

# [2021 Session] Safely Adjust Parole Practices to Reduce Massive Prison Budgets



## Policy Background

From 1983 to 2013, punishment in the United States became 165 percent harsher despite declining crime rates; as criminal penalties increased, opportunities for parole were reduced, and other policies were put into place that effectively sent more people to prison and kept them there longer.<sup>1</sup> Sentencing laws on mandatory minimums, three-strike laws, and life without parole have contributed to prison admissions and to drastic increases in incarcerated individuals' length of stay.<sup>2</sup> Simultaneously, increasingly restrictive parole policies and longer setoff times have denied individuals early release — even though crime rates have fallen<sup>3</sup> and recidivism rates of individuals convicted of serious offenses are low.<sup>4</sup>

Lengthier sentences coupled with low parole approval rates result in exploding prison costs. In Texas specifically, the average sentence length for people committed to prison has increased by 35 percent since 2005.<sup>5</sup> Additionally, the state's parole approval rate sits at only 40 percent.<sup>6</sup>

Over time, the aging population in Texas' corrections system has surged, with those aged 55 and older increasing by 65 percent from 2012 to 2019. As a result — and despite recent decreases in Texas' prison population — publicly funded prison health care costs are escalating: "The state spent over \$750 million on prison health care during the 2019 fiscal year, a 53 percent increase from seven years earlier, when that cost was less than \$500 million." People aged 55 and older now account for one-eighth of Texas' total prison population but represent one-half of the system's hospitalization costs.<sup>7</sup>

Substantially reducing the population of incarcerated individuals will meaningfully decrease prison budgets. Parole laws that keep people behind bars for decades who no longer pose a risk to society create fiscal waste and provide little benefit to public safety.

Reducing the number of people in prison is also central to addressing racial inequities that devastate communities of color — especially Black communities — economically and socially. While Black people comprise 13 percent of Texas' population,<sup>8</sup> they make up 33 percent of the Texas prison population.<sup>9</sup>

Texas has an opportunity to be a leader through parole reforms that will return people safely to their communities and save millions of taxpayer dollars each year on indefensible incarceration. The yearly incarceration cost per person in Texas prisons is \$22,751. In 2018, there were more than 50,000 parole denials,<sup>10</sup> which account for over \$1 billion in prison spending each year — money that could be shifted to Texas communities desperately in need of financial support.

## **Proposed Solution**

*Failings within Texas' parole system are contributing to high incarceration levels. To significantly reduce incarceration through a parole process that centers both safety and higher release rates, Texas leadership should:*

1. Shift the focus of parole reviews to factors an applicant can control. Although parole applicants have already been sentenced and punished for their offense by incarceration, their offense is the leading factor in release decisions — effectively turning parole reviews into re-sentencing exercises.

Under Texas' parole guidelines, as set forth in statute, the Board of Pardons and Paroles is directed during the parole review process to contact the prosecuting attorney, review the person's criminal record, and evaluate prison disciplinary records. The Board is not able to evaluate an individual's progress in certain rehabilitative programs when determining parole because only the Board can place people in those programs — which, under current practice, comes after a person's parole review. Shifting toward a system of providing rehabilitative services prior to parole review and using intensive supervision, if needed, for those who are aging or medically vulnerable will have the twofold effect of saving taxpayer dollars and improving public safety.

### **Relevant Bill**

- **Bill Number:** **HB 2793** [Jarvis Johnson; Sherman, Sr.]  
**Bill Caption:** Relating to parole determinations and individual treatment plans for inmates.

2. Allow for earlier access to effective pre-release programs, such as substance use treatment and cognitive intervention. With little access to programs during incarceration, the years between parole reviews are wasted opportunities to rehabilitate individuals. Improving opportunities for substance use treatment and other interventions are critical to parole release and successful reentry into the community.

Furthermore, ineffective or unnecessary pre-release programs, which keep individuals needlessly incarcerated, should be identified for elimination.

### **Relevant Bills**

- See *HB 2793* above.
- **Bill Number:** **HB 2742** [Reynolds]  
**Bill Caption:** Relating to the reentry and reintegration programs provided by the Texas Department of Criminal Justice.

3. Allow for earlier parole consideration for people serving lengthy sentences. This can be achieved by (a) expanding the number of offenses for which individuals can earn time off their incarceration period through “good conduct time” credits (e.g., good behavior, diligence in prison work, and attempts at rehabilitation), and (b) ending de facto life sentences for people under 18 by ensuring that they are eligible for parole after, at most, 20 years served, rather than 40 (a policy change also referred to as “Second Look”).

### **Relevant Bills**

- **Bill Number:** **HB 1805** [Moody; Rodriguez; Sherman, Sr.]  
**Bill Caption:** Relating to the award of good conduct time to certain inmates; changing parole eligibility.
- **Bill Number:** **HB 4337** [Collier]  
**Bill Caption:** Relating to authority of a court to reduce or modify a defendant's

sentence.

- **Bill Number:** [HJR 156](#) [Collier]

**Bill Caption:** Proposing a constitutional amendment authorizing the legislature to enact laws providing for a district court to reduce or modify a sentence imposing a term of imprisonment for a person who has served not less than 10 years of the term.

- *For more information about Second Look, click [here](#).*

4. Expand access to medical release. Medical parole has overly stringent qualifications and limited approval rates, which shut out many individuals with serious medical conditions who do not present a public safety risk. This exacerbates taxpayer spending on correctional managed health care.

### **Relevant Bill**

- **Bill Number:** [HB 2647](#) [Jarvis Johnson]

**Bill Caption:** Relating to the release of certain inmates on medically recommended intensive supervision.

### **Other Bills Related to Release from Prison**

- **Bill Number:** [HB 2565](#) [Crockett]

**Bill Caption:** Relating to the release on parole of certain inmates during a public health emergency.

- **Bill Number:** [HB 2331](#) [Cortez]

**Bill Caption:** Relating to procedures governing declared disasters for the Texas Department of Criminal Justice and the Board of Pardons and Paroles.

**TCJE Materials:** [Fact Sheet](#)

- **Bill Number:** [HB 3392](#) [Moody]

**Bill Caption:** Relating to the authority of a court to grant a commutation of punishment to certain individuals serving a term of imprisonment.

- **Bill Number:** [HJR 135](#) [Moody]

**Bill Caption:** Proposing a constitutional amendment authorizing the legislature

to enact laws providing for a court to grant a commutation of punishment to certain individuals serving a term of imprisonment.

- **Bill Number:** [HB 1328](#) [Canales]  
**Bill Caption:** Relating to the composition of the Board of Pardons and Paroles.
- **Bill Number:** [HB 1844](#) [Allen, Canales]  
**Bill Caption:** Relating to the composition of the Board of Pardons and Paroles.
- **Bill Number:** [HB 2145](#) [Allen]  
**Bill Caption:** Relating to information on classes or programs required to be completed before an inmate is released on parole.

*In light of Texas' projected budget crisis, TCJE has developed 7 cost-saving solutions. Learn more about our "Spend Your Values, Cut Your Losses" campaign [here](#), and read the full portfolio of solutions [here](#).*

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<sup>1</sup> "False Hope - How Parole Systems Fail Youth Serving Extreme Sentences," *American Civil Liberties Union*, 2016, 18.

<sup>2</sup> "False Hope," 18.

<sup>3</sup> Campbell Robertson, "[Crime Is Down, Yet U.S. Incarceration Rates Are Still Among the Highest in the World](#)," *New York Times*, April 25, 2019; Cheryl Mercedes, "[Violent Crimes Down in Harris County Compared to Last Year](#)," *KHOU*, January 2, 2020.

<sup>4</sup> "Mass Incarceration," 18.

<sup>5</sup> Data obtained from Texas Department of Criminal Justice, July 2020. Calculated by averaging the length of sentence of the on-hand prison and state jail population in TDCJ as of August 2005 and August 2020. The average only included the number of people sentenced; no life, capital life, death, or life without parole sentences were included.

<sup>6</sup> Legislative Budget Board, *Monthly Tracking of Adult Correctional Population Indicators* (September 2020).

<sup>7</sup> Davis Rich, “[Prison Healthcare Costs Are Higher Than Ever in Texas. Many Point to an Aging Prison Population](#),” *Texas Tribune*, November 25, 2019.

<sup>8</sup> *United States Census Bureau*, “[Quick Facts: Texas](#),” [Population estimates, July 1, 2019].

<sup>9</sup> “[Criminal Justice Facts](#),” *The Sentencing Project*, August 5, 2020.

<sup>10</sup> “[Annual Statistical Report FY 2019](#),” *Texas Board of Pardons and Paroles*, 5.