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**TEXAS CRIMINAL  
JUSTICE COALITION**

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**WRITTEN TESTIMONY**

**SUBMITTED BY KATHY MITCHELL  
TEXAS CRIMINAL JUSTICE COALITION**

**ON**

**THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE &  
THE TEXAS BOARD OF PARDONS AND PAROLES**

**To**

**SENATE FINANCE  
SUBCOMMITTEE ON ARTICLE V**

**FEBRUARY 8, 2017**

Dear Members of the Committee,

My name is Kathy Mitchell; I work for the Texas Criminal Justice Coalition. Thank you for allowing me this opportunity to present on policies and investments that safely decrease state jail and prison populations, save taxpayer dollars, and improve health in Texas communities.

### Successful Policies Allow Senate Finance to Reduce Allocations to Texas Department of Criminal Justice (TDCJ) Facilities

Decisions by the Legislature combined with successful implementation of programming to divert people from incarceration have enabled the State to reduce costs without compromising the very programming that is producing these results.

During Texas' 2015 session, the Legislature updated antiquated property offense penalty thresholds, which were causing a steady increase in the number of felony convictions for theft despite declining property offense rates in the state.<sup>1</sup> The result of this legislative action is an 18 percent reduction in the number of state jail placements for theft since September 2015.<sup>2</sup>

Additionally, TDCJ has made good use of rehabilitative programming authorized by the Legislature to reduce the likelihood that people leaving prison will return.

- The transitional reentry case managers funded in 2015 are operating across the state, helping people with mental health diagnoses and other special needs make a more successful transition from prison back to the community. Further, these professionals have formed crucial relationships with employers and hosted numerous job fairs to connect formerly incarcerated individuals to gainful employment.
- Funding for In-Prison Therapeutic Communities has resulted in decreased recidivism rates,<sup>3</sup> allowing the Parole Board greater ability to grant supervised release to people who have completed a substantial portion of their sentence without adversely impacting public safety.
- Diversion Program Grant Funding has helped reduce revocations to TDCJ in communities that have coupled this funding with evidence-based approaches, such as progressive sanction models.<sup>4</sup>

These policies and investments are helping to decrease state jail and prison populations below operating capacity, allowing Senate Finance to reduce allocations to TDCJ facilities without cutting the programming necessary to protect public safety and prevent re-arrest.

### Targeted Reinvestments in Treatment

The Texas Criminal Justice Coalition also recommends policies that will shift funding from programs that are not working into strategies known to produce results. Under current practices, over 62 percent of people released from state jail each year will be rearrested within

three years,<sup>5</sup> guaranteeing a cycle of incarceration and rearrest that harms communities and squanders limited state funds.

Revisiting offense levels for minor possession cases can reduce state incarceration costs by up to \$60 million, allowing for reinvestment in treatment and supervision at the pretrial level, when it is most effective. Such policies will result in even greater savings to the State, while reducing county jail populations and making communities safer.

### Exceptional Item Requests

#### ***Texas Department of Criminal Justice***

In addition to targeted reinvestments, the Texas Criminal Justice Coalition supports funding for the following exceptional item requests by the TDCJ and the Board of Pardons and Paroles. These strategies will further decrease recidivism and probation revocations, producing additional savings over the biennium, and ensuring that the 86<sup>th</sup> Legislature will be able to continue to reduce the taxpayer burden when it comes to public safety.

Exceptional Item	Requested Amount		Texas Criminal Justice Coalition Position
	FY18	FY19	
<b>(5) Probation – Specialized Caseloads (Mental Health and Substance Abuse Aftercare Caseloads)</b>	\$10.7 million	\$10.6 million	People with mental health and substance abuse issues are at particularly high risk of probation revocation, especially when they do not receive comprehensive treatment with aftercare. Specialized aftercare caseloads provide for specially trained officers that help this population complete treatment and become stable, productive members of the community. Funding this request will reduce revocations, especially for technical violations, which will in turn reduce prison populations, improve public safety, and save taxpayer dollars.
<b>(7) In-Prison Therapeutic Community (IPTC)</b>	\$7.7 million	\$7.7 million	Compared to individuals with similar needs not placed in an IPTC prior to release from prison, those who completed the program as well as the aftercare component had an 8.31 percent lower recidivism rate (13.71 percent for program completers vs. 22.02 percent for the comparison group). <sup>6</sup> The success of the IPTC program has allowed the Board of Pardons and Paroles to increase placement into the program, thereby increasing parole approval rates while lowering recidivism. This request will provide for an increase of 500 slots, which can ultimately lower incarceration costs while improving public safety.
<b>(8) Expand TCOOMMI Services to Additional Clients</b>	\$6 million	\$6 million	This is a particularly important request in that it is geared toward safely diverting people with special needs from jail and prison, especially in underserved areas of the state. The TCOOMMI program is a proven model that reduces the likelihood of re-arrest or re-incarceration for a population

			with the highest risk and highest need. <sup>7</sup> With a very modest investment, the program could serve an additional 1,250 people with serious mental illness, expand caseloads to serve 3,890 clients with high criminogenic risk and clinical care needs, and provide services to 160 people on probation in dual-diagnosis residential treatment facilities.
<b>(9) Reentry Transitional Coordinators</b>	\$1.5 million	\$1.4 million	Individuals released from state jails are at particularly high risk of re-offending, especially those with substance abuse and mental health issues. While the state jail model was originally conceived as a rehabilitative response to low-level, nonviolent criminal activity, it has become a short-term determinate sentence with limited programming and typically no post-release services or supervision. More specifically, people sentenced to state jail have an average sentence length of 10 months, and they typically serve more than 40 percent of that time in county jail. <sup>8</sup> There is little time to provide comprehensive services while in state jail and, again, most individuals are released with no supervision. This is why the re-arrest rate for those leaving state jail is 62 percent, significantly higher than any other TDCJ population. <sup>9</sup> By funding this exceptional item, TDCJ will, upon a person's intake into state jail, be able to identify whether he or she is at the highest risk of re-offending and, as needed, immediately provide cognitive intervention, substance abuse interventions, vocational programming, life skills classes, and reentry services. These services will lower the recidivism rate for those leaving state jail, improving public safety and saving taxpayer dollars.

***Board of Pardons and Paroles (BPP)***

The State expects the BPP to maintain a 34.85 percent parole approval rate, as well as a low re-incarceration rate for technical violators of parole. The BPP has been able to achieve this rate and to keep technical revocations low thanks to well-trained staff with the experience to address violations through the various rehabilitative and diversion options available to the Board.

<b>Parole Accomplishments 2005 - 2015</b>
<ul style="list-style-type: none"> <li>• <b>Revocations down 50 percent over past 10 years</b> and 20 percent over past five years</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Only 10 percent of revocations for technical violations</b></li> </ul>

The Texas Criminal Justice Coalition strongly urges the State to maintain funding levels for the BPP at the FY 2016-2017 level, as well as to fund the modest exceptional items requested by the Board. Given the Board's track record, level funding will allow the BPP to continue achieving the goals of prison diversion and successful parole supervision, which will improve public safety while saving taxpayer dollars.

## Citations

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<sup>1</sup> DisasterCenter.com, *Texas Crime Rates 1960 – 2013*, from the FBI UCS Annual Crime Reports, <http://www.disastercenter.com/crime/txcrime.htm>. See also: Office of Court Administration, Annual Statistical Reports, 2003 – 2014, <http://www.txcourts.gov/statistics/annualstatistical-reports.aspx>.

<sup>2</sup> Office of Court Administration, Trial Court Activity Database.

<sup>3</sup> Texas Department of Criminal Justice (TDCJ), *Evaluation of Offenders Released in FY 2011 That Completed Rehabilitation Tier Programs*, April 2015, 2, <https://drive.google.com/file/d/0B6HJLeMEu3hIQ0NzcF81TzJOcms/view>.

<sup>4</sup> Texas Department of Criminal Justice Community Justice Assistance Division, *Report to the Governor and the Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds*, December 1, 2016, 23, [https://www.tdcj.state.tx.us/documents/cjad/CJAD\\_Monitoring\\_of\\_DP\\_Reports\\_2016\\_Report\\_To\\_Governor.pdf](https://www.tdcj.state.tx.us/documents/cjad/CJAD_Monitoring_of_DP_Reports_2016_Report_To_Governor.pdf).

<sup>5</sup> Legislative Budget Board (LBB), *Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates*, February, 2015, 2, [http://www.lbb.state.tx.us/Documents/Publications/Policy\\_Report/1450\\_CJ\\_Statewide\\_Recidivism.pdf](http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1450_CJ_Statewide_Recidivism.pdf).

<sup>6</sup> TDCJ, *Evaluation of Offenders Released in FY 2011*, 2.

<sup>7</sup> TDCJ, *Biennial Report of the Texas Correctional Office on Offenders with Medical and Mental Impairments, Fiscal Years 2013 and 2014*, February 2015, 4, [http://www.tdcj.state.tx.us/documents/rid/TCOOMMI\\_Biennial\\_Report\\_2015.pdf](http://www.tdcj.state.tx.us/documents/rid/TCOOMMI_Biennial_Report_2015.pdf).

<sup>8</sup> TDCJ, Response to Data Request by the Texas Criminal Justice Coalition, June 2016.

<sup>9</sup> LBB, *Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates*, 2.