

ESTABLISH A SUPERVISED REENTRY PROGRAM TO REDUCE COSTS AND IMPROVE EFFICIENCY

LBB RECOMMENDATIONS

1 Amend statute to establish a supervised reentry program for offenders who are eligible for release on parole and are one year from their discharge date, or have served 90 percent of their sentence.

2 Include a contingency rider directing TDCJ to reduce its prison facility inventory by a minimum of 1,700 offender beds through the closure and sale of existing prison facilities.

These recommendations would require statutory change. The introduced 2012–13 General Appropriations Bill does not contain any adjustments as a result of these recommendations. Recommendation 2 requires a contingency rider.

These recommendations would save \$3.4 million to \$33.1 million in General Revenue Funds and General Revenue–Dedicated Funds during the 2012–13 biennium, and would provide offenders with reentry support to successfully reintegrate into the community.

Most offenders released from Texas prisons are released to various supervision programs that incorporate reentry support and penalties for violations of parole supervision conditions. However, an increasing number of offenders serve their entire sentence in prison without being paroled and are discharged with no conditions or support services. In fiscal year 2010, 8,598 (20.4 percent) were discharged. Leaving these offenders to transition from prison to the community on their own can lead to increased recidivism and public safety costs. By establishing a supervised reentry program, Texas can balance criminal justice costs with the imperative of public safety.

Allowing certain parole-eligible offenders to be released to a supervised reentry program when the offender is one year from their discharge date or on the date the individual has served 90 percent of their sentence could decrease the demand for prison beds by approximately 1,800 offenders in the 2012–13 biennium as shown in Figure 1.

FIGURE 1
IMPACT OF SUPERVISED REENTRY PROGRAM ON PRISON CAPACITY
FISCAL YEARS 2012 TO 2016

FISCAL YEAR	DECREASED DEMAND FOR PRISON CAPACITY	AVERAGE NUMBER OF DAYS RELEASED EARLY	NUMBER OF OFFENDERS RELEASED
2012	1,728	119	5,320
2013	1,808	177	3,730
2014	2,043	221	3,380
2015	1,724	242	2,600
2016	1,362	267	1,860

SOURCE: Legislative Budget Board.

The decreased demand for prison capacity from this program would allow the state to address prison facility inefficiencies and realize savings by closing one or more prison units that have significant deferred maintenance and repair needs.

Estimated savings and revenue from implementing Recommendations 1 and 2 would vary depending on the units selected for closure. The fiscal impact estimate shown on the next page includes the increased cost to the Texas Department of Criminal Justice (TDCJ) Parole Division for the supervised reentry program and the savings and revenue realized from a single System I unit closure (not including those units whose closure would result in a cost for the biennium) beginning the second year of the biennium. The estimate also includes the expected revenue gain from the

sale of a single prison unit; however, the actual sales price realized would depend on the level of bond indebtedness remaining on specific units identified for closure.

FIGURE 2
FIVE-YEAR FISCAL IMPACT, FISCAL YEARS 2012 TO 2016

FACILITY	FISCAL YEAR 2012 SAVINGS/(COST)	FISCAL YEAR 2013 SAVINGS/(COST)	FISCAL YEAR 2014 SAVINGS/(COST)	FISCAL YEAR 2015 SAVINGS/(COST)	FISCAL YEAR 2016 SAVINGS/(COST)
Goree	(\$8,745,713)	\$13,359,778	\$2,423,084	\$5,396,834	\$8,771,434
Vance	(\$8,745,713)	(\$805,892)	(\$11,823,453)	(\$8,849,704)	(\$5,475,103)
Byrd	(\$8,745,713)	\$7,840,871	(\$189,393)	\$2,784,357	\$6,158,957
Hilltop	(\$8,745,713)	\$8,453,881	(\$4,687,291)	(\$1,713,541)	\$1,661,059
Central	(\$8,745,713)	\$35,436,232	(\$254,462)	\$2,719,288	\$6,093,888
Mt. View	(\$8,745,713)	\$7,195,754	(\$1,483,328)	\$1,490,422	\$4,865,022
Huntsville	(\$8,745,713)	\$21,226,942	\$7,251,248	\$10,224,998	\$13,599,598
Clemens	(\$8,745,713)	\$41,837,381	\$1,146,687	\$4,120,437	\$7,495,037
Stringfellow	(\$8,745,713)	\$12,172,569	(\$17,048)	\$2,956,702	\$6,331,302
Powledge	(\$8,745,713)	\$29,105,435	(\$169,496)	\$2,804,254	\$6,178,854
Scott	(\$8,745,713)	\$20,730,326	(\$1,435,368)	\$1,538,382	\$4,912,982
Jester III	(\$8,745,713)	\$26,642,094	\$437,962	\$3,411,712	\$6,786,312
Luther	(\$8,745,713)	\$35,399,894	(\$473,513)	\$2,500,236	\$5,874,837
Terrell	(\$8,745,713)	\$27,602,530	\$4,740,192	\$7,713,942	\$11,088,542
Pack	(\$8,745,713)	\$36,594,308	\$725,226	\$3,698,975	\$7,073,576

SOURCE: Legislative Budget Board.

The full text of this report can be found in the *Government Effectiveness and Efficiency* report (Legislative Budget Board, January 2011), page 333.

REDUCE PRISON POPULATION BY REDUCING PAROLE PROCESS DELAYS

LBB RECOMMENDATION

1 Include a rider directing TDCJ and the Parole Board to evaluate and identify process inefficiencies that relate to the parole review and release of offenders whose release is contingent upon successful completion of an assigned rehabilitation program.

The introduced 2012–13 General Appropriations Bill includes a rider implementing this recommendation.

This recommendation would not have a direct fiscal impact for the 2012–13 biennium. It would result in fewer delays in releasing paroled offenders thereby freeing up prison beds.

Inefficiencies in the parole release process delay the release of offenders and limit bed availability. Based on preliminary data from the Texas Department of Criminal Justice (TDCJ), of the 22,632 offenders approved for parole in fiscal year 2010, the release of 8,222 offenders was contingent upon their completion of specified rehabilitation programs. (These are offenders with FI–R parole votes.) Based on historical data, many of these offenders may encounter delays in program enrollment and in release to parole upon program completion.

The Eighty-first Legislature, Regular Session, 2009, passed legislation allowing TDCJ to release offenders who had completed rehabilitation programs within a range of dates approved by the Board of Pardons and Paroles (Parole Board). This legislation was not enacted, but to address the issue of offenders completing specified programs before their target release dates, the agency and Parole Board developed processes aimed at improving communication about offenders' program completion status. Despite efforts to ensure offenders are not held for extended periods after completing a program required by the Parole Board as a condition for release, data shows that opportunities still exist to reduce delays in the offender parole review and release process. For example, **Figure 1** shows that offenders released between September 2009 and June 2010 that completed a three-month rehabilitation program waited an average of 57 days from the time they successfully completed their program to their release.

FIGURE 1
AVERAGE TIME BETWEEN PROGRAM COMPLETION AND RELEASE BY PAROLE VOTE
SEPTEMBER 2009 TO JUNE 2010

AVERAGE NUMBER OF DAYS	PAROLE VOTE REQUIRING REHABILITATION PROGRAM AS A CONDITION FOR PAROLE
57	FI–3R
31	FI–6R
56	FI–7R
115	FI–18R

NOTE: Number preceding the "R" in "FI–R" refers to the length of program in months.
SOURCE: Legislative Budget Board.

Requiring TDCJ and the Parole Board to evaluate, identify, and effectively address process inefficiencies could reduce prison populations and decrease demand for bed capacity.

The full text of this report can be found in the *Government Effectiveness and Efficiency* report (Legislative Budget Board, January 2011), page 341.

ELIMINATE STATUTORY BARRIERS TO CONTAIN COSTS IN CORRECTIONAL MANAGED HEALTHCARE

LBB RECOMMENDATIONS

1 Amend statute to establish a corrections certification program for Certified Medication Aides.

2 Amend statute to provide an exception to allow UTMB and Texas Tech to use their inpatient dialysis centers to treat both inpatient and outpatient correctional managed health care clients with dialysis needs.

3 Amend statute to expand eligibility for medical parole under the Medically Recommended Intensive Supervision Program.

These recommendations require statutory change. The introduced 2012–13 General Appropriations Bill does not include any adjustments as a result of these recommendations.

These recommendations could save an estimated \$1.2 million All Funds during the 2012–13 biennium, which would be retained by the correctional managed healthcare program. These recommendations would result in operational efficiency and would help address budgetary needs in the biennium.

In Texas, the annual cost to house an offender in state correctional facilities in fiscal year 2009 was \$18,082 and the cost to provide healthcare was \$3,482 per offender, or 19.3 percent of the total cost per day. The Texas Department of Criminal Justice (TDCJ) and its partners, University of Texas Medical Branch (UTMB) and the Texas Tech University Health Science Center (Texas Tech), work to ensure more than 150,000 offenders who are incarcerated receive proper medical care and mental health treatment.

Using more efficient methods to distribute prescription drugs in prisons, provide dialysis treatment, and manage sick and elderly offenders would reduce costs. Medical staff dispense an average of 155,000 medication doses per day. TDCJ offenders may have only certain prescription drugs in their possession and therefore are required to pick up their medications each day from a medical professional at clinic pill distribution windows. TDCJ requires pill windows be staffed with medical personnel, the least costly of which are medication aides. However, because there is no corrections certification for medication aides, providers have difficulty retaining these staff.

In fiscal year 2009, an average of 191 offenders required dialysis. The cost of dialysis treatments provided by UTMB was \$4.1 million in fiscal year 2009, averaging about \$21,500 per patient. UTMB-Hospital Galveston has a licensed inpatient dialysis treatment center that is under utilized. There are patients at the outpatient clinic co-located with Hospital Galveston that could benefit from having treatment while onsite. However, the treatment center is not licensed to provide outpatient treatment because current law provides for dialysis centers to be licensed either as part of the hospital or as an outpatient clinic. Therefore, UTMB cannot treat outpatients at the inpatient dialysis center without admitting them to the hospital.

The Board of Pardon and Paroles' (Board) has authority under the Medically Recommended Intensive Supervision Program to parole certain offenders who require long-term care or are terminally or seriously ill, elderly, mentally ill, or mentally disabled. The intent of the program is to parole offenders who, due to their physical condition, pose minimal public safety risk and provide their care through more cost effective settings. In fiscal year 2009, 74 offenders died while waiting for review by the Board. Expanding the definition of elderly and terminally ill would support the Board's ability to make medical parole decisions.

The full text of this report can be found in the *Governmental Effectiveness and Efficiency* report (Legislative Budget Board, January 2011), page 347.

IMPROVE MANAGEMENT AND SUCCESSFUL RE-ENTRY FOR ADULT AND JUVENILE REGISTERED SEX OFFENDERS

LBB RECOMMENDATIONS

1 Amend statute to improve the usefulness of the sex offender registry and eliminate barriers to successful reentry into the community by one or all of the following options: (a) require DPS to include more detailed information on the sex offender registry; (b) require DPS to limit the public registry to compliant medium- and high-risk registrants; and (c) clarify when the court may grant a petitioner's request for early termination of a person's obligation to register.

2 Amend statute to exempt certain youthful offenders from registration for a sex offense based on consensual sexual conduct if both participants are at least 13 years old and neither participant is more than four years older than the other.

3 Amend statute to prohibit local jurisdictions from establishing additional local residency restrictions for sex offenders.

These recommendations require statutory change. The introduced 2012–13 General Appropriations Bill does not include any adjustments as a result of these recommendations.

These recommendations would have no significant fiscal impact for the 2012–13 biennium. Improved sex offender management would reduce recidivism and improve public safety. The state's decision regarding implementation of the Adam Walsh Act would likely have a fiscal impact on state and local governments.

Sex offender registries were developed to improve law enforcement's ability to monitor offenders and increase public awareness of dangers in the community. In 2010, the Texas Sex Offender Registry had more than 61,000 adult and juvenile registrants. Approximately 4,800 of these registered sex offenders were between the ages of 10 and 17. The minority of registered sex offenders are violent, pedophiles, or rapists. Individuals on the sex offender registry were convicted of crimes that were sexual in nature, but the severity of the offenses varied greatly.

Sex offender registration requirements and residency restrictions displace registrants and could increase recidivism. Information on the registry does not make it easy for the public to distinguish between violent and non-violent offenders. Due to misconceptions about the sex offender registry, it is difficult for low-risk registered sex offenders to reintegrate into the community. Sex offenders are less likely to reoffend when they reconnect with family and the community, find jobs, and live with a support network.

In Texas, certain youthful offenders (age 19 or younger) convicted of a sex offense based on consensual sexual contact are required to register if they and their younger partner are more than three years apart in age and the younger partner is age 13 or older. The federal law is more lenient, requiring offenders to register if the younger partner is age 13 or older and the difference in ages is more than four years. Non-violent juvenile offenders respond well to treatment and have lower recidivism rates than other categories of juvenile and adult offenders. Requiring them to register in the same manner as adults could hinder future success in the community.

Both state and federal laws play a role in establishing sex offender registration and notification requirements. In 2006, the federal government passed the Adam Walsh Act establishing comprehensive sex offender registration and notification requirements that may be costly for states to implement. Early estimates indicate it could cost Texas \$14 million a year to comply with the Act. The penalty for non-compliance in fiscal year 2010 would have been \$2.2 million.

The full text of this report can be found in the *Government Effectiveness and Efficiency* report (Legislative Budget Board, January 2011), page 355.

ADULT AND JUVENILE CORRECTIONAL POPULATION PROJECTIONS, FISCAL YEARS 2011–2016

REPORT HIGHLIGHTS

- ♦ This report provides long-term adult and juvenile population projections for incarceration and supervision populations, crime and arrest rates in Texas, and related findings from focus groups with criminal and juvenile justice practitioners and officials.

This report does not include any recommendations. The introduced 2012–13 General Appropriations Bill does not include any adjustments as a result of this report.

This report would not have a fiscal impact for the 2012–13 biennium. It serves as a basis for biennial funding determinations.

This report provides adult and juvenile correctional population projections for fiscal years 2011 through 2016, which serve as a basis for biennial funding determinations for the Texas Department of Criminal Justice, Texas Youth Commission, and Texas Juvenile Probation Commission. Most projections utilize a discrete-event simulation modeling approach that simulates an individual's movement into, through, and out of a system based on such factors as offense type, sentence length, and time credited to current sentence. Most projections are based on historical data through fiscal year 2010. The report also includes findings from focus groups with practitioners and officials in various parts of the criminal and juvenile justice system to obtain a more in-depth understanding of factors impacting criminal and juvenile justice populations.

The full text of this report is available in *Adult and Juvenile Correctional Population Projections, Fiscal Years 2011 – 2016* (Legislative Budget Board, January 2011).

STATEWIDE CRIMINAL JUSTICE RECIDIVISM AND REVOCATION RATES, JANUARY 2011

REPORT HIGHLIGHTS

- ◆ This report provides an analysis of reincarceration and rearrest rates of offenders who were released from Texas prisons, state jails, Substance Abuse Felony Punishment Facilities (SAFPFs), the In-Prison Therapeutic Community (IPTC) Program, and Intermediate Sanction Facilities (ISFs).
- ◆ The report provides recidivism information for other areas of the adult and juvenile criminal justice system including: adult community supervision and parole, juvenile correctional institutions, and juvenile probation and parole.

This report does not include any recommendations. The introduced 2012–13 General Appropriations Bill does not include any adjustments as a result of this report.

This report would not have a fiscal impact for the 2012–13 biennium. It provides data on the success and failure of offenders in the Texas criminal justice system.

This report summarizes recidivism data currently known about Texas criminal justice populations. Recidivism is defined as a return to criminal activity after previous criminal involvement. Indicators of subsequent criminal activity that are used to calculate recidivism rates include rearrest, probation or parole revocation, and recommitment to incarceration.

For this report, various adult and juvenile criminal justice populations were monitored for a three-year period. Any offender within these populations who was reincarcerated or rearrested at least once during the three-year follow-up period was considered a recidivist. In addition, community supervision and active parole supervision populations were monitored to determine the number of probationers and parolees who had their supervision revoked, and were subsequently sentenced to imprisonment or confinement.

The full text of this report is available in *Statewide Criminal Justice Recidivism and Revocation Rates* (Legislative Budget Board, January 2011).

CRIMINAL JUSTICE UNIFORM COST REPORT, FISCAL YEARS 2008–2010

REPORT HIGHLIGHTS

- ◆ This report includes adult prison, adult parole supervision, adult probation supervision, juvenile correctional institution, and juvenile probation costs per day.

This report does not include any recommendations. The introduced 2012–13 General Appropriations Bill does not include any adjustments as a result of this report.

This report would not have a fiscal impact for the 2012–13 biennium. It provides information regarding the cost of criminal justice in Texas.

This report summarizes uniform cost information for programs, services, and facilities operated or contracted by the Texas Department of Criminal Justice (TDCJ), the Texas Youth Commission (TYC), and the Texas Juvenile Probation Commission (JPC). The report appendices detail the methodology used for data collection and cost per day calculations, provide an overview of each agency's operations and programs, and provide comparisons to other cost per day figures nationally.

The full text of this report is available in the *Criminal Justice Uniform Cost Report, Fiscal Years 2008–2010* (Legislative Budget Board, January 2011).

TEXAS AT-RISK YOUTH SERVICES PROJECT

LBB RECOMMENDATIONS

1 Include a rider directing the LBB to contract with an independent entity to review the current method of service delivery and recommend a model system to deliver at-risk youth services in Texas.

2 Amend statute to mandate increased communication and information sharing among entities that serve at-risk youth.

A rider implementing Recommendation 1 is included in the introduced 2012–13 General Appropriations Bill. Recommendation 2 requires statutory change.

These recommendations would cost approximately \$500,000 for the 2012–13 biennium and would provide a comprehensive assessment to aid the Eighty-third Legislature in enhancing and streamlining services to Texas' at-risk youth.

The goal of the At Risk Youth Services Project (ARYSP) is to provide legislative recommendations to improve the delivery of services to at-risk youth in Texas. For purposes of this report, "at-risk youth" are defined as youth who have significant potential to enter or further penetrate the juvenile and/or criminal justice system.

The ARYSP employs a multi-faceted research methodology to gain a comprehensive view of the various services available to at-risk youth in Texas and how local, state, private, non-profit, and educational entities serve at-risk youth in their communities. The recommendations contained in this report focus primarily on prevention and intervention. Prevention of criminal behavior and intervention for risk factors correlated with crime contribute to public safety and conserve long-term state funding.

Recommendation 1 would result in a comprehensive assessment of the services currently provided to at-risk youth outside the juvenile justice system. This information would aid the Eighty-third Legislature in enhancing and streamlining at-risk youth services. Additionally, many systems addressing the needs of at-risk youth overlap in function and in the clients they serve, but the level of cross-entity communication and collaboration is inconsistent. This creates potential for missed treatment opportunities. Recommendation 2 amends statute to ensure increased coordination among these entities.

The full text of this report is available in *Texas At-Risk Youth Services Project* (Legislative Budget Board, January 2011).

FIVE-YEAR FISCAL IMPACT, FISCAL YEARS 2012 TO 2016

FISCAL YEAR	PROBABLE SAVINGS/(COST) IN GENERAL REVENUE
2012	(\$500,000)
2013	\$0
2014	\$0
2015	\$0
2016	\$0

SOURCE: Legislative Budget Board.

WINDHAM SCHOOL DISTRICT EVALUATION

REPORT HIGHLIGHTS

- ◆ This evaluation of WSD describes the type of training services provided, the type of employment obtained upon release, whether employment was related to training received, the difference between earnings on the date employment is obtained and on the first anniversary of that date, and employment retention factors.

This report does not include any recommendations. The introduced 2012–13 General Appropriations Bill does not include any adjustments as a result of this report.

This report would not have a fiscal impact for the 2012–13 biennium. It provides information regarding training services provided by WSD.

The Seventy-ninth Legislature, Regular Session, 2005, enacted House Bill 2837, which added Education Code, Section 19.0041, to mandate the evaluation of training services provided by the Windham School District (WSD) to offenders housed in Texas Department of Criminal Justice facilities. WSD is to consult with the Legislative Budget Board (LBB) regarding the evaluation and analysis of the training services, and the LBB is to report the findings to the legislature. This is the fifth report being released in compliance with this requirement. This document contains a summary of the report prepared by WSD as well as the full WSD report.

The full text of this report is available in *Windham School District Evaluation* (Legislative Budget Board, January 2011).

FINANCING THE JUDICIARY IN TEXAS, LEGISLATIVE PRIMER – THIRD EDITION

REPORT HIGHLIGHTS

- ◆ The Eighty-first Legislature provided a total of \$671.8 million to support the Judiciary in the 2010–11 biennium.
- ◆ This amount represents 0.4 percent of all state appropriations.

This report does not include any recommendations. No adjustments have been made to the introduced 2012–13 General Appropriations Bill as a result of this report.

This report would not have a fiscal impact for the 2012–13 biennium. It provides reference information on state funding for the judiciary in the current biennium and the state's court structure.

This report describes the state's court system and reviews the different state funding and revenue sources for each area of the Judiciary, including district and appellate courts, prosecutors, juror pay, basic civil legal services, indigent defense and the judicial agencies. References to appropriated funds are based on the General Appropriation Bill for the 2010–11 biennium. This report also:

- reviews court costs and fees the judiciary is authorized to impose and how much revenue is generated from collection of these costs and fees;
- interstate comparisons of judicial salaries in the ten most populous states;
- judicial selection methods in Texas and other states; and
- district and appellate court clearance rates and performance data for the Supreme Court and Court of Criminal Appeals.

The full text of this report can be found in *Financing the Judiciary in Texas, Legislative Primer – Third Edition* (Legislative Budget Board, 2011).