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Texas Senate Government Organization & House Corrections Committees

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Testimony on Senate Bill 909 & House Bill 2043 – TDCJ Sunset Legislation

Summary: The provisions already in this bill represent positive improvements, but further reforms are needed in the areas of parole, probation, and facility operations and administration.

Parole

- **Eliminate duplication of 2,000 people on probation and parole by folding all terms into whichever sentence is longer.** Also, study households that have overlapping case workers in adult probation, adult parole, juvenile probation, juvenile parole, and CPS to determine if efficiencies can be achieved with coordination and a single family caseworker.
- **Implement mandatory supervision for state jail drug possession and first-time property offenders.** Placing such offenders on parole supervision after good time plus time served equals their sentence would free up 1,926 state jail beds and result in net savings of \$25.6 million. Currently, there is no parole system for state jails, which means there are no resources to assist an offender with reintegrating into the community and monitor his compliance with the law upon reentry. The lack of good time in state jails also means there is no incentive for good behavior, leading to more disruptions within these facilities.
- **Revise offense classifications used by the Board of Pardons and Paroles, which are used along with individual characteristics in determining an offender's risk level.** Homicide and kidnapping are appropriately rated high severity, but so are some types of riot participation, carrying a concealed weapon in a prohibited place, and delivering less than 5 pounds of marijuana in a drug free zone.
- **Parole terminally ill and infirm inmates to nursing facility.** The medical parole program is so strict that less than six percent of eligible offenders are actually released. There are 200 crippled prisoners, mostly paraplegics and multiple-limb amputees. Moving them to parole nursing facilities with electronic monitoring would shift their enormous health care costs to the federal government. In one year, two elderly infirm prisoners cost the state \$1 million in health care.
- **Eliminate past drug or alcohol use as a reason for denying parole.** A substance abuse problem many years ago may not correlate with an offender's risk of recidivism today, particularly if appropriate treatment programs are available in prison or on parole.

Probation

- **Require CJAD to consider early terminations, technical revocations, and percent of restitution collected as performance measures in allocating basic probation funding.** This will offset the incentive departments have to keep offenders on probation who have fully met their obligations and no longer need supervision. for the purpose of obtaining their fees, which fund 40 percent of probation

Facility Operations & Administration

- **Begin pilot program to offer counties the opportunity to keep state jail felons at local facilities, such as work conservation camps and day treatment centers with 24-hour GPS monitoring, while receiving 80 to 90 percent of the state jail cost per day, including health care.** Require that counties' enrollment in this program combined with the number of offenders they still would send to state jail could not exceed in any year the number of the previous year by more than the percent increase in state jail felony convictions. This would ensure that the new funding does not provide an incentive for counties to reduce the proportion of state jail felons who receive probation. Prior to the creation of state jails in 1993, local programs included a work conservation camp in Humble where these offenders earned their keep.
- **Expand Prison Industry Enhancement (PIE) program to other units besides Lockhart.** Prisoners receive minimum wage working for a private company and most of their pay goes to costs of confinement and restitution. The Comptroller recommended expanding PIE to a capacity of 6,000 and said "The cost of expanding the PIE program is minimal" (mostly a coordinator to recruit businesses) and that it would save \$4 million in recidivism costs.¹
- **Study whether savings could be achieved by consolidating related divisions, such as:**
 - Public Information with Media Services
 - Texas Correctional Industries with Manufacturing Services
 - Transportation and Supply with Logistical Services
 - CJAD with the Parole Division to form Community Corrections Division
- **Require TDCJ to explore whether costs savings could be achieved through additional outsourcing in areas such as:**
 - Data Services and Information Technology
 - Pre-parole Transfer Facilities and State Jail Facilities
 - Substance Abuse Treatment Services at the SAFP facilities.
 - Commissaries
 - Administration of Manufacturing, Agribusiness, Land, and Minerals Management
- **Transfer oversight of privately operated facilities to the Jail Standards Commission.** This will promote greater independence since the contracting entity would not also be responsible for monitoring conditions and enforcing any compliance orders.

¹ See <http://www.window.state.tx.us/tpr/tprgg/psc05gga.txt>.