



The True Cost of Inadequate Community Reintegration of State Jail Offenders in Texas

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Key Points

- Individuals reentering society after incarceration experience many challenges that often increase the likelihood of recidivism.
- The family and community a state jail offender returns to can affect that offender, just as the offender affects her family and community.
- The outcomes for Texas state jail offenders removed from the criminal justice system and the system's expenditures indicate the current system is not efficiently, or even effectively, improving public safety.
- Texas could reduce its budget by encouraging a robust system of charitable-private sector partnerships that enlist volunteers to help offenders return to their communities.

Correctional facilities are tasked with incarcerating offenders. But incarceration without rehabilitation has many consequences that affect the entire state of Texas. When offenders are not rehabilitated and reintegrated into society upon release, Texas taxpayers pay if the offenders return to the system. This cycle of crime is particularly insidious among state jail offenders, who are rearrested and reincarcerated more than people exiting prison or on community supervision.

Consider the statistics. In 2013, almost one-third of the people released from confinement in Texas came out of a state jail.¹ And state jail offenders who serve their entire sentence—nearly all offenders²—typically do not receive supervision upon release.³ In 2014, 83.5 percent of Texas' prisoners were supervised upon release, but no state jail confinees.⁴ This lack of supervision and support may be a cause of the high recidivism rates among state jail offenders.

The most effective criminal justice system would focus on improving the prospects for state jail offenders' reentry. This report will detail the true cost to the individual offender, the family and community, and the state resulting from inadequate post-release supervision and support.

The Individual Offender

Upon release from incarceration, offenders face the difficult task of reentry. Individuals seeking to establish a crime-free life face many challenges: getting proper identification, finding housing, finding employment,

getting education, receiving treatment for mental health or substance abuse, procuring transportation, securing necessities like food and clothing, and finding familial or community support. But in overcoming these challenges, released state jail offenders face many barriers to finding employment. These barriers include lower educational achievement, a criminal record, lack of transportation, and lost work experience during incarceration.⁵ Reentry services connecting ex-convicts with employment, behavioral health services, and housing could be useful in helping them meet these challenges.

Specifically, looking at state jail recidivists in Texas, 63 percent of those released in 2008 were rearrested within three years.⁶ And 31 percent of state jail offenders released in 2009 were reconvicted within three years.⁷ By comparison, Texas' prisoners were rearrested and reconvicted at rates of 47 percent and 23 percent, respectively.⁸ Those on felony direct supervision fared even better with a revocation rate of fifteen percent; moreover, half of those revocations were for technical violations, not new crimes.⁹ Ex-prisoners, parolees, and probationers may be more successful because they receive more guidance, supervision, and support upon reentry.

A study documenting the results of the Opportunity to Succeed program found positive outcomes from the interaction of released inmates and their case managers in finding and maintaining full-time legal employment.¹⁰ And finding such work is one of the most important factors in reducing recidivism.¹¹ Employment alone will not

necessarily reduce recidivism, but if employment services address individuals' antisocial attitudes and beliefs associated with crime, those individuals may be more successful in the work place.¹² Such success can help individuals contribute income to their families, which may encourage personal support, stronger positive relationships, enhanced self-esteem, and improved mental health.¹³ Employment may also reduce strain on social service resources and contribute to the tax base, which can improve communities.¹⁴ These influences may help individuals remain law-abiding members of their communities.¹⁵ Nationally, only about one in five convicts reports having a job lined up upon release,¹⁶ while in Texas, about 15 percent of state jail and prison inmates have a job lined up prior to release.¹⁷ The possible benefits of employment coupled with individuals' prosocial behavior certainly should help reduce recidivism and create safer, more stable communities.¹⁸

People with more education generally have more legal employment opportunities. But the average released state jail offender has only a seventh-grade education level.¹⁹ Better education and training could open up more employment opportunities for released inmates. But even inmates with higher levels of education or training may face reluctant employers. Many organizations run background checks on potential employees and have policies against hiring former felons. Thus, finding stable employment can be enormously challenging for state jail offenders.

Most people are less self-sufficient eight to ten months after release than they were before this incarceration.²⁰ Many rely on friends or family to support them.²¹ But others rely on the government or criminal activity. Women relied on government programs for 18 percent of their income and engaged in illegal activity for another 15 percent.²² Men relied on government programs or illegal activity for 12 percent of their income.²³

As with employment, many barriers stand in the way of ex-offenders finding housing, including financial cost, laws and regulations, and prejudice. Although most state jail offenders find a place to stay with a family member or intimate partner, others will have nowhere to go. Many wind up on the streets, which often perpetuates criminal activity as a means for survival.

Mental health problems can further complicate all aspects of reentry. In 2005, about 36 percent of state jail inmates reported needing treatment for mental illness upon release.²⁴

Reentry services that connect people with serious mental illness with appropriate services are important because offenders with major psychiatric disorders are substantially more likely to recidivate.²⁵ And those with serious mental illness tend to be re-incarcerated for new crimes rather than parole violations.²⁶



As with mental illness, substance use increases risk of adverse reentry outcomes.²⁷ Possession of illegal drugs is itself a new crime. Many commit other crimes to finance their drug addiction.²⁸ And “drug users are less dependable than other workers and decrease workplace productivity,” according to the Office of National Drug Control Policy, thus harming their ability to obtain and maintain employment.²⁹ Eighty-four percent of state jail inmates used illegal drugs before incarceration.³⁰ And only 10 percent of state jail inmates participate in drug or alcohol treatment while incarcerated.³¹ State jails are more likely than state prisons to house low-level drug offenders and less likely to offer treatment.³² With so many individuals using illegal drugs and so few receiving treatment, it is no surprise that many state jail offenders continue to engage in criminal activity upon release.

Although behavioral health services may reduce or delay recidivism for some offenders with mental illness or substance abuse challenges, focusing on reentry programs that help the general population may do more to help all released offenders, including those with behavioral health challenges, because the relationship between symptoms and criminal behavior varies among offenders.³³ A recent study shows that only 18 percent of reported crimes were mostly or completely related directly to symptoms.³⁴ Specifically, 3 percent, 4 percent, and 10 percent of crimes are

related directly to symptoms of depression, schizophrenia, and bipolar disorder.³⁵ Conversely, two-thirds of offenders committed one or more crimes that were independent of their symptoms.³⁶ This research calls into question policies that focus solely on controlling mental health symptoms, without addressing other factors such as addiction, criminogenic thinking patterns, and lack of employment and housing, as a means toward recidivism reduction.³⁷

The Family and Community

The family and community a state jail offender returns to can affect that offender as much as the offender will affect the family and community. The characteristics of the family or neighborhood a state jail offender returns to may help explain his or her odds of successful reentry.

Strong family connections can improve outcomes for returning inmates. Most state jail inmates expect their family to provide financial resources, housing, and emotional support after release.³⁸ And most families do provide such practical and intangible support.³⁹ But unfortunately, many families contribute to further criminal activity and jeopardize reentry.⁴⁰ For instance, a 2008 study focusing on Texas and Ohio found that more than a quarter of men and a third of women will return to a living situation that includes former prisoners or current substance users,⁴¹ which could increase the likelihood of reincarceration. Additionally, state jail inmates tend to have low levels of self esteem and sense of control over their lives and are less likely to have supportive family relationships.⁴²

Families do not just influence offenders, however; offenders influence the families they return to. Children of justice-involved individuals are more likely to become involved in the criminal justice system, wind up in foster care, have behavior problems, be exposed to substance abuse, perform poorly in school, and experience poverty.⁴³ These disadvantages put these children at greater risk of substance abuse, gang involvement, and frequent and early incarceration.⁴⁴ Parental involvement in the criminal justice system is often predictive of their children's frequent and early contact with the justice system. Thus, families and communities may feel the effect of one person's incarceration for decades.⁴⁵

A similar pattern of mutual influence appears to emerge in the broader community. More rehabilitative reentry services could help insulate communities from any poverty, unemployment, or crime that may increase with released

offenders while simultaneously providing offenders more resources that could improve their chances at successful reintegration.⁴⁶ About 15 years ago, Harris County strongly showed these patterns and prospects. A fourth of all people released from Texas state jails and prisons returned to Harris County.⁴⁷ At the time, 52 percent of the county's returning confinees were unsupervised upon release.⁴⁸ And the majority was concentrated in the most disadvantaged areas of Houston.⁴⁹ Many people leaving jail for these disadvantaged communities were from there originally.⁵⁰ This study is an example of how the cycling of residents in and out of the criminal justice system may create social disorder and increase crime.⁵¹ These communities tend to have more poverty, unemployment, and crime.⁵² They also generally lack human service providers to help with needs such as housing, employment, and substance abuse.⁵³ Profiles of these neighborhoods indicate a significant disparity in financial and human capital. Reentry services could give people returning to these disadvantaged communities a better chance at successful reentry.

The State

The cost of dealing with crime in Texas is significant. In fiscal year 2010, for example, the Texas Department of Criminal Justice spent \$3.3 billion on and off budget to incarcerate an average daily population of 154,576, which comes to a \$21,390 average annual cost per inmate.⁵⁴ Current state jail offenders cost the state about \$42.90 per day.⁵⁵ By comparison, supervision and rehabilitative services are much cheaper: community supervision costs \$1.38 per person per day; substance-abuse outpatient treatment costs \$5.30 per person per day; and the Treatment Alternatives to Incarceration Program costs \$6.65 per person per day.⁵⁶

The goal of all this spending is to protect the public safety. One measure of whether this goal is being met is recidivism. With a rearrest rate of 62.7 percent and a reincarceration rate of 30.6 percent for state jail offenders our current solution is failing most of the time—an unfortunate outcome for such a significant financial obligation.⁵⁷ The outcomes for state jail offenders released from our criminal justice system coupled with Texas' criminal justice system expenditures indicate the current correctional system is not efficiently reaching its goal of improving public safety. If rehabilitative reentry programs can combat recidivism, implementing these services would be a more effective way to reduce crime and its costs to society than the efforts of the traditional criminal justice system.

Reentry Programs and Public-Private Partnerships

It's not just the government that can provide reentry services. Indeed, some of the most innovative reentry programs have been designed and implemented by private organizations, including the Prison Entrepreneurship Program (PEP) in Texas and Peerstar, LLC in Pennsylvania. Peerstar and PEP both assist in providing essential services to offenders like job training, housing, and life skills, which have been shown to reduce recidivism.⁵⁸

These programs have three common characteristics: they use an “inside-out” or “reach-in” strategy; they rely on mentors; and they provide narrowly tailored case management.⁵⁹ An inside-out or reach-in strategy engages participants during incarceration and continues providing services after release.⁶⁰ Both Peerstar and PEP have successfully reduced recidivism among those using their services. Between 5 to 7 percent of PEP's participants recidivate within three years.⁶¹ A Baylor University study attributes much of this success to the scope and depth of PEP's post-release support system.⁶² PEP graduates tend to have better

post-release outcomes than participants in TDCJ's other rehabilitation programs.⁶³ And Peerstar's reentry program has reduced the recidivism rate among individuals with mental illness by 65 percent.

Peerstar and PEP have two major differences. One is that Peerstar focuses on the incarcerated population with mental illness, which may have a limited effect on recidivism except for the minority of offenders for whom mental illness is the primary driver of criminal behavior.⁶⁴ Mental health treatment may prevent some crimes, but a recent study implies that mental health treatment alone will not improve outcomes for most offenders given their broad spectrum of risk factors.⁶⁵ This study also suggests that those with mental illness may benefit from interventions that reduce recidivism for the general population. The other is that Peerstar is paid for by Medicaid and county government and PEP is paid for solely through private donations.⁶⁶ Although PEP is expanding, the

sheer number of state jail felons released every year suggests that entirely privately funded programs are not likely to be able to provide reentry services in the near future for all those discharged from state jails. However, the solution lies not in expanding government-run programs, but in eliminating competing government programs—and the taxes that support them—so that non-profits like PEP can expand their capacity in this area.

The government should limit its role to make room for the expansion of organizations that enlist volunteers to help offenders return to their communities. The government is simply not as well-situated to operate reentry programs like PEP that leverage business leaders, incorporate a faith-based component, and rapidly innovate in ways that bureaucracies are rarely able to do.⁶⁷ The more sustainable solution is charitable and private sector organizations that create a coalition of volunteer organizations “to coordinate job placement, housing, life skills, and most importantly, match prisoners (before they leave prison) with mentors who can hold them accountable on the outside while providing the social and spiritual support they need to live crime-free lives and be productive citizens. This combination of accountability and assistance is essential for any effort to effectively change the lives of offenders and lower recidivism, thereby, creating safer communities, fewer victims, and less cost to taxpayers.”⁶⁸ Although private individuals may be willing to help meet this critical need, they may lack necessary infrastructure. Texas should pass legislation that removes obstacles to robust private, community-based partnerships, like PEP, that provide evidence-based reentry support to offenders.

Fortunately, reentry services can be provided by the private sector to all inmates now being discharged from state jails without any net additional cost to taxpayers. The ideal solution lies in adopting a policy that allows state jail inmates to volunteer to leave one month early in exchange for spending three months connected to such reentry services that would be paid for with private funding. If necessary, public funding might also be provided with the savings from less incarceration. This reentry component would be different from parole in that the individual would not be subject to being revoked to prison unless they abscond from the reentry provider during those three months. In that case, by agreeing to the early discharge, they would be agreeing to be returned to state jail for six months should they abscond. Of course, while not subject to revocation,

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those discharged to a privately operated reentry partnership program would of course be subject to prosecution for any new offense, including “three strikes” and other repeat penalty enhancements based on their prior record. Finally, ongoing performance measures such as recidivism and employment should be used to determine which private providers continue in the partnership.

Conclusion

Texas can greatly improve the process of releasing offenders from state jail. Maximizing the potential of ex-offenders by providing post-release supervision could help create a safer society at a lower cost. Effective reentry stops the cycle of offenders perpetually moving in and out of jail. Unaddressed criminal thinking patterns, addiction, mental health, and socioeconomic problems can be obstacles to successful reintegration.⁶⁹ Although we only have limited

research on the long-term outcomes of reentry programs, short-term studies show reduced recidivism rates, which if sustained in the long-term would greatly benefit justice-involved individuals and society at large.⁷⁰

The government cannot meet all the needs of the 70,000 offenders who reenter society in Texas each year, but it can facilitate the work of private organizations that willing and able to help. In the words of George W. Bush, “[w]e know from long experience that if [individuals] can’t find work, or a home, or help, they are much more likely to commit more crimes and return to prison. . . . America is the land of the second chance, and when the gates of the prison open, the path ahead should lead to a better life.”⁷¹ Allowing charitable and private sector organizations to take the lead in enhancing post-release support for state jail offenders in Texas could provide that second chance for a better life. ★

Notes

- ¹ Texas Department of Criminal Justice, [Fiscal Year 2013 Statistical Report](#), 3. Of the 72,701 released from TDCJ in total, 22,601, or 31 percent, were released from state jail.
- ² Ibid.
- ³ Ibid. at v.
- ⁴ Texas Department of Criminal Justice, [Statistical Report Fiscal Year 2014](#) (FY 2014), 34.
- ⁵ Urban Institute Justice Policy Center, [Understanding the Challenges of Prisoner Reentry: Research Findings from the Institute's Prisoner Reentry Portfolio](#), 4 (last visited Feb. 18, 2015).
- ⁶ Legislative Budget Board, [Statewide Criminal Justice Recidivism and Revocation Rates](#) (Jan. 2013), 3
- ⁷ Ibid. at 4
- ⁸ Ibid.
- ⁹ Ibid. at 19–20.
- ¹⁰ Urban Institute Justice Policy Center, [Understanding the Challenges of Prisoner Reentry: Research Findings from the Institute's Prisoner Reentry Portfolio](#), 4 (last visited Feb. 18, 2015).
- ¹¹ Center for Program Evaluation and Performance Measurement, [Reentry Programs](#) (last visited Feb. 18, 2015); Urban Institute Justice Policy Center, [Understanding the Challenges of Prisoner Reentry: Research Findings from the Institute's Prisoner Reentry Portfolio](#), 5 (last visited Feb. 18, 2015).
- ¹² http://csgjusticecenter.org/wp-content/uploads/2013/09/Final.Reentry-and-Employment.pp_.pdf p. 2-3.
- ¹³ Ibid.
- ¹⁴ Ibid.
- ¹⁵ Ibid.
- ¹⁶ Center for Program Evaluation and Performance Measurement, [Reentry Programs](#) (last visited Feb. 18, 2015); Urban Institute Justice Policy Center, [Understanding the Challenges of Prisoner Reentry: Research Findings from the Institute's Prisoner Reentry Portfolio](#), 5 (last visited Feb. 18, 2015).
- ¹⁷ Nancy La Vigne and Vera Kachnowski, [Texas Prisoners' Reflections of Returning Home](#) (Oct. 2005), 3.
- ¹⁸ http://csgjusticecenter.org/wp-content/uploads/2013/09/Final.Reentry-and-Employment.pp_.pdf, p. 2-3.
- ¹⁹ Texas Department of Criminal Justice, [Fiscal Year 2013 Statistical Report](#), 3.
- ²⁰ Kamala Mallik-Kane and Christy A. Visher, [Health and Prisoner Reenter: How Physical, Mental, and Substance Abuse Conditions Shape the Process of Reintegration](#) (Feb. 2008), 16.
- ²¹ Ibid.
- ²² Ibid. at 16–17.
- ²³ Ibid. at 16.
- ²⁴ Nancy La Vigne & Vera Kachnowski, [Texas Prisoners' Reflections of Returning Home](#), 9 (Oct. 2005).
- ²⁵ Jacques Baillargeon, Ingrid A. Binswanger, Joseph V. Penn, Brie A. Williams & Owen J. Murray, [Psychiatric Disorders and Repeat Incarcerations: The Revolving Prison Door](#), *The American Journal of Psychiatry*, (Jan. 2009) Volume 166, Number 1.
- ²⁶ Kamala Mallik-Kane & Christy A. Visher, [Health and Prisoner Reenter: How Physical, Mental, and Substance Abuse Conditions Shape the Process of Reintegration](#) (Feb. 2008) 18.
- ²⁷ Ibid. at 18.
- ²⁸ Ibid.
- ²⁹ Office of National Drug Control Policy, [Consequences of Illegal Drug Use](#), last accessed May 22, 2015.
- ³⁰ Nancy La Vigne and Vera Kachnowski, [Texas Prisoners' Reflections of Returning Home](#), (Oct. 2005), 9.
- ³¹ Ibid.
- ³² Ibid.
- ³³ J. K. Peterson, J. Skeem, P. Kennealy, B. Bray, and A. Zvonkovic, A. "How Often and How Consistently Do Symptoms Directly Precede Criminal Behavior among Offenders with Mental Illness?" *Law and Human Behavior* (Oct. 2014).
- ³⁴ Ibid.
- ³⁵ Ibid.
- ³⁶ Ibid.
- ³⁷ Ibid.
- ³⁸ Nancy La Vigne and Vera Kachnowski, [Texas Prisoners' Reflections of Returning Home](#) (Oct. 2005), 2.

- ³⁹ Kamala Mallik-Kane and Christy A. Visher, [Health and Prisoner Reenter: How Physical, Mental, and Substance Abuse Conditions Shape the Process of Reintegration](#) (Feb. 2008) 17.
- ⁴⁰ Ibid.
- ⁴¹ Ibid. at 15.
- ⁴² Nancy La Vigne and Vera Kachnowski, [Texas Prisoners' Reflections of Returning Home](#) (Oct. 2005) 10.
- ⁴³ Byron Johnson, William Wubbenhorst and Curtis Schroeder, [Recidivism, Reduction, and Return on Investment: An Empirical Assessment of the Prison Entrepreneurship Program](#), 7 (last visited Dec. 15, 2014).
- ⁴⁴ Ibid.
- ⁴⁵ Ibid.
- ⁴⁶ Jamie Watson, Amy L. Solomon, Nancy G. La Vigne, and Jeremy Travis, [A Portrait of Prisoner Reentry in Texas](#) (March 2004), 75.
- ⁴⁷ Ibid. at 51.
- ⁴⁸ Ibid. at 62.
- ⁴⁹ Ibid. at 67-70.
- ⁵⁰ Ibid. at 69.
- ⁵¹ Ibid.
- ⁵² Ibid.
- ⁵³ Ibid. at 75.
- ⁵⁴ Vera Institute of Justice, [The Price of Prisons: Texas](#) (Jan. 2012).
- ⁵⁵ Legislative Budget Board, [Criminal Justice Uniform Cost Report Fiscal Years 2010 to 2012](#) (Jan. 2013) 8.
- ⁵⁶ Ibid. at 15.
- ⁵⁷ Legislative Budget Board, [Statewide Criminal Justice Recidivism and Revocation Rates](#) (Jan. 2013) 5.
- ⁵⁸ Byron Johnson, William Wubbenhorst, and Curtis Schroeder, [Recidivism, Reduction, and Return on Investment: An Empirical Assessment of the Prison Entrepreneurship Program](#), 21 (last visited Dec. 15, 2014).
- ⁵⁹ Ibid. at 9 (last visited Dec. 15, 2014); Megan Randall and Katharine Ligon, [From Recidivism to Recovery: The Case for Peer Support in Texas Correctional Facilities](#), Center for Public Policy Priorities (Aug. 2014) 10.
- ⁶⁰ Byron Johnson, William Wubbenhorst, and Curtis Schroeder, [Recidivism, Reduction, and Return on Investment: An Empirical Assessment of the Prison Entrepreneurship Program](#), 9 (last visited Dec. 15, 2014).
- ⁶¹ Ibid. at 11-12.
- ⁶² Ibid.
- ⁶³ Ibid. at 13.
- ⁶⁴ J. K. Peterson, J. Skeem, P. Kennealy, B. Bray, and A. Zvonkovic, A. "How Often and How Consistently Do Symptoms Directly Precede Criminal Behavior among Offenders with Mental Illness?" *Law and Human Behavior* (Oct. 2014),9.
- ⁶⁵ Ibid.
- ⁶⁶ Megan Randall and Katharine Ligon, [From Recidivism to Recovery: The Case for Peer Support in Texas Correctional Facilities](#), Center for Public Policy Priorities (Aug. 6, 2014) 12; NewsOK, [Some Key Figures about the Prison Entrepreneurship Program](#) (Jan. 17, 2015).
- ⁶⁷ Byron Johnson, William Wubbenhorst, and Curtis Schroeder, [Recidivism, Reduction, and Return on Investment: An Empirical Assessment of the Prison Entrepreneurship Program](#) 29 (last visited Dec. 15, 2014).
- ⁶⁸ Ibid. at 30.
- ⁶⁹ Center for Program Evaluation and Performance Measurement, [What Have We Learned From Evaluations of Reentry Programs](#) (last visited March 18, 2015).
- ⁷⁰ Ibid. (Last visited Feb. 18, 2015).
- ⁷¹ U.S. Department of Justice, [Prisoners and Prisoner Re-Entry](#) (last visited Feb. 18, 2015).

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Kate interned for Justice Johnson at the Texas Supreme Court, and was also a Judge K.K. Legett Fellow. As part of the program, Kate interned at the Washington Legal Foundation where she drafted arguments that were included in amicus briefs submitted to the U.S. Supreme Court.

Before joining the Foundation, Kate worked as an attorney in Houston. Her practice focused primarily on oil and gas law and condemnation proceedings.

She graduated magna cum laude from Austin College with a B.A. in economics and political science. During her time at Austin College, Kate collaboratively wrote and published policy analysis in *Dismantling Terrorism: Developing Actionable Solutions for Today's Plague of Violence* for the 50th Annual U.S. Air Force Academy Academic Assembly, and helped plan and facilitate the Economic Scholars Program with the Federal Reserve Bank of Dallas as part of the Peer Review Board. Kate earned her law degree from Texas Tech University School of Law where she was inducted into the National Order of Barristers for her achievements in oral advocacy and received awards for her accomplishments in constitutional law and property law.

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