

Fact Sheets and Testimony 2019



The Substance Use Disorder Coalition of Texas Supports Legislation to Expand Grant Opportunities That Will Allow Texas Communities to Combat the Substance Use Crisis

Background

During Texas' 85th legislative interim, the House Select Committee on Opioids and Substance Abuse performed an exhaustive study on the substance use crisis in Texas. In addition to recommendations to reduce overdoses, the Select Committee identified gaps in the continuum of care and recommended local matching grant opportunities to create locally driven programs that improve access to recovery-based services.¹

Investments in a recovery-based continuum of care for substance use disorder can have profoundly beneficial impacts on the health of Texas communities. With adequate treatment and support, substance use disorder is manageable and recovery is possible, with relapse rates comparable to other chronic diseases, such as diabetes, asthma, and hypertension.²

On the other hand, when not addressed, substance use disorders have devastating impacts on families and communities, and they are responsible for enormous costs in the state budget related to health care, public safety and corrections, homelessness, domestic violence, foster care, and social welfare programs.

Key Facts

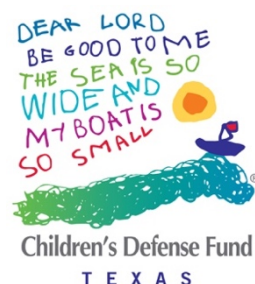
- About 43% of child abuse/neglect investigations and 66% of child removals in Texas stem from concerns about caregiver substance use, including alcohol.³ 52% of child fatalities caused by abuse or neglect included a caregiver actively using and/or under the influence of a substance that affected his or her ability to care for the child.⁴
- Drug overdose deaths rose by over 7% in 2016, many due to opioids,⁵ and four rural Texas cities (Texarkana, Amarillo, Odessa, and Longview) are among the top 25 in the country for prescription opioid abuse rates.⁶ Health care costs related to opioids reached almost \$2 billion in Texas in 2014.⁷
- Texas still faces a high rate of maternal mortality, with drug overdose as the top cause of maternal death during pregnancy and up to one year postpartum. Unfortunately, the vast majority of overdoses and suicides occur more than 60 days postpartum,⁸ but Medicaid only covers women for two months after birth.
- Only 5.8% of low-income Texas adults with substance use disorder (and only 8% of low-income Texas youth aged 12-17)⁹ receive services through a community-based treatment provider.¹⁰

Recommendation

The [Substance Use Disorder Coalition of Texas](#) recommends that the Legislature act on the Select Committee's recommendations to create matching grant opportunities, allowing a diverse group of stakeholders in local communities to identify and address gaps in the continuum of care for substance use disorder. Specifically, we urge the Legislature to do the following:

1. Expand HB 13 [2017] to invite grant applications for substance use disorder-related services and projects.
2. Lower the matching rate for substance use disorder-related projects, which will incentivize communities with gaps in the continuum of services for substance use disorder to apply for these grants.

Texas Substance Use Disorder Coalition Members



¹ House Select Committee on Opioids and Substance Abuse, Interim Report to the 86th Legislature, 32, <https://house.texas.gov/media/pdf/committees/reports/85interim/Interim-Report-Select-Committee-on-Opioids-Substance-Abuse-2018.pdf>.

² National Institute on Drug Abuse, *Principles of Drug Addiction Treatment: A Research-Based Guide (Third Edition)*, Jan. 2018, <https://www.drugabuse.gov/publications/principles-drug-addiction-treatment-research-based-guide-third-edition>.

³ Texas Department of Family Protective Services, *CPS Families with Substance Abuse Issues*, 2015.

⁴ Texas Department of Family and Protective Services, *Fiscal Year 2017 Child Maltreatment Fatalities and Near Fatalities Annual Report*, Figure 11, Table 5.

⁵ Centers for Disease Control and Prevention, *Drug Overdose Death Data (2015 to 2016)*, <https://www.cdc.gov/drugoverdose/data/statedeaths.html>.

⁶ Castlight Health Report, *The Opioid Crisis in America's Workforce*, 2016, <http://archive.castlighthealth.com/typ/the-opioid-crisis/>.

⁷ Matrix Global Advisors, *Health Care Costs from Opioid Abuse*, 2015, https://drugfree.org/wp-content/uploads/2015/04/Matrix_OpioidAbuse_040415.pdf.

⁸ Texas Health and Human Services Commission, *Legislative Brief: Investigating Maternal Mortality in Texas*, 2017. See also: Texas Department of State Health Services, *Legislative Brief: Investigating Maternal Mortality in Texas*, Sept. 2017, <https://hhs.texas.gov/sites/default/files/documents/abouthhs/communications-events/meetings-events/maternal-mortality-morbidity/m3tf-agenda7-170929.pdf>.

⁹ Includes adults with income under 200% of the federal poverty level (\$24,280/year for an individual).

¹⁰ Includes services funded through Texas' substance abuse and prevention block grant, which helps fund treatment services for individuals who do not have insurance and make income of less than 200% of the federal poverty level. Texas Health and Human Services, Behavioral Health Services, Office of Decision Support, Jan. 2018.



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2019 FACT SHEET

CSHB 650

Dignity for Incarcerated Women

CSHB 650 will improve the treatment of women incarcerated in Texas' state corrections facilities, and increase the likelihood that women can successfully rejoin their families and communities

The number of women in Texas prisons has grown by nearly 1,000 percent since 1980 (more than twice the rate of men).¹ Texas now incarcerates more women by sheer number than any other state in the nation.² However, because women comprise only a small portion of the overall incarcerated population, their needs have been largely disregarded in larger criminal justice reform conversations.

The Texas Criminal Justice Coalition conducted a survey of women incarcerated in Texas prisons and received more than 430 responses. The survey found that a staggering 81 percent of these women are mothers (compared to 68 percent of men). More than half of the responding women were physically or sexually abused prior to their incarceration (with 58 percent having been sexually abused as a child), and 82 percent were survivors of domestic violence. Along with, and perhaps as a result of, these significant trauma histories, these women also reported high rates of mental health problems and attempts to self-medicate. Sadly, the Texas Department of Criminal Justice (TDCJ) reports that the majority (64 percent) of women are incarcerated for nonviolent (predominately drug-related) offenses.³

KEY FINDINGS

- Research shows that women who receive gender-specific, trauma-informed care while incarcerated are 360 percent more likely to complete voluntary community-based treatment upon release and are 67 percent less likely to return to prison.⁴
- **In 2016, 196 women gave birth in Texas prisons – a number that does not begin to account for births in state and county jails.**⁵ Pregnant women in Texas prisons and jails are a distinct group that deserves particular attention because many of the challenges they face with respect to reentry, mental illness, substance use, and past trauma are intensified by maternal health challenges in correctional settings.
- Maintaining connection with family has been shown to reduce recidivism in parents, and many of the negative effects of parental incarceration on the children themselves can be nullified when they are considered in family unity policies⁶ – which is why other states have begun implementing family sentencing alternative programs.⁷

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT CSHB 650 BY REPRESENTATIVES WHITE, KLICK, HOWARD, NEAVE, AND MEZA

CSHB 650 takes various steps to improve outcomes for justice system-involved women, including requiring TDCJ to implement the following:

- **Correctional officer training** related to medical and mental health care for pregnant women, pregnancy and parenting classes, and additional nutritional support for pregnant women;
- Limits on **invasive searches** of pregnant women;

Continued on reverse.

- A prohibition of **shackling** of women while pregnant or within a month afterwards;
- A prohibition of the use of **solitary confinement** for pregnant women and those who gave birth within the previous month;
- A prohibition on beds for pregnant women that are higher than 3 feet above the floor;
- 72-hour **post-delivery care**, where an infant can remain with his or her mother (unless it would pose a health or safety risk to either);
- **Expanded visitation** to twice weekly with children under 18 years of age, with restrictions only for security concerns;
- A requirement that searches of women be conducted only by female correctional officers;
- Expanded access to **feminine hygiene products**, including free products for women who are indigent; and
- One-time **trauma screenings** upon intake to identify significant trauma and refer those inmates to the proper health care professional for treatment.

CSHB 650 addresses many of the unique issues facing women incarcerated in TDCJ, including pregnant women. **Ultimately, this bill will require TDCJ to better treat these women with dignity and will increase the likelihood that women can successfully rejoin their families and communities.**

Citations

¹ Texas Department of Criminal Justice, data request, 2017.

² Aleks Kajstura, Prison Policy Initiative, in a call with TCJC Policy Attorney Lindsey Linder on September 5, 2017. This refers to all incarcerated women, including immigrant detainees, and is based on 2010 U.S. Census Bureau data.

³ Lindsey Linder, *A Growing Population: The Surge of Women into the Texas Criminal Justice System*, March 2018, <https://www.texascjc.org/womens-justice>.

⁴ Avinash Singh Bhati, John K. Roman, and Aaron Chalfin, *To Treat or Not to Treat: Evidence on the Prospects of Expanding Treatment to Drug-Involved Offenders*, April 2008, xvi, http://www.urban.org/UploadedPDF/411645_treatment_offenders.pdf.

⁵ Linder, *A Growing Population*.

⁶ See generally, Prison Legal News: Lowering Recidivism Through Family Communication, April 2014, <https://www.prisonlegalnews.org/news/2014/apr/15/lowering-recidivism-through-family-communication/>.

⁷ Oregon Department of Corrections and Oregon Department of Human Services, *Family Sentencing Alternative Pilot Program: Report to the Senate and House Committees on Judiciary*, January 2018, https://www.oregon.gov/cjc/documents/doc_fsap_report.pdf.



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2019 FACT SHEET

CSHB 3227

Expand Access to Rehabilitative Programs and Peer Support Services For Incarcerated Women

PROBLEM & BACKGROUND

Women in Texas prisons have access to far fewer educational and vocational programs than their male counterparts. Through the Texas Department of Criminal Justice (TDCJ) and the Windham School District (WSD, which provides educational and vocational services to people in TDCJ), incarcerated women have access to **approximately half** of the degree plans, certifications, and educational vocational programs offered to men.

It is important to note that WSD does provide programming to a greater proportion of women than men. Also important, WSD's Superintendent, Dr. Clint Carpenter, and TDCJ officials have expressed a desire to further expand the number of programs offered to women. This must be a priority: **Given the proportionally high number of women incarcerated in Texas, it is critical to provide them the education and skills necessary to re-enter the workforce and remain on a stable, successful path.** Just a few years ago, a survey of women in Texas prisons revealed that most women were not receiving such assistance; only 19% reported that TDCJ helped them address their employment training needs "very well," while the majority – 52% – responded "not well at all."¹

In addition to educational and vocational programs that can help prepare people for reentry, in-house peer support services can be greatly beneficial to people transitioning back into the community. However, these services are not currently provided to men or women in Texas prisons. In 2015, the Texas Legislature funded a pilot program to evaluate the use and effectiveness of reentry peer support in three Texas jails, where people with complex needs are typically released to the community with little planning, preparation, or effective community programming. Results from the pilot program found:

- Criminal behavior and associated problems declined significantly over time; and
- Declines were observed in arrests, criminal planning, and recent history of criminal acts.²

SUPPORT CSHB 3227 BY REPRESENTATIVES HOWARD, JARVIS JOHNSON, ALLEN, WHITE & SENATE SPONSOR HUFFMAN

This bill would require TDCJ to develop and implement policies that increase and promote incarcerated women's access to programs – including educational, vocational, substance use treatment, rehabilitation, life skills training, peer support, and pre-release programs. TDCJ must also report annually to state leadership on progress being made to expand program access for women. Additionally, this bill will increase the availability of peer support services, including certified peer specialist services, for eligible women and men in TDCJ. Programming aimed at reducing recidivism is an especially cost-effective approach to crime reduction. To the extent the State can develop effective, recidivism-reduction programs aimed at both women and men, it will likely get a significant return on its investment while strengthening Texas families and communities.

Citations on reverse.

Citations

¹ Lindsey Linder, *An Unsupported Population: The Treatment of Women in Texas' Criminal Justice System*, April 2018, 21.

² Hogg Foundation for Mental Health, Evaluation of DSHS Re-Entry Project (Rider 73): Final Evaluation Report, <http://hogg.utexas.edu/wp-content/uploads/2019/02/Re-Entry-Peer-Support-Final-Report-Jan-10-2019.pdf>.

SUPPORT CSHB 3303: Consideration for Primary Caretakers & Minor Children *Require courts to consider primary caretaker status in community supervision decisions*

MINOR CHILDREN ARE AT RISK WHEN THEIR PRIMARY CARETAKER IS INCARCERATED FOR A PROBATION VIOLATION

Parental incarceration not only impacts the parent under correctional control, it also **has profound and widespread effects on the health and wellbeing of their children**. Children of incarcerated parents have high rates of behavioral problems, speech and language delays, asthma, obesity, depression, and anxiety. They have higher rates of attention deficits than those with parents missing because of death or divorce. Additionally, the probability of risky sleep and eating behaviors in children with an incarcerated parent is more than double that of children who have had neither parent incarcerated. This is particularly worrisome, as sufficient sleep and proper eating habits are the cornerstone of healthy development in children.¹ But even worse, incarcerated parents can permanently lose custody of their children, sending them into the foster care system or into other vulnerable situations, including homelessness.²

IN SHORT

CSHB 3303 will require judges to take primary caretaker status into consideration when making community supervision decisions. It will also create a reporting process to track revocations among young adults on community supervision.

Young adults aged 17 to 25 who are parents of minor children require special assistance and attention. As an age group, they are far more likely than their older peers to have their probation revoked. In fact, only 18 percent of 17- to 21-year-olds successfully terminated from felony community supervision in 2017. The remaining 82% were revoked and sent to jail or prison.³

Rather than incarcerating a primary caretaker for a probation violation, judges should modify their probation conditions or consider family-based treatment alternatives to incarceration, which consistently result in lower recidivism⁴ and lead to **improved children's health, family stability, sustained parental sobriety, increased family reunification, and significantly better outcomes for children than foster care placement.**⁵

KEY FINDINGS

- Per a 2018 survey of women in Woodman State Jail, 55 percent had been placed on probation but were unable to meet the conditions and had been revoked. The women cited challenges related to probation's costs and conditions that made compliance challenging, especially when also caring for a family.⁶
- Incarceration impacts parents' ability to provide financial and emotional support to their children and can result in negative outcomes for their children, including serious mental, physical, and emotional health issues,⁷ and involvement in the child welfare system.
- Children of incarcerated parents are five times more likely to commit crimes than their peers,⁸ and children of young adults on felony community supervision are at particularly high risk. Research shows young adults are not fully mature and have greater impulsivity and proclivity toward risk-taking behaviors than older adults.⁹ Many of their parents may ultimately be sent to jail or prison unless Texas takes steps to assist them.

Continued on reverse.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT CSHB 3303 BY REPRESENTATIVE BOWERS

CSHB 3303 would require courts to take into consideration whether a parent is the sole caretaker of a child (under 18 years of age) when determining whether to revoke, continue, or modify community supervision for a probation violation, unless the violation involved being arrested for, charged with, or convicted of an offense other than a traffic offense punishable by fine only.

This reform is critical. While 81 percent of women in Texas prisons are mothers, 68 percent of men are fathers. Collectively, almost 103,000 people in Texas' state corrections system in FY 2016 had children,¹⁰ at tremendous cost to Texas children, family units, and communities.

CSHB 3303 also takes the important step of addressing disproportionality in young adults being revoked on probation, specifically by:

- requiring more rigorous reporting on the outcomes of young adults on felony community supervision, especially for those who are primary caretakers of children;
- directing the Texas Department of Criminal Justice (TDCJ) to provide technical assistance on developmental factors impacting young adults on probation; and
- ensuring that TDCJ grant funds are available to improve young adult programming, especially for young adults who are primary caretakers.

Citations

¹ Texas Smart-On-Crime Coalition, HB 1389 Fact Sheet, 2019. Available by request.

² R. Anspach, "What It's Like to Grow Up with a Parent Behind Bars," *Teen Vogue*, October 13, 2017, <https://www.teenvogue.com/story/what-its-like-to-have-an-incarcerated-parent>.

³ Texas Department of Criminal Justice (TDCJ), FY 2017 Statistical Report, https://www.tdcj.texas.gov/documents/Statistical_Report_FY2017.pdf.

⁴ A. Thompson, "Releasing Prisoners, Redeeming Communities Reentry, Race, and Politics" *NYU Press*, 2008, 64-65.

See also: Women's Prison Association, *Mothers, Infants and Imprisonment: A National Look at Prison Nurseries and Community-Based Alternatives*, 2009, https://www.prisonlegalnews.org/media/publications/womens_prison_assoc_report_on_prison_nurseries_and_community_alternatives_2009.pdf

⁵ National Women's Law Center, *Mothers Behind Bars*, 2010, <https://www.nwlc.org/sites/default/files/pdfs/mothersbehindbars2010.pdf>.

⁶ Doug Smith, *A Failure in the Fourth Degree: Reforming the State Jail Felony System in Texas*, Texas Criminal Justice Coalition, October 2018.

⁷ Lindsey Linder, *An Unsupported Population: The Treatment of Women in Texas' Criminal Justice System*, Texas Criminal Justice Coalition, April 2018, <https://www.texascjc.org/womens-justice>.

⁸ Tracy Velazquez, *Young Adult Justice: A new frontier worth exploring*, 2013, <https://chronicleofsocialchange.org/wp-content/uploads/2013/05/Young-Adult-Justice-FINAL-revised.pdf>.

⁹ Tracy Velazquez, *Young Adult Justice*.

¹⁰ TDCJ, data request, September 2017.

Reduce the Penalty for Low-Level Marijuana Possession to a Civil Fine

HARSH MARIJUANA PENALTIES SQUANDER TAXPAYER DOLLARS AND ARE OUT OF STEP WITH PUBLIC ATTITUDES

In 2018, nearly 70,000 cases were filed for misdemeanor marijuana possession in Texas,¹ with several thousand cases filed in Texas' largest counties: Tarrant (6,029), Dallas (5,604), Bexar (5,601), Harris (3,200), Travis (3,102), and El Paso (2,172).² Possession of up to two ounces is a Class B misdemeanor, punishable by a \$2,000 fine and up to 6 months in jail.

Based on historic sentencing patterns, nearly 35 percent of people cited or arrested for marijuana possession were sentenced to serve time in county jail, and another 11 percent were sentenced to probation.³

In 2018, approximately **17,500 people** were sentenced to time in county jail for possession of marijuana, squandering taxpayer dollars, while the vast majority of Texas taxpayers oppose harsh penalties for marijuana.

The current law diverts police attention from serious offenses and wastes limited county and state resources on the punishment of low-level offenses. Yet polls show that a majority of Texas' registered voters endorse legalizing marijuana.⁴ In the meantime, taxpayers are left to foot the bill for overly punitive policies, even as property owners are unable to keep up with rising property tax bills.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 63 BY REPRESENTATIVE JOE MOODY

HB 63 decreases the penalty for possession of one ounce or less of marijuana from a Class B misdemeanor to a civil fine not to exceed \$250. Lowering penalties will clear crowded court dockets of thousands of county judges to focus on more serious matters. **Furthermore, it will save taxpayer dollars,** which can go towards addressing other important needs in the community, such as substance use disorder treatment.

Citations

¹ Texas Office of Court Administration (OCA), *County-Level Courts: Misdemeanor Case Activity Detail – January 1, 2018 to December 31, 2018*, shorturl.at/cdzR5.

² Texas OCA. County-level reports can be generated from this link:

<https://card.txcourts.gov/ReportCriteria.aspx?ddlReportName=114&ddlReportType=4980&ddlReportPeriod=>

³ Texas Department of Public Safety, Data Request, June 2015.

⁴ Ross Ramsey, "Led by Democrats and young adults, most Texas voters want to legalize marijuana, UT/TT Poll finds," *Texas Tribune*, June 27, 2018, <https://www.texastribune.org/2018/06/27/marijuana-democrats-young-adults-texas-poll/>.

Support a Meaningful Opportunity for Release for Youth Sentenced to Adult Facilities

Currently: Youth under the age of 18 who commit certain crimes are routinely sentenced to life in prison with no opportunity for parole for 40 years.

- Extreme sentences for youth do not account for the fact that their brains are not fully developed. Tremendous growth and maturity often occur in a person's late teens through mid-20s.
- In part, this lack of maturity is why the U.S. Supreme Court has recognized that it is wrong to deny someone who commits a crime under the age of 18 the opportunity to demonstrate rehabilitation.
- It costs taxpayers \$2.5 million to incarcerate one juvenile for life – an enormous expense considering most such young people should be rehabilitated long before their 40-year parole eligibility date. Current Texas law does not provide a path to redemption for those who can prove that they merit a second chance.

Support HB 256 by Moody: Texas should provide a “second look” at parole eligibility for people convicted of crimes before their 18th birthday.

- An early parole hearing can focus on how the person has shown rehabilitation and maturity, and consider factors such as childhood trauma and the hallmark features of youth.
- This is in line with the national trend moving away from extreme punishments for children.
- With this policy change, Texas could save between \$4 million and \$12 million per year following implementation.
- By providing an opportunity for early release for rehabilitated, mature individuals, Texas will encourage incarcerated people to focus on bettering themselves, and the state can save significant taxpayer dollars without compromising public safety. This policy will also allow people to fulfill their true potential and become contributing members of the community.

SUPPORTERS:

Texas Criminal Justice Coalition

Texas Public Policy Foundation

Texas Association of Business

Texas Appleseed

Texans Care for Children

Christian Life Commission

Goodwill Central Texas

Prison Fellowship

ACLU of Texas

R Street Institute

Raise the Age

CHILDREN ARE LESS MATURE THAN ADULTS. MOST LAWS RECOGNIZE THIS BY REQUIRING TEENAGERS TO WAIT UNTIL THEY ARE 18 TO VOTE, JOIN THE MILITARY, OR LIVE INDEPENDENTLY.

BUT WHILE THE LAW SAYS 17-YEAR-OLDS ARE NOT MATURE ENOUGH FOR THOSE ACTIVITIES, IT REQUIRES THEM TO BE PUNISHED AS ADULTS WHEN THEY COMMIT A CRIME IN TEXAS.

IN 2017, NEARLY 20,000 17-YEAR-OLDS WERE ARRESTED AND SUBJECTED TO TEXAS' ADULT CRIMINAL JUSTICE SYSTEM.



95% OF THOSE ARRESTS WERE FOR NONVIOLENT AND MISDEMEANOR OFFENSES.



RIGHTS FOR JUVENILES ONLY

IN THE JUVENILE JUSTICE SYSTEM, THESE OFFENSES WOULD MOST LIKELY RESULT IN RELEASE BACK INTO THE COMMUNITY WITH ORDERS TO ATTEND REHABILITATIVE TREATMENT UNDER SUPERVISION.



INSTEAD, 17-YEAR-OLDS IN TEXAS' ADULT SYSTEM ARE SUBJECTED TO DANGEROUS CONDITIONS AND A LIFETIME OF COLLATERAL CONSEQUENCES.



DANGERS OF HOUSING YOUTH IN ADULT FACILITIES

YOUTH HELD IN ADULT FACILITIES ARE AT HIGHER RISK OF PHYSICAL & SEXUAL ASSAULT. IN FACT, 2/3 OF 16 & 17-YEAR-OLDS HELD IN U.S. ADULT FACILITIES HAD BEEN SEXUALLY VICTIMIZED BY OTHER INMATES.



YOUTH IN ADULT FACILITIES ARE 36 TIMES MORE LIKELY TO COMMIT SUICIDE.



IN ADULT FACILITIES, 17-YEAR-OLDS SPEND UP TO 23 HOURS PER DAY IN SOLITARY CONFINEMENT, WHICH MAY HINDER DEVELOPMENT AND LEAD TO PHYSICAL AND PSYCHOLOGICAL HARM.

COLLATERAL CONSEQUENCES

HAVING A CRIMINAL RECORD CAN CREATE BARRIERS TO FURTHERING AN EDUCATION, GAINING EMPLOYMENT, SECURING HOUSING, AND JOINING THE MILITARY.



YOUNG PEOPLE PROSECUTED IN THE ADULT SYSTEM ARE 34% MORE LIKELY TO VIOLENTLY RE-OFFEND.



TEXAS IS 1 OF ONLY 4 STATES THAT CONTINUES TO SEND YOUTH UNDER 18 TO THE ADULT CRIMINAL JUSTICE SYSTEM, MAKING US OUT OF LINE WITH BEST PRACTICES.

WHY DO WE CONTINUE TO SUBJECT KIDS WHO SIMPLY MAKE MISTAKES TO THE HARSHNESS OF THE ADULT CRIMINAL JUSTICE SYSTEM?

WHAT CAN THE TEXAS LEGISLATURE DO?

PASS HB 344

Raise the Age: Keep Kids Out of Adult Jails and Prisons

Currently: Texas is 1 of only 4 states to send all 17-year-olds accused of a crime to the adult justice system, making Texas out of step with best practices.

- When 17-year-olds are arrested in Texas, they are treated as adults and no one is required to inform their parents of the arrest.
- An adult criminal record creates barriers to getting an education, gaining employment, securing housing, and joining the military.
- In the adult system, 17-year-olds face a higher risk of sexual assault,¹ and are 36 times more likely to commit suicide than those in juvenile facilities.²
- Sending 17-year-olds to adult jails is costly and subjects sheriffs to liability. Keeping as many kids as possible out of adult jails will prevent Texas sheriffs from having to retrofit their facilities at tremendous expense or face liability for noncompliance with PREA.³
- Due to “sight and sound separation” requirements under PREA, kids in adult facilities can spend up to 23 hours per day in solitary confinement, which can lead to physical and psychological harm.

In 2018, the Texas Criminal Justice Coalition hosted visioning sessions with system-impacted kids and families across the State.

In every visioning session, attendees chose “raise the age” as the most urgent youth justice priority.

Support HB 344 by Reps. Dutton & Reynolds: Raising the age of criminal responsibility would start kids off in the youth system, but allow judges to transfer those with the most violent offenses to the adult system if appropriate.

- After the age of criminal responsibility was raised in other states, taxpayer costs were kept in check and crime rates continued to fall.⁴
- Research shows that young people who are kept in the youth justice system are less likely to re-offend than young people who are transferred to the adult system.⁵
- This expansion of juvenile jurisdiction is consistent with federal constitutional law and promotes a youth justice system focused on public safety, youth rehabilitation, fairness, and fiscal responsibility.

Citations

¹ Bureau of Justice Statistics, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12*, 2013, 23, <http://www.bjs.gov/content/pub/pdf/svpjri1112.pdf>.

² The Campaign for Youth Justice, *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America*, 2007, 10, http://www.campaignforyouthjustice.org/documents/CFYJNR_JailingJuveniles.pdf.

³ Sheriffs Adrian Garcia, Christopher Kirk, and Lupe Valdez, "Sending 17-Year-Olds to Adult Jails Costly to Teens and Taxpayers," *Dallas Morning News*, May 19, 2014, <http://www.dallasnews.com/opinion/latest-columns/20140519-sending-17-year-olds-to-adult-jails-costly-to-teens-and-taxpayers.ece>.

⁴ Justice Policy Institute, *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System*, March 2017, <http://www.justicepolicy.org/uploads/justicepolicy/documents/raisetheage.fullreport.pdf>.

⁵ Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, MMWR 56, No. RR-9 (2007), <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.



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2019 FACT SHEET

HB 363

Improve Safety, Conditions, Accountability, and Efficiency in Adult Corrections Facilities by Establishing an Independent Ombudsman

TEXAS PRISONS ARE FAILING TO PROTECT THE RIGHTS AND WELL-BEING OF INCARCERATED INDIVIDUALS AND STAFF

The Texas Department of Criminal Justice Department (TDCJ) operates not only the largest prison system in any state, but also one of the largest in the world, with more than 145,000 people in custody,¹ 106 facilities,² and an annual budget exceeding \$3.3 billion.³ **Yet, no independent entity oversees conditions** within Texas prisons, leaving people who are housed or who work within these facilities to face unsafe, unsanitary conditions.

For instance, recent media reports have revealed: a quota system for disciplinary measures, which led to four indictments of employees; allegations that guards have ignored incarcerated individuals' claims of physical and sexual abuse; denial of medical care; and ongoing in-custody deaths and suicide attempts.⁴ While poor conditions cause unsafe conditions and staff turnover, they are also incredibly concerning to the families of incarcerated individuals, who want their loved ones to be safe, and who want abuses and rights violations to be addressed efficiently and effectively.

While TDCJ does have a variety of *internal* accountability mechanisms, including the offender grievance process, the Texas Board of Criminal Justice, and the Ombudsman office (which handles inquiries from the public and reports to TDCJ's Executive Director), family members and incarcerated individuals who have attempted to utilize these avenues to alert the administration of problems have seen nothing happen until those problems are highlighted in the press.⁵

Internal accountability measures do not and cannot serve the same role or offer the same benefits of external oversight, which promotes transparency, accountability, and good government, and reduces the likelihood of expensive litigation against the agency. The American Bar Association argues that independent oversight allows for the identification and resolution of various problems, resulting in facilities that are safer, that respect the constitutional rights of the individual, and that are better equipped to help people prepare for reintegration into society. In addition, independent oversight detects overlooked problems, is cost-effective, and can help legislators and the general public make informed decisions regarding sentencing and correctional policies.⁶

In 1973, the court's *Ruiz vs. Estelle* decision found that Texas prison conditions violated incarcerated individuals' constitutional rights to protection from cruel and unusual punishment. The case resulted in court oversight of TDCJ facilities that lasted until 2002, exposing many problems with Texas prison operations that had traditionally remained hidden – including prison overcrowding, excessive use of force, substandard health care, and serious safety, sanitation, and hygiene concerns.⁷ The state prison system has operated without an independent monitor since then, but it is now time to act. **Especially in light of recent scandals, it is imperative that the State takes steps to protect the thousands of men, women, and children on hand in its corrections facilities.**

IN SHORT

HB 363 will create an independent oversight ombudsman for TDCJ – which Texas families and legislators desperately need.

Continued on reverse.

KEY FINDINGS

- TDCJ's current Ombudsman office is not independent, and its role fails to protect the rights of individuals incarcerated in Texas prisons. Specifically, the office is not required to report information on how many inquiries are resolved or in what manner, whereas an independent Ombudsman is required to report its findings to the public.⁸
- Incarcerated individuals who file grievances currently risk exposing themselves to retaliation by TDCJ staff.⁹ This is especially concerning for individuals who suffer from mental illness or addiction, and who have limited ways to protect themselves.
- Texas youth facilities (under the Texas Juvenile Justice Department) are monitored by an independent Ombudsman, which was created for many of the reasons that Texas' adult prisons need independent oversight.¹⁰

SUPPORT HB 363 BY REPRESENTATIVE JARVIS JOHNSON

HB 363 will create independent oversight of Texas' state corrections system, promoting accountability, providing cost savings, and protecting the rights and well-being of incarcerated individuals and staff.

The funding for independent oversight will be provided by commissary profits and does not require appropriations from the State budget. The money is directly from inmate family expenditures to TDCJ, and a budget rider for this has been submitted.

Citations

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https://www.tdcj.texas.gov/documents/Statistical_Report_FY2018.pdf.

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³ Legislative Budget Boards, General Appropriations Act FY 2018 – 2019.

⁴ Hannah Wiley, "Advocates say the timing is right for independent oversight of Texas prisons," *Texas Tribune*, November 26, 2018, <https://www.texastribune.org/2018/11/26/advocates-say-time-right-independent-oversight-texas-prisons/>.

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"Texas Prisons: More than 500 Disciplinary Cases Tossed After Quotas Investigation," *Houston Chronicle*, June 11, 2018;

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Houston Chronicle, December 5, 2018; "Toothless Texas Inmates Denied Dentures in State Prison," *Houston Chronicle*,

September 23, 2018.

⁶ American Bar Association, *Resolution 104B: Prison Oversight and Monitoring of Juvenile and Adult Facilities*, 2008,

2; <http://www.abanet.org/crimjust/policy/am08104b.pdf>.

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⁸ Texas Criminal Justice Coalition (TCJC), *The Case for Independent Oversight of Texas' Prison System: Pursuing Accountability, Efficiency, and Transparency*, 2012, 1-10.

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<https://law.utexas.edu/wp-content/uploads/sites/11/2015/04/2015-HRC-USA-Reckless-Indifference-Report.pdf>.

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Independent Oversight



Texas Board of Criminal Justice

governing body of TDCJ, which is the largest prison system in America

adopts rules and standards

does not conduct investigations

approves TDCJ's operating budget and requests for appropriations

applies for and accepts gifts and grants



"While at times a horrific problem or scandal in a correctional facility or facilities, such as the sexual abuse of inmates, attracts headlines, the public is mostly oblivious about conditions in prisons, jails, and other correctional and detention facilities, even those within their own communities... They need not be." -American Bar Association

Office of the Independent Ombudsman proposed by HB 363

would review TDCJ's procedures

would conduct investigations of complaints

would periodically review and inspect facilities

would immediately report any serious cases of abuse or problems

would submit periodic, public reports to the Governor, Lieutenant Governor, State Auditor, and Legislature on its work and the results of any investigations or reviews

would make recommendations regarding the operations of TDCJ



**Support
HB 363**

"You just can't have the fox watching the hen house. They're not doing their job." -Rep. Jarvis Johnson



HB 363 will create independent oversight of Texas' state corrections system, promoting accountability, providing cost savings, and protecting the rights and well-being of incarcerated individuals and staff

Reduce Harsh Penalties for Driving While License Invalid

Expensive civil “surcharges” come at a high price for counties, courtrooms, and jails

DRIVING WITH AN INVALID LICENSE SHOULD NOT BE A JAILABLE OFFENSE

Currently, “Driving While License Invalid” (DWLI – a suspended license) is a fine-only Class C misdemeanor unless it is a person’s subsequent offense, in which case it becomes a Class B misdemeanor, warranting up to six months in jail and a \$2,000 fine.

Tens of thousands of Texans are arrested each year for driving with a suspended license, some because they could not afford expensive civil “surcharges” imposed under the Driver Responsibility Program (DRP). In fact, **approximately 1.4 million Texans have had their license suspended** for failing to pay DRP surcharges assessed on moving violations or other driving-related offenses. But with limited public transportation options, many Texans must continue driving with a suspended license in order to work and provide for their families – risking arrest and jail for driving with an invalid license.¹

And, indeed, **in 2018 alone, more than 21,000 Class B misdemeanor DWLI cases were added to Texas court dockets, and during that year, 7,000 people were sentenced to local jail on a DWLI offense, with taxpayers footing the bill.**²

IN SHORT

HB 372 will eliminate the enhanced penalty for a “Driving While License Invalid” offense from a Class B misdemeanor to a Class C misdemeanor on a subsequent offense – keeping law enforcement, court, and jail resources focused on true threats to public safety.

KEY FINDINGS

- In 2018, nearly 46,000 total DWLI cases clogged Texas county court dockets.³
- Approximately 1.4 million individuals in Texas have a suspended license due to the state’s failed Driver Responsibility Program;⁴ these individuals risk arrest and a jail sentence every time they get behind the wheel to go to work or church, to take a child to the doctor, or to get groceries.
- In 2017, Driving While License Invalid charges with underlying DRP surcharge suspensions totaled 44,356 cases.⁵

SUPPORT HB 372 BY REPRESENTATIVE ALLEN

HB 372 eliminates the penalty enhancement for a subsequent DWLI offense from a Class B to Class C misdemeanor, which will reserve costly jail beds for those who pose a true threat to public safety.

HB 372 preserves the penalty enhancement for DWLI if the license was previously suspended for a DWI offense.

Citations on reverse.

Citations

¹ Justin Wm. Moyer, "More than 7 Million People May Have Lost Driver's Licenses Because of Traffic Debt," *The Washington Post*, May 19, 2018, https://www.washingtonpost.com/local/public-safety/more-than-7-million-people-may-have-lost-drivers-licenses-because-of-traffic-debt/2018/05/19/97678c08-5785-11e8-b656-a5f8c2a9295d_story.html?noredirect=on&utm_term=.b2458da20a5a.

² Office of Court Administration (OCA), Court Activity Database, *County-Level Courts: Misdemeanor Case Activity Detail*, January 1, 2018 to December 31, 2018, [https://card.txcourts.gov/oca_ReportViewer.aspx?ReportName=County-Level Courts/CL Misdemeanor Activity Detail N.rpt&ddlFromMonth=1&ddlFromYear=2018&txtFromMonthField=@FromMonth&txtFromYearField=@FromYear&ddlToMonth=12&ddlToYear=2018&txtToMonthField=@ToMonth&txtToYearField=@ToYear&ddlCountyPostBack=0&txtCountyPostBackField=@CountyID&ddlCourtAfterPostBack=0&txtCourtAfterPostBackField=@CourtID&chkAggregateMonthlyReport=0&export=1706](https://card.txcourts.gov/oca_ReportViewer.aspx?ReportName=County-Level%20Courts/CL%20Misdemeanor%20Activity%20Detail.N.rpt&ddlFromMonth=1&ddlFromYear=2018&txtFromMonthField=@FromMonth&txtFromYearField=@FromYear&ddlToMonth=12&ddlToYear=2018&txtToMonthField=@ToMonth&txtToYearField=@ToYear&ddlCountyPostBack=0&txtCountyPostBackField=@CountyID&ddlCourtAfterPostBack=0&txtCourtAfterPostBackField=@CourtID&chkAggregateMonthlyReport=0&export=1706).

³ OCA, Court Activity Database, *County-Level Courts: Misdemeanor Case Activity Detail*, January 1, 2018 to December 31, 2018.

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⁵ Texas Department of Public Safety, response to open records request received January 2019.

Health Care Services in the Texas Department of Criminal Justice

Expand Access to Medical Care Through Less Expensive Co-Pay Fees

THE PROBLEM: HIGH CO-PAY FEES DISCOURAGE PEOPLE FROM SEEKING NECESSARY MEDICAL TREATMENT

Prior to 2011, people incarcerated in the Texas Department of Criminal Justice (TDCJ) were required to pay a \$3 co-pay for certain visits to medical services.¹ In 2011, the Legislature replaced this fee with an annual **\$100 medical services fee that is triggered upon an individual's first qualifying visit.**² While TDCJ does not refuse care to individuals who are indigent, the \$100 fee is billed to the incarcerated person and deducted from half of any commissary money that he or she receives.³ High co-pay fees can discourage people from seeking medical treatment, in turn resulting in the spread of dangerous illnesses or leading to worsening medical conditions – which then become even more costly to treat.

AN EXAMPLE: THE IMPACT OF HIGH FEES ON INCARCERATED INDIVIDUALS AND THEIR LOVED ONES

Jane, a 72-year-old woman living on social security benefits, has a daughter, Sarah, who is incarcerated. Every month, Jane puts \$20 in Sarah's commissary account so she can purchase basic hygiene items and food. Sarah has asked her mother not to send her money, knowing she does not have much to spare, but Jane insists and sends the money every month. One day, Sarah gets sick and goes to see the doctor, triggering the \$100 fee. Now, each month when Jane sends \$20 to her daughter, \$10 goes toward the medical services fee until it is paid. **It will take Sarah's mother 10 months to pay off the \$100 fee.**

KEY FINDINGS

- Legislators made the fee change from \$3 to \$100 to generate more healthcare revenue from incarcerated people (and their loved ones). However, it has **failed to produce the anticipated financial results**. Instead of generating an estimated \$5-\$6 million per year, it has generated only around \$1.5 to \$2 million – barely more revenue than was generated by the original \$3 per visit co-pay.⁴
- **The \$100 fee dissuades people from seeking medical care.** This can lead to additional use of emergency care because preventable or manageable issues were not treated promptly and escalated. It can also lead to more overall visits to medical because infectious conditions have gone untreated and resulted in an outbreak.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 812 BY CHAIRMAN WHITE

People who are incarcerated – and largely unable to earn any income – should not be discouraged from seeking needed medical care because of an overly burdensome fee. **HB 812 addresses this by reverting back to the more manageable \$3 per visit co-pay fee.**

This change will **allow individuals to remain healthy and able to focus on their rehabilitation.**

This change will also generate close to the same amount of revenue for the State while **saving money in the broader sense** by avoiding more urgent care and by preventing infection.

Citations

¹ Maurice Chammah, "Some Inmates Forego Health Care to Avoid Fees," *Texas Tribune*, October 16, 2012, <https://www.texastribune.org/2012/10/16/tdcj-inmates-paying-100-fee-health-care/>.

² Section 501.063, Texas Government Code.

³ Max Rivlin-Nadler, "How Medical Copays Haunt Prisoners and Their Loved Ones," *Vice*, January 17, 2017, https://www.vice.com/en_us/article/kbba8n/how-medical-copays-haunt-prisoners-and-their-loved-ones.

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Correct Inaccuracies in Jury Instructions
*Eliminate False or Misleading Jury Instructions That Lead to
Excessive and Disproportionate Sentences*

INACCURATE LANGUAGE IN TEXAS CODE MUST BE REVISED TO ENSURE CONFORMITY WITH STATE PAROLE STATUTES

Following a defendant's conviction in a felony case, jurors are given a statutorily required statement regarding the possibility of parole and how "good time" credits (credits for good behavior and engagement in rehabilitative activity) might be applied to reduce the person's length of incarceration. **These instructions contain false and misleading information for a significant proportion of people convicted of felonies, which can influence jurors to impose a higher sentence to account for what they believe will be various opportunities for an early release from prison.**

In at least one section of statute, the jury instructions state that good time credits may reduce the time of confinement for a certain set of aggravated offenses, despite the fact that people convicted of these offenses are statutorily ineligible for good time credits. Further, the jury instructions misstate the effect of good time credits for those eligible to receive them. Sections 508.145 and 508.147 of the Government Code provide that good time credits only apply when an individual may be eligible for parole; they do not otherwise affect an inmate's term.

IN SHORT

HB 1279 will revise the Texas Code of Criminal Procedure to ensure that jury sentencing instructions are accurate and consistent with existing law, which will prevent the imposition of overly harsh sentences.

KEY FINDINGS

- **Good time credits cannot reduce an individual's term of incarceration but merely impact the parole eligibility date.**
- Of the 78,974 individuals considered for parole release in 2017, only 27,595 were approved, a parole release rate of less than 35%.¹
- Juries deserve accurate information when considering the term of confinement to prevent the imposition of overly harsh sentences.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 1279 BY REPRESENTATIVE ALLEN

HB 1279 simply revises inaccurate and misleading language in jury instructions by ensuring that statutory language is correct and conforms to Texas' state parole statutes. This bill eliminates reference to good time credits for offenses that are not eligible for such credits, and it clarifies that only parole, not good time credits, can reduce the term of confinement.

¹ Texas Board of Pardons and Paroles, *Annual Statistical Report FY 2017*, 6,
<https://www.tdcj.texas.gov/bpp/publications/FY%202017%20AnnualStatistical%20Report.pdf>.

Consider Minor Children When Sentencing a Person Who is Their Primary Caretaker

HB 1389 will require courts to consider a person's status as the primary caretaker of a minor child or minor children at sentencing

The number of women in Texas prisons has grown by nearly 1,000 percent since 1980 (more than twice the rate of men).¹ Texas now **incarcerates more women by sheer number than any other state** in the nation.² A staggering 81 percent of women in Texas prisons are mothers, while nearly 200 women gave birth in the Texas Department of Criminal Justice (TDCJ) in FY 2016. When a child loses a parent to incarceration, it can result in serious mental, physical, and emotional health issues.³

Furthermore, incarcerated parents can permanently lose custody of their children, sending them into the foster care system or into other vulnerable situations. Primary caretakers are an especially distinct group that deserves attention, given that many of the challenges they face – particularly financially – are intensified upon reentry when a criminal record can impact employment and housing.⁴

Family-based treatment alternatives to incarceration are a more effective approach than incarceration, consistently resulting in lower recidivism⁵ and leading to **improved children's health, family stability, sustained parental sobriety, increased family reunification, and significantly better outcomes for children than foster care placement**.⁶ Texas should provide more opportunities like these for parents to address the root causes of their behavior outside the justice system, allowing them to put their past behind them and successfully support their families.

KEY FINDINGS

- The majority of incarcerated women in Texas prisons have less extensive criminal histories than incarcerated men, and the majority (64 percent) of women are **incarcerated for nonviolent offenses**.⁷
- While 81 percent of women in Texas prisons are mothers, 68 percent of men are fathers. Collectively, almost 103,000 people in Texas' state corrections system in FY 2016 had children,⁸ at tremendous cost to families and communities.
- Children who have one or both parents incarcerated are also **more likely to be placed in foster care or experience homelessness**.⁹
- Half the children of incarcerated mothers will never be able to visit them during the period of incarceration.¹⁰ This intensive separation risks the significant benefits derived from the development of a mother-child relationship: **reduced recidivism among women, increased economic stability among women following reentry, and increased interest among women in undertaking rehabilitative efforts**.¹¹
- **Parental incarceration is formally recognized as an adverse childhood experience (ACE)**.¹² ACE's are tied to depression, chronic diseases, certain cancers, and an array of other mental health disorders.¹³ The outcomes that are significantly increased for the children of incarcerated individuals include **attachment disorders, substance use disorders, and severe lags in academic performance**.¹⁴

Continued on reverse.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 1389 BY REPRESENTATIVES THOMPSON AND WHITE

HB 1389 requires courts to consider a person's status as the primary caretaker of a minor child or minor children at sentencing. Incarcerating individuals compounds the employment, financial, and housing strains that those with criminal records already face. This practice is especially harmful for primary caregivers, as it limits their ability to effectively provide for their families – risking children's foster care involvement or homelessness – while isolating parents from their support networks and adding additional stress. Judges should take primary caretaker status into consideration before sentencing a person to incarceration, especially for nonviolent offenses.

The specific consideration of primary caregiver status can prevent unnecessary incarceration, reduce the stress it would place on children and families, and save on costly incarceration.

Citations

¹ Texas Department of Criminal Justice (TDCJ) data request, 2017.

² Aleks Kajstura, Prison Policy Initiative, in a call with TCJC Policy Attorney Lindsey Linder on September 5, 2017. This refers to all incarcerated women, including immigrant detainees, and is based on 2010 U.S. Census Bureau data.

³ Lindsey Linder, *An Unsupported Population: The Treatment of Women in Texas' Criminal Justice System*, April 2018, <https://www.texascjc.org/womens-justice>.

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See also: Women's Prison Association, *Mothers, Infants and Imprisonment: A National Look at Prison Nurseries and Community-Based Alternatives*, 2009, https://www.prisonlegalnews.org/media/publications/womens_prison_assoc_report_on_prison_nurseries_and_community_alternatives_2009.pdf

⁶ National Women's Law Center, *Mothers Behind Bars*, 2010, <https://www.nwlc.org/sites/default/files/pdfs/mothersbehindbars2010.pdf>

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⁸ TDCJ, data request, September 2017.

⁹ R. Anspach, "What It's Like to Grow Up With a Parent Behind Bars," *Teen Vogue*, October 13, 2017, <https://www.teenvogue.com/story/what-its-like-to-have-an-incarcerated-parent>.

¹⁰ S. Phillips, "Mother-Child Programs: Connecting Child Welfare and Corrections Agencies, in *Women and Girls in the Criminal Justice System: Policy Issues and Practice Strategies*," *Civic Research Institute*, 2006.

¹¹ B. Bloom, B. Owen, & S. Covington, "Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders," *National Institute of Corrections*, 2003, <https://s3.amazonaws.com/static.nicic.gov/Library/018017.pdf>.

¹² T. Krupat, E. Gaynes, Y. Lincroft, "A Call to Action: Safeguarding New York's Children of Incarcerated Parents," *Osborne Association*, 2011, <http://www.osborneny.org/programs-down/strengthening-communities/new-york-initiative-for-children-of-incarcerated-parents/a-call-to-action/>.

¹³ Center for Health Care Strategies, *Fact Sheet: Understanding the Effects of Trauma on Health*, June 2017, <https://www.chcs.org/resource/understanding-effects-trauma-health/>.

¹⁴ R. Anspach, *What It's Like to Grow Up*.



Vote YES on HB 1419
(Rep. Senfronia Thompson)

Restore the Right to Vote for People Who Have Completed a Term of Incarceration
#FreeTheVote In Texas For All

Almost 327,000 people in Texas cannot vote because they are on parole or probation,¹ removing their voices from our democracy.

HB 1419 will bring Texas in line with 14 other states that restore voting rights to people with felony convictions who have completed their term of incarceration and have been released back to the community.

Restoring Voting Eligibility Can Improve Social Responsibility and Boost the Economy

Restoring the ballot to people is about restoring their place in the community. When returning individuals earn back their rights, they also reclaim their place in society and are more likely to become contributing members of their communities. A recent study indicated that restoring voting eligibility to disenfranchised Floridians would bring hundreds of millions of dollars to the Florida economy, while adding almost 4,000 jobs annually.²

- People who are living and working in our communities must take responsibility for making our communities stronger, which means participating in our democracy.
- Freeing the vote can improve public safety – protecting Texas families, while also protecting people’s civil rights.
- Texans are being jailed for voting without knowing they were ineligible. This harms families and communities.³

Restoring Voting Eligibility Can Reduce the Crime Rate

When people return home after completing a term of incarceration, they often struggle to find a job and housing, and they face an overall lack of support in transitioning successfully to the community. Creating a restorative, redemptive reentry system – one that includes voting eligibility – will tell people, “You matter, your hopes for the future matter, and you have a say in your future.” Civic engagement will incentivize people to actively participate in improving their neighborhoods and communities. And, in fact, research shows that voting among previously incarcerated individuals can decrease recidivism.⁴

Restoring Voting Eligibility Will Bring Texas In Line with Several Other States

Fourteen states and the District of Columbia permit individuals who have been released from a term of incarceration to vote. These jurisdictions additionally allow people who are currently on probation to vote. The states that permit voting by people with felony convictions include Hawaii, Illinois, Indiana, Maryland, Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, and Utah.⁵

Citations on reverse.

Endnotes

¹ Texas Department of Criminal Justice (TDCJ), *FY 2017 Statistical Report*, https://www.tdcj.texas.gov/documents/Statistical_Report_FY2017.pdf; see page 4 [Total Parolees Under Active Supervision: 84,838 people], page 5 [Parolees on Inactive Status listed as “Pre-Revocation – Not in Custody,” “Annual Report,” and “In Custody (Not in TDCJ custody)”]: 14,091 people], and page 6 [Felony Community Supervision Population: 227,955 people], for a total of 326,884 people.

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⁴ Guy Padraic Hamilton-Smith and Matthew Vogel, *The Ballot as a Bulwark: The Impact of Felony Disenfranchisement on Recidivism*, August 30, 2011, <http://dx.doi.org/10.2139/ssrn.1919617>: “[S]tates which permanently disenfranchise ex-felons experience significantly higher rates of repeat offenses than states that do not. If it is the case that disenfranchisement policy has a causal relationship with recidivism, then states that disenfranchise permanently can expect to see a significant reduction in the re-arrest rates of ex-felons. A reduction of this sort would be a potential boon for states, not only in terms of the general principles of crime control, but economically as well.”

⁵ National Conference of State Legislatures, *Felon Voting Rights*, December 2018, <http://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>.



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2019 FACT SHEET
HB 2158

Integrate Work Release and Peer Support to Improve Prison Reentry

MORE EFFECTIVE REENTRY MODELS ARE NECESSARY TO DECREASE RECIDIVISM & THE ASSOCIATED TAXPAYER EXPENSE

The unemployment rate among formerly incarcerated individuals is nearly five times higher than among the general population.¹ Evidence shows that rapid employment following release from prison leads to lower rates of recidivism, but many people – especially those who have been out of the workforce for lengthy periods or who have never worked in a regular job – need additional help finding work and reintegrating into the community.² This type of assistance is limited for those being released from the Texas Department of Criminal Justice (TDCJ), and these gaps can produce higher recidivism rates among certain groups leaving prison or state jail.³ Given that incarceration itself does not prepare someone to overcome the challenges of reentry, it is imperative that the state incorporate evidence-based models during confinement to more effectively prepare people for a safe, stable release into our communities.

INTEGRATED WORK RELEASE AND PEER SUPPORT LEADS TO BETTER OUTCOMES

Evidence-Based Work Release Programs are a Safe, Effective Step-Down to Release

With work release programs, eligible incarcerated individuals leave the corrections facility premises during the work day to receive paid employment in the surrounding community. Once individuals complete a day of work, they return to the facility, where they remain in the custody of the correctional institution for the night. These programs allow individuals to have job and financial stability prior to release, enabling them to pay child support and victim restitution. Several states, including Arkansas, Florida, Georgia, and Louisiana, have had these programs in place for years due to their effectiveness.⁴ Research has found the same:

- A 2016 study funded by the National Criminal Justice Reference Services found, “compelling evidence that work release is an effective correctional program in terms of significantly reducing the likelihood that prison releases will return to a life of crime and recycle through the court and correctional system.”⁵
- Studies have shown that work release programs are effective at reducing recidivism as measured by rearrests, reconviction, reincarceration, or supervision revocation for a technical violation.⁶

Certified Peer Specialists Integrate Peer Support into the Reentry Process

Peer support involves trained peer navigators with histories of substance use, mental health conditions, and criminal justice system involvement helping those with similar histories. They have achieved a reasonable degree of stability in their own lives and are now employed by local government and nonprofit agencies to provide individualized support to others with psychiatric disabilities and justice system involvement, helping them address employment, behavioral health, and other challenges. In 2015, the Texas Legislature funded a pilot program to evaluate the use and effectiveness of reentry peer support in three Texas jails, where people with complex needs are typically released to the community with little planning, preparation, or effective community programming. Results from the pilot program found:

- Criminal behavior and associated problems declined significantly over time; and
- Declines were observed in arrests, criminal planning, and recent history of criminal acts.⁷

RECOMMENDATION: SUPPORT HB 2158 BY REPRESENTATIVE WHITE

HB 2158 will create an integrated peer support and work release model to vastly improve outcomes for people released from Texas’ state corrections system, saving taxpayer dollars, protecting public safety, and supporting families of justice system-involved Texans.

Citations

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- ³ Legislative Budget Board, *Statewide Criminal and Juvenile Justice Recidivism and Revocation Report*, January 2019, http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/4914_Recidivism_Revocation_Rates_Jan2019.pdf.
- ⁴ Council of State Governments Justice Center, *What Works in Reentry Clearinghouse: Employment*, <https://whatworks.csgjusticecenter.org/>.
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- ⁷ Hogg Foundation for Mental Health, *Evaluation of DSHS Re-Entry Project (Rider 73): Final Evaluation Report*, <http://hogg.utexas.edu/wp-content/uploads/2019/02/Re-Entry-Peer-Support-Final-Report-Jan-10-2019.pdf>.

Expand Trauma Screenings in the Criminal Justice System

The Problem: According to a 2014 survey by TCJC of women incarcerated in Texas prisons, more than half of respondents were physically or sexually abused prior to their incarceration (with 58% having been sexually abused as a child), and 82% were survivors of domestic violence.

Along with, and perhaps as a result of, these significant trauma histories, these women also reported high rates of mental health problems and attempts to self-medicate. **55% of women reported that they had been diagnosed with a mental illness.** The most common diagnoses for these women were **depression (69%), bipolar disorder (48%), anxiety disorder (37%), and Post-Traumatic Stress Disorder (32%).** And while mental health problems are common among all incarcerated populations, women are disproportionately affected.

Bell County's probation department utilizes trauma screenings, deploying trauma-informed social workers to support only those probationers that indicate a trauma score of 8 or higher. During FY 2018, 3.5% of male probationers scored an 8 or higher on the trauma screening. Comparatively, 16% of female probationers scored an 8 or higher, meaning female probationers were 4.5 times more likely to report having significant trauma histories.

Solution: Support HB 2168 by Allen: This bill requires the Texas Department of Criminal Justice – or its probation division – to conduct a one-time screening of individuals upon intake to prison or probation to identify those who have experienced significant trauma, and then refer them to the proper healthcare professional for treatment.

This is an important step towards a more trauma-informed corrections system.

And it is especially critical for women. Research shows that women who receive gender-specific, trauma-informed care while incarcerated are 360% more likely to complete voluntary community-based treatment upon release, and are 67% less likely to return to prison.

SUPPORTERS:

Texas Criminal Justice Coalition (TCJC)

Texas Public Policy Foundation

Texas Association of Business

Texas Appleseed

Texans Care for Children

Christian Life Commission

Goodwill Central Texas

Prison Fellowship

ACLU of Texas

R Street Institute



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2019 FACT SHEET

HB 2169

Dignity for Incarcerated Women

HB 2169 will improve the treatment of women incarcerated in Texas' county jail facilities, and improve data collection on the number of women being detained in county jails.

Dear Chair Coleman and members of the Committee, my name is Lindsey Linder and I am Senior Policy Attorney at the Texas Criminal Justice Coalition. Thank you for allowing me to provide this information in support of HB 2169.

INCARCERATED WOMEN LACK BASIC NECESSITIES THAT HELP MAINTAIN HEALTH AND DIGNITY

The number of women in Texas prisons has grown by nearly 1,000 percent since 1980 (more than twice the rate of men).¹ Texas now incarcerates more women by sheer number than any other state in the nation.² The number of women in Texas jails awaiting trial — totaling around 6,300 — has grown 48% since 2011, even as the number of female arrests in Texas has decreased 20% over that time period.³ However, because women comprise only a small portion of the overall incarcerated population, their needs have been largely disregarded in larger criminal justice reform conversations.

In May of 2017, the *Houston Chronicle* reported that jails across Texas are failing to provide incarcerated women with appropriate feminine hygiene products⁴ — but these items are basic necessities, critical to maintaining both physical health and dignity.

SOLUTION: SUPPORT HB 2169 BY REPRESENTATIVES ALLEN AND ROSENTHAL

HB 2169 would improve outcomes for justice system-involved women by requiring the Texas Commission on Jail Standards to do the following:

- Establish minimum standards for the quality and quantity of feminine hygiene products; and
- Include data on the number of females being detained in county jails in the Commission's monthly population reports.

HB 2169 addresses a critical issue facing women incarcerated in Texas' county jails. **Ultimately, this bill will require county jails to better treat women with dignity by providing an adequate quantity and quality of feminine hygiene products, and it will allow for better data collection on the growing number of women in Texas' county jails,** which can inform future policies and practices.

Thank you for allowing me to present this information, and I urge you to support HB 2169.

¹ Texas Department of Criminal Justice, data request, 2017.

² Aleks Kajstura, Prison Policy Initiative, in a call with TCJC Policy Attorney Lindsey Linder on September 5, 2017. This refers to all incarcerated women, including immigrant detainees, and is based on 2010 U.S. Census Bureau data.

³ Cary Aspinwall, "More Women Are Jailed in Texas, Even Though Arrests Have Dropped. Why?," *Dallas News*, December 3, 2017, <https://www.dallasnews.com/news/socialjustice-1/2017/12/03/women-jailed-texas-eventhough-arrests-gone>.

⁴ Emily Foxhall, "Jails Struggle with Hygiene for Some Women Inmates," *Houston Chronicle*, May 19, 2017, <https://www.houstonchronicle.com/news/houston-texas/houston/article/Jails-struggle-with-hygiene-for-some-women-inmates-11142604.php>.

Expand the Allowable Use of Mental Health Grants

Improve the continuum of care for people experiencing Substance Use Disorder to reduce health care costs, improve family stability, and save lives.

COMBAT THE SUBSTANCE USE CRISIS THROUGH SMART, COMMUNITY-BASED REFORM

While crime rates in Texas have fallen across nearly every offense category, drug-related charges continue to rise. In large part, Texas' lack of investment in Substance Use Disorder (SUD) treatment and recovery capacity limits prevention services and co-occurring SUD and mental health services, limits peer support and harm reduction opportunities, results in lengthy treatment wait lists (including for Medication-Assisted Treatment) and a declining provider base, and leaves few options for recovery housing.

Some of the most tragic downstream impacts are deaths and drug overdoses, as well as continued drug abuse. Overdose deaths rose by over 7 percent in 2016,¹ many due to opioids. Additionally, four Texas cities (Texarkana, Amarillo, Odessa, and Longview) are among the top 25 in the U.S. for prescription opioid abuse rates.²

This has a profound effect on Texas families. About 43 percent of child abuse/neglect investigations and 66 percent of child removals in Texas stem from concerns about caregiver substance use, including alcohol. Substance use was also an active influence in 52 percent of child fatalities in fiscal year 2017.³ Furthermore, Texas continues to face high rates of maternal mortality, with drug overdose as the top cause of maternal death during pregnancy and up to one year postpartum.⁴

By expanding the allowable purpose of Texas' existing mental health grant funds to include SUD treatment, communities will have greater mobility to improve their continuum of care for people with drug problems, saving lives and strengthening Texas families.

KEY FINDINGS

- **Low-income people with Substance Use Disorder in Texas are more likely to be arrested than to access recovery services.**⁵ Most defendants incarcerated for drug possession will be re-arrested within three years, while diverting people into community service lowers recidivism rates by 30-50 percent.⁶
- In Texas, \$0.60 out of every \$1,000 of general revenue spending goes to substance use agencies, far below the national average of \$4.17 per \$1,000.⁷
- Health care costs related to opioids reached almost \$2 billion in Texas in 2014.⁸

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 2707 BY REPRESENTATIVE PRICE

HB 2707 simply expands the allowable use of community mental health grant program funds to include treatment for Substance Use Disorder services. This will ultimately allow communities to implement a public health approach to Substance Use Disorder by diverting individuals away from costly jail cells and into evidence-based community care.

IN SHORT

HB 2707 will expand the allowable purpose of Texas' existing community mental health grants to include treatment for substance use disorder services – in turn reducing drug abuse and related arrests, preventing overdoses, and helping families.

Citations

¹ National Center for Health Statistics, *Data Brief: Drug Overdose Deaths in the United States, 1999-2017*, 2018, <https://www.cdc.gov/nchs/data/databriefs/db329-h.pdf>.

² Castlight Health, *The opioid crisis in America's workforce*, 2016, https://content.castlighthealth.com/Opioid-Research-Report_LP.html.

³ Texans Care for Children, *Addressing Substance Use Among Pregnant Women and New Moms*, 2018, <https://static1.squarespace.com/static/5728d34462cd94b84dc567ed/t/5ab5236a562fa77d17564e36/1521820523725/pregnancy-sud-policy-brief-mar2018.pdf>.

⁴ Texans Care for Children, *Addressing Substance Use*, 2018.

⁵ Legislative Budget Board, *Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates*, January 2017, http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/3138_Statewide_Crim_Just_Recid_Revoc.pdf.

⁶ Texas Substance Use Disorder Coalition, *Recommendations for House Select Committee on Opioids and Substance Use Disorder*, 2018, <https://www.texascjc.org/system/files/publications/SUDC%20Recommendations%20for%20Interim%20Select%20Committee%20on%20Opioids%20%28Aug%202018%29.pdf>.

⁷ Council of State Governments, *Drug Abuse in the States: Treatment*, 2017, <http://knowledgecenter.csg.org/kc/content/drug-abuse-states-treatment>.

⁸ Texas Substance Use Disorder Coalition, *Recommendations for House Select Committee*.

Restorative Justice

RATHER THAN ZERO-TOLERANCE



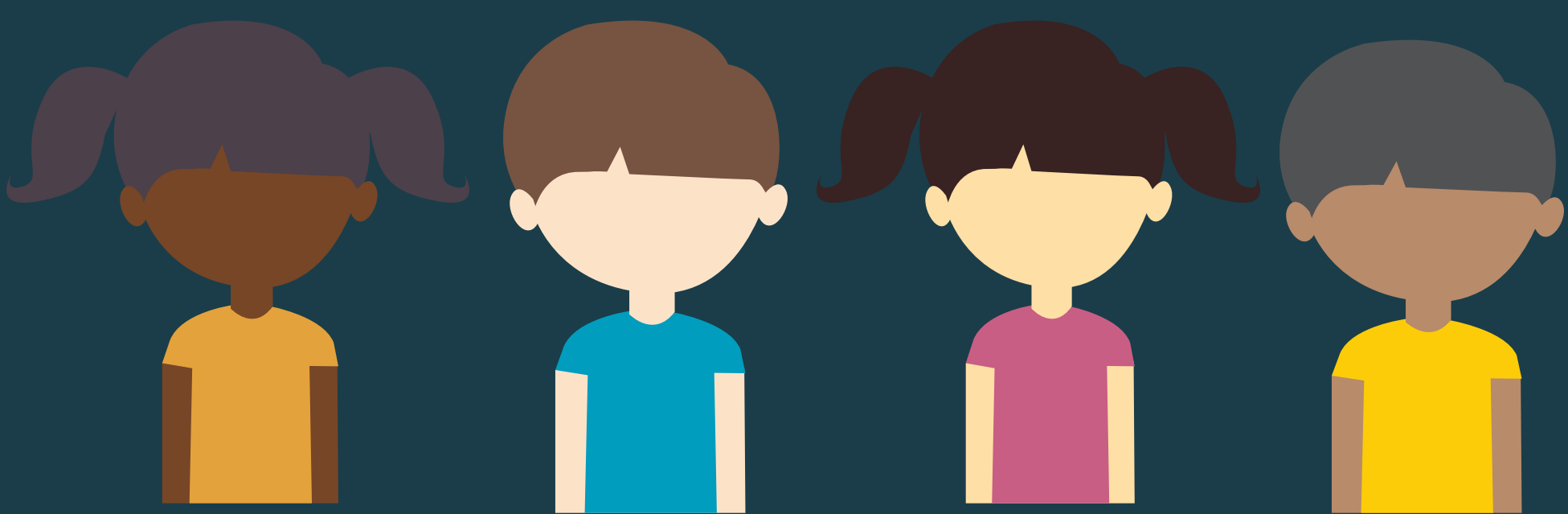
Restorative justice allows kids who inflict harm to explore and address the root causes of their behavior, which is essential to rehabilitation and encourages kids to make real and lasting change.

On the other hand, zero-tolerance policies lead to more students falling behind, and there is a strong correlation between suspensions/expulsions and juvenile justice system involvement.

SUPPORT HB 2991

By Representative James Talarico

Zero-tolerance policies are particularly detrimental for kids who have histories of trauma, because they fail to consider the impact that trauma has on brain development and behavior.



HB 2991 would establish a statewide restorative justice coordinating council to help school districts develop and implement restorative justice programs, which would provide an alternative to zero-tolerance.

Texas Criminal Justice Coalition
LLinder@TexasCJC.org
512-441-8123 Ext. 110

30%

Nearly 1 in 3 referrals to juvenile probation are for behavior that occurs in school.

HB 2991 would help stem the flow of kids into the juvenile justice system, saving significant taxpayer dollars through better long-term outcomes for Texas kids.



Northbrook High School in Houston has developed and implemented a restorative model that doubles as a youth leadership program. As a result, students can graduate with highly developed conflict resolution and leadership skills.

Programs like these should be more common, and HB 2991 would make that a reality.

Expand Access to Rehabilitative Programming for Incarcerated Women

The Problem: According to a 2014 survey by TCJC of women incarcerated in Texas prisons, **the majority – 52% – responded** that the Texas Department of Criminal Justice (TDCJ) helped them address their employment training needs **“not well at all.”** Only 19% responded “very well.”

Women in Texas prisons have access to far fewer educational and vocational programs than their male counterparts. Through TDCJ and the Windham School District (WSD, which provides educational and vocational services to people in TDCJ), incarcerated women have access to approximately half of the degree plans, certifications, and educational vocational programs offered to men.

It is important to note that WSD provides programming to a greater *proportion* of women than men. WSD Superintendent Dr. Clint Carpenter attributes the high number of female participants to WSD’s efforts over time to build services around women’s needs; he also attributes it to the price: students do not have to pay for WSD courses and certifications.

Also important, **Dr. Carpenter and TDCJ officials have expressed a desire to further expand the number of programs offered to women.**

“I never came up on any lists for any of the trade classes in prison. I’m trying to educate myself and learn something different, but all they want to do is lock you up and put you to work. If you won’t give me a chance, I’m going to go back to what I know which was criminal activity. They set me up for failure and I had to fight to overcome those obstacles.”

– Angelica, in and out of prison for 17 years

Solution: Support HB 3227 **by Howard & Jarvis**

Johnson: This bill would require TDCJ to develop and implement policies that **increase and promote incarcerated women’s access to programs**, including educational, vocational, substance use treatment, rehabilitation, life skills training, and pre-release programs. TDCJ must also report annually to state leadership on progress being made to expand program access for women.

Programming aimed at reducing recidivism among women is an especially cost-effective approach to crime reduction. To the extent the State can develop effective, recidivism-reduction treatment programs aimed at women, it will likely get a significant return on its investment while strengthening Texas families and communities.

SUPPORTERS:

Texas Criminal Justice
Coalition (TCJC)

Texas Public
Policy Foundation

Texas Association of
Business

Texas Appleseed

Texans Care for Children

Christian Life Commission

Goodwill Central Texas

Prison Fellowship

ACLU of Texas

R Street Institute

Consider Minor Children Before Revoking the Probation of a Primary Caretaker

HB 3303 will prohibit courts from revoking the probation of a person who is pregnant or who is the primary caretaker of a minor child because of low-level probation violations.

The number of women in Texas prisons has grown by nearly 1,000 percent since 1980 (more than twice the rate of men).¹ Texas now **incarcerates more women by sheer number than any other state** in the nation.² A staggering 81 percent of women in Texas prisons are mothers, while nearly 200 women gave birth in the Texas Department of Criminal Justice (TDCJ) in FY 2016. When a child loses a parent to incarceration, it can result in serious mental, physical, and emotional health issues.³

Furthermore, incarcerated parents can permanently lose custody of their children, sending them into the foster care system or into other vulnerable situations, including homelessness.⁴ Primary caretakers are an especially distinct group that deserves attention, given that many of the challenges they face – particularly financially – are intensified upon reentry when a criminal record can impact employment and housing.⁵

Rather than incarcerating a primary caretaker or pregnant woman for a probation violation, judges should modify their probation conditions or consider family-based treatment alternatives to incarceration, which consistently result in lower recidivism⁶ and lead to **improved children's health, family stability, sustained parental sobriety, increased family reunification, and significantly better outcomes for children than foster care placement.**⁷

KEY FINDINGS

- In 2018, more than 23,000 people had their felony probation revoked, with nearly 94 percent sent to prison or state jail.⁸ This comes at significant taxpayer expense: It costs \$52.46 to incarcerate someone in a state jail facility, while it costs only \$1.92 per day to keep a person on probation⁹ – *27 times less than incarceration.*
- Per a 2018 survey of women in Woodman State Jail, 55 percent had been placed on probation but were unable to meet the conditions and had been revoked. The women cited challenges related to probation's costs and conditions that made compliance challenging, especially when also caring for a family.¹⁰
- The majority of incarcerated women in Texas prisons have less extensive criminal histories than incarcerated men, and the majority (64 percent) of women are **incarcerated for nonviolent offenses.**¹¹
- While 81 percent of women in Texas prisons are mothers, 68 percent of men are fathers. Collectively, almost 103,000 people in Texas' state corrections system in FY 2016 had children,¹² at tremendous cost to families and communities.
- Half the children of incarcerated mothers will never be able to visit them during the period of incarceration.¹³ This intensive separation risks the significant benefits derived from the development of a mother-child relationship: **reduced recidivism among women, increased economic stability among women following reentry, and increased interest among women in undertaking rehabilitative efforts.**¹⁴
- **Parental incarceration is formally recognized as an adverse childhood experience (ACE).**¹⁵ ACE's are tied to depression, chronic diseases, certain cancers, and an array of other mental health disorders.¹⁶ The outcomes that are significantly increased for the children of incarcerated individuals include **attachment disorders, substance use disorders, and severe lags in academic performance.**¹⁷

Continued on reverse.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 3303 BY REPRESENTATIVE BOWERS

HB 3303 prohibits courts from revoking the probation of a person who is pregnant or is the primary caretaker of a minor child or minor children unless the person has been arrested for, charged with, or convicted of an offense that is punishable as a Class B misdemeanor or any higher-level offense. Incarcerating individuals compounds the employment, financial, and housing strains that those with criminal records already face. This practice is especially harmful for pregnant women and primary caregivers, as it limits their ability to effectively provide for their families – risking children’s foster care involvement or homelessness – while isolating parents from their support networks and adding additional stress. Courts should take pregnancy and primary caretaker status into consideration before revoking a person’s probation and sentencing them to incarceration, especially for low-level violations.

Citations

¹ Texas Department of Criminal Justice (TDCJ) data request, 2017.

² Aleks Kajstura, Prison Policy Initiative, in a call with TCJC Policy Attorney Lindsey Linder on September 5, 2017. This refers to all incarcerated women, including immigrant detainees, and is based on 2010 U.S. Census Bureau data.

³ Lindsey Linder, *An Unsupported Population: The Treatment of Women in Texas’ Criminal Justice System*, April 2018, <https://www.texascjc.org/womens-justice>.

⁴ R. Anspach, “What It’s Like to Grow Up With a Parent Behind Bars,” *Teen Vogue*, October 13, 2017, <https://www.teenvogue.com/story/what-its-like-to-have-an-incarcerated-parent>.

⁵ A. Kajstura, “Women’s Incarceration: The Whole Pie 2017,” *Prison Policy Initiative*, 2018, <https://www.prisonpolicy.org/reports/pie2017women.html>.

⁶ A. Thompson, “Releasing Prisoners, Redeeming Communities Reentry, Race, and Politics” *NYU Press*, 2008, 64-65.

See also: Women’s Prison Association, *Mothers, Infants and Imprisonment: A National Look at Prison Nurseries and Community-Based Alternatives*, 2009, https://www.prisonlegalnews.org/media/publications/womens_prison_assoc_report_on_prison_nurseries_and_community_alternatives_2009.pdf

⁷ National Women’s Law Center, *Mothers Behind Bars*, 2010, <https://www.nwlc.org/sites/default/files/pdfs/mothersbehindbars2010.pdf>

⁸ TDCJ, *Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds*, December 1, 2018, https://www.tdcj.texas.gov/documents/cjad/CJAD_Monitoring_of_DP_Reports_2018_Report_To_Governor.pdf.

⁹ Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2017 and 2018*, https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/4911_Criminal_Juvenile_Uniform_Cost_Jan_2019.pdf.

¹⁰ Doug Smith, *A Failure in the Fourth Degree: Reforming the State Jail Felony System in Texas*, Texas Criminal Justice Coalition, October 2018.

¹¹ E. Swavola, K. Riley, R. Subramanian, “Overlooked: Women and Jails in an Era of Reform,” *Vera Institute*, August 2016, <https://www.vera.org/publications/overlooked-women-and-jails-report>.

¹² TDCJ, data request, September 2017.

¹³ S. Phillips, “Mother-Child Programs: Connecting Child Welfare and Corrections Agencies, in Women and Girls in the Criminal Justice System: Policy Issues and Practice Strategies,” *Civic Research Institute*, 2006.

¹⁴ B. Bloom, B. Owen, & S. Covington, “Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders,” *National Institute of Corrections*, 2003, <https://s3.amazonaws.com/static.nicic.gov/Library/018017.pdf>.

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¹⁶ Center for Health Care Strategies, *Fact Sheet: Understanding the Effects of Trauma on Health*, June 2017, <https://www.chcs.org/resource/understanding-effects-trauma-health/>.

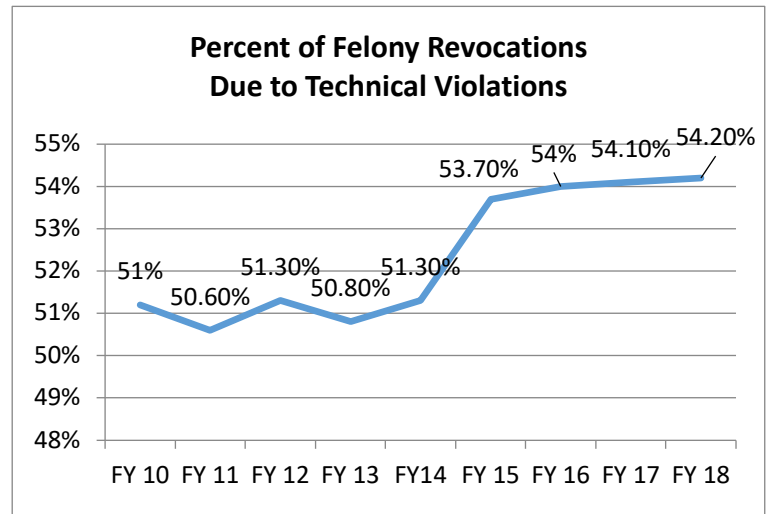
¹⁷ R. Anspach, *What It’s Like to Grow Up*.

Reduce Overly Harsh Punishments for Technical Probation Violations *Revocations to prison or jail saddle Texas taxpayers with massive costs*

HIGH PROBATION REVOCATION RATES HARM COMMUNITIES AND SQUANDER LIMITED RESOURCES

In 2018, more than 23,000 people had their felony probation revoked, with nearly 94 percent sent to prison or state jail.¹ Of all revocations, **12,489 were for “technical” violations of probation conditions**² – like showing up late to a probation appointment or not paying all fees, rather than committing a new offense.

Revocations for technical probation violations cost Texas taxpayers nearly \$70 million last year alone,³ not counting the costs to families and communities, which ultimately pay the price of incarceration.



Despite years of progress in other areas of criminal justice, **probation revocation rates remain largely unchanged, representing nearly one-third of all new receives into the Texas Department of Criminal Justice (TDCJ) each year.**⁴

KEY FACTS

- In 2018, **over 54% of probation revocations** were for technical violations of probation conditions.⁵
- By way of comparison, TDCJ’s Parole Division and Parole Board implemented policies in 2007 to reduce revocations, especially for technical violations. **The result is a 50% reduction in parole revocations, and only 15% of parole revocations were for technical reasons in FY 2017.**⁶
- In 2018, it cost taxpayers \$52.46 to incarcerate someone in a state jail facility, while it cost only \$1.92 per day to place a person on probation⁷ – 27 times *less* than the cost of state jail incarceration.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 3831 BY REPRESENTATIVE CARL SHERMAN SR.

- **HB 3831 encourages the judge to modify a person’s community supervision rather than revoke it and send the person to confinement for a technical probation violation.** If a judge does sentence a person to confinement, the person may *only* serve up to **90 days**.
- **This will save the state more than \$46 million that could be used to further strengthen community supervision, help people succeed on probation, and improve public safety.**⁸

Citations

¹ Texas Department of Criminal Justice (TDCJ), *Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds*, December 1, 2018, https://www.tdcj.texas.gov/documents/cjad/CJAD_Monitoring_of_DP_Reports_2018_Report_To_Governor.pdf.

² Ibid.

³ Revocations for technical violations total 12,489 people per year. Subtracting the number of people who absconded leaves 6,382 people sent to TDCJ each year on purely technical reasons. Presuming that 15 percent had a prior criminal record with violent or sexual offenses (the typical average), we can further reduce the number to 5,425. According to the Legislative Budget Board, 55.7% of revoked individuals (3,022 people) went to prison; we conservatively estimate they served 335 days at an average cost of \$52.52 per day (using the transfer facility rate), or \$53 million total. Another 38.2% (2,072 people) went to state jail; we estimate they served 150 days (based on past data requests to TDCJ) at an average cost of \$52.46 per day (using the state jail rate), or \$16 million total. As such, the combined estimated cost to the state for technical revocations is approximately \$70 million. Therefore, by instituting best practices and limiting time on technical revocations to 90 days, the state could save approximately \$46 million.

Sources for the above calculation include TDCJ's "Report to the Governor" (citation #1); Legislative Budget Board, "Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates" (January 2019); and Legislative Budget Board, "Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2017 and 2018."

⁴ TDCJ's "Report to the Governor" and Legislative Budget Board reports provide data on revocations for the past six years. In each year, revocations exceeded 10% of the felony direct and indirect populations, which were at least 33% of the nearly 70,000 people received by TDCJ each year according to the TDCJ "Statistical Report" for each of these years.

⁵ TDCJ, *Report to the Governor*.

⁶ Board of Pardons and Paroles, *Annual Statistical Report*, 2017, <https://www.tdcj.texas.gov/bpp/publications/FY%202017%20AnnualStatistical%20Report.pdf>.

⁷ Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2017 and 2018*, https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/4911_Criminal_Juvenile_Uniform_Cost_Jan_2019.pdf.

⁸ See calculation in citation #3.



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2019 FACT SHEET
HB 4009

Victim-Offender Mediation Holds Individuals Accountable, Increases Restitution to Victims, Reduces Jail Crowding and Re-Offending, and Facilitates Meaningful Case Resolution

VICTIM-OFFENDER MEDIATION WILL LOWER RATES OF REOFFENDING, AND EMPOWER AND RESTORE VICTIMS

Victim-offender mediation has produced successful results in many states.¹ Participants are required to take responsibility for their conduct and are given the chance to understand how their actions directly impact others – **reducing the likelihood that they will commit another crime.**

HB 4009 will allow individuals who have been charged with a first-time, low-level offense to be eligible to participate in pretrial mediation. Rather than burdening jails and courts, **defendants may be required to apologize, compensate the victim, and perform community service.** The program allows victims to choose to be involved in the process of correction and rehabilitation, where they discuss the impact of the crime and specify what is needed to make them whole.

IN SHORT

- HB 4009 will reduce recidivism while increasing restitution to victims.
- HB 4009 will save taxpayer dollars by reducing jail overcrowding.

HB 4009 also requires the prosecutor to first obtain the victim's consent, and defendants who do not complete the terms of the mediation agreement will be returned to normal court proceedings.

MEDIATION IS A COST-EFFECTIVE SOLUTION THAT REDUCES RECIDIVISM

- It costs, on average, nearly \$61 per day to house someone in county jail in Texas.² With a daily census of 5,100 misdemeanor pretrial detainees in county jail,³ it costs Texas counties more than \$311,000 per day to hold these individuals in custody. **Pretrial diversion programs – like victim-offender mediation – can save counties millions of dollars that could be used to address more serious problems.**
- **Victim-offender mediation reduces recidivism.**⁴ One study of 9,172 juveniles in 21 cities found that victim-offender mediation achieved a 34% reduction in recidivism.⁵
- Another study found that 79% of **victims who participated in victim-offender mediation programs were satisfied**, compared with only 57% of victims who went through the traditional court system.⁶

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 4009 BY REPRESENTATIVE TOTH

HB 4009 allows certain pretrial defendants charged with first-time, low-level offenses to enter victim-offender mediation, in which the charged individual must successfully complete terms of the mediation agreement, with input from the victim, including compensation and/or community service. Upon successful completion, the prosecutor may recommend the charges be dismissed. One year after successful completion, the defendant may obtain an order of nondisclosure, thus improving access to employment and housing that can be limited by a criminal conviction.⁷

Continued on reverse.

Although HB 4009 would provide helpful mediation to numerous individuals, **Texas should go farther.** By limiting the types of offenses that are eligible for victim-offender mediation, a substantial number of victims that would likely benefit from this program have been excluded. Sexual abuse offenses, assaults, trafficking, and family violence are just a few offenses excluded under the current bill language. These crimes are likely more traumatic and more detrimental to victims' mental health and sense of safety than lower-level offenses. Offering victims of these offenses the option to participate in victim-offender mediation would **aid victims in their healing processes** and **give them more say in how the criminal justice system responds to their needs.**

Citations

¹ Restorative justice methods have garnered a great deal of attention after *The New York Times* published an article on a high-profile case in which this type of victim-offender mediation was employed. See Paul Tullis, "Can Forgiveness Play a Role in Criminal Justice," *The New York Times*, January 4, 2013, <http://www.nytimes.com/2013/01/06/magazine/can-forgiveness-play-a-role-in-criminal-justice.html?pagewanted=all&r=0>.

² Texas Commission on Jail Standards, Immigration Detainer Report 2/1/2019, <https://www.tcjs.state.tx.us/docs/ImmigrationDetainerReportCurrent.pdf>. The average cost per day was calculated using the Immigration Detainer Report, which requires county jails to estimate the cost of incarceration for holding individuals in county jail on immigration detainees. Calculation: Divide total "Cost" reported by counties (\$6,201,210.63) by "# of Inmate Days" (101,841) to get a per-day cost of \$60.89.

³ Texas Commission on Jail Standards, Abbreviated Population Report for 03/01/2019, <http://www.tcjs.state.tx.us/docs/AbbreRptCurrent.pdf>.

⁴ Marc Levin, "Restorative Justice In Texas: *Past Present & Future*," Texas Public Policy Foundation, 2005, p. 13.

⁵ Bradshaw, Roseborough & Umbreit, *The Effect of Victim Offender Mediation on Juvenile Offender Recidivism: A Meta-Analysis*, 2006.

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⁷ Even with an order of nondisclosure in place, criminal justice agencies can disclose offense-related information to particular entities, including licensing boards; however, such orders better enable individuals to access housing and employment, important to helping them remain law-abiding, productive members of the community.

A Failure in the Fourth Degree: Texas' State Jail System Should Be Abolished

THE STATE JAIL SYSTEM EXPERIENCES HIGH RECIDIVISM RATES AND COMES AT MASSIVE TAXPAYER COST

In 1993, Texas created a new fourth-degree category of felony called the state jail felony.¹ The system was envisioned as a rehabilitative alternative to prison, with incarceration intended as a last resort. This vision was never realized. Instead, nearly 17,000 people each year are sent to a state jail facility, often for offenses as minor as possession of less than a gram of a controlled substance.² In state jail, people receive little to no treatment. Of the 15 state jail units in the state, only six offer the State Jail Substance Abuse Treatment Program,³ which does not meet best practices given that it offers no aftercare or post-release services.⁴

As a result, people released from state jails have the highest rate of re-offending of any population released from a state correctional institution in Texas – yet incarcerating this population costs Texas taxpayers more than \$170 million each year.⁵ The most recent state jail re-arrest rate as reported by the Legislative Budget Board is nearly 63%, compared to 46% for prison releases.⁶

THE STATE JAIL SYSTEM IS CONTRIBUTING TO THE SUBSTANCE USE CRISIS IN TEXAS

With such high re-arrest rates among individuals with state jail offenses – a large percentage of whom were initially incarcerated on a drug-related charge – the cycle of substance use, arrest, and incarceration simply continues, at a massive cost to taxpayers and communities. This underscores the need to address public health issues *outside* the criminal justice system. Despite Texas' heavy reliance on incarceration to address drug offenses, there is no empirical evidence that it will prevent future substance use⁷ or the associated justice system involvement.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 4169 BY REPRESENTATIVE MOODY

HB 4169 will save taxpayer dollars that can be used to better serve people in the community:

1. This bill eliminates the state jail felony offense level, replacing it with a fourth-degree felony.
2. The bill also modifies several offense categories:
 - a. The penalty for possession of a controlled substance (Penalty Group (PG) 1, less than a gram; PG 1A, less than 20 units; and PG 2, less than 1 gram) is reduced from a state jail felony to a Class A misdemeanor.
 - b. The penalty for possession of a controlled substance in PG 2A (synthetic cannabinoids, such as K2) is reclassified as follows: Less than 4 ounces is a Class B misdemeanor; 4 ounces to 5 pounds is a Class A misdemeanor; and amounts greater than 5 pounds begin at the third-degree felony level.

Continued on reverse.

- c. Similarly, the penalty for marijuana possession is reclassified as follows: Less than 4 ounces is a Class B misdemeanor; 4 ounces to 5 pounds is a Class A misdemeanor; and amounts greater than 5 pounds begin at the third-degree felony level.
 - d. The penalties for prescription fraud, harassment of a public servant, and obscenity are all reduced from a state jail felony to a Class A misdemeanor.
 - e. The penalty level for repeat theft offenses is modified: Currently, theft under \$2,500 is enhanced to a state jail felony when there are two or more prior convictions of any grade of theft; this bill reduces the penalty to a Class A misdemeanor for theft under \$750 when there are two or more prior convictions of any grade of theft, and there is no felony enhancement for repeat misdemeanor-level theft.
 - f. The penalty levels for retail theft and false statement to obtain property are also modified, eliminating the state jail felony level, which currently applies to a property loss of between \$2,500 and \$30,000; under this bill, an offense would be a Class A misdemeanor if the property loss was \$750 to \$30,000.
 - g. The penalty for prostitution is modified, eliminating the state jail felony enhancement on the fourth offense.
3. The bill retains the provisions within Penal Code 12.44, which allow for Class A misdemeanor punishment for the newly named fourth-degree felony.

Citations

¹ SB 1067 (73R), Whitmire/Place, <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=73R&Bill=SB1067>.

² Texas Department of Criminal Justice, *FY 2018 Statistical Report*, 2, https://www.tdcj.texas.gov/documents/Statistical_Report_FY2018.pdf.

³ Texas Department of Criminal Justice, *Unit Directory*, http://tdcj.state.tx.us/unit_directory/.

⁴ Hiller, M., et al., "Prison Based Substance Use Treatment, Residential Aftercare and Recidivism." *Addiction* (1999), 94(6), 833 – 842, 834.

⁵ Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report, Fiscal Years 2017 and 2018*, 4, https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/4911_Criminal_Juvenile_Uniform_Cost_Jan_2019.pdf. Calculated by taking the total receives (16,999) and multiplying by the cost per day (\$52.46) at an average number of days served of 194; per the Statistical Report, people serve on average 10.8 months in state jail minus time in county jail.

⁶ Legislative Budget Board Staff, *Statewide Criminal and Juvenile Justice Recidivism and Revocations Rates*, January 2017, http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/3138_Statewide_Crim_Just_Recid_Revoc.pdf.

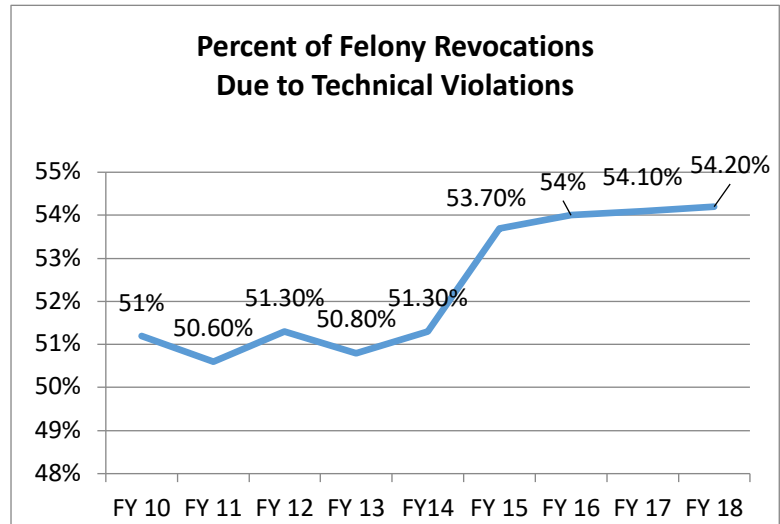
⁷ Kelly, William, *Criminal Justice at the Crossroads: Transforming Crime and Punishment*, 2015, Columbia University Press, New York, ebook location 5014.

Incentivize Communities to Help People Succeed on Probation

PROBLEM STATEMENT

In 2018, more than 23,000 people had their felony probation revoked, with nearly 94 percent sent to prison or state jail.¹ **Of all revocations, 12,489 (or 54 percent) were for “technical” violations** of probation conditions² – like showing up late to a probation appointment or not paying all probation fees, rather than committing a new offense.

Revocations for technical probation violations cost Texas taxpayers nearly \$70 million last year alone,³ not counting the costs to families and communities, which ultimately pay the price of incarceration.



By way of comparison, TDCJ’s Parole Division and Parole Board implemented policies in 2007 to reduce revocations, especially for technical violations. The result was a 50 percent decrease in parole revocations, and only 15 percent of revocations for technical violations.⁴

Despite years of progress in other areas of criminal justice, probation revocation rates remain largely unchanged, representing nearly *one-third* of all new receives into the Texas Department of Criminal Justice (TDCJ) each year.⁵

In 2011, the Texas Legislature required TDCJ’s Community Justice Assistance Division (which operates probation) to have each probation department create commitment reduction plans intended to reduce the number of people sent to state jail or prison. These plans would have incentivized local jurisdictions to reduce probation revocations, but funding for the plans was never allocated.

KEY FINDINGS

- In 2018, over 54% of probation revocations were for technical violations of probation conditions.⁶
- In 2018, it cost taxpayers \$52.46 to incarcerate someone in a state jail facility, while it cost only \$1.92 per day to place a person on probation⁷ – 27 times less than the cost of state jail incarceration.

Continued on reverse.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 4460 BY REPRESENTATIVE ALMA ALLEN

- In the event a probationer with a nonviolent state jail felony or third degree felony conviction commits a technical violation of probation, HB 4460 encourages the judge to modify the person's community supervision rather than revoke it and send the person to confinement.

If a judge does sentence a person to confinement, the person may only serve up to 180 days.

This reform will save the state an estimated \$22 million.⁸

- HB 4460 reinvests the savings in probation supervision, and will also address gaps in funding for commitment reductions plans, so that probation departments have more tools to safely reduce incarceration and help people succeed on probation.

Citations

¹ Texas Department of Criminal Justice (TDCJ), *Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds*, December 1, 2018, https://www.tdcj.texas.gov/documents/cjad/CJAD_Monitoring_of_DP_Reports_2018_Report_To_Governor.pdf.

² Ibid.

³ Revocations for technical violations totaled 12,489 people in 2018. Subtracting the number of people who absconded leaves 6,382 people sent to TDCJ each year on purely technical reasons. Presuming that 15 percent had a prior criminal record with violent or sexual offenses (the typical average), we can further reduce the number to 5,425. According to the Legislative Budget Board, 55.7% of revoked individuals (3,022 people) went to prison; we conservatively estimate they served 335 days at an average cost of \$52.52 per day (using the transfer facility rate), or \$53 million total. Another 38.2% (2,072 people) went to state jail; we estimate they served 150 days (based on past data requests to TDCJ) at an average cost of \$52.46 per day (using the state jail rate), or \$16 million total. As such, the combined estimated cost to the state for technical revocations is approximately \$70 million. Therefore, by instituting best practices and limiting time on technical revocations to 180 days, the state could save approximately \$22 million.

Sources for the above calculation include TDCJ's "Report to the Governor" (citation #1); Legislative Budget Board, "Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates" (January 2019); and Legislative Budget Board, "Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2017 and 2018."

⁴ Board of Pardons and Paroles, *Annual Statistical Report*, 2017, <https://www.tdcj.texas.gov/bpp/publications/FY%202017%20AnnualStatistical%20Report.pdf>.

⁵ TDCJ's "Report to the Governor" and Legislative Budget Board reports provide data on revocations for the past six years. In each year, revocations exceeded 10% of the felony direct and indirect populations, which were at least 33% of the nearly 70,000 people received by TDCJ each year according to the TDCJ "Statistical Report" for each of these years. https://www.tdcj.texas.gov/documents/Statistical_Report_FY2017.pdf

⁶ TDCJ, *Report to the Governor*.

⁷ Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2017 and 2018*.

⁸ See calculation in citation #3.



Occupational Licensing Reform Will Improve Economic Opportunity & Decrease Recidivism

Texas requires occupational licenses for more than 25 percent of professions – impacting one in three working Texans and creating especially difficult barriers for the four in ten Texans who have an arrest or conviction record.¹ Automatic exclusions, vague disqualifying criteria, and broad criminal record inquiries have made occupational licensure difficult to obtain for individuals with criminal records.²

Providing stable and meaningful employment for people with a criminal record will promote economic stability, keep communities safe by reducing recidivism, and contribute to strong families. Occupational licensing reform will also increase the number of qualified workers, helping Texas maintain its vibrant economy.

Key Findings in Current Texas Policy

- Licensing boards may revoke a license or disqualify people from receiving a license if they have been convicted of any offense within the last five years – regardless of whether that offense is in any way pertinent to the occupation in consideration.³ This restricts liberty and economic growth without being substantially tied to public safety goals.
- People can be disqualified for a license if a past offense “directly relates” to the occupation – a subjective standard often left to the discretion of the licensing authority,⁴ and often resulting in government overreach. Moreover, licensing authorities lean on vague and arbitrary standards like “moral character” when considering licensing eligibility – a result of Texas’ lack of statewide policy emphasizing the need to maximize economic opportunities for people with criminal records.
- It is overly complicated for people to provide evidence of rehabilitation to a licensing authority when attempting to show that they have put past mistakes behind them.⁵
- Current standards, and licensing authorities’ overreach in applying them, cause people with a criminal record to be denied entry into occupations for which they are qualified, without a clear nexus to protecting public safety. For example, the Texas Department of Licensing and Regulation licenses 41 occupations, yet 60 percent of people deemed ineligible for licensure due to criminal history in 2017 were considering careers in barbering or cosmetology.⁶

Recommendations

- Create a state policy instructing licensing boards to maximize their authority to grant licenses to qualified applicants who have put their past mistakes behind them.
- Prohibit licensing boards from disqualifying an applicant when his or her offense history does not “directly relate” to the occupation being considered.
- Clearly and narrowly define whether an offense “directly relates” to the occupation and eliminate vague “moral character” standards.
- Give applicants the opportunity to dispute incorrect criminal records or provide evidence of mitigating factors prior to denial of a license.
- Require licensing boards to provide clear guidance to applicants who are denied a license about what they can do to improve their future chances of approval.

Endnotes

¹ Maurice Emsellem, *Fair Chance Hiring: Reducing Criminal Records Barriers to Employment Improves Public Safety and Builds Stronger Communities*, 2014, <https://law.utexas.edu/wp-content/uploads/sites/27/Fair-Chance-Hiring-Presentation-by-Maurice-Emsellem.pdf>

See also: Texas Occupations Code §53.023

² Texas Occupations Code Chapter 53, CONSEQUENCES OF CRIMINAL CONVICTION

³ Texas Occupations Code §53.021

⁴ Maurice Emsellem, *Fair Chance Hiring*

⁵ Texas Occupations Code §53.021

⁶ Texas Department of Licensing and Regulation, Data Request Received November, 2018.



REFORM OUR STATE JAIL SYSTEM



Texas' State Jail System Is Ineffective and Expensive

State jails were created in 1993 to handle Texas' lowest-level felony offenses, but the state jail system has become ineffective and expensive. Too many people convicted of nonviolent offenses, like drug possession, are choosing to go to state jail instead of seeking treatment while on probation. At this point, two-thirds of people in state jails have a substance use disorder, but state jails provide little to no treatment, and no post-release supervision. As a result, people leaving state jails have the highest recidivism rates in Texas' state corrections system, with 62% re-arrested within three years – a rate much higher than people incarcerated for more serious crimes. Even worse, taxpayers are spending \$165 million per year on state jails, meaning Texas is spending as much money to lock up people convicted of minor drug possession offenses as those convicted of murder – and all while failing to address underlying causes of criminality. This is a terrible investment for Texas.

Recommendations

Use Existing Diversion Funds to Support Smart and Cost-Effective Community Supervision Programs. People who complete treatment are up to 60% less likely to relapse or commit another crime, and 40% more likely to find a job. Lawmakers should shift resources from facilities and programs that are failing to meet Texas' public safety goals, and instead should support effective, cost-efficient strategies through the use of existing Diversion program grants administered by the Community Justice Assistance Division. Pretrial diversion initiatives coupled with Basic Supervision can address underlying causes of criminal behavior, like substance use disorder, through the provision of treatment and accountability measures.

Encourage Evidence-Based Practices and Smart Spending in Community Supervision. Local probation departments must start focusing on treatment and other programs that reduce recidivism. Lawmakers should require smart spending by giving preference to grant programs that adopt strategies proven to encourage people to seek treatment – with the most important strategy being speedy case processing. When people haven't racked up county jail time before trial, they are more likely to accept pretrial diversion placements over a term in state jail. Lawmakers should also encourage local officials to increase pretrial diversion placements and deferred adjudication placements.

Make Funding Contingent on Success. Counties should only receive grant funding for programs that do the following:

- Demonstrate reductions in pretrial confinement in county jail;
- Reduce racial disparities in terms of length of county jail confinement and placement into treatment programming;
- Improve the rate of placement into diversion programming for all defendants charged with targeted offenses; and
- Increase the successful completion rate for people placed into pretrial diversion and community supervision.



SECOND LOOK



Support a Meaningful Opportunity for Release for Youth Sentenced to Adult Facilities

Currently, youth under the age of 18 who commit certain crimes are routinely sentenced to life, with no opportunity for parole for 40 years.

- Extreme sentences for youth do no account for the fact that their brains are not fully developed. Tremendous growth and maturity often occur in a person's late teens through mid-20s.
- In part, this lack of maturity is why the U.S. Supreme Court has recognized that it is wrong to deny someone who commits a crime under the age of 18 the opportunity to demonstrate rehabilitation.
- It costs taxpayers \$2.5 million to incarcerate one juvenile for life – an enormous expense considering most such young people should be rehabilitated long before their 40-year parole eligibility date. Current Texas law does not provide a path to redemption for those who can prove that they merit a second chance.

Support the Second Look Bill

Texas should provide a "second look" to people convicted of crimes before their 18th birthday through earlier parole eligibility.

- An early parole hearing can focus on how the person has shown rehabilitation and maturity and consider factors such as childhood trauma and the hallmark features of youth.
- This is in line with the national trend moving away from extreme punishments of children.
- With this policy change, Texas could save between \$4 million and \$12 million per year following implementation.
- By providing an option for early release for rehabilitated, mature individuals, Texas will encourage young offenders to focus on rehabilitation, while saving taxpayer dollars without compromising public safety. This policy will also allow people to fulfill their true potential and become contributing members of the community.

Broad-based Support for Second Look

The following organizations, including Texas Smart-On-Crime Coalition members, are supportive of "Second Look" reform:

*Texas Criminal Justice Coalition
Texas Association of Business
Texans Care for Children
Goodwill Central Texas
ACLU of Texas*

*Texas Public Policy Foundation
Texas Appleseed
Christian Life Commission
Prison Fellowship
R Street Institute*



SUPPORT SECOND LOOK

HB 256
SB 155

Kids in Texas who are convicted of certain crimes are often given lengthy prison sentences with **no opportunity for parole for up to 40 years.**

In fact, **kids as young as 14** can be “certified” to stand trial as adults.

And many kids are sentenced under the “law of parties,” which forces them to be held **criminally responsible for the conduct of another person.**

In 2012, the U.S. Supreme Court recognized that it is **unconstitutional** to deny a young person a chance at rehabilitation. Since then, many states have begun moving away from extreme sentencing for youth.

WE NEED TO GIVE PEOPLE A REAL PATH TO REDEMPTION

Texas should join states like Nevada, North Dakota, and West Virginia in providing people an earlier opportunity for a parole hearing – one focused on the extent to which they have successfully rehabilitated and matured.

This “Second Look” at parole eligibility will still hold young people accountable but encourage them to focus on their rehabilitation and show why they merit a second chance.

This reform can also save taxpayer dollars. It costs \$2.5 million to incarcerate one juvenile for life – an enormous expense considering most young people are rehabilitated long before their 40-year parole eligibility date.

Most importantly, this reform will allow people to fulfill their true potential and become contributing members of our Texas communities.

For more information, contact Jose Flores at
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TEXAS DIGNITY ACT: A PLAN FOR REFORM IN 2019



Urgent Need for Action

The number of women in Texas prisons has grown by nearly 1,000 percent since 1980 (more than twice the rate of men). Texas now incarcerates more women by sheer number than any other state in the nation. However, because women comprise only a small portion of the overall incarcerated population, their needs have been largely disregarded in larger criminal justice reform conversations.

The Texas Criminal Justice Coalition conducted a survey of women incarcerated in Texas prisons and received more than 430 responses. The survey found that 81 percent of these women are parents (compared to 68 percent of men). More than half of the responding women were physically or sexually abused prior to their incarceration (with 58 percent having been sexually abused as a child), and 82 percent were survivors of domestic violence. Along with, and perhaps as a result of, these significant trauma histories, these women also reported high rates of mental health problems and attempts to self-medicate. Sadly, the Texas Department of Criminal Justice reports that the majority (64 percent) of women are incarcerated for nonviolent (predominately drug-related) offenses.

The “Texas Dignity Act” will promote a public health and community wellness approach that can help women address their needs and avoid future justice system involvement. It is critical to reduce the consequences of system involvement that come at such great expense to families, communities, and taxpayers.

Solutions

Trauma Screenings. Require the Texas Department of Criminal Justice (TDCJ) to conduct a one-time screening of inmates upon intake to identify histories of significant trauma and refer those inmates to the proper healthcare professional for treatment. Research shows that women who receive gender-specific, trauma-informed care while incarcerated are 360 percent more likely to complete voluntary community-based treatment upon release, and are 67 percent less likely to return to prison.

Family Unity. Require TDCJ to submit an annual report on its efforts to remove barriers to family unity, and require judges to consider whether a person is the primary caretaker of a minor child at sentencing. Maintaining connection with family has been shown to reduce recidivism in parents, and many of the negative effects of parental incarceration on children themselves can be nullified when they are considered in family unity policies.

Improved Healthcare. Provide for women’s healthcare needs through an increase in the quality and quantity of feminine hygiene products, and by making a minor adjustment to the TDCJ medical services fee. Additional feminine hygiene products will ensure that women can reduce health risks, as well as avoid problems that impact their self-esteem. Greater access to healthcare services will help women address the root causes of their criminality and focus on bettering themselves.

Strong Support for a Texas Dignity Bill

- Similar legislation has recently passed in Kentucky, Louisiana, and Oklahoma.
- The Texas Criminal Justice Coalition and the right-leaning Coalition for Public Safety recently co-hosted an event in Austin called “Women Unshackled,” which featured Kelley Paul (wife of Republican Senator Rand Paul) and Jenna Bush Hager (daughter of former President George W. Bush); both women, along with various justice system practitioners, called for women’s justice reform in Texas.
- Texas’ 2018 Statewide Reentry Conference focused on women’s reentry, with keynote speaker Senator John Whitmire claiming that “Texas prisons are designed for men, and women get what’s left.”
- The House Corrections Committee took up women’s justice during this legislative interim with a charge on women in the criminal justice system, and it held a successful hearing on the issue in May 2018.
- In November 2018, the Texas Criminal Justice Coalition presented its research at the Texas Conference for Women, attended by 7,500 people.
- This year alone, Texas Smart-On-Crime Coalition members’ efforts related to women in the justice system have been widely covered in the press, including by *The Atlantic*, *the Crime Report*, *the Texas Tribune*, *the Texas Observer*, *Spectrum News*, *The Dallas Morning News*, *Fort Worth Weekly*, and *Texas Public Radio*.

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