Texas Public Policy Foundation

Criminal Justice
Legislator's Guide to the Issues 2017-18

Records and Reentry

The Issue

In 2014, 70,521 adult inmates were released from Texas prisons and state jails. Approximately 20% of released state prison inmates and 30% of jail inmates are re-incarcerated within three years, either for a new offense or for violating the rules of their parole supervision.

Many offenders—but not all—that are released are placed on parole. As of August 2014, 113,898 Texans were under parole supervision. In recent years, the number of parolees convicted of new crimes has been declining. This success may be due to recent strengthening of parole supervision and treatment, as well as graduated sanctions for technical violations.

Before 2011, state jail inmates served a flat sentence of up to two years. During the 82nd Legislature, however, the law was changed to award diligent participation credits to state jail offenders who make progress in educational, vocational, and treatment programs. This was further streamlined by HB 1546 in 2015 that allowed TDCJ to implement these credits, saving judicial time and resources.

Immediately upon reentering society, ex-inmates face challenges such as obtaining employment and housing and establishing positive associations. Evidence shows that ex-offenders who are employed are less likely to offend again, and those in higher-paying jobs, which are more likely to be licensed, re-offend at the lowest rate. There are several ways that the reentry process can be aided in order to maximize safety and employment. One key possibility is increasing the use of orders of nondisclosure. Orders of nondisclosure were expanded by the Legislature in 2015 for certain offenders after specific periods of time. These orders allow a first-time offender who committed a nonviolent crime to request that their record be sealed after they have completed their sentence and a specified time frame has elapsed. Sealing these records means that these offenders can accurately state that they have not been convicted of a crime on an employment form. However, law enforcement is still able to access these records, as well as sensitive employers, such as schools and hospitals.

Nondisclosure has provided an opportunity for a second chance for those with criminal records, but it is also important that those criminal records be accurate in the first place. Errors or incomplete records in state and local databases can lead to inaccuracies in private companies' aggregated databases and stick innocent citizens with erroneous criminal records for an unknown amount of time. Further, false positives can result when private databases do not provide sufficient detail to link a record to a name, seemingly giving individuals with common names a record, or when the databases are not updated after an arrest failed to result in charges, or a conviction was overturned.

The Facts

- In 2014, parole cost $4.04 per day per offender, compared to $54.89 a day per prison inmate.
- Finding employment after release reduces the likelihood of recidivating by around 20% according to a study by the Manhattan Institute.
- The FBI criminal database is estimated to have around 600,000 errors or incomplete records, which are then transferred to private databases, to which employers and landlords often subscribe.

Recommendations

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

- Expand orders of nondisclosure to cover first time convictions for nonviolent or nonsexual offenses.

- Increase accuracy standards in criminal record keeping to minimize the number of incomplete records that are disseminated.

Resources

The Role of Parole in Texas by Marc Levin and Vikrant Reddy, Texas Public Policy Foundation (May 2011).

Criminal Records, Their Effect on Reentry & Recommendations for Policy Makers by Derek Cohen, Greg Glod, and Dianna Muldrow, Texas Public Policy Foundation (April 2015).

Texas Criminal Justice Reforms: Lower Crime, Lower Cost by Marc Levin, Texas Public Policy Foundation (Jan. 2010).

Keys to an Effective Parole Policy by Marc Levin, Texas Public Policy Foundation (May 2009).

Texas Public Policy
FOUNDATION