



**WRITTEN RESPONSE  
TO THE SUNSET ADVISORY COMMISSION STAFF REPORT**

**SUBMITTED BY  
THE TEXAS CRIMINAL JUSTICE COALITION**

*Regarding the Texas Department of Criminal Justice, Correctional Managed Health Care Committee,  
Windham School District, and Board of Pardons and Paroles*

**SUNSET ADVISORY COMMISSION**

**JUNE 5, 2012**

## TEXAS CRIMINAL JUSTICE COALITION

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The Texas Criminal Justice Coalition identifies and advances real solutions to the problems facing Texas' juvenile and criminal justice systems. We conduct policy research and analysis, form effective partnerships, and educate key stakeholders to promote effective management, accountability, and best practices that increase public safety, save taxpayer dollars, and preserve human and civil rights.

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Dear Members of the Commission,

Thank you for this opportunity to present a response to the Sunset Advisory Commission Staff Report regarding the Texas Department of Criminal Justice, Correctional Managed Health Care Committee, Windham School District, and Board of Pardons and Paroles. The Texas Criminal Justice Coalition (TCJC) expresses our deepest gratitude to the Sunset staff who worked diligently to compile this report. We commend them on their desire and dedication to initiate what we know will result in significant improvements to the state's criminal justice system. We are especially grateful to them for taking the time to meet with TCJC and various stakeholders, to build a comprehensive understanding of the broad scope of the criminal justice system from all sides. We also want to thank the Sunset Advisory Commission members for their commitment to the evaluation of these important agencies. These agencies face numerous challenges, and we are relying on this Commission's leadership to develop solutions that will address the burden of already strained budgets while preserving public safety and meeting the needs of individuals directly impacted by the system.

## RESPONSE SUMMARY

In May 2012, the Sunset Advisory Commission staff released a thorough report (Staff Report) that evaluates the functions of the Texas Department of Criminal Justice (TDCJ), the Windham School District (Windham), the Board of Pardons and Paroles (BPP), and the Correctional Managed Health Care Committee (CMHCC). Along with an overall analysis, the Staff Report contains various recommendations pertaining to each of these agencies. In response to the Staff Report, TCJC is providing the following: (1) the attached report developed by TCJC (TCJC Report), containing a comprehensive analysis of the critical issues we feel the Sunset Commission should consider in its evaluation of the foregoing agencies, including detailed recommendations on ways to improve these organizations; (2) the table below, in which we briefly address our position on the majority of recommendations provided in the Staff Report and summarize the comprehensive suggestions described in the TCJC Report; (3) a shorter, attached report of findings and recommendations from a TCJC-AFSCME survey of correctional officers; and similarly, (4) a report of findings and recommendations from a survey of incarcerated individuals and family members of system-involved individuals.

As an organization, TCJC's main focus is to improve public safety outcomes through improved monitoring and oversight, increased rehabilitation and reentry efforts, improved treatment and education programs, community-based programming, access to resources and assistance, improved efficiency of probation and parole, and fiscal responsibility.

In the table below, we provide page references to the corresponding section in the TCJC Report that provides a more detailed explanation of our response (*pages are indicated in the brackets after each recommendation*). The table below also includes additional suggestions that apply to the main issues addressed in the Staff Report, but that may not speak directly to a specific recommendation.

**ISSUE 1:**

**TEXAS HAS A CONTINUING NEED FOR THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

<b>STAFF REPORT RECOMMENDATION</b>	<b>TCJC SUMMARY ANALYSIS/RESPONSE</b>
<p><i>1.1 Change in Statute: Continue the Board and Department of Criminal Justice for 12 years.</i></p> <p>TCJC Addition to 1.1</p> <p>TCJC Addition to 1.1</p> <p>TCJC Addition to 1.1</p>	<p><input checked="" type="checkbox"/> <b>Agree in Part</b> / <input checked="" type="checkbox"/> <b>Disagree in Part</b> – <i>with Additional Recommendations</i></p> <p>TCJC agrees with recommendation 1.1 regarding the continuation of TDCJ, including its component divisions and affiliated agencies. TCJC also supports the recommendation that all agencies involved in the criminal justice system, including Windham and CMHCC, be included in the Sunset evaluation process. However, while the Sunset review is intended to provide a measure of accountability through an independent evaluation, TCJC feels that additional oversight should be provided on a more regular basis. Additionally, TCJC disagrees with the timeframe for Sunset Review. Given the state funding spent on corrections, the magnitude of TDCJ’s functions, and the breadth of the agency responsibilities, TCJC feels a more appropriate timeframe for <b>Sunset should be every 4-6 years</b>, which would truncate the Staff Report’s recommended 12-year cycle.</p> <p>Specific to additional monitoring, we offer the following suggestions:</p> <ul style="list-style-type: none"> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 8]: To provide full monitoring and oversight, policy-makers should create an independent monitoring body – a Coordinating Review Council – that would operate independently of TDCJ, and conduct regular audits and assessments of agency operations.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 8]: If no independent monitoring/review agency is created, as suggested above, policy-makers should increase the frequency of the Sunset Review process for all criminal justice agencies to <b>every 4-6 years</b>.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pgs. 8-9]: TDCJ’s Board – the Texas Board of Criminal Justice – should increase the frequency and opportunity for public input on important criminal justice matters.</li> </ul>

**ADDITIONAL TCJC RECOMMENDATIONS: ISSUE 1**

Given TDCJ’s mission to reintegrate returning individuals to the community and assist crime victims, the agency is ultimately accountable to all citizens. To increase faith in the system, TDCJ

must foster a culture of trust by increasing the level of transparency under which it operates. This can be accomplished by implementing operational changes and by making agency policies and procedural information more accessible to the public. Further, TDCJ has an obligation to maintain a standard of living and care for all the individuals for whom TDCJ is ultimately responsible. Improving conditions for individuals who are on probation, incarcerated in a TDCJ facility, or released on parole will ultimately result in more positive outcomes. With this in mind, TCJC offers the following recommendations.

#### **ISSUE 1: OPERATIONAL IMPROVEMENTS**

1. **TCJC Additional Recommendation** [see pg. 7]: TDCJ should strengthen its mission statement to improve outcomes.
2. **TCJC Additional Recommendation** [see pgs. 12-13]: Criminal justice and treatment agencies should improve communication strategies to boost efficiency, inform others of the types of available programs, and meet the state's public safety needs.
3. **TCJC Additional Recommendation** [see pgs. 31-32]: TDCJ should improve overall information sharing and dissemination, especially with regard to policy changes and inmate status updates.
4. **TCJC Additional Recommendation** [see pg. 31]: TDCJ should undertake a cultural shift that emphasizes customer service, and it should solicit public feedback.
5. **TCJC Additional Recommendation** [see pg. 31]: TDCJ should monitor the implementation of policies across and within units.

#### **ISSUE 1: PROBATION IMPROVEMENTS**

1. **TCJC Additional Recommendation** [see pg. 16]: Overall, policy-makers must ensure that Texas' probation system has the resources to protect public safety and save taxpayer dollars, including by ensuring that funding programming is maintained, while allocations for insurance premiums and other line items are separately, though entirely, funded to keep departments fully operational.
2. **TCJC Additional Recommendation** [see pg. 22]: Policy-makers and probation departments should continue to invest in progressive sanctions for probation violators.
3. **TCJC Additional Recommendation** [see pg. 23]: Probation departments should be given more power over technical revocations.
4. **TCJC Additional Recommendation** [see pg. 23]: Probation departments with high revocation rates should create a Revocation Review Board.
5. **TCJC Additional Recommendation** [see pg. 23]: Probation departments should assist probationers in meeting their payment obligations.

6. **TCJC Additional Recommendation** [see pg. 24]: Probation departments should have access to stronger drug treatment options: Policy-makers should strengthen investments in community-based supervision and substance abuse treatment.
7. **TCJC Additional Recommendation** [see pg. 24]: Probation departments should front-load supervision so it is heaviest during the early critical period of probation terms, and they should expand community partnerships with service providers to better meet probationers' needs.
8. **TCJC Additional Recommendation** [see pg. 25]: Probation departments should be given more authority to meet local needs, especially in regard to program placement.
9. **TCJC Additional Recommendation** [see pg. 25]: Probation departments should have access to a wider array of mental health treatment services: Policy-makers should invest in and strengthen mental health treatment options and resources for probationers.
10. **TCJC Additional Recommendation** [see pgs. 26-27]: Probation leadership and community partners should strengthen gender-specific programming in community supervision.
11. **TCJC Additional Recommendation** [see pg. 27]: Probation leadership should utilize existing treatment programs to address women's specialized needs, especially trauma.
12. **TCJC Additional Recommendation** [see pg. 28]: Probation leadership should address the specialized needs of military veterans, especially with respect to PTSD and Traumatic Brain Injuries, through treatment in supportive environments.

#### **ISSUE 1: IMPROVEMENTS TO CONDITIONS OF CONFINEMENT**

1. **TCJC Additional Recommendation** [see pg. 55]: TDCJ should allow dietary supplements to be made available to incarcerated individuals, for purposes of reducing violence, increasing inmate health, and decreasing medical expenses.
2. **TCJC Additional Recommendation** [see pgs. 55-56]: TDCJ should improve property assigned to inmates' cells to reduce disease, enhance inmate health, and increase unit security.
3. **TCJC Additional Recommendation** [see pg. 56]: TDCJ should issue abandoned and confiscated property to indigent inmates to enhance unit security.
4. **TCJC Additional Recommendation** [see pgs. 56-57]: TDCJ should strengthen the efficiency of its Offender Grievance Program.
5. **TCJC Additional Recommendation** [see pg. 58]: TDCJ should increase the safety of prison environments through steps to reduce sexual assaults.
6. **TCJC Additional Recommendation** [see pg. 58]: TDCJ should commit to a "zero tolerance" policy on sexual assaults.
7. **TCJC Additional Recommendation** [see pgs. 58-60]: TDCJ should reduce reliance on the use

of administrative segregation and increase opportunities for rehabilitation, which will decrease TDCJ operating expenses and lower recidivism rates.

8. **TCJC Additional Recommendation** [see pgs. 60-61]: TDCJ should specifically prohibit the use of administrative segregation for incarcerated inmates ages 14 to 25, and instead emphasize and enhance rehabilitation.

**ISSUE 1: VISITATION IMPROVEMENTS**

1. **TCJC Additional Recommendation** [see pgs. 47-49]: TDCJ should work to improve parent-child and familial interaction, including through improvements to the orientation process and the visitation process.
2. **TCJC Additional Recommendation** [see pg. 49]: TDCJ should make every effort to locate inmates in units as close to their homes as possible.
3. **TCJC Additional Recommendation** [see pg. 49]: TDCJ should improve faith-based family interaction strategies.
4. **TCJC Additional Recommendation** [see pg. 50]: TDCJ should award incarcerated individuals performance-based privileges to increase family interaction.
5. **TCJC Additional Recommendation** [see pg. 52]: TDCJ should improve the ability of incarcerated mothers to interact with their children.

**ISSUE 1: PAROLE IMPROVEMENTS**

1. **TCJC Additional Recommendation** [see pg. 65]: The Parole Division should increase the professional development of parole practitioners through trainings that promote evidence-based practices and measurable outcomes.

ISSUE 2:	
REENTRY STRATEGIES LACK FOCUS AND COORDINATION, LIMITING OPPORTUNITIES FOR TEXAS TO FURTHER REDUCE RECIDIVISM AND SYSTEM COSTS	
STAFF REPORT RECOMMENDATION	TCJC SUMMARY ANALYSIS/RESPONSE
<p><i>2.1 Require TDCJ to produce a written reentry plan, detailing the reentry goals and strategies, and how it will evaluate the plan.</i></p>	<p><input checked="" type="checkbox"/> <b>Strongly Agree – <i>with Additional Recommendations</i></b></p> <p>TDCJ agrees strongly with the recommendation to develop an explicit, comprehensive reentry plan, which is largely addressed in existing statute. TDCJ’s mission cannot be to simply transition individuals into society; it must actively assist an individual’s reintegration from an</p>

<p>TCJC Addition to 2.1</p> <p>TCJC Addition to 2.1</p> <p>TCJC Addition to 2.1</p> <p>TCJC Addition to 2.1</p> <p>TCJC Addition to 2.1</p> <p>TCJC Addition to 2.1</p> <p>TCJC Addition to 2.1</p>	<p>incarceration setting to the community. Part of this assistance is through in-prison rehabilitation and life skills programs, but it also requires TDCJ to prepare a reentry plan, assist individuals in finding employment, and provide housing assistance.</p> <p>Below are TCJC’s suggested recommendations to foster improved reentry tools and transitional assistance for inmates to properly equip them for community life:</p> <ul style="list-style-type: none"> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 13]: TDCJ should provide all incarcerated individuals who are nearing release with secured access to a regularly updated electronic database that contains information necessary for reentry.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 34]: Policy-makers should mandate that TDCJ create assessment-driven, individualized reentry plans that span intake and incarceration.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 34]: TDCJ should apply a uniform requirement to help inmates create individualized, comprehensive reentry plans <u>prior to release</u>.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 34]: TDCJ should give exiting individuals additional resources to be responsible during the critical post-release period, including via a resource guide.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 35]: TDCJ should continue to ease restrictions on obtaining basic identification and certification documents.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 35]: TDCJ should provide exiting individuals with certification documents at discharge.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 35]: TDCJ should improve and standardize a therapeutic culture within its Parole District Reentry Centers (DRCs) and enhance the services they offer.</li> </ul>
<p><i>2.2 Require TDCJ to implement a system-wide risk and needs assessment for use in managing offenders on probation, parole, and in prison.</i></p>	<p><input checked="" type="checkbox"/> <b>Strongly Agree – <i>with Additional Recommendations</i></b></p> <p>TCJC agrees and supports the recommendation to adopt a system-wide risk and needs assessment instrument. TCJC further suggests that assessments be tailored to capture particular information that will address more specific needs. For instance, TDCJ should address the</p>



<p>TCJC Addition to 2.2</p> <p>TCJC Addition to 2.2</p> <p>TCJC Addition to 2.2</p>	<p>particularized needs of women, military veterans, and individuals suffering from substance abuse and mental health issues.</p> <p>Additionally, TCJC makes the following recommendations:</p> <ul style="list-style-type: none"> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 13]: TDCJ administrators should improve departmental assessment tools and promote a comprehensive, system-wide assessment that more effectively assists system-involved individuals.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 21]: Probation leadership should improve the use and implementation of uniform, validated risk/needs-based assessment tools for probationers.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 26]: System practitioners should utilize early assessments to determine co-occurring disorders for individuals suffering from both mental health and substance abuse issues.</li> </ul>
<p><i>2.3 Require TDCJ to leverage existing resources to institute a case management system for offenders.</i></p> <p>TCJC Addition to 2.3</p> <p>TCJC Addition to 2.3</p>	<p><input checked="" type="checkbox"/> <b>Agree in part – <i>with Additional Recommendations</i></b></p> <p>TCJC urges the implementation of a more comprehensive case management system to offer assistance to inmates in regard to program placement. However, TCJC feels the case management system should be more robust, with appropriately trained professionals who can best assess an individual’s needs to ensure the person is placed in the most appropriate program. Additionally, TCJC feels that this is an appropriate instance for TDCJ to seek additional help from community-based service providers, through either non-profit organizations or volunteer services. Additionally, TCJC feels that case managers should meet more often than the Staff Report’s recommended two times; in order to properly assess an inmate’s progress and determine the best fit with respect to programming, case managers should meet with inmates more frequently.</p> <p>Additionally, TCJC makes the following recommendations:</p> <ul style="list-style-type: none"> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 31]: TDCJ should institutionalize a culture that welcomes reliance on volunteers, where safety permits, to assist in providing rehabilitative services, including in areas of substance abuse and mental health.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 38]: TDCJ should increase innovation through community partnerships, especially for educational service provision.</li> </ul>

<p>2.4 Require the Individual Treatment Plan to capture all of an offender's risk and needs information, as well as all participation in both state-funded and volunteer programs.</p>	<p><input checked="" type="checkbox"/> <b>Strongly Agree – <i>with Additional Recommendations</i></b></p> <p>See recommendations in 2.2. and 2.3 regarding assessment tools, and the use of volunteers and community-based partnerships.</p>
<p>2.5 Require the Parole Board to use the ITP in making programming placement decisions.</p> <p>TCJC Addition to 2.5</p> <p>TCJC Addition to 2.5</p>	<p><input checked="" type="checkbox"/> <b>Agree – <i>with Additional Recommendations</i></b></p> <p>TCJC agrees that the BPP must use the ITP information – especially if it becomes more comprehensive – to appropriately place individuals in needed programming and treatment.</p> <p>Additionally, TCJC makes the following recommendations:</p> <ul style="list-style-type: none"> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 38]: Individuals who are within two years of exiting confinement should be identified, assessed, and prioritized for program admission. This should be undertaken in coordination with the BPP, as necessary.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 64]: The Parole Division and the BPP should improve coordination and exchange of information in regard to programs and conditions.</li> </ul>
<p>2.6. Expand the statutory membership and duties of the Reentry Task Force.</p> <p>TCJC Addition to 2.6</p>	<p><input checked="" type="checkbox"/> <b>Strongly Agree – <i>with Additional Recommendations</i></b></p> <p>TCJC agrees that the Reentry Task Force should expand its membership. With respect to the list of groups recommended to be included as part of the reentry task force, policy-makers should add a group to represent the Defender services, <i>e.g.</i>, a public and a private defense attorney group.</p> <p>Additionally, TCJC makes the following recommendation:</p> <ul style="list-style-type: none"> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 9]: Policy-makers should clarify the duties of the statewide Reentry Task Force, especially in regard to reporting areas and assisting with improvements in the continuum of care.</li> </ul>

TCJC agrees with the included recommendation pertaining to reentry, but, as indicated above, urges the Commission to consider more areas for potential improvements. Reentry begins as soon as an individual enters the criminal justice system. Criminal justice agencies should be committed to operating with the intent to release self-reliant, capable citizens back into the community. With that in mind, TCJC looks to the Sunset process as integral to creating robust rehabilitation and treatment programs that will achieve that end. Improvements in rehabilitation programs and services, including in availability, effectiveness, and the quality of programs, are crucial to a successful reentry plan. Additionally, to facilitate the most effective reentry plan, TDCJ should provide post-release assistance in obtaining housing.

## **ISSUE 2: COMMUNITY-BASED PROGRAMMING IMPROVEMENTS**

1. **TCJC Additional Recommendation** [see pgs. 24-25; 42-43]: Policy-makers should maintain the allocation of funds for community-based substance abuse treatment programs proven to be effective.
2. **TCJC Additional Recommendation** [see pgs. 25, 44]: Policy-makers should maintain the allocation of funds for community-based mental health treatment programs proven to be effective.
3. **TCJC Additional Recommendation** [see pg. 26]: Policy-makers should maintain the allocation of funds for community-based co-occurring disorder treatment programs proven to be effective.
4. **TCJC Additional Recommendation** [see pg. 27]: Policy-makers should invest in community-based residential parenting programs and education services.
5. **TCJC Additional Recommendation** [see pg. 28]: Policy-makers should improve standards for medication-assisted therapy for veterans in the community.

## **ISSUE 2: IMPROVE INSTITUTIONAL-BASED PROGRAMMING**

1. **TCJC Additional Recommendation** [see pg. 38]: Policy-makers should help TDCJ increase the availability of programs by offering more programming slots at additional units.
2. **TCJC Additional Recommendation** [see pg. 38]: The state should reexamine the requirements and exclusions from program participation, considering also the disparity in services, especially with respect to gender exclusivity.
3. **TCJC Additional Recommendation** [see pg. 38]: TDCJ should improve the quality of in-prison programs through more frequent program/service assessments and through the development of performance measures.
4. **TCJC Additional Recommendation** [see pgs. 39-41]: TDCJ should strengthen rehabilitation programs and services that focus on education, including by expanding peer education programs, which carry almost no costs.

5. **TCJC Additional Recommendation** [see pgs. 41-42]: TDCJ should strengthen rehabilitation programs and services that focus on vocational training and employment.
6. **TCJC Additional Recommendation** [see pg. 42]: TDCJ should strengthen rehabilitation programs and services that focus on improving financial literacy and responsibility.
7. **TCJC Additional Recommendation** [see pg. 42]: TDCJ should strengthen rehabilitation programs and services that focus on substance abuse.
8. **TCJC Additional Recommendation** [see pgs. 43-44]: TDCJ should strengthen rehabilitation programs and services that focus on mental health.
9. **TCJC Additional Recommendation** [see pg. 44]: TDCJ should strengthen rehabilitation programs and services that focus on veterans.
10. **TCJC Additional Recommendation** [see pg. 45]: TDCJ should strengthen rehabilitation programs and services that focus on youth incarcerated in adult facilities, especially through specialized programming options, greater oversight of youth programming, improved staff qualifications, and expanded authority for the Office of the Independent Ombudsman.
11. **TCJC Additional Recommendation** [see pg. 45]: TDCJ should strengthen rehabilitation programs and services that focus on parenting and family reunification.

#### **ISSUE 2: IMPROVE PROGRAMMING FOR WOMEN**

1. **TCJC Additional Recommendation** [see pg. 51]: Policy-makers should invest in gender-specific programming to meet the needs of growing female inmate populations.
2. **TCJC Additional Recommendation** [see pg. 51]: TDCJ should improve standards among in-prison, women-focused treatment programs.
3. **TCJC Additional Recommendation** [see pgs. 51-52]: TDCJ should make efforts to develop specific, comprehensive treatment programs for women who suffer from substance abuse, mental health issues, and/or trauma.
4. **TCJC Additional Recommendation** [see pg. 52]: TDCJ should target pre-release female populations and ensure post-release follow-up.
5. **TCJC Additional Recommendation** [see pgs. 52-53]: TDCJ should increase programming for pregnant inmates and allow more time for incarcerated mothers to spend with their infants.

#### **ISSUE 2: INCREASE POST-RELEASE HOUSING ASSISTANCE**

1. **TCJC Additional Recommendation** [see pg. 46]: Policy-makers should prioritize housing assistance in “high stakes” communities.
2. **TCJC Additional Recommendation** [see pg. 46]: Policy-makers should invest in affordable

housing options for returning individuals, which may require partnership with the community.

3. **TCJC Additional Recommendation** [see pg. 46]: Wherever possible, policy-makers should direct local Texas housing authorities to utilize federal housing assistance programs to help previously incarcerated individuals find places to live.

**ISSUE 2: PAROLE PROGRAMMING IMPROVEMENTS**

1. **TCJC Additional Recommendation** [see pg. 65]: Policy-makers should create incentives for the successful completion of a community-based rehabilitation program for individuals already on parole.

ISSUE 3	
COMMUNITY SUPERVISION FUNDING FORMULAS AND GRANT PROCESSES NEED STRENGTHENING TO KEEP PACE WITH A CHANGING ADULT PROBATION SYSTEM	
STAFF REPORT RECOMMENDATION	TCJC SUMMARY ANALYSIS/RESPONSE
<p><i>3.1 Require CJAD to establish standard grant processes.</i></p> <p>TCJC Addition to 3.1</p> <p>TCJC Addition to 3.1</p>	<p><input checked="" type="checkbox"/> <b>Agree – <i>with Additional Recommendations</i></b></p> <p>TCJC agrees that CJAD should adopt a transparent grant process and offers the following recommendations regarding CJAD’s obligations to support probation departments:</p> <ul style="list-style-type: none"> <li>▪ <b>TCJC Additional Recommendation</b> [see pgs. 19-20]: Policy-makers should ensure CJAD is resourced at levels that will allow it to help departments implement evidence-based practices and progressive sanctions, including by providing more technical assistance and staff training to departments.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 20]: Probation departments should submit evidence-based program proposals to CJAD to help inform technical assistance and program grants.</li> </ul>
<p><i>3.2 Require CJAD to study the use of performance-based funding formulas and report its recommendations to the Legislature.</i></p>	<p><input checked="" type="checkbox"/> <b>Agree – <i>with Additional Recommendations</i></b></p> <p>See recommendations in 3.1 above.</p>

**ADDITIONAL RECOMMENDATIONS: ISSUE 3**

CJAD plays a critical role in maintaining and supporting probation departments. To augment the foregoing recommendations, TCJC also offers the following suggestions:

1. **TCJC Additional Recommendation** [see pgs. 18-19]: Policy-makers should give CJAD greater independence and budget authority.
2. **TCJC Additional Recommendation** [see pg. 19]: Policy-makers should strengthen CJAD through resources for additional staff.

**ISSUE 4**

**STATUTE DOES NOT ALIGN WITH RECENT CHANGES IN THE STATE’S  
APPROACH TO PROVIDING OFFENDER HEALTH CARE**

<b>STAFF REPORT RECOMMENDATION</b>	<b>TCJC SUMMARY ANALYSIS/RESPONSE</b>
<p><i>4.1 Clarify TDCJ’s authority to contract with any provider for offender health care, to include, but not be limited to, specifically named university providers.</i></p>	<p><i>The Coalition defers to the Texas Civil Rights Project on this matter, given their extensive research and expertise in the area of medical care and health services for incarcerated individuals.</i></p> <p>However, we should note our strong opposition to privatization of inmate medical care. In recent years, Texas legislators have been looking toward privatization of medical care in public jails and prisons as a quick fix to the out-of-control criminal justice budget. However, other states have found that privatizing medical services will not lead to significant cost-savings. In fact, in South Carolina, privatized prison medical care actually raised the cost of medical care. Furthermore, TDCJ has already found that <b>private vendors tend to offer unreasonably low bids before raising prices in the future.</b></p> <p>Lawsuits against private vendors are also common. Numerous successful lawsuits and judgments have been costly to private prison health companies and governments alike. A lawsuit against one private vendor, Physicians Network Association, and Reeves County, Texas, was filed after an epileptic man died alone in his cell after being denied medication and having seizures for hours. Corrections Medical Services (CMS), the largest private provider of correctional medical care in the country, has also been involved in countless scandals and lawsuits.</p>

<p>4.2 Require TDCJ to adhere to standard contracting requirements for offender healthcare services contracts, and report healthcare costs and use information to state leadership.</p>	<p>The Coalition defers to the Texas Civil Rights Project on this matter, given their extensive research and expertise in the area of medical care and health services for incarcerated individuals.</p>
<p>4.3 Restructure the Correctional Managed Health Care Committee as a committee to the Texas Board of Criminal Justice, instead of maintaining an independent state agency.</p>	<p>The Coalition defers to the Texas Civil Rights Project on this matter, given their extensive research and expertise in the area of medical care and health services for incarcerated individuals.</p>

ISSUE 5	
WITHOUT A REGULAR REVIEW OF THE WINDHAM SCHOOL DISTRICT AND ITS PROGRAMS, THE LEGISLATURE CANNOT BEST DIRECT RESOURCES TO PROGRAMS THAT WORK	
STAFF REPORT RECOMMENDATION	TCJC SUMMARY ANALYSIS/RESPONSE
<p>5.1 Require Windham to conduct biennial program evaluations to measure whether its programs reduce recidivism and meet the district's other statutory goals, and to recommend changes to programs when needed.</p>	<p><input checked="" type="checkbox"/> <b>Agree</b></p> <p>While in-prison educational programming offers significant benefits to incarcerated individuals and offers a pro-social outlet that decreases disciplinary infractions, TCJC agrees that programs should be more regularly evaluated to determine which are strongest and should be continued and/or expanded, and which should be improved.</p>
<p>5.2 Require Windham to be reviewed by the Sunset Commission in conjunction with future Sunset reviews of TDCJ.</p>	<p><input checked="" type="checkbox"/> <b>Agree</b></p>

**ADDITIONAL RECOMMENDATIONS: ISSUE 5**

The Sunset process provides an opportunity to improve educational opportunities in prison. See Issue 2 for additional recommendations regarding educational programming, including that TDCJ should strengthen rehabilitation programs and services that focus on education [see pgs. 39-41].

**ISSUE 6**

**THE PAROLE BOARD’S ABILITY TO MAKE EFFECTIVE PAROLE RELEASE DECISIONS IS IMPEDED BY ITS LIMITED USE OF AVAILABLE RESOURCES AND INCONSISTENT ACCESS TO INFORMATION**

STAFF REPORT RECOMMENDATION	TCJC SUMMARY ANALYSIS/RESPONSE
<p><i>6.1. Require the Parole Board to develop and maintain recommended parole approval rates for use with the parole guidelines, and to conduct peer reviews to help improve parole decision making and management of its operations.</i></p> <p>TCJC Addition to 6.1</p>	<p><input checked="" type="checkbox"/> <b>Strongly Agree – <i>with Additional Recommendations</i></b></p> <p>TCJC agrees that the parole guidelines must be more strictly adhered to, and Parole Board members should be provided outside consultation and training from qualified experts. Policy-makers should provide the BPP with necessary resources to facilitate expert recommendations on its risk assessment tool and parole guidelines. For a more detailed explanation, please see the attached TCJC Report. [see pgs. 68-69]</p> <p>Additionally, TCJC makes the following recommendation:</p> <ul style="list-style-type: none"> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 68]: Policy-makers should appoint additional Board members and Parole Commissioners, and diversify voting panels.</li> </ul>
<p><i>6.2. Require standardized processes to ensure crime victim input is available for Parole Board consideration.</i></p>	<p><input type="checkbox"/> <b>Neutral</b></p> <p>Victims should have a voice in parole decisions. However, TCJC is neutral on this recommendation out of fear that problems with processing procedures (e.g., delays in capturing victim impact information) may inadvertently slow the review process for parole-eligible inmates.</p>



<p>6.3. Require parole panels, when approving or denying an offender's release from incarceration, to provide a clear and understandable explanation of the panel's decision.</p>	<p><input checked="" type="checkbox"/> <b>Strongly Agree – <i>with Additional Recommendation</i></b></p> <p>TCJC agrees that when a person is denied release, the parole panel should provide a clear, personalized explanation as to why that decision was made. The denial process is often obfuscated by boilerplate responses that provide no meaningful indication as to why an inmate was denied release or what s/he could do to better her/his approval chances.</p>
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<p>6.4. Authorize the Parole Board to delegate all hearings, but not final determinations, to its hearing officers.</p>	<p><input checked="" type="checkbox"/> <b>Agree – <i>with Additional Recommendation</i></b></p> <p>TCJC encourages the Commission to ensure that a sufficient level of hearing officers is available to take on this additional responsibility.</p>
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**ADDITIONAL RECOMMENDATIONS: ISSUE 6**

The following suggestions are TCJC's proposed recommendations to help strengthen the parole process to increase public safety, save taxpayer dollars, and increase the number of releasees:

1. **TCJC Additional Recommendation** [see pgs. 67-68]: Streamline the parole process by moving the Parole Division within the purview of the BPP.
2. **TCJC Additional Recommendation** [see pg. 64]: Policy-makers should create incentives for good behavior and for the completion of conditions to increase the number of successful parolees.
3. **TCJC Additional Recommendation** [see pg. 69]: TDCJ and the BPP must collaborate to expedite program placements, and the BPP must ensure accurate information for appropriate release.
4. **TCJC Additional Recommendation** [see pgs. 69-70]: Policy-makers should allow the BPP to place lower-risk inmates with satisfactory disciplinary prison records, who also meet statutory requirements, on mandatory supervision as soon as they reach eligibility.
5. **TCJC Additional Recommendation** [see pg. 69]: The BPP and Parole Division should coordinate to reduce the likelihood and impact of unnecessary revocations.
6. **TCJC Additional Recommendation** [see pg. 70]: Policy-makers should allow the BPP to award certain individuals with "street time" credit if they are revoked on a technical parole violation.

**ISSUE 7**

**TEXAS CORRECTIONAL INDUSTRIES CANNOT SELL TO PRIVATELY RUN  
CORRECTIONAL FACILITIES, RESULTING IN A MISSED OPPORTUNITY  
TO REDUCE TDCJ'S GENERAL REVENUE FUNDING**

<b>STAFF REPORT RECOMMENDATION</b>	<b>TCJC SUMMARY ANALYSIS/RESPONSE</b>
<p><i>7.1. Authorize TCI to sell offender-made goods to companies that contract with TDCJ to house state offenders.</i></p>	<p><input checked="" type="checkbox"/> <b>Strongly Disagree</b></p> <p>TCJC strongly disagrees with any proposals that would provide private prisons even more incentive to do business with Texas. Private facilities are proven to have higher recidivism rates than public facilities, generating long-term costs; they often have substandard conditions for employees and inmates, with safety ramifications; they harm local economies through job loss and debt; and they reduce accountability and transparency. Any recommendation that would open the door for private prisons to profit further from the state (especially at the expense of incarcerated men and women), while potentially leveraging private companies into positions with a greater upper hand in Texas, are counter to TCJC's approach to smart, responsible public safety strategies.</p> <p>Private companies may claim that they will lower their per diem costs to TDCJ (accomplished by bringing down their own overhead costs by buying from TDCJ), but any benefits are projected to be too insignificant to justify this move. Incarcerations rates are, in the end, much more costly to the state than any savings Texas would realize from allowing private prison companies to buy from TDCJ.</p> <p>Lastly, TCJC fears this proposal would create unnecessary competition with businesses in the community that provide jobs to community members who contribute to the local tax base.</p>

ISSUE 8

TEXAS CRIMINAL JUSTICE AGENCIES' STATUTES DO NOT REFLECT STANDARD ELEMENTS OF SUNSET REVIEWS

STAFF REPORT RECOMMENDATION	TCJC SUMMARY ANALYSIS/RESPONSE
<p>8.1. <i>Abolish TDCJ's report on bed ratios for SAFP facilities, and continue all other reporting requirements for TDCJ, the Committee, Windham, and the Parole Board.</i></p>	<p><input checked="" type="checkbox"/> <b>Agree – <i>with Additional Recommendation</i></b></p> <p>While TCJC agrees that a discrepancy in the law should be clarified, we do encourage policy-makers to require TDCJ to report to agency leadership on bed ratios at least monthly, and to make that information publicly available on the agency's website.</p>
<p>8.2. <i>TDCJ should research and implement innovative alternatives to recruit a more diverse workforce.</i></p> <p>TCJC Addition to 8.2</p> <p>TCJC Addition to 8.2</p> <p>TCJC Addition to 8.2</p>	<p><input checked="" type="checkbox"/> <b>Strongly Agree – <i>with Additional Recommendations</i></b></p> <p>TCJC supports the recommendation to diversify the workforce and suggests that staffing issues can also be improved by incorporating the following recommendations:</p> <ul style="list-style-type: none"> <li>▪ <b>TCJC Additional Recommendation</b> [see pgs. 10-12]: Policy-makers should increase funding allocations to the criminal justice system to hire additional staff, make salaries competitive to recruit highly qualified staff with specialized skills, and increase/broaden training (evidenced-based and specialized training) for all staff.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 12]: Policy-makers should ensure system staff has access to adequate and frequent training specifically on substance abuse and mental health issues.</li> <li>▪ <b>TCJC Additional Recommendation</b> [see pg. 64]: Policy-makers should allocate funding for an increase in parole officer staffing.</li> </ul>