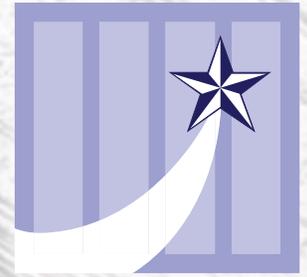


Cost-Saving Strategies For Texas' Criminal and Juvenile Justice Systems

**A Policy Guide, 2011
Part 2 of 4**



**TEXAS CRIMINAL
JUSTICE COALITION**

**Provide Tools for Returning Individuals
To Live Responsibly and Remain Law-Abiding**



ACKNOWLEDGEMENTS

We would like to extend our most sincere appreciation to the members of the Policy Research Team at the Texas Criminal Justice Coalition for their invaluable input in the compilation of this policy guide – Chris Cunico, Travis Leete, Leah Pinney, Erica Surprenant, Molly Totman, and Ana Yáñez-Correa.

We would also like to extend our gratitude to those who believe in and guide our work and who remind us that we are not alone. You are an inspiration to us in our pursuit of real solutions to the problems facing Texas' criminal and juvenile justice systems.

Finally, we would like to acknowledge Kim Wilks for her cover design and interior layout and design.

FEBRUARY 2011

The Texas Criminal Justice Coalition advances criminal and juvenile justice solutions that promote effective management, accountability, and best practices in efforts to increase public safety and preserve human and civil rights

© 2011 Texas Criminal Justice Coalition. All rights reserved. Any reproduction of the material herein must credit the Texas Criminal Justice Coalition. "Cost-Saving Strategies for Texas' Criminal and Juvenile Justice Systems" is available online at www.criminaljusticecoalition.org, or by contacting the Texas Criminal Justice Coalition at 510 S. Congress Avenue, Suite 104, Austin, Texas 78704, or at (512) 441-8123.

Letter from the Executive Director



Dear Reader,

As the Executive Director of the Texas Criminal Justice Coalition (TCJC), I am thrilled to present our third policy guide, *Cost-Saving Strategies for Texas' Criminal and Juvenile Justice Systems*. For your convenience, we have created four independent booklets that address each of TCJC's major areas of policy interest.

In this upcoming 82nd legislative session, the state will face an historic budget deficit that our leadership must reconcile with the ongoing need for public safety, social services, education, workforce development, and various infrastructure improvements. The difficulty lies in making cuts now to address the state's immediate needs, while also keeping in mind long-term ramifications so that policy-makers do not simply shift the costs to Texans down the line. Especially in the area of criminal justice, this challenge is clear. Budget reductions in key line items today could lead to increased recidivism and threats to public safety in the future.

PART 2 of this guide addresses the need to bolster the state's **re-entry infrastructure** – an imperative cost-saving strategy. Without assistance for those exiting confinement, rates of re-offending are likely to rise – along with comparable increases in enforcement and re-incarceration costs. The cycle will merely continue, and at enormous taxpayer expense. On the other hand, providing tools for personal responsibility to re-entering individuals ensures they are more capable of finding and maintaining both housing and employment, in turn living as law abiding, contributing members of our communities.

Included throughout this guide are comprehensive, cost-efficient recommendations that the state and counties can employ to address the immediate financial deficit, as well as preserve public safety throughout our communities in the future. Already, state leadership has laid the foundation for the continuous success of risk-reduction strategies with their bipartisan support during the past three legislative sessions. These additional smart-on-crime strategies must serve as a critical consideration-point for policy-makers seeking to implement a rational, responsible, fiscally sound budgetary approach, as they can and will deliver taxpayers a return on their investment. But in consideration of Texas' current economic climate, this policy guide not only provides legislative recommendations that will save the state money now, it also outlines strategies that policy-makers can take back to their respective communities for consideration and implementation during the legislative interim.

Please note that if you are interested in other areas of criminal and juvenile justice reform, you should have a look at the additional parts in our four-part policy guide.

PART 1 examines **alternatives to incarceration** and the need for continued funding for probation, parole, treatment, and programming – diversions that have saved the state nearly \$2 billion since 2007 and effectively address the root causes of criminal behavior.

PART 3 recommends **front-end strategies** that can save the state money in incarceration costs, including public defender systems, a strengthened Task Force on Indigent Defense, and improved attorney appointment and representation procedures.

PART 4 provides guidance to policy-makers in light of a possible restructuring of the state's **juvenile justice system**. Emphasis must remain on ensuring that funding and rights follow the youth.

Sincerely,

A handwritten signature in black ink that reads "Ana Yáñez-Correa". The signature is written in a cursive style with a large, stylized "Y" and "C".

Ana Yáñez-Correa
Executive Director, Texas Criminal Justice Coalition

Table of Contents

Introduction	1
Implement Systemic Reforms that will Streamline the Re-Entry Process And Continue to Support Historic, Public Safety-Driven Legislation	2
(1) Begin preparing for re-entry during the intake process into prison or jail.	2
(2) Continue the full implementation of historic legislation passed in 2009 to protect public safety.	5
(3) Maintain the number of community-based re-entry programs, and improve the quality of services to re-entering individuals.	7
Improve In-House and Community-Based Medical, Substance Abuse, And Mental Health Services to Increase the Success of Returning Individuals	8
■ Structural Reforms.	9
(1) Adopt a Public Health Model of Correctional Care to ensure inmates, correctional staff, and the public lead healthy and productive lives.	9
(2) Maintain the overall number of treatment and re-entry facilities to expedite the placement of parolees.	10
■ Medical Care	10
(1) Improve access to medical services in prisons and jails, especially with regard to infectious diseases.	10
■ Substance Abuse Treatment	11
(1) Maintain the availability and improve the quality of substance abuse treatment programming in prisons and jails.	11
(2) Strengthen investments in community-based supports for re-entering individuals.	12
■ Mental Health Services	12
(1) Improve the availability of mental health treatment programming in prisons and jails.	12
(2) Strengthen investments in community-based supports for re-entering individuals.	13

Improve Pre- and Post-Release Family Reunification Strategies To Maintain and Strengthen Support Networks in the Community	14
(1) Support pre- and post-release strategies that strengthen family bonds among re-entering populations.	15
(2) Improve gender-specific programming in prisons and jails.	16
Strengthen Pre- and Post-Release Employment Practices To Reduce Rates of Re-Offending and Improve Workforce Development	23
(1) Strengthen investments in pre- and post-release employment services to help re-entering individuals become self-sufficient, productive community members.	23
(2) Remove the legal barriers to employment for previously incarcerated individuals.	25
Improve Identification, Food, and Housing Accessibility To Reduce the Likelihood of a Return to Crime	27
(1) Ease restrictions on obtaining basic identification and certification documents.	28
(2) Give exiting individuals other tools to be responsible during the critical post-release period.	28
(3) Allow eligible, previously incarcerated individuals access to food, and use federal food stamp dollars to bolster other reintegration services.	28
(4) Maintain affordable housing options for returning individuals.	29
Eliminate Procedural Barriers to Re-Entry to Give Individuals a Second Chance After Successfully Paying their Debt to Society	31
(1) Require judges to notify defendants about the consequences of a deferred adjudication sentence.	31
(2) Make petitions for non-disclosure automatic after ten years in cases of the successful completion of deferred adjudication.	32
(3) Alternatively, expand the Governor’s authority to grant pardons for defendants who successfully complete deferred adjudication community supervision.	32
(4) Remove the procedural barriers to obtaining an order of expunction.	32
Appendix A: Texas Department of Criminal Justice (TDCJ) Intake Form	35
Endnotes	41

Introduction

Provide Tools for Returning Individuals To Live Responsibly and Remain Law-Abiding

Re-entry strategies are critical to supplementing the diversion and corrections-level practices that reduce incarcerated populations and address the specific needs of those who have exhibited criminal behavior.

Annually, over 70,000 people leave Texas prisons, many of whom are released without any supervision requirements.¹ Meanwhile, thousands more individuals cycle in and out of local Texas jails.² Sadly, various barriers prevent the successful re-entry of these people into our communities, forcing many back behind bars. Among other things, medical issues, drug and alcohol dependence, and undiagnosed mental health disorders damage efforts to participate in society in a fulfilling and productive way. Likewise, low education levels minimize employment opportunities, which are already limited for previously incarcerated individuals. The lack of housing availability and an inability to purchase food only increase the likelihood of re-offending, as do financial barriers that leave individuals with no means to support themselves.

To address these issues, policy-makers in 2009 made an historic, bipartisan showing of support for various policies that have begun providing returning individuals with resources for personal responsibility that will more successfully avert them from the criminal justice system in the future. However, a continued investment in re-entry practitioners and programs are imperative in maintaining progress to keep recidivism rates and, thus, incoming prison and jail populations low. Especially for felons, assistance upon re-entry is crucial. The collateral consequences of a felony conviction include a life-long series of legal barriers and roadblocks that severely limit access to fundamental necessities which help people live responsibly. But misdemeanants, too, can face challenges in a variety of areas, including employment, child custody, housing, and public assistance benefits.

Texas must continue to support sustainable systems to return people to their communities in a safe and effective way. Together, corrections and re-entry stakeholders must collaborate to strengthen Texas' social support infrastructure, committing to programs and services that promote success for individuals and families, while also aiding neighborhoods to which high concentrations of previously incarcerated men and women return.

Implement Systemic Reforms that will Streamline the Re-Entry Process and Continue to Support Historic, Public Safety-Driven Legislation

Background

As discussed, barriers to re-entry can lead many previously incarcerated individuals back inside prison and jail walls. Again, the cause for this high level of re-offending lies in the failure of the system to provide individuals inside and outside of prison and jail walls with the tools necessary to cope with the challenges of re-entry.

Policy-makers must make every effort to exempt from budget cuts any successful programming and practices that keep individuals from falling back into crime and re-entering prisons and jails. Public safety-driven strategies including tailored in-house programming and improved post-release services can help individuals become and stay law-abiding, responsible members of our communities.

Ultimately, when previously incarcerated individuals have the tools to effectively manage their lives, it better facilitates their future reintegration into society, to the benefit of public safety, family cohesion, local economies (including through tax savings and employment), and public health.

Key Findings

- The most pivotal period of re-entry is within the first year of release. When looking at a formerly incarcerated individual's first three years after release, it is the first year that will account for nearly two-thirds of all re-offending.³
- Five counties – Harris, Dallas, Tarrant, Bexar, and Travis – account for 48% of all admissions to and release from institutional facilities.⁴ Yet re-entry roundtables only exist in Tarrant County, Bexar County, and Austin. County advocates from Bexar and Tarrant Counties and the Texas Conference of Urban Counties also assist re-entry efforts.⁵

- Bringing community resources into prison and jail pre-release and following individuals out will best ensure success in the community.
- While utilizing a comprehensive up-front assessment tool during intake into incarceration is imperative, updating the assessment data when an individual is preparing to leave confinement is equally important to best capture any changes in behavior and more effectively assist the individual in the re-entry process.
- Re-entry is especially difficult for veterans who are struggling with post-traumatic stress disorder (PTSD) and/or other trauma-related conditions. Because a period of incarceration can exacerbate symptoms of PTSD and re-traumatize an individual,⁶ veterans desperately need pre-release re-entry support.⁷
- Obstacles to quality re-entry service provision include staff turnover, statutory restrictions in starting and maintaining programs, limited providers in rural areas, lack of information referral networks, and significant time lapses between sentencing or release and treatment. Minimizing these barriers will reduce rates of re-offending, thus decreasing victims and promoting public safety throughout the community.

Cost-Saving Strategies

(1) Begin preparing for re-entry during the intake process into prison or jail.

In order to close the revolving door to our prisons and jails, Texas must better assess incoming individuals' needs, thus beginning the re-entry process long before release. Bringing community resources into prison and jail pre-release and following individuals out will best ensure success in the community.

During each person's intake process into a corrections facility, his or her criminal history, drug/alcohol history, and history of mental illness should be assessed to determine severity. This review of criminogenic factors can inform an **individualized plan** best suited to respond to each person's particular strengths and needs. The tailored transition plan, which should be made with the help of each inmate, could involve participation in education programs (literacy or G.E.D. certification),

substance abuse treatment and/or mental health programming, counseling, anger/stress management courses, and/or other cognitive behavioral programming (possibly with a focus on disengaging from gang membership). Additional post-release aftercare needs, including housing, employment, parenting aid, and legal services, should also be part of the plan. Likewise, the plan could provide for assistance in obtaining identification documents, such as a birth certificate or a social security card, or obtaining or re-instating public benefits, such as Social Security or Medicaid.⁸ Both would further ease re-entering individuals' transition back to the community.

Especially with regard to “frequent flyers” (i.e., those who cycle in and out of incarceration at high rates), a **multi-level referral network** is necessary. Many who repeatedly offend are homeless and will likely return to the streets – and to crime – without a housing assessment or help finding supportive services. Agencies must collaborate by “integrating databases and improving communication at the staff level so that [corrections] administrators and counselors can tell detainees exactly where to go upon their release.”⁹

(a) Mandate that TDCJ create assessment-driven, individualized re-entry plans that span intake and incarceration.

Strengthening TDCJ's current intake process is key to meeting public safety demands and addressing the issues facing individuals who have committed higher-level offenses.

Currently, TDCJ staff use a 6-page intake questionnaire to determine, among other things, incoming individuals' work experience, vocational skills, military experience, previous criminal activity (including sex offenses), family background (including whether any family members have been in law enforcement or incarcerated), suicide attempts, homosexual experiences, previous in-prison experiences, and substance abuse experiences.¹⁰ (Please see *Appendix A* for a copy of TDCJ's *Intake Form*.)

However, to get the most complete picture of individuals entering the system and the clearest overview of the incarcerated population as a whole,

additional data should be collected, verified, and made easily available to policy-makers, parole officers, and county- or city-level re-entry offices/entities, including the following:

- **Academic abilities**, including intellectual functioning, literacy, and language skills.
- **Vocational/career development**, including employment history, career development, institution work history, and post-incarceration employment.
- **Interpersonal relationships**, including family ties and support systems, parental responsibilities, and communication skills.
- **Wellness information**, including health promotion and disease prevention, disease and illness management, a post-incarceration transition plan, and governmental assistance.
- **Mental health information**, including substance abuse management, mental illness management, a post-incarceration transition plan, and any indications of inappropriate sexual behavior.
- **Cognitive behavior**, including general behavior, criminal history, domestic violence or abuse, and criminal behavior.
- **Character**, including personal characteristics and personal responsibilities.
- **Leisure activities**, including use of leisure time.
- **Daily living**, including financial management, housing status (including whether individuals are homeless, living with relatives, independently living, residing in public housing, etc.), family care, and access to community-based resources.

While creating a comprehensive procedure during intake is imperative, updating the assessment data when an individual is preparing to leave TDCJ is equally important to best capture any changes due to in-prison work or treatment programs and more effectively assist him or her in the re-entry process.

TDCJ should also provide a copy of the assessment to the exiting individual, as well as share data collected from the assessment with local re-entry providers. It is critical that assessment information is shared with these county- or city-level re-entry providers. Presently, they are burdened with duplicating (and supplementing) TDCJ's intake process by having to ask all exiting individuals about the same points of information provided to TDCJ at intake. Collaboration among TDCJ and re-entry providers will expedite placement and referrals, and will provide a more comprehensive transition plan for each returning inmate.

(b) Improve the quality of in-house programs for the thousands of individuals entering and exiting confinement each year, especially through performance measures.

It is important that intermittent quality control checks be made to evaluate programs and services within prison and jail walls. This will prevent obvious problems with program administration from being overlooked and ultimately undermining the goals of the programs seeking to assist individuals in addressing re-entry challenges. In addition to performance-tracking technology, the state could develop a client and staff feedback survey. Feedback is the simplest method of evaluating programmatic progress and can improve participants' investment in the process when they know their feedback is valued.

Two jail-based programs that offer in-house programming and community-based aftercare should serve as models for implementation throughout Texas:

- The **Crime Prevention Institute (CPI)**, located in Austin, opened in 1992 to address the underlying causes of crime and break the cycle of criminal behavior. Its **Targeted Project Re-Enterprise (TPRE) program**, a partnership with the City of Austin and Travis County, helps men build a clear path for a successful transition through gainful employment. Prior to release, all participants receive a comprehensive assessment of substance abuse, mental health, and risk for

re-offense. They take classes on preparing job applications and succeeding in interviews. They also attend a 20-week transition preparation support group and work one-on-one with a case manager to develop personal goals and a release plan.

After their release, the men are provided transportation assistance, clothing, hygiene products, work supplies, bus passes, job placement assistance, individualized support, and financial incentives at 30, 60, and 90 days of employment. CPI also hosts a weekly support group in downtown Austin where clients and previous program participants can come together to find stability, share job leads, and encourage one another in the pursuit of a crime-free life.

- A model re-entry program in Pennsylvania has successfully reduced recidivism rates (69%) and increased employment rates (64%) for those leaving jail. Called the Berks Community Resources Network, it is a group of over 35 non-profit social service and government agencies that work with individuals involved in the Berks County criminal and juvenile justice systems. The Network arose out of the state's need to reduce severe overcrowding in jails, as well as lower the recidivism rates for those re-entering the community, due in large part to significant unemployment levels among that population.

The most important factor in the program's success has been use of an **up-front assessment tool that identifies post-release needs**, including housing, employment, and education. Given the fluidity of incoming/outgoing jail populations, the assessment must target those who will remain in jail long enough to complete services. Individualized re-entry plans with arrangements for aftercare, including services provided by jail staff, community staff, probation and parole staff, etc., are ensured by bringing community resources into jail pre-release, and following individuals out. Employment rates through the program are especially high

because the state's career services organization conducts six-week job readiness courses in jails. Once out on parole, individuals return to that organization's office to continue to receive services, with follow-up for up to three years post-release.

The Berks Community Resources Network is a true support system that provides outgoing individuals with follow-up from jail, a case manager from the Reentry Resource Center, a parole officer, and a faith-based mentor. **The collaborative effort has reduced the strain on the public, both in terms of taxes that can be put towards other social services, and reductions in future crime.**¹¹

In early 2010, Berks County established a Community Reentry Center (CRC) whose mission is to provide "effective and innovative services that instill pro-social behavior, healthy life choices, and personal accountability, thereby reducing recidivism and its financial burden on the County."¹² The CRC seeks to divert inmates to a community re-entry setting and introduce agency participants in that setting. Drug and mental health counselors have offices in the CRC so inmates can meet with them weeks before being released and ensure a smooth and seamless transition into programming upon release.¹³

(c) Address the specific needs of incarcerated veterans and those leaving confinement.

Re-entry is especially difficult for veterans who are leaving incarceration while struggling with post-traumatic stress disorder (PTSD) and/or other trauma-related conditions. A period of incarceration can exacerbate symptoms of PTSD and, worse, it can re-traumatize an individual.¹⁴ Veterans desperately need pre-release re-entry support, including information about mental health services, Department of Veterans Affairs (VA) health care services (if eligible), peer support services, housing assistance, employment and vocational training, and substance abuse treatment.¹⁵

Because failure to secure housing and employment can lead to homelessness, it is especially crucial that an adequate support system exists for these veterans, particularly with regard to housing.¹⁶ The VA provides assistance through the Homeless Veterans Coordinator, but it is important that correctional facilities and community organizations partner with the VA in efforts to ensure a smooth transition for veterans.

Note: Correctional facility staff should take all steps necessary to provide overdose- and suicide-prevention educational materials to incarcerated veterans. Those suffering from PTSD and co-occurring disorders are at especially high risk of suicide and lethal overdose, particularly once they are released from incarceration.¹⁷ Prison and jail staff, in partnership with the VA, should make available comprehensive educational materials regarding overdose and suicide prevention.

(2) Continue the full implementation of historic legislation passed in 2009 to protect public safety.

During Texas' previous state session, policy-makers passed legislation that accomplished the following:

□ Created a mandatory, comprehensive reintegration program and statewide Reentry Task Force for individuals exiting prisons.

Among other things, the Reentry Task Force promotes increased collaboration and coordination among localized re-entry initiatives and state-level entities. Identifying gaps in services, including in areas of employment, housing, family reunification, substance abuse treatment, and mental health care, has begun to help stakeholders minimize barriers that impact individuals' successful reintegration into Texas communities.

The Task Force's efforts have been complemented by work to implement the comprehensive re-entry plan. Already, TDCJ and re-entry related agencies have been working to (a) identify gaps and duplication of effort in assessment, case management, transition, information technology programs, and supervision activities; (b) improve

the pre- and post-admission orientation process, as well as family members' involvement in the pre- and post-release re-entry and release process; and (c) strengthen family reunification and visitation programs, as well as improve spiritual mentoring for individuals during and after their release from incarceration.¹⁸

With policy-makers' continued support of re-entry initiatives, they will ensure that state actors and other re-entry providers best meet the particularized needs of those exiting confinement, thereby creating a more seamless transition period for returning individuals and the entities that assist them.

Note: It is imperative that policy-makers amend current law to require reporting by the Task Force to the Legislature on the legal, regulatory, programmatic, resource, implementation, and eligibility criteria barriers in re-entry, including in areas of education, employment, housing, substance abuse, and mental health.

- **Increased access to personal identification documents for individuals exiting confinement.**

Specifically, this legislation ensures that returning individuals will receive a personal identification certificate provided by TDCJ, allowing individuals to more easily obtain an ID or drivers license.

TDCJ has already begun the process of purchasing birth certificates and verifying social security numbers for all individuals in TDCJ facilities. Additionally, TDCJ has created a centralized Identification Verification Unit to facilitate the completion of identification information and certified documents for individuals scheduled for release.¹⁹ Continuation of this effort must be fully supported.

- **Eased restrictions on occupational licenses for individuals convicted of nonviolent offenses.**

This legislation allows formerly incarcerated individuals to confirm their eligibility status for an occupational license (through a criminal history evaluation) before committing to, and preparing for, an educational program.

An amendment to the bill increases employment opportunities for nonviolent individuals (with non 3-g offenses) if they are eligible to obtain an occupational license and if their past crime is not related to the occupational license they are trying to obtain. Specifically, the legislation will not allow crimes older than 5 years to count against an individual's eligibility for professional licenses. Furthermore, it allows individuals with a recent criminal history to be granted a 6-month temporary license on the condition that they neither break laws or administrative rules, nor become revoked from parole or probation. Successful completion of the provisional period will result in the granting of a full license, while failure to comply will result in disqualification of the license.

This legislation improves economic and workforce development and should be fully supported.

- **Established additional prison release sites.**

This legislation better ensures that individuals are released from confinement in closer proximity to their family or home county. Six new sites have already been established.²⁰

- **Created 64 full-time re-entry specialist positions to link outgoing inmates with community services.**

The state approved \$5.2 million in funding for Reentry Transitional Coordinators, key in supplementing state agencies' and other entities' efforts to slow the cycle of re-offending. These positions must be maintained throughout the upcoming biennium.

Despite the great progress achieved by these pieces of legislation, TDCJ cites additional issues that will require further coordination and collaboration with local and state partners during the next biennium:

- Reducing duplication of effort within and outside the agency.
- Improving the use of technology to facilitate internal and external information sharing.
- Establishing single points of contact within communities to coordinate pre- and post-release re-entry referrals and aftercare.

- Coordinating with local jails, courts, and Community Supervision and Corrections Departments to improve the identification verification process during the individual's initial involvement in the criminal justice system.²¹

Given these outstanding needs, policy-makers must reinforce their commitment to public safety-driven re-entry strategies that keep people on the right path.

(3) Maintain the number of community-based re-entry programs, and improve the quality of services to re-entering individuals.

Not only should policy-makers support communities' efforts to maintain their critical re-entry entities, they must ensure that the following obstacles are addressed to prevent watered-down services:

- High staff turnover rates, which can be minimized by addressing various staffing needs, including number of staff persons, pay rates, and level of certification/training.
- Various statutory restrictions, including those on starting a program, qualifying for government contracts, allowing professional licensure for people with convictions, and allowing staff to contact clients for follow-up evaluation and services.
- The lack of providers in rural areas.
- The lack of information referral networks among providers.
- Too much time lapse between sentencing and treatment, as well as between release from incarceration and community-based treatment.

Again, minimizing barriers to quality service provision will strengthen providers' ability to address returning individuals' needs. With a strong support network in place, these individuals are less likely to re-offend, thus decreasing victims and promoting public safety throughout the community.

Improve In-House and Community-Based Medical, Substance Abuse, and Mental Health Services to Increase the Success of Returning Individuals

Background

Inmates' medical problems, especially infectious diseases, pose threats to other inmates, staff, and family members when inmates are released from confinement. They also create enormous costs. Policy-makers must implement strategies that provide incarcerated individuals with adequate and cost-effective medical treatment while inside prison and jail walls. Such strategies must also prioritize preventative care, as well as ensure follow-up after release to assist with medication monitoring and support. A continuum of care can increase personal responsibility by allowing returning individuals to better manage their own medical care and lives.

Substance abuse and mental health treatment must also be effectively provided to incarcerated individuals. Thousands of individuals who suffer from addiction and mental disorders are currently being housed in Texas prisons and jails. However, Texas has an inadequate number of treatment providers and facilities to effectively diagnose and treat their disorders, or to properly address the related crime. Because almost every person who enters confinement is one day released into the community,²² the state must create a strong recidivism prevention infrastructure to better ensure that those with substance abuse and/or mental health problems have the tools to effectively and healthily manage their lives. Again, post-release follow-up care is critical to keeping rates of re-offending down, as those suffering from substance abuse and/or mental illness are more likely to recidivate without appropriate treatment. Policy-makers must couple in-prison programs with tailored, coordinated, and effective community-based aftercare services to best ensure program and personal success.²³

Key Findings

Structural Reforms:

- Adopting a public health model for prison health care can result in improved inmate and community health, improved public safety and correctional staff safety, improved use of the health care system, and cost savings for communities.²⁴

Medical Care:

- In 2010, prison health care cost the state an approximate \$466 million, making it one of the fastest growing pieces of Texas' corrections budget.²⁵
- A recent study by researchers with the University of Texas Medical Branch and the University of Oxford suggests that spending more money to improve prison health care could improve public health in the community. Because most prisoners often leave prison with their physical and medical conditions untreated or worse than when they arrived in prison, they are at a great risk of bringing their health problems back to their community.²⁶
- According to data from a 2010 survey of inmates conducted on behalf of the Texas Criminal Justice Coalition, 34.5% of respondents found it difficult to see a health care provider, while 62% reportedly did not receive appropriate care after reporting a serious medical condition, or were made to wait as their condition worsened. Several respondents indicated that staff had accused them of falsifying conditions even when they were having seizures, chest pains, high fevers, or trouble breathing.²⁷
- By prolonging medical attention for ill prisoners in need, their medical condition may be exacerbated, causing it to develop into a long-term and more serious medical problem that will ultimately cost the state more in medical expenditures and potential litigation costs.²⁸
- In a 2010 report by the Bureau of Justice Statistics of the U.S. Department of Justice, Florida (3,626), New York (3,500) and Texas (2,450) reported the largest number of inmates with HIV/AIDS in 2007 and 2008. Together, the states account for 24% of the national state custody population, but 46% of HIV/AIDS cases among incarcerated populations.²⁹

Substance Abuse Treatment:

- During the 2010 fiscal year, 30% of inmates sent to prison or state jail were incarcerated for drug offenses.³⁰ For the greatest chances of recovery and changed behavior, incarcerated inmates suffering from substance abuse should have access to in-house programming (treatment and education), as well as community-based aftercare.³¹
- Post-release programs in individuals' home communities are especially critical. A survey conducted by the Urban Institute found that formerly incarcerated individuals who reported closer relationships with family members after release were less likely to use drugs³² and more likely to find work.³³

Mental Health Services:

- Individuals suffering from mental illness issues are in dire need of pre- and post-release mental health services to best address the associated crime that accompanies mental disorders. Treatment and programming that address the underlying mental illness³⁴ while taking into account predictors of recidivism like antisocial behavior or antisocial associates, substance abuse, and lack of familial support, can minimize rates of re-offending³⁵ and reduce accompanying costs in enforcement and arrests.
- Mental health treatment providers are scarce in most Texas prison units. As of July 31, 2010, ten units had no psychiatric professionals on site, though some units have a maximum capacity of more than 1,300 inmates; five units had only one psychiatric professional for as many as 1,370 inmates.³⁶
- The effectiveness of treatment on those who do receive it while incarcerated can be undermined by long waiting lists, few incentives to follow treatment plans, and a lack of qualified mental health professionals.³⁷

Cost-Saving Strategies

Structural Reforms:

- (1) Adopt a Public Health Model of Correctional Care to ensure inmates, correctional staff, and the public lead healthy and productive lives.**

The Public Health Model of Correctional Care focuses on connecting local care providers, including public hospitals, local clinics, teaching institutions, and doctors in private practice, with correctional institutions. This model is especially effective because inmates receive a medical treatment plan upon intake and are held to that plan throughout their contact with the criminal justice system. After release, their plan of care continues; recently released individuals remain with the same provider that treated them during their incarceration. This continuum of care is essential during the re-entry process.

Effective correctional medical care should emphasize five elements as the basis for services and programs: (a) early assessment for and detection of health needs; (b) prompt and effective treatment at a community standard of care; (c) prevention measures, including screenings and immunizations; (d) comprehensive health education with disease-specific sessions; and (e) discharge planning for continuity of care in the community upon release.³⁸

This strategy will require support from high-level correctional administrators and a commitment to collaborate openly with state agencies and non-profit health organizations.³⁹ But the benefits of adopting a public health model for prison health care are numerous and can include improved inmate and community health, improved public safety and correctional staff safety, improved use of the health care system, and cost savings for communities.⁴⁰ Another major benefit of the model is the dramatic decrease in the use of emergency rooms as a primary caregiver for released individuals.⁴¹ This can save communities thousands of dollars per year in rising hospital care costs.

(2) Maintain the overall number of treatment and re-entry facilities to expedite the placement of parolees.

One factor that can contribute to low parole release rates is an insufficient number of facilities for parolee placement, which can essentially make the Texas Board of Pardons and Paroles a bottleneck for inmates qualified for release onto parole.⁴² Policy-makers must ensure that the current level of treatment and re-entry facilities is maintained.

Medical Care:

Given the state's budget shortfall, the Texas Department of Criminal Justice (TDCJ) has recommended cuts to staff and reduced mental health and medical services.⁴³ Already, TDCJ's main health care provider, the University of Texas Medical Branch (UTMB), has expressed a desire to stop providing medical care to TDCJ prisoners and wishes to end its 16-year contract with the Correctional Managed Health Care Committee, potentially leaving TDCJ to find alternative ways to provide medical care to the more than 150,000 prisoners under its care.⁴⁴ UTMB has already begun to trim expenditures in light of its \$61 million debt⁴⁵ by laying off staff and reducing clinic hours.⁴⁶

Medical costs for Texas prisoners are some of the lowest in the nation due in part to TDCJ's use of cost-saving medical practices such as Telemedicine and centralizing the distribution of medications.⁴⁷ For instance, Texas only spends \$9.88 on health care per inmate per day, a number significantly lower than rates in California, which spends \$28.55 per day for medical costs.⁴⁸

But these current levels of care, not considering future cuts and staff reductions, fall short. According to data from a 2010 survey of inmates conducted on behalf of the Texas Criminal Justice Coalition, 33% of respondents characterized the overall quality of healthcare as "bad" and 23% characterized it as "very bad." Additionally, 34.5% found it difficult to see a health care provider, while 62% reportedly did not receive appropriate care after reporting a serious medical condition, or were made to wait as their condition worsened. Several respondents indicated that staff had accused them of falsifying conditions even when they were having seizures, chest pains, high fevers, or trouble breathing.⁴⁹

Serious lapses in medical care cannot be tolerated as they may have potentially deadly consequences for prisoners and costly repercussions for TDCJ. Indeed, by prolonging medical attention for ill prisoners in need, their medical condition may be exacerbated, causing it to develop into a long-term and more serious medical problem that will cost the agency more in the long run with medical expenditures and potential litigation costs.⁵⁰ More must be done to provide adequate medical care to Texas' incarcerated population.

(1) Improve access to medical services in prisons and jails, especially with regard to infectious diseases.

From a public health perspective, crowded prisons and jails – with similarly overburdened sewage systems and other unsanitary conditions – increase the spread of illnesses. And already strained health care resources may not be able cover all who need care. Inmates, on average, require more health care than most Americans because of poverty, substance abuse, and lack of access to medical services in the free world.⁵¹ Given poor conditions of confinement, even relatively short stays can worsen existing problems. Likewise, incoming inmates with health issues may introduce illnesses to other inmates, while sick or misdiagnosed individuals can take their illness with them upon release from confinement.

If screening and prevention measures are not fully enforced, other inmates, as well as spouses/partners, children, friends, and co-workers of inmates, are at risk of contracting communicable diseases. Medical access and treatment are especially imperative with regard to infectious diseases, such as HIV, Hepatitis C,⁵² and MRSA (a staph infection easily spread among inmates). Alarming, the spread of HIV is particularly common in prisons and jails. In a 2010 report by the Bureau of Justice Statistics of the U.S. Department of Justice, Florida (3,626), New York (3,500) and Texas (2,450) reported the largest number of inmates with HIV/AIDS in 2007 and 2008. Together, the states account for 24% of the total state custody population, but 46% of HIV/AIDS cases among incarcerated populations.⁵³

Corrections personnel must utilize a risk/needs-based assessment to identify members of vulnerable populations, including those with HIV and Hepatitis C,⁵⁴ who require consistent and diligent care, including

regular doctor visits and the ability to administer their own medications. It is also imperative that qualified staff at individual units have the ability to implement care when necessary and honor off-site caregivers' orders once the inmate has returned to the unit following diagnosis or treatment recommendations.

Pre-release planning is another critical health care component. A key part of the reintegration process is having and maintaining a healthy family unit. The devastation of contracting an illness can disrupt efforts to re-enter society and become self-reliant. Creating plans to manage disease and other medical problems can ensure that networks are in place prior to the point these individuals rejoin our communities.

Failure to provide necessary care can continue to leave the state open to costly liability and ongoing exposure to lawsuits concerning inadequate health services. Furthermore, if Texas' prison health care services are declared unconstitutional in federal court, the state could face the pricey and embarrassing prospect of relinquishing control of prison health care to a federal court receiver. This happened in California in 2005,⁵⁵ causing health care costs to explode, including mandated new payments of \$10 million per year for the salaries of the consulting team.⁵⁶

(a) Expand the access of TDCJ's Electronic Medical Records (EMRs) with Hospital Galveston's EMRs.

This efficiency recommendation was made by TDCJ and the Correctional Managed Health Care Committee (CMHCC) in a 2010 report to the Legislature. By integrating the systems, vital clinical health information can be shared seamlessly with other healthcare providers, TDCJ Health Services, and the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI).⁵⁷ This, in turn, will free up staff time and resources that could be allocated to other pressing needs.

(b) Expand the use of beds at Hospital Galveston.

This additional CMHCC recommendation would reduce TDCJ's reliance on free-world hospital beds.⁵⁸

(c) Provide relapse prevention courses to prisoners before they are released to the community.

In addition to proper screenings by trained professionals, as well as prevention techniques and speedy intervention care, TDCJ should provide relapse prevention courses, linked with local community health organizations, that could better enable individuals to continue their health maintenance upon their release. This would ensure a more seamless transition from prison to the community and a reduced threat to public health.⁵⁹

Substance Abuse Treatment:

During the 2010 fiscal year, 30% of inmates sent to prison or state jail were incarcerated for drug offenses.⁶⁰ For the greatest chances of recovery and changed behavior, incarcerated inmates suffering from substance abuse should have access to in-house programming (treatment and education), as well as community-based aftercare.⁶¹ Progress made during the detoxification and subsequent treatment process must be reinforced with post-release in- or outpatient treatment, medication-assisted treatment, or chemical dependency counseling, where necessary.

Note: Post-release programs in individuals' home communities are especially critical. A survey conducted by the Urban Institute found that previously incarcerated individuals who reported closer relationships with family members after release were less likely to use drugs⁶² and more likely to find work.⁶³

Note Additionally: If correctional facilities are unable to link inmates with community-based services prior to their release, they should at least offer exiting individuals a comprehensive contact list of providers in local areas that can meet their needs.

(1) Maintain the availability and improve the quality of substance abuse treatment programming in prisons and jails.

Approximately 18% of those in TDCJ facilities are incarcerated for a drug offense.⁶⁴ Meanwhile, 70% of individuals released from TDCJ in 2009 were chemically dependent.⁶⁵ Drug users entering the criminal justice system should be provided full access to effective,

professionally supervised treatment and rehabilitation programs. Cognitive therapy should especially be made available to all individuals in need, as it has been shown to reduce an individual's inclination towards criminal activity by 29%.⁶⁶

(2) Strengthen investments in community-based supports for re-entering individuals.

Again, post-release support, including following one's release from a Substance Abuse Felony Punishment Facility (SAFPF⁶⁷), is key to maintaining progress made during treatment services while confined. Without ongoing assistance, exiting inmates are at risk of relapse and re-offending. Support of Intermediate Sanction Facilities (ISFs⁶⁸) and Transitional Treatment Centers (TTCs⁶⁹) are particularly critical, especially to preserve public safety goals as parole rates remain stable or increase.

Note: All SAFPFs must utilize a three-pronged approach to be effective: First, substance abusers must stay in a SAFPF for nine months instead of the current six-month stay. Second, after completing time in a SAFPF program, individuals should be admitted to a TTC for 90 days. Finally, individuals must spend at least 9-10 months in an outpatient program. As has been demonstrated by past attempts to use a SAFPF to address drug addiction for those who cannot be treated in community-based programs, recidivism rates do not decrease without implementation of all three of these components.⁷⁰

Mental Health Services:

Individuals suffering from mental illness issues are in dire need of pre- and post-release mental health services to best address the associated crime that accompanies mental disorders. Treatment and programming that address schizophrenia, bipolar disorder, and other mental illness issues exist to assist these individuals (including the consistent provision of psychotropic medication).⁷¹ Such services, when coupled with programs that take into account predictors of recidivism like antisocial behavior or antisocial associates, substance abuse, and lack of familial support, can minimize rates of re-offending⁷² and reduce accompanying costs in enforcement and arrests. A continuum of care through locally based treatment facilities will keep individuals on medication and under a doctor's supervision.

Other counseling-based areas in need of policy-maker support include domestic abuse and sexual abuse treatment. Behavioral programming can help both victims and violators tackle the root causes of their criminal behavior.

Again, if correctional facilities cannot connect inmates to community-based services prior to their release, they should offer exiting individuals a comprehensive contact list of providers in local areas that can meet their needs.

(1) Improve the availability of mental health treatment programming in prisons and jails.

The effectiveness of treatment on those who do receive it while incarcerated can be undermined by long waiting lists, few incentives to follow treatment plans, and a lack of qualified mental health professionals.⁷³ Policy-makers must ensure that currently incarcerated individuals with special needs are being properly diagnosed and treated, or they will continue to waste valuable taxpayer money on their constant incarceration and re-incarceration.

Note: Adequate mental health treatment will also ensure that those at risk of suicide are placed under specialized care rather than in general population beds. This is especially necessary given the high rate of suicides in local jails: aside from illnesses, which were responsible for 47% of deaths in custody from 2000-2006, suicide was the second leading cause of death at 30%.⁷⁴ If counties are given the resources to provide medical care to those who need it – or, at the very least, provide crisis intervention or suicide-prevention trainings to detention personnel⁷⁵ – they can prevent threats of inmate risk, as well as costly lawsuits.

(a) Address the specialized needs of incarcerated veterans.

Incarcerated veterans have an estimated post-traumatic stress disorder (PTSD) rate of 39%, compared to a rate of 7.8% among the general population.⁷⁶ Because PTSD is linked with anger, hostility, and aggressive acts,⁷⁷ policy-makers should encourage prison and jail administrators to offer PTSD counseling and therapy inside the correctional setting. This would not only help veterans deal with their own traumatic experiences, but it may also mitigate aggressive behaviors and potentially violent behavior inside prison walls, thereby increasing safety for guards and prisoners alike.

Note: TDCJ and local jails should institutionalize a culture that welcomes volunteers seeking to assist veterans with their mental health issues.

(2) Strengthen investments in community-based supports for re-entering individuals.

Mentally ill individuals are especially in need of assistance upon release, with follow-up care a necessity to ensure medication regimens are adhered to and appointments are kept. Indeed, re-entry efforts among the mentally ill can be compromised by the lack of discharge plans for continuity of care upon release, as well as a lack of integrated treatment for co-occurring substance abuse disorders, and the failure of parole and other providers to effectively specify who should be monitoring individuals' case management, medication compliance, etc.⁷⁸

Policy-makers must support community mental health centers that are strengthening their re-entry capacity. These community-based centers can assist those who have left confinement by providing medication and medical supervision, which ensures an easier transition to the community. Ideally, a seven-day supply of medication can help individuals remain stabilized while affording time to see a doctor.⁷⁹

Improve Pre- and Post-Release Family Reunification Strategies to Maintain and Strengthen Support Networks in the Community

Background

Incarceration punishes more people than just the individual locked up. In particular, innocent children are frequently unintended victims when the state punishes their parents' misdeeds. Even when parents, especially mothers, were never particularly good parents, with few exceptions their children still love them and want/need to maintain a connection to their incarcerated loved one. Denying that connection frequently leads to worsened behavior by youth that in turn spurs their involvement with the juvenile justice system, setting them down a path towards the same, self-destructive behaviors that got their parents in trouble.⁸⁰ According to the Texas Department of Criminal Justice (TDCJ), "over half of the juveniles confined in a secure institution had a parent that has been or is incarcerated."⁸¹ In part, this can be caused by children not being told the truth about their parents' incarceration, leaving them confused and untrusting. Moreover, because their contact with their parents is limited, the result is strained relationships, with rebellious children and inexperienced parents who are unfamiliar with their child's needs.⁸²

Only a small minority of Texas' 112 prison units have special programming aimed at inmate parents.⁸³ Most are basic parenting classes or programs for parents to read books on tape that are then sent to their children.

TDCJ should make every effort to locate inmates in units as close to their homes as possible. The agency should also renovate visitation spaces to better accommodate parents who are interacting with their children, allow extra visitation or free phone minutes for parents to call their children as rewards for good behavior or completion of related programming, encourage family/relationship counseling, and require each unit to periodically hold family-oriented events.

Furthermore, policy-makers should invest in gender-specific programming to meet the needs of growing female populations. Specifically, increasing the range of in-house

and community-based services for females, including those that increase parent-child interaction, will better ensure responsiveness to gender-specific issues.

Boosting family interaction among incarcerated individuals and their partners and children can ease the transition process into the community and keep the family unit strong.

Key Findings

Parent-Child Interaction:

- Children of incarcerated parents are six to eight times more likely to become involved in a criminal lifestyle without effective interventions.⁸⁴
- "Window visits," in which prison or jail visitors are separated from inmates by glass and converse by telephone, are not appropriate for small children. Exceptions should be made for inmates with children (excluding inmates who have committed offenses against children). This allowance can pay off over the long term when parents and their loved ones are more prepared for the re-entry transition.
- Religious services, ministry teachings across various denominations, and encouragement counseling can provide a solid foundation for incarcerated individuals and families to form a healthy, loving family unit.
- Because re-entering individuals who do not pay court-required child support can severely impact their re-entry and perhaps end up back in the criminal justice system, correctional facilities should make efforts to provide incarcerated parents with financial information on maintaining child support payments upon release.

Women-Specific Programming and Needs:

- Males are incarcerated approximately 13 times more frequently than women, who make up just under 8% of all individuals incarcerated in TDCJ facilities.⁸⁵ By contrast, women make up 28% of all Texas probationers, meaning most women convicted in Texas courts are being supervised in the community.⁸⁶
- Women tend to have a more difficult time with re-entry and higher recidivism rates than men.⁸⁷ As such,

to the extent the state can develop effective, recidivism-reduction treatment programs aimed at women, it would likely get a great return on its investment.

- According to the Urban Institute, “women who reported higher levels of help from their families were less likely to return to prison in the first year following release.”⁸⁸
- According to the Institute on Women and Criminal Justice, “Community-based residential parenting programs can prevent mother-child separation while allowing mothers to address the issues that contributed to their criminal justice involvement in a real-world setting.”⁸⁹
- Correctional facilities should implement treatment and trauma-informed programming in all-female settings that, in part, addresses previous victimization while increasing the overall likelihood of women’s success upon re-entry.⁹⁰
- Where possible, treatment curriculum should address many of the common barriers to success for women leaving confinement: how to successfully shoulder parenting responsibilities, avoid abusive relationships, handle money, and address health issues.
- According to the National GAINS Center for People with Co-Occurring Disorders in the Justice System, “Women with trauma histories are encouraged to develop skills needed to recover from traumatic experiences and build healthy lives. These may include cognitive, problem-solving, relaxation, stress coping, relapse prevention and short- or long-term safety planning skills.”⁹¹
- Providing aftercare and follow-up is key to ensuring successful re-entry. Building upon pre-release training and skills building will decrease the likelihood of recidivism and strengthen families.

Cost-Saving Strategies

(1) Support pre- and post-release strategies that strengthen family bonds among re-entering populations.

(a) Improve institutional processes to increase family-parent interaction, while supporting specific strategies to assist children of incarcerated parents.

Policy-makers must support the children of incarcerated parents and assist families as they strengthen themselves through positive visitations and social service support.

For instance, TDCJ should improve the **orientation process** for family members of incarcerated individuals to encourage greater family interaction. Likewise, TDCJ and county jails should improve the **visitation process** to include on-site volunteers to assist with family visits, as well as include activities for children to participate in during visitation.⁹² Already, TDCJ facilitates family connections through a program that allows for both contact and non-contact visitation, with children not counting towards the limit of two adult visitors per visit. However, the agency could standardize enhancements to visitation that nurture parent-child bonding. “Window visits,” in which visitors are separated from inmates by glass and converse by telephone, are not appropriate for small children. In facilities such as county jails where these visits are the norm, exceptions should be made for inmates with children (excluding inmates who have committed offenses against children). Furthermore, in facilities where contact visits already take place, visiting rooms should be designed with children’s needs in mind, or separate accommodations should be made for inmates with children.

Correctional facilities should also improve strategies to assist children of incarcerated parents. Though TDCJ has implemented child-friendly programs in certain units,⁹³ offers informational resources targeting children,⁹⁴ and has developed a new telephone system to further enhance inmate/family interaction, the agency should also provide mentoring/tutoring programs and counseling services for children of the incarcerated. Where

appropriate, the use of volunteers could assist these efforts. TDCJ should also welcome programs that target children into its visitation environment to facilitate therapeutic family-based support. This programming should ultimately include interventions that span visitation, as well as after-school programs that address the unique needs of these children.

Again, such investments by the state will pay off over the long term when parents and their loved ones are more prepared for the re-entry transition.

Note: These parent-child services should be coordinated with services already being provided by the Health and Human Services Commission, Child Protective Services, child support programs, and additional state and community programs intended to aid families.

(b) Provide financial literacy and assistance.

Individuals who were required to pay child support before going to prison continue to have that obligation during incarceration. The amount owed may have added up over the months or years, with additional interest,⁹⁵ which could total a large sum. Re-entering individuals who fail to pay their court-required child support can severely impact their re-entry and perhaps end up back in the criminal justice system.

Furthermore, if a person falls behind on payments, enforcement measures may be instated, including having child support deducted from one's paycheck; losing income tax refund checks; having a suspended driver's license, professional license, or other license; or being sued so that the court will enforce the order. A judge may also send a nonpaying parent to jail.⁹⁶ All of these penalties put the success of re-entry at risk, while damaging the parent-child relationship. Correctional facilities should make efforts to provide incarcerated parents with financial information on maintaining child support payments upon release. With greater investments in such programming, policy-makers can better ensure that returning individuals have the tools to provide for their families and remain out of incarceration.

(c) Improve faith-based family interaction strategies.

TDCJ should increase the availability of community-based, spiritual mentoring for individuals and their families pre- and post-release from confinement. Furthermore, the agency should consider creating faith-based re-entry wings at certain facilities for targeted populations.⁹⁷

Religious services, ministry teachings across various denominations, and encouragement counseling can provide a solid foundation for incarcerated individuals and families to form a healthy, loving family unit. As an additional advantage, exiting individuals have various options for continuing with faith-based services given the multiple churches and other places of worship in most towns.

(2) Improve gender-specific programming in prisons, jails, and community supervision.

Texas' criminal justice system has historically had little programming for women, with inmate populations in Texas always having been dominated by men. In fact, males are incarcerated approximately 13 times more frequently than women, who make up just under 8% of all individuals incarcerated in TDCJ facilities.⁹⁸ By contrast, women make up 28% of all Texas probationers, meaning most women convicted in Texas courts are being supervised in the community.⁹⁹

Programming aimed at reducing recidivism among women is an especially cost-effective approach to crime reduction. Women tend to have a more difficult time with re-entry and higher recidivism rates than men. According to a study by the Urban Institute of previously incarcerated women returning to Houston:¹⁰⁰

The unique obstacles that women face during their post-prison reintegration, driven largely by their differences in pre-prison substance use and employment histories, continue to play a role in terms of subsequent criminal behavior. At one year out, women are more likely than men to engage in drug use, to have problems stemming from drug use, and to have partners who drink or use drugs daily. Perhaps not surprisingly, women are almost

twice as likely as men to be back behind bars in a year's time, typically due to a drug-related offense or a property offense driven by addiction problems.

As such, to the extent the state can develop effective, recidivism-reduction treatment programs aimed at women, it would likely get a great return on its investment.

The following strategies would improve services for pregnant inmates and mothers in prison, services for women at county jails and in community supervision, and services that address women's victim/offender status. The strategies would also better address the needs of women who are soon to be released from supervision.

(a) Improve the ability of incarcerated mothers to interact with their children.

Programs to strengthen and improve a mother's relationship with her child(ren) fit into what is already known about successful approaches to reducing recidivism. In terms of crime-reduction potential, this is an area that has been long ignored and under-resourced. It is highly likely that, because of long-term institutional neglect, significant anti-recidivism gains could be had for relatively small investments in encouraging maintenance of family ties by inmates.

The state has two overriding interests that should encourage it to maximize women's interaction with their children (except in cases where the child has been victim of an abusive relationship): (1) Stronger family ties can reduce recidivism rates for parents upon re-entry from prison, and (2) Reducing collateral damage to children of incarcerated parents can reduce crime in the future,¹⁰¹ particularly if the state focuses scarce criminal justice resources on diverting youth in this risk group from crime.

According to the Bureau of Justice Statistics, 52% of mothers provided primary financial support for their minor children prior to their incarceration.¹⁰² In Houston, 74% of female inmates with minor children "were providing financial support for their children in the months leading up to their incarceration."¹⁰³ It is imperative that the state develop programming

to help these children economically and emotionally and divert them away from a life of crime. In fact, these youth represent such a high-risk group that the state would be wise to make significant investments to ensure they have needed support and access to visitation to set them on a path toward success in the job market.

"Studies [...] indicate that families are important to prisoners and to the achievement of major social goals, including the prevention of recidivism and delinquency."

J. Creasie Finney Hairston, Prisoners and Families: Parenting Issues During Incarceration

Besides benefiting their children, research shows that women inmates' maintenance of family ties can help reduce their own recidivism. According to the Urban Institute, "women who reported higher levels of help from their families were less likely to return to prison in the first year following release."¹⁰⁴ Furthermore, "When asked what they were most looking forward to upon release from prison, the single largest response among women was reuniting with children." This finding led the Urban Institute to call women's relationships with their children "a compelling motivator for reentry success."¹⁰⁵

Investments that help inmates maintain family ties both assist in reducing recidivism and potentially mitigate damage to their children from their own incarceration.

□ Increase programming for pregnant inmates and allow more time for incarcerated mothers to spend with their new infants.

Although researchers now know a great deal about the importance of mother/child bonding for the future mental health of the child, Texas lags behind other states that have developed prison nursery programs to allow women to keep their babies with them for a certain period of time. Babies born in prison are taken away from their mothers, kept off site, and given only temporary visitation rights during their earliest

weeks, *if* a mother qualifies to participate in the program. Texas is similarly deficient in community-based residential parenting programs that allow women to serve criminal justice sentences with their infants in a non-prison setting.

It should be noted that TDCJ does operate one birthing center for pregnant mothers. At the Carole Young medical unit in Texas City, TDCJ allows mothers extra visitation time with their infants during their early weeks (however, “extra” means no more than two hours per weekday).¹⁰⁶ Due to the 2007 passage of H.B. 199, TDCJ was also instructed to implement a residential infant care and parenting program for mothers confined by TDCJ. The bill instructed the agency to model its program after the successful Federal Bureau of Prisons’ Mothers and Infants Together (MINT) program, currently operated under contract in Fort Worth.

Note: According to TDCJ, due to damage caused by Hurricane Ike, finalization of the provider contract was slowed. However, the University of Texas Medical Branch (UTMB) has made significant progress with Hospital Galveston; as part of the receiving screening/health appraisal, all females at intake are questioned regarding pregnancy and menstrual history.

The MINT program offers mothers and pregnant women with pre- and post-natal programs and services such as childbirth, parenting, and coping skills classes. In addition, the program offers chemical dependency treatment, physical and sexual abuse counseling, self-esteem programs, budgeting classes, and vocational/educational programs. Ultimately, mothers are given an opportunity through the program to bond with their newborn children before returning to an institution to complete their sentences.

Inmates are eligible to enter the MINT program if they are in their last two months of pregnancy. It is at the discretion of the correctional facility staff to decide whether to refer the inmate to the program. If accepted, the mother must make arrangements for a custodian to take care of the child prior to the birth; institution staff and community social service agencies will aid the inmate with placement.¹⁰⁷

TDCJ must work towards fully realizing the **legislative intent** of H.B. 199.

TDCJ should also provide mothers with the means to **more closely interact** with their infants, including through consideration of the 2007 policy posed by former Rep. Noriega, H.B. 1770, which would have allowed infants born to women in TDCJ to stay with their mothers until one day after their first birthday. Specifically, policy-makers should invest in prison nurseries, proven to work in other states, to keep new mothers and their infants together longer.

□ **Allow more time for incarcerated mothers to spend with older children.**

The initiatives discussed below are excellent examples of gender-specific programming that should be considered for wider implementation.

■ ***Women’s Storybook Project of Texas***

This volunteer program started in Austin in 2003. It targets the children of women who are imprisoned at Gatesville prisons.

By encouraging the development of strong relationships between mothers and their children, this project strives to reduce the likelihood that children of the incarcerated will go to prison. Specifically, it supports the connection of incarcerated woman with their children through literature.¹⁰⁸

■ ***Enterprising Girl Scouts Beyond Bars (EGSBB) Program***

The Austin-based Crime Prevention Institute developed the EGSBB program in 1998, in partnership with the Girl Scouts Lone Star Council, the YWCA, and the University of Texas School of Social Work, to foster relationships between incarcerated mothers and their daughters. The EGSBB program strives to prevent young girls with incarcerated mothers from developing negative behavior patterns by providing case management, group therapy, drug treatment, job preparation skills and training, and employment placement assistance. The ultimate goals of the program are to improve the mother-daughter relationship, improve self-image and self-esteem, and assist the mothers in becoming active, employed, and involved parents.¹⁰⁹

Note: Ideally, the state could team up with nonprofit programs like EGSSB, perhaps using federal grant money, to actively provide children of incarcerated parents transportation assistance to visit them.

(b) Improve standards among other in-prison, women-focused treatment programs.

For incarcerated women, correctional facilities should implement treatment and programming that, in part, addresses previous victimization while increasing the overall likelihood of women's success upon re-entry. This programming should include the following strategies:

- Psychological assessments.
- Trauma recovery and trauma-informed treatment plans.
- Individual one-on-one therapy and counseling.
- Parenting and family management classes, cognitive thinking classes, anger management classes, and self-esteem reinforcement training.
- Alcohol and substance abuse treatment, as needed.¹¹⁰

Treatment should also occur in all-female settings, where the environment is more nurturing, supporting, and comfortable for speaking about such issues as domestic violence, sexual abuse and incest, shame, and self-esteem.¹¹¹

Finally, TDCJ should make efforts to develop specific, comprehensive treatment programs for women who suffer from substance abuse or co-occurring disorders. These programs should address the many complicated physical, emotional, and social factors that affect women's abuse and recovery.¹¹² Furthermore, treatment programs should be part of a comprehensive continuum of care that continues after each woman's release from custody.

Note: The **Truth Be Told program** is an excellent example of gender-specific self-help programming that should be considered for broad replication. Truth Be Told, which began at the Lockhart Prison Facility, has an evolving curriculum that "integrates the expressive arts of public speaking, writing, and movement with a guided process of personal story telling and transformation."¹¹³

Curriculum objectives include the following:

- Deepening participants' self-understanding and wise use of freedom of choice.
- Improving participants' communication skills through writing, speaking, and respectful listening.
- Developing participants' tools of self-expression using movement, song, storytelling, and stillness.
- Encouraging participants' to become mentors both to new class members and in other relationships.
- Providing support and serving as role models as participants learn to support each other.

(c) Invest in gender-specific programming at county jails.

The problem of keeping inmates, particularly women, connected to their families during incarceration is also an issue at county jails. Yet very little gender-specific programming goes on in Texas' county jails,

in part because most of these inmates are being housed awaiting trial and have little incentive to participate in programming that a court has not mandated.

Below are examples of gender-specific programming that should be considered for implementation at other county jails, as well as prisons, where appropriate, throughout Texas.

□ **Family Friendly Programming in Bexar County Jail**

The following program in the Bexar County Jail, which provides extra opportunities to maintain family ties, is a particularly encouraging approach that should be copied where possible in both county jails and state prisons:¹¹⁴

MATCH/PATCH: stands for Mothers and Their Children and Papas and Their Children. The program teaches parenting and life skills to inmates in the correctional system.

These parents attend class every day and earn a one-hour visit with their children on Fridays.

In addition to extra in-person visits, inmates should also have opportunities to earn extra phone privileges (so they can call their children) through good behavior or participation in parenting classes or other related programming. This has already been implemented in the juvenile system.

□ **Women's Courses in Travis County Jail**

A four-week, volunteer-run, intensive women's program at the Travis County Jail called PRIDE (People Recognizing the Inherent Dignity of Everyone) offers 24 women at a time the opportunity to take classes and workshops together while sharing a special dorm. Women in the program focus on three areas: Emotion Coaching Parenting, Beyond Abuse with

SafePlace, and Seeking Safety. They can also choose from other courses including Money Management and Women's Health. According to the Texas Jail Project, "Since the PRIDE Program began, on February 14, 2008, 219 women have entered the program and 79 have graduated. The program started out with a weekly discussion group for women, and then snowballed into its full four-week form."¹¹⁵

The curriculum seems on its face to address many of the most common barriers to success for women leaving jail (or prison): how to successfully shoulder parenting responsibilities, avoid abusive relationships, handle money, and address health issues. Again, this program should be considered for wider implementation.

(d) Track and publicize the number of incarcerated pregnant women to inform future programming.

Until recently, Texas did not know how many pregnant women it was housing in its prisons and jails. Legislation passed in 2009 requires Texas jails to count the number of pregnant women under their care and report that data to the Texas Commission on Jail Standards (TCJS), as well as develop a medical care plan for each pregnant inmate. TCJS should publicly report this data and note whether or not, during its inspections of jails, medical plans were on file for all pregnant inmates. Furthermore, the Legislature should provide oversight to make sure those medical plans are both individualized and followed. It must also take into consideration the fact that TCJS presently does not have sufficient regulatory staff with medical expertise to evaluate the adequacy of jail health, including pre-natal care.

(e) Invest in community-based residential parenting programs and education services.

No matter how good the in-prison or in-jail programming, no baby benefits from being born in a correctional facility, so policy-makers should also seek to minimize by policy the number of pregnant women serving time in Texas prisons. Instead, alternatives to incarceration should be utilized to the greatest extent possible for pregnant women in the months leading up to and immediately after birth.

According to the Institute on Women and Criminal Justice (IWCJ):

Community-based residential parenting programs can prevent mother-child separation while allowing mothers to address the issues that contributed to their criminal justice involvement in a real-world setting. These programs allow mothers to practice positive responses to the challenges of parenting and the challenges of everyday life. These programs also keep children out of foster care and provide children the stability of a consistent primary caregiver.¹¹⁶

IWCJ also recommends that, “Family reunification should be a priority in women’s discharge planning, and women should be educated about their rights and responsibilities as parents from the time they enter the facility.”¹¹⁷

(f) Strengthen gender-specific programming in community supervision.

The state should strengthen the ability of probation departments to provide specialized treatment options for women who have been diagnosed with a drug addiction or mental health issue.

Additionally, women in community supervision programs should be provided a supportive environment created through site selection, staff selection, program development, content, and material that both reflects an understanding of the realities of women’s lives and addresses the issues of the women participants.

In order to ensure that the largest amount of women possible can take advantage of such appropriate, specialized programming, they should undergo a proper assessment to identify their particular needs. Where necessary, their programming should include education and job placement services, wrap-around services, childcare, etc. In addition to being a best-case scenario, this is potentially the least expensive option when dealing with a growing women’s incarcerated population.

Note: A new program for women called C.A.R.E. (Community Awareness and Resource Empowerment for Women), which is run by the Bell County probation department, allows participation in a 10-week program that varies slightly according to each individual’s needs assessment and focuses on parenting, anger management, relationships, and communication. Incentives are used to encourage successful participation: “Clients will be rewarded by getting hours spent in the program deducted from their community service obligation. Clients who successfully complete the program may not have to complete their community service hours.”¹¹⁸

(g) Utilize existing treatment programs to address specialized needs.

Arrests of women for drug offenses have been steadily rising.¹¹⁹ Many of these women could benefit from tailored approaches in community-based substance abuse treatment. Likewise, women suffering from mental illness, as well as those with co-occurring substance abuse disorders, could similarly benefit from community-based interventions.

A model that policy-makers could consider is one akin to veterans courts (*discussed more fully in Part 3 of this four-part guide*), which are based on the notion that soldiers suffering from post-traumatic stress should be processed through a system that is cognizant of and not counterproductive to defendants’ mental health and/or substance abuse needs. To a very real extent, battered and abused women who themselves commit crimes and end up in the justice system have special mental health needs (including post-traumatic stress) that seem particularly likely to benefit from stronger, evidence-based supervision methods.

Note: According to the National GAINS Center for People with Co-Occurring Disorders in the Justice System, “Women with trauma histories are encouraged to develop skills needed to recover from traumatic experiences and build healthy lives. These may include cognitive, problem-solving, relaxation, stress coping, relapse prevention and short- or long-term safety planning skills.”¹²⁰

(h) Expand services that address women’s victim/offender status.

A number of studies have found that women caught up in the criminal justice system had themselves been frequent victims of physical or sexual abuse, particularly sex-trade workers. The complex victim/offender conundrum that confronts abused women requires consideration of novel approaches to justice, including those based on a restorative justice model where the primary goal of the justice system is making victims whole. This will hold women simultaneously accountable for their crimes while at the same time not further worsening their situation by excessively, futilely punishing those who have already been brutalized.

Dallas’ new prostitution court and the Dallas Police Department’s innovative diversion program called the Prostitute Diversion Initiative (PDI – *discussed more fully in Part 1 of this four-part guide*) arguably represents the state’s most innovative approach to recognizing this dual victim/offender status and giving women options to get out of the business, prior to an arrest for prostitution.¹²¹ Often, women committing such crimes, particularly on the low end of the economic scale, are the primary victims in the situation, even if they are also committing a criminal act. The path that leads them to prostitution frequently involves poverty, physical or sexual abuse, addiction, alcoholism, or some combination of all of those factors.

These women’s lives will not be turned around overnight. In coming years, policy-makers should consider expanding this program to other jurisdictions with high rates of prostitution.

(i) Target pre-release populations.

Women transitioning out of confinement should undergo programming that includes the following components:

- Economic planning.
- Parenting training.
- Communication skills training.

- Cognitive thinking training.
- Assistance in building self-esteem.
- Assistance in strengthening self-care skills.
- Provision of basic information on legal rights in regard to reuniting with children.
- Provision of basic information on dealing with domestic violence and building skills against it.
- Referrals to other agencies for assistance with housing and areas of particular importance to women with children.
- Support services and emergency assistance for basic necessities. This could include an enhancement of the pre-release application process for benefits that women may be eligible for upon release (food stamps, Medicaid, etc.).

In addition to offering such programming, TDCJ and county jails should enter into interagency agreements with relevant child welfare agencies to increase the likelihood of family reunification upon release.

(j) Ensure post-release follow-up.

Providing aftercare and follow-up is key to ensuring successful re-entry. Building upon pre-release training and skills building will decrease the likelihood of recidivism and strengthen families.

The state must protect the rights of women and their children, to ensure a safer Texas for generations to come, through the implementation of strategies that strengthen families and assist women who have been caught in the criminal justice web.

Strengthen Pre- and Post-Release Employment Practices to Reduce Rates of Re-Offending and Improve Workforce Development

Background

Only with a strong skill set will re-entering men and women have a chance to reclaim their lives, become responsible members of our communities, and support their families. Indeed, rates of re-offending, as well as their associated costs to victims and communities, are likely to rise when employment levels are low.¹²²

As such, policy-makers must ensure that vocational training, job placement programs, and financial literacy and management programs are maintained, as well as tailored to meet the needs of confinees and strengthen their marketable skills. Such programs can be beneficial to prisoners and staff alike by providing a positive outlet for inmates to engage in pro-social activities that can be helpful after release. In addition, prisoners can develop skills for personal development, which may contribute to positive behavior inside the institution.

An expansion of personal responsibility programs that facilitate successful re-entry will reduce rates of recidivism and specifically bolster parolee success.

Note: TDCJ and local jails should institutionalize a culture that welcomes volunteers seeking to assist incarcerated populations with their job preparedness needs.

Key Findings

- Research has consistently found unemployment to be linked with crime: “one of the most important conditions that leads to less offending is a strong tie to meaningful employment.”¹²³
- Texas law designates 2,474 offenses as felonies in Texas,¹²⁴ which results in a huge felon population in Texas.
- A felony conviction and imprisonment can each lower the employment prospects of individuals for various reasons: the loss of social networks that help people find jobs, the hesitation of employers to hire those convicted

of a felony, and legal restrictions on post-incarceration employment.¹²⁵

- Felony employment and employer liability laws increase the costs to society in order to continue to punish those who have already paid their debt to society. Employment protection policies would enhance public safety by raising employment levels, drastically decreasing recidivism, and allowing previously incarcerated individuals – who might otherwise be forced to resort to criminal activity to find an income – to take personal responsibility and become taxpaying Texans.
- Policy-makers should consider Ban the Box initiatives, such as those implemented in Travis County and the City of Austin, for public employers in “high stakes” communities with high numbers of returning individuals. This will better enable previously incarcerated individuals to find and maintain stable employment, thereby improving public safety by keeping rates of re-offending low.
- When considering risk, “high-growth cities with low unemployment are safer. When people are gainfully employed, they are more invested in their city.”¹²⁶

Cost-Saving Strategies

- (1) **Strengthen investments in pre- and post-release employment services to help re-entering individuals become self-sufficient, productive community members.**

Texas law designates 2,474 offenses as felonies in Texas,¹²⁷ which results in a huge felon population in Texas. In fiscal year 2010 alone, TDCJ released 71,063 individuals from incarceration.¹²⁸ These are people who must find jobs or risk turning to illegal activity to survive.

Likewise, individuals being released from county jails often need employment assistance. Many individuals with jobs prior to entering jail can jeopardize them by spending weeks or months in incarceration, which, in turn, drastically increases their chances of re-offending upon release.¹²⁹

Job preparedness programs can be especially key for those who know they will need employment assistance once released. The state must maintain pre- and post-release programs that support stable employment

through job-readiness (including classes to build résumé and interview skills, as well as computer literacy training), talent assessment, vocational training, and job placement among formerly incarcerated individuals. Activities that match local workforce needs and funds¹³⁰ are especially critical. Where possible, TDCJ and local jails should provide training and work opportunities that are similar to opportunities that will be available to individuals upon their release.

In order for individuals to pay their debt to society by living responsible, productive, and law-abiding lives, they must be given the tools to succeed. Furthermore, for those who must spend a period of time on parole, employment ensures that parole fee payments can be met and revocations avoided.

The following are additional strategies that can improve the likelihood that incarcerated and re-entering individuals find and maintain employment in their communities:

(a) Encourage programs that improve financial responsibility.

Getting on the right financial track can be a long and difficult process, especially for people who have not managed a bank account, balanced a checkbook, or had a steady paycheck in many months or years. Furthermore, those who owed money to creditors before going to prison will likely be expected to pay upon release from confinement.

Correctional facilities should offer programming that assists inmates in understanding their financial obligations (including child support), how to pay off debts (including student loans), how to create and organize a budget, advice for opening and managing a credit card or taking out a loan, and how to save for retirement, as well as provide information about taxes. This will help returning individuals become and remain responsible community members.

(b) Improve pre-release training programs that emphasize communication and other soft skills.

Policy-makers should continue to support programs that offer pro-social, soft skills programming, with

a focus on problem solving on the job, interviewing skills, effective interpersonal communication and negotiation with supervisors and fellow employees, and anger management skills. These skills can boost the ability of re-entering individuals to find and maintain employment.

Note: Evidence-based work-readiness programs are being utilized by various Texas probation departments and could be implemented throughout correctional facilities. For instance, the ACHIEVE program developed by Texas State Technical College (TSTC, a state-supported technical college system in Texas¹³¹) is “an online curriculum providing initial preparation for education developing necessary and appropriate work skills.”¹³² This curriculum also “focuses on topics/skills that are closely connected to and essential to the offender obtaining community reintegration and living a productive life in society by having assignments that develop pro-social interactions in the community.”¹³³

According to the Travis County probation department in regard to ACHIEVE: “There’s no other program used by TDCJ-CJAD that addresses the need for offenders to be computer literate and possess the necessary skills to navigate the internet for education and information while providing skill development in areas that offenders are lacking.”¹³⁴

(c) Consider the use of distance learning programs.

The implementation of interactive distance learning educational programs may be invaluable to jail and prison administrators dealing with large populations of individuals in need of work-readiness skills. Software packages can offer literacy and math tutorials; information on interview and application processes, workplace behavior, and time management; and vocation-specific skill support, all of which are crucial to re-entering individuals seeking to become productive community members.

(d) Strengthen the ability of probation and parole officers to match individuals with needed employment opportunities.

- **Consider the creation of a centralized job-matching system where employers who will hire formerly incarcerated individuals can post their openings.**

Based on the participation of formerly incarcerated individuals in pre-release training programs, as well as in other educational and work-readiness programs, they will be better prepared to meet job readiness and retention criteria. This, in turn, should allow the state to attract and retain the participation of quality employers.

- **Give parole and probation officers the authority to bestow tax credits already provided by the federal government to certain employers.**

Policy-makers should allow parole and probation officers to bestow tax credits, just as Project RIO does, to employers willing to hire formerly incarcerated individuals under their supervision.

(e) Standardize a therapeutic culture within TDCJ's Parole District Reentry Centers (DRCs) - where the Texas Workforce Commission's Project RIO employment services are provided - and enhance the services they offer.

The Parole Division's DRCs provide rehabilitative and reintegration-driven services via cognitive intervention and victim impact classes, as well as through needs-based pre-employment assistance, anger management classes, and substance abuse education.¹³⁵ DRCs also conduct a "New Arrival Orientation" for all individuals placed on a DRC caseload.¹³⁶

To begin standardizing a therapeutic culture in DRCs, the Parole Division should provide staff trainings on cultural sensitivity towards stigmatized clients, and it should develop value-based mission statements for DRC staff. These mission statements should have at

their foundation an acknowledgment of rehabilitation and the preservation of public safety.

Policy-makers should also evaluate the current use of funding that, per the Workforce Investment Act, is allocated towards Project RIO, a program administered by the Workforce Commission to provide youth and adults with education, training, and employment assistance during incarceration and post-release. Based on policy-makers' evaluation, they should identify how to enhance funding utilization and, in turn, the quality and provision of re-entry based services.

(2) Remove the legal barriers to employment for previously incarcerated individuals.

Policy-makers must not only enhance employability but support employment protection and the employers who are willing to take part in localized re-entry initiatives.

Currently, felony employment and employer liability laws increase the costs to society in order to continue to punish those who have already paid their debt to society. Employment protection policies would enhance public safety by raising employment levels, drastically decreasing recidivism, and allowing formerly incarcerated individuals – who might otherwise be forced to resort to criminal activity to find an income – to take personal responsibility and become taxpaying Texans.

(a) Provide legal protection to employers willing to give formerly incarcerated individuals a second chance.

Employers can be hesitant to hire job-seekers with a criminal record. A person's contact with the criminal justice system poses problems for potential employers: under the legal theory of negligent hiring, employers who know or should have known that an employee has a history of criminal activity may be liable for the employee's criminal or tortuous acts.

Employers, including general contractors, premises owners, and other third parties, should not be held liable solely for hiring or contracting for hire an individual who has been convicted of a nonviolent offense.

More specifically, employers should not face lawsuits prompted by the criminal or tortious acts of an employee who had a non-3g status,¹³⁷ with the exception of gross negligence and liability regulated under Labor Code Title 5, Workers' Compensation. Employer liability increases hiring costs for businesses and exposes them to potential damages. Encouraging more employers to give formerly incarcerated individuals an opportunity to reintegrate into the workforce and avoid returning to crime can increase public safety and boost the economy.

Note: This protection should only exempt the employer from liability arising directly from the decision to employ a formerly incarcerated individual, and should not affect vicarious liability incurred through the employee during the course of his or her employment.

(b) Have Project RIO survey employers to identify what they would require to be able to provide previously incarcerated individuals with a second chance.

Having a fuller understanding of incentives that would encourage greater hiring levels of formerly incarcerated individuals (e.g., tax breaks, liability protection, etc.) could best inform future policy recommendations by advocates and other community-based practitioners.

(c) Expand “Ban the Box” initiatives.

Some communities have adopted Ban the Box policies, in which government agencies remove the questions about previous felony convictions from initial job applications, as do private companies who conduct business under government contracts. Instead, the discussion of an applicant's criminal history is left to the interview stage, giving individuals with a criminal background who may otherwise be eligible for the position a greater opportunity to move forward in the employment process.¹³⁸

Policy-makers should consider Ban the Box initiatives for public employers in “high stakes” communities with high numbers of returning individuals. This will better enable formerly incarcerated individuals to find and maintain stable employment, thereby improving public safety by keeping rates of re-offending low.

Note: In spring 2008, Travis County successfully implemented this initiative. Later that year, the City of Austin followed suit by passing a resolution to remove the criminal background question from city job applications.¹³⁹ Agencies in other counties throughout Texas should consider doing so.

Note Additionally: Employers should still be provided the discretion to refuse to employ individuals with criminal histories that conflict with the job requirements.

(d) Require employers to notify applicants why the employer failed to hire them, if based on a previous conviction.

Within 10 days of an employer's failure to hire an applicant, either based wholly or partly on the applicant's criminal history information, the employer should provide the applicant a written explanation specifying the arrest or conviction that influenced the employer's hiring decision, as well as the entity from which the employer obtained the criminal history information. This will help applicants determine where and how they should focus their time and resources during the job search process, as well as help them identify previous arrests or convictions that, if eligible, could be expunged or sealed to better assist them in gaining meaningful employment.

Improve Identification, Food, and Housing Accessibility To Reduce the Likelihood of a Return to Crime

Background

For most individuals convicted of a felony, time in prison begins a lifelong series of punishments. The legal barriers and roadblocks facing these individuals after their release from prison and jail can severely limit access to all of life's most fundamental necessities, including food, housing, and other essentials. Policy-makers must make every effort to help returning individuals access basic services. Without food or housing, a return to crime is almost inevitable.

Key Findings

Identification and Other Needs:

- Obtaining housing or employment is difficult if not impossible without valid identification, which only jeopardizes a returning individual's successful reintegration into the community.
- So that exiting individuals can better succeed in the communities where they are living or being supervised, the Texas Department of Criminal Justice (TDCJ) should make every effort to identify local services/resources and connect such individuals with them.

Food Assistance:

- Many people are not immediately employable post-release. Food stamps are a lifeline, as well as a cost-effective way to assist low-income (or no-income) individuals during this transitional period. Not only are food stamps 100% federally funded,¹⁴⁰ they also reduce the likelihood that reintegrating individuals will be driven to crime in efforts to survive, with taxpayers footing the bill for costly re-incarceration.
- Of the individuals released from TDCJ in FY 2010, more than 23,000 (33%) had been incarcerated for a drug-related offense and thus are disqualified from receiving food stamp assistance in Texas.¹⁴¹

- States can allocate federal Food Stamp Employment and Training funding towards other recidivism-reduction re-entry services that they may currently be paying for out of pocket.¹⁴² Texas should exercise the option under federal law to use food stamp administrative dollars to fund reintegration services and further "second chance" efforts.
- Legal immigrants (except children) face a five-year residency requirement before they are eligible for food stamp benefits. Undocumented immigrants are not eligible.¹⁴³

Housing:

- Finding housing is one cornerstone of a successful transition back to the community. For tens of thousands of inmates released from TDCJ every year, the question of where they will live upon re-entry to society is immediate and critical. Housing barriers contribute to homelessness and recidivism, and they negatively impact a formerly incarcerated individual's ability to reconnect with his or her family, also pivotal to successful re-entry in the community.¹⁴⁴
- Permanent supportive housing, which combines affordable housing with supportive services that help residents become stable after leaving a correctional setting, is effective in reducing the use of shelters, hospitals, emergency room visits, and incarceration, as well as the associated costs of using these systems.¹⁴⁵
- Women with minor children have particular difficulty securing housing given their limited financial resources.¹⁴⁶
- A study by the Justice Policy Institute and researchers at George Washington University found that crime rates were no higher around halfway houses than in areas without such facilities, and that property values on the same blocks continued to increase.¹⁴⁷
- Many re-entering individuals are returning to high-stakes communities, where high poverty and crime levels can jeopardize one's attempts to maintain law-abiding behavior. Stakeholders should consider allocating housing funds to these particular communities to target areas most in need.¹⁴⁸

Cost-Saving Strategies

(1) Ease restrictions on obtaining basic identification and certification documents.

Obtaining housing or employment is difficult if not impossible without valid identification, which only jeopardizes a returning individual's successful reintegration into the community. At individuals' intake into confinement, corrections personnel should identify and document the status of their drivers' licenses and/or state identification cards to determine what actions individuals must take to secure or maintain such identification documents upon release. This will require that each individual's true identity be verified at the point of arrest or intake.¹⁴⁹

Where possible, TDCJ should also provide other critical documents (e.g., a birth certificate, social security card, military records, etc.) to each individual released from TDCJ facilities.¹⁵⁰ These will help individuals provide sufficient supplemental information when trying to obtain a driver's license.

Note: As discussed earlier under "Systemic Reforms," TDCJ has already begun the process of purchasing birth certificates and verifying the social security numbers of all individuals in TDCJ facilities. Additionally, TDCJ has created a centralized Identification Verification Unit to facilitate the completion of identification information and certified documents for individuals scheduled for release.¹⁵¹ These efforts must continue and they require the support of policy-makers to ensure ongoing progress.

(a) Provide exiting individuals with certification documents at discharge to facilitate successful re-entry.

Upon each individual's release, TDCJ should also provide him or her with verification of work history during incarceration, as well as certification of educational and/or treatment programs completed. This information will facilitate individuals' ability to obtain employment, housing, and other benefits.

(2) Give exiting individuals other tools to be responsible during the critical post-release period.

Individuals released from prison in Texas can be picked up by family members or friends, or they can have a bus voucher to their in-state destination.¹⁵² *Note:* More extensive travel arrangements are made for individuals with special needs requiring assistance.

If an exiting individual is fully discharging his or her sentence upon release, s/he will receive a state-issued check for \$100 at the exit gate. However, if s/he is being released to parole supervision, s/he receives a \$50 gate check for necessities.¹⁵³

A bus ticket and \$100 do not adequately prepare individuals to successfully find housing and food. TDCJ should make every effort to identify local services/resources and connect exiting individuals with them so that can succeed in the communities where they are living or being supervised. Specifically, TDCJ should provide a county-specific information packet to individuals at the time of their release, including the addresses and telephone numbers of workforce offices, viable housing options (both public and private), and contact information for support groups like churches and other places of worship, peer-to-peer counseling groups, and other charitable institutions.

Note: Secured access to a regularly updated electronic database inside the prisons would best provide the information necessary for those planning their re-entry. This database could utilize existing services at no cost to the state, such as United Way's 211 referral service;¹⁵⁴ the Texas Criminal Justice Coalition's own Tools for Re-Entry webpage, which links to a comprehensive, regional listing of services in areas of housing, health services, employment, benefits and assistance, education, and community involvement ("Adult Services");¹⁵⁵ and Restorative Justice Community of Texas' database of services.¹⁵⁶

(3) Allow eligible, previously incarcerated individuals access to food, and use federal food stamp dollars to bolster other reintegration services.

Under current federal law, states may affirmatively choose to provide food stamps to individuals who have been previously incarcerated for a felony drug

offense, if they meet all other eligibility requirements.¹⁵⁷ Texas should permit such individuals on probation, on parole, or who have fully discharged their sentence to access food stamps. Many people are not immediately employable post-release; they require assistance to pay for food for themselves and their children as they work towards becoming productive, contributing members of our communities. Food stamps are a lifeline, as well as a cost-effective way to assist low-income (or no-income) individuals during this transitional period.

Indeed, not only are food stamps 100% federally funded,¹⁵⁸ but they reduce the likelihood that reintegrating individuals will be driven to crime in efforts to survive. This prevents threats to public safety and costly re-incarceration. Furthermore, states can allocate federal Food Stamp Employment and Training funding towards other reintegration services that they may currently be paying for out of pocket.¹⁵⁹ For instance, Project RIO, a program administered by the Texas Workforce Commission to provide youth and adults with education, training, and employment assistance during incarceration and post-release, could begin using federal dollars to bolster current recidivism-reduction programming. Such a practice would save valuable state general revenue funds while continuing to assist populations in need. Texas should exercise the option under federal law to use food stamp administrative dollars to fund reintegration services and further “second chance” efforts.

Note: When Congress enacted the legislation requiring states to opt *in* to the food stamp program, it was concerned with food stamp trafficking among recipients. However, since 1995, Texas has used an electronic benefits card (EBT or Lone Star card¹⁶⁰) to administer food stamps, which effectively prevents using food stamps to buy drugs or other illicit materials.

(4) Maintain affordable housing options for returning individuals.

Individuals with criminal records often face housing barriers while attempting to transition back to society. Those who are chronically homeless, suffering from medical or mental health conditions, struggling with drug abuse, and/or on probation and considered “high risk” for re-offending are especially likely to recidivate

without a stable home. Yet many neighborhoods are unwilling to develop halfway houses, shelters, or other types of housing for fear of the wrong “element” on their streets.

Structured housing facilities can help reduce crime, victims, and associated law enforcement and incarceration costs by keeping high-risk populations from engaging in criminal behavior as a means of survival.¹⁶¹ In fact, “without the benefits provided by stable housing, released prisoners struggling to meet other basic needs, such as finding employment or gaining access to substance abuse treatment and health care services, may face a higher risk of relapse and recidivism.”¹⁶² Housing also improves the chances of individuals reconnecting with their families, which is pivotal to their success in re-entering the community.¹⁶³

Housing facilities that even more effectively provide supportive services can reduce the obstacles facing re-entering individuals. Round-the-clock treatment, referrals to education and employment opportunities, assistance with public benefits (e.g., Social Security or food stamps), information on community health care programs, and transportation services¹⁶⁴ minimize the likelihood of recidivistic behavior that is currently straining the criminal justice system. Emergency rooms, too, will benefit as more mentally ill individuals are cared for in supportive housing.¹⁶⁵

Note: Many re-entering individuals are returning to high-stakes communities, where high poverty and crime levels can jeopardize one’s attempts to maintain law-abiding behavior. Stakeholders should consider allocating housing funds to these particular communities to target areas most in need.¹⁶⁶

(a) TDCJ should compile a resource guide for exiting individuals.

As noted previously, TDCJ should outline each county’s housing opportunities and exclusionary criteria so that returning individuals and their families will have a clearer picture of their housing options.¹⁶⁷ This guide could include rent and/or utilities estimates for temporary housing, sober-living facilities, and halfway houses, among other housing options.

(b) Wherever possible, the state should direct local Texas housing authorities to utilize federal housing assistance programs to help formerly incarcerated individuals find places to live.

Federal Community Development Block Grants and HOME Investment Partnership grants to localities can provide avenues for funding to aid formerly incarcerated individuals when communities support such initiatives. Policy-makers must promote these options to increase affordable housing opportunities to help formerly incarcerated individuals live successfully in their communities.

Furthermore, within the limitations of federal law, the Texas State Affordable Housing Commission should be directed to maximize the availability of low-cost housing options for formerly incarcerated individuals and those currently on probation.

(c) Maintain funding for halfway housing and other transitional housing for formerly incarcerated individuals.

Most public housing laws and regulations stipulate a “one-strike” rule that automatically bars individuals convicted of various offenses from eligibility for public housing.¹⁶⁸ Policy-makers should invest in additional private housing units to help keep formerly incarcerated individuals off the street and in sustainable homes where they are less likely to re-offend.

Specifically, the state should establish a standard for community residential capacity for transitional re-entry housing within cities and counties. For example, a standard might require counties to have transitional re-entry housing capacity sufficient for 100 beds per every 50,000 residents. The standard could be met with transitional facilities owned and operated by faith-based or non-profit organizations, as well as for-profit organizations. This standard will better promote successful re-entry and reduce recidivism by ensuring access to housing and transitional services critical to those on conditional or mandatory release from prison.

(d) Consider incentives for landlords who provide housing to formerly incarcerated individuals.

Policy-makers should consider providing resources for private landlords and housing entities willing to take part in re-entry support. Specifically, the state could offer tax breaks to landlords as a reward for giving formerly incarcerated individuals a second chance to successfully reintegrate into society.

Eliminate Procedural Barriers to Re-Entry to Give Individuals a Second Chance After Successfully Paying Their Debt to Society

Background

Policy-makers must address the legal and procedural barriers that force certain individuals to live with the burden of their conviction, even in instances where the offense occurred several years ago, or where charges were ultimately dismissed.

When individuals seek to take personal responsibility for their past actions and do so successfully, their continued penalization by the state burdens the support networks that they rely on to succeed in their community. Indeed, ongoing barriers impose great costs on Texas families and society at large. Those unable to secure housing and employment struggle to remain law-abiding and provide for themselves and their families.

Taking a new approach to individuals who have been successfully reformed and deserve a second chance requires eliminating the stigmatization brought on by a criminal conviction.

Key Findings

- Deferred adjudication is a tool that enables judges to give a fresh start to defendants who they believe can be successfully reformed and deserve a second chance. But upon a defendant's successful completion of a deferred adjudication sentence, a record of the offense will continue to exist unless an order of nondisclosure is granted.¹⁶⁹ This can pose potential problems for individuals seeking access to housing, employment, and other benefits.
- Unfortunately, nondisclosure is primarily open to those who have the financial means to pursue it, as well as those who know it is an option in the first place.
- In a similar manner, current law and court decisions have made it increasingly difficult – and costly¹⁷⁰ – for a person to receive an expunction. One barrier: the defendant (not the state or court) bears the burden of requesting an order of expunction.¹⁷¹

Definitions:

- When granted and executed, an order of **nondisclosure** will seal a defendant's record, preventing criminal justice agencies from disclosing to the public any criminal history record information related to the offense.¹⁷²
- On the other hand, an **expunction** will clear a defendant's record of the offense altogether. It can be granted when a defendant is found not guilty of the offense, when s/he has been convicted and subsequently pardoned, or when the case has been dismissed.¹⁷³
- Currently, a **pardon** can be granted by the Governor in cases where a defendant has received a final conviction.¹⁷⁴

Cost-Saving Strategies

(1) Require judges to notify defendants about the consequences of a deferred adjudication sentence.

Deferred adjudication is a tool that enables judges to give a fresh start to defendants who they believe can be successfully reformed and deserve a second chance. Through a deferred adjudication program, a determination of guilt is suspended and a term of probation is imposed; the defendant is released into the community and supervised by the court. Many people believe that, upon their successful completion of a deferred adjudication sentence, no record of the offense will exist. However, a record of the arrest and the fact that a probated sentence was served continues to exist on a person's permanent record.¹⁷⁵ And the fact that this information remains available to numerous state entities poses potential problems for individuals seeking access to housing, employment, and other benefits.

A judge's admonition to a defendant receiving deferred adjudication should include information about the consequences of such a sentence. Currently, a judge is tasked with informing these defendants about the consequences of probation violations while completing a deferred adjudication sentence.¹⁷⁶ Expanding the admonition would clarify defendants' rights, and it should specifically include information about a defendant's ability to petition the court for an order of nondisclosure, as well as the first date on which such a

petition may be filed following discharge and dismissal of the deferred guilty plea.¹⁷⁷

Note: An order of nondisclosure effectively seals (vs. clears) a defendant's record by barring criminal justice agencies from disclosing to the public any criminal history record information related to an offense. However, "criminal justice agencies are permitted to release criminal history record information subject to an order of nondisclosure to criminal justice agencies, authorized noncriminal justice agencies and the individual who is the subject of the criminal history record information."¹⁷⁸

Note Additionally: Just as a judge's current failure to inform a defendant of the possible consequences of a probation violation may be grounds for reversal if the defendant can show s/he was harmed by the omission,¹⁷⁹ a judge's failure to include information about petitions for nondisclosure should similarly be grounds for a reversal upon a showing of harm.

(2) Make petitions for nondisclosure automatic after ten years in cases of the successful completion of deferred adjudication.

In cases of successfully completed deferred adjudication sentences, individuals can proactively request and be granted a petition for nondisclosure through the courts. Unfortunately, this avenue is primarily open to those who have the financial means to pursue it, as well as those who know it is an option in the first place (*see Recommendation (1) above*).

Policy-makers should consider making petitions for nondisclosure automatic in all cases of deferred adjudication after ten years. This will free up docket time for the court system and will allow individuals to more successfully reintegrate into their communities.

Note: Deferred adjudication community supervision is not available to individuals charged with intoxication offenses (e.g., driving while intoxicated or intoxication manslaughter), nor is it available to individuals charged with violating prohibitions against the sale of drugs in drug-free zones or the sale of controlled substances to minors.¹⁸⁰

(3) Alternatively, expand the Governor's authority to grant pardons for defendants who successfully complete deferred adjudication community supervision.

Again, barriers to re-entry should be eliminated when an individual has been given the chance to rehabilitate, has successfully completed deferred adjudication community supervision, and is deemed to have paid his or her debt to society.

The Governor's authority to grant pardons should be expanded to include cases in which a defendant successfully completed deferred adjudication community supervision. Under current law, the Governor has the authority to grant pardons only to individuals convicted of criminal offenses.¹⁸¹ A change in law would provide individuals an opportunity to start on a new path without the burden of a criminal record. It would increase access to housing and employment opportunities, thereby boosting the number of individuals successfully living in our communities and contributing to the workforce.

(4) Remove the procedural barriers to obtaining an order of expunction.

Barriers to housing, employment, and other benefits are all the more unfortunate when a returning individual is ultimately acquitted, pardoned, or has charges dismissed. In these situations, unnecessary procedural hurdles to resuming one's life should be eliminated. Yet current law and court decisions have made it increasingly difficult, as well as costly,¹⁸² for a person to receive an expunction, which effectively clears (vs. merely sealing) an individual's record. In other words, without an expunction, records of the offense remain available in various national, state, and local criminal history records repositories (e.g., on the county clerk's website or computer database).

Policy-makers should mandate that an individual who has been arrested for either a felony or misdemeanor is entitled to have all records and files relating to the arrest automatically expunged if:

- The person is tried and acquitted of the offense; or
- The person is convicted and either pardoned or granted relief on the basis of actual innocence with respect to that offense; or

- The person has been released and the charge, if any, has not resulted in a final conviction and is no longer pending and there was no court-ordered community supervision under Article 42.12 for any offense except for a Class C misdemeanor, provided that (A) an indictment or information charging the person with the offense (i) has not been presented within 6 months after the arrest, or (ii) has been dismissed or quashed for more than 6 months; or (B) prosecution of the person is no longer possible because the limitations period has expired.

Automatic expunction would address a current problem wherein the defendant bears the burden of requesting an order of expunction.¹⁸³ The recommended policy change would shift the burden back to the state and the courts, where it belongs.

In addition to this remedy, the Legislature should require the court to enter the order of expunction no later than 30 days after the acquittal, pardon, dismissal, or filing of the motion by the prosecutor.

- **As an alternative to automatic expunction, policy-makers must address a procedural barrier:** Current law limits the venues in which defendants can submit a petition for expunction by requiring each defendant to submit the petition to the trial court that presided over the case in which s/he was acquitted.¹⁸⁴ The Legislature must remove this hurdle.

Note: Expunction should not be available to defendants charged with murder, capital murder, manslaughter, indecency with a child, sexual assault, aggravated assault, aggravated sexual assault, or injury to a child, elderly individual, or disabled individual.

- (a) **Allow individuals to have their records expunged after two years if the charges against them are dismissed or if they are no-billed by a grand jury because of a mistake.**

Policy-makers should mandate that a person's records and files relating to an arrest be expunged if an indictment or information charging that person with a felony is dismissed or quashed because the presentment was based on a mistake, false information, or other similar reason indicating absence of probable cause.

Currently, certain felonies have no statute of limitations, seemingly implying that related records would never be able to be expunged. Especially in cases of mistake, a person should not be burdened with the stigma or negative collateral consequences that accompany a felony and jeopardize efforts to find housing, employment, and other benefits.

Note: This remedy should not apply to acquittals or deferred adjudication.

Note Additionally: Again, expunction should not be available to defendants charged with murder, capital murder, manslaughter, indecency with a child, sexual assault, aggravated assault, aggravated sexual assault, or injury to a child, elderly individual, or disabled individual.

Appendix A: Texas Department of Criminal Justice (TDCJ) Intake Form

CONSOLIDATED REPORT FORM

Date Received ____/____/____ Sex: M F Race: _____ Interview: Date ____/____/____
 Work Experience: _____ By _____

County: _____ 1. _____
 2. _____
 3. _____ Sociology: Date ____/____/____
 SAIP Sentenced: Yes No Time _____
 Additional Information: Yes No Vocational Skills: By _____
 Victim Impact: Yes No 1. _____ UC00: _____
 Current offense TYC: Yes No 2. _____ OI00: _____
 Foreign Language: Yes No
 (Specify Language) _____

Recidivist Code: _____

GENERAL INFORMATION

Name: _____ (PN) TDCJ #: _____
(Last Name, First Name Middle Name or Initial / as per Judgment)

True Name: _____ (TN) Prior TDCJ#: _____

Alias: _____

DOB: ____/____/____ Age: _____ Ht: _____ Wt: _____ Hair: _____ Eyes: _____ IQ Score: _____

SID# _____ FBI# _____ SS# _____ - _____ - _____ D.L. State _____
 D.L. # _____

Code: _____ Code: _____
 _____ Nativity _____ _____/____ Military Branch / Discharge* _____
 _____ Citizenship _____ Begin date ____/____ End Date ____/____
 _____ Residence _____ * O/T/H Reason _____
 _____ Marital _____ Education _____ Highest Grade Verified Not Verified
 _____ Religion _____ GED Yes No // Verified Not Verified

Number of Dependents: _____

PREVIOUS CRIMINAL SUMMARY

	Commitments: _____	Escape: _____	Commitments: _____	Escape: _____
Juv Detention Homes:	_____	_____	Suspended Sentence:	_____
Juvenile Probation:	_____	_____	Adult Probation (State):	_____
Juvenile Reformatory:	_____	_____	Adult Probation (Fed):	_____
Jails:	_____	_____	TDCJ- SAFPF:	_____
City / County Farm:	_____	_____	Military Incarcerations:	_____
County Bootcamp:	_____	_____	Other State/Fed Prisons:	_____
TDCJ- State Jail:	_____	_____	TDCJ-ID:	_____

SPD: ES HS SA SR TOTAL ARRESTS: _____ VIOLENT OFFENSES: _____

DETAINER INFORMATION

Agency: _____ Felony / Misd / ICE Date: ____/____/____
 Reason/Offense: _____
 Pending TDCJ- ID SJ: _____
 Possible Detainer: _____ Form

Offender Name: _____

TDCJ Number: _____

City, County, State Work Farms (include Adult County Bootcamps): _____

_____ Total

TDCJ- State Jail: _____

_____ Total

Suspended Sentences: _____

_____ Total

Adult Probations: _____

_____ Total

TDCJ- SAFPF: _____

_____ Total

Military Incarcerations: _____

_____ Total

Other Prisons (State & Federal – Include PIA's): _____

_____ Total

TDCJ-ID (Include PIA's): _____

_____ Total _____

List of Institutions: _____

ADDITIONAL INFORMATION

(1.) Have you or any members of your immediate family been a law enforcement officer, security officer, or police officer? 1- Yes No

** (2.) Has any member of your immediate family ever been in a juvenile or adult penal institution? 2- Yes No

** (3.) Have you ever attempted to kill yourself or mutilate yourself in any manner? 3- Yes No

(4.) Are you expecting trouble from any member of the offender population? 4- Yes No

(5.) Have you ever escaped from a jail, juvenile reformatory, or any other penal institution? 5- Yes No

(6.) Have you ever been a member of any type of militant or subversive organization or group, which advocates racial superiority and aggression towards other racial groups? 6- Yes No

****No Additional Information Report Necessary for questions 2 & 3--- Dictate in Summary Card**

Offender Name: _____

TDCJ Number: _____

(7.) Have you ever participated in any type of homosexual activity? 7- Yes No

(8.) While incarcerated in jail or prison, were you ever involved in any of the following types of incidents?

(If yes, indicate if racial attitude was a motivating factor.)

(a.) Assaulted another offender, either physically or sexually; 8a- Yes No

(b.) Been assaulted by another offender, either physically or sexually; 8b- Yes No

(c.) Involved in a fight; 8c- Yes No

(d.) Pressured for commissary or sexual favors; 8d- Yes No

(e.) Involved in a group disturbance between offenders of a different race; 8e- Yes No

(f.) Found guilty of being in possession of, or use of a weapon; (i.e., to protect yourself, to retaliate against another offender, etc.) 8f- Yes No

(9.) During a prior incarceration, have you ever requested placement in and/or been assigned to any of the following?

(a.) security detention; _____ 9a- Yes No

(b.) protective custody; _____ 9b- Yes No

(c.) safekeeping _____ 9c- Yes No

(10.) Other Additional Information (i.e., offender claims different DOB involving possible YOP placement, etc.) 10- Yes No

SUBSTANCE ABUSE HISTORY

Alcohol Abuse History: Excessive **Drinker** (ED) Yes No

Admitted **Alcoholic** (ED) Yes No

Alcohol **Treatment** Yes No

Drug Abuse History: Drug **User** (DU) Yes No

Drug **Addiction** (DU) Yes No

Drug **Seller** (DU) Yes No

Drug **Treatment** Yes No

Endnotes

- ¹ Texas Department of Criminal Justice (TDCJ), “Statistical Report Fiscal Year 2010,” pg. 44. In FY 2010, Texas prisons released 42,115 individuals, 20.4% of whom were released without any supervision.
- ² Texas Department of Criminal Justice (TDCJ), “H.B. 1711 Implementation Report,” Submitted to Governor, Lieutenant Governor, Speaker of the House, Senate Criminal Justice & House Corrections Committees, September 1, 2010, pg 4: “One million plus offenders are processed in local jails on an annual basis.”
- ³ Patrick A. Langan, Ph.D., and David J. Levin, Ph.D., “Recidivism of Prisoners Released in 1994,” Bureau of Justice Statistics – U.S. Department of Justice, June 2002, pg. 3. The study examined the re-arrest, re-conviction, and re-incarceration of 272,111 former inmates for 3 years after their release in 1994. The individuals – representing two-thirds of all prisoners released in the United States that year – were discharged from prisons in 15 states, including Texas.
- ⁴ TDCJ, *H.B. 1711 Implementation Report*, pg. 5.
- ⁵ It should be noted that the Houston Department of Health and Human Services has developed the Community Re-Entry Network (CRN) for previously incarcerated individuals in the Greater Houston area, which provides a network of resources to the communities most impacted by re-entry and recidivism; <http://www.houstontx.gov/health/site/crn.html>.
- ⁶ Claudia Baker, MSW, MPH and Cessie Alfonso, LCSW, “PTSD and Criminal Behavior,” *A National Center for PTSD Fact Sheet*, Traumatic Stress Treatment Center; <http://www.traumatic-stress-treatment.com/artptsdandcriminalbehavior.html>.
- ⁷ The Center for Mental Health Services (CMHS) National GAINS Center, “Responding to the Needs of Justice-Involved Combat Veterans with Service-Related Trauma and Mental Health Conditions,” August 2008, citing Recommendations 3-5; http://www.gainscenter.samhsa.gov/text/veterans/Responding_to_Needs_8_08.asp.
- ⁸ Per federal government regulations, a person’s Supplemental Security Income (SSI) disability benefits will be suspended (but not terminated) if he or she is incarcerated for a full calendar month [20 C.F.R. § 416.211]. SSI benefits will be terminated altogether if the person is incarcerated for 12 months or more [20 C.F.R. § 416.1335], and that person may also lose Medicaid eligibility in such instances. Re-application will likely be necessary for benefits to resume. From Justice Center, *An Explanation of Federal Medicaid and Disability Program Rules*, The Council of State Governments; http://consensusproject.org/the_report/appendix/federal-benefits.
- ⁹ Urban Institute – Justice Policy Center, “Jail Population Management Initiative Preliminary Findings and Recommendations,” January 2010, pg. 17.
- ¹⁰ Texas Department of Criminal Justice, *Intake Form*.
- ¹¹ All information provided about Berks County and its services was taken from this podcast: <http://media.csosa.gov/audio/CSOSA97.mp3>, accessed via: http://www.corrections.com/news/article/22882-berks-county-reentry-success-dc-public-safety?utm_source=CCNN_ezine&utm_medium=email&utm_campaign=CCNN_ezine_2009dec02. Transcript available at <http://media.csosa.gov/podcast/transcripts/2010/05/berks-county-reentry-success-dc-public-safety-ncja-230000-requests-a-month/>.
- ¹² Terry L. Styler, Press Release: “Berks Co. to Celebrate National County Government Month,” April 1, 2010, pg. 4.
- ¹³ Podcast (see endnote 11).
- ¹⁴ Claudia Baker, MSW, MPH and Cessie Alfonso, LCSW, *PTSD and Criminal Behavior*.
- ¹⁵ CMHS’ National GAINS Center, *Responding to the Needs of Justice-Involved Combat Veterans*, citing Recommendations 3-5.
- ¹⁶ Hillary S. Burke, Charles E. Degeneffe, and Marjorie F. Olney, “A New Disability for Rehabilitation Counselors: Iraq War Veterans with Traumatic Brain Injury and Post-Traumatic Stress Disorder,” *Journal of Rehabilitation*, Vol. 75, No. 3, July 2009, pg. 7.
- ¹⁷ Drug Policy Alliance (DPA), “Issue Brief: Healing a Broken System – Veterans Battling Addiction and Incarceration,” November 4, 2009, pgs. 2, 5.

¹⁸ TDCJ, *H.B. 1711 Implementation Report*, pgs. 10-11.

¹⁹ *Ibid.*, pg. 10.

²⁰ *Ibid.*

²¹ *Ibid.*, pg. 12.

²² Marc Levin, “Texas Criminal Justice Reform: Lower Crime, Lower Cost,” Center for Effective Justice – Texas Public Policy Foundation, January 2010, pg. 3: “more than 95 percent of inmates are ultimately released into society.”

²³ Reentry Policy Council, “Report of the Reentry Policy Council: Charting the Safe and Successful Return of Prisoners to the Community,” January 2005, pg. 181: “The most successful outcomes are found for those who participate in both in-prison treatment and postrelease treatment in the community. [...] One study found that those who completed both an in-prison therapeutic community program and community-based aftercare were significantly less likely to be reincarcerated than other comparison groups: only 25 percent of this cohort was reincarcerated while 64 percent of aftercare drop-outs and 42 percent of untreated prisoners went back to prison within three years of their release.”

²⁴ Hampden County Sheriff’s Department [Massachusetts], “A Public Health Model for Correctional Health Care,” October 2002, pgs. 6-10. Among other things, cost savings result from the “early and effective detection and treatment of disease,” as well as the use of community-based, non-profit health providers rather than state-funded providers [pg. 8]. Among other things, public safety and reduced recidivism result from treating mental health and substance abuse, and providing ongoing aftercare [pgs. 9, 10].

²⁵ Mike Ward, “UTMB seeks changes to prison health care plan,” *Austin American-Statesman*, December 9, 2010.

²⁶ UTMB Health, “Care for prisoners will improve public health,” November 19, 2010; <http://www.utmb.edu/newsroom/article6438.aspx>.

²⁷ Karen D. Chung and Nancy J. Peek, LBJ School of Public Affairs, “Conditions of Confinement in Texas Prisons,” prepared for the Texas Criminal Justice Coalition and Professor Michele Deitch, Applied Research in Criminal Justice and Juvenile Justice Policy, December 2010.

²⁸ *Ibid.*

²⁹ Laura M. Maruschak and Randy Beavers, “Bureau of Justice Statistics Bulletin: HIV in Prisons, 2007-08,” Bureau of Justice Statistics, U.S. Department of Justice – Office of Justice Programs, NCJ 228307, December 2009 (Revised January 28, 2010), pg. 2.

³⁰ TDCJ, *Statistical Report Fiscal Year 2010*, pg. 2.

³¹ Urban Institute, *Substance Abuse and Reentry*; <http://www.urban.org/projects/reentry-portfolio/substance-use.cfm>.

³² Christy Visher, Nancy LaVigne, and Jeremy Travis, “Returning Home: Understanding the Challenges of Prisoner Reentry,” Justice Policy Center – Urban Institute, January 2004, pgs. 117-118.

³³ *Ibid.*, pgs. 116-117.

³⁴ National Alliance on Mental Illness, *The Criminalization of People with Mental Illness*;

http://www.nami.org/Content/ContentGroups/Policy/WhereWeStand/The_Criminalization_of_People_with_Mental_Illness_WHERE_WE_STAND.htm.

³⁵ Jennifer Eno Loudon, Ph.D., “Reducing recidivism risk for offenders with mental disorder,” presented at the 2009 Conference of the Justice Research and Statistics Association and the Bureau of Justice Statistics: Meeting Justice Policy Challenges Through Research and Statistics, slides 11, 15, 16, 24.

³⁶ Data collected from Texas Department of Criminal Justice, *Unit Directory*; <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>. This data only examines the number of contract psychiatric employees for units listed as prisons; it excludes units listed as private prisons, state jails, transfer facilities, or other types of facilities. Units with 0 contract psychiatric employees include Briscoe, Dalhart, Jordan, Roach, Rudd, Scott, Stevenson, Torres, Vance, and Wallace. Units with 1 contract psychiatric employee include Daniel, Hightower, Hilltop (all female), Lynaugh, and Powledge.

³⁷ Kate Mize, J. D., “Stopping the Revolving Door: Reform of Community Corrections in Wisconsin,” Wisconsin Policy Research Institute, July 27, 2009, pg. 14.

³⁸ Hampden County Sheriff’s Department, *A Public Health Model for Correctional Health Care*,” pgs. 24-27.

³⁹ *Ibid.*, pg. ix.

⁴⁰ *Ibid.*, pgs. 6-10. Among other things, cost savings result from the “early and effective detection and treatment of disease,” as well as the use of community-based, non-profit health providers rather than state-funded providers [pg. 8]. Among other things, public safety and reduced recidivism result from treating mental health and substance abuse, and providing ongoing aftercare [pgs. 9, 10].

⁴¹ *Ibid.*, pgs. 4, 8, 9, 16.

⁴² Scott Henson, “Parole, reentry, and cutting corrections costs,” *Grits for Breakfast*, July 2, 2010: “Parole board chair Rissie Owens thanked the [Texas House Corrections] committee for additional treatment beds and told them they were responsible for an uptick in parole rates”;

<http://gritsforbreakfast.blogspot.com/2010/07/parole-reentry-and-cutting-corrections.html>.

⁴³ Texas Board of Criminal Justice, “Legislative Appropriations Request for Fiscal Years 2012 and 2013,” Submitted to the Governor’s Office of Budget, Planning and Policy and the Legislative Budget Board, August 30, 2010, pgs. 1, 2.

⁴⁴ Mike Ward, *UTMB seeks changes to prison health care plan*.

⁴⁵ Heber Taylor, “UTMB’s cost to care for prisoners out of control,” *The Daily News*, December 5, 2010.

⁴⁶ Mike Ward, *UTMB seeks changes to prison health care plan*.

⁴⁷ The Texas Department of Criminal Justice (TDCJ) and the Correctional Managed Health Care Committee (CMHCC), “A Report to the Legislative Budget Board and Governor to identify and evaluate mechanisms to lower the cost of, or increase the quality of care in, health or pharmacy services,” 2010, pg. 7.

⁴⁸ Mike Ward, *UTMB seeks changes to prison health care plan*.

⁴⁹ Karen D. Chung and Nancy J. Peek, *Conditions of Confinement in Texas Prisons*.

⁵⁰ *Ibid.*

⁵¹ National Commission on Correctional Health Care, *Position Statements: Charging Inmates a Fee for Health Care Services*, Adopted by the National Commission on Correctional Health Care Board of Directors, March 31, 1996;

<http://www.ncchc.org/resources/statements/healthfees.html>.

⁵² “The prevalence of [Hepatitis C virus] infection in prison inmates is substantially higher than that of the general U.S. population. Among prison inmates, 16%-41% have ever been infected with HCV, and 12%-35% are chronically infected, compared to 1%-1.5% in the uninstitutionalized US population.” From Centers for Disease Control and Prevention (CDC), *Correctional Facilities and Viral Hepatitis*, last reviewed June 24, 2008;

<http://www.cdc.gov/hepatitis/Settings/corrections.htm>.

⁵³ Laura M. Maruschak and Randy Beavers, *Bureau of Justice Statistics Bulletin: HIV in Prisons*, pg. 2.

⁵⁴ For instance, “[Centers for Disease Control and Prevention (CDC)] recommends that HIV screening be provided upon entry into prison and before release and that voluntary HIV testing be offered periodically during incarceration.” From CDC, “HIV Transmission Among Male Inmates in a State Prison System --- Georgia, 1992-2005,” *MMWR Weekly*, April 21, 2006; <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5515a1.htm>. Note additionally: “CDC recommends that correctional facilities ask inmates questions about their risk factors for [Hepatitis C virus (HCV)] infection during their entry medical evaluations. Inmates reporting risk factors should be tested for HCV infection and those who test positive for HCV should receive further medical evaluation to determine if they have chronic infection and/or liver disease.” From CDC, *Correctional Facilities and Viral Hepatitis*.

⁵⁵ Malia Wollan, “California Asks Removal of Prison Overseer,” *The New York Times*, January 28, 2009.

⁵⁶ Don Thompson, “Cost of federal oversight of state prisons draws fire,” *Associated Press*, January 19, 2007.

⁵⁷ TDCJ and CMHCC, *A Report to the Legislative Budget Board and Governor*, pgs. 9-10.

⁵⁸ *Ibid.*, pg. 13.

⁵⁹ Dr. Seena Fazel and Jacques Baillargeon, “The health of prisoners,” *The Lancet*, November 19, 2010, pg. 2.

⁶⁰ TDCJ, *Statistical Report Fiscal Year 2010*, pg. 2.

⁶¹ Urban Institute, *Substance Abuse and Reentry*.

⁶² Christy Visher, Nancy LaVigne, and Jeremy Travis, *Returning Home*, pgs. 117-118.

⁶³ *Ibid.*, pgs. 116-117.

⁶⁴ TDCJ, *Statistical Report Fiscal Year 2010*, pg. 1; as of August 31, 2010.

⁶⁵ Robert T. Garrett, “Acclaimed addiction program for Texas felons is vulnerable to cuts,” *The Dallas Morning News*, August 9, 2010.

⁶⁶ Judge Marion F. Edwards, “Reduce Recidivism in DUI Offenders: Add a Cognitive-Behavioral Program Component,” 2006, pg. 3.

⁶⁷ SAFPFs are intensive three-phase substance abuse treatment facilities specifically designed for felons (other than sex offenders) assessed as having a substance abuse problem. From Community Justice Assistance Division (CJAD), “Texas Progressive Interventions and Sanctions Bench Manual,” Texas Department of Criminal Justice, 2009 revision, pgs. 44-45.

⁶⁸ ISFs are secure lockdown facilities that completely remove an individual from the community and provide either substance abuse treatment or cognitive treatment to medium- or high-risk felons. *Ibid.*, pg. 43.

⁶⁹ TTCs are privately owned and operated community-based facilities that provide substance abuse aftercare to individuals on parole, mandatory supervision, or community supervision. Individuals who have participated in SAFPF programs are referred to a TTC for aftercare, with a residential stay of up to 90 days. From Texas Department of Criminal Justice, *Definitions & Acronyms*; <http://www.tdcj.state.tx.us/definitions/definitions-home.htm>.

⁷⁰ Tony Fabelo, Ph.D., “The Substance Abuse Felony Punishment Program: Evaluation and Recommendations,” Criminal Justice Policy Council, prepared for the 77th Texas Legislature, 2001, pg. i: ““To complete all program components participants had to complete the institutional program (9 to 12 months), residential treatment (3 months) and outpatient treatment (3 to 9 months). [...] The SAFFP program significantly reduces recidivism for those who complete all program components, but recidivism rates are high for the 56% of offenders not completing all program components. The two year recidivism rate of a comparison group with similar characteristics not participating in the program is 32%. This compares to the 7% two year recidivism rate of offenders who completed all program components.”

⁷¹ National Alliance on Mental Illness, *The Criminalization of People with Mental Illness*.

⁷² Jennifer Eno Loudon, *Reducing recidivism risk for offenders with mental disorder*, slides 11, 15, 16, 24.

⁷³ Kate Mize, *Stopping the Revolving Door*, pg. 14.

⁷⁴ Bureau of Justice Statistics, *Deaths in Custody Statistical Tables: Local Jail Deaths, 2000–2006*, U.S. Department of Justice – Office of Justice Programs; <http://bjs.ojp.usdoj.gov/content/dcrp/tables/dcst06lj2.cfm>.

⁷⁵ Eva Ruth Moravec, “Lax screening cited at jail,” *San Antonio Express-News*, June 4, 2010.

⁷⁶ Andrew J. Saxon, et al., “Trauma, Symptoms of Posttraumatic Stress Disorder, and Associated Problems Among Incarcerated Veterans,” *Psychiatric Services*, Vol. 52, No. 7, July 2001, pg. 962.

⁷⁷ Matthew Jakupcak et al., “Anger, Hostility, and Aggression Among Iraq and Afghanistan War Veterans Reporting PTSD and Subthreshold PTSD,” *Journal of Traumatic Stress*, Vol. 20, Issue 6, December 2007, pg. 946.

⁷⁸ Stephan Haimowitz, J.D., “Slowing the Revolving Door: Community Reentry of Offenders with Mental Illness,” *Psychiatric Services*, Vol. 55, No. 4, April 2004, pg. 374.

⁷⁹ Kevin Krause, “Policy change to aid mentally ill inmates,” *The Dallas Morning News*, June 8, 2006.

⁸⁰ Charlene Wear Simmons, Ph.D., “Children of Incarcerated Parents,” Prepared at the request of Assemblymember Kerry Mazzoni, California Research Bureau (CRB) Note Vol. 7, No. 2, March 2000, pg. 1: With regards to “children whose parents have been arrested and incarcerated [...] the behavioral consequences can be severe, absent positive intervention – emotional withdrawal, failure in school, delinquency and risk of intergenerational incarceration.”

⁸¹ Texas Department of Criminal Justice (TDCJ), *Giving Offenders’ Kids Incentive and Direction to Succeed (GO KIDS)*; <http://www.tdcj.state.tx.us/pgm&svcs/gokids/gokidshome.htm>.

⁸² Win Sisson, “Don’t Forget About the Children: Parenting Education Behind Bars,” *Corrections Today*, Vol. 68, Issue 7, December 1, 2006, pgs. 54, 55.

⁸³ A comprehensive list of facilities is available at TDCJ, *GO KIDS Institutional Programs*; <http://www.tdcj.state.tx.us/pgm&svcs/gokids/gokids-facilities-list.htm>.

⁸⁴ TDCJ, *Go Kids*.

⁸⁵ TDCJ, *Statistical Report Fiscal Year 2010*, pg. 1; as of August 31, 2010.

⁸⁶ *Ibid.*, pg. 6; this data is for individuals on direct supervision.

⁸⁷ Nancy LaVigne, Lisa E. Brooks, and Tracey L. Shollenberger, “Women on the Outside: Understanding the Experiences of Female Prisoners Returning to Houston, Texas,” Justice Policy Center – Urban Institute, June 2009, pg. 3.

⁸⁸ *Ibid.*, pg. 8.

⁸⁹ Institute on Women & Criminal Justice (IWCJ), “Mothers, Infants and Imprisonment: A National Look at Prison Nurseries and Community-Based Alternatives,” May 2009, pg. 24.

⁹⁰ Colleen Clark, Ph.D., “Addressing Histories of Trauma and Victimization through Treatment,” The National GAINS Center for People with Co-Occurring Disorders in the Justice System, September 2002, pgs. 2, 3.

⁹¹ Colleen Clark, Ph.D., *Addressing Histories of Trauma and Victimization through Treatment*, pg. 3.

⁹² TDCJ, *H.B. 1711 Implementation Report*, pg. 8.

⁹³ Again, programs are offered at some units that include family participation for children of the incarcerated. From TDCJ, *GO KIDS Institutional Programs*.

⁹⁴ Among other things, the GO KIDS Initiative (Giving Offenders’ Kids Incentive and Direction to Succeed) assists “offenders’ families and children by providing a reliable connection to valuable community resources.” TDCJ, *GO KIDS*.

⁹⁵ Attorney General of Texas, “Incarcerated Parents and Child Support: The Handbook for Incarcerated Parents,” revised June 2008, pg. 3.

⁹⁶ Attorney General of Texas, “Frequently Asked Questions About Child Support,” revised June 2010, pg. 14.

⁹⁷ TDCJ, *H.B. 1711 Implementation Report*, pg. 8.

⁹⁸ TDCJ, *Statistical Report Fiscal Year 2010*, pg. 1; as of August 31, 2010.

⁹⁹ *Ibid.*, pg. 6; this data is for individuals on direct supervision.

¹⁰⁰ Nancy LaVigne, Lisa E. Brooks, and Tracey L. Shollenberger, *Women on the Outside*, pg. 3.

¹⁰¹ Steve Christian, “Children of Incarcerated Parents,” National Conference of State Legislatures, March 2009, pg. 1: “Research suggests that intervening in the lives of incarcerated parents and their children to preserve and strengthen positive family connections can yield positive societal benefits in the form of reduced recidivism, less intergenerational criminal justice system involvement, and promotion of healthy child development.”

¹⁰² Lauren E. Glaze and Laura M. Maruschak. “Parents in Prison and Their Minor Children,” *Special Report*, Bureau of Justice Statistics – U.S. Department of Justice, August 2008 (revised March 30, 2010), pg. 5.

¹⁰³ Nancy LaVigne, Lisa E. Brooks, and Tracey L. Shollenberger, *Women on the Outside*, pg. 3.

¹⁰⁴ *Ibid.*, pg. 8.

¹⁰⁵ *Ibid.*, pg. 10.

¹⁰⁶ “Women offenders bond with babies,” *Galveston Daily News*, March 7, 2007;

<http://www.tdcj.state.tx.us/pgm&svcs/gokids/gokids-articles-women-offenders-bond-babies.htm>.

¹⁰⁷ Federal Bureau of Prisons – U.S. Department of Justice, “Legal Resource Guide to the Federal Bureau of Prisons,” 2008, pgs. 22-23.

¹⁰⁸ Women’s Storybook Project of Texas; <http://www.storybookproject.org/>.

¹⁰⁹ Enterprising Girl Scouts Beyond Bars; <http://www.cpiaustin.org/girlscouts.html>.

¹¹⁰ Colleen Clark, Ph.D., *Addressing Histories of Trauma and Victimization through Treatment*, pgs. 2-3.

¹¹¹ *Ibid.*, pgs. 2, 3. Note additionally: “Gender-specific programs may be more effective for female offenders, particularly those with histories of trauma and abuse.” From National Institute on Drug Abuse (NIDA), “Frequently Asked Questions (FAQs),” #14: *What are the unique treatment needs for women in the criminal justice system?*;

http://www.nida.nih.gov/podat_cj/faqs/faqs2.html.

¹¹² NIDA, FAQs, #14: *What are the unique treatment needs for women in the criminal justice system?*: “Incarcerated women in treatment are significantly more likely than incarcerated men to have severe substance abuse histories, as well as cooccurring physical health and psychological problems [...]. Approximately 50 percent of female offenders are likely to have histories of physical or sexual abuse. Women are also more likely than men to be victims of domestic violence. Past or current victimization can contribute to drug or alcohol abuse, depression, post-traumatic stress disorder, and criminal activity.” ¹¹³ Truth Be Told; <http://www.truth-be-told.org/programs/>.

¹¹⁴ BreeAna K. Montoya, “Bexar County Maintains Inmate Family Ties,” *The Ranger Online*, February 17, 2008;

<http://texasjailproject.org/node/15>.

¹¹⁵ Rachel Garringer, “How Travis County helps women inmates,” *Texas Jail Project*, June 15, 2009;

<http://www.texasjailproject.org/node/38>.

¹¹⁶ IWCJ, *Mothers, Infants and Imprisonment*, pg. 24.

¹¹⁷ *Ibid.*, pg. 25.

¹¹⁸ “Proposal for ‘C.A.R.E. For Women’ (Community Awareness and Resource Empowerment for Women),” Bell County CSCD, December 16, 2009.

¹¹⁹ Institute on Women & Criminal Justice, “Quick Facts: Women & Criminal Justice – 2009,” pg. 1: “In the five-year period from 2003 to 2007, arrests of women for drug violations increased 29%, compared to 15% for men,” citing Federal Bureau of Investigation Uniform Crime Statistics.

¹²⁰ Colleen Clark, Ph.D., *Addressing Histories of Trauma and Victimization through Treatment*, pg. 3.

¹²¹ Martha Felini et al., “Prostitute Diversion Initiative, Annual Report: October 2008 – September 2009,” Dallas Police Department, pg. 4.

¹²² Roger Przybylski, “What Works: Effective Recidivism Reduction and Risk Focused-Prevention Programs,” RKC Group, February 2008, pg. 38.

¹²³ *Ibid.*

¹²⁴ Texas Board of Pardons and Paroles (TBPP), “Current Offense Severity Rankings List,” revised April 15, 2010.

¹²⁵ John Schmitt and Kris Warner, “Ex-Offenders and the Labor Market,” Center for Economic and Policy Research, November 2010, pgs. 2, 8.

¹²⁶ Francesca Levy, “America’s Safest Cities,” *Forbes.com*, October 11, 2010; citing Bruce McIndoe, president of iJet Intelligent Risk Systems, a Maryland-based risk-assessment firm. Note additionally: Plano, Texas was ranked the safest city in 2010: “Money alone isn’t the key to safety. The size of the wealth gap matters more. ‘If you have low incomes in an environment with high incomes, it creates a crime vector between the “haves” and “have-nots,”” says Bruce McIndoe [...]. ‘Places like Plano [...] are more homogeneous.’”

¹²⁷ TBPP, *Current Offense Severity Rankings List*.

¹²⁸ TDCJ, *Statistical Report Fiscal Year 2010*, pg. 3.

¹²⁹ Roger Przybylski, *What Works*, pg. 35.

¹³⁰ TDCJ, *H.B. 1711 Implementation Report*, pg. 8.

¹³¹ Texas State Technical College, *About TSTC*; <http://www.tstc.edu/mediaroom/abouttstc>.

¹³² Travis County Community Supervision And Corrections Department, “FY 2010-2011 Community Justice Plan,” pg. 19.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ Texas Department of Criminal Justice – Parole Division, “District Reentry Center (DRC) Administrative And Caseload Supervision Guidelines,” Policy and Operating Procedure Number PD/POP-3.13.1, August 30, 2010, pg. 3.

¹³⁶ *Ibid.*, pg. 5.

¹³⁷ 3g offenses include aggravated kidnapping, robbery and sexual assault, indecency with a child, murder, sexual assault of a child or adult, and any felony with a deadly weapon.

¹³⁸ Jeany Miller, “Ban the Box: A New Way for Ex-Offenders to Seek Fair Employment,” *Suite 101.com*, June 10, 2010; <http://www.suite101.com/content/ban-the-box-a-new-way-for-ex-offenders-to-seek-fair-employment-a247364#ixzz18AzimPJP>.

¹³⁹ Travis County, *Guidelines for Hiring Ex-Offenders*, last modified June 30, 2010;

http://www.co.travis.tx.us/criminal_justice/offender_workforce_development_program/guidelines_for_hiring_exoffenders.asp.

¹⁴⁰ Texas Workforce Commission (TWC), *Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T)*; <http://www.twc.state.tx.us/welref/wrfset.html>. SNAP is formerly the Food Stamp program.

¹⁴¹ The 1996 Welfare Reform Act prohibits anyone convicted of a drug-related felony from receiving federally funded food stamps. States can elect to eliminate the ban on public assistance for formerly incarcerated individuals (as per 21 U.S.C. Section 862a(d)(1)(A)), or it can choose to limit the period of the prohibition (as per 21 U.S.C. Section 862a(d)(1)(B)). Texas has not eliminated nor limited the ban on assistance.

¹⁴² TWC, *Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T)*: The goal of SNAP E&T is to assist SNAP recipients in obtaining employment through participation in work programs and education and training activities.

¹⁴³ Center for Public Policy Priorities, “The Texas Food Stamp Program,” July 2007, pg. 1.

¹⁴⁴ Jeremy Travis, Amy L. Solomon, and Michelle Waul, “From Prison to Home: The Dimensions and Consequences of Prisoner Reentry,” The Urban Institute, June 2001, pgs. 35, 39.

¹⁴⁵ Jocelyn Fontaine, Caterina Gouvis Roman, and Martha Burt, “System Change Accomplishments of the Corporation for Supportive Housing’s Returning Home Initiative,” The Urban Institute, June 2010, pgs. 1, 3.

¹⁴⁶ Nancy LaVigne et al., “Prisoner Reentry and Community Policing: Strategies for Enhancing Public Safety,” The Office of Community Oriented Policing Services, March 2006, pg. 13.

¹⁴⁷ Reed Karaim, “Housing First: A special Report,” *NPR.org*;
<http://www.npr.org/news/specials/housingfirst/whoneeds/ex-offenders.html>.

¹⁴⁸ Nastassia Walsh, “Baltimore Behind Bars: How to Reduce the Jail Population, Save Money, and Improve Public Safety,” Justice Policy Institute, June 2010, pg. 54.

¹⁴⁹ TDCJ, *H.B. 1711 Implementation Report*, pg. 9.

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*, pg. 10.

¹⁵² Texas Department of Criminal Justice, “New regional release centers now operating across state,” *Criminal Justice Connections*, September/October 2010;

http://www.tdcj.state.tx.us/mediasvc/connections/SeptOct2010/agency2_vol18no1.html.

¹⁵³ Dane Schiller, “Walking free - now what?” *Houston Chronicle*, May 9, 2010;

http://www.tdcj.state.tx.us/rid/rid-articles/rid-texas_reentry_article_walking_free.html.

¹⁵⁴ 2-1-1, *2-1-1 Information and Referral Search*; <http://www.211.org>.

¹⁵⁵ Texas Criminal Justice Coalition, *Tools for Re-Entry*;

http://www.criminaljusticecoalition.org/tools_for_re_entry/adult_services.

¹⁵⁶ Restorative Justice Community, *National Resource Directory*; <http://www.rjctexas.org/Directory.html>.

¹⁵⁷ The 1996 Welfare Reform Act prohibits anyone convicted of a drug-related felony from receiving federally funded food stamps. This is a lifetime ban even if someone has completed his or her sentence, overcome an addiction, been employed but has been laid off, and/or earned a certificate of rehabilitation. States can elect to eliminate the ban on public assistance for formerly incarcerated individuals (as per 21 U.S.C. Section 862a(d)(1)(A)), or it can choose to limit the period of the prohibition (as per 21 U.S.C. Section 862a(d)(1)(B)).

¹⁵⁸ TWC, *Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T)*.

¹⁵⁹ TWC, *SNAP E&T*: The goal of SNAP E&T is to assist SNAP recipients in obtaining employment through participation in work programs and education and training activities.

¹⁶⁰ For individuals or families who meet program requirements, assistance is issued by the Texas Health and Human Services Commission through a Lone Star card, which can be used like a debit card. Funds are distributed monthly to the card. From Texas Health and Human Services Commission, *SNAP Food Benefits*;

<http://www.hhsc.state.tx.us/help/food/foodstamps/index.html>.

¹⁶¹ Corporation for Supportive Housing, “Making the Case for Re-entry Supportive Housing: A Review of the Data,” 2009, pg. 1.

¹⁶² Amy L. Solomon et al., “Outside the Walls: A National Snapshot of Community-Based Prisoner Reentry Programs,” The Urban Institute, January 27, 2004, pg. 81.

¹⁶³ Jeremy Travis, Amy L. Solomon, and Michelle Waul, *From Prison to Home*; pg. 35.

¹⁶⁴ Andrea Ball, “Low-cost housing for homeless remains in short supply” *Austin American-Statesman*, July 3, 2010.

¹⁶⁵ In one study, permanent supportive housing cut emergency room costs by 62% and ambulance transportation costs by 66%, using data gathered one year before obtaining housing and one year after obtaining housing. From State of Maine – Greater Portland, “Costs of Homelessness: Cost Analysis of Permanent Supportive Housing,” September 2007, pgs. 6, 8.

¹⁶⁶ Nastassia Walsh, *Baltimore Behind Bars*, pg. 54.

¹⁶⁷ TDCJ, *H.B. 1711 Implementation Report*, pg. 8.

¹⁶⁸ Reentry Policy Council, *Managing the Key Transition Period*:

<http://reentrypolicy.org/Report/PartII/ChapterII-D/PolicyStatement19/ResearchHighlight19-3>.

¹⁶⁹ Texas Code of Criminal Procedure (CCP), Article 42.12, Sec. 5(c); Texas Government Code, Sec. 411.081(d), (e), and (g).

¹⁷⁰ “The expunction process must be handled by a private attorney or a legal representative working on behalf of the exoneree. There are court costs and possible attorney’s fees involved that could run into thousands of dollars.” From Texas House of Representatives – House Committee Report, *Bill Analysis for S.B. 1916 (2009)*;

<http://www.capitol.state.tx.us/tlodocs/81R/analysis/html/SB01916H.htm>.

¹⁷¹ Texas Code of Criminal Procedure (CCP), Article 55.02, Sec. 1.

¹⁷² Texas Department of Public Safety (DPS), *Criminal Records Service*;

http://www.txdps.state.tx.us/administration/crime_records/pages/juvenilecriminalhistoryrecords.htm.

¹⁷³ Texas Code of Criminal Procedure (CCP), Article 55.01(a).

¹⁷⁴ Texas Code of Criminal Procedure (CCP), Article 48.01.

¹⁷⁵ Texas CCP, Article 42.12, Sec. 5(c).

¹⁷⁶ Texas CCP, Article 42.12, Sec. 5(a).

¹⁷⁷ Texas Government Code, Sec. 411.081(d) sets this date by allowing the fee for filing the petition to be paid only on or after a certain date, effectively setting the first date the petition can be filed.

¹⁷⁸ Texas DPS, *Criminal Records Service*;

¹⁷⁹ Texas CCP, Article 42.12, Sec. 5(a).

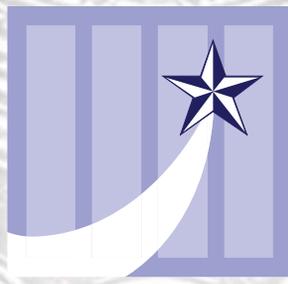
¹⁸⁰ *Deferred Adjudication Community Supervision*; <http://www.co.brazos.tx.us/departments/cscd/about/cs-type2.php>.

¹⁸¹ Texas CCP, Article 48.01; excepting cases of treason and impeachment.

¹⁸² “The expunction process must be handled by a private attorney or a legal representative working on behalf of the exoneree. There are court costs and possible attorney’s fees involved that could run into thousands of dollars.” From Texas House of Representatives – House Committee Report, *Bill Analysis for S.B. 1916 (2009)*.

¹⁸³ Texas CCP, Article 55.02, Sec. 1.

¹⁸⁴ *Ibid.*



**TEXAS CRIMINAL
JUSTICE COALITION**

**510 S. Congress Avenue, Suite 104
Austin, Texas 78704
(512) 441-8123
www.criminaljusticecoalition.org**