman, Parole Commissioner	Conrith Davis, Board Member (2013) Fred Rangel, Parole Commissioner Lynn Ruzicka, Parole Commissioner
Gatesville	Huntsville
David G. Gutierrez, Board Member (2015) Elvis Hightower, Parole Commissioner Trenton Marshall, Parole Commissioner	Thomas A. Leeper, Board Member (2013) Pamela D. Freeman, Parole Commissioner Tony Garcia, Parole Commissioner
Palestine	San Antonio
Michelle Skyrme, Board Member (2017) Troy G. Fox, Parole Commissioner James Hensarling, Parole Commissioner	Juanita M. Gonzalez, Board Member (2015) James Paul Kiel, Jr., Parole Commissioner Charles C. Speier, Parole Commissioner

*The year in parentheses indicates the expiration of the Parole Board member's term.

- **Staff.** The Parole Board's presiding officer hires the Board Administrator to manage the agency's day-to-day activities. In fiscal year 2011, the Parole Board employed 564 staff, including 10 parole analysts, who assist parole panels in making parole revocation determinations; 58 hearing officers, who preside over parole revocation hearings; and 222 Institutional Parole Officers (IPOs), who

assist parole panels by interviewing and assessing offenders eligible for parole. The Parole Board has Austin and Huntsville locations, six regional offices, nine institutional parole offices, and 19 hearing operations locations across the state.

- **Funding.** In fiscal year 2011, the Parole Board received \$25,153,900 in General Revenue and an additional \$785,495 in federal funds from the American Recovery and Reinvestment Act. The pie chart, *Parole Board Expenditures*, provides information regarding the Parole Board's use of the funding by function.



- **Parole.** Parole is considered a privilege, not a right. Parole eligibility is based on several factors, including time served, the nature of the crime committed, the year in which the crime was committed, and the calculation of good conduct time. Good conduct time or "good time" is time credited to an offender for good behavior and for participating in work and self-improvement programs while incarcerated. The textbox explains the different *Types of Release*.

Types of Release

Parole: Parole panels approve or deny eligible offenders for release on parole, and may set parole conditions, such as completing a rehabilitation program prior to release.

Mandatory Supervision: Offenders are automatically released to supervision when time served plus good time earned equals the length of their sentence. Release does not require parole panel approval, but panels can set conditions of release. Only offenders who entered prison before 1996 remain eligible for release to mandatory supervision since it was abolished in 1996.

Discretionary Mandatory Supervision: Offenders are eligible for release when time served plus good time earned equals the length of their sentence, but release to supervision must be approved or denied by a parole panel.

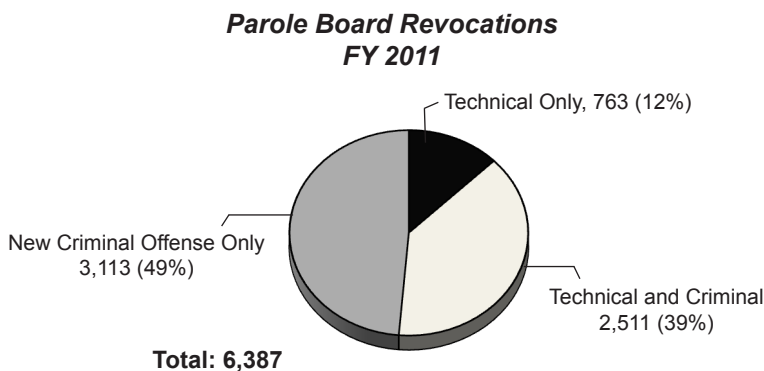
Medically Recommended Intensive Supervision: Certain offenders who do not constitute a threat to public safety are eligible for release when elderly, physically disabled, mentally ill, terminally ill, mentally retarded, in a persistent vegetative state, having organic brain syndrome with significant to total mobility impairment, or having a condition requiring long-term care.²

- **Parole Decisions.** Parole panels, made up of one Parole Board member and two Parole Commissioners, determine which offenders to release early. However, certain cases require a vote by the full Parole Board.³ Parole panel members rely on IPOs to gather information for the offender's parole file. IPOs interview offenders and compile comprehensive case summaries for use

by parole panel members when voting. For additional information on the parole review process, see Issue 6. Parole panels may also set conditions of release that offenders must abide by while under parole supervision. Conditions of parole release can include sex offender registration, educational or vocational training, gainful employment, and electronic monitoring.

In fiscal year 2011, parole panels considered 78,388 parole-eligible offenders, approving 24,339 offenders for release on parole; and considered 20,878 offenders for release on discretionary mandatory supervision, approving 10,149. After a parole panel has voted to release an offender, the Texas Department of Criminal Justice (TDCJ) releases the offender to supervision and monitoring by TDCJ's Parole Division for the remainder of the offender's original sentence. For additional information on parole supervision, see TDCJ's Agency at a Glance.

- **Parole Revocation.** Parolees who violate a condition of release, considered a technical violation, or who commit a new offense can have their parole revoked. Parole Board hearing officers conduct administrative revocation hearings and recommend a sanction to a parole panel. Sanctions may include revocation, which results in reincarceration, or an alternative to reincarceration such as being sentenced to an Intermediate Sanction Facility. In fiscal year 2011, hearing officers conducted more than 18,000 hearings for revocation purposes, resulting in nearly 6,400 revocations by parole panels. The pie chart, *Parole Board Revocations*, provides additional information on the types of revocations.



- **Clemency.** The Parole Board reviews all requests for clemency and makes recommendations on whether to grant such requests to the Governor who makes the final determination in granting clemency. To make a clemency recommendation, a majority of the full Parole Board must agree. Clemency includes a request from an offender for a full pardon, conditional pardon, pardon based on innocence, posthumous pardon, commutation of a sentence, emergency medical and family medical reprieve, and restoration of civil rights, driver's license, and firearm rights. For capital offenses, clemency can include a request for a commutation of sentence to life in prison or a reprieve from execution. In fiscal year 2011, the Parole Board considered 251 cases for clemency and made 45 clemency recommendations, all in non-capital cases, to the Governor. The Governor approved clemency in eight cases.

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- 1 Section 11, Article IV, Texas Constitution.
 - 2 Section 508.146, Texas Government Code.
 - 3 Section 508.046, Texas Government Code.

ISSUES

ISSUE 1

Texas Has a Continuing Need for the Texas Department of Criminal Justice.

Background

In 1849, the Legislature first established the Texas prison system. Over the next 140 years, the Legislature created Texas' adult probation and parole functions, among other changes to the criminal justice system. In 1989, the Legislature created the Texas Department of Criminal Justice (TDCJ) by consolidating the Department of Corrections, Adult Probation Commission, and the parole supervision function then housed within the Board of Pardons and Paroles (Parole Board). Today, TDCJ oversees most of the major functions of the adult criminal justice system in Texas by:

- disbursing and overseeing state funding to 121 local Community Supervision and Corrections Departments (CSCDs) that provide community supervision (probation) as an alternative to incarceration;
- securely incarcerating felons in state facilities, providing for basic needs and programming to prepare offenders for reentry into society; and
- supervising offenders in the community, once paroled by the Board of Pardons and Paroles.

In fiscal year 2011, TDCJ had staff of about 40,200, including more than 26,000 correctional officers. TDCJ's appropriation for the same year was \$3.1 billion, 96 percent of which was made up of general revenue and general revenue dedicated funds. The Texas Board of Criminal Justice, comprised of nine public members appointed by the Governor, oversees TDCJ.

The Texas Board of Criminal Justice and TDCJ will be abolished September 1, 2013, unless continued by the Legislature.¹ Statute further requires the Sunset Commission to review the constitutionally established Board of Pardons and Paroles in conjunction with TDCJ, but does not subject the Parole Board to abolishment under the Sunset Act.² This report discusses the Parole Board's operations in Issue 6. State law also requires the Sunset Commission to review the Correctional Managed Health Care Committee (Committee) in conjunction with TDCJ, and subjects the Windham School District (Windham) to a limited purpose Sunset review for the 83rd Legislature.³ Issues 4 and 5 of this report discuss the structure and functions of the Committee and Windham, respectively.

Findings

Texas has a continuing need to supervise and incarcerate convicted criminals to protect the public's safety.

Texas has a clear need to protect the public's safety, including supervising and confining people the courts find guilty of criminal wrongdoing. Once an offender is sanctioned, TDCJ provides the support and structure needed to supervise offenders within the community as an alternative to incarceration,

confine offenders and prepare them for eventual reentry into society, and supervise paroled offenders as they serve out the rest of their sentence in the community.

- **Community Supervision.** The first option for some offenses is community supervision, or “probation.” Community supervision gives judges the option of sanctioning less severe crimes by having offenders serve their sentences in the community where they receive rehabilitation services, diverting them from prison. To protect public safety, Texas’ locally controlled CSCDs attempt to ensure offenders comply with supervision terms and do not commit new crimes. TDCJ plays an integral role in this system by providing state funding to CSCDs, monitoring them to ensure that money is spent appropriately and effectively, and developing community supervision standards to help ensure supervision quality and consistency statewide. Issue 3 of this report further discusses TDCJ’s approach to providing this funding in line with initiatives that help prevent revocation of offenders’ community supervision. In fiscal year 2011, TDCJ provided about \$286 million in state funding to CSCDs to supervise about 408,300 offenders in the community, representing an average of about 63 percent of any given CSCD’s budget.⁴

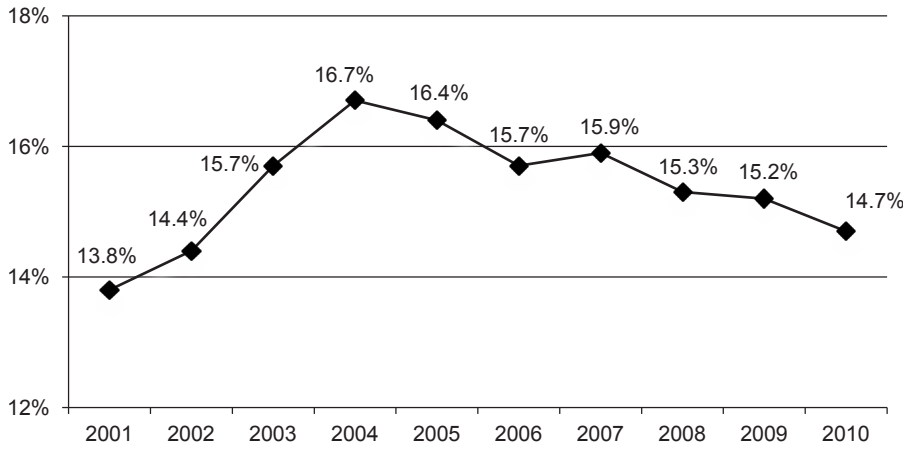
TDCJ plays an integral role in community supervision, providing funding to local departments.

Revocation rates can be a measure of community supervision success. Violating supervision terms or committing new crimes can trigger revocation of an offender’s community supervision as determined by the sentencing judge, usually resulting in confinement in a TDCJ facility. Community supervision revocation rates measure both local judges’ decision making as well as CSCDs’ success in supervising offenders, the latter of which is directly related to the funding and oversight TDCJ provides to these local departments. The graph on the following page, *Community Supervision Revocation Rates*, depicts the rate of offenders’ supervision revoked over the last 10 fiscal years.⁵ The graph shows an overall decline in revocation rates starting in 2005, at which time the Legislature appropriated an additional \$55.5 million per biennium in community supervision funds, the first of several funding increases aimed at targeting high-risk offenders and reducing revocations.

- **Incarceration.** The State has an ongoing need to protect public safety by securely confining serious and violent offenders sentenced to prison and state jail facilities. TDCJ confines Texas’ 155,100 offenders at 111 facilities.⁶ Because the criminal justice system requires sentenced felons to serve their time in a state facility, TDCJ is responsible for offender welfare, providing for basic necessities such as food and clothing, as well as constitutionally mandated healthcare services, which is more fully discussed in Issue 4 of this report. In contrast to the last time TDCJ underwent Sunset review, all of TDCJ’s prison and medical units are now accredited by the American Corrections Association, indicating that they meet independent, national standards. The average cost-per-day for offenders housed by TDCJ was \$50.79 in fiscal year 2010, compared to the national average of \$62.05 per day.⁷

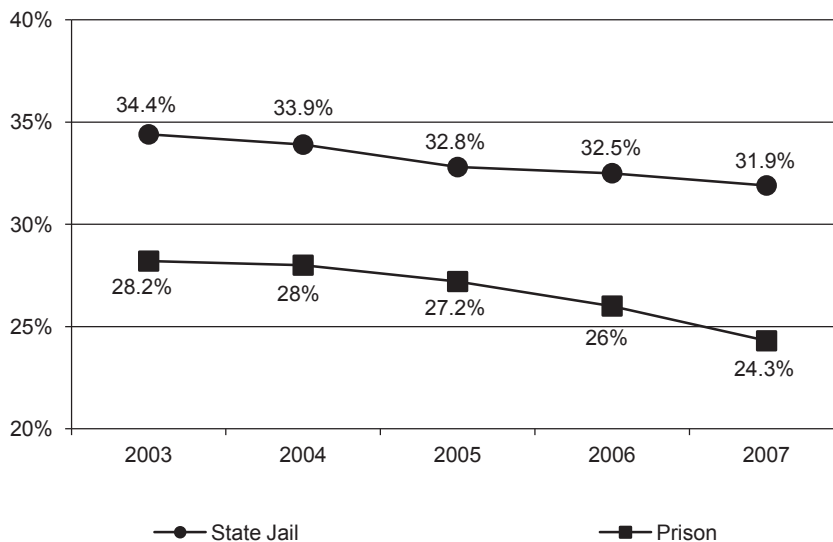
TDCJ’s average cost-per-day for offenders is \$50.79, which is low compared to the national average.

**Community Supervision Revocation Rates
FYs 2001–2010**



Within its facilities, TDCJ delivers rehabilitative programs and works with Windham to provide educational programs aimed at preparing offenders for successful reentry into society. These programs aim to protect public safety by reducing recidivism rates and preventing future victimization. Recidivism rates measure how many offenders are reincarcerated within a three-year period of release. Low recidivism rates indicate fewer re-offenses and a corresponding reduction in victimization, and can also indicate TDCJ's success in rehabilitating offenders before release. The graph, *State Jail and Prison Reincarceration Rates*, shows the rate of offenders reincarcerated in a TDCJ facility within a three-year period after release, beginning with release year 2003.⁸

**State Jail and Prison Reincarceration Rates
FYs 2003–2007**



Generally, Texas' reincarceration rates are lower than other large states as shown in the table, *Other States' Reincarceration Rates*, although difficulties arise in comparing reincarceration rates among states, given that each state's rate is dependent on other factors, such as the state's sentencing and parole laws.⁹

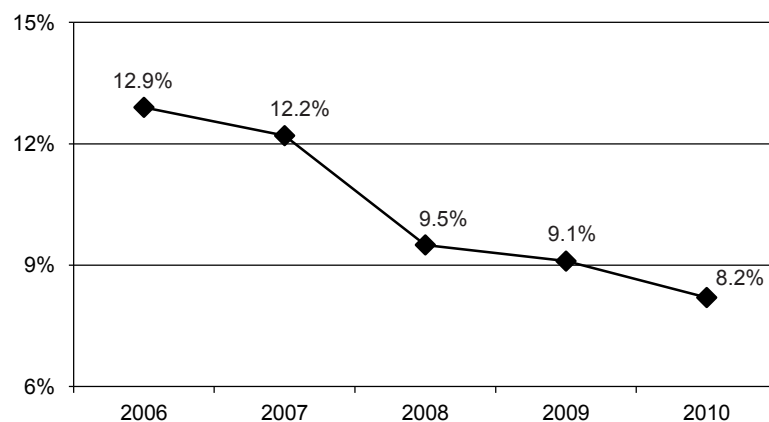
- Parole Supervision.** Once offenders become eligible for parole under state law, the Parole Board decides which offenders to release, who then serve out the rest of their sentence under parole supervision in the community. Although the Parole Board makes the independent decision on release and sets the conditions of parole, TDCJ provides the actual supervision of the parolee in the community. Currently, TDCJ's 1,300 parole officers provide this supervision by monitoring the activities of almost 83,800 parolees.¹⁰ To protect the public's safety, the State has an interest in ensuring paroled offenders comply with parole conditions and commit no new crimes that would warrant reincarceration. TDCJ parole officers identify offenders whose parole should potentially be revoked and returned to TDCJ confinement, though the Parole Board makes the final revocation decision.

**Other States' Reincarceration Rates
Release Year 2007**

State	Three-Year Reincarceration Rate
California	58.9%
Colorado	53.2%
Illinois	51.8%
Pennsylvania	46.3%
New York	41.3%
Florida	32.7%
Texas State Jail	31.9%
Texas Prison	24.3%

Parole revocation rates measure both the success of TDCJ's parole supervision, as well as the Parole Board's revocation decisions. The graph, *Parole Revocation Rates*, shows rates over five fiscal years.¹¹ The decrease in rates in recent years can be partly explained by the Parole Board's increased use of alternatives to revocation and reincarceration such as Intermediate Sanction Facilities, which allow parole violators to be confined for a shorter period of time without revocation to a TDCJ facility.

**Parole Revocation Rates
FYs 2006–2010**



TDCJ's community and parole supervision functions are necessary for Texas to manage its incarceration capacity, while maintaining public safety.

TDCJ's total incarceration capacity is 162,809, but Texas' entire offender population is about 647,200, including 408,300 offenders on community supervision, 155,100 incarcerated, and 83,800 on parole. Simply put, TDCJ cannot accommodate Texas' entire offender population in its state jails and prisons without community supervision and parole strategies. In addition, community and parole supervision are less expensive to the State than incarceration, as seen in the table, *Incarceration Alternatives, Cost-Per-Day*.¹²

Incarceration Alternatives, Cost-Per-Day – FY 2010

Strategy	Average Cost-Per-Day
Community Supervision	\$2.92
Community Supervision – Electronic Monitoring	\$6.77
Community Supervision – Specialized Caseloads	\$7.46
Community Supervision – Intensive Supervision Probation	\$8.04
Incarceration – State Jail or Prison	\$50.79
Parole – Active Supervision	\$3.74
Parole – Electronic Monitoring	\$15.86
Parole – Super-Intensive Supervision	\$25.19

While these strategies help Texas manage its overall prison capacity in the most cost-effective way, they can only be effective if they are protecting public safety. This delicate balance is dependent on many factors, including whether local judges and the Parole Board make appropriate decisions about which offenders are likely to be successfully rehabilitated in the community with minimal public safety threat. Once the decision is made to supervise an offender in the community, TDCJ — through overseeing CSCDs and its own parole supervision function — has an integral role in ensuring that supervision is adequate to take advantage of alternatives to incarceration while preventing new crime. Several issues in this report relate to both the Parole Board's and TDCJ's roles in coordinating this balance. Managing TDCJ's capacity while still protecting public safety will become increasingly important as Texas' projected incarceration population is expected to increase by almost 5,000 by fiscal year 2016.¹³

By 2016, Texas' incarcerated population is projected to grow by 5,000.

TDCJ is the most appropriate agency to oversee Texas' adult criminal justice system's functions of community supervision coordination, incarceration, and parole supervision.

- **Consolidated Structure.** TDCJ's community supervision and parole supervision functions could be structurally separate from TDCJ, as they were before the Legislature consolidated these functions with TDCJ's incarceration function in 1989. However, because each of these functions

TDCJ's umbrella structure continues to make sense, since each of its functions affect the system as a whole.

affects the system as a whole — the success of community and parole supervision affect TDCJ's incarcerated population and the success of TDCJ-run rehabilitation programs affect overall recidivism rates — TDCJ's umbrella structure continues to make sense. While some aspects of the system may lose a measure of independence through continued consolidation, in keeping the functions together, the State gains administrative efficiencies, and sets up a structure for close communication and coordination throughout the entire system. However, challenges still exist in facilitating communication among all system players, as described in Issue 2 of this report. Sunset staff found the benefits outweighed independence concerns, and that no compelling budgetary reason exists to separate the community supervision and parole supervision functions from TDCJ.

- **Other State Agencies.** Although the Texas Juvenile Justice Department (TJJD) provides similar functions for Texas' juvenile offender population (younger than 19 years old for incarceration and younger than 18 years old for probation), no other state agency provides incarceration for adult offenders. TJJD works with local entities to supervise juvenile offenders in the community, confines juveniles to state facilities, and supervises juveniles on parole. However, barring the similarity of the public safety missions of the two agencies, TJJD and TDCJ work with vastly different populations. Juveniles require different management and rehabilitation strategies than the adult population, and as a result it costs the State about \$359 per day to incarcerate offenders at TJJD, significantly more than TDCJ's \$50.79 per day.¹⁴ Not only is it more expensive, with a capacity of only 1,842, TJJD could not incorporate TDCJ's offender population.¹⁵
- **Private Facilities and County Jails.** No matter where they are confined, TDCJ and the State cannot contract away its responsibility for offenders.¹⁶ State law authorizes TDCJ to contract with private vendors or counties for prison operation, and TDCJ has ongoing contracts with private companies to operate 16 facilities — most of which are state-owned — that provide almost 17,000 beds for incarcerated offenders. These beds are counted as part of TDCJ's overall available capacity. The decision to outsource the operation of correctional facilities must balance any potential cost savings with the State's continued oversight and support costs for the entire system. Statute restricts TDCJ from housing any offenders but minimum- and medium-custody offenders in contracted prison facilities, which do not have the infrastructure to accommodate higher-need offenders.¹⁷ As such, TDCJ houses, and will continue to house, the most expensive offenders, ones with higher custody levels and severe medical problems, in state-run facilities.

No matter where they are confined, the State cannot contract away its responsibility for offenders.

The Legislature has provided TDCJ with a contingent \$15 million appropriation to contract with county and privately run facilities to house TDCJ offenders, should the agency exceed 96 percent of its total unit capacity in this biennium. TDCJ has not yet had to avail itself of this

temporary contracted capacity, as its population remains manageable. Beyond the potential of providing temporary capacity, neither counties nor privately run facilities have the ability to assume responsibility for all of TDCJ's 155,100 incarcerated offenders.

Recommendation

Change in Statute

1.1 Continue the Board and Department of Criminal Justice for 12 years.

This recommendation would continue TDCJ and the Board of Criminal Justice to oversee its operations for the standard 12-year period. Because the Board of Pardons and Paroles is subject to Sunset review at the same time as TDCJ, it would also come under review again in 2025. If the Sunset Commission and Legislature choose to restructure the Correctional Managed Health Care Committee and retain its Sunset provision, and subject Windham to regular Sunset review, as recommended in Issues 4 and 5, the Committee and Windham would also be subject to Sunset review in conjunction with TDCJ in 2025.

Fiscal Implication

If the Legislature continues TDCJ, the agency's annual appropriation of about \$3 billion would be required for future operations.

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- ¹ Section 492.012, Texas Government Code.
 - ² Section 508.051, Texas Government Code.
 - ³ Section 501.132, Texas Government Code and Section 19.0021, Texas Education Code.
 - ⁴ The number of offenders on community supervision represents the population as of January 31, 2012.
 - ⁵ Legislative Budget Board, *Statewide Criminal Justice Recidivism and Revocation Rates* (Austin: Legislative Budget Board, January 2011), p. 11. The rate depicted in the graph represents the revocation of felons who are on direct supervision, not felons on indirect supervision nor misdemeanants who are also supervised by CSCDs.
 - ⁶ The number of incarcerated offenders represents the population as of March 16, 2012.
 - ⁷ Legislative Budget Board, *Criminal Justice Uniform Cost Report: Fiscal Years 2008–2010* (Austin: Legislative Budget Board, January 2011), pp. 6 and 46.
 - ⁸ Legislative Budget Board, *Statewide Criminal Justice Recidivism and Revocation Rates*, pp. 22 and 32.
 - ⁹ *Ibid.*, p. 77.
 - ¹⁰ The number of offenders on parole represents the population as of February 2012.
 - ¹¹ Legislative Budget Board, *Statewide Criminal Justice Recidivism and Revocation Rates*, p. 44.
 - ¹² Legislative Budget Board, *Criminal Justice Uniform Cost Report: Fiscal Years 2008–2010* (Austin: Legislative Budget Board, January 2011), pp. 6, 10, and 11. The costs-per-day for community supervision strategies represent combined state and local costs.
 - ¹³ Legislative Budget Board, *Adult and Juvenile Correctional Population Projections: Fiscal Years 2011–2016* (Austin: Legislative Budget Board, January 2011), p. 10.
 - ¹⁴ Legislative Budget Board, *Criminal Justice Uniform Cost Report*.
 - ¹⁵ TJJJD's total capacity represents operating bed capacity as of February 2012.
 - ¹⁶ Section 495.002, Texas Government Code.
 - ¹⁷ *Ibid.*

RESPONSES TO ISSUE 1

Recommendation 1.1

Continue the Board and Department of Criminal Justice for 12 years.

Agency Response to 1.1

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

For 1.1

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 1.1

None received.

Modification

1. Subject TDCJ and all criminal justice agencies to Sunset review every four to six years, instead of the recommended 12 years. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

COMMISSION DECISION

Adopted Recommendation 1.1 with a modification to continue TDCJ for eight years instead of the standard 12-year period. This recommendation, in conjunction with other adopted recommendations, also subjects the Board of Pardons and Paroles, the Correctional Managed Health Care Committee, and the Windham School District to Sunset review in conjunction with TDCJ in 2021.

ISSUE 2

Reentry Strategies Lack Focus and Coordination, Limiting Opportunities for Texas to Further Reduce Recidivism and System Costs.

Background

Reentry is the process by which offenders transition from living in prison to living in the free world upon release. Reentry includes activities and programming that both help prepare offenders for release and provide continuity of care services once released. Effective reentry planning is essential in reducing recidivism. The textbox, *Why Reentry Matters*, provides additional detail on the benefits of reentry and its relationship to recidivism.

Why Reentry Matters

In Texas, approximately 75,000 offenders are released from the Texas Department of Criminal Justice (TDCJ) each year and about 95 percent of all offenders incarcerated in prison will eventually return to the street. In the three years following release, roughly 32 percent of Texas state jail offenders, and 24 percent of the prison population, totaling about 17,700 offenders, will be reincarcerated.¹ Recidivism has significant human costs to victims and communities, as well as to offenders and their families. All taxpayers bear the burden when offenders are reincarcerated at an average cost of at \$50.79 per day for prison inmates.²

Released offenders are a high-needs population, who often have difficulty finding housing and employment; possess little education or job skills; have lengthy histories of substance abuse; and may have significant medical or mental impairments. These challenges create barriers to successful reentry and increase the likelihood that an offender will return to criminal activity. Reentry planning helps create or maintain connections between the offender and the outside world to better enable offenders to transition to the free world successfully.

The term “reentry planning” describes the many strategies used to reduce the likelihood that an offender will commit additional crimes once released. Reentry strategies span all phases of the criminal justice system and include assessing an offender’s needs and risks of reoffending, and providing case management to get the offender into appropriate programs and services that specifically target and minimize those identified needs and risks. Reentry services can cover a wide range of areas including academic, literacy, vocational, life skills, substance abuse, and sex offender programming; and other transition services such as assistance in arranging for housing or obtaining employment.

In 2009, recognizing the importance of comprehensive reentry planning, the Texas Legislature made three key changes in state law to improve TDCJ’s reentry planning processes. The Legislature required TDCJ to develop a comprehensive reentry plan; required TDCJ to evaluate the plan for its impact on recidivism; and established a Reentry Task Force to convene stakeholders to identify challenges to successful reentry.³ The textbox on the following page details the statutorily *Required Elements of TDCJ’s Reentry Plan*.⁴

Required Elements of TDCJ's Reentry Plan

The plan must include:

- an assessment of offenders entering a correctional facility to determine which skills offenders need to develop to be successful following release;
- individualized case management that provides programs that address the offender's assessed needs, including life skills, education, employment training, treatment programs, and parenting and relationship building classes;
- a comprehensive network of transition programs to address the needs of released offenders;
- the identification of providers of local programs and transitional services with whom TDCJ may contract to implement the plan; and
- the sharing of information between local entities and other service providers to assess and address offender needs.

Findings

TDCJ has not fully established reentry strategies or a comprehensive reentry plan, making it difficult for criminal justice agencies to effectively target limited resources to reduce recidivism.

Though TDCJ and partner agencies are working to improve reentry, the agencies have not established clear reentry strategies. Without concrete goals and responsibilities for participants in the planning process, or clear coordination, reentry partners run the risk of missing opportunities to leverage limited resources and better manage offenders. For example, the many groups who provide reentry programs, training, or transitional assistance may duplicate services to offenders, or one group may be unaware of important resources used by another group. Lack of coordination can result in lost efficiencies, less effective use of programs, and higher system costs through potentially increased recidivism rates.

Without clear strategies, TDCJ has not been able to evaluate the impact of its reentry services, as required by law.⁵ Without information about offender outcomes, neither TDCJ nor the Legislature can properly evaluate the impact of reentry services or the State's investment in these services. The following information highlights areas in which TDCJ's reentry strategies fall short of best preparing offenders for successful reentry, an outcome that would result in less recidivism and better outcomes for the State.

- **No Written Reentry Plan.** TDCJ has not developed the statutorily required comprehensive reentry plan. Recognizing its limited resources, and that a comprehensive reentry strategy will affect almost all aspects of the criminal justice system, TDCJ leadership convened a reentry steering committee (Steering Committee), including representatives from several

Uncoordinated reentry services may result in less effective programs and increased costs.

TDCJ divisions as well as the Board of Pardons and Paroles (Parole Board) and the Windham School District (Windham). The Steering Committee, with the assistance of a consultant from the National Institute of Corrections, is currently meeting to define TDCJ's comprehensive reentry strategies. Despite these efforts, almost three years after the legislation passed requiring the plan, no written plan exists. Furthermore, the Steering Committee has not established clear goals or timelines for the creation of a reentry plan or implementation of new reentry strategies. The wide-ranging scope of such a plan, and large number of participants needed to develop it, underscores the need for clear goals, strategies, and communication among stakeholders.

TDCJ has yet to draft a reentry plan, as required by law.

- **No Comprehensive Assessment of Offender Risks and Needs.** Statute requires TDCJ to implement an assessment of offenders entering TDCJ as part of the agency's reentry plan.⁶ TDCJ currently performs several individual offender assessments, including psychological, substance abuse, education, and employment screens, but these tests do not provide information on many of the factors most likely to affect recidivism — criminogenic factors.⁷ The textbox, *Key Criminogenic Factors*, identifies the factors most closely linked to future criminal activity, many of which can be impacted through targeted programming and services. Without a criminogenic assessment, TDCJ misses an opportunity to better manage an offender according to need, in ways that ultimately reduce recidivism.

Key Criminogenic Factors

- Anti-social attitudes and values
- Anti-social associates
- Anti-social personality and behavior
- Family dysfunction
- Substance abuse
- Low levels of vocational, educational, or financial achievement

Currently, TDCJ is piloting a criminogenic assessment tool for use in probation and, in select cases, before an offender's release, but has yet to determine how to use the assessment for offenders entering TDCJ. TDCJ anticipates validating and implementing the assessment for probation will take several years, but believes that, once validated, the assessment could be used with incarcerated and paroled offenders as well as probationers.

- **Fragmented Case Management and Limited Information Sharing.** TDCJ and its partner agencies perform numerous case management functions but do so in silos, resulting in a piecemeal, reactive, and inefficient offender management system. Three agencies — TDCJ, the Windham School District, and the Board of Pardons and Paroles — split responsibility for identifying and managing the needs of offenders, including placing them into programs. However, the agencies do not coordinate these activities with an eye toward the goal of successful reentry. Without coordinated and thorough case management, TDCJ and its partners may duplicate services, miss programming opportunities, or lack information to make the best offender management decisions.

Three agencies split responsibility for offender case management, but do not coordinate with an eye toward reentry.

Largely due to resource constraints, TDCJ does not provide individualized case management of incarcerated offenders. TDCJ had case managers at prison units, but lost funding for the 600 positions in 1995. The textbox, *Offender Management*, briefly describes the major players' responsibilities with respect to offender case management.

TDCJ's current case management system does not examine all of an offender's needs.

Offender Management

Several TDCJ divisions and other agencies are responsible for different parts of each offender's case management while incarcerated.

Classification. TDCJ's classification staff address the most basic needs of offenders by making decisions about an offender's custody level, housing, job, and schedule.

Windham. Windham assesses and identifies an offender's educational needs and places them in academic, vocational, and life skills programs according to priority.

Parole Board. As part of making parole release and condition decisions, the Parole Board votes to place offenders in pre-release rehabilitation programs run by TDCJ, including substance abuse or sex offender treatment programs.

Rehabilitation Programming. Most rehabilitation program placement is responsive to pre-release conditions imposed by the Parole Board, but TDCJ makes these programs available to other offenders as space allows. TDCJ staff also operates a smaller number of non-pre-release programs, such as the Youthful Offender Program and Gang Renunciation and Disassociation (GRAD) program.

Absent individual case managers, TDCJ's current case management system relies primarily on unit classification committee staff. Classification staff meet face-to-face with each offender at prescribed times to determine an offender's custody level and job assignment; however, these classification hearings do not routinely include other staff with offender management responsibilities. As a result, TDCJ does not take full advantage of this existing structure to interact with an offender to examine other programming needs, including, for example, educational, vocational, or treatment needs.

TDCJ under-utilizes existing resources like the ITP to identify and manage an offender's programming.

TDCJ also provides limited case management for offenders through the Individualized Treatment Plan (ITP). The ITP acts as the offender's "record of institutional progress," indicating an offender's participation in either Windham or TDCJ programs during incarceration. TDCJ submits the ITP to the Parole Board when an offender is eligible for early release.⁸ However, like unit classification meetings, the ITP's potential as a coordinated case management tool is not fully realized. First, TDCJ policy requires that an offender meet with an ITP team to make determinations about possible program placement during incarceration; however, this treatment team no longer exists. Staff does not interview offenders to discuss programming needs prior to program placement, and no individual or team is responsible for managing an offender's overall programming. Second, while the ITP does track participation in numerous programs, it does not include participation in several new

state-funded programs or intensive volunteer programs. In addition, responsibility for entering data into the ITP is spread out among many groups, with each responsible for tracking offender participation in their programs only. As a result, no uniform process exists to ensure data in the ITP is accurate, complete, or regularly updated.

Finally, while the ITP has the potential to capture more complete information about an offender's risk and needs, and priority for specific programs, neither TDCJ nor the Parole Board currently use the ITP this way. TDCJ staff does not input need and priority information into the ITP until after an offender has been assigned to a program by the Parole Board as a condition of release. As a result, the Parole Board does not receive and cannot use need and priority information to assist in their placement of offenders. In contrast, Windham staff populates the ITP with need and priority information obtained at intake, then Windham counselors review offender rosters to place the highest priority offenders when spaces become available.

- Unfocused Transition Services.** TDCJ established the Reentry and Integration Division (RID) in 2009 to help coordinate reentry services throughout TDCJ, and to provide transitional services directly to offenders releasing from TDCJ. However, since its creation RID has faced significant staff reductions and the need to focus on other legislatively required duties, limiting its ability to concentrate on transition services. Symptomatic of the fact that TDCJ has yet to define reentry goals, RID, itself, has yet to settle on a division strategy for providing its key direct services to offenders leaving prison and has not yet fully defined how, and to whom, it will provide this critical transition assistance. The division employs 64 reentry case managers to provide transition services to select offenders who are releasing from prison. At first RID targeted flat releases, or offenders discharging without parole, but is now shifting its focus to paroling offenders, with about 10 percent of case managers piloting an assessment to identify the highest-risk pre-parolees for services. Pending results of the pilot, RID anticipates shifting staff and services to target all high-risk parolees in the future, though the timeline for conclusion of the pilot or this shift in resources is not yet set. Limited resources dictate that RID must target services and should focus them to the highest risk offenders; however, without a clear picture of who they are serving, RID has difficulty knowing how best to serve these offenders.

As currently structured, the Reentry Task Force does not provide for sufficient membership or clear deliverables, limiting its use in improving reentry planning.

The statutorily specified membership of the Task Force is insufficient to ensure many essential stakeholders will participate in the reentry planning process. State law requires the Task Force to include 10 members, consisting

Data in the ITP is not complete or regularly updated.

TDCJ has yet to fully define and implement its key transition services.

primarily of state agencies. However, comprehensive reentry planning involves additional state-level actors and numerous local groups. Recognizing the importance of input from additional state and local entities, TDCJ expanded membership to improve representation when it first convened the Task Force. Current membership is described in the chart, *Reentry Task Force Members*.

Reentry Task Force Members

Statutory members include representatives of:	Additional members include representatives of:
<ul style="list-style-type: none"> • TDCJ; • Department of Public Safety; • Texas Correctional Office for Offenders with Medical or Mental Impairments; • Office of Court Administration; • Texas Youth Commission; • Texas Workforce Commission; • Texas Department of Housing and Community Affairs; • Health and Human Services Commission; • Texas Judicial Council; and • an organization selected by TDCJ that advocates for or provides reentry services. 	<ul style="list-style-type: none"> • Board of Pardons and Paroles; • Windham School District; • Texas Commission on Jail Standards; • Texas Department of State Health Services; • Texas Court of Criminal Appeals; • county judges and commissioners; • sheriffs; • district attorneys; • faith-based groups; • offender advocacy groups; • adult probation departments; and • local reentry providers.

The Task Force has not produced public recommendations to improve reentry.

Further, while state law requires TDCJ to convene a reentry task force, it does not clearly require the Task Force to produce anything, or to advise agencies within the criminal justice system, creating the risk that the Task Force will have little impact. Instead, statute authorizes the Task Force to identify gaps in post-release services, and to make recommendations regarding the provision of comprehensive post-release services. Since state law does not require the Task Force to report or advise, it has only discussed reentry barriers and recommendations internally, and has not reported any of its findings. In addition, the Task Force has not coordinated with local providers to improve services. The Task Force has served as an important forum to convene stakeholders who are concerned about reentry services; however, since it has yet to produce recommendations or work to increase service provision, the Task Force has not yet demonstrated its value in the State’s reentry process.

Recommendations

Change in Statute

2.1 Require TDCJ to produce a written reentry plan, detailing the reentry goals and strategies, and how it will evaluate the plan.

This recommendation would expand the current statutory requirement to develop a comprehensive reentry plan by requiring TDCJ, in consultation with Windham and the Parole Board, to clearly establish, in a written plan, the following:

- each agency's reentry goals;
- strategies for achieving those goals;
- the reentry responsibilities of various entities involved in reentry; and
- timelines for implementing the reentry plan.

In establishing the roles of various TDCJ divisions in reentry planning, TDCJ would clearly describe how state-funded and volunteer programs across divisions should coordinate to leverage available resources and target offenders efficiently. With respect to RID, this recommendation would require the Department to clearly define, in the reentry plan, the direct transition services TDCJ would provide, and who would receive services. To the extent that TDCJ is still developing many of its reentry strategies, the plan should detail timelines for implementation of strategies.

Finally, this recommendation would require TDCJ, in its written plan, to identify how it will evaluate the impact of reentry services using recidivism data and other means. As part of its evaluation, TDCJ would be required to track the number of offenders served through RID transition services, as well as the number who were eligible but not served. Accordingly, this recommendation would replace the existing requirement that TDCJ conduct a recidivism study related to reentry services and family unity policies, and instead require TDCJ to collect outcome information, including recidivism data as applicable, on its reentry plan and provide that information to state leadership biennially, as currently required in statute.

This recommendation would require TDCJ to provide the written plan, and all evaluations of the plan, to the Texas Board of Criminal Justice as the governing body of both TDCJ and Windham, and to the Board of Pardons and Paroles. TDCJ would be required update the plan every three years.

2.2 Require TDCJ to implement a system-wide risk and needs assessment for use in managing offenders on probation, parole, and in prison.

This recommendation would require TDCJ to adopt one consistent needs assessment tool, which would include criminogenic factors, for use throughout the system from probation to parole. This requirement would replace existing law that requires TDCJ to assess offenders upon intake to a TDCJ facility. Instead, TDCJ would be required to ensure that local probation departments assess probationers; determine when during the period of incarceration to assess offenders in prison; and assess parolees.

Once a consistent assessment is used in probation and parole, many offenders will have assessment information in their files before they are incarcerated in TDCJ facilities. Offenders who are directly incarcerated, without first going through probation or parole, should also receive a comparable risk and

needs assessment. However, absent individual case managers, both TDCJ intake and Windham staff perform aspects of needs assessments while offenders are in prison. As a result, this recommendation, while requiring one assessment tool, would allow TDCJ and Windham the flexibility to determine how to most effectively implement the tool in prison by leveraging existing assessment processes. This recommendation is not intended to require TDCJ or Windham to hire additional staff to administer new assessments. This strategy would be included in the written reentry plan required in Recommendation 2.1. Since different TDCJ divisions are in the process of piloting assessment tools, this recommendation would also require the agency to establish a timeline for testing and implementation of the assessments, but require that all assessments be fully implemented and in use by January 2015.

A comprehensive risk assessment would allow the State to more efficiently allocate resources to reduce recidivism by providing criminal justice personnel with solid information about what will reduce an offender's likelihood to recidivate.

2.3 Require TDCJ to leverage existing resources to institute a case management system for offenders.

This recommendation would require TDCJ to implement rudimentary case management using existing processes and staff. The current unit classification process would serve as the basis for improved case management, and additional members would participate in classification hearings on specific occasions to help assess each offender and direct them to appropriate available programming. Under this recommendation, case management team membership would include current classification committee hearing members — the Unit Classification Coordinator, Warden, and another rotating member — and, as needed and available on each unit, representation from programming, vocational, faith-based and volunteer, and education services. The committee could also include medical or other staff, as warranted by an offender's specific situation. The recommendation would not require TDCJ to hire case managers or to move program staff to all units solely to accommodate case management team meetings.

This recommendation would require the case management team to meet with each offender in two circumstances only, following his or her placement on a unit, including the initial unit of assignment and subsequent unit placements; and if there is a need to have a face-to-face classification hearing with an offender related to an offender's refusal to participate in programming. The case management team meeting would not replace the existing classification hearing process; it would add members to classification hearings at the times listed above, which already require a face-to-face meeting with the offender.

In addition to the duties normally performed by the classification committee, the case management committee would be required to review the offender's ITP or institutional record with the offender, and discuss options for a possible plan of treatment through education, rehabilitation, or volunteer programs, as needed. Due to limitations in staffing, TDCJ and Windham may not be able to contribute additional members to many case management committees; however, having some committees with additional staff participation should result in more active and effective offender management. Active management would likely result in better placements for offenders, and improve efficiency in the system, potentially resulting in less duplicative or wasted work. Better placements could ultimately result in better rehabilitation and less recidivism.

2.4 Require the Individual Treatment Plan to capture all of an offender's risk and needs information, as well as all participation in both state-funded and volunteer programs.

This recommendation would require TDCJ to upgrade its use of the ITP to more fully capture individual offender information for use in treatment planning. This recommendation builds off of existing statutory language requiring TDCJ to establish a record of institutional progress. This record would now capture scores resulting from all assessments including educational, vocational, substance abuse, and criminogenic factors; and should indicate if or when assessments must be redone.

This recommendation would also require the record to contain need and priority information for all programming responsive to each offender's indicated needs, and require Windham and TDCJ to enter this information into the record. Finally, the record would capture an offender's participation in all programs, including both state-funded and intensive volunteer programs. As part of the implementation of this recommendation, TDCJ would determine what level of volunteer participation, or which volunteer programs, would qualify for inclusion in the ITP.

This recommendation would require TDCJ to review the ITP annually, consistent with the annual paper review of classification files. The review would be a paper review, intended to capture changes in the needs, custody, unit placement, or health of an offender that could impact future programming.

2.5 Require the Parole Board to use the ITP in making programming placement decisions.

In conjunction with Recommendation 2.4, which makes the ITP a more robust management tool, this recommendation would require the Parole Board to consider offender risk, needs, and priority information provided to them via the ITP when making program placement decisions for paroling offenders. While the Parole Board would be required to consider this information in making programming decisions, it would not be prohibited from using other information in its decisions. This recommendation would affect the Parole Board's programming decisions, not release decisions, and would not affect current statutory requirements related to the Parole Board's use of parole guidelines in making release decisions. The Parole Board would not be required to consider ITP information until such time that TDCJ has upgraded the ITP consistent with Recommendation 2.4.

Since TDCJ and Windham are ultimately responsible for rehabilitation and educational programming eligibility and success — not the Parole Board — this recommendation would also create two formal mechanisms for the agencies to communicate about programs. First, if the Parole Board places an offender in a program that is inconsistent with the need indicated on the ITP — for example if the Parole Board places an offender with a low need in a high-intensity program — the Parole Board would be required to track that inconsistent placement and report it to the agency that operates the program. The recommendation would also require staff of the three agencies to meet annually to discuss program placement, recent outcomes, and programming needs throughout the system, including any concerns related to placements based on use of the upgraded ITP. Under this recommendation, the three agencies would establish the frequency with which the Parole Board would report data on program placements to ensure information flows among all agencies with enough frequency to ensure programs are responsive.

2.6 Expand the statutory membership and duties of the Reentry Task Force.

This recommendation would expand the membership of the Reentry Task Force to include representation from each of the following entities:

- Board of Pardons and Paroles;
- Windham School District;
- Texas Commission on Jail Standards;
- Department of State Health Services;
- Texas Court of Criminal Appeals;
- County Judges and Commissioners Association of Texas;
- Sheriff's Association of Texas;
- Texas District and County Attorneys Association; and
- Texas Conference of Urban Counties.

In addition, the Executive Director of TDCJ would be required to select additional members to include a representative of each of the following:

- community supervision and corrections departments;
- an organization that advocates for offenders; and
- a local reentry planning entity.

To the extent possible, task force members should represent both urban and rural areas. This recommendation would also authorize TDCJ's Executive Director to appoint additional members as necessary.

This recommendation would replace the current authorization with a requirement for the Task Force to identify gaps and make recommendations, consistent with the purpose already established for the Task Force in law. In addition, this recommendation would require the Task Force to identify its own goals, the responsibilities of each participant, the Task Force's deliverables, the timeline for completing deliverables, and who should receive the deliverables.

Fiscal Implication

These recommendations would not have a fiscal impact to the State. Implementing a new assessment tool as required in Recommendation 2.2 may require additional training, but this can be absorbed by existing TDCJ staff. By giving TDCJ the flexibility to determine how best to implement the assessment in prison, the recommendation intends for TDCJ to use existing assessment processes without the need for additional staff.

Including additional program staff in the classification committee hearing process, as recommended in Recommendation 2.3, may make those hearing last longer, but should not increase the frequency of hearings. Because the recommendation provides that additional staff on the units participate in the

hearing as they are available, the recommendation does not intend for TDCJ or Windham to increase staff on the unit simply for the implementation of the recommendation.

Recommendation 2.4 — requiring TDCJ to include additional needs, priority, and program placement information in the ITP — may require TDCJ to make programming changes to its ITP database. However, TDCJ should be able to incorporate these changes into its existing information technology management and improvement strategies, and is already anticipating such needs.

Finally, Recommendation 2.5 would require the Parole Board to notify TDCJ or Windham in the event of a placement inconsistent with programming recommendations contained in offenders' ITPs. While the number of these cannot be predicted at this time, it is unlikely that they would add significantly to the Parole Board's workload.

1 Legislative Budget Board, *Statewide Criminal Justice Recidivism and Revocation Rates* (Austin: Legislative Budget Board, January 2011).

2 Legislative Budget Board, *Criminal Justice Uniform Cost Report, Fiscal Years 2008-2010* (Austin: Legislative Budget Board, January 2011).

3 Sections 501.092, 501.098, and 501.100, Texas Government Code.

4 Section 501.092, Texas Government Code.

5 Section 501.100, Texas Government Code.

6 Section 501.092(b)(1), Texas Government Code.

7 Over the last several decades, many studies have identified the risk factors most likely to contribute to, and most strongly correlated with, future criminal behavior. Key research in this area includes: D.A. Andrews et al., "Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-analysis," *Criminology* 28 (3) (1990): 369-401; P. Gendreau, T. Little, and C. Goggin, "A Meta-analysis of the Predictors of Adult Offender Recidivism: What Works!," *Criminology* 34 (1996): 575-608; and D.A. Andrews and J. Bonta, "The Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation," *Public Safety Canada*, 2007-06 (2007): http://www.publicsafety.gc.ca/res/cor/rep/_fl/Risk_Need_2007-06_e.pdf.

8 Section 508.152, Texas Government Code requires TDCJ to establish a proposed program of measurable institutional progress and submit the proposed program to the Parole Board at the time of the Board's consideration of the inmate's case for release. Statute further states that before the inmate is approved for release to parole by the Board, the inmate must agree to participate in the programs and activities described by the proposed program of measurable institutional progress.

RESPONSES TO ISSUE 2

Recommendation 2.1

Require TDCJ to produce a written reentry plan, detailing the reentry goals and strategies, and how it will evaluate the plan.

Agency Response to 2.1

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

For 2.1

Howard Marnan – Texas CURE, Shavano Park

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 2.1

None received.

Modification

1. Require TDCJ's reentry plan to contain a strategy focused on family involvement. (Greg Gibson, Chair – Policy Reform Committee, Austin/Travis County Reentry Roundtable, Austin)

Recommendation 2.2

Require TDCJ to implement a system-wide risk and needs assessment for use in managing offenders on probation, parole, and in prison.

Agency Responses to 2.2

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

The district concurs with this recommendation. (Debbie Roberts, Superintendent – Windham School District)

For 2.2

Howard Marnan – Texas CURE, Shavano Park

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 2.2

None received.

Modifications

2. Require TDCJ to tailor risk and needs assessments to address specific needs such as the needs of women, military veterans, and individuals suffering from substance abuse and mental health issues. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
3. Require TDCJ, in addition to the needs assessment, to perform a thorough psychological assessment at the time of parole review; require the Parole Board to use the results in their parole decision; and train the Parole Board on the contents and interpretations of the results of such an assessment. (Brenda Gaye Webb, Bryan)

Recommendation 2.3

Require TDCJ to leverage existing resources to institute a case management system for offenders.

Agency Responses to 2.3

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

The district concurs with this recommendation. (Debbie Roberts, Superintendent – Windham School District)

For 2.3

Jennifer Erschabek, Austin

Howard Marnan – Texas CURE, Shavano Park

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 2.3

None received.

Modification

4. Require TDCJ to use appropriately trained professionals in its case management system, seek additional help from community-based service providers, and meet with offenders more frequently than in the two circumstances described in Staff Recommendation 2.3. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Recommendation 2.4

Require the Individual Treatment Plan to capture all of an offender's risk and needs information, as well as all participation in both state-funded and volunteer programs.

Agency Responses to 2.4

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

The district concurs with this recommendation. (Debbie Roberts, Superintendent – Windham School District)

For 2.4

Howard Marnan – Texas CURE, Shavano Park

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 2.4

None received.

Recommendation 2.5

Require the Parole Board to use the ITP in making programming placement decisions.

Agency Responses to 2.5

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

The district concurs with this recommendation. (Debbie Roberts, Superintendent – Windham School District)

The Parole Board would welcome improvements to the ITP that would ensure that accurate and up-to-date information is maintained. However, requiring the Parole Board to track each vote that is “inconsistent” with the ITP would be impractical for several reasons.

- Since this recommendation is contingent upon dramatic changes being made by TDCJ to the ITP there is no method of determining what the finished product will look like and what potential benefit it may have to the voters.
- Cases are voted both by “paper file” and electronically, and there is not a mechanism to allow for notification to parties of an “inconsistent” vote.
- With the current number of cases voted by individual voters, from a time management perspective it would not be possible without negatively impacting the voting process.
- Since Parole Board Members and Parole Commissioners by statute have the discretionary authority to make release decisions which includes programming, the requirement to notify another agency of an inconsistency or when overriding a treatment needs assessment is unnecessary and contradictory to the Parole Board’s statutory “authority to consider and order release on parole” (Government Code Section 508.141).

The Parole Board recognizes the importance and benefits of treatment programs, but at this point it's unclear as to what inconsistent placement means. If someone were identified as having a need for treatment (albeit low or medium need), would this be an instance of an inconsistent placement? Currently, the statute requires the offender to agree to the ITP before a parole panel approves the offender's release on parole. Consequently, the ITP is for the offender to accept or reject and the parole panel to take action. (Rissie Owens, Presiding Officer – Board of Pardons and Paroles)

Staff Comment: The recommendation is intended to benefit the Parole Board as well as TDCJ and Windham — the agencies ultimately responsible for rehabilitation and educational programming eligibility and success — by providing the agencies better information about offenders and use of programs. As stated in the report, the “Parole Board would not be required to consider ITP information until such time that TDCJ has upgraded the ITP.” The Parole Board and TDCJ would work together to determine how best to implement the recommendation, including what kinds of placements should be tracked by the Parole Board and provided to TDCJ, how they should be tracked, and how frequently they should be shared with TDCJ.

Agency Modification

5. Do not require the Parole Board to report whether it places an offender in a program that is inconsistent with the need indicated on the ITP until after TDCJ has upgraded the ITP consistent with Recommendation 2.4. (Rissie Owens, Presiding Officer – Board of Pardons and Paroles)

For 2.5

Howard Marnan – Texas CURE, Shavano Park

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 2.5

None received.

Recommendation 2.6

Expand the statutory membership and duties of the Reentry Task Force.

Agency Responses to 2.6

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

The district concurs with this recommendation. (Debbie Roberts, Superintendent – Windham School District)

Affected Agency Responses to 2.6

The Texas Commission on Jail Standards supports the recommendations or any other steps taken to increase the effectiveness of the Reentry Task Force. The Commission remains committed to assisting the Reentry Task Force in any way possible in order to ensure its success

as it is essential in assisting local county government in their effort to efficiently and effectively address criminal justice issues. (Adan Muñoz, Jr., Executive Director – Texas Commission on Jail Standards)

The Texas Department of State Health Services determined that the recommendations present no adverse financial or other impact to the Department. (David L. Lakey, M.D., Commissioner – Texas Department of State Health Services)

For 2.6

Greg Gibson, Chair – Policy Reform Committee, Austin/Travis County Reentry Roundtable, Austin

Donald Lee, Executive Director – Texas Conference of Urban Counties, Austin

Howard Marnan – Texas CURE, Shavano Park

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 2.6

None received.

Modifications

6. Include a representative of defender services, such as a public or private defense attorney group, as a member of the Reentry Task Force. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
7. Clarify the duties of the statewide Reentry Task Force to require reporting on legal, regulatory, programmatic, resource, implementation, and eligibility criteria barriers in reentry, including in areas of education, housing, substance abuse, and mental health. Require such reports to be bolstered, regularly reported, and made available to the public. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

COMMISSION DECISION

Adopted Recommendations 2.1 through 2.4, and 2.6.

Adopted Recommendation 2.5 as modified to make it a management action rather than a statutory recommendation. The recommendation:

- Directs the Parole Board to consider offender risk, needs, and priority information contained in the ITP in making program placement decisions, once TDCJ upgrades the ITP in accordance with Recommendation 2.4.
- Directs the Parole Board to track placement decisions that are inconsistent with the need indicated on the ITP; and directs the Parole Board, TDCJ, and Windham to establish the frequency and method by which the Parole Board will provide this information on program placements to the agencies.

- Directs the Parole Board, TDCJ, and Windham to meet annually to discuss program placement, outcomes, and needs, including any concerns related to placements based on the use of the ITP.

ISSUE 3

Community Supervision Funding Formulas and Grant Processes Need Strengthening to Keep Pace With a Changing Adult Probation System.

Background

Texas provides adult probation services through 121 local Community Supervision and Corrections Departments (CSCD). These local departments directly supervise and rehabilitate offenders sentenced to community supervision by local courts. Much of the funding for community supervision services flows through the Texas Department of Criminal Justice's (TDCJ) Community Justice Assistance Division (CJAD).

CJAD provides state funding through two methods: formula funding (52 percent) and competitive grants (48 percent). CJAD distributes formula funding to each CSCD based on two statutory funding formulas — Basic Supervision and Community Corrections — which are generally based on the number of felon or misdemeanor offenders supervised, and a CSCD's felon and civilian population in comparison with the state's overall felon and civilian population. CJAD awards discretionary grant funds through two competitive grant programs — Diversion Programs and the Treatment Alternatives to Incarceration Program (TAIP). For Diversion Programs funding, CJAD gives preference to CSCDs that implement a system of progressive sanctions designed to reduce revocation rates for offenders placed on community supervision. CJAD awards TAIP grants for substance abuse screening and assessment, and referral for treatment.

Biennially, CSCDs submit a Community Justice Plan to CJAD that provides the information used to determine a CSCD's allocation of formula funding and serves as the grant application for CJAD's competitive grant programs. In 2011, CJAD distributed about \$286 million in funding to CSCDs, as detailed in the table, *CSCD State Funding*. This funding accounted for 63 percent of an average CSCD's operating budget, and local supervision fees, totaling about \$167 million, accounted for the remainder.¹

CSCD State Funding – FY 2011

Funding Source	Amount Provided
State Formula Funds	
Basic Supervision	\$111,239,225
Community Corrections	\$38,592,023
State Grant Funds	
Diversion Programs	\$124,580,953
Treatment Alternatives to Incarceration Program	\$11,612,131
Total State Funds	\$286,024,332

Beginning with the 79th Legislative Session, the Legislature increased base appropriations for community supervision by \$55.5 million per biennium, as well as funding additional treatment beds, in an effort to divert more offenders from prison. These continued investments, including increases in both formula and grant funding, aim to increase community supervision, reduce caseloads, broaden treatment options, reduce revocations to prison, and increase the number of both TDCJ- and CSCD-operated treatment beds.²

Findings

CJAD lacks an overall statutory framework for its evolving grants-making process, and does not meet standard contracting practices in two key areas.

Despite the significant amount of state funds CJAD distributes to CSCDs in the form of grants — nearly \$136.2 million alone in fiscal year 2011 — CJAD lacks a statutory grant-making structure to ensure the best use, decision making, and oversight of these funds. Such a structure has become increasingly important with the significant legislative investments of diversion funding to an increasing number of CSCDs each biennium since fiscal year 2005.³ While CJAD's grant programs meet most standards and no significant problems were identified, CJAD would benefit from a statutory framework that lays out best practices for all state-funded grant-making activities, as described in the textbox, *Common Grant Practices*, to help ensure legislative investments work as anticipated and ensure problems do not arise in the future.

Common Grant Practices

Clear Goals. Grant-making activities should link clearly to an agency's mission; and have clear goals that provide purpose, direction, and meaning to ensure expenditures achieve intended outcomes.

Application, Evaluation, and Award. Agency application processes should be fair and transparent. Evaluations should determine a grantee's ability to perform grant duties, and awards should take into account a grantee's past performance and current obligations.

Managing Performance. An agency should routinely monitor grant performance to ensure compliance with grant terms, and to further agency goals. An agency should use internal and external audits to evaluate grantee performance.

Over the past 35 years, Sunset Staff has reviewed numerous state agencies that provide grants to individuals, units of government, and other entities, identifying and compiling standard features and best practices that contribute to an effective and accountable grant program. These standards serve as guidelines for evaluating agencies' grant programs as part of an overall effort to improve grant-making practices. CJAD's grant programs do not meet these contracting standards in two key areas described below.

CJAD's grant evaluation process lacks transparency.

- **Scoring Criteria, Award Notification, and Appeals Process.** An agency's process for evaluating grant applications should be fair and transparent, so that the agency evaluates all applicants on the same criteria and applicants can readily understand the criteria on which the agency judges an application. An agency should explain its funding decisions and have an established process to enable grantees to appeal award decisions.

In seeking to balance grant competitiveness and the overall funding needs of the State's community supervision system, CJAD uses a combination of both scored and unscored factors during its grant evaluation process. Scored factors include criteria such as program completions and timely submission of an application, while unscored factors can include the geographical location of a program or the program's target population. Although CJAD has shared its scored factors with some individual CSCDs, it has not provided all of its evaluation criteria consistently or system-wide. For example, the unscored factors CJAD uses in grant decisions are not publicly available. As a result, the use and impact of both scored and unscored factors is not transparent to CSCDs, limiting their ability to submit the best possible grant application, design responsive programs, and understand the reasoning behind CJAD's funding decisions. CJAD does not provide a system-wide explanation to CSCDs of the logic it uses to determine grant awards, and instead uses an informal system to explain its funding decisions on a case-by-case basis. In addition, CJAD does not post its award decisions for public review on its website and has no appeals process for its competitive grant programs.

- **Program Outcomes.** An agency should require evidence of a program's success, and use results to inform decision making for program selection and resource allocation, and to improve future grantee performance.

In the criminal justice system, program success can be evaluated through revocation and recidivism data. CJAD uses both output data such as program completions, and outcome data such as revocation or rearrest data, to evaluate the performance of CSCD programs. Both types of data are important in evaluating program success and are used in the grant scoring process. However, for certain programs, CJAD only collects recidivism outcome data at the CSCD-level, not at the program level. This lack of program-level outcome data limits CJAD's ability to fully assess the direct impact of these programs. CJAD has recently initiated a process to collect additional, program-specific performance data for these programs, but this process has not been fully implemented.

The State's current community supervision funding formula does not align with the Legislature's recent, outcome-based community supervision initiatives, but a lack of data precludes modifying the formulas at this time.

In recent years, the Legislature has increased formula funding appropriations to CSCDs and emphasized a performance-based approach to community supervision to help divert more offenders from prison. At the same time, the State has continued to provide formula funding to CSCDs based on the number of offenders supervised and the type of crime committed. As a result, CSCDs may be financially disincentivized from implementing recent

CSCDs have no formal method for appealing CJAD's competitive grant decisions.

CSCDs may be financially disincentivized from implementing legislative initiatives.

legislative diversion initiatives, as discussed in the textbox, *Fiscal Impact of Early Terminations*.

Fiscal Impact of Early Terminations

To focus community supervision and prison resources on higher-risk offenders, the Legislature, in 2007, required judges to review and consider certain offenders for early termination of their community supervision period. As a result, more low-risk offenders have been released early from community supervision, leaving a higher-risk population under supervision, which is generally more expensive to supervise.

However, because formula funding for CSCDs is based on the number of offenders supervised, CSCDs are not paid for offenders who terminate early. CSCDs also lose some local supervision fees as low-risk offenders are often more likely to pay the fees than high-risk offenders. By implementing early termination strategies as the Legislature intended, CSCDs are receiving less funding to supervise higher-risk offenders. According to CJAD estimates, in fiscal year 2011, CSCDs in Texas lost nearly \$8.7 million in state funding and \$8.4 million in local fees due to early terminations.

It may be time for the Legislature to consider aligning funding formulas with outcome-based strategies.

Examples like early terminations suggest it may be time for the Legislature to consider amending the statutory formulas to better align them with the outcome-based, community supervision strategies put in place over the past several years. One area that may warrant consideration for inclusion in the formulas is the offender's risk level, but CJAD does not yet have the data available to consistently identify and verify the risk level of offenders under community supervision. However, CJAD is currently working with CSCDs to validate and implement a new statewide risk assessment for use in Texas to replace an existing risk assessment within the next year. Consistent risk data will be helpful, particularly if the Legislature decides performance-based formula funding would benefit Texas' community supervision system. Within a few years, the new statewide risk assessment and its associated data will better position the Legislature to consider realigning funding formulas to better meet legislative priorities.

Recommendations

Change in Statute

3.1 Require CJAD to establish standard grant processes.

This recommendation would require CJAD to develop needed processes for each of its grant programs, including establishing grant program goals to ensure CJAD's grant programs meet its mission, and maintaining a system to routinely monitor grant performance. CJAD would also be required to establish customary grant application, evaluation, and award processes. These processes would include:

- defining and making publicly available grant evaluation criteria, including scored and unscored factors, and factors used to measure program performance;

- making available on its website any scoring and award determinations, along with explanatory material describing the methods used to make funding determinations;
- developing an appeals process for grant award decisions; and
- assessing a funded program's direct impact or benefit.

Making award information public and developing an appeals process would help maintain balance in a competitive system, and improve CJAD's future grant application evaluations. In developing an appeals process, CJAD would determine the appropriate grounds that will be allowed for bringing an appeal. As a part of assessing program outcomes, CJAD would use program-specific outcome data as it becomes available when evaluating all funding requests, and require CSCDs to submit this information for use in making grant award and funding decisions.

3.2 Require CJAD to study the use of performance-based funding formulas and report its recommendations to the Legislature.

This recommendation would require CJAD to research and consider modifications to the State's current statutory funding formulas for community supervision. CJAD would be required to report any recommendations and their potential effects to the Legislature through two existing statutory reporting requirements — the annual monitoring report CJAD provides on the impact of community supervision diversion funding, and the report relating to financial information and funding sources for CSCD programs and services TDCJ provides to the Legislative Budget Board as part of its Legislative Appropriations Request.⁴

This recommendation would require CJAD to seek input from stakeholders, including the Judicial Advisory Council and CSCDs, in developing possible recommendations. Under this recommendation, CJAD would also work with the Legislative Budget Board to determine the impact of any recommended changes to the Legislative Budget Board's current funding projection methodology and appropriations, and include any findings in the reports. This recommendation would also authorize CJAD to consider other appropriate factors, like offender risk levels, that may be necessary to align statutory funding formulas with the needs of the state's community supervision system. To give CJAD enough time to use data collected from the implementation of a new system-wide risk assessment, CJAD would not be required to submit any recommendations until 2017.

Any changes to the funding formulas would need to be carefully considered, since they could significantly affect CSCD funding, and community supervision success and revocation rates, posing a potential risk for subsequent increases in prison and state jail populations. However, additional data could help minimize potential undesirable outcomes and increase the perception of fairness in community supervision funding.

Fiscal Implication

These recommendations would not have a direct fiscal impact to the State.

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¹ Local funds include both supervision and program participant fees. Some CSCDs may receive additional funds, not tracked by CJAD, in the form of local governmental support, federal grants, or other sources.

² Texas Department of Criminal Justice, *Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds* (Austin: Texas Department of Criminal Justice, December 1, 2011), p. 6.

³ Ibid., p. 8.

⁴ Sections 509.004(c) and 509.016(c), Texas Government Code.

RESPONSES TO ISSUE 3

Recommendation 3.1

Require CJAD to establish standard grant processes.

Agency Response to 3.1

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

For 3.1

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 3.1

None received.

Recommendation 3.2

Require CJAD to study the use of performance-based funding formulas and report its recommendations to the Legislature.

Agency Response to 3.2

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

For 3.2

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 3.2

None received.

COMMISSION DECISION

Adopted Recommendations 3.1 and 3.2.

ISSUE 4

Statute Does Not Align With Recent Changes in the State's Approach to Providing Offender Health Care.

Background

The State has a constitutional obligation to provide health care to all incarcerated offenders, and in 2011, the Legislature made significant changes to the State's approach in providing such care. Previously, the Legislature had vested correctional healthcare contracting authority with the Correctional Managed Health Care Committee (Committee), an independent entity created for the primary purpose of procuring and managing healthcare contracts. The Committee has historically contracted — as contemplated in state law — with two university medical school providers, the University of Texas Medical Branch (UTMB) at Galveston and the Texas Tech University Health Sciences Center located in Lubbock.¹ However, as part of the 2011 changes, the Legislature transferred this function to the Texas Department of Criminal Justice (TDCJ), which now manages these contracts directly.²

This fiscal year, the first in which TDCJ is responsible for healthcare contracting, the Legislature appropriated nearly \$490 million for offender healthcare services. This funding supports care for more than 155,000 incarcerated offenders' healthcare needs, ranging from on-unit psychiatric and pharmaceutical care to specialty care, such as dialysis, in-patient hospital stays, and surgery. Using UTMB-employed staff and some third-party contracts, UTMB provides hospital, specialized clinic, and on-unit care for offenders incarcerated in the eastern half of the state, including services in its Hospital Galveston facility, which acts as Texas' prison hospital. Texas Tech largely contracts with local hospitals and individual healthcare professionals to provide care in the western half of the state. In an effort to expand the provider network, TDCJ recently began contracting with Huntsville Memorial Hospital to provide hospital services to offenders incarcerated in the Huntsville region.

Today, the Committee's remaining responsibility is to adopt an annual Managed Health Care Plan — a document that outlines a general framework of healthcare services available to offenders. To develop this Plan, and the more detailed policies and procedures that support the Plan, the Committee relies on several subcommittees composed of university experts in primary care medicine and other TDCJ healthcare services staff. The Committee may also form ad hoc working groups, composed of similar experts, to assist in developing policies in response to particular healthcare needs.

Beyond adjusting the Committee's duties, the Legislature also altered the Committee's structure, which is composed of five voting members and one nonvoting member, as shown in the textbox, *Correctional Managed Health Care Committee*. The Legislature provides funding for the Committee through TDCJ's appropriation pattern, and the Committee's budget for fiscal

Correctional Managed Health Care Committee

Committee members include the following representatives:

- a physician representing UTMB, appointed by the president of UTMB;
- a physician representing Texas Tech, appointed by the president of the University;
- a TDCJ employee appointed by the Executive Director;
- two Governor-appointed public members, one of whom must be a physician who serves as the Chair; and
- the State Medicaid Director who serves as a nonvoting member.

year 2012 is nearly \$673,000, which includes funding for three staff who provide support to Committee members and assistance in contract oversight to TDCJ.

Findings

Statutory provisions guiding the offender healthcare contracting process are overly prescriptive and potentially inconsistent, limiting TDCJ's ability to adjust its approach in providing offender health care.

TDCJ needs clear authority to consider healthcare providers other than UTMB and Texas Tech.

Subsequent to the recent transfer of contracting authority, TDCJ began to renegotiate current contracts with both providers and encountered difficulties in negotiating terms and conditions with UTMB. During negotiations, UTMB indicated a potential unwillingness to continue providing healthcare services to TDCJ-incarcerated offenders. The uncertainty of UTMB's continued involvement in providing unit-based and hospital care has resulted in TDCJ considering additional options outside the two-university model currently in place, which includes securing local, private hospitals to provide emergent and unit care.

Despite a clear need to assess alternative providers, current law is not clear regarding TDCJ's authority to contract with providers outside the two-university model. Lack of clear statutory direction causes confusion, and potentially limits TDCJ's ability to react to changing needs and soundly negotiate contracts with other public and private providers. Although not expressly prohibited from seeking additional healthcare contracts by statute or General Appropriations Act Rider, state law is ambiguous and inconsistent regarding TDCJ's authority to directly contract with other providers. State law does give preference to contracting with the two university providers that have historically provided care, but is unclear about alternative approaches, as shown in the textbox on the following page, *Healthcare Contracting Provisions in State Law*.³

TDCJ must weigh several factors in determining which healthcare model provides the best care at the best rate.

As TDCJ adjusts to its new role in offender healthcare contracting, it must balance several factors in deciding the appropriate and most cost-effective delivery model, including taking into account legislative guidance and historical preference, the current university contractors' willingness to provide ongoing services, and the cost and availability of other potential providers. For example, moving toward a regional model for hospital services instead of transporting offenders to Hospital Galveston could result in reduced transportation costs. However, this model may also result in higher staffing costs and other expenses associated with making medical facilities that are not currently equipped to treat offenders more secure. Without contracting flexibility, TDCJ may have difficulty achieving this balance while obtaining a provider network that offers good patient outcomes at a fair rate, thus ensuring state money is well spent. In addition, statute's specificity in naming

Healthcare Contracting Provisions in State Law

Statute authorizes:

- TDCJ to contract for offender healthcare services as a means to implement the Health Care Plan adopted by the Committee.
- TDCJ to contract with other governmental entities for healthcare services.

Statute requires:

- TDCJ to integrate the State's public medical schools and affiliated hospitals into the network to the extent possible.
- TDCJ to initiate a competitive bidding process for contracting with other providers for services that the public medical schools cannot provide.
- The contract to ensure UTMB is eligible for and makes reasonable efforts to purchase prescription drugs under Section 340B of the federal Public Health Service Act, and that Texas Tech cooperates with UTMB to participate in 340B drug purchasing.*
- The contract to authorize UTMB to contract directly with Texas Tech for providing healthcare services.

Rider 55 of the General Appropriations Act requires:

- UTMB and Texas Tech to provide unit medical and psychiatric care.
- UTMB to provide inpatient and outpatient care in its Hospital Galveston facility.
- UTMB and Texas Tech to provide inpatient and outpatient hospital care through contracted providers.

* The 340B Drug Pricing Program was established through the Veterans Health Care Act of 1992. Section 340B of the Public Health Service Act provides discounts on outpatient drug purchases and allows eligible entities to purchase such drugs at a discounted rate.

UTMB and Texas Tech as the sole providers assumes these universities' continued participation in the system, which may be ill-advised in light of ongoing complications in the contract negotiation process.

New to its role in healthcare contracting, TDCJ lacks the necessary framework to mitigate the State's future risk in contracting for offender healthcare services.

Detached from a direct role in contracting for offender healthcare services since 1993, TDCJ lacks a number of statutory tools that support sound contracting procedures and would help protect the State's interests, while allowing TDCJ to meet its obligation to provide a constitutional level of offender health care. A robust statutory framework is vital given the newness of TDCJ's contracting role, the changing dynamic of healthcare contracting, and the magnitude of the contracts — reaching nearly \$1 billion per biennium. TDCJ is already diversifying healthcare contracts beyond the university structure, and depending on the outcome of future negotiations, TDCJ may increase non-university care in the future. Contracts with non-university providers inject a different dynamic and rate structure than a contracting relationship between two state entities.

The changing dynamic of healthcare contracting reveals TDCJ's need for a solid contracting structure.

Regardless of which type of provider TDCJ contracts with — university or otherwise — TDCJ could benefit from additional statutory guidance to ensure it, and the State, is well-positioned to avoid future risk.

TDCJ lacks the in-house expertise to fully assess fair reimbursement rates for offender health care.

For example, while TDCJ maintains contracting procedures for its numerous other high-dollar contracts, it could benefit from ensuring that future healthcare contracts best protect the State by adhering to clear and accepted contracting standards. TDCJ also lacks the experience necessary to evaluate healthcare costs and determine reimbursement rates, mainly because the agency has not been asked to perform this function until recently. Under the two-provider system, in the past, the Legislature set cost reimbursement levels for the universities through the General Appropriations Act.⁴ Moving forward, TDCJ will be in the position of determining what a fair market rate should be, but may not have expertise to fully understand the intricacies of healthcare costs and hospital billing needed to determine these rates. In contrast, the Health and Human Services Commission (HHSC), charged with evaluating hospital reimbursement rates under the State's Medicaid and Medicare programs, possesses such expertise.

Finally, the Legislature has recognized the need for more complete information about offender healthcare costs, and among its recent changes to the contracting structure added rider language to TDCJ's appropriation to ensure TDCJ had access to, and would report this type of information to state leadership. The rider requires TDCJ to submit quarterly reports to the Legislative Budget Board (LBB) and the Governor's Office regarding actual and projected healthcare expenditures, as well as healthcare utilization and acuity data. This requirement assists TDCJ and the Legislature in planning for future system costs, and would be a valuable permanent tool in TDCJ's contracting arsenal. Understanding and planning for healthcare costs is becoming increasingly important as healthcare costs rise and long-range planning for offender care remains a priority. In fact, TDCJ expects a continued increase in offenders over the age of 55, many of whom require costly and long-term care.

Although no longer responsible for contract oversight, the Committee retained its full budget of \$673,000.

TDCJ's increased involvement in healthcare contracting coupled with the Committee's limited purpose negates the need for a separate agency structure.

Although the Committee has served a valuable purpose, its structure as an independent agency is no longer necessary to provide needed medical expertise to the State. The Committee's largest and most important duty has historically been procuring and managing the healthcare services contracts, but the recent transfer of this responsibility to TDCJ leaves few remaining responsibilities and no real need for continued independence as a separate entity with full staffing. However, despite significantly diminished responsibilities, the Committee has retained its full annual budget of \$673,000.

With the transfer of the Committee's main duty to TDCJ, its other functions have been in flux. Many of the Committee's remaining statutory duties are either misplaced with the Committee in light of the transfer of contracting authority to TDCJ, or are functions that TDCJ already performs. The textbox, *Committee Duties Now Appropriate for TDCJ*, highlights the duties that are out-of-date for the Committee.⁵

Committee Duties Now Appropriate for TDCJ

Function needed, but appropriate for TDCJ as the contracting authority.

- Communicate the financial needs of the correctional managed healthcare system to the Legislature.
- Monitor the expenditures of UTMB and Texas Tech to ensure that expenditures comply with statutory and contractual requirements.
- Serve as a dispute resolution forum in the event of a disagreement relating to offender healthcare services between TDCJ and healthcare providers, or between UTMB and Texas Tech.
- Report to the Texas Board of Criminal Justice each quarter on the financial status of the correctional healthcare system, and corrective actions taken by or required of TDCJ or the healthcare providers.
- Evaluate and recommend new medical facility sites that appropriately support the managed healthcare provider network.
- Contract authorization for financial consulting services to assist in determining an accurate capitation rate, and trends in offender health and future financial needs.
- Ensure that correctional healthcare information is made available to the public.
- Authorization to assist in student loan repayment for physicians providing correctional managed health care.

Function needed, but already performed by TDCJ.

- Address problems found through monitoring, including requiring corrective action if care does not meet expectations.
- Identify and address long-term needs of the correctional healthcare system.
- Establish a procedure for monitoring the quality of care delivered by healthcare providers.

The State continues to receive important medical expertise through the Committee and subcommittee membership in developing the Managed Health Care Plan and the more detailed standards by which the providers are expected to deliver health care. The Health Care Plan remains an important aspect of maintaining a constitutional level of care within Texas' criminal justice system. By relying on medical expertise outside of physicians who work directly for TDCJ, the Committee determines how healthcare services will be provided independently of the Texas Board of Criminal Justice. The resulting product helps protect the State from lawsuits and is better able to ensure healthcare delivery plans are both grounded in standard medical practice and free from consideration of security over healthcare needs. However, this medical expertise is culled from the volunteer committee members, and an independent agency with staff is not needed to perform these duties.

Medical expertise is still needed to maintain a constitutional level of care within TDCJ.

Finally, the State receives value from public medical school representatives who serve on the Committee, as they offer research-based expertise in developing the Health Care Plan. Medical school participation also ensures a certain level of protection to the State, as state entities are incentivized to work together to ensure that the Health Care Plan and associated policies meet the constitutional threshold to provide adequate offender health care. However, statute's reliance on the specifically named schools — UTMB and Texas Tech — is inappropriate within the context of the changing contracting landscape and the uncertainty of these two schools' continued participation in the offender healthcare system. Such specific membership limits representative change in concert with adjustments TDCJ may make to the healthcare delivery model.

Recommendations

Change in Statute

4.1 Clarify TDCJ's authority to contract with any provider for offender health care, to include, but not be limited to, specifically named university providers.

This recommendation would expressly authorize TDCJ to enter into a contract with any entity to provide healthcare services, including public medical schools, governmental entities, and any other provider, as appropriate. Under this recommendation, if TDCJ were to contract with non-governmental providers, it would be required to competitively bid those contracts. This recommendation would remove statutory references to contracting with specific providers, namely UTMB and Texas Tech. Since the State receives significant cost savings from contracting with an entity that can purchase prescription drugs under Section 340B of the federal Public Health Service Act, this recommendation would continue to require TDCJ to make efforts to enter into contracts with entities that participate in this program, but remove current specificity that limits these contracts to UTMB.

This recommendation is not intended to prevent the Legislature, through the appropriations process, from continuing to require UTMB or Texas Tech to provide offender healthcare services, but rather to give TDCJ the flexibility to enter into contracts as circumstances demand to achieve the best outcome for the State. As the responsible entity, TDCJ would be able to fully assess offender healthcare system needs and enter into contracts based on a contractor's ability to provide care in a certain area for a reasonable cost.

4.2 Require TDCJ to adhere to standard contracting requirements for offender healthcare services contracts, and report healthcare cost and use information to state leadership.

Under this recommendation, TDCJ would be required to adhere to the State of Texas Contract Management Guide, published by the Comptroller of Public Accounts, when entering into any contract related to offender health care. This recommendation would codify language currently in Rider 55 of TDCJ's appropriations pattern that requires TDCJ to submit quarterly reports to LBB and the Governor's Office regarding actual and projected expenditures for unit, psychiatric, hospital and clinic care, and pharmaceuticals; healthcare utilization; and other healthcare information, as determined by LBB and the Governor's Office. This recommendation would ensure TDCJ and the Legislature have the contracting tools and ongoing system information needed to make solid contracting decisions that protect the State's interests and provide sound medical care to offenders.

4.3 Restructure the Correctional Managed Health Care Committee as a committee to the Texas Board of Criminal Justice, instead of maintaining an independent state agency.

This recommendation would abolish the Committee as an independent state agency and establish the Correctional Health Care Committee as a new committee responsible for developing and approving the Health Care Plan and providing medical expertise to the Texas Board of Criminal Justice (Board). In lieu of current statutory language, under this recommendation, the Committee would be required to develop and finally approve an Offender Health Care Plan that specifies the type and general level of care to be provided and ensures continued access to needed care in the offender healthcare system. The recommendation would also require the Committee to provide expertise in developing any associated policies and procedures that further implement the Plan's directives. The Committee would be authorized to appoint subcommittees to assist in the development of such documents, and could continue to rely primarily on university-affiliated healthcare professionals for such expertise.

In addition to these duties, the Committee would report to the Board, and provide medical expertise and advice to TDCJ and the Board as needed, including assisting in identifying system needs and helping in resolving contract disputes as they arise. All other Committee duties currently outlined in statute would be transferred to TDCJ. References to and requirements of the Committee as an independent agency would be removed from statute under this recommendation. This recommendation would also retain current language subjecting the Committee to Sunset review at the same time as TDCJ.

Under this recommendation, the Committee would receive all of its support services from TDCJ, similar to how other Board committees do, including the Advisory Committee to the Board of Criminal Justice on Offenders with Medical or Mental Impairments and the Judicial Advisory Council. Accordingly, the Committee would no longer have staff and this recommendation would remove the statutory authorization to hire staff. However, the Committee's current auditor position, and associated salary, would be transferred to TDCJ, as this position is a contract management and oversight function. Additionally, travel expenses for Committee members to attend meetings would continue to be authorized, contingent upon legislative appropriations.

As part of this recommendation, the reconstituted Committee's membership would be modified as follows:

- two physicians representing university health science centers, appointed by the Governor;
- two public members appointed by the Governor, one of whom must be a physician who serves as the Chair;
- a TDCJ employee appointed by the Executive Director; and
- the State Medicaid Director, or other HHSC designee, who serves as an ex officio nonvoting member.

University representative members would be selected by the Governor using an alphabetical listing of the eight current Texas medical schools and serve a four-year term. Upon term expiration, the next members would be selected, on rotation, using the alphabetical listing of schools. The Health and Human Services Commission member, in addition to other committee duties, would assist TDCJ with developing the expertise needed to assess healthcare costs and rates. All other statutory requirements relating to Committee membership eligibility, terms, and meetings would be retained. Abolishing the Committee as an independent agency and restructuring it as a committee to the Board, would retain

needed expertise in developing the policies and procedures by which healthcare providers operate, as well as maintain needed independence in developing such a plan. Altering the Committee’s membership would retain needed expertise, but provide neutral membership and flexibility in future representation.

Fiscal Implication

These recommendations would result in an overall savings to the State. Abolishing the Correctional Managed Health Care Committee as an independent entity, and reconstituting it as a committee to the Board would result in a savings of about \$555,000 per year with the elimination of salaries, rent, and other Committee-related expenses. The recommendation anticipates a transfer of one employee position from the Committee to TDCJ to provide for continued contract management and auditing services. Because the Committee is currently funded through TDCJ’s appropriations, total savings would be offset by the amount TDCJ would retain to fund this position at the current salary of \$87,000 and associated benefits of approximately \$24,000, as well as Committee travel expenditures which currently total about \$5,500 annually, based on fiscal year 2011 expenditures. Also, because the Committee’s current full-time equivalent (FTE) positions are not included in TDCJ’s overall FTE cap, the transfer of this position would increase TDCJ’s FTE cap by one position.

Texas Criminal Justice Agencies

Fiscal Year	Savings to the General Revenue Fund	Change in TDCJ FTEs
2014	\$556,262	+1
2015	\$556,262	+1
2016	\$556,262	+1
2017	\$556,262	+1
2018	\$556,262	+1

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¹ *Estelle v. Gamble*, 429 U.S. 97 (1976).

² Chapter 4 (S.B. 1), Acts of the 82nd Legislature, 1st Called Session, 2011.

³ Section 501.147, Texas Government Code and Chapter 4 (S.B. 1), Acts of the 82nd Legislature, 1st Called Session, 2011.

⁴ Chapter 4 (S.B. 1), Acts of the 82nd Legislature, 1st Called Session, 2011.

⁵ Sections 501.148, 501.150, 501.155, and 501.156, Texas Government Code.

RESPONSES TO ISSUE 4

Recommendation 4.1

Clarify TDCJ's authority to contract with any provider for offender health care, to include, but not be limited to, specifically named university providers.

Agency Response to 4.1

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

For 4.1

Howard Marnan – Texas CURE, Shavano Park

Against 4.1

Brian McGiverin – Texas Civil Rights Project, Austin

Michelle Smith – Texas Civil Rights Project, Austin

Recommendation 4.2

Require TDCJ to adhere to standard contracting requirements for offender healthcare services contracts, and report healthcare cost and use information to state leadership.

Agency Response to 4.2

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

For 4.2

Howard Marnan – Texas CURE, Shavano Park

Against 4.2

Brian McGiverin – Texas Civil Rights Project, Austin

Recommendation 4.3

Restructure the Correctional Managed Health Care Committee as a committee to the Texas Board of Criminal Justice, instead of maintaining an independent state agency.

Agency Response to 4.3

The recommendation would result in an actual savings of \$331,262 to General Revenue each year, instead of \$556,262. The savings is less due to the \$56,000 the Committee estimates will be lapsed on August 31st, and the fourth quarter payment of \$169,000 from TDCJ that the Committee did not request due to the reduction of one employee. (Allen Hightower, Executive Director – Correctional Managed Health Care Committee).

Staff Comment: Sunset staff based the fiscal implication on the Committee's previous fiscal year actual expenditures and the budgeted amount currently set-aside by TDCJ for the Committee's operations. The \$556,262 figure indicated in the report is only an estimate. If the Sunset Commission were to adopt Recommendation 4.3, the Sunset bill would be accompanied by an official estimate of savings in the fiscal note prepared by Legislative Budget Board based on actual fiscal year 2012 expenditures.

Affected Agency Response

The Texas Health and Human Services Commission reviewed this recommendation and does not have any comment to add. (Thomas M. Suehs, Executive Commissioner – Texas Health and Human Services Commission)

For 4.3

Howard Marnan – Texas CURE, Shavano Park

Against 4.3

Brian McGiverin – Texas Civil Rights Project, Austin

COMMISSION DECISION

Adopted Recommendation 4.1.

Adopted Recommendation 4.2 with a modification to require TDCJ to include in its quarterly reports to LBB and Governor's Office information relating to any cost savings associated with contracting with a healthcare provider other than UTMB or Texas Tech.

Adopted Recommendation 4.3 as modified to continue the Correctional Managed Health Care Committee as an independent state agency with authorization to hire its own staff, instead of restructuring it as a committee to TDCJ. Under this recommendation:

- The Committee would be responsible for developing and approving the Offender Health Care Plan and for providing medical expertise in developing the policies and procedures that implement the Plan.

- The Committee's current statutory duties relating to healthcare contracting would be transferred to TDCJ, consistent with the Legislature's previous decision to transfer this contracting authority to TDCJ.
- The Committee's composition would be modified as currently laid out in Staff Recommendation 4.3.

ISSUE 5

Without a Regular Review of the Windham School District and Its Programs, the Legislature Cannot Best Direct Resources to Programs That Work.

Background

The Windham School District (Windham) is far from a typical school district. The Legislature established Windham to support the State's correctional, not educational, system by meeting *Windham's Statutory Goals*.¹ Although Windham is independent from the Texas Department of Criminal Justice (TDCJ), the Texas Board of Criminal Justice governs Windham as its Board of Trustees.² Windham receives the majority of its funding from the Texas Education Agency (TEA). In fiscal year 2011, Windham operated with a budget of about \$80 million, of which about \$65.3 million came from TEA through a pass-through grant.

Windham's Statutory Goals

- Reduce recidivism
- Reduce the cost of confinement or imprisonment
- Increase the success of former offenders in obtaining and maintaining employment
- Provide incentives to offenders to behave in positive ways during imprisonment

Windham provides academic, vocational, and life skills programming and services to meet the needs of offenders in TDCJ facilities and help reduce recidivism by assisting offenders in becoming responsible, productive members of society. In fiscal year 2011, Windham served more than 35,500 offenders through its academic and literacy programs; provided vocational services to about 11,200 offenders; and provided life skills programming to more than 45,400 offenders. Windham also served more than 8,100 offenders through its college-level academic and vocational programs provided by local colleges and universities.

Windham does not have its own separate Sunset date. However, in 2011, the Legislature required the Sunset Commission, as part of its review of TDCJ, to conduct a limited purpose review of Windham's operations, structure, and management.³

Findings

Windham does not consistently evaluate the correctional impact of its services and cannot show whether its programs achieve the district's statutory goals.

Sunset staff evaluated Windham's operations, but could not conclude whether it effectively delivers programs and services to offenders because Windham does not collect sufficient information on offender outcomes. Although Windham collects information on offender educational performance and some correctional outcomes, Windham cannot consistently demonstrate if its programs actually work to reduce recidivism or incarceration costs, or improve offender behavior or employability. Currently, the only statutory goal Windham routinely measures is whether its vocational programs increase an

Windham cannot consistently show whether its programs reduce recidivism.

offender's success in obtaining employment. Windham does not regularly measure whether its academic and literacy or life skills programs increase this success as well. Windham also does not consistently measure whether any of its programs reduce recidivism or successfully serve as incentives for offenders to behave in positive ways. Finally, Windham does not track whether it reduces costs of confinement for TDCJ, such as training offenders to provide skilled labor to the agency and promoting offender wellness through recreational programs to help decrease medical costs.

Most of the information collected regarding the effectiveness of Windham's programs has been specifically directed by the Legislature and performed on an infrequent and inconsistent basis, as shown in the chart on the following page, *Evaluations of Windham Programs*. Despite these data collection and program evaluation efforts, Windham still does not consistently collect enough information to clearly show it is achieving its statutory goals. The information Windham collects for its vocational programs is useful, but only provides feedback on vocational program impact. Similarly, Windham's internal accountability system measures whether offenders are learning and if teachers are performing, but does not evaluate achievement of Windham's correctional goals. Although the Sam Houston State University study should provide results-based performance information regarding whether Windham achieves its statutory correctional goals, this is a one-time study only covering Windham's performance in the 2010-2011 biennium. This information will soon become outdated and irrelevant to current programming.

Without ongoing evaluation, Windham and the Legislature cannot know which programs work and target resources accordingly.

Without ongoing evaluation of the effectiveness of its programs, Windham cannot identify shortcomings in program delivery or make necessary adjustments to improve future correctional outcomes. Also, without a full evaluation of the correctional education system, the Legislature and Windham cannot determine which programs are most effective, which offenders benefit most from participating in classes, and whether Windham delivers programs in the best way. Without this information, the Legislature and Windham cannot best direct limited resources toward programs that have the greatest positive impact.

Unlike Windham, TDCJ routinely collects and analyzes performance data for several of its rehabilitation programs, and uses this information to improve the programs and their outcomes.

TDCJ routinely collects data to improve its programming.

TDCJ operates numerous state-funded programs designed to reduce recidivism, and measures the outcomes of many of these programs.⁴ TDCJ uses this outcome data as a management tool to improve future programming and direct offenders to proper and effective treatment and services. Most recently, TDCJ's Rehabilitation Programs Division used recidivism data to identify problems in pre-release substance abuse programs.⁵ As a result, the Division has restructured the programs to improve outcomes. Similarly,

TDCJ's Community Justice Assistance Division considers recidivism data from Community Supervision and Corrections Departments when making decisions about which programs to fund.

Evaluations of Windham Programs

Year	Evaluation Requirement
1996–1997	Windham reviewed its vocational programs to guide decisions in revising its training programs. Windham met with trade and professional organizations, businesses, and industries to determine what jobs were available to offenders. As a result of the review, Windham revised curricula to meet industry standards, restructured courses, added new courses, and discontinued courses that were no longer considered viable for the job market. Windham also required teachers to earn industry certification for their trade.
1999–present	Windham established its academic and literacy internal accountability system in 1999 to collect information on offender achievement, teacher effectiveness, and GED completions; and has recently expanded the system to include vocational and life skills courses. Windham tracks achievement by measuring the offender's educational growth while incarcerated. The average yearly educational growth for participants in Windham's academic and literacy courses is 1.2 years per offender. ⁶
2000–2001	The Legislature required the Texas Criminal Justice Policy Council, with cooperation of TEA and Windham, to evaluate the impact of Windham programming. ⁷ The analyses tracked offenders' educational achievement while incarcerated, and measured the impact of educational achievement on post-release employment and recidivism. ⁸ The analyses showed offenders who received Windham programming gained an average of 1.5 grade levels while incarcerated, were more likely to be employed once released, and were less likely to recidivate. ⁹
2005–present	<p>The Legislature requires Windham, in consultation with the Legislative Budget Board (LBB), to evaluate the effectiveness of its vocational training services annually. To meet this ongoing requirement, Windham tracks information on offender participation in its vocational programs, including training provided, professional certifications awarded, employment obtained, employment retention, and earnings over time. This information has shown that offenders who participate in vocational programs are more likely to be employed once released, retain employment, and have higher average annual earnings than offenders who do not participate in the programs.¹⁰</p> <p>Windham works with TDCJ and the Texas Workforce Commission to collect this information. Windham analyzes and evaluates the information, and puts together a report which it provides to LBB. LBB does not have anything to do with the data collection or analysis, but simply submits the report to the Legislature and the Governor.¹¹</p>
2011–2012	<p>The Legislature requires Windham to report to the 83rd Legislature on achieving the goals of reducing recidivism and increasing the success of former offenders in obtaining and maintaining employment. Windham must also report attainment of GEDs, high school diplomas, professional certifications, associates' degrees, and adult education literacy levels for offenders who successfully complete Windham's programs during the biennium.¹²</p> <p>Windham has contracted with Sam Houston State University to conduct a one-time study of its academic, vocational, and life skills programs. The University has access to offender outcome information from TDCJ, the Texas Workforce Commission, and the Texas Department of Public Safety, and will use this data to compile information on institutional disciplinary violations, rearrest, reincarceration, and employment to evaluate Windham's programs.</p>

Sunset's limited purpose review did not indicate a need to change Windham's current structure, but lack of regular Sunset review prevents comprehensive evaluation of the State's adult correctional system.

Changing Windham's structure could have benefits but also significant costs.

Consistent with legislative requirements, Sunset staff evaluated Windham's school district delivery model to determine whether alternative structures could provide more effective correctional education services. The review considered the cost and quality of certified teachers, the size of the district's administration, and the impact of recent staff and funding reductions. Sunset staff also compared Windham's school district model to several alternative structures, including Adult Basic Education, virtual education, charter schools, and traditional local school districts. Any advantages of these alternative structures could not be sufficiently quantified to justify changing Windham's structure at this time. The review also indicated using certified teachers is not necessarily more expensive than using non-certified teachers in this type of structure, and that the State would need to invest significant resources to implement a virtual education structure.

Without regular Sunset review of Windham, the Legislature cannot fully evaluate the entire criminal justice system.

Although the review did not reveal a clear and convincing reason to change Windham's structure at this time, the lack of information needed to fully evaluate its operations indicated the need for a more regular review of Windham. Unlike most state executive agencies, Windham is not subject to Sunset review. Instead, the Legislature has subjected Windham to two limited purpose Sunset reviews, once in 2005 in conjunction with the Sunset review of TEA and again in 2011 in conjunction with the regularly scheduled review of TDCJ. Prior to 1995, Windham was considered part of TDCJ rather than a separate agency, and was included in TDCJ's Sunset review.

Generally, the Legislature groups agencies under Sunset review by function to allow the Sunset Commission to fully evaluate all state activities related to a specific policy area, such as corrections or natural resources. However, in the case of Windham, the policy area it belongs to is not entirely clear. Windham is a school district and receives funding through TEA, but the Texas Board of Criminal Justice governs Windham as its Board of Trustees. Also, although Windham is technically a school district, it provides programming to adult offenders and serves the State's correctional, not educational, system. The confusion as to when Windham should be reviewed by the Sunset Commission prevents the Legislature from regularly and consistently evaluating Windham and its programming.

Recommendations

Change in Statute

5.1 Require Windham to conduct biennial program evaluations to measure whether its programs reduce recidivism and meet the district's other statutory goals, and to recommend changes to programs when needed.

This recommendation would require Windham to collect results-based performance data for each of its programs, and evaluate whether the programs are meeting the district's statutory goals. Windham would be required to collect and analyze data related to institutional disciplinary violations, rearrests, reincarcerations, employment, and cost of confinement. Windham would also need to determine how to evaluate its programs' impact on reducing the cost of confinement, possibly by measuring any cost avoidance realized by training offenders to provide services, such as truck driving, directly to TDCJ. This newly collected data would not replace the data Windham currently collects, including offender educational achievement and GED completion. Rather, Windham would use the new data to produce and compare recidivism and other correctional impact trends over time, and make changes to programs when needed.

Under this recommendation, Windham would be authorized to establish a memorandum of understanding with TDCJ, the Texas Department of Public Safety, and the Texas Workforce Commission to obtain and share data necessary to perform these evaluations, encouraging coordination and limiting duplication of efforts. In the event that Windham's evaluations reveal poor program performance, this recommendation would allow Windham to make structural or programmatic adjustments to improve program performance.

This recommendation would also eliminate the requirement that Windham consult with LBB on its evaluation of vocational training services, and would remove the requirement that LBB submit this information to the Legislature and the Governor in an annual report. Windham, not LBB, is responsible for collecting performance data for its vocational programs. Windham would continue to compile and analyze this information and would be required to report its findings to its Board of Trustees, the Legislature, and the Governor biennially rather than in an annual report.

5.2 Require Windham to be reviewed by the Sunset Commission in conjunction with future Sunset reviews of TDCJ.

This recommendation would subject Windham to regular Sunset review at the same time TDCJ is under review. Consistent with Issue 1, which recommends continuing TDCJ for 12 years, Windham would be subject to Sunset review in conjunction with TDCJ in 2025. Since Windham is an integral part of the state criminal justice system, subjecting it to Sunset review at the same time as Texas' other adult correctional agencies, including TDCJ and the Board of Pardons and Paroles, would provide for a full examination of all of the State's adult correctional programs together.

Fiscal Implication

These recommendations would not have a fiscal impact to the State. Windham currently has three full-time employees who work approximately 315 hours to collect, analyze, and report data related to its vocational programs. Windham spent \$63,104 in fiscal year 2012 to contract with Sam Houston State University to review Windham's academic, vocational, life skills, and college-level programs. Windham conducts both reports within its current budget, and could continue to pay for ongoing program evaluation within its existing resources.

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- ¹ Section 19.003, Texas Education Code.
 - ² Section 19.004, Texas Education Code.
 - ³ Section 19.0021, Texas Education Code.
 - ⁴ For example see Section 493.0083 and Section 501.100, Texas Government Code.
 - ⁵ Texas Department of Criminal Justice, *Evaluation of Offenders Released in Fiscal Year 2007 That Completed Rehabilitation Tier Programs* (Austin: Texas Department of Criminal Justice, April 2011).
 - ⁶ Windham School District, *Annual Performance Report 2009–2010* (Huntsville, Texas: Windham School District, January 2011), p. 5.
 - ⁷ Texas Criminal Justice Policy Council, *Educational Achievement of Inmates in the Windham School District* (Austin: Texas Criminal Justice Policy Council, April 2000).
 - ⁸ Texas Criminal Justice Policy Council, *Impact of Educational Achievement of Inmates in the Windham School District on Post-Release Employment* (Austin: Texas Criminal Justice Policy Council, June 2000).
 - ⁹ Texas Criminal Justice Policy Council, *Impact of Educational Achievement of Inmates in the Windham School District on Recidivism* (Austin: Texas Criminal Justice Policy Council, August 2000).
 - ¹⁰ Legislative Budget Board, *Evaluation of Training Services for Career & Technical Education* (Austin: Legislative Budget Board, November 2011).
 - ¹¹ Section 19.0041, Texas Education Code.
 - ¹² Rider 6, page III-8, Article I (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (General Appropriations Act).

RESPONSES TO ISSUE 5

Recommendation 5.1

Require Windham to conduct biennial program evaluations to measure whether its programs reduce recidivism and meet the district's other statutory goals, and to recommend changes to programs when needed.

Agency Response to 5.1

The district concurs with this recommendation. (Debbie Roberts, Superintendent – Windham School District)

For 5.1

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 5.1

None received.

Recommendation 5.2

Require Windham to be reviewed by the Sunset Commission in conjunction with future Sunset reviews of TDCJ.

Agency Response to 5.2

The district concurs with this recommendation. (Debbie Roberts, Superintendent – Windham School District)

For 5.2

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 5.2

None received.

COMMISSION DECISION

Adopted Recommendations 5.1 and 5.2.

ISSUE 6

The Parole Board's Ability to Make Effective Parole Release Decisions Is Impeded by Its Limited Use of Available Resources and Inconsistent Access to Information.

Background

The Board of Pardons and Paroles (Parole Board) decides whether to approve or deny the early release of eligible offenders from prison by using parole panels located in its six regional Parole Board offices. Parole panels, each composed of one Parole Board member and two Parole Commissioners, do not meet to make these parole release decisions. Instead, a panel member performs a desk review of the offender's parole file, records a vote, and forwards the file to the next panel member. Parole panel members may also meet with crime victims, family members, attorneys, or interview offenders during decision making. The flow chart on the following page, *Parole Review Process*, provides a more detailed explanation of the parole review process. Parole Board members and Parole Commissioners have been given broad authority and several tools to help make release decisions.

- Parole Guidelines and Recommended Approval Rates.** Since 1987, the Legislature has required parole panel members to use parole guidelines as the basic criteria for making parole decisions.¹ The guidelines are validated tools that indicate an offender's risk for recidivism, potential for success upon release, and the potential threat to society based on the severity of the offender's crime. The guidelines provide a score, ranging from one to seven, based on various risk factors and the severity of the offense, as illustrated in the table, *2010 Parole Guidelines Score with Recommended Approval Rates*.

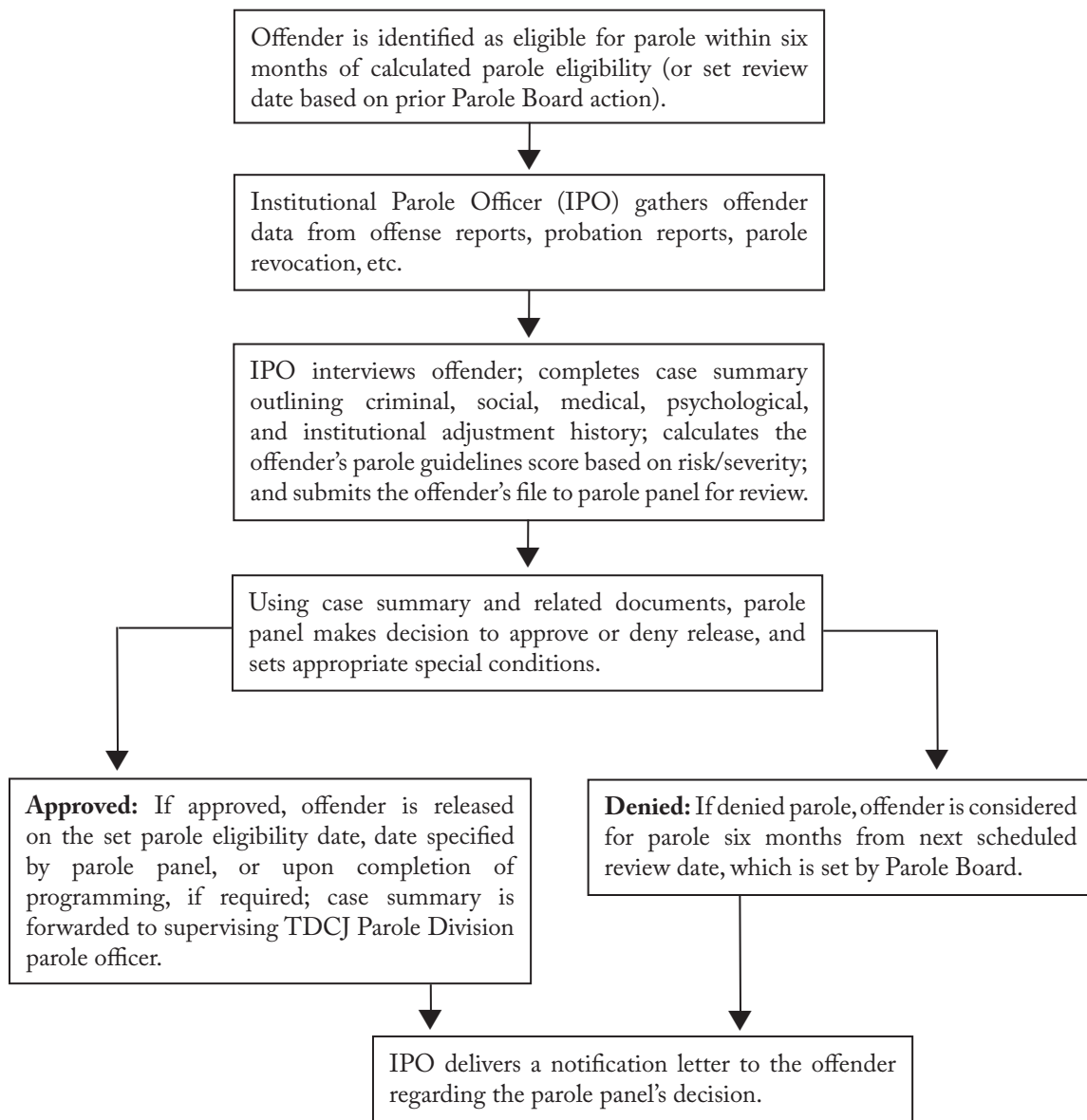
2010 Parole Guidelines Score with Recommended Approval Rates

Offense Severity Class	Risk Level (Recommended Approval Rates)			
	Highest	High	Moderate	Low
Highest	1 (0% – 5%)	2 (6% – 15%)	2 (6% – 15%)	3 (16% – 25%)
High	2 (6% – 15%)	3 (16% – 25%)	4 (26% – 35%)	4 (26% – 35%)
Moderate	2 (6% – 15%)	4 (26% – 35%)	5 (36% – 50%)	6 (51% – 75%)
Low	3 (16% – 25%)	4 (26% – 35%)	6 (51% – 75%)	7 (76% – 100%)

Offenders with low scores have severe offenses and pose a high risk of a poor parole outcome, while offenders with high scores have less severe offenses and pose a low risk of a poor parole outcome. In 2010, each of the seven parole guidelines scores had a corresponding recommended approval rate. For low-risk offenders with a score of seven, the recommended parole approval rate was to release between 76 percent and 100 percent of parole-eligible offenders. The guidelines are not designed to produce a strict recommendation for or against parole in an individual case, but they are a tool

to help ensure consistency in overall parole decision making. Also, recommended parole approval rates provide an additional management tool to ensure the guidelines are applied consistently in parole decisions, and the use of a range for a recommended parole approval rate recognizes the need for parole panel members to have ultimate discretion when voting individual cases.

Parole Review Process



In fact, statute gives the Parole Board significant flexibility in the use of the guidelines by authorizing the Parole Board to annually update the guidelines and modify the recommended parole approval rates under the guidelines, if actual parole approval rates differ significantly from the recommended rates.² The Parole Board has used this authority to modify parole guidelines on multiple occasions, including a recent modification to establish a separate risk assessment for females based on lower female recidivism rates. The Parole Board has also modified risk factors relating to DWI offenses based on a previous assessment of the parole guidelines.

- **Offender Case File Information.** Parole panel members receive a profusion of information about each parole eligible offender in the offender's case file to help inform the panel's release decision. One of the most important pieces of information is the case summary prepared by Institutional Parole Officers (IPOs) who are Parole Board employees. IPOs interview each offender and compile a comprehensive case summary, including the calculation of the offender's parole guidelines score, for use by parole panel members when voting. Another important piece of information the panel considers is the victim impact statement which statute requires a parole panel to consider in determining whether to recommend release.³ Victim impact statements document the emotional, psychological, physical, and financial impact of a crime, and are developed at the local level as detailed in the textbox, *Victim Impact Statements*.

Victim Impact Statements

- Victim assistance coordinators, who are designated by the district or county attorney prosecuting criminal cases, work to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded their rights as a crime victim.
- Coordinators send a victim impact statement to a crime victim, along with an offer to assist in completing the statement if requested.
- Coordinators, on request, explain the possible use and consideration of the victim impact statement at sentencing and any future parole hearings of the offender.
- Statute requires the victim assistance coordinator to work closely with appropriate law enforcement agencies, prosecuting attorneys, the Parole Board, and the judiciary.
- When a county transfers an offender to a Texas Department of Criminal Justice intake facility, the county is required to include a victim impact statement, if available, in the offender's pen packet. A "pen packet" contains various information about an offender, including a criminal history, a copy of the offender's felony judgment, a copy of the indictment or information for each offense, and information regarding warrants.

- **Notification Letters.** Once a parole panel makes its release decision, the offender receives a notification letter that describes the parole panel's decision to approve or deny release. In fiscal year 2011, parole panels considered 78,388 parole eligible offenders for parole release and approved release for 24,339 offenders, or 31 percent.
- **Hearing Officers.** As a condition of release, the Parole Board may require an offender to fulfill certain conditions like completion of rehabilitative or educational programming. Released offenders must abide by parole conditions and failure to do so may result in parole revocation and reincarceration of the offender. Hearing officers hold preliminary and revocation hearings in which they collect evidence, interview witnesses, and make recommendations to a parole panel

regarding cause for revocation. In fiscal year 2011, hearing officers conducted more than 18,000 preliminary and revocation hearings, resulting in nearly 6,400 revocations by parole panels. Parole panels agreed with hearing officers' recommendations in 71 percent of the cases in which parole revocation was recommended.

Finding

The Parole Board does not have clear authority to use all of its resources, and in some cases, has shown continued reluctance to use available tools to best ensure consistent and fair parole decisions.

- **Disuse of Recommended Parole Approval Rates Limits Parole Guidelines Effectiveness.** The Parole Board discontinued use of its recommended parole approval rates in fiscal year 2011 even though statute requires the Parole Board to report annually on its use of parole guidelines by comparing these recommended approval rates with actual approval rates. The statutory reporting requirements establish recommended parole approval rates as critical benchmarks by which the Parole Board can evaluate its use of the parole guidelines by individual voters, parole offices, and in the aggregate.⁴ While the Parole Board has the authority to modify the recommended parole approval rates, it lacks explicit authority to discontinue their use.⁵ Additionally, the Legislature has repeatedly instructed the Parole Board to make better use of its parole guidelines, as illustrated in Appendix D, *History of Texas Parole Guidelines*.

As a result of discontinuing use of the recommended parole approval rates, the Parole Board did not comply with its legislative reporting requirements, including providing a comparison of recommended parole approval rates to actual approval rates; a description of instances in which actual approval rates did not meet recommended approval rates; and a list of actions the Parole Board would take to better meet the parole guidelines.⁶ In its 2010 annual report on the use of parole guidelines, the Parole Board provided a comparison of actual parole approval rates for individual voters and the state overall to the recommended approval rates. The report showed that in fiscal year 2010, overall statewide parole voting did not meet the recommended parole approval rates for several guidelines scores, resulting in the Parole Board releasing more high-risk offenders and fewer low-risk offenders than anticipated by the guidelines.⁷

The 2010 annual report also showed wide voting variations among parole panel members within the seven parole guidelines scores. A Sunset staff data analysis showed that in fiscal year 2010, aggregate parole release decisions by 75 percent of parole panel voters were more than 5 percent outside of the recommended parole approval ranges for release of low-risk offenders with a guidelines score of seven. The analysis was based on

In fiscal year 2010, the Parole Board released more high-risk offenders and fewer low-risk offenders than the parole guidelines anticipated.

a consultant report prepared for the Parole Board stating an overall rate of 5 percent outside of a recommended approval range would indicate a significant departure by the Parole Board from its own guidelines.⁸ Additionally, aggregate release decisions made by more than half of parole panel voters were more than 10 percent outside of recommended approval ranges for release of those low-risk offenders. Using 2010 recommended approval rates as benchmarks, the analysis reviewed annual voting patterns of all parole panel members in fiscal years 2010 and 2011 in all seven parole guidelines score ranges. On an annual basis, parole panel members voted outside of the recommended parole approval ranges by more than 5 percent 58 times in fiscal year 2010 and 73 times in fiscal year 2011, the year the Parole Board discontinued use of the recommended parole approval rates.

Although the Parole Board has yet to meet its overall recommended parole approval rate, its overall performance relative to the guidelines has improved in recent years. The Parole Board has cited ongoing difficulties in using the recommended approval rates when parole panel members are making individual parole release decisions, which is a valid concern as the aggregate approval rates are not available on a daily basis. The Parole Board could benefit from additional evaluative tools to assist parole panel members in their voting, while maintaining broad discretion to make release decisions that benefit public safety.

- **Inconsistent Access to Victim Input.** Statute requires a parole panel to consider a victim impact statement in determining whether to recommend an offender for parole release; however, such statements are often omitted from case files and unavailable to parole panels when making their release decisions.⁹ In fiscal year 2011, crime victims returned more than 15,000 victim impact statements to the county attorney's office, district attorney's office, or both.¹⁰ Counties reported sending less than half of those statements to the Texas Department of Criminal Justice (TDCJ), the Texas Youth Commission (now the Texas Juvenile Justice Department), or local Community Supervision and Corrections Departments. In 2011, TDCJ received fewer than 3,000 victim impact statements. Statute requires a county that transfers a defendant to TDCJ to deliver a copy of the victim impact statement, if one has been prepared, in the offender's pen packet.¹¹ Counties use a variety of procedures to gather information needed in pen packets. Based on field work, TDCJ Victim Services created recommended processing procedures designed to increase the number of victim impact statements included in pen packets, but use of these processing procedures is not a requirement in law.
- **Vague Parole Denial Letters.** Despite efforts to increase clarity, the Parole Board's notification letters continue to provide offenders with unnecessarily vague parole denial reasons in some instances. The notification letter provides a list of reasons for the denial, but is not specific as to which reason(s) apply to the offender, as shown in the textbox on the following page, *Examples of Parole Denial Letters*.

Falling 5 percent outside the recommended approval rates indicates a significant departure from the guidelines.

Omission of victim impact statements in an offender's file can mute victims' voices and impact parole decisions.

Parole denial letters do not clearly explain Parole Board decisions.

The textbox provides two examples of the key paragraphs in parole denial letters that state the reasons for parole denial. In the first example, the Parole Board uses standard paragraphs that contain both possible and actual reasons for parole denial. The offender is left to determine which reasons apply to them, even though the average offender functions at the 8th-grade level and many are illiterate.¹² In the second example, one- to two-word denials provide offenders little valuable information as to the reason for the denial. The Parole Board uses IPOs to deliver notification letters, but the review found that IPOs did not have sufficient information about parole release decisions to provide additional clarity regarding a parole panel's decision. Given these factors, a parole denial letter should provide an offender with clear, understandable, and specific reasons for denial, so that the offender can discern what he or she needs to do while still in prison to improve their chance of parole, which could include improving behavior, pursuing education and training opportunities, or seeking rehabilitation.

Examples of Parole Denial Letters

Below are two examples of excerpts from the written notification an offender receives when the Parole Board denies release.

Letter #1 Example.

You have been denied parole for the reason(s) listed below: One or more components indicated in each paragraph listed below may apply, but only one is required:

1D. The record indicates that the inmate has repeatedly committed criminal episodes or has a pattern of similar offenses that indicates a predisposition to commit criminal acts when released; **or** the record indicates that the inmate is a leader or active participant in gang or organized criminal activity; **or** the record indicates a juvenile or an adult arrest or investigation for felony and misdemeanor offenses.

2D. The record indicates that the inmate committed one or more violent criminal acts indicating a conscious disregard for the lives, safety, or property of others; **or** the instant offense or pattern of criminal activity has elements of brutality, violence, or conscious selection of victim's vulnerability such that the inmate poses a continuing threat to public safety; **or** the record indicates use of a weapon.

Letter #2 Example.

You have been denied parole for the reason(s) listed below: One or more components indicated in each paragraph listed below may apply, but only one is required:

10D. Other.

10D. New Info.

- **Limited Delegation Authority Hinders Use of Hearing Officers.** The Parole Board lacks authority to delegate certain hearings to hearing officers, which distracts already overburdened parole panels from focusing on parole release decisions. The Parole Board could benefit from enhanced authority to delegate the conduct of hearings on its behalf. Statute authorizes a designated agent of the Parole Board to conduct hearings relating to revocation, ineligible release, or conditional pardon matters,

and the Parole Board currently relies on hearing officers to perform these functions.¹³ Recently, in response to a court decision, the Parole Board had to establish a new hearing process for “Coleman” cases, in which the Parole Board had applied sex offender conditions to offenders without a current conviction for a sex offense. Because of a lack of clear authority to delegate such hearings, Parole Commissioners and Parole Board members have been conducting these new hearings, increasing Parole Board member and Parole Commissioner workloads. TDCJ’s Parole Division conducted an initial review in May 2011 and identified 516 offenders requiring the newly established hearing.

Recommendations

Change in Statute

6.1 Require the Parole Board to develop and maintain recommended parole approval rates for use with the parole guidelines, and to conduct peer reviews to help improve parole decision making and management of its operations.

This recommendation would provide the Parole Board with additional management tools to augment its existing annual review of parole approval rates by individual parole panel member, Parole Board office, and aggregate parole voting. Under this recommendation the Parole Board would be required to:

- develop and maintain recommended parole approval rates for use with, and evaluation of, the parole guidelines;
- conduct an annual review of the voting patterns of each Parole Board office, including individual parole panel members, to identify any significant deviation from the recommended parole approval rates;
- develop and implement a peer review process if significant deviations are identified to help ensure parole panel members and offices apply the guidelines in a consistent manner to all parole candidates; and
- prioritize technical assistance, training, and use of outside experts to update the guidelines or modify the recommended parole approval rates if needed changes are identified and recommended as a result of the peer review process.

To implement this recommendation, the Parole Board would initiate a peer review when a Parole Board office’s combined actual approval rate for any parole guidelines score differs from the recommended approval rate range by more than 5 percentage points in a fiscal year. The Parole Board’s presiding officer would determine the composition of and assign members of a peer review panel that would request an appropriate sample of the Parole Board office’s cases related to the deviation for review. The peer review panel would review these cases to determine whether the variation from the recommended approval rates was justified, or indicates a need for additional training or to re-examine and possibly update the guidelines or modify the recommended approval rates to increase their reliability, validity, or effectiveness. The peer review panel would make any needed recommendations to better align actual parole approval rates with recommended approval rates, and would provide these to both the presiding

officer and the Parole Board office under review. The Parole Board office under review would be required to develop and submit a plan to implement the peer review panel's recommendations to the Parole Board's presiding officer for consideration and approval. The Parole Board would be required to include a summary of all of the peer review recommendations and the approved actions taken to implement those recommendations in the Parole Guidelines Annual Report.

Nothing in this recommendation would limit panel members' discretion in individual cases, establish any right to parole, modify existing parole release decisions made by a parole panel or parole panel member, or require an individual parole panel member to approve parole based on a recommended approval rate. However, including this peer review process in the Parole Board's regular annual review of the parole guidelines would provide the Parole Board with an additional management tool to proactively and more regularly assess parole voting. The review would ensure the guidelines are applied consistently in each parole decision and to identify more quickly any need to re-examine and possibly update the guidelines or modify the recommended approval rates to increase their reliability, validity, or effectiveness.

6.2 Require standardized processes to ensure crime victim input is available for Parole Board consideration.

If a victim impact statement is unavailable, this recommendation would require counties to include in an offender's pen packet a separate form that affirms the victim assistance coordinator did not receive a victim impact statement from the offender's victim(s). Under this recommendation, TDCJ, through its Victim Services Division, would be required to develop:

- a standard form for use by victim assistance coordinators to affirm instances in which a victim has not returned a victim impact statement; and
- standard processing procedures for use by attorney offices prosecuting criminal cases designed to improve inclusion rates of victim impact statement in pen packets submitted to TDCJ.

Under this recommendation, victim assistance coordinators and attorney offices prosecuting criminal cases would be required to use the standard form and processing procedures developed by TDCJ Victim Services no later than January 1, 2014. This recommendation would require TDCJ Victim Services, in developing the form and processing procedures, to consult with the Parole Board, law enforcement agencies, prosecutors, and other participants in the criminal justice system to obtain their input and ideas.

6.3 Require parole panels, when approving or denying an offender's release from incarceration, to provide a clear and understandable explanation of the panel's decision.

This recommendation would modify existing parole decision notification requirements by requiring a parole panel that makes a parole decision to produce a written statement describing the specific circumstances for its parole decision, including only reasons and components that are specific to the decision. In the case of a denial, the letter would not have a single paragraph indicating several reasons for denial, but would list each specific reason and component for denial that applies to the offender separately. The Parole Board would place the letter in the offender's parole file and provide a copy of the letter to the offender. Providing information that pertains directly to an offender would better position an offender to understand what steps the offender could take to improve his or her chances for parole.

6.4 Authorize the Parole Board to delegate all hearings, but not final determinations, to its hearing officers.

This recommendation would clearly authorize, but not require, the Parole Board to delegate all of its due process hearings to hearing officers. Authorizing the Parole Board to delegate any hearings that the Parole Board conducts would provide the Parole Board with the authority needed to delegate Coleman hearings, but also give the Parole Board flexibility to manage its workload in the future, should it need to create any other hearing processes. As with revocation hearings, a parole panel would retain responsibility for making all final determinations, upon recommendation from the hearing officer.

Fiscal Implication

These recommendations would not have a significant fiscal impact to the State. The Parole Board has an established method for notifying offenders of its parole decisions that can be modified using existing agency resources. The recommendation to permit delegation of hearings to hearing officers would provide the agency with additional flexibility to use existing resources to more efficiently conduct its operations.

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¹ Section 508.144, Texas Government Code.

² Ibid.

³ Section 508.153, Texas Government Code.

⁴ Section 508.1445, Texas Government Code.

⁵ Section 508.144, Texas Government Code.

⁶ Section 508.1445, Texas Government Code.

⁷ Board of Pardons and Paroles, *Parole Guidelines Annual Report Fiscal Year 2010*, accessed April 12, 2012, <http://www.tdcj.state.tx.us/bpp/publications/PG%20AR%202010.pdf>.

⁸ Kenneth McGinnis and James Austin, Ph.D., *Final Draft, Phase II Comprehensive Report, Texas Board of Pardons and Paroles Guidelines Project* (Middleton, MA: Security Response Technologies, Inc., January 15, 2001), p. 45.

⁹ Section 508.153(c), Texas Government Code.

¹⁰ Texas Department of Criminal Justice, *Victim Services Division Fiscal Year 2011 Annual Report* (Austin: Texas Department of Criminal Justice, March 2012), p. 22.

¹¹ Section 8, Article 42.09, Texas Code of Criminal Procedure.

¹² Windham School District, *2009-2010 District Profile* (Huntsville, Texas: Windham School District, June 2011), p. 1.

¹³ Section 508.281, Texas Government Code.

RESPONSES TO ISSUE 6

Recommendation 6.1

Require the Parole Board to develop and maintain recommended parole approval rates for use with the parole guidelines, and to conduct peer reviews to help improve parole decision making and management of its operations.

Agency Response to 6.1

This recommendation emphasizes the desire to “improve parole decision making and management.” This recommendation is designed to require all Board members and Parole Commissioners to make parole release decisions solely based upon a number, the parole guideline score, and percentages, recommended parole approval rates, instead of a discretionary decision. The impact of this recommendation would eliminate the need for a parole panel to receive input from victims, prosecuting attorneys, judges, family members, friends or members of the public because the only factor the voting member may consider is the parole guideline score.

Parole guidelines are tools that assist a parole panel in making discretionary parole release decisions. While parole guidelines are an instrumental part of the voting process, they are not the sole consideration. Often times, many low risk offenders have short sentences and this compresses voting options; while offenders with more severe sentences who have served many years are granted parole approval into rehabilitative programs to allow for reintegration back into society. Additionally, many high-risk offenders are being considered for release due to return to prison for a Technical Parole Violation. By removing the parole panel member’s ultimate authority to make a discretionary decision, courts will construe this statutory requirement as a right to parole resulting in offenders obtaining constitutional protections under the Due Process Clause of the United States and Texas Constitutions.

Procedures adopted by the state to guide the parole release decision do not create a liberty interest. The Sunset Review recommendation is not a guide, it is a mandate. It is a mandatory requirement to release an offender on parole with a specified parole guideline score based upon a recommended approval rate. And, as further evidence that the recommendation is designed to require a board member and parole commissioner to vote based upon a number, the recommendation specifically states that voting patterns of individual parole panel members who deviate from the recommended approval rate designated for a specific parole guideline score are required to be scrutinized by a peer review panel. The purpose of the peer review panel is to require the individual panel member to approve parole based upon the recommended approval rating associated with the parole guideline score and thereby, eliminating all discretion in parole release decisions.

It is important to note the Parole Board currently has in place a Parole Guidelines Committee which meets several times a year to carefully evaluate parole guidelines and institute changes and modifications as necessary. This committee or committee of “peers” consists of both Parole

Board members and Commissioners selected by the Chair. Most recently this committee has been instrumental in bringing about changes regarding the guidelines relative to DWI offenses and a new risk instrument for female offenders.

Dr. James Austin, a consultant who has worked extensively with the Parole Board in the past and is currently working on parole guideline issues offered the following with respect to recommended approval rates: “The purpose of the guidelines is to ensure greater consistency (reliability) in the Texas Board of Pardons and Paroles’ decision making, and to base the decisions, in part, on a valid risk assessment. The so-called ‘recommended approval rates’ were originally designed in 2003 to show how one would assess if the Parole Board were actually using the guidelines as designed.” The recommended approval rates were never intended to hold the Parole Board accountable and there are no other parole boards in the United States whose parole guidelines require pre-established approval rates.

Staff Comment: Sunset staff strongly disagrees with these statements. As specifically stated in the report, nothing in this recommendation would limit a parole panel member’s discretion, establish any right to parole, or require an individual parole panel member to approve parole based on a recommended approval rate. In fact, since parole panel members vote cases on a daily basis, the current monthly aggregate approval rates by guidelines level would not even be available at the time of a parole panel member’s vote.

As the Legislature has, on several occasions, reconfirmed its interest in the Parole Board using parole guidelines and recommended approval rates as tools to help ensure consistency when making release decisions, this recommendation is intended as a management tool to help the agency identify potential inconsistencies in voting patterns. Parole voting patterns would be looked at retrospectively to see how they compare to the recommended parole approval rates. This review would identify any voting patterns significantly outside the recommended approval rates, and the peer review process would help the Parole Board understand the reasons for any such deviations. This information would be used as a management tool to ascertain any need to re-examine or update the guidelines to increase their reliability, validity, or effectiveness, much like the Parole Guidelines Committee has done regarding the guidelines relative to DWIs and the risk assessment instrument for female offenders. Also, the Presiding Officer could consider using the Parole Guidelines Committee as the peer review panel.

Agency Modification

1. Remove the recommended approval rating from statute so that parole in Texas continues to be consistent with the existing law of the land, parole in Texas is a privilege and not a right.

(Rissie Owens, Presiding Officer – Board of Pardons and Paroles)

For 6.1

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Brian McGiverin – Texas Civil Rights Project, Austin

Against 6.1

None received.

Modifications

2. Apply Recommendation 6.1 to Parole Board decisions related to Medically Recommended Intensive Supervision. (Brian McGiverin – Texas Civil Rights Project, Austin)
3. Instead of a peer review, require a stakeholder review, which would include trained individuals outside of the Parole Board; and develop, deliver, assess, and continually improve a training plan for review of parole decisions. (Brenda Gaye Webb, Bryan)

Recommendation 6.2

Require standardized processes to ensure crime victim input is available for Parole Board consideration.

Agency Response to 6.2

The Parole Board considers victim input to be a significant part of the parole consideration process and would welcome any enhancements to provide and receive victim information from counties, Victim Services, and TDCJ. The Parole Board currently has a member who is a liaison to and works closely with Victim Services to share information relative to victim input. While recognizing the effort to standardize processes with counties rest primarily with Victim Services and TDCJ, the Parole Board is committed to assisting in these efforts. (Rissie Owens, Presiding Officer – Board of Pardons and Paroles)

For 6.2

None received.

Against 6.2

None received.

Recommendation 6.3

Require parole panels, when approving or denying an offender's release from incarceration, to provide a clear and understandable explanation of the panel's decision.

Agency Response to 6.3

The Parole Board has tweaked and modified the parole approval and denial reasons in the past in an effort to provide reasons that could be clearly understood. While the Parole Board believes that the current reasons provide clear understanding of the approval and denial reasons we recognize that there may be room for improvement. Based upon suggestions or comments received, the Parole Board is willing to consider revising the parole approval and denial reasons.

However, any denial reasons that compromise the integrity of the statutorily confidential nature of the information received by the Parole Board may not be appropriate, e.g. denial reasons which identify a specific statement made by the victim in a protest letter or victim impact statement. (Rissie Owens, Presiding Officer – Board of Pardons and Paroles)

For 6.3

Beth Powell, Denton

Brenda Gaye Webb, Bryan

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 6.3

None received.

Modification

4. Require the Parole Board to provide incarcerated individuals, and their families, with personal, detailed explanations indicating why each individual has been denied parole. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Recommendation 6.4

Authorize the Parole Board to delegate all hearings, but not final determinations, to its hearing officers.

Agency Response to 6.4

The Parole Board concurs with this recommendation as one that will provide the statutory authority for a designated hearing officer to conduct “Coleman” hearings as they are currently authorized to conduct preliminary and revocation hearings. However, the statutory provision should be limited to the specific circumstances identified in the state and federal courts’ opinions in the *Meza v. Livingston* and *Ex parte Johnathan Evans* cases. These decisions determined that due process is required prior to the imposition of sex offender conditions for retain releases. However, the federal courts have not required due process for offenders who were convicted of a sex offense. If the recommendation is implemented as stated in the Sunset Staff report, it would have an unintended consequence by expanding an offender’s constitutional due process rights to other parole policies and procedures where a court has determined offenders have no due process rights, e.g., parole review process. (Rissie Owens, Presiding Officer – Board of Pardons and Paroles)

Staff Comment: This recommendation would authorize, but not require the Parole Board to delegate its due process hearings, such as “Coleman” hearings, to its own agency-employed hearing officers. If the Sunset Commission were to adopt this recommendation, Sunset staff would work with the Legislative Council staff during bill drafting to ensure that any such statutory change does not have the unintended consequence of extending an offender’s right to due process beyond what is currently contemplated in law.

For 6.4

Bill Habern, Huntsville

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 6.4

None received.

Modification

5. Ensure that a sufficient level of hearing officers is available to take on the additional responsibility of hearing delegation. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

COMMISSION DECISION

Adopted Recommendation 6.1 as modified to require the Parole Board to determine and maintain a range of recommended parole approval rates for each guideline score, and to conduct peer reviews to help improve parole decision making and management of its operations as required in Staff Recommendation 6.1.

Adopted Recommendations 6.2 and 6.4.

Adopted Recommendation 6.3 as modified to require parole panels, when approving or denying an offender's release from incarceration, to provide a clear and understandable written explanation of the panel's decision, including only the reason(s) that relate specifically to the offender. The recommendation would require the explanation to provide the most information provided by law that does not compromise the statutorily confidential nature of information received by the Parole Board.

ISSUE 7

Texas Correctional Industries Cannot Sell to Privately Run Correctional Facilities, Resulting in a Missed Opportunity to Reduce TDCJ's General Revenue Funding.

Background

Texas Correctional Industries (TCI), a division of Texas Department of Criminal Justice (TDCJ), uses offender labor at 37 prison unit factories, training programs, or warehouses to produce goods for TDCJ use and sale to other governmental entities. Goods manufactured include necessity items for offender and facility use, such as offender clothing, sheets, towels, mattresses, soap, and janitorial supplies. TDCJ also produces goods for sale to other state agencies and governmental entities such as license plates, signs, and furniture. To take advantage of this production capacity, but also limit government competition with private business, state law only allows TCI to sell offender-made products to state agencies, the federal government, foreign governments, institutions of higher education, or other agencies of these governments, including political subdivisions such as counties or public schools.¹

In fiscal year 2011, TCI operated on a budget of about \$65.9 million, \$46.9 million of which was derived from sales of TCI products, and the remaining \$19 million in General Revenue. TCI estimates about \$29 million in internal sales to other TDCJ divisions in the same year, meaning that the State can appropriate less in General Revenue to provide for offender necessity items than actual cost, since TCI sales augment its General Revenue budget.

Finding

Prohibiting companies that run TDCJ's private correctional facilities from purchasing offender necessity items from TCI fails to take advantage of the potential to further offset General Revenue funding.

TDCJ contracts with private companies to operate 16 facilities that house TDCJ offenders, who remain in the legal custody of TDCJ even when assigned to a private facility.² Through the cost of the contract, TDCJ pays for all offender support costs. However, state law prohibits TCI from selling to private entities, even ones that perform a TDCJ function by housing offenders. As result, these private companies must purchase in the open market many of the same types of necessity goods that TCI already produces for offenders in all other TDCJ prison units. Requiring these private companies to seek vendor contracts to provide these same goods is nonsensical. Ultimately, by limiting TCI's ability to sell goods to these companies, the State misses an opportunity to further offset General Revenue funding to TDCJ for offender support through increased TCI sales.

State law prohibits TCI from selling to private contractors that house state offenders in TDCJ facilities.

Recommendation

Change in Statute

7.1 Authorize TCI to sell offender-made goods to companies that contract with TDCJ to house state offenders.

This recommendation would authorize, but not require, private companies that contract with TDCJ to operate facilities to buy TCI goods. The recommendation would be limited to only these companies, which are purchasing goods that TCI already produces to support state offenders, so as not to unduly affect private businesses. Companies would only be allowed to purchase goods for use in Texas.

The decision to purchase TCI-made goods would be a business decision made by the private company. Purchasing TCI goods could be less expensive depending on several factors, and any savings would be reflected in the overall cost of the facility contract, which TDCJ would evaluate through its existing contracting process. Whether or not this recommendation reduces contracting costs for the agency, if companies were to purchase TCI goods, the recommendation would bring revenue to TDCJ that the State does not currently receive.

Fiscal Implication

This recommendation could result in a savings to the State, but the amount cannot be estimated, since the recommendation would authorize, but not require, private companies to purchase TCI goods. Based on the average unit usage, and considering the 17,000 offenders housed in privately run facilities, TCI estimates that if all vendors bought TCI necessity items, total sales could be about \$3.3 million annually. If this were to occur, over time, the Legislature could eventually reduce the amount of General Revenue that it provides to TDCJ.

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¹ Section 497.022, Texas Government Code.

² Section 495.002, Texas Government Code.

RESPONSES TO ISSUE 7

Recommendation 7.1

Authorize TCI to sell offender-made goods to companies that contract with TDCJ to house state offenders.

Agency Response to 7.1

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

For 7.1

None received.

Against 7.1

Bob Libal, Senior Organizer – Grassroots Leadership, Austin

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

COMMISSION DECISION

Not adopted. The Commission took no action on Issue 7.

ISSUE 8

Texas Criminal Justice Agencies' Statutes Do Not Reflect Standard Elements of Sunset Reviews.

Background

Over the years, Sunset reviews have come to encompass an increasing number of standard elements either from direction traditionally provided by the Sunset Commission, or from statutory requirements added by the Legislature to the Criteria for Review in the Sunset Act, or from general law provisions typically imposed on state agencies. The following material summarizes Sunset staff's analysis of applicable standard elements for the four criminal justice agencies — the Texas Department of Criminal Justice (TDCJ), Windham School District (Windham), Correctional Managed Health Care Committee (Committee), and Board of Pardons and Paroles (Parole Board).

- **Reporting Requirements.** The Sunset Act establishes a process for state agencies to provide information to the Sunset Commission about reporting requirements imposed on them by law and requires the Commission, in conducting reviews of state agencies, to consider if each reporting requirement needs to be continued or abolished.¹ The Sunset Commission has interpreted these provisions as applying to reports that are specific to the agency and not general reporting requirements that extend well beyond the scope of the agency under review. Reports required by rider to the General Appropriations Act are included as a matter of law, but under a presumption that the appropriations committees have vetted these requirements each biennium. Reporting requirements with deadlines or that have expiration dates are not included, nor are routine notifications or notices, posting requirements, or federally mandated reports.
- **Equal Employment Opportunities and Historically Underutilized Businesses.** The Sunset Act requires the Sunset Commission and its staff to consider agencies' compliance with applicable federal and state requirements regarding equal employment opportunities (EEOs) and historically underutilized businesses (HUBs).² Staff routinely evaluates agency performance regarding these requirements in the course of a Sunset review, but only reports deficiencies significant enough to merit attention.

Findings

TDCJ has one reporting requirement that is no longer necessary.

State law requires TDCJ to produce 17 reports that are specific to the agency and meet the parameters described above. Many of these reporting requirements continue to be useful, and other issues in this report address needed changes to some of TDCJ's reporting requirements. Windham's three required reports, the Parole Board's two required reports, and the Committee's one required report also continue to serve a useful purpose. Appendix E lists all four agencies' reporting requirements and Sunset Staff's analysis of their need.

TDCJ's report on bed ratios for SAFP facilities is no longer needed.

However, one of TDCJ's required reports is no longer needed. Statute requires TDCJ to identify the ratio of offenders in Substance Abuse Felony Punishment (SAFP) beds in its facilities who are required to participate in a SAFP program, as compared to the number of SAFP beds used for authorized non-SAFP purposes, such as for offenders whose community supervision or parole has been modified.³ By law, TDCJ must produce a quarterly report with this information for the Legislative Criminal Justice Board. However, the Legislature abolished the Legislative Criminal Justice Board in 1995 and TDCJ has not formally produced the report since the Board was abolished, though it continues to monitor its use of SAFP beds and reports this information to TDCJ leadership biweekly.⁴ Since the recipient no longer exists and TDCJ monitors its SAFP bed usage internally and can provide that information upon request, TDCJ no longer needs to produce this formal report.

TDCJ, Windham, and the Parole Board have not met statewide civilian workforce percentages in certain categories for the last three years.

While TDCJ met most statewide civilian workforce percentages, the agency significantly fell below EEO percentages for Hispanics in the officials and administration; technical; administrative support; service and maintenance; and skilled craft categories for fiscal years 2009 to 2011. The most significant disparity was in the service and maintenance category that includes correctional officers. The agency indicates that the low Hispanic population in some of the rural areas where TDCJ facilities are located has limited its applicant pool, but states that it has increased its efforts to hire Hispanic applicants by increasing the number of job fairs it attends, developing relationships with minority colleges and universities, and increasing advertising. Appendix F shows TDCJ's EEO performance in each job category for fiscal years 2009 to 2011.

TDCJ, Windham, and the Parole Board failed to meet statewide EEO performance guidelines in certain job categories.

For fiscal years 2009 to 2011, Windham significantly fell below statewide civilian workforce percentages for Hispanics in the professional staff category; and for African-Americans, Hispanics, and females in the technical category. Windham indicates that it fails to meet EEO percentages because the majority of its staff works at TDCJ correctional facilities, which are located in rural areas with a smaller Hispanic population. Appendix G shows Windham's EEO performance in each job category for fiscal years 2009 to 2011.

The Parole Board significantly fell below statewide civilian workforce percentages for Hispanics in the administrative support category for fiscal years 2010 and 2011. The Parole Board attributes this shortcoming to the transfer of Institutional Parole Officers and support staff from TDCJ to the Parole Board, and the low number of new Hispanic applicants. Appendix H shows the Parole Board's EEO performance in each job category.

TDCJ and Windham have not met the State's HUB purchasing goals in certain categories for the last three years.

While TDCJ has met HUB program requirements, such as appointing a HUB coordinator and establishing a HUB policy, the agency has had difficulty meeting several statewide HUB purchasing goals.⁵ From fiscal year 2009 to fiscal year 2011, TDCJ significantly fell below HUB goals for the special trade, professional services, and other services categories. The agency states that many of its purchases in these categories are limited to certain entities, making it difficult to meet goals. For example, purchases include contracts with local Mental Health and Mental Retardation departments for medical services, and local cities and counties for waste disposal services. TDCJ also attributes its failure to meet goals in the special trade category to its use of offender labor in construction projects, limiting its contracts in this category to material purchases. Appendix I details TDCJ's HUB spending for fiscal years 2009 to 2011 in all purchasing categories.

TDCJ and Windham attribute much of their inability to meet HUB goals to the types of contracts they have.

For the past three years, Windham significantly fell below statewide HUB purchasing goals for the other services category, a category in which it had \$1 million in expenditures in fiscal year 2011. Windham attributes its difficulty in meeting this goal to propriety purchases, such as cable and satellite services, and to the small number of bids it received for contracts in this category. Appendix J details Windham's HUB spending for fiscal years 2009 to 2011 for all purchasing categories.

Recommendations

Change in Statute

8.1 Abolish TDCJ's report on bed ratios for SAFF facilities, and continue all other reporting requirements for TDCJ, the Committee, Windham, and the Parole Board.

This recommendation would eliminate TDCJ's report on bed ratios for SAFF facilities. TDCJ's remaining 16 reporting requirements as well as Windham's, the Parole Board's, and the Committee's reporting requirements would be continued because they provide information useful both to the agencies and the public. Appendix E summarizes all of the agencies' reporting requirements and shows which reports would be continued and abolished under this recommendation. To comply with a recent change in law, the reports to the Legislature should be provided in an electronic format only.

Management Action

8.2 TDCJ should research and implement innovative alternatives to recruit a more diverse workforce.

TDCJ has historically had difficulty recruiting Hispanic applicants, especially in the service and maintenance (primarily correctional officers) and skilled craft categories. TDCJ should place greater emphasis on recruiting Hispanics by researching and developing alternative or additional programs to increase Hispanic employment levels. As part of the recruiting process, TDCJ should identify

positions that are underrepresented by Hispanics; identify recruitment strategies implemented by other state agencies with a large workforce; research other recruitment methods implemented by other states' correctional agencies; and implement innovative alternatives to recruit more Hispanic applicants. For example, TDCJ could access the experience of other state agencies, such as the Texas Department of Transportation, in developing and implementing effective recruitment strategies. TDCJ should report the progress and results of implementing its new recruitment strategies to the Sunset Commission by September 1, 2014.

Fiscal Implication

This recommendation would not have a fiscal impact to the State.

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¹ Sections 325.0075, 325.011(13), and 325.012(a)(4), Texas Government Code.

² Section 325.011(9), Texas Government Code.

³ Section 493.009(i), Texas Government Code.

⁴ Chapter 876 (S.B. 1428), Acts of the 74th Texas Legislature, Regular Session, 1995.

⁵ TDCJ's HUB statistics include contracts for the Parole Board, although those contracts account for only a small percentage of TDCJ's contracting.

RESPONSES TO ISSUE 8

Recommendation 8.1

Abolish TDCJ's report on bed ratios for SAFP facilities, and continue all other reporting requirements for TDCJ, the Committee, Windham, and the Parole Board.

Agency Responses to 8.1

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

The Parole Board concurs with this recommendation with the exception of the requirement to include the recommended approval rating in the Parole Guidelines Annual Report as stated in the comments in response to Recommendation 6.1. (Rissie Owens, Presiding Officer – Board of Pardons and Paroles)

For 8.1

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin.

Against 8.1

None received.

Modification

1. Require TDCJ to report to agency leadership on bed ratios at least monthly, and make that information available on the agency's website. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Recommendation 8.2

TDCJ should research and implement innovative alternatives to recruit a more diverse workforce.

Agency Response to 8.2

TDCJ agrees with this recommendation. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

For 8.2

Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin

Against 8.2

None received.

COMMISSION DECISION

Adopted Recommendations 8.1 and 8.2.

NEW ISSUES

NEW ISSUES

The following issues were raised in addition to the issues in the staff report. These issues are numbered sequentially to follow the staff's recommendations. The Commission's decision is on page 107.

General

9. Require TDCJ to strengthen its mission statement to improve outcomes, including incorporating explicit language that accurately reflects its ongoing obligation to assist individuals with rehabilitation and reintegration needs, as well as its responsibility to monitor activities, outcomes, and efficacy. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
10. Streamline interagency communications by requiring the criminal justice agencies to track data and share information about individuals who receive or have received social services, mental health services, substance abuse services, or health services from a particular agency. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
11. Require TDCJ to perform regular assessments of each program offered, with quantifiable data and useful descriptions related to outcomes and details of the programs and treatments offered. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
12. Equip criminal justice departments and agencies with the software and technology to provide rapid and effective information sharing. Require the State to conduct an assessment to determine which information technology systems are used by each agency, which systems are compatible or lend themselves most towards compatibility, which systems can be easily and inexpensively switched over to compatibility systems, and which systems are publicly accessible or have parts that could be accessible via open records. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
13. Require TDCJ to monitor the implementation of policies across and within units, address inconsistencies between unit rules, and require each unit to create a unit-specific handbook. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
14. Require wardens and administrative staff throughout facilities in Texas to be in frequent communication to coordinate policies and rules across units and regions. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

System Oversight

15. Establish an Independent Oversight Committee on Corrections to hold TDCJ accountable for its practices. The Oversight Committee would include, but not be limited to former TDCJ offenders successfully reintegrated in their communities; current TDCJ offenders exhibiting maturity and stability while incarcerated; members of current and former offenders' families; mental health professionals not serving TDCJ; medical professionals not serving TDCJ; members of the legal profession not directly serving TDCJ; representatives of

faith-based organizations serving the prison population; and representatives of prison reform organizations. (Carolyn Esparza – Executive Director, Community SOLUTIONS of El Paso; Chair, Prisoner’s Family Conference; and President, El Paso CURE for Prison Reform, El Paso)

16. Establish an independent task force to:

- Investigate the various ways in which TDCJ is not complying with the Ruiz settlement.
- Investigate the failures of TDCJ Health Services and Correctional Managed Health Care to provide the required standard of medical care for all offenders, and especially the elderly.
- Revamp the I-60 and Grievance System to enable offenders to be able to effectively appeal TDCJ neglect of its own policies and procedures, in relation to health care, areas of retaliation, abuse of inmate property, and physical abuse, using a process outside TDCJ.
- The Task Force should make every effort to identify and conduct in-depth, confidential interviews with inmates who have long time experience in TDCJ and who are well known to volunteers. (Dr. Frank V. Manning, Georgetown)

17. Create an independent Coordinating Review Council to review and monitor TDCJ, including the following duties:

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

(Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

For New Issue 17

Brian Olsen, Executive Director – AFSCME/CEC7, Austin

18. Expand the oversight duties of the Office of the Independent Ombudsman for the Texas Juvenile Justice Department to include all youth in TDCJ. (Ana Yáñez-Correa, Ph.D., Executive Director and Jennifer Carreon– Texas Criminal Justice Coalition, Austin)
19. Institute an independent criminal justice ombudsman's office. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Public Input, Communication, and Complaints

20. Require TDCJ to provide summary information about an offender's disciplinary history to a victim, a close relative of a deceased victim, or a guardian of a victim upon request, including information relating to the violation and punishment imposed. Under this provision, specific information relating to ongoing criminal investigations would be exempt from disclosure, and a victim, a close relative of a deceased victim, or a guardian of a victim would be prohibited from publicly releasing information otherwise considered confidential. (Representative Dennis Bonnen, Chair – Sunset Advisory Commission)
21. Create regional avenues of communication for professionals in the private sector, including the private nonprofit sector, to communicate with TDCJ. Require this dialogue be conducted with designated representatives of each of TDCJ's six regions and include matters such as reentry activity and programming at TDCJ; educational endeavors and vocational rehabilitation plans at Windham; and healthcare issues concerning both the Correctional Managed Health Care Committee and TDCJ. (Howard Marnan – Texas CURE, Shavano Park)
22. Require the Texas Board of Criminal Justice to increase the frequency and opportunity for public input on important criminal justice matters. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
23. Require the Texas Board of Criminal Justice to clarify the process for providing public input to make it more transparent so the public is more informed as to when and how to participate in critical hearings or to bring matters to the Board's attention. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
24. Require TDCJ to allow the public to participate in policy and rulemaking discussions and to have greater access to officials, administrators, and the internal operations of its divisions. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
25. Require TDCJ to improve overall information sharing and dissemination, especially with regard to policy and procedural changes and offender status updates using a means other than its website. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
26. Require TDCJ to keep offenders and family members apprised of operational changes and to provide the option to receive notifications and important information such as status or location changes. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

27. Require TDCJ to immediately notify family members if an offender's status changes. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
28. Require TDCJ to inform every person incarcerated within its system of policy changes; to distribute individual or block-level notices of policy changes; and to utilize and distribute the Echo. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
29. Require TDCJ to ensure all personnel who respond to family or visitor questions are knowledgeable about agency policies and consistent in their responses. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
30. Require TDCJ to create a centralized customer service department and a more transparent complaint process to allow members of the public to inquire or lodge complaints about services, policies, and practices. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
31. Require TDCJ to change the name of the Ombudsman Office to something more recognizable and illustrative of the function it serves, such as the Public Complaints and Inquiries Office. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
32. Require TDCJ to clarify and streamline the process for addressing public concerns, including cataloging complaints based on issue raised and auditing complaints to see where improvements to the system should be made. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
33. Require TDCJ to publish complaint information on its website and any other location accessible to the public. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
34. Require TDCJ to conduct regular evaluations of its services by providing offenders, family members, and the public with customer service evaluation forms, made available year round, to express concerns and comment on services; and require TDCJ to regularly collect and synthesize this data, producing a report for review by the agency and the Legislature and made available to the public. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
35. Require TDCJ to produce quarterly reports that record the types of inquiries it receives and the time it takes to respond to them. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
36. Require TDCJ to post Administrative Directives online. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
37. Require TDCJ to centralize all documents that have been requested via an Open Records Request. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Contracting

38. Require TDCJ to add specific criteria to all private prison contracts including annual reporting comparing private versus public run facilities related to employee vacancy and turnover rates, serious incidents comparisons, and assault and suicide rates; and reporting of additional revenue generated within private facilities. (Bob Libal, Senior Organizer – Grassroots Leadership, Austin)
39. Require TDCJ to make private prison contract monitoring documents available on TDCJ's website. (Bob Libal, Senior Organizer – Grassroots Leadership, Austin)
40. Require TDCJ to monitor and establish goals with financial consequences for all future contracts with the private prison industry, including damages for contract noncompliance, unacceptably high staff vacancies and high turnover rates, and serious incidents of violence and sexual assault. (Bob Libal, Senior Organizer – Grassroots Leadership, Austin)
41. Require TDCJ to consider past performance when deciding whether to contract with a private prison company, including consideration of the company's previous record, whether the company has experienced any difficulties meeting state expectations, whether the company has lost a contract with state agencies in the past, or if the company has been subject to multiple lawsuits. (Bob Libal, Senior Organizer – Grassroots Leadership, Austin)

Staffing and Training

42. Require TDCJ to provide staff training on restorative justice, conflict resolution, and conflict mediation with an emphasis on de-escalation. (Sarah V. Carswell, Policy Researcher – Texas Criminal Justice Coalition, Austin)
43. Require TDCJ to train correctional officers on how to model appropriate behavior for offenders, and instruct correctional officers in leadership, supervision, and management practices necessary to instill discipline in the offender population. (Deacon Doots DuFour, Director – Diocese of Austin)
44. Require TDCJ to provide time and benefits that were withheld during suspension back to an employee who is suspended and later cleared of misconduct through mediation or a court. (Lisa Herring, Steward – AFSCME, Trinity)
45. Require TDCJ to reduce or eliminate the training provided at the Parole Officer Training Academy and instead provide two weeks of orientation and then on-the-job training at a district parole office with only a 25:1 caseload. (Gladys M. House, Houston)
46. Increase parole officer pay to the same level as a Department of Public Safety Trooper 2. (Gladys M. House, Houston)
47. Require TDCJ to meet with employees at a townhall forum after receiving written input on the best possible employee medical plan, and then incorporate this staff input into an acceptable, affordable, and effective medical plan authorized by the majority of employees. (Gladys M. House, Houston)
48. Contribute more to TDCJ employee pension plans. (Gladys M. House, Houston)

49. Require TDCJ to get input from parole and correctional officers related to its overtime policy and require TDCJ to pay cash for overtime. (Gladys M. House, Houston)
50. Require TDCJ to obtain input from the daily work force about TDCJ's turnover rate. (Gladys M. House, Houston)
51. Improve technology available to probation and parole officers. (Steve Huerta, Council President – LULAC)
52. Require TDCJ to add a fourth step to the employee grievance process, which would include an independent review outside the agency. (Brian Olsen, Executive Director – AFSCME/CEC7, Austin)
53. Grant employee organizations that are certified and recognized by the State access to TDCJ units on a quarterly basis. (Brian Olsen, Executive Director – AFSCME/CEC7, Austin)
54. Require TDCJ to change the first step of the employee grievance process by taking it off the units and having grievances go to the personnel department instead of the warden. (Brian Olsen, Executive Director – AFSCME/CEC7, Austin)
55. Require TDCJ to provide training for correctional officers on dealing with the public. (Beth Powell, Denton)
56. Increase funding allocations to the criminal justice system to hire additional staff, make salaries competitive to recruit highly qualified staff with specialized skills, and increase/broaden evidence-based and specialized training for all staff. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
57. Ensure budget funds for the Windham School District are allocated more heavily towards qualified instructional staff to improve access to vocational and educational training. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
58. Require TDCJ to include verbal and emotional abuse, neglect, and failure to intervene when witnessing violence between incarcerated individuals, under the definition of staff abuse. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
59. Provide increased training opportunities for correctional officers to better equip them with strategies to address the needs of offenders who have been sexually assaulted and to prevent violence, including identification and handling of vulnerable offenders, suicide prevention, and strategies to reduce the risk of assaults. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
60. Expand mentoring periods for new correctional officers beyond the current weeklong allotment and provide resources for access to counseling. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
61. Require TDCJ to offer managerial and leadership training for staff in supervisory positions, and to effectively recognize accomplishments. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

62. Ensure that system staff has access to adequate and frequent training on substance abuse and mental health issues. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
63. Require TDCJ to provide trainings covering violence provision and conflict de-escalation techniques. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
64. Require TDCJ to implement incentives to recruit employees with a higher level of education. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
65. Require TDCJ to support current employees in obtaining higher education. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
66. Offer higher pay and training to correctional officers on a scale proportionate to level of risk. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
67. Require TDCJ to explore additional evidence-based strategies for retaining employees. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
68. Require TDCJ to conduct a broader survey of correctional officers to identify issue areas that are not covered in current trainings. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
69. Require TDCJ to base promotions and training on appropriate application of issues learned. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
70. Require TDCJ to consult an outside team of professionals to conduct a broad, anonymous survey of correctional officers to identify the nature of racism in the workplace. Require TDCJ to develop an evidence-based protocol for dealing with racism. Require TDCJ to implement anti-racist trainings and cultural competency workshops. Require TDCJ to engage in a similar process to identify possible problems with sexism and other discriminatory processes. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
71. Strengthen CJAD through resources for additional staff. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
72. Provide the necessary resources to recruit and train staff and parole officers who are committed to reducing recidivism through an emphasis on appropriate and necessary programming, and the elimination of unduly burdensome supervision conditions. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
73. Allocate funding for an increase in parole officer staffing, ensuring that officer-to-parolee ratios are consistent with performance measures and best practices. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
74. Require TDCJ's Parole Division to increase the professional development of parole practitioners through trainings that promote evidence-based practices and measurable outcomes, including motivational interviewing, trauma-informed care, workforce

development, and substance abuse and mental health. Require TDCJ to offer trainings regionally and during the workweek. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

75. Require TDCJ to clarify employee grievance decisions; ensure confidentiality for employees who file grievances; and create an independent employee grievance review board, or identify a non-biased, third-party to review grievances to add another level of fairness in the employee grievance process. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Community Supervision/Probation

Structure and Funding

76. Request that the Legislature, through the legislative appropriative committees, and the Legislative Budget Board study the impact of the current method of providing health insurance for CSCD staff and retirees; determine the feasibility of the Employee Retirement System (ERS) fully managing CSCD health insurance; and consider placing CSCD insurance amounts as an ERS funding line item. (Representative Dennis Bonnen, Chair – Sunset Advisory Commission)
77. Request the Legislature to study the feasibility of transferring CSCD insurance funding from CSCD funding strategies to ERS, along with funding future increases in health insurance appropriations in ERS appropriations. (Toby Ross, President – Texas Probation Association)
78. Request the House Corrections Committee, House Appropriations Subcommittee on Article V, and House Pensions, Investments, and Financial Services Committee to jointly study CSCD insurance funding. (Toby Ross, President – Texas Probation Association)
79. Request the Legislative Budget Board to study the impact of the current method of providing health insurance for CSCD staff and retirees, and determine the feasibility of the Employees Retirement System of Texas fully managing CSCD health insurance. (Michael D. Wolfe, Chairman; Paul Becker, Vice Chairman; and Caroline Rickaway, Member – Probation Advisory Committee and Toby Ross, President – Texas Probation Association)
80. Request the Legislative Budget Board and ERS to consider placing CSCD insurance amounts as an ERS funding line item. (Michael D. Wolfe, Chairman; Paul Becker, Vice Chairman; and Caroline Rickaway, Member – Probation Advisory Committee)
81. Modernize probation funding by frontloading it. (Marc Levin, Director – Center for Effective Justice, Texas Public Policy Foundation, Austin)
82. Provide funding to support GPS for absconders in lieu of revoking them to TDCJ. (Marc Levin, Director – Center for Effective Justice, Texas Public Policy Foundation, Austin)
83. Provide funding for the commitment reduction program enacted under Senate Bill 1055 during the 82nd Legislative Session. (Marc Levin, Director – Center for Effective Justice, Texas Public Policy Foundation, Austin)

84. Grant CJAD greater independence and budget authority, including the authority to develop its own legislative appropriations request and maintain its own budget authority. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
85. Ensure that Texas' probation system has the resources to protect public safety and taxpayer dollars, including maintaining funding while allocating funding for insurance premiums fully but separately; allocating funding towards evidence-based practices in probation; and removing barriers that prevent departments and leadership from employing best practices. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
86. Maintain the allocation of funds for community-based substance abuse, mental health, and co-occurring disorder treatment programs proven to be effective. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
87. Provide probation departments with necessary resources to identify, recruit, and retain highly qualified Community Supervision Officers who understand the nuances of substance abuse and mental health issues and who are committed to a client-centered approach. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
88. Ensure that CJAD is resourced at levels that will allow it to help departments implement evidence-based practices and progressive sanctions by providing more technical assistance and staff training. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
89. Help system leadership reduce the intake of nonviolent individuals suffering from drug abuse into confinement by strengthening investments in community-based supervision and treatment. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
90. Invest in community-based residential parenting programs and education services. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Programming

91. Require probation departments to submit evidence-based program proposals to CJAD to help inform technical assistance and program grants. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
92. Require probation departments that receive assistance to be subject to periodic review based on a cost-benefit analysis of risk-reduction outcome measures including recidivism and revocations, and probationer success rates. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
93. Require probation department leadership to improve the use and implementation of uniform, validated risk/needs-based assessment tools for probationers. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
94. Continue to invest in progressive sanctions for probation violators. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

95. Invest in and strengthen mental health treatment options and resources for probationers. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
96. Grant probation departments flexibility to provide appropriate administrative sanctions to probationers with technical violations. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
97. Require probation departments with high revocation rates to create a Revocation Review Board. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
98. Require probation departments to assist probationers in meeting their payment obligations, including permitting individuals who absconded for financial reasons to enter into payment plans. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
99. Require probation departments to weigh supervision so it is heaviest during the early critical period (the first eight months) of probation terms, with officer caseloads adjusted accordingly. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
100. Require departments to contract with a broad spectrum of community-based providers and local services. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
101. Grant more authority to probation departments to meet local needs by allowing departments to create policies that permit officers, instead of collaborating with judges, to make swift decisions about program placement. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
102. Require system practitioners to utilize early assessments to determine co-occurring disorders. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
103. Require probation leadership and community partners to strengthen gender-specific programming in community supervision. Require programming to include education and job placement services, wrap-around services, and childcare. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
104. Require probation leadership to utilize existing treatment programs to address women's specialized needs, especially needs related to trauma. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
105. Require probation leadership to address the specialized needs of military veterans, especially with respect to post traumatic stress disorder and traumatic brain injury, through treatment in supportive environments and better standards for medication-assisted therapy. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

TDCJ Confinement PoliciesPrison Conditions

106. Require TDCJ to allow dietary supplements to be made available to incarcerated individuals, for purposes of reducing violence, increasing offender health, and decreasing medical expenses. Require TDCJ to permit family and friends to purchase and send nutritional supplements and food high in fiber and nutritional content to incarcerated individuals. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
107. Require TDCJ to improve property storage in offenders' cells to reduce disease, enhance offender health, and increase unit security. Require TDCJ to issue each offender a set of plastic, easily cleaned, stackable containers for property storage. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
108. Require TDCJ to issue abandoned and confiscated property to indigent offenders to enhance unit security. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
109. Require TDCJ to comply with national heating and cooling standards, maintain a temperature in all units not to exceed 84 degrees, and install heating and air conditioning units, as necessary, to maintain such standards. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
110. Require TDCJ to ensure that quality drinking water is readily accessible to all correctional officers and incarcerated individuals. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
111. Require TDCJ to publicly post and distribute the findings of its 2011 nutritional review, in compliance with national standards. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
112. Require TDCJ to make commissary goods more accessible, offer more items for free, and identify ways to lower other prices. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Visitation and Family Reunification

113. Require TDCJ to establish a review process where a sex offender can request an individual review of their request for contact visits with their child and a decision made by a review board based on information as to whether or not the child was involved in or the intended victim of the crime, or any other information made available. (Genny Aaron, Mineral Wells)
114. Require TDCJ to establish and enforce a uniform attorney-client visitation and phone call policy across all units, including improved telephone access. (Alex Bunin – Harris County Public Defender's Office, Houston)
115. Require TDCJ to improve visitation access between defense lawyers and their offender clients, including the ability to conduct face-to-face interviews. (Alex Bunin – Harris County Public Defender's Office, Houston)

116. Require TDCJ to implement policies that creatively transfer offenders and allow visitation based on an offender's positive behavior. (Sarah V. Carswell, Policy Researcher – Texas Criminal Justice Coalition, Austin)
117. Require TDCJ to provide something for children to do while families visit offenders. (Beth Powell, Denton)
118. Require TDCJ to provide longer visitation hours. (Beth Powell, Denton)
119. Require TDCJ to house offenders in correctional facilities located closer to their homes and families. (Beth Powell, Denton)
120. Require TDCJ to develop objective criteria for special circumstance, non-immediate family member contact visits, and require that once contact visitation criteria are established that they remain in place across all units, if no disciplinary infractions occur or visitation patterns change. (Lynnie Smith, Dallas)
121. Require TDCJ to make every effort to locate offenders in units as close to their homes as possible. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
122. Require TDCJ to loosen requirements for hardship transfers, and implement a creative, strategic approach to transfers. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
123. Require TDCJ to allow increased visitation hours and opportunities to individuals who make positive choices. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
124. Require TDCJ to award incarcerated individuals performance-based privileges to increase family interaction. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
125. Require TDCJ to make the following improvements to the parent-child and familial interaction:
 - Improve the orientation process for family members and allow for an orientation question and answer period.
 - Make visitation rooms and environments more family friendly.
 - Encourage play between parents and their children with developmentally appropriate toys.
 - Remove the “loud and boisterous” restriction on visitation.
 - In units where visitors are separated by glass, permit contact visits between offenders and children (excluding offenders with offenses against children).
 - Welcome on-site volunteers to assist family visits.
 - Make special accommodations for people with disabilities.

- Extend special visitation hours to those forced to travel great distances.
- Use Skype or live-video call technology in designated rooms to increase visitation opportunities for relatives who can demonstrate inability to travel.
- Increase the use of child-friendly programming outside of visitation.

(Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

126. Require TDCJ to improve faith-based family interaction strategies by improving the availability of community-based, spiritual mentoring for individuals and their families pre- and post-release. TDCJ should consider creating faith-based reentry wings at facilities for certain populations. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
127. Require TDCJ to provide family-based therapeutic interventions to individuals who are low-risk and within 12-months of release, whenever possible. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
128. Require TDCJ to improve the ability of incarcerated mothers to interact with their children. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Administrative Segregation

129. Clarify mental health and rehabilitation services policies, specifically for offenders in administrative segregation. (Andrea Earl, Policy and Advocacy Coordinator – Texas Impact, Austin)
130. Require TDCJ to improve administrative segregation visitation policies including hours, opportunities, and available areas. (Robert L. Ezzner – TIFA, Pflugerville)
131. Authorize offenders housed in administrative segregation to access correspondence classes. (Robert L. Ezzner – TIFA, Pflugerville)
132. Require TDCJ to review its administrative segregation policies, rely on a frontloaded program to ensure offenders are not gang-affiliated when released from administrative segregation, and place offenders back in general population. (Matt Simpson, Policy Strategist – ACLU, Austin)
133. Require TDCJ to reduce reliance on the use of administrative segregation and increase opportunities for rehabilitation. Require TDCJ to reexamine classification policies that automatically assign security threat group members to administrative segregation; undergo a thorough review of other states' administrative segregation policies especially Mississippi's; and assess individuals in administrative segregation for likelihood of violence. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
134. Require TDCJ to permit offenders in administrative segregation to participate in programming and social visits with family. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

135. Require TDCJ to administer regular mental health assessments and treatment to individuals in isolation for long periods of time. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
136. Require TDCJ to prohibit the use of administrative segregation for incarcerated offenders ages 14 to 25, and instead emphasize and enhance rehabilitation. (Ana Yáñez-Correa, Ph.D., Executive Director and Jennifer Carreon – Texas Criminal Justice Coalition, Austin)
137. Require TDCJ to reassign all incarcerated individuals under the age of 25 to alternative placements, and follow the Alternative Treatment Plan process outlined in TDCJ's Youthful Offender Program. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
138. If an adolescent must be placed in administrative segregation, require a mental health professional to make daily visits and provide educational assignments to address the issue(s) that placed the youth in segregation with a focus on correctives. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
139. Require TDCJ to reduce the number of people who are classified as members of a Security Threat Group. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
140. Prohibit TDCJ from holding incarcerated individuals in administrative segregation during the last 12 months of their sentence. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Offender Grievances

141. Create an independent board to review TDCJ staff and offender grievances. (Sarah V. Carswell, Policy Researcher – Texas Criminal Justice Coalition, Austin)
142. Require TDCJ to improve access to grievance forms through placement in additional common areas. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
143. Require TDCJ to increase the grievance-filing period. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
144. Require TDCJ to provide a written response specifying why grievances are denied. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
145. Create an independent grievance board that is appointed by the Governor and composed, at least partially, of members who were never employed by TDCJ. Require this board to review more serious grievances. Make members' credentials, expertise, and decision patterns public to constituents. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
146. Require TDCJ to ensure confidentiality for prisoners who file grievances. Establish a "zero tolerance" policy for failure to protect prisoners from retaliation when they use the grievance system. Require TDCJ to institute severe consequences for staff members who engage in

retaliation and encourage other staff members to report misconduct. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

147. Require TDCJ to strengthen the clarity of Offender Grievance Program processes, specifically through more easily understandable instructions and by providing support in filling out forms and following the process. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
148. Require TDCJ to utilize grievances as an opportunity to identify patterns among staff members and on particular units. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
149. Remove the handling of all offender grievances from the control of TDCJ. (Mary)

Prison Rape Elimination Act Ombudsman

150. Require TDCJ to update policies and manuals to meet current Prison Rape Elimination Act (PREA) standards. (Travis Leete, Policy Analyst – Texas Criminal Justice Coalition, Austin)
151. Require TDCJ to increase the safety of prison environments through steps to reduce sexual assaults, including enacting the following changes.
 - Require the PREA Ombudsman and Safe Prison Program staff to promote their services through print and radio media.
 - Require the Ombudsman to conduct surprise visits at facilities.
 - Require the Ombudsman to create sexual assault report forms, rather than requiring letters.
 - Require individuals to be notified of where they stand in the resolution process.
 - Require the Ombudsman to collect additional data to be used to identify patterns of abuse or misconduct.
 - Require the Ombudsman to contact volunteers to counsel individuals who have been assaulted.
 - Require the Ombudsman to compile a document of “best practices” in sexual assault prevention for wardens.
 - Require Ombudsman’s reports that are sent to the Texas Board of Criminal Justice to also be sent to legislative offices and selected advocates.
 - Require the Ombudsman’s Office to collaborate with the Reentry Task Force on strategies to address the needs of those who have been assaulted.

(Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

152. Encourage TDCJ to commit to a “zero tolerance” policy on sexual assaults based on the 41 PREA standards and monitor implementation of standards at each facility. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Youthful Offender Program

153. Require TDCJ to amend qualifications for new hires responsible for supervising youth to require them to possess an ability to work with youth in an empathetic and understanding manner; an ability to foster the cooperation of youth in the treatment process; an ability to communicate effectively with youth and to explain the progress of the youth to family members and other treatment staff; an introductory knowledge of child development and the role of the family; and introductory knowledge of the causes of juvenile delinquency and current methods of juvenile offender treatment; and an introductory knowledge of the general techniques of communicating with and counseling adolescents. (Jennifer Carreon, Juvenile Justice Researcher – Texas Criminal Justice Coalition, Austin)
154. Require TDCJ to frequently review staff training to ensure the provision of quality, age-appropriate treatment and services for youth. (Jennifer Carreon, Juvenile Justice Researcher – Texas Criminal Justice Coalition, Austin)
155. Improve the safety, security, and outcomes of youth housed in Texas prisons and state jails, and ensure all youth have access to age appropriate programming and education. (Lauren Rose, Mental Health and Juvenile Justice Policy Fellow – Texans Care for Children, Austin)
156. Review the youthful offender program and ensure youthful offenders have access to education. (Matt Simpson, Policy Strategist – ACLU, Austin)

Reentry Services

157. Require TDCJ to work with local entities, such as counties, faith groups, and other organizations to assist in providing resources to offenders released from incarceration. (Deacon Doots DuFour, Director – Diocese of Austin)
158. Require TDCJ to target state jail inmates for reentry planning while they are incarcerated. (Greg Gibson, Chair – Policy Reform Committee, Austin/Travis County Reentry Roundtable, Austin)
159. Require TDCJ to engage in formal partnerships to facilitate the sharing of data and leveraging of resources with community-based entities involved in reintegrating individuals exiting from TDCJ. (Greg Gibson, Chair – Policy Reform Committee, Austin/Travis County Reentry Roundtable, Austin)
160. Charge the Reentry Task Force with making recommendations on policy and practice changes to enhance reentry. (Greg Gibson, Chair – Policy Reform Committee, Austin/Travis County Reentry Roundtable, Austin)
161. Require TDCJ to clearly outline the expectations of parole and probation officers and include an expectation that they focus on reentry. (Steve Huerta, Council President – LULAC)
162. Require better information sharing and reporting between entities within the criminal justice system, especially with respect to reentry. (Steve Huerta, Council President – LULAC)
163. Require further study to identify root causes for TDCJ's failure to meet its reentry requirements and include cost-benefit analysis of realistic options to address this failure. (Dr. Bob Jarvis, Austin)

164. Require TDCJ to maintain proper documentation and comprehensive, accurate individual offender case management records. Give these records priority attention, subject them to frequent audit and independent scrutiny, and make them available to appropriate offender representatives and counsel. (Dr. Bob Jarvis, Austin)
165. Require the Reentry Task Force to increase efforts to develop and maintain a close partnership with TDCJ program administrators and service providers in the community. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
166. Require TDCJ to create assessment-driven, individualized reentry plans that span intake and incarceration. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
167. Require TDCJ administrators to improve departmental assessment tools and promote a comprehensive, system-wide assessment that more effectively assists system-involved individuals. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
168. Require TDCJ to collect additional information at intake to include data related to: cognitive behavior, criminal history, violence or abuse, and criminal behavior; academic abilities, intellectual functioning, literacy, and language skills; employment history, work history, post-incarceration employment options; interpersonal relationships, family ties and support, parental responsibilities, and communication skills; wellness information, health promotion and disease prevention, disease management, a post-incarceration healthcare transition plan, and governmental assistance; mental health information substance abuse management, and illness/abuse management; personal characteristics and responsibilities; leisure activities; financial management, housing status, family care, and access to community-based resources. Require TDCJ to verify offender data and make it available to policy-makers, parole officers, and reentry entities. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
169. Require TDCJ to update individualized offenders' reentry plans prior to release to capture changes during incarceration, and require TDCJ to provide the plan to the exiting individual. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
170. Require TDCJ to provide exiting individuals with a county-specific resource packet, at the time of release that includes information on workforce offices, housing options, and support groups. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
171. Require TDCJ to provide individuals nearing release with secured access to a regularly updated electronic database that contains information necessary for reentry. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
172. Require TDCJ to continue to ease restrictions on obtaining basic identification and certification documents. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

173. Require TDCJ to verify individuals' true identities and document the status of individuals' state identification at intake. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
174. Require TDCJ to provide exiting individuals with certification documents at discharge, including a verification of work history and a certification of educational or treatment programs completed during incarceration. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
175. Prioritize housing assistance in “high stakes” communities by allocating housing funds to these particular communities to target areas most in need. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
176. Invest in affordable housing options for returning individuals, which may require partnership with the community. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
177. Wherever possible, direct local Texas housing authorities to utilize federal housing assistance programs to help previously incarcerated individuals find places to live. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
178. Within the limitations of federal law, direct the Texas State Affordable Housing Corporation to maximize the availability of low-cost housing options for previously incarcerated individuals. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Rehabilitation, Educational, and Vocational Programs

General

179. Require TDCJ to institutionalize a culture that welcomes reliance on volunteers, where safety permits, and make efforts to recruit volunteers, including family members, friends, and other community-based providers, to assist in providing rehabilitative services. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
180. Increase the availability of programs by offering more rehabilitation beds at additional units. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
181. Require TDCJ to improve the quality of in-prison programs through annual assessments of each program and require TDCJ to implement standard performance measures. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
182. Require TDCJ to increase programming innovation through community partnerships, especially for educational service provision. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Placement

183. Require TDCJ to identify, assess, and prioritize for program admission, any individuals who are within two years of exiting confinement. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

184. Require TDCJ to reexamine the requirements and exclusions from program participation, considering also the disparity in services, especially with respect to gender exclusivity. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

185. Prohibit the revocation of programming for disciplinary purposes where possible. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Educational and Vocational Programming

186. Authorize TDCJ to allow correspondence courses or other distance learning courses through a wireless internet system monitored by TDCJ. (Jennifer Erschabek, Austin)

187. Appropriate commissary profits to buy equipment for distance learning. (Jennifer Erschabek, Austin)

188. Require the Windham School District to grant high school diplomas. (Todd J. Jermstad, Belton)

189. Require Windham to issue high school diplomas instead of GEDs. (Marc Levin, Director – Center for Effective Justice, Texas Public Policy Foundation, Austin)

190. Provide additional digital learning opportunities for offenders through Windham. (Marc Levin, Director – Center for Effective Justice, Texas Public Policy Foundation, Austin)

191. Expand the peer education program for offenders. (Jorge Antonio Renaud, Inmate Correspondence Coordinator – Texas Criminal Justice Coalition, Austin)

192. Appropriate adequate funds to Windham to help offenders find jobs when they are released from TDCJ. (Issac White, Waller)

193. Restore the Windham School District to its original 2010 appropriation and size, and ensure that all prisoners have access to programs that meet basic educational requirements, such as GED courses and literacy programs. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

194. Require TDCJ to expand the low-cost Peer Educator Program by identifying skilled offenders and training them to share knowledge. Require TDCJ to provide space for peer educator workshops that focus on developing critical thinking skills through dissemination of shared knowledge. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

195. Require TDCJ to strengthen rehabilitation programs and services that focus on vocational training and employment by improving pre-release training programs that emphasize communication and soft skills; considering the use of distance learning; and strengthening the ability of probation and parole officers to match individuals with needed employment opportunities. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

196. Require TDCJ to strengthen rehabilitation programs and services that focus on improving financial literacy and responsibility. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Rehabilitation Programming

197. Require TDCJ to strengthen rehabilitation programs and services that focus on substance abuse. Require TDCJ to maintain the availability and improve the quality of substance abuse treatment programming in prisons, and strengthen investments in community-based supports for reentering individuals who suffer from substance abuse. If TDCJ cannot link offenders with community-based services prior to their release, require TDCJ to offer exiting individuals a comprehensive contact list to local providers. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
198. Require TDCJ to strengthen rehabilitation programs and services that focus on mental health. Require TDCJ to improve diagnoses, and increase mental health service provision and availability at correctional facilities, and strengthen investments in community-based supports for reentering individuals with mental health needs. If TDCJ cannot link offenders with community-based services prior to their release, require TDCJ to offer exiting individuals a comprehensive contact list to local providers. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
199. Require TDCJ to strengthen rehabilitation programs and services that focus on veterans. Specifically, require veteran-centered programming to offer post-traumatic stress disorder counseling and provide overdose- and suicide-prevention materials to incarcerated veterans. TDCJ and community organizations should partner with the U.S. Department of Veterans Affairs to ensure smooth transition to the community. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
200. Require TDCJ to strengthen rehabilitation programs and services that focus on parenting and family reunification. Require TDCJ to offer parenting skills and family reunification programs for both male and female prisoners. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
201. Require TDCJ to provide, when possible, family-based therapeutic interventions to individuals who are low-risk and/or are within 12 months of release. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Gender-Specific Objectives and Programming

202. Invest in gender-specific programming to meet the needs of growing female populations. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
203. Require TDCJ to improve standards among in-prison, women-focused treatment programs by requiring facilities to implement treatment and trauma-informed programming in all-female settings, where women may feel more nurtured, supported, and comfortable. Require the curriculum to address many of the common barriers to success for women leaving confinement including parenting responsibilities, abusive relationships, money, and health issues. Where possible, require treatment to be part of a continuum of care that continues after release. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

204. Require TDCJ to make efforts to develop specific, comprehensive treatment programs for women who suffer from substance abuse, mental health issues, and/or trauma. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
205. Require TDCJ to target pre-release populations and ensure post-release follow-up. Require pre-release programming to include economic planning; training in parenting, communication skills, and cognitive thinking; assistance in building self-esteem and strengthening self-care skills; provision of basic information on legal rights in regard to reuniting with children, and on dealing with domestic violence; referrals to other agencies for assistance with housing and areas of particular importance to women with children; and support services and emergency assistance for basic necessities. Require TDCJ to enter into inter-agency agreements with child welfare agencies to increase the likelihood of family reunification upon release. Require TDCJ to provide aftercare and follow-up. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
206. Require TDCJ to increase programming for pregnant offenders and allow more time for incarcerated mothers to spend with their new infants. Specifically, permit infants born to women in TDCJ to stay with their mothers until one day after their first birthday. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
207. Invest in prison nurseries, proven to work in other states to keep new mothers and their infants together longer. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Offender Health Care

208. Appropriate dramatically more money for offender health care. (Brian McGiverin – Texas Civil Rights Project, Austin)
209. Repeal the \$100 medical service fee for incarcerated individuals. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

State Counsel for Offenders

210. Restructure the State Counsel for Offenders (SCFO) as an independent entity overseen by a board structured like the board of directors of a special prosecution unit or alternatively provide SCFO with budget independence like the Parole Board. (Alex Bunin – Harris County Public Defender's Office, Houston)
211. Establish pay parity among SCFO defense lawyers and prosecutors in the special prosecution unit. (Alex Bunin – Harris County Public Defender's Office, Houston)

For New Issue 211

David P. O'Neil, Chairman – Texas Criminal Defense Lawyers Association, Huntsville and Bill Habern, Huntsville

212. Require the SCFO director to have five or more years of defense lawyer experience and experience handling at least 10 felony trials, and prohibit recent employment by TDCJ or the Parole Board. (Alex Bunin – Harris County Public Defender's Office, Houston)

213. Establish the State Counsel for Offenders as an independent entity. (David P. O’Neil, Chairman – Texas Criminal Defense Lawyers Association, Huntsville and Bill Habern, Huntsville)

Parole

Structure and Coordination

214. Unify the Parole Board and TDCJ’s Parole Division under one administrative authority. (Alex Bunin – Harris County Public Defender’s Office, Houston)

For New Issue 214

Roger Nichols, Austin

215. Streamline the parole process by moving TDCJ’s Parole Division within the purview of the Board of Pardons and Paroles, but place special safeguards to ensure that the entity responsible for supervising individuals released to the community retains a degree of autonomous authority to govern its daily activities, including prohibiting Commissioners or Board members from directly overseeing daily operations. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
216. Require the Parole Division and Board of Pardons and Paroles to improve coordination and exchange of information in regard to programs and conditions. Such information sharing should include information related to fees owed by individuals, like restitution, as well as expired or extinguished charges, and any relevant information that will help avoid revoking or penalizing an individual based on erroneous or outdated information. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
217. Require the Parole Board and TDCJ’s Parole Division to coordinate and reduce the likelihood and impact of unnecessary revocations. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
218. Require TDCJ and the Parole Board to collaborate in expediting program placements. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Parole Release and Revocation

General

219. Require further study to clearly identify and appropriately address the root causes for the Parole Board’s failure to meet its legislative quality requirements. (Dr. Bob Jarvis, Austin)
220. Authorize court action against the Parole Board for violation of legislative mandates. (Dr. Bob Jarvis, Austin)
221. Appoint additional Parole Board members and Parole Commissioners, and diversify voting panels by ensuring that new members have expertise in specific areas like medicine and rehabilitation. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

222. Provide the Board of Pardons and Paroles with the necessary resources to facilitate expert recommendations on its risk assessment tool and parole guidelines. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Offender Representation

223. Clarify and make enforceable the statute that prohibits representation of offenders before the Parole Board by persons not licensed by the State Bar of Texas. (Alex Bunin – Harris County Public Defender’s Office, Houston)
224. Provide experienced, independent legal counsel with full access to appropriate records to officially represent offenders or parolees for all hearings. (Dr. Bob Jarvis, Austin)

Parole File

225. Require the Parole Board to disclose non-victim information in a parole file. (Alex Bunin – Harris County Public Defender’s Office, Houston)
226. Require any evidence or information considered by the Parole Board to be subject to a statute or an administrative rule requiring that the “indicia of reliability” be ensured. Any protest information should be supplied under oath or allowed for consideration only when supported by substantiating evidence. The burden of ensuring the truth of the information should be on those who file the information. (Alex Bunin – Harris County Public Defender’s Office, Houston)
227. Require TDCJ to review all parole files and parole protests for errors. (Bill Habern, Huntsville)
228. Require the Parole Board to disclose offender disciplinary records to crime victims for use in parole hearings. (Andy Kahan, Victim Advocate – City of Houston, Houston)
229. Require the Parole Board to ensure incorrect information is not included in an offender’s file. (Beth Powell, Denton)
230. Grant prisoners, or their attorneys, access to portions of the parole file to ensure that the Parole Board is basing release decisions on accurate and up-to-date information. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Release Decisions

231. Revise the Parole Board’s set-off policy relating to an incomplete offender file, to calculate the set-off date from the date the parole should have been considered instead of the date the vote is taken. (Alex Bunin – Harris County Public Defender’s Office, Houston)
232. Require the Parole Board to provide accurate information, including on its website, relating to capital murder offenders’ ineligibility for a five-year set-off. (Andy Kahan, Victim Advocate – City of Houston, Houston)
233. Authorize the Parole Board to grant a maximum five-year set-off when denying parole for capital murder offenders. (Andy Kahan, Victim Advocate – City of Houston, Houston)

234. Create a pilot project that increases the set-off periods for 3G offenders, and require the Parole Board to reduce the time frame between parole review notification to parole decision. (Andy Kahan, Victim Advocate – City of Houston, Houston)
235. Release Texas' most medically expensive and least dangerous offenders. (Brian McGiverin and Michelle Smith – Texas Civil Rights Project, Austin)
236. Reduce the prison population by increasing parole releases, reducing sentences for nonviolent crimes, or both. (Brian McGiverin and Michelle Smith – Texas Civil Rights Project, Austin)
237. Require the Parole Board to parole first-time offenders who serve half their sentence, who can live 20 plus years without a TDCJ case of any kind, who have been model prisoners, who have taken all classes available, and who are not sex offenders. (Linda Oberle, Teague)
238. Require the Parole Board to only consider proven facts and not judge inmate motives for good behavior or allow assumptions to help decide a parole decision. (Linda Oberle, Teague)
239. Require all Parole Board members and support staff to be examined by highly experienced and qualified psychiatrists, selected by the Sunset Advisory Commission or agencies selected by the Sunset Advisory Commission, at least every six months, and prohibit those who lose the ability to judge without bias from going back to work. (Linda Oberle, Teague)
240. Prohibit Parole Board members from serving more than two years. (Linda Oberle, Teague)
241. Increase the number of Parole Board members to help carry the heavy load of cases. (Linda Oberle, Teague)
242. Require the Sunset Advisory Commission to elect an agency or agencies to select mentally healthy individuals who make logical judgments to serve on the Parole Board instead of having the Parole Board affiliated with TDCJ or hired by the Governor. (Linda Oberle, Teague)
243. Require the Parole Board to release inmates who have a proven record of rehabilitation instead of aiming for monthly and annual percentage quota of positive votes. (Linda Oberle, Teague)
244. Require the Parole Board to ensure consistency and fairness of parole decisions. (Beth Powell, Denton)
245. Remove the Parole Board's ability to deny parole for "nature of the crime." (Beth Powell, Denton)
246. Require the Parole Board to give offenders viable reasons for denying their parole, and provide them feedback on how to have a positive parole outcome. (Beth Powell, Denton)
247. Improve assessment tools and other evidence-based processes used in parole decisions, including the tools used in deciding MRIS release. (Matt Simpson, Policy Strategist – ACLU, Austin)
248. Update the assessment tool used for MRIS cases to include age, and physical and medical conditions. (Matt Simpson, Policy Strategist – ACLU, Austin)

249. Remove provisions from Condition X that relate to exclusion zones within which a parolee may not live or go for sex offenders with an offense against a minor. (Philip D. Taylor, Dallas)
250. Amend the parole guidelines to include the presence or absence of input from victims, prosecuting attorneys, judges, family members, friends, and members of the public, and the suitability of the offender for parole – which includes rehabilitation (or lack thereof), potential for employment, the offender’s support system, and other factors. (Brenda Gaye Webb, Bryan)
251. Enforce adherence to the Parole Board’s recommended approval rating, specifically through assistance from TDCJ. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
252. Authorize the Parole Board to place lower-risk offenders with satisfactory disciplinary prison records, who also meet statutory requirements, on mandatory supervision as soon as they reach eligibility. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
253. Require the Parole Board to provide loved ones of incarcerated individuals more and easily understandable, information about the parole process. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Revocation Decisions

254. Require the Parole Board to recommend alternative sanctions to parole revocation, such as a graduated sanction schedule, which will provide the Parole Division with a more appropriate, cost-effective method for disciplining parolees. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
255. Authorize the Parole Board to award certain individuals, including low-level, nonviolent individuals, with “street time” credit if they are revoked on a technical parole violation. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Parole Supervision

256. Require TDCJ to require its parole officers to arrange reporting times for employed parolees that do not conflict with that person’s job. (Philip D. Taylor, Dallas)
257. Require TDCJ’s Parole Division to redefine its responsibilities, through trainings for officers and supervisors, in a “case management” framework, rather than solely a supervisory role. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
258. Require TDCJ to improve and standardize a therapeutic culture within its Parole District Reentry Centers (DRCs) and enhance the services they offer by providing staff trainings on cultural sensitivity and developing value-based mission statements for DRC staff. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

259. Prohibit TDCJ from punishing parole officers, through measures such as forced use of vacation days, who seek out (training) opportunities that will make them more effective. Require TDCJ's Parole Division to increase the professional development of parole practitioners through trainings that promote evidence-based practices and measurable outcomes, including motivational interviewing, trauma-informed care, workforce development, and substance abuse and mental health. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
260. Provide the Parole Division with more resources to strengthen employment-based reentry case management. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
261. Create incentives for good behavior and for the completion of conditions to increase the number of successful parolees. Institute a system whereby, after parolees have completed one-third of their parole supervision period or two years, whichever is greater, they become eligible for early termination if they are in substantial compliance with their conditions of release, have never been revoked, have made good-faith efforts to comply with any condition ordering restitution, and do not pose a danger to public safety. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)
262. Create incentives, such as early termination of parole supervision, for the successful completion of a community-based rehabilitation program for individuals already on parole. (Ana Yáñez-Correa, Ph.D., Executive Director – Texas Criminal Justice Coalition, Austin)

Clemency

263. Require submission of capital clemency applications several months before the date of execution to enable thorough review and fact finding. (Rebecca Bernhardt, Policy Director – Texas Defender Service, Austin)
264. Establish a date for a written response from the State to a clemency application, with sufficient time for the Parole Board to hold a hearing on the matter. (Rebecca Bernhardt, Policy Director – Texas Defender Service, Austin)
265. Require the Parole Board to conduct a public hearing for each clemency application, enabling the Parole Board to hear live witness testimony on disputed issues of fact. (Rebecca Bernhardt, Policy Director – Texas Defender Service, Austin)
266. Authorize the Parole Board to recommend further process be accorded to the condemned. (Rebecca Bernhardt, Policy Director – Texas Defender Service, Austin)
267. Authorize the Parole Board to grant a 30-day reprieve without the consent of the Governor. (Rebecca Bernhardt, Policy Director – Texas Defender Service, Austin)
268. Make all clemency filings public. (Rebecca Bernhardt, Policy Director – Texas Defender Service, Austin)
269. Require the Parole Board to meet in public to review each clemency petition and hold their vote in public. (Rebecca Bernhardt, Policy Director – Texas Defender Service, Austin)

270. Require the Parole Board to issue a written explanation for the approval or denial of each clemency application. (Rebecca Bernhardt, Policy Director – Texas Defender Service, Austin)

Miscellaneous

271. Require TDCJ to house counsel substitutes separate and apart from disciplinary hearing officers, and to provide counsel substitutes, within the hearing process, the ability to provide any complaints about a hearing on behalf of an offender. (Alex Bunin – Harris County Public Defender’s Office, Houston)
272. Clarify that state jail offenders are not eligible to receive more credit days than earned by diligent participation in rehabilitation programs, with a maximum credit of 20 percent of the sentence. (Judge Larry Gist, Member – Texas Board of Criminal Justice, Beaumont)
273. To reduce the number of offenders with special needs at TDCJ, require restaurants that serve alcohol and that are required to display warning signs related to Fetal Alcohol Spectrum Disorder to display the signs on restroom doors, or if no door exists, along the exit passageway; and to place the health warning in the restaurants’ drinks menus. Establish a penalty for restaurants not complying with required sign posting. Also, require the Texas Alcoholic Beverage Commission to adopt new sign wording that is consistent with the wording recommended by the March of Dimes that indicates alcohol harm can occur before the mother realizes she’s pregnant, and is more concise allowing for larger print. (Jim Haire, Tyler)
274. Require parole and probation officers to report on individual success rates and completions, not just parole revocation rates. (Steve Huerta, Council President – LULAC)
275. Require offenders’ risk and needs assessments be conducted electronically at the pre-trial phase of the system, not just once offenders are adjudicated. (Marc Levin, Director – Center for Effective Justice, Texas Public Policy Foundation, Austin)
276. Eliminate dual probation and parole for the small number of affected offenders. (Marc Levin, Director – Center for Effective Justice, Texas Public Policy Foundation, Austin)
277. Establish a supervised reentry program that would require either all offenders or, at a minimum, offenders releasing from administrative segregation to be supervised in the community at the end of their sentence. (Vikrant P. Reddy, Policy Analyst – Center for Effective Justice, Texas Public Policy Foundation, Austin)

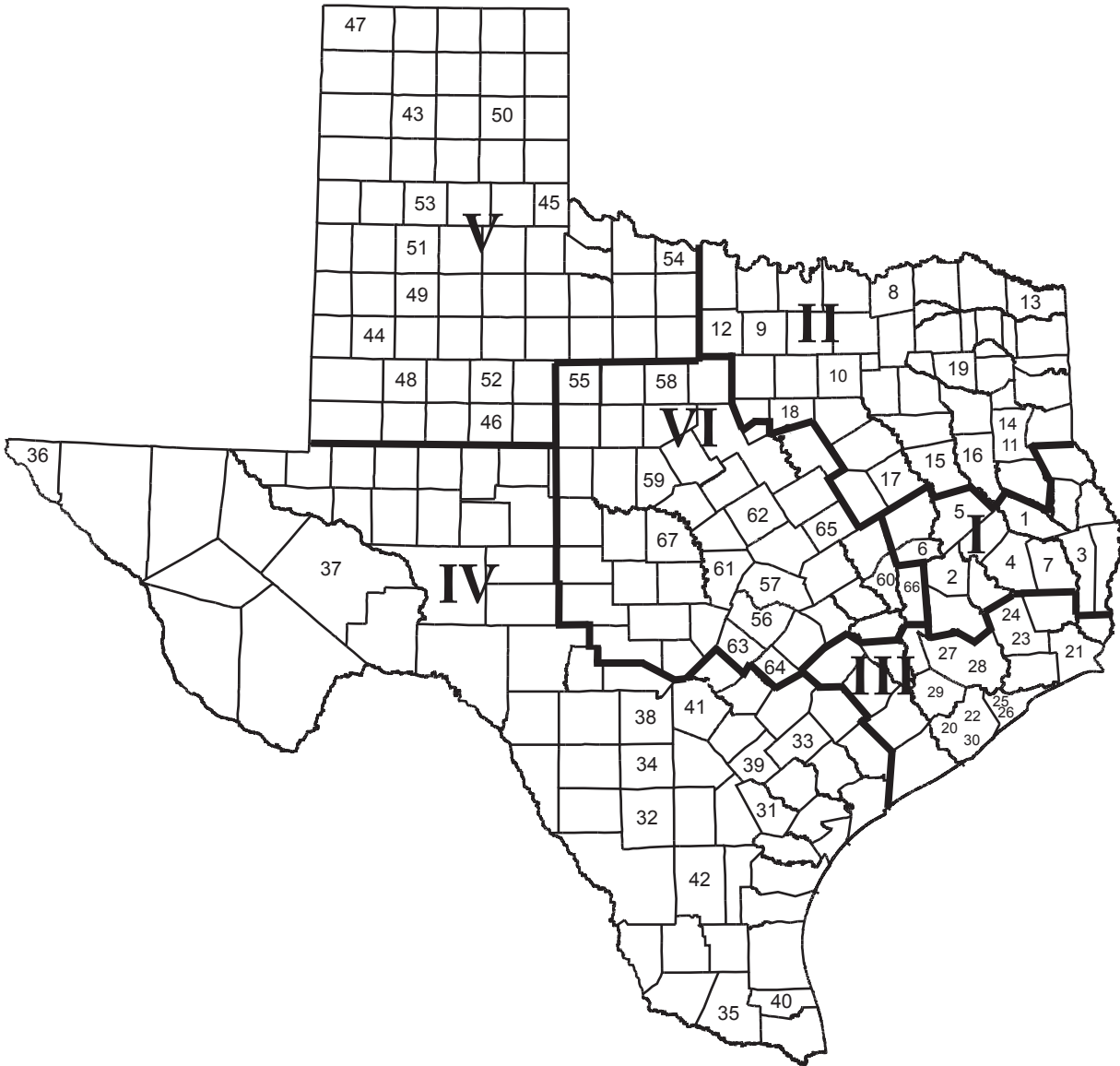
COMMISSION DECISION

Adopted New Issue 76.

APPENDICES

APPENDIX A

TDCJ Facilities Map



Appendix A

Region I

Diboll – 1
Diboll Correctional Center
(PF)
Duncan Transfer

Huntsville – 2
Byrd Unit
Ellis Unit
Estelle Unit
Goree Unit
Holliday Transfer
Huntsville Unit
Wynne Unit

Jasper – 3
Goodman Transfer

Livingston – 4
Polunsky Unit

Lovelady – 5
Eastham Unit

Midway – 6
Ferguson Unit

Woodville – 7
Lewis Unit

Region II

Bonham – 8
Cole State Jail
C. Moore Transfer

Bridgeport – 9
Bridgeport Unit (PF)
Bridgeport Pre-Parole Transfer (PF)

Dallas – 10
Dawson State Jail (PF)
Hutchins State Jail
Mineral Wells Pre-Parole Transfer
(PF)

Henderson – 11
Bradshaw State Jail (PF)
East Texas Multi-Use

Jacksboro – 12
Lindsey State Jail (PF)

New Boston – 13
Telford Unit

Overton – 14
B. Moore Correctional Center (PF)

Palestine – 15
Beto Unit
Coffield Unit
Gurney Transfer
Michael Unit
Powledge Unit

Rusk – 16
Hodge Unit Psychiatric
Skyview Psychiatric

Teague – 17
Boyd Unit

Venus – 18
Estes Unit (PF)

Winnsboro – 19
Johnston SAFF

Region III

Angleton – 20
Scott Unit

Baumont – 21
Gist State Jail
LeBlanc Pre-Release
Stiles Unit

Brazoria – 22
Clemens Unit

Cleveland – 23
Cleveland Correctional Center
(PF)

Dayton – 24
Henley State Jail (Female)
Hightower Unit
Plane State Jail (Female)

Dickinson – 25
Carole Young Medical Facility

Galveston – 26
Hospital Galveston

Houston – 27
Kegans State Jail
South Texas Intermediate
Sanction Facility (PF)

Humble – 28
Lychner State Jail

Richmond – 29
Jester I SAFF
Jester III Unit
Jester IV Psychiatric
Vance Unit

Rosharon – 30
Darrington Unit
Ramsey Unit
Stringfellow Unit
Terrell Unit

Private Facility (PF)

Appendix A

<u>Region IV</u>	<u>Region V</u>	<u>Region VI</u>
<p>Beeville – 31 Garza East Transfer Garza West Transfer McConnell Unit</p> <p>Cotulla – 32 Cotulla Transfer</p> <p>Cuero – 33 Stevenson Unit</p> <p>Dilley – 34 Briscoe Unit</p> <p>Edinburg – 35 Lopez State Jail Segovia Transfer</p> <p>El Paso – 36 Sanchez State Jail</p> <p>Fort Stockton – 37 Fort Stockton Transfer Lynaugh Unit</p> <p>Hondo – 38 Ney State Jail Torres Unit</p> <p>Kenedy – 39 Connally Unit</p> <p>Raymondville – 40 Willacy County State Jail (PF)</p> <p>San Antonio – 41 Dominguez State Jail</p> <p>San Diego – 42 Glossbrenner SAFP</p>	<p>Amarillo – 43 Clements Unit Neal Unit</p> <p>Brownfield – 44 Rudd Transfer West Texas Intermediate Sanction Facility (PF)</p> <p>Childress – 45 Roach Unit</p> <p>Colorado City – 46 Wallace Unit Ware Transfer</p> <p>Dalhart – 47 Dalhart Unit</p> <p>Lamesa – 48 Smith Unit</p> <p>Lubbock – 49 Montford Psychiatric</p> <p>Pampa – 50 Baten Intermediate Sanction Facility Jordan Unit</p> <p>Plainview – 51 Formby State Jail Wheeler State Jail</p> <p>Snyder – 52 Daniel Unit</p> <p>Tulia – 53 Tulia Transfer</p> <p>Wichita Falls – 54 Allred Unit</p>	<p>Abilene – 55 Middleton Transfer Robertson Unit</p> <p>Austin – 56 Travis County State Jail</p> <p>Bartlett – 57 Bartlett State Jail (PF)</p> <p>Breckenridge – 58 Sayle SAFP</p> <p>Brownwood – 59 Havins Pre-Release</p> <p>Bryan – 60 Hamilton Pre-Release</p> <p>Burnet – 61 Halbert SAFP (Female)</p> <p>Gatesville – 62 Crain Unit (Female) Hilltop Unit (Female) Hughes Unit Mountain View Unit (Female) Murray Unit (Female) Woodman State Jail (Female)</p> <p>Kyle – 63 Kyle Correctional Center (PF)</p> <p>Lockhart – 64 Lockhart Unit (Female) (PF) Lockhart Work Program (PF)</p> <p>Marlin – 65 Hobby Unit (Female) Marlin Transfer</p> <p>Navasota – 66 Luther Unit Pack Unit</p> <p>San Saba – 67 San Saba Transfer</p>

APPENDIX B

TDCJ Facilities

Type	Description	Number	Offenders FY 2011 ¹
Prison	Provides housing for offenders who have been convicted of capital, first, second, and third degree felonies, which are typically high-level drug and property offenses, and violent crimes. Sentences range from two years to life, and include offenders who are on death row.	50 State 7 Private	99,382
State Jail	Provides housing for lower-security offenders who have been convicted of fourth degree felonies, usually drug and property offenses. Sentences range from 75 days to two years.	15 State 5 Private	26,128
Transfer Facility	Provides housing for offenders awaiting assignment to a permanent TDCJ facility. Offenders can stay in a transfer facility for up to two years.	14 State	16,798
Substance Abuse Felony Punishment Facility (SAFP)	Provides an intensive therapeutic community program for offenders with substance abuse problems. Offenders are usually placed in these facilities as a condition of community supervision, or as a modification of parole.	5 State	2,226
Pre-Release Facility	Provides an intensive treatment program for offenders in a therapeutic community setting. Offenders within seven months of release receive pre-release services.	4 State	4,127
Psychiatric Facility	Provides inpatient mental health treatment and the Developmentally Disabled Program.	4 State	2,968
Pre-Parole Transfer	Provides housing for offenders before being paroled.	3 Private	2,794
Medical Facility	Provides inpatient hospital care, acute care, and specialty clinics for offenders. These facilities include Hospital Galveston and the Carole Young Medical Facility.	2 State	554
Geriatric	Provides medical services to elderly offenders.	1 State	584
Multi-Use	Provides many types of housing in one facility, including SAFP, Intermediate Sanctions Facility, and a DWI treatment program.	1 Private	961
Intermediate Sanctions Facility	Provides an alternative to incarceration for offenders who violate the conditions of supervision or parole. Offenders housed in these facilities receive cognitive or substance abuse treatment.	1 State 2 Private	1,064 ²

¹ The number of offenders represents the number in TDCJ facilities on the last day of fiscal year 2011, which totaled 156,522.

² The total number of offenders incarcerated in TDCJ facilities does not include the number of offenders housed in Intermediate Sanction Facilities, which are included in the number of offenders either on community supervision or parole.

APPENDIX C

TDCJ Rehabilitation Programs

Program	Capacity	Completions FY 2011	Description
In-Prison Therapeutic Community (IPTC) with aftercare	1,537	2,766	An 18- to 23-month program for offenders with serious chemical dependency problems, which includes in-prison programming, transitional placement following release, and aftercare. In-prison treatment follows a therapeutic community model, which is a participative, group-based approach to treatment where offenders live together. The program is treatment-focused; offenders do not receive education or vocational training. Offenders are placed in the program based on a vote by the Parole Board.
Pre-Release Therapeutic Community (PRTC)	600	869	A six-month program for offenders with serious substance abuse, educational, or vocational needs. PRTC offers education and vocational programs as well as treatment but does not require aftercare. Offenders are placed in the program based on a vote by the Parole Board.
Pre-Release Substance Abuse Program (PRSAP)	1,008	1,428	A six-month program for offenders with serious substance abuse and chemical dependency problems. The program focuses on individual counseling and life skills training and does not include vocational or educational programs. PRSAP also does not require aftercare. Offenders are placed in the program based on a vote by the Parole Board.
Substance Abuse Felony Punishment Facility (SAFP)	3,842	5,998	An 18- to 23-month program for offenders sentenced by a judge as a condition of probation or in lieu of revocation to prison as a modification of a parole. The objectives and treatment modality of the program are the same as the IPTC. This program also includes support groups and supervision following aftercare.
State Jail Substance Abuse Program	1,200	4,010	Eligible offenders are placed in one of three program tracks by treatment staff based on an addiction assessment. State jails have 30-, 60-, and 90-day substance abuse programs based on the needs of the offender. Offenders participate in programming as close to their release date as possible.
In-Prison DWI Recovery Program	500	887	A six-month program for male offenders with a current conviction for DWI, started in 2009. Priority slots go to offenders voted in by the Parole Board, though offenders can be screened by TDCJ staff into any remaining beds. Once the program is completed, offenders continue treatment and are not put back into general population.

Appendix C

Program	Capacity	Completions FY 2011	Description
Sex Offender Education Program (SOEP)	308	696	TDCJ staff runs three sex offender programs for offenders who receive parole votes requiring sex offender treatment before release. These programs include a four-month, low-intensity education program; a nine-month, moderate-intensity treatment program; and an 18-month, high-intensity treatment program. Programs include a combination of evaluation, education, and treatment, which varies depending on program length.
Sex Offender Treatment Program-9 (SOTP-9)	not available yet		
Sex Offender Treatment Program-18 (SOTP-18)	500	279	
Serious and Violent Offender Reentry Initiative (SVORI)	63	77	A six-month pre-release program for male offenders releasing directly from administrative segregation. SVORI offers literacy, anger management, cognitive restructuring, cultural diversity, and substance abuse education through in-cell computer programming. Offenders may be placed in the program as a condition of parole or may be selected by TDCJ staff based on eligibility criteria. Offenders with the parole stipulation of SVORI aftercare participate in a continuum of care through a parole district reentry center.
Youthful Offender Program: Challenge, Opportunity, Understanding, Respect, Acceptance, Growth and Education (COURAGE)	210	96	This program serves both male and female offenders between 14 and 17 years of age. Offenders are placed in the program based on age alone, and complete it only when they “age out” or are released from TDCJ. COURAGE has two tracks: (1) for those offenders who are expected to leave TDCJ custody directly from, or shortly after, their participation in the program; and (2) for offenders who are facing a lengthy sentence and who are expected to transition to TDCJ general population for a significant period of time. Programming includes education, anger management, values development, goal setting, cognitive restructuring, substance abuse education, conflict resolution, and social and life skills.
Babies and Mothers Bonding Initiative (BAMBI)	15	24	BAMBI provides post-delivery services to female state jail offenders and their infants, and coordinates government programs such as WIC and Medicaid with program participants. Program components include parenting skills, GED preparation, substance abuse, life skills, infant first aid, nutrition, cognitive intervention, anger and time management, and individual counseling. BAMBI is managed through a contract with UTMB and the Santa Maria Hostel in Houston. Offenders deliver their infants at Hospital Galveston and are transferred to the program for the remainder of their sentence.

Appendix C

Program	Capacity	Completions FY 2011	Description
Gang Renunciation and Disassociation Program (GRAD)	372	471	A nine-month program for offenders willing to renounce their gang affiliation. Administrative segregation offenders who are identified as gang members are eligible to participate and transition from administrative segregation to general population following program completion. GRAD provides the only venue for these offenders to return to general population. Offenders are monitored for a predetermined amount of time before beginning the program to ensure they are not communicating with gang members. GRAD is a three-phase program including in-cell education, classroom programming, and appropriate job assignments.
InnerChange Freedom Initiative (InnerChange)	378	127	A 24-month Christian pre-release program run by Prison Fellowship Ministries. Offenders can be voted into the program by the Parole Board but must also volunteer. The program includes 18 months of in-prison education and skill building, followed by six months of support upon release.
Southwest Baptist Theological Seminary (Seminary)	40 slots	not available yet	TDCJ Chaplaincy recently partnered with the Southwest Baptist Theological Seminary to offer a four-year Bachelor of Science degree in Biblical Studies.
Faith-Based Dorms	3,470 beds on 32 units	n/a	These dorms allow offenders of the same faith to live together and receive volunteer-led spiritual guidance, life skills, anger management, substance abuse, and mentoring. All general population offenders are eligible, but must volunteer. Offenders are typically placed in dorms for up to two years and placement occurs relatively close to their release dates. Chaplaincy also coordinates with Prison Fellowship to run a Transformational Ministry Dorm program, which is a 12 to 20 month pre-release program with 56 beds targeting offenders releasing to San Antonio, Dallas, Fort Worth, Houston, or El Paso.

APPENDIX D

History of Texas Parole Guidelines

- 1987 The Legislature required the Parole Board to develop and implement parole guidelines, and the Parole Board formally adopted parole guidelines to assist in decision making.
- 1993 The Legislature directed the Texas Criminal Justice Policy Council (Policy Council) to monitor the use of the guidelines, and required the Parole Board to provide a written explanation for deviations from the guidelines.
- 1994 The Policy Council could not report on the use of the guidelines due to lack of Parole Board data for analysis.
- 1996 The Policy Council reported that the Parole Board was not fully and consistently using the parole guidelines to assist them in their parole decisions as mandated by law.
- 1997 The Policy Council reported that the Parole Board had not updated the guidelines, and had not submitted a report to state leadership identifying strategies, timelines, and resources needed to update and implement the guidelines.
- 1998 A National Institute of Corrections assessment recommended a fundamental reexamination and redesign of the guidelines.
- 1999 Security Response Technologies completed the new parole guidelines, incorporating offense severity and risk into one scoring instrument.
- 2001 The Parole Board adopted the new parole guidelines.
- 2003 The Policy Council reported that parole panel approval rates for certain guideline levels were below the rates suggested in the guidelines.
- 2004 The Senate Committee on Criminal Justice reported that the parole panels were not following the approval probability rates for certain guideline levels.
- 2007 The Legislature (through Senate Bill 909, the criminal justice agencies' Sunset Bill) required the Parole Board to annually report and explain to the Legislature its efforts to meet the parole guidelines, annually review and update the parole guidelines, and have parole panel members who depart from the guidelines provide specific reasons explaining the deviation.

APPENDIX E

Texas Criminal Justice Agencies Reporting Requirements

Report Title	Legal Authority	Description	Recipient	Sunset Evaluation
Texas Department of Criminal Justice				
1. Bed Ratios in Substance Abuse Felony Punishment Facilities (SAFP), Report on	Section 493.009(i), Texas Government Code	Requires TDCJ to make quarterly reports on the ratio of offenders in SAFP facilities who are required to participate in a SAFP program, in comparison to the number of beds used for non-SAFP purposes.	Legislative Criminal Justice Board	Abolish
2. Inspector General Report on Criminal Offenses	Section 493.028, Texas Government Code	Requires the Office of Inspector General to report any alleged criminal offense concerning TDCJ on a quarterly basis.	Special Prosecution Unit	Continue
3. Facilities Expansion and Improvement Report	Section 499.028, Texas Government Code	Requires TDCJ to report all construction projects that will result in the addition or removal of beds from TDCJ capacity, the projected completion dates, and the number of beds to be added or removed.	Governor and the Legislative Budget Board	Continue
4. AIDS and HIV Education for Inmates and Employees, Report on	Section 501.054(h), Texas Government Code	Requires TDCJ to report participation of inmates and employees in AIDS and HIV education programs, not later than January 15 of each odd-numbered year.	Legislature	Continue
5. Recidivism Among Sex Offenders, Report on	Section 501.062(c), Texas Government Code	Requires TDCJ to report, before each regular session of the Legislature, a comparison of recidivism rates of sex offenders who have undergone an orchiectomy to sex offenders who have not.	Legislature	Continue
6. Reentry and Reintegration Services' Recidivism Rates, Report on	Section 501.100, Texas Government Code	Requires TDCJ to report on whether its reentry and reintegration plan to encourage family unity reduces recidivism rates. Requires the report to be submitted not later than September 1 of each even-numbered year.	Lieutenant Governor, Speaker of the House, and the standing committees of each house of the legislature with primary jurisdiction over criminal justice and corrections	Continue and modify as discussed in Issue 2

Appendix E

Report Title	Legal Authority	Description	Recipient	Sunset Evaluation
7. Prison Rape Elimination Act (PREA) Ombudsman Annual Report	Section 501.176, Texas Government Code	Requires the PREA ombudsman to report on its activities, including sexual assault investigations and statistics. Requires the report not later than January 1 of each year.	Governor, Lieutenant Governor, Speaker of the House, the presiding officers of each house and senate committee having jurisdiction over TDCJ, Comptroller of Public Accounts, State Auditor, Board of Criminal Justice, and the executive director of TDCJ	Continue
8. Proportional Salary Payments to Parole Officers, Report on	Section 508.114(a), Texas Government Code	Requires TDCJ to periodically report on approvals for proportional salary payments to parole officers who also supervise offenders under a Community Supervision and Corrections Department's (CSCDs) jurisdiction.	Governor and the Legislature	Continue
9. Parole Officer Caseloads Report	Section 508.1142(b), Texas Government Code	Requires TDCJ to report the amount of funds needed to be compliant with statutorily required parole caseloads, if it is unable to meet the requirements.	Legislative Budget Board	Continue
10. Community Supervision and Corrections Department Programs, Report on	Section 509.004(c), Texas Government Code	Requires the Community Justice Assistance Division (CJAD) to provide a summary of the programs and services provided by local CSCDs, including financial information and the amount of state aid provided. Requires that this report be included in TDCJ's Legislative Appropriations Request.	Legislative Budget Board and the Texas Board of Criminal Justice	Continue and modify as discussed in Issue 3
11. Monitoring of Community Supervision Diversion Funds, Report to the Governor and the Legislative Budget Board	Section 509.016(c), Texas Government Code; and Rider 52, page V-23, Article V (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act)	TDCJ produces this report to fulfill two different reporting requirements. The first requires CJAD to report on CSCDs receiving Diversion Program grants, and describe the program components that are successful in reducing recidivism. The second requires TDCJ to report on the monitoring, tracking, utilization, and effectiveness of community supervision funds.	Governor, Lieutenant Governor, Speaker of the House, Legislative Budget Board, and the Texas Board of Criminal Justice	Continue and modify as discussed in Issue 3

Appendix E

Report Title	Legal Authority	Description	Recipient	Sunset Evaluation
12. Competency or Fitness to Proceed Examinations, Report on	Section 614.0032(b)(1)(B), Texas Health and Safety Code	Requires the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) to periodically report results of its review of competency examinations of defendants in criminal cases submitted to TCOOMMI by courts.	Legislature and the Court of Criminal Appeals	Continue
13. Texas Correctional Office on Offenders with Medical or Mental Impairments, Report on	Section 614.009, Texas Health and Safety Code	Requires TCOOMMI to report on its activities during the previous biennium, not later than February 1 of each odd-numbered year. The report includes evaluations of TCOOMMI's projects; progress toward meeting the needs of offenders with special needs; programs related to continuity of care programs; and any appropriate recommendations.	Governor, Lieutenant Governor, Speaker of the House, and the Texas Board of Criminal Justice	Continue
14. Services for Wrongfully Imprisoned Persons, Report on	Section 614.021(c), Texas Health and Safety Code	Requires TCOOMMI to submit an annual report on continuity of care assistance provided to wrongfully imprisoned people.	Legislature	Continue
15. Construction of Post Adjudication Facilities for Juveniles, Report on	Section 223.006(d), Texas Human Resources Code	Requires TDCJ to evaluate and report on construction projects and costs for post-adjudication facilities that are proposed by the Texas Juvenile Justice Department.	Texas Juvenile Justice Department	Continue
16. Safe Prisons Program, Report on	Rider 42, page V-21, Article V (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act)	Requires TDCJ to annually report the number of sexual assaults by inmates on inmates, the actions taken on each assault, and any additional reporting required by the Governor and the Legislative Budget Board.	Governor and the Legislative Budget Board	Continue
17. Correctional Managed Health Care, Report on	Rider 55, page V-23, Article V (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act)	Requires TDCJ to quarterly report correctional managed health care actual and projected expenditures for unit psychiatric care, hospital, clinical care, and pharmacy; health care utilization and acuity data; and any additional reporting required by the Governor and the Legislative Budget Board.	Governor and the Legislative Budget Board	Continue and modify as discussed in Issue 4

Appendix E

Report Title	Legal Authority	Description	Recipient	Sunset Evaluation
Correctional Managed Health Care Committee				
1. Student Loan Repayment Assistance, Report on	Section 501.156(d), Texas Government Code	Requires reporting on any assistance in student loan repayment for physicians providing correctional managed health care.	Governor and the Legislative Budget Board	Continue and modify as discussed in Issue 4
Windham School District				
1. Windham School District Evaluation	Section 19.0041(b), Texas Education Code	Requires the Legislative Budget Board to annually report on the effectiveness of vocational training programs provided by Windham, including the type of training provided; the kind of employment obtained upon release; whether the employment was related to the training; the difference in earnings between the employment date and the first anniversary of employment; and the employment retention.	Governor and the Legislature	Continue and modify as discussed in Issue 5
2. Recidivism Rates and Employment Outcomes, Report on	Rider 6, page III-8, Article III (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act)	Requires Windham to report on its effort and success in prioritizing services to younger offenders with the lowest education levels and the earliest projected release or parole eligibility dates. Requires Windham to report information related to recidivism rates; employment rates; and attainment of GEDs, high school diplomas, professional certifications, associate's degrees, and adult education literacy levels, for students that complete Windham programs during the 2010 – 2011 biennium.	83rd Legislature	Continue
3. Pilot Program Updates and Organizational Structure Options Report	Rider 60, page III-20, Article III (H.B. 1), Acts of the 82nd Legislature, Regular Session, 2011 (the General Appropriations Act)	Requires Windham to report on its progress in piloting a computer adaptive intensive math and reading intervention program to the 83rd Legislature and provide a final report to the 84th Legislature. Requires Windham to report on the efficacy of a pilot in evidence-based substance abuse and behavioral health programs; and on alternative organizational structures for Windham to the 83rd Legislature.	83rd and 84th Legislatures	Continue

Appendix E

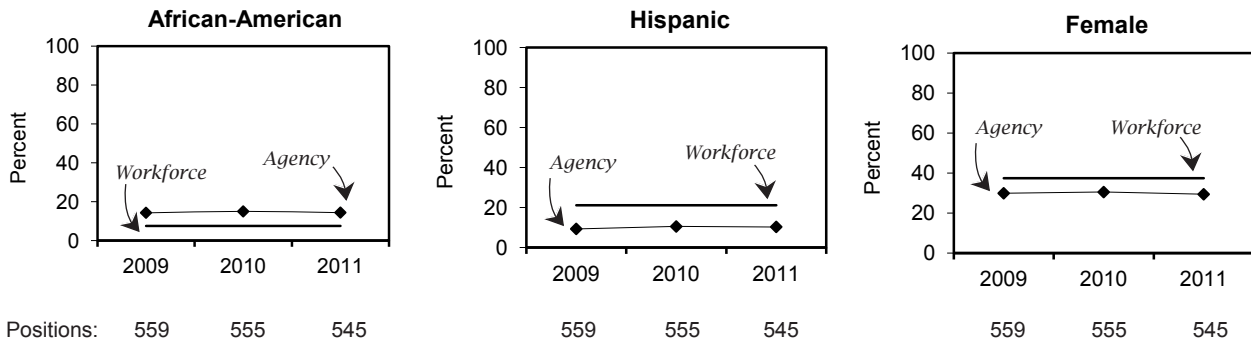
Report Title	Legal Authority	Description	Recipient	Sunset Evaluation
Board of Pardons and Paroles				
1. Clemency Report	Section 508.050(b), Texas Government Code	Requires the Parole Board to report and make recommendations on any persons the Governor requests the Parole Board to investigate for consideration for pardon, commutation of sentence, reprieve, remission of fine, or forfeiture.	Governor	Continue
2. Annual Report on Parole Guidelines	Section 508.1445, Texas Government Code	Requires the Parole Board to provide an annual report on its application of the parole guidelines, including: a description of the guidelines; a comparison of the recommended approval rates under the parole guidelines to the actual approval rates for individual parole panel members, regional offices, and the state as a whole; a description of instances in which the actual parole approval rates do not meet the recommended rates under the guidelines; an explanation of variations; and a list of actions that the Parole Board has taken to meet the guidelines.	Lieutenant Governor, Speaker of the House, Criminal Justice Legislative Oversight Committee, and the presiding officers of the standing committees in the Senate and House that are primarily responsible for criminal justice	Continue and modify as discussed in Issue 6

APPENDIX F

Texas Department of Criminal Justice Equal Employment Opportunity Statistics 2009 to 2011

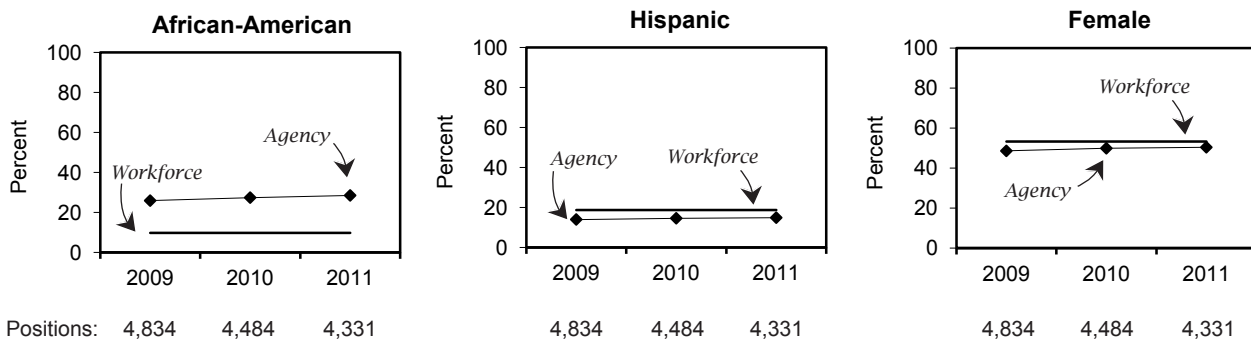
In accordance with the requirements of the Sunset Act, the following material shows trend information for the employment of minorities and females in all applicable categories by the Texas Department of Criminal Justice (TDCJ).¹ The agency maintains and reports this information under guidelines established by the Texas Workforce Commission.² In the charts, the flat lines represent the percentages of the statewide civilian workforce for African-Americans, Hispanics, and females in each job category. These percentages provide a yardstick for measuring agencies' performance in employing persons in each of these groups. The diamond lines represent the agency's actual employment percentages in each job category from 2009 to 2011. TDCJ fell below the civilian workforce percentages in every category for Hispanics, with the most significant disparity in service/maintenance, the category that includes correctional officers. TDCJ attributes this failure to the location of TDCJ correctional facilities in remote areas, making it difficult to recruit Hispanic applicants.

Officials and Administration



TDCJ fell below the civilian workforce percentages for Hispanics and females in the last three fiscal years, but exceeded percentages for African-Americans.

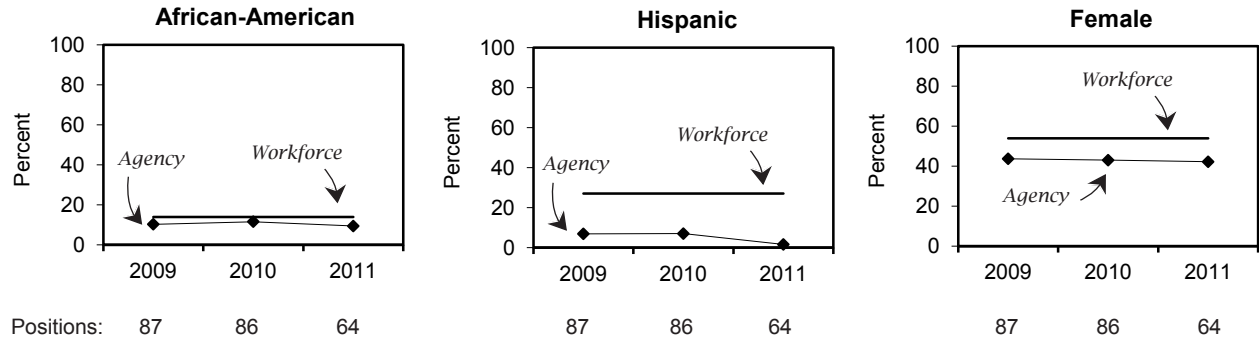
Professional



TDCJ fell below the civilian workforce percentages for Hispanics and females in the last three fiscal years, but exceeded percentages for African-Americans.

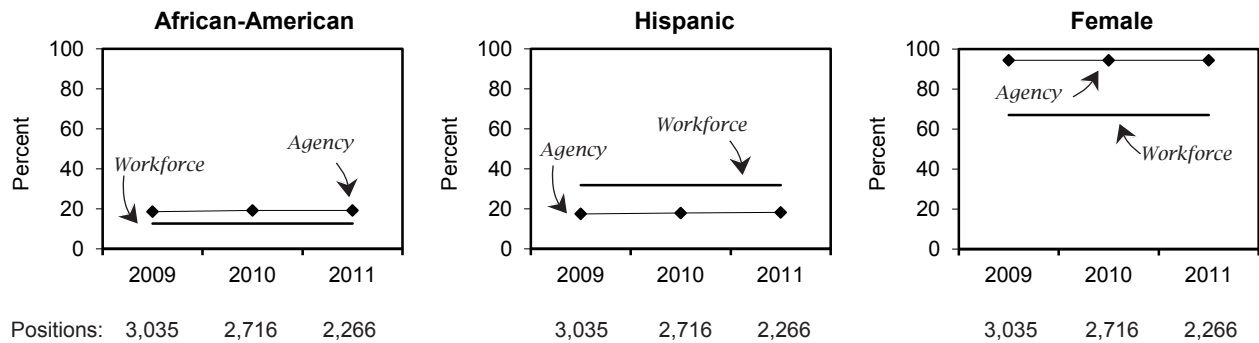
Appendix F

Technical



TDCJ fell below civilian workforce percentages in all three groups in the last three fiscal years.

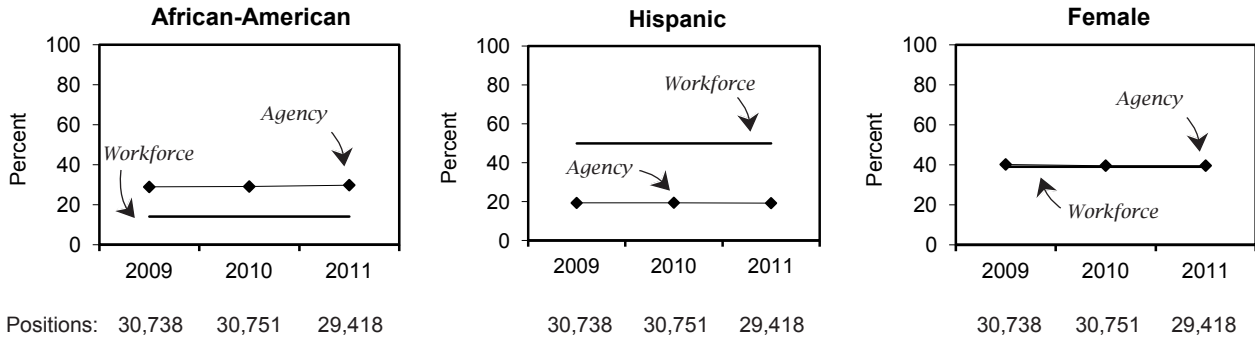
Administrative Support



TDCJ generally exceeds the statewide average for African-Americans and females, but falls below civilian workforce percentages for Hispanics.

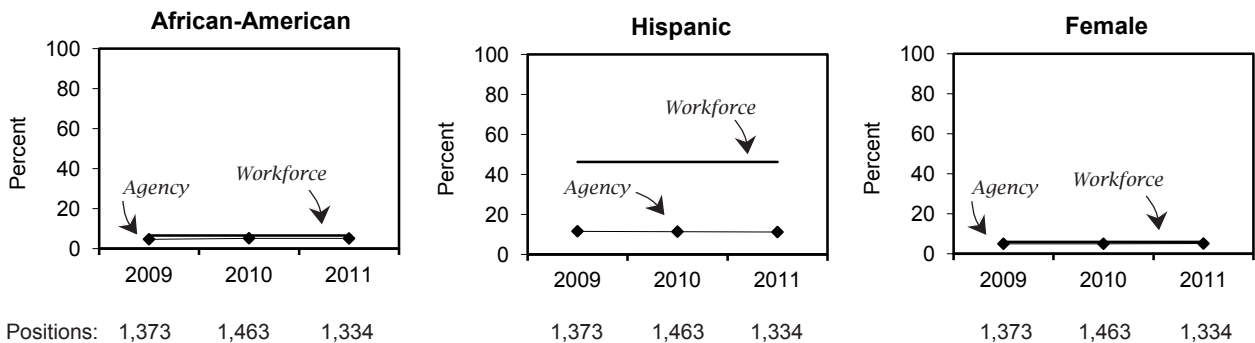
Appendix F

Service/Maintenance



In the area of the agency with the most employees, including TDCJ’s correctional officers, TDCJ significantly fell below the statewide average for Hispanics in each of the last three fiscal years, while it met or exceeded averages for African-Americans and females.

Skilled Craft



TDCJ nearly met the civilian workforce percentages for African-American and females, but significantly fell below the statewide average for Hispanics.

.....
 1 Section 325.011(9)(A), Texas Government Code.

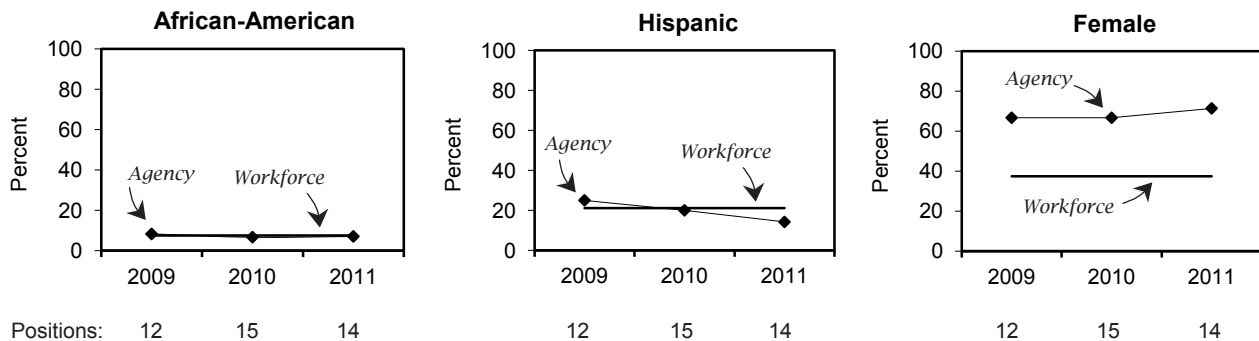
2 Section 21.501, Texas Labor Code.

APPENDIX G

Windham School District Equal Employment Opportunity Statistics 2009 to 2011

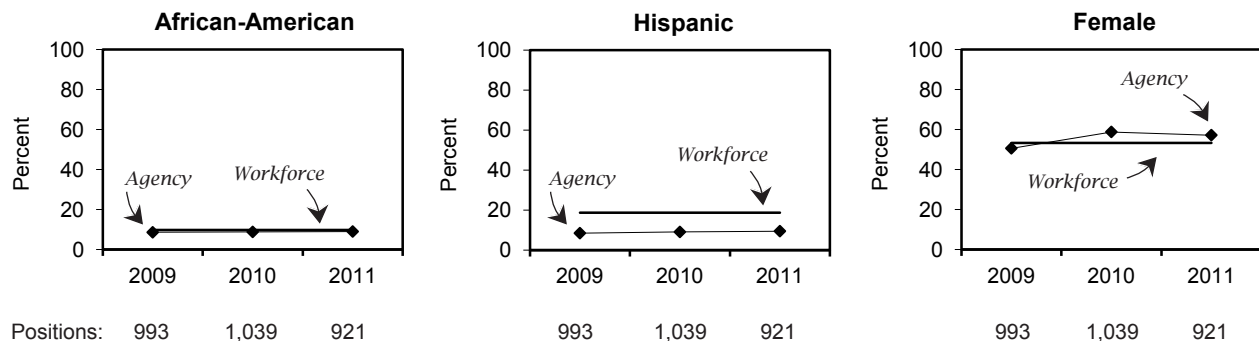
In accordance with the requirements of the Sunset Act, the following material shows trend information for the employment of minorities and females in all applicable categories by the Windham School District (Windham).¹ The district maintains and reports this information under guidelines established by the Texas Workforce Commission.² In the charts, the flat lines represent the percentages of the statewide civilian workforce for African-Americans, Hispanics, and females in each job category. These percentages provide a yardstick for measuring agencies' performance in employing persons in each of these groups. The diamond lines represent the agency's actual employment percentages in each job category from 2009 to 2011. Windham significantly fell below the civilian workforce percentages for Hispanics in the professional category, and had trouble meeting goals in the Technical and Administrative Support categories as well. Windham indicates that it has difficulty recruiting Hispanic applicants to work at correctional facilities located in remote areas across the state.

Officials and Administration



Windham generally meets the civilian workforce percentages for all three groups.

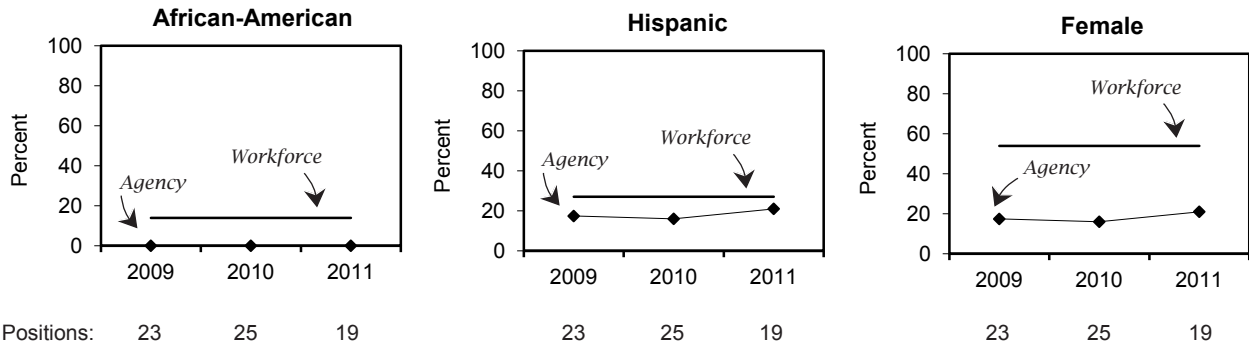
Professional



In the group with the most staff, Windham fell below the civilian workforce percentages for Hispanics in the last three fiscal years, but generally met or exceeded percentages for African-Americans and females.

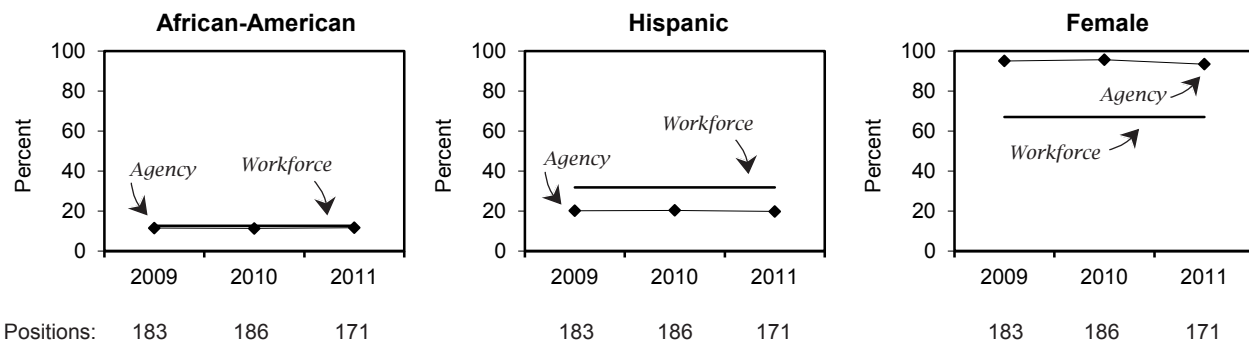
Appendix G

Technical



Windham fell below the civilian workforce percentages in all three groups in the last three fiscal years.

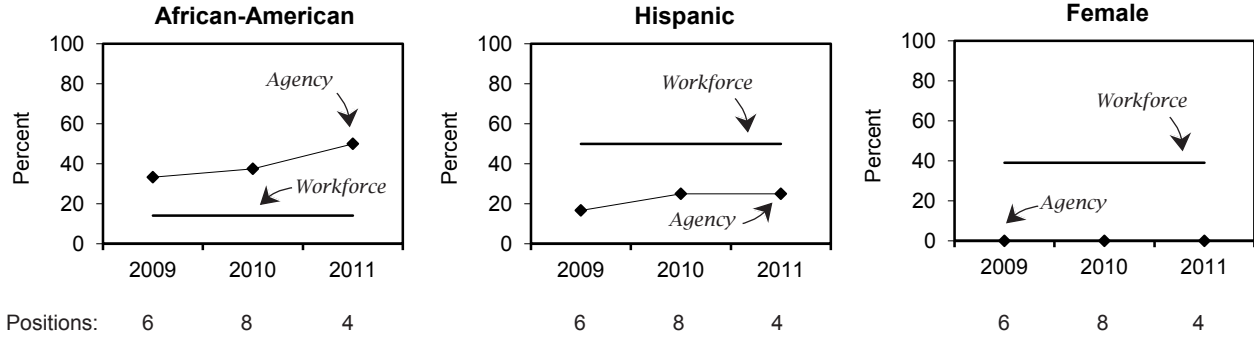
Administrative Support



Windham far exceeded the statewide average for females, but fell below civilian workforce percentages for Hispanics, and slightly below for African-Americans, in the last three fiscal years.

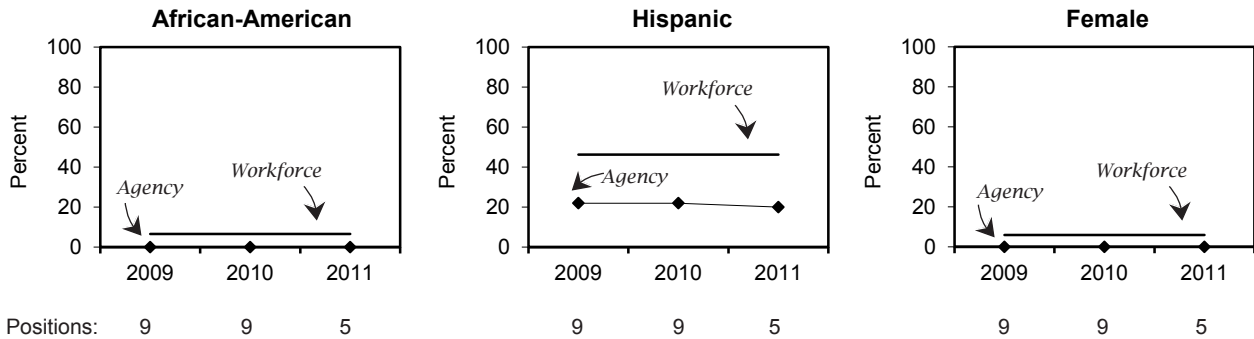
Appendix G

Service/Maintenance



Windham fell significantly below the statewide average for Hispanics and females in each of the last three fiscal years, but employs a small number of staff in this category.

Skilled Craft



Windham fell below civilian workforce percentages in all three groups in the last three fiscal years, but employs a small number of staff in this category.

¹ Section 325.011(9)(A), Texas Government Code.

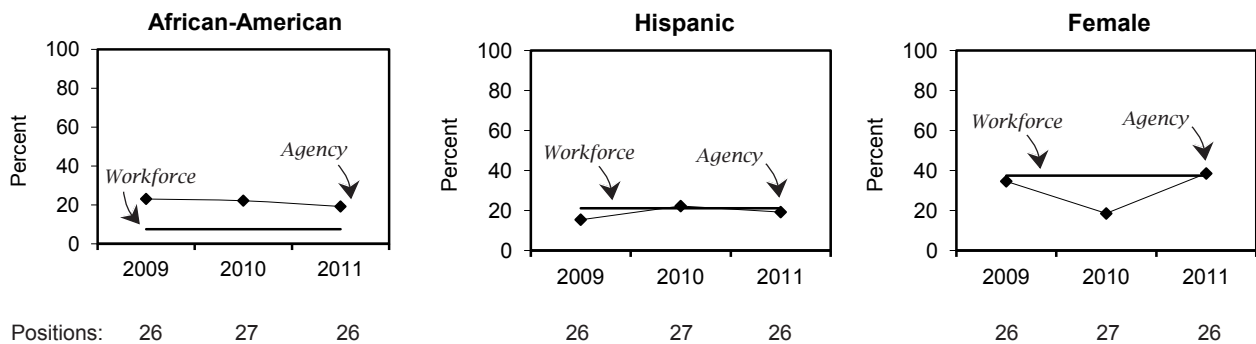
² Section 21.501, Texas Labor Code.

APPENDIX H

Board of Pardons and Paroles Equal Employment Opportunity Statistics 2009 to 2011

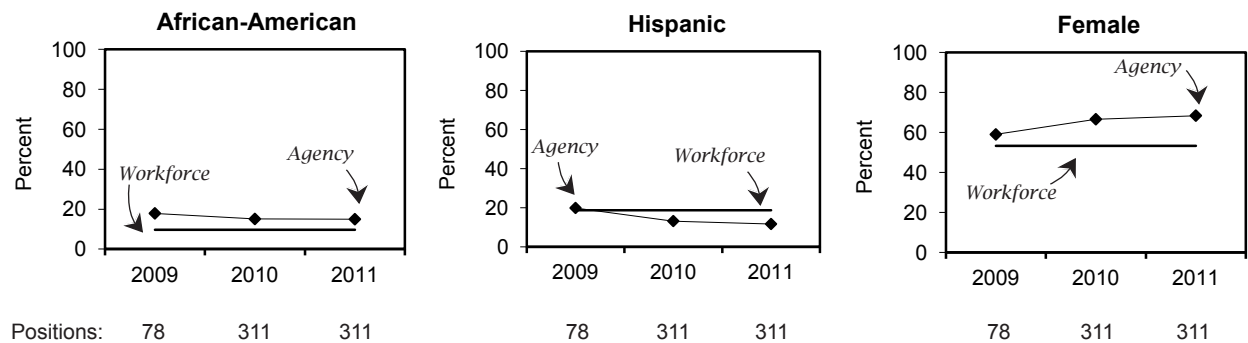
In accordance with the requirements of the Sunset Act, the following material shows trend information for the employment of minorities and females in all applicable categories by the Board of Pardons and Paroles (Parole Board).¹ The agency maintains and reports this information under guidelines established by the Texas Workforce Commission.² In the charts, the flat lines represent the percentages of the statewide civilian workforce for African-Americans, Hispanics, and females in each job category. These percentages provide a yardstick for measuring agencies' performance in employing persons in each of these groups. The diamond lines represent the agency's actual employment percentages in each job category from 2009 to 2011. Generally, the Parole Board fell below the civilian workforce percentages for Hispanics in every category, but states that it receives a low number of Hispanic applicants.

Officials and Administration



The Parole Board exceeds the civilian workforce percentages for African-Americans, and generally meets percentages for Hispanics and females.

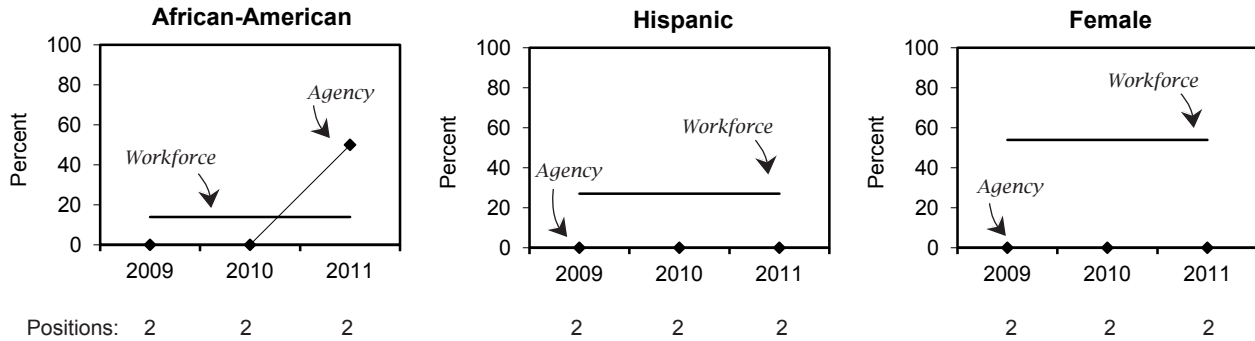
Professional



In the last three fiscal years, in the area of the agency with the most employees, the Parole Board exceeded the statewide average for African-Americans and females, but fell below the percentages for Hispanics.

Appendix H

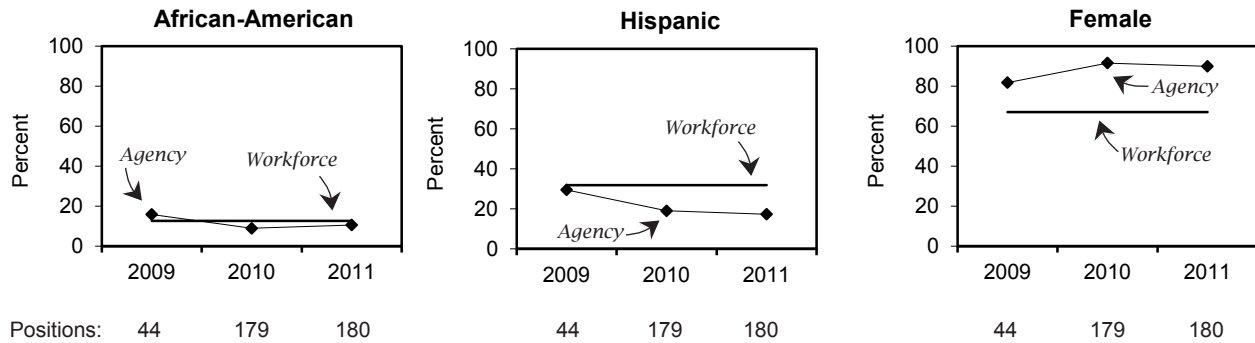
Technical



Positions: 2 2 2

The Parole Board generally has trouble meeting civilian workforce percentages, but employs only two staff in this category.

Administrative Support

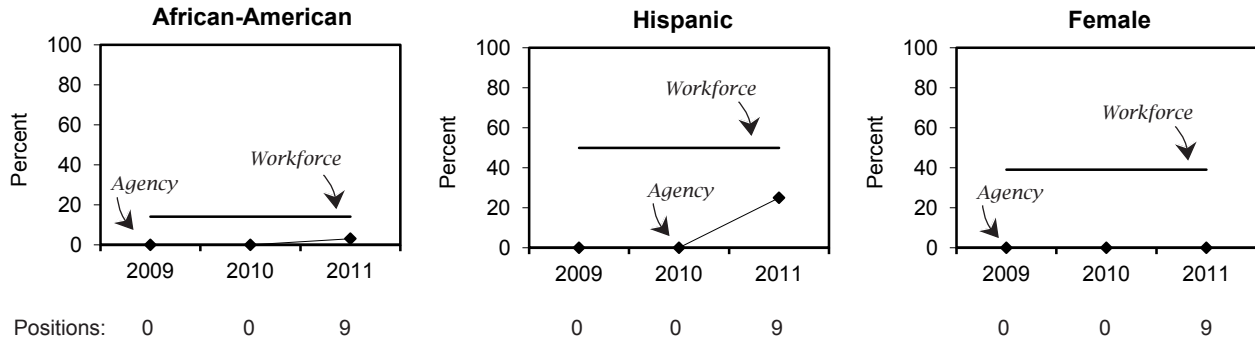


Positions: 44 179 180

With the transfer of Institutional Parole Officer and support staff positions from the Texas Department of Criminal Justice to the Parole Board in 2010, the number of staff employed in this category has increased significantly. Although the Parole Board exceeded the civilian workforce percentages for females, it generally fell below the civilian workforce percentages for African-Americans and Hispanics in the last three fiscal years.

Appendix H

Service/Maintenance



The Parole Board did not meet percentages for any group in 2011, the only year it had staff in this category, but employed just nine staff.

.....
1 Section 325.011(9)(A), Texas Government Code.

2 Section 21.501, Texas Labor Code.

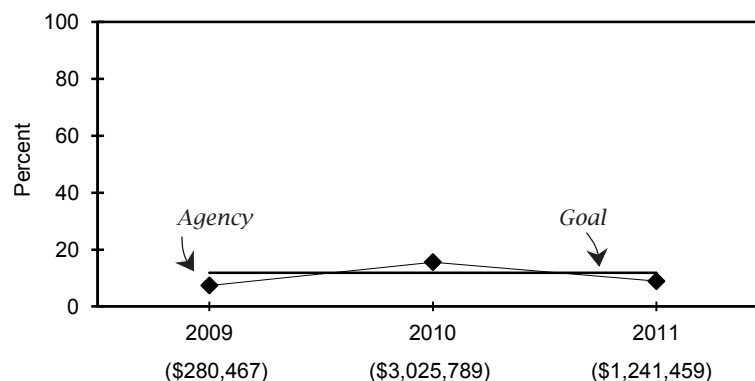
APPENDIX I

Texas Department of Criminal Justice Historically Underutilized Businesses Statistics 2009 to 2011

The Legislature has encouraged state agencies to increase their use of Historically Underutilized Businesses (HUBs) to promote full and equal opportunities for all businesses in state procurement. The Legislature also requires the Sunset Commission to consider agencies' compliance with laws and rules regarding HUB use in its reviews.¹

The following material shows trend information for the Texas Department of Criminal Justice's (TDCJ) use of HUBs in purchasing goods and services. TDCJ's HUB statistics also include all procurement purchases for the Board of Pardons and Paroles, though these contracts comprise a small part of total expenditures. The agency maintains and reports this information under guidelines in statute.² In the charts, the flat lines represent the goal for HUB purchasing in each category, as established by the Comptroller's Office. The diamond lines represent the percentage of agency spending with HUBs in each purchasing category from 2009 to 2011. Finally, the number in parentheses under each year shows the total amount the agency spent in each purchasing category. The agency exceeded the State's HUB purchasing goals for building construction, but had difficulty meeting the goals for other purchasing categories. TDCJ indicates it has difficulty meeting HUB goals because purchases in these categories are limited to certain entities, such as local counties or cities, which limit access to HUBs. The agency has met other HUB-related requirements, such as appointing a HUB coordinator, establishing a HUB policy, and developing a mentor-protégé program.

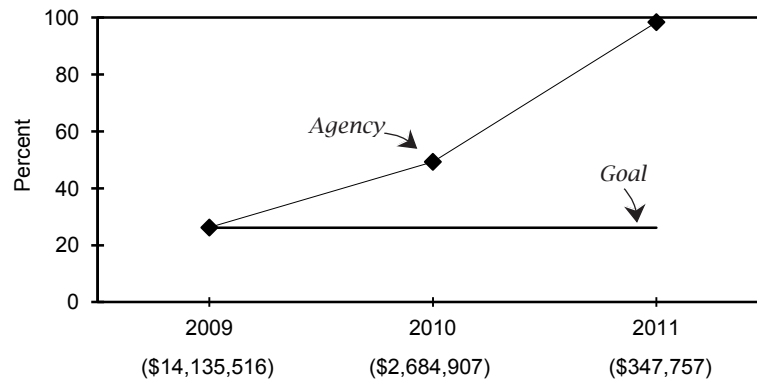
Heavy Construction



In fiscal year 2010, the agency exceeded the State's goal for spending for heavy construction, but fell short of the goal in fiscal years 2009 and 2011.

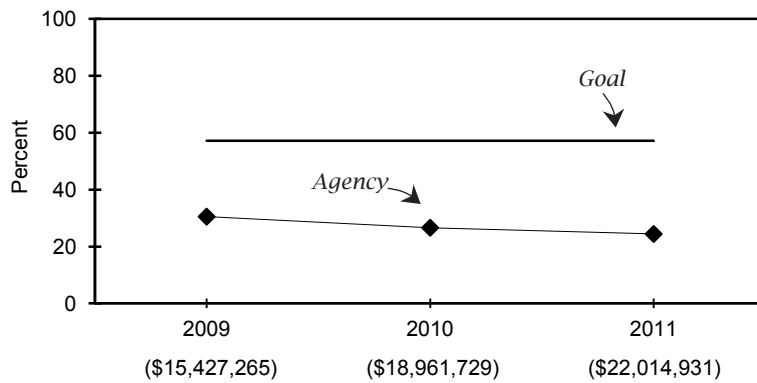
Appendix I

Building Construction



TDCJ exceeded the State’s goal for spending in the category in each fiscal year.

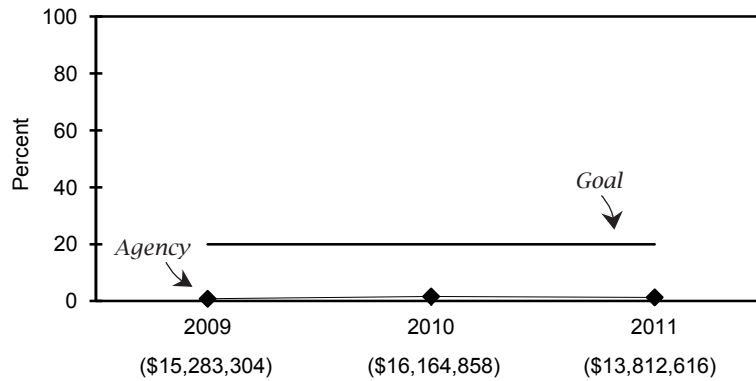
Special Trade



Purchases for this category fell significantly below the State purchasing goal each fiscal year.

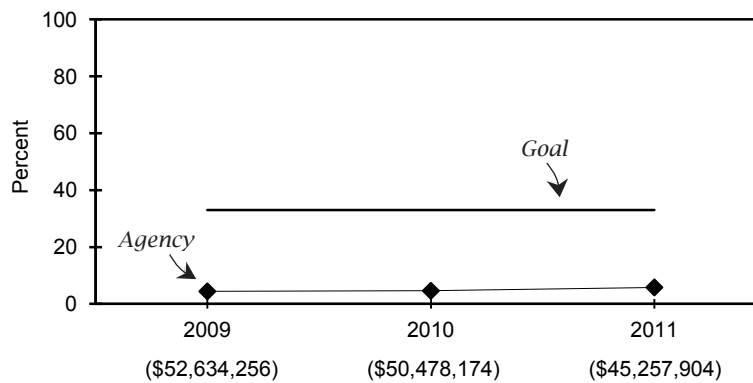
Appendix I

Professional Services



The agency fell significantly below the State purchasing goal in each fiscal year. TDCJ indicates that purchases in this category are limited to specific entities, such as local Mental Health and Mental Retardation departments for medical services.

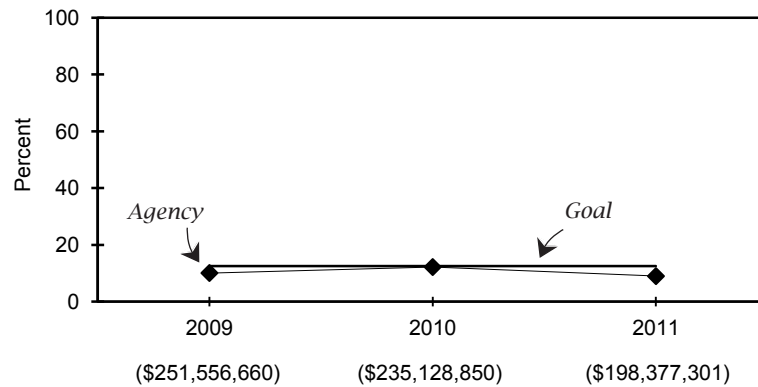
Other Services



TDCJ fell significantly below the State purchasing goals for the other services category each fiscal year.

Appendix I

Commodities



About 71 percent of TDCJ's purchases are in the commodities category. TDCJ fell slightly below the State purchasing goals for each of the past three fiscal years.

.....
¹ Section 325.011(9)(B), Texas Government Code.

² Chapter 2161, Texas Government Code.

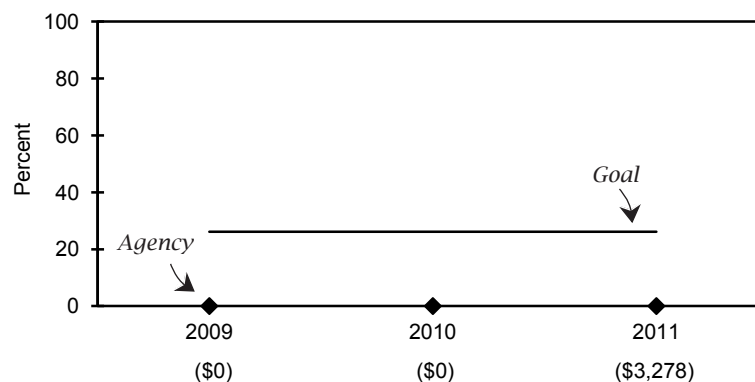
APPENDIX J

Windham School District Historically Underutilized Businesses Statistics 2009 to 2011

The Legislature has encouraged state agencies to increase their use of Historically Underutilized Businesses (HUBs) to promote full and equal opportunities for all businesses in state procurement. The Legislature also requires the Sunset Commission to consider agencies' compliance with laws and rules regarding HUB use in its reviews.¹

The following material shows trend information for the Windham School District's (Windham) use of HUBs in purchasing goods and services. The district maintains and reports this information under guidelines in statute.² In the charts, the flat lines represent the goal for HUB purchasing in each category, as established by the Comptroller's Office. The diamond lines represent the percentage of district spending with HUBs in each purchasing category from 2009 to 2011. Finally, the number in parentheses under each year shows the total amount the district spent in each purchasing category. The district exceeded the State's HUB purchasing goals for commodities in 2010 and 2011, but has had difficulty meeting the goals for other purchasing categories. Windham attributes this difficulty to proprietary purchases and to the small number of contract bids it receives from HUB vendors. The district has met other HUB-related requirements, such as appointing a HUB coordinator, establishing a HUB policy, and developing a mentor-protégé program.

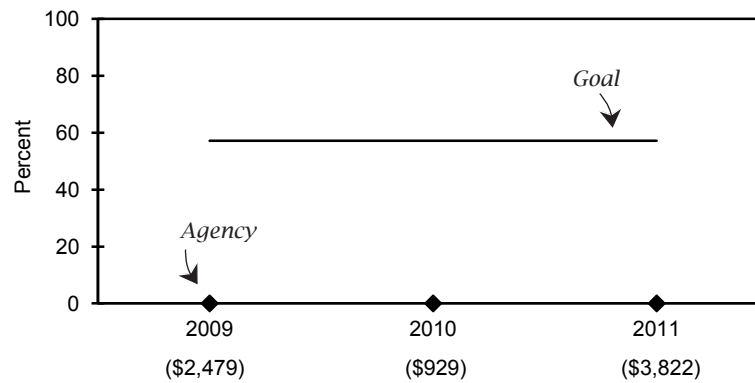
Building Construction



In fiscal year 2011, the only year it had expenditures in this category, Windham fell below the State purchasing goal.

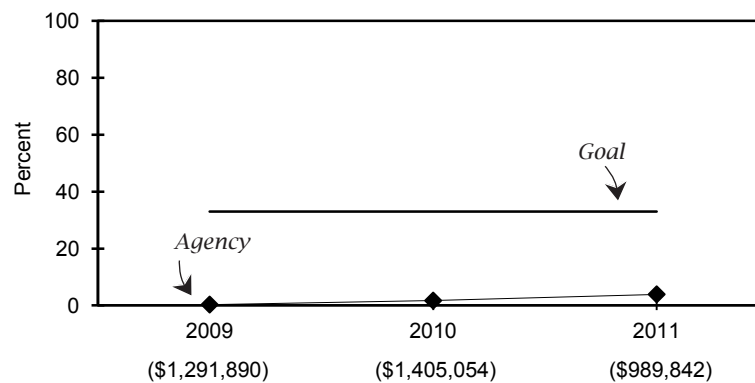
Appendix J

Special Trade



Windham fell below the State purchasing goal in each fiscal year, but contract expenditures in this category were small.

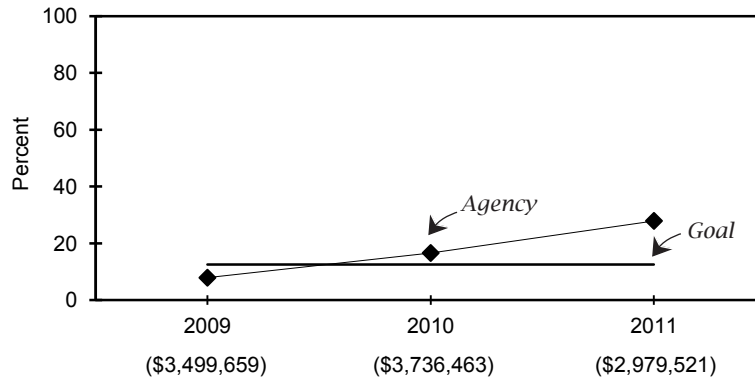
Other Services



In each of the past three fiscal years, Windham fell significantly below the State purchasing goal for the other services category.

Appendix J

Commodities



About 75 percent of Windham’s contracting expenditures were in the commodities category, and it generally meets or exceeds the State purchasing goal.

.....
¹ Section 325.011(9)(B), Texas Government Code.

² Chapter 2161, Texas Government Code.

APPENDIX K

Staff Review Activities

During the review of the Texas Department of Criminal Justice (TDCJ), Correctional Managed Health Care Committee, Windham School District, and Board of Pardons and Paroles, Sunset staff engaged in the following activities that are standard to all Sunset reviews. Sunset staff worked extensively with agency personnel; attended Board and Committee meetings; met with staff from key legislative offices; conducted interviews and solicited written comments from interest groups and the public; reviewed agency documents and reports, state statutes, legislative reports, previous legislation, and literature; researched the organization and functions of similar state agencies in other states; and performed background and comparative research using the Internet.

In addition, Sunset staff also performed the following activities unique to this agency:

- Visited several different types of TDCJ facilities, including prisons, state jails, intake units, release units, medical units, prison industry factories, private facilities, a halfway house, and a Substance Abuse Felony Punishment Facility.
- Toured the University of Texas Medical Branch prison hospital in Galveston.
- Observed offender classification and disciplinary hearings; toured Windham School District programs; and observed various rehabilitation programs, including the Sex Offender Treatment Program, Serious and Violent Offender Reentry Initiative, and the Youthful Offender Program.
- Visited community supervision and corrections departments and toured a county-run treatment facility.
- Observed initial parole interviews, parole revocation hearings, and due process hearings related to Coleman cases.
- Visited regional Parole Division offices; participated in a ride along for parole home visits and parole plan inspections; and interviewed parole officers and parolees.
- Participated in a ride along with the Office of Inspector General related to parole absconders and other task force work.
- Met or spoke with board members of the Texas Board of Criminal Justice, the Correctional Managed Health Care Committee, Windham Board of Trustees, and the Board of Pardons and Paroles.
- Observed Reentry Task Force and Judicial Advisory Council meetings.

Sunset Staff Review of the
Texas Department of Criminal Justice
Correctional Managed Health Care Committee
Windham School District
Board of Pardons and Paroles

————— *Report Prepared By* —————

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