



TEXAS CRIMINAL
JUSTICE COALITION

WRITTEN TESTIMONY

REGARDING SENATE BILL 1, ARTICLE V – PUBLIC SAFETY AND CRIMINAL JUSTICE

SPECIFICALLY RELATING TO THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE

**SUBMITTED BY ANA YÁÑEZ-CORREA, PH.D.
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To

THE SENATE COMMITTEE ON FINANCE

FEBRUARY 7, 2013

Support Key Components of the Legislative Appropriations Request For the Texas Department of Criminal Justice

Dear Members of the Committee,

My name is Dr. Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition. Thank you for allowing me this opportunity to present testimony on Senate Bill 1, Article V, specifically as it pertains to the Texas Department of Criminal Justice (TDCJ).

Already, state leadership has laid the foundation for the continuous success of risk-reduction strategies with their bipartisan support of probation, parole, treatment, and reentry strategies during recent legislative sessions. The additional smart-on-crime strategies outlined here must serve as a critical consideration-point for policy-makers seeking to implement a rational, responsible, fiscally sound budgetary approach, as they can and will deliver taxpayers a return on their investment.

INVESTING IN SAFETY: WHY TEXAS SHOULD CONTINUE TO FUND SMART-ON-CRIME PROGRAMS AND POLICIES

When Texas' Legislature prioritizes smart-on-crime strategies, the state experiences positive change. For instance, due in part to investments in responsible alternatives to incarceration – like probation and treatment – Texas has seen an 18% drop in the crime rate between 2003 and 2010.¹ By safely diverting individuals who are more appropriately served in the community, Texas has saved nearly \$2 billion since 2007.² These policies have put Texas on the right road, making us a model for other states that are seeking ways to safely address high prison populations. We must maintain our commitment to smart strategies and wise investments.

This testimony outlines various funding requests by TDCJ. We strongly urge you to support these requests, in furtherance of safer communities, less taxpayer waste, and stronger families.

KEY FUNDING PRIORITIES SUPPORTED BY THE TEXAS CRIMINAL JUSTICE COALITION

- ***TDCJ Baseline Requests***

The Texas Criminal Justice Coalition is pleased that TDCJ's baseline requests were included in the General Appropriations bill. In particular, fully funding the following items is critical.

- » **Goal A: Provide Prison Diversions**, which includes support for basic supervision, diversion programs, community corrections, treatment alternatives to incarceration, and Community Supervision and Corrections Department (CSCD) health insurance.
- » **Goal B: Special Needs Offenders**, which includes support for special needs programs and services.
- » **Goal C: Incarcerate Felons**, with special emphasis on support for the following sub-categories:
 - C.1.4: Institutional Goods
 - C.1.5: Institutional Services
 - C.1.7: Unit & Psychiatric Care
 - C.1.8: Hospital & Clinical Care
 - C.1.9: Managed Health Care – Pharmacy
 - C.1.10: Health Services
 - C.1.13: Residential Pre-Parole Facilities
 - C.2.1: Texas Correctional Industries
 - C.2.2: Academic/Vocational Training
 - C.2.3: Treatment Services
 - C.2.4: Substance Abuse Felony Punishment
 - C.2.5: In-Prison Substance Abuse Treatment & Coordination
- » **Goal F: Operate Parole System**, which includes support for parole release processing, parole supervision, halfway house facilities, and intermediate sanction facilities.
- » **Goal G: Indirect Administration**, which includes support for central administration, correctional training, Inspector General, victim services, and informational resources.

- ***TDCJ Exceptional Items***

Texas has taken great strides in criminal justice during the last five years and has emerged as a national leader in improving public safety by safely reducing incarceration levels and saving taxpayer dollars. To maintain this progress, it is key to fund TDCJ exceptional items, such as diversion programs and reentry initiatives. **Unfortunately, the 2014-2015 General Appropriations bill excludes recommendations to fund several critical TDCJ priorities.** The charts below outline exceptional items that are central to the successful operation and future success of TDCJ. The Texas Criminal Justice Coalition recognizes the importance of funding each of the items below, broken down by our priority level, and we strongly urge you to consider them for full funding:

FUNDING PRIORITY LEVEL 1: DIVERSIONS, SUPERVISION, AND TREATMENT

Item ³	Requested Amount ⁴ <i>in millions</i>		Texas Criminal Justice Coalition Position
	FY14	FY15	
(5) Diversion Programs/ Community Corrections	\$15.0	\$15.0	Proven community-based programs and treatment provide viable, cost-effective alternatives to incarceration. Already, approximately 415,000 individuals are on community supervision in Texas. ⁵ Additional resources for CJAD will support effective programs and services for probationers, to keep them law abiding and self-sufficient members of our Texas communities.
(4) CSCD Health Insurance	\$6.2	\$10.0	Employee insurance premiums represent a steadily growing piece of CSCD budgets. According to Probation Advisory Committee Chair Mike Wolfe, “If insurance premiums continue to increase at the rate that has been experienced over the last several years by FY 2015 payment for health insurance will account for 41% of basic supervision budgets and only 59% of the budgets will provide for the operations of departments and the provision of services to probationers. ” ⁶ Additional resources for health insurance will prevent CSCDs from having to pull funding away from needed programming and services for probationers.
(6) Reentry Initiatives/ Transitional Coordinators	\$4.1	\$4.1	Without a reentry infrastructure, individuals coming out of prison are more likely to re-offend – creating more victims and greater expense for the state. Investing in resources for reentry services and staff (both inside and outside of prison walls) will boost public safety and save taxpayer dollars.
(3) Parole Caseload Growth	\$2.2	\$3.6	Caseload ratios that align with performance measures established by the Legislative Budget Board help parole officers effectively serve individuals under their supervision; caseloads that exceed recommended ratios result in poor supervision and costly revocations to prison. Additional resources to help the Parole Division manage a growing numbers of parolees and provide effective programming to them will ensure that public safety is protected and that the high costs of recidivism are curbed.
(11) TCOOMMI – Expansion of Mental Health/ Criminal Justice Initiatives	\$3.0	\$3.0	Again, an effective reentry infrastructure is critical to the success of individuals exiting prisons – especially those with mental health needs who are likely to re-offend without a community-based continuum of care. ⁷ Additional resources for TCOOMMI will assist the agency in providing much-needed follow-up treatment for individuals returning to our communities, thus better enabling these individuals to live safe and healthy lives.

FUNDING PRIORITY LEVEL 2: IMPROVED CONDITIONS AND SAFETY			
(2) Offender Health Care	\$70.2	\$70.9	<p>TDCJ's \$100 "Annual Health Care Service Fee" (effective in 2011) has caused inmates' a great burden, while doing little to help TDCJ fill a financial gap in health care provision. Individuals who request any medical treatment are now charged a one-time \$100 fee – even if the treatment falls under \$100 (like band-aids or other very inexpensive items). If an incarcerated individual has less than \$5 in his trust fund account, he can claim an indigency exception and receive treatment, but he must begin paying off the \$100 owed if his trust fund balance rises above \$5. What was once a quick trip to the doctor for a 50¢ band-aid now requires paperwork and costs the inmate (or his family) \$100. This fee – which is higher than most co-payments paid outside of prison – may serve as a dangerous deterrent to those seeking needed medical treatment, and lead individuals in prison to wait until their condition reaches emergency or infectious levels. Treating medical conditions early is critical to inmate and staff health, and can prevent expensive emergency interventions.</p> <p>Additional resources for inmate health care – in excess of the \$70 million requested here – will allow TDCJ to roll back the fee and charge inmates per-visit treatment fees, while having the funds to effectively provide that treatment.</p>
(7) Fleet Vehicle Replacement	\$15.0	\$15.0	<p>When buses break down while transporting individuals to and from correctional facilities, our public safety is threatened, as are incarcerated passengers, drivers, and guards. The General Appropriations bill only included \$3.5 million for fleet vehicle replacement. Additional resources for fleet vehicles will minimize the likelihood of breakdowns and associated dangers.</p>
(12) Correctional Laundry & Food Services Equipment Replacement	\$7.5	\$7.5	<p>Additional resources for equipment replacement will help TDCJ sustain facility operations at minimal levels.</p>
(1) Repair & Rehabilitation of Facilities	\$40.0	\$40.0	<p>Recent reports from prisoner units indicate that 93 of TDCJ's prisons do not have air conditioning, especially problematic as summer temperatures reach up to 108 °F. In fact, extreme heat resulted in at least 10 deaths in Texas prisons in 2011.⁸ Also alarming, dozens of surveyed correctional officers commented that units are extremely cold in the winter.⁹</p> <p>At the very least, these conditions – and other problems causing unsanitary environments – must be addressed. Additional resources for facility rehabilitation</p>

			will create safer, more humane working and living situations for guards, administrative staff, and inmates alike.
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FUNDING PRIORITY LEVEL 3: IMPROVED EFFICIENCY			
(9) Electronic Document Management Systems (EDMS)	\$7.9	\$5.0	<p>Criminal justice agencies can best respond to lawmakers, the public, and those under their supervision when they increase information accessibility, streamline information dissemination, and improve inter-agency and interdepartmental collaboration. Additional resources for document management systems will help TDCJ staff improve decision-making and response times, so as to facilitate more effective communication with agency heads, practitioners, elected officials, and other concerned members of the public.</p> <p>Adequately funding EDMS is also necessary for implementing the new validated risk assessment tool for probation departments, which will be used statewide to match probationers with appropriate programs and services. Properly assigning treatment services to probationers increases success rates, thus saving taxpayer dollars.</p> <p>Finally, automation will allow for continuity of information regarding system-involved individuals, thus eliminating duplications and increasing efficiencies.</p>
(10) Replacement of Obsolete Personal Computers	\$6.9	---	<p>TDCJ's technical devices are largely hand-me-downs from other state agencies. Given TDCJ's mission to supervise more than a half-million individuals each year, and given the above-stated importance of effective communication, updates to computers are critical to protecting public safety. TDCJ staff must have the capacity to make operations-related, program-related, and other crucial decisions based on real-time data and information that impacts staff and inmates.</p>

Citations

¹ Federal Bureau of Investigation, *Uniform Crime Reports*, U.S. Department of Justice; accessible at <http://www.ucrdatatool.gov/Search/Crime/State/StatebyState.cfm>; see Texas' violent and property crime rates for 2003 and 2010.

² The Pew Center on the States, "Issue Brief: Prison Count 2010," Revised April 2010, pp. 3-4: "In January 2007, Texas faced a projected prison population increase of up to 17,000 inmates in just five years. Rather than spend nearly \$2 billion on new prison construction and operations to accommodate this growth, policy makers reinvested a fraction of this amount – \$241 million – in a network of residential and community-based treatment and diversion programs. This strategy has greatly expanded sentencing options for new offenses and sanctioning options for probation violators. Texas also increased its parole grant rate and shortened probation terms. As a result, this strong law-and-order state not only prevented the large projected population increase but reduced its prison population over the three years since the reforms were passed."

³ Texas Board of Criminal Justice (TDCJ), *Legislative Appropriations Request for Fiscal Years 2014-2015*, (August 23, 2012) http://www.tdcj.state.tx.us/documents/finance/LAR_FY2014-15.pdf.

⁴ Ibid.

⁵ Community Justice Assistance Division, "What We Do," <http://www.tdcj.state.tx.us/divisions/cjad/index.html>.

⁶ Mike Wolfe, Probation Advisory Committee Chair, "Recommendation Response to Sunset Advisory Commission: on behalf of the Probation Advisory Committee," 14 December 2011, submitted via email to Sunset Advisory Commission.

⁷ Mentally ill individuals are especially in need of assistance upon release. Reentry efforts can be compromised by the lack of discharge plans for continuity of care upon release, as well as a lack of integrated treatment for co-occurring substance abuse disorders, and the failure of parole and other providers to effectively specify who should be monitoring individuals' case management, medication compliance, etc. See Stephan Haimowitz, J.D., "Slowing the Revolving Door: Community Reentry of Offenders with Mental Illness," *Psychiatric Services*, Vol. 55, No. 4, April 2004, pg. 374.

⁸ Eric Nicholson, "Ten Inmates Died From Heat in Texas Prisons Last Summer, and Nothing's Going to Change," *Dallas Observer*, August 1, 2012.

⁹ Texas Criminal Justice Coalition, "Perceptions of the Texas Department of Criminal Justice: Correctional Officers: 2012 Survey Findings," June 2012, pp. 3, 7. See p. 3: "73% of [61] correctional officers surveyed do not believe units are equipped with an adequate heating/cooling system."