



TEXAS CRIMINAL
JUSTICE COALITION

WRITTEN TESTIMONY

**REGARDING HOUSE BUDGET RECOMMENDATIONS
*FOR THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
AND THE BOARD OF PARDONS AND PAROLES***

**SUBMITTED BY DOUGLAS SMITH, MSSW
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TEXAS CRIMINAL JUSTICE COALITION**

To

**THE HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON ARTICLES I, IV & V**

FEBRUARY 19, 2015

Dear Members of the Committee,

My name is Douglas Smith, and I am a Policy Analyst for the Texas Criminal Justice Coalition. Thank you for allowing me this opportunity to present testimony on House budget recommendations relating to the Texas Board of Pardons and Paroles and the Texas Department of Criminal Justice.

The Texas Criminal Justice Coalition has been closely monitoring our state criminal justice system for years, and as an organization we greatly support the success of Texas' probation and parole systems, diversion programs, reentry strategies, and other practices that reduce prison populations while tackling the root causes of crime, increasing public safety, and saving taxpayers money.

TEXAS BOARD OF PARDONS AND PAROLES (BPP)

- ***Baseline Requests***

The BPP plays a critical role in protecting public safety in Texas. It is the only entity that determines which individuals can be released on parole, which conditions of parole or mandatory supervision must be imposed, and which executive clemency recommendations should be made to the Governor. As such, the Texas Criminal Justice Coalition fully supports each of the BPP's baseline requests to cover operations costs, institutional parole officers, hearings, clemency determinations, and other costs.

- ***Exceptional Items Above the Baseline Budget***

The Texas Criminal Justice Coalition supports two BPP exceptional item requests. One is **Board of Pardons and Paroles – Consultant Services** (*Item Priority 16*), which requests \$150,000 per year to update and upgrade parole guidelines. These funds will not only provide the BPP with expert assistance in the formulation of updated guidelines, but they will allow the BPP to comply with recommendations from the Sunset Commission to annually review and update these guidelines.

We also support **Institutional Parole Operations** (*Item Priority 14*), which will fund 30 additional Institutional Parole Officers (IPO) who can offer "additional support to current staff to maintain established levels of productivity in meeting requirements of preparing and submitting the BPPs parole summaries in which parole decisions are made and delivered to offenders." Individuals in the release process often experience unexpected changes in their parole plans. Private halfway houses may not have vacancies, or parole officers may deny placement in private residences. When these things happen, it delays the release process for months. In fact, it is not uncommon for parolees to wait an additional three to six months, forcing the state to continue to pay for the incarceration of paroled individuals. Increasing the current number of IPO's will better enable parolees to quickly communicate changes or obtain referrals for alternative placement.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE (TDCJ)

- **Baseline Requests**

The Texas Criminal Justice Coalition supports TDCJ's baseline requests to accomplish the following:

- » **Goal 01: Provide Prison Diversions through Probation & Community-based Programs**, which includes support for basic supervision, diversion programs, community corrections, and treatment alternatives to incarceration.
- » **Goal 02: Special Needs Offenders**, which includes support for special needs programs and services for mentally ill individuals and those eligible for Medically Recommended Intensive Supervision.
- » **Goal 03: Incarcerate Felons**, with special emphasis on support for the following sub-categories:
 - 3.1.2: Correctional Support Operations
 - 3.1.4: Offender Services
 - 3.1.5: Institutional Goods
 - 3.1.6: Institutional Services
 - 3.1.7: Institutional Operations and Maintenance
 - 3.1.8: Managed Health Care – Unit and Psychiatric Care
 - 3.1.9: Managed Health Care – Hospital and Clinical Care
 - 3.1.10: Managed Health Care – Pharmacy
 - 3.1.11: Health Services
 - 3.1.13: Residential Pre-Parole Facilities
 - 3.2.1: Texas Correctional Industries
 - 3.2.2: Academic and Vocational Training
 - 3.2.3: Treatment Services
 - 3.2.4: Substance Abuse Treatment – Substance Abuse Felony Punishment Facilities
 - 3.2.5: Substance Abuse Treatment – In-Prison Treatment and Coordination
- » **Goal 04: Ensure and Maintain Adequate Facilities**, with special emphasis on water/wastewater improvements for all units.
- » **Goal 05: Board of Pardons and Paroles**, which makes all decisions related to parole and release on mandatory supervision.
- » **Goal 06: Operate Parole System**, which includes support for parole release processing, parole supervision, halfway house facilities, and intermediate sanction facilities.

- » **Goal 07: Indirect Administration**, which includes support for central administration, correctional training, the Inspector General, victim services, and information resources.

Exceptional Items Above the Baseline Budget

In the chart below, we have outlined the TDCJ exceptional items that deserve full support. The numbers before each item in the first column correspond to their *Item Priority ranking* in the agency’s Legislative Appropriations Request, but we have listed them in order of importance to our organization, the Texas Criminal Justice Coalition.

| Item | Requested Amount | | Texas Criminal Justice Coalition Position |
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| | FY16 | FY17 | |
| (5) Probation – Substance Abuse Counseling and Basic Supervision | \$14.1 million | \$14.1 million | Proven community-based programs and treatment provide viable, cost-effective alternatives to incarceration. Already, nearly 402,000 individuals are on community supervision in Texas. This request will allow diversion programs to provide more intensive services to higher-risk populations that require lower caseload ratios, specialized officers, and enhanced substance-abuse treatment. These resources will reduce revocations and give judges more sentencing options when considering higher-risk individuals. Ultimately, this will save the state money because community supervision is vastly less expensive than incarceration. ¹ Moreover, those who successfully complete community supervision programs are less likely to recidivate, especially when they are served by experienced and well-trained officers. ² |
| (4) CSCD Health Insurance – Employer Portion | \$3.0 million | \$8.3 million | Employee insurance premiums represent a steadily growing piece of CSCD budgets. Additional resources for health insurance will prevent CSCDs from having to increase caseload sizes, divert funding from needed programming and services for probationers, or reduce staffing levels. This is critical: Decreased services may result in increased revocations, which carry a significantly higher cost to the state. |
| (7) Reentry Initiatives / Transitional Coordinators | \$2.0 million | \$2.0 million | Without a reentry infrastructure, individuals coming out of prison are more likely to re-offend, creating more victims and greater expense for the state. Fifty additional Reentry Transitional Coordinators – intended to help individuals post-release, including those in halfway housing and on parole, and those with mental health needs – will boost public safety and save taxpayer dollars through lowered recidivism. It is crucial, however, that TDCJ begin to target high-risk individuals in medium and close custody and seek ways |

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| | | | to offer them meaningful programs based on cognitive behavioral therapies in order to lower recidivism rates. |
| (3) Correctional Officer / Parole Officer Pay Raise | \$117.5 million | \$117.5 million | Salary increases for Correctional Officers will aid in recruitment and retention of critical agency positions that maintain the safety and security of units. Similarly, salary increases for Parole Officers, who provide crucial supervision and services to parolees, will ensure that they remain highly motivated. This will also increase retention of experienced officers as it increases the maximum salary for those with longer tenure within the Department. Less turnover will lead to fewer case transfers, a factor associated with lower recidivism. ³ |
| (8) TCOOMMI – Expansion of Mental Health / Criminal Justice Initiatives | \$3.0 million | \$3.0 million | Again, an effective reentry infrastructure is critical to the success of individuals exiting prisons – especially those with mental health needs who are more likely to re-offend without a community-based continuum of care. Additional resources for TCOOMMI and local mental health authorities to expand specialized caseloads will assist TDCJ in providing much-needed follow-up treatment for individuals returning to our communities, thus better enabling these individuals to healthily and safely manage their lives. Additionally, funding to expand jail diversion services to serve 1,250 individuals with mental health needs in metro areas will reduce the costly burden on counties who are housing and medicating individuals in local jails. |
| (6) Offender Health Care | \$72.7 million | \$102.1 million | Quality health care depends on two components – committed, well-trained professionals, and up-to-date equipment. TDCJ must offer competitive salaries in order to compete for quality health care staff. In addition, the aging of the incarcerated population necessitates dialysis machines, x-ray units, and other pieces of medical equipment that will be necessary to properly care for the onrush of geriatric prisoners. |
| (10) 500 DWI Treatment Slots | \$1.5 million | \$1.5 million | TDCJ housed 6,512 individuals for DWI convictions as of May 2014. It is critical that these individuals receive the programming and resources necessary to battle their substance abuse problems and reduce costly re-offending. |
| (11) Treatment for Remaining | \$2.6 million | \$2.6 million | Individuals placed in ISFs have committed technical violations of their parole release; they are not revoked |

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| Intermediate Sanction Facilities (ISFs) | | | to prison. ISFs play an important role in recovery by providing substance abuse and cognitive behavioral treatment to individuals to help them better manage their transition back to their communities. Additional funding will enable treatment for ISF beds that do not currently offer it. |
| (2) Repair and Renovation of Facilities | \$30.0 million | \$30.0 million | <p>While the Texas Criminal Justice Coalition (TCJC) is committed to policies that safely reduce the number of people incarcerated, we support additional funds for existing facilities to ensure that the current population is housed in safe and sanitary conditions. Continual breakdowns of wastewater facilities cause unsanitary environments, and there are credible reports of some units having difficulty providing non-contaminated drinking water. The improvements envisioned by the Department will support an environment more conducive to rehabilitation, improving safety for the incarcerated population and correctional officers alike.</p> <p>While the Department is not requesting funds to address the heat in Texas prisons, TCJC supports expenditures to reduce the excessive heat endured by incarcerated individuals and correctional officers. The state is already spending large amounts of money to defend lawsuits linking recent inmate deaths and excessive heat. Moreover, a recent study by the University of Texas School of Law Human Rights Clinic details how existing efforts by the Department to prevent heat stroke and heat-related illness are inadequate.⁴ Additional deaths are likely, and the aging population within Texas prisons is increasingly susceptible to health problems associated with excessive heat. Further delays in addressing this issue will likely cost the state in additional health care expenditures and legal bills.</p> |
| (12) Inspector General | \$1.4 million | \$1.4 million | While not providing true, independent oversight, the Office of the Inspector General is invaluable for its ability to investigate criminal behavior and its role in providing a safe environment for staff and incarcerated individuals. |
| (9) Additional Halfway House Beds | \$4.4 million | \$4.4 million | Thousands of individuals leave TDCJ each year without a place to live. Safe, affordable housing is crucial to people leaving prison, and many individuals who have otherwise qualified for parole cannot begin the transition to free-world life because they have no place to stay. This forces the state to continue to pay to incarcerate individuals who have already been paroled. |

Citations

¹ Legislative Budget Board (2013), "Criminal Justice Uniform Cost Report: Fiscal Years 2010-2012," Available: http://www.lbb.state.tx.us/Public_Safety_Criminal_Justice/Uniform_Cost/Criminal%20Justice%20Uniform%20Cost%20Report%20Fiscal%20Years%202010%20to%202012.pdf.

² Trotter, Chris, "Reducing Recidivism Through Probation Supervision: What We Know and Don't Know From Four Decades of Research," Federal Probation (Volume 77 Number 2), Accessed February 16, 2015, and available at: <http://www.uscourts.gov/uscourts/FederalCourts/PPS/Fedprob/2013-09/reducing-recidivism.html>.

³ Clark-Miller, Jason & Stevens, Kelli D (2011), "Effective Supervision Strategies: Do Frequent Changes of Supervision Officers Affect Probationer Outcomes?" (Volume 75, Issue 3), pp. 11-18.

⁴ The University of Texas School of Law Human Rights Clinic (2014), "Deadly Heat in Texas Prisons," Accessed February 17, 2015, and available at: https://www.utexas.edu/law/clinics/humanrights/docs/HRC_EH_Report_4-7-14_FINAL.pdf.