



Parole & Reentry

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THE ISSUE

In 2009, 72,218 inmates were released from Texas prisons and state jails, along with nearly all of the approximately 1 million individuals annually received into county jails. About 30 percent of released state prison and jail inmates are re-incarcerated within three years, either for a new offense or for violating the rules of their parole supervision.

Approximately 33,000 of those released from state prisons and jails were placed on parole supervision, including mandatory supervision (MS) and discretionary mandatory supervision (DMS). The remaining 39,000 were released without supervision, having discharged their entire sentence behind bars.

The bulk of the prison population is governed by DMS. These prisoners' release is within the sole discretion of the Board of Pardons and Paroles (BPP), the agency that the Texas Constitution vests with the authority to make such decisions.

Nearly all of the 24,200 state jail releases in 2009 were freed without supervision. This is because state jail inmates are ineligible for parole and do not earn time for good behavior; rather, they serve a flat sentence of up to two years.

The remaining releases without supervision, totaling nearly 15,000, involved those who served their entire sentence for a third degree or higher felony, either be-

cause they were statutorily ineligible for early release due to the seriousness of their crime or because they were denied parole by the BPP.

The Board uses several factors in making its decisions, including a risk assessment process developed with the assistance of the National Institute on Corrections that scores inmates based on their individual risk factors, such as offense history and the severity of their offense. Each of the more than 2,000 felonies in Texas law is classified by the BPP as of low, medium, high, or extremely high severity. Institutional parole officers interview each candidate for parole and DMS and write a report, based on their observations, which is then submitted to the BPP.

The number of parolees convicted of a new crime declined 7.6 percent from 2007 to 2008, despite an increase in the total number of parolees. Parole revocations, including those for both a new offense and rules violations, fell 27.4 percent from 2007 to 2008 and another 3.6 percent from 2008 to 2009.

This success may be due to the recent strengthening of parole supervision and treatment. For example, prior to 2007, drug tests were sent to a laboratory, creating a delay of a few weeks. Now, results are instant, and most parolees with drug problems admit to it before being tested. Violators who do not pose a public safety risk are immediately referred to outpatient treatment.

Timeline for Inmate Sentenced to Four Years in Prison with Good Behavior		
Eligible for Parole	Eligible for DMS	Released with No Supervision
6 months	2 years	4 years

Graduated sanctions such as curfews and increased reporting have been enhanced, with the goal of ensuring a swift but commensurate response in most instances when a rule is violated. Parolees who repeatedly violate the rules or commit a misdemeanor are often sent to an Intermediate Sanctions Facility (ISF), in lieu of being revoked to prison. Also, parole officers have increasingly been oriented towards helping parolees succeed, in contrast with the anachronistic approach in some jurisdictions of “Trail’em, nail’em, and jail’em.”

In 2009, the Legislature enacted a measure developed by the Foundation that allows low-risk ex-offenders to obtain provisional licenses to enter most licensed occupations. Evidence shows ex-offenders who are employed are less likely to offend and those in higher-paying jobs, which are more likely to be licensed, re-offend at the lowest rate.

THE FACTS

- ★ Approximately 79,000 Texans are on parole.
- ★ Parole costs about \$4 a day per offender, compared to \$50 per inmate.
- ★ The most dangerous Texas sex offenders are ineligible for parole. The most seriously violent inmates serve 87.5 percent of their sentences; serious sex offenders serve 97.5 percent. Yet two-thirds of offenders enter state lockups for a nonviolent offense.

RECOMMENDATIONS

- ★ Continue to strengthen parole supervision and treatment programs that reduce recidivism and revocations.

- ★ Create a supervised reentry program for inmates now discharged after serving the entire sentence. SB 1948 proposed in 2009 would have discharged some of these inmates after serving 90 percent of their sentence—reallocating a portion of the savings to fund their supervision and support during reentry—producing net taxpayer savings of \$7.6 million per year.
- ★ Require that most parolees now revoked for technical violations, not new crimes, be sent to an ISF rather than prison.
- ★ Provide relief to employers from negligent-hiring lawsuits filed on the basis that the employee is an ex-offender.

RESOURCES

Texas Criminal Justice Reforms: Lower Crime, Lower Cost by Marc Levin, Texas Public Policy Foundation (Jan. 2010) <http://www.texaspolicy.com/pdf/2010-01-PP04-justicereinvestment-ml.pdf>.

“Texas Parole Reforms Lowered Crime, Cost” by Marc Levin, *Dallas Morning News* (Jan. 2010) <http://www.texaspolicy.com/pdf/2010-01-06-DMN-ML.pdf>.

Working with Conviction: Criminal Offenses as Barriers to Entering Licensed Occupations in Texas by Marc Levin (Nov. 2007) <http://www.texaspolicy.com/pdf/2007-11-PP28-licensing-ml.pdf>. ★

