



TESTIMONY

**REGARDING THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
LEGISLATIVE APPROPRIATIONS REQUEST FOR FISCAL YEARS 2012 AND 2013**

**SUBMITTED BY ANA YÁÑEZ-CORREA, EXECUTIVE DIRECTOR
TEXAS CRIMINAL JUSTICE COALITION**

To

**THE GOVERNOR'S OFFICE OF BUDGET, PLANNING AND POLICY
AND TEXAS' LEGISLATIVE BUDGET BOARD**

SEPTEMBER 30, 2010

TEXAS CRIMINAL JUSTICE COALITION

The Texas Criminal Justice Coalition (TCJC) is committed to identifying and advancing real solutions to the problems facing Texas' juvenile and criminal justice systems. We provide policy research and analysis, form effective partnerships, and educate key stakeholders to promote effective management, accountability, and best practices that increase public safety and preserve human and civil rights.

TCJC'S PROJECTS

The Juvenile Justice Initiative: *Creating Avenues to Success for Troubled Youth and Families*

The Public Safety Project: *Advocating for Fair, Effective Police Practices that Improve the Safety of Our Communities*

The Fair Defense Project: *Ensuring a Just and Accountable Judicial System by Protecting Your Right to a Lawyer*

The Solutions for Sentencing & Incarceration Project: *Providing Proven and Cost-Effective Answers that Address Texas' Over-Reliance on Incarceration*

Tools for Re-Entry: *Advocating for Policies that will Enable the Formerly Incarcerated to Live Responsibly and Support their Families*

Tools for Practitioners: *Featuring Best Criminal Justice Practices*

Public Policy Center: *Providing Nonpartisan Juvenile and Criminal Justice Policy Recommendations*

Contact Information

Ana Yáñez-Correa, Executive Director
Phone: (w) 512-441-8123, ext. 109; (m) 512-587-7010
acorrea@criminaljusticecoalition.org

Dear Members of the Committee,

My name is Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition (TCJC). Thank you for allowing me this opportunity to present public comments on the Legislative Appropriations Request (LAR) of the Texas Department of Criminal Justice (TDCJ) for FY 2012-2013.

INTRODUCTION

Today, Texas is facing a budget shortfall much greater than the deficit it faced in 2003. Then, devastating cuts were made to state agencies in efforts to balance the budget – cuts that many state agencies have not fully recovered from.

In January 2003, prior to the cuts, the Texas Criminal Justice Policy Council issued projections estimating that the demand for prison space would exceed operational capacity by 2,366 in FY 2004, 4,556 in FY 2005, and up to 13,713 in FY 2008. Despite such alarming predictions, policy-makers made significant cuts to TDCJ's budget, especially in regards to probation, parole, and diversion programming, which drove more and more people into prison. Indeed, over time, Texas' prison system reached a breaking point – becoming a system that failed to provide adequate health care, treatment, and other rehabilitative programming.

Now, mandated 5% cuts have painted a grim picture, including loss of personnel, programs, and services that not only address the needs of inmates inside prison walls, but ones that exist solely to rehabilitate offenders and reduce their risk of recidivism. If state leadership takes the same route today as it did in 2003, we will see the same drastic results: individuals with lower-risk offenses, as well as those who suffer from addiction and mental health problems, being forced into prisons rather than being more cost-effectively and safely managed through community supervision.

MOVING FORWARD

TCJC has been closely monitoring our state criminal justice system for years, and as an organization we greatly support the success of the probation and parole systems, diversion programs, re-entry strategies, and other practices that reduce prison populations while tackling the root causes of crime, increasing public safety, and saving taxpayers money.

As you will find below, we have outlined the TDCJ strategies that deserve full restoration of funding by the state. Already, these practices have begun to deliver taxpayers a greater return on their investment and have promoted a safer Texas. Indeed, although only a small percentage of Texas' \$6.2 billion corrections budget goes towards risk-reduction strategies – \$566.4 million for community supervision and \$358.8 million for the parole system (2010-11 biennium) – these and other alternatives to incarceration have saved Texas approximately \$2 billion through the rerouting of thousands of offenders from prison and into effective programming.

The reason that “only” 79 percent of Texas' corrections budget now goes towards ineffective hard incarceration (*risk containment*) is that in 2007, lawmakers wisely decided that continuing the status quo by building additional, costly facilities was no longer an option. In the face of LBB projections that an additional 17,000 new prison beds would be needed by 2012 if Texas' pace of incarceration continued, state leadership worked ardently in a bipartisan and historic effort to mandate smart-on-

crime strategies that would safely reduce incarceration levels – including stronger probation and parole structures, and increased numbers of treatment beds to improve programming delivery. Given the early successes of these strategies, policy-makers reaffirmed their commitment to them in 2009. By continuing again to invest in the fidelity and success of such responsible, risk-reduction practices and programs, the state will see comparable decreases in our prison populations.

Ultimately, the real saving will come through the closure of needless prisons. It is long-overdue that we ask ourselves a practical question: What we have gained through the inefficient and costly incarceration of thousands of Texans whose risk of re-offending would have been more effectively reduced if they would have received programming, treatment, re-entry tools, and meaningful supervision? The bottom line is that shifting money from risk-containment to risk-reduction means fewer victims in the long term and greater taxpayer savings.

At this point, Texas cannot afford to undo the strides made during the previous two legislative sessions – especially in light of current economic realities. Cuts would sweep away three biennium’s worth of work that the Legislature has accomplished – work that has garnered positive national recognition for Texas – to make probation a strong, viable alternative to prison, to provide parole more tools to assist those under supervision, and to bolster re-entry efforts to break the cycle of re-offending.

We hope that Texas remains at the forefront of the nation by funding strategies that will continue to decrease crime and yield an even larger return on taxpayer investment. Indeed, such investments in strategies like probation are not only critical, but cost-effective. Average inmate costs-per-day in prisons ring in at nearly \$45, while probationer costs-per-day to the state are only \$1.24. Cutting diversion, probation, parole, and re-entry funding is an irresponsible approach to budget difficulties, one that will only exacerbate existing problems with high and financially unsustainable incarceration rates, and create negative long-term public safety consequences – as well as boost taxpayers’ likelihood of shouldering the additional burden of costly prison construction.

TDCJ’S LEGISLATIVE APPROPRIATIONS REQUEST: THE SPECIFICS

TDCJ’s first series of exceptional items will continue the FY 2012-13 funding at current base levels, ensuring maintained operations and policy initiatives. Not only will failure to restore the 5% cut drastically impact areas we mentioned above, but it will cause TDCJ to significantly cut staff (by 1,900 employees), reduce health care (already at dangerously low levels), and affect institutional security.

Nevertheless, the area that policy-makers *must* exempt from cuts is the programming and practices that keep individuals from (re-)entering prisons. Funding of front-end strategies will keep individuals in their communities, while back-end strategies (in-house programming, re-entry services, etc.) will help individuals avoid incarceration in the future. Furthermore, with a projected loss in corrections staffing, prisons simply will not be capable of accommodating more inmates. As such, TCJC’s primary concern involves cuts to diversions (including community supervision, among other things), parole, and Reentry Transitional Coordinators – all of which are necessary to strengthen the effort to slow the cycle of re-offending. We also seek to maintain funding for diagnostic and intake strategies, special needs health care, in-house rehabilitation programming, housing for those on parole, and legal services.

Below we have provided two appendices. In **Appendix A**, we detail which TDCJ programs or strategies should be prioritized for restored funding by the state. Where possible, we offer three scenarios for each issue area: how a 5, 10, and 15 percent budget cut would impact the agency and entire criminal justice system. A 5 percent cut to the strategies discussed above would be an unsustainable scenario for the state. A 15 percent cut would be an utterly devastating tragedy.

In **Appendix B**, we have summarized the three levels of budget cuts in one chart for easy reference.

Again, Texas simply cannot afford to have costly incarceration be its only option for addressing criminal behavior.

* * *

SOLUTIONS TO BUDGET CUTS

Instead of making harmful budgetary cuts to TDCJ, the Legislature must take advantage of the Rainy Day Fund, which could provide over \$9 billion for the 2012-2013 state budget. Additionally, policy-makers must maximize the use of available federal funding, including any additional stimulus aid or new matching funds made available by health care reform. Finally, the Legislature must create new sources of revenue that are equitable and can grow with the need for public services, including through cost-savings from the elimination of unproductive tax breaks.

APPENDIX A: PRIORITY ITEMS FOR RESTORED FUNDING

The following pages contain information from TDCJ's legislative appropriations request, specifically on the following items/strategies:

- Basic Supervision
- Diversion Programs
- Community Corrections
- Treatment Alternatives To Incarceration Program
- Special Needs Projects
- Correctional Support Operations
- Offender Services
- Correctional Managed Psychiatric Care
- Residential Pre-Parole Facilities
- Academic And Vocational Training
- Treatment Services
- Substance Abuse Treatment – Substance Abuse Felony Punishment Facilities
- Substance Abuse Treatment – In-Prison Treatment And Coordination
- Board Of Pardons And Paroles
- Revocation Processing
- Parole Supervision
- Halfway House Facilities
- Intermediate Sanction Facilities

Where possible, we have provided three scenarios for each item/strategy:

- (1) The ramifications of failing to restore the across-the-board 5% budgets cuts. This scenario references TDCJ's relevant exceptional item for the 2012-13 biennium for continued funding.
- (2) The ramifications of an additional 5% funding cut (effectively creating a 10% cut).
- (3) The ramifications of a final 5% funding cut (effectively creating a 15% cut).

BASIC SUPERVISION
Agency Goal 1, Objective 1, Strategy 1

The purpose of this strategy is to provide alternatives to incarceration by providing financial aid to Community Supervision and Corrections Departments (CSCDs) for the establishment and delivery of basic probation services for felony and misdemeanor offenders.

The state funding for probation supervision is distributed through formula and discretionary allocations to all 122 CSCDs from the Community Justice Assistance Division (CJAD) in order to maintain the statewide operations of probation supervision and provide treatment diversions and other alternatives to incarceration, programs that are crucial to maintaining a balanced criminal justice system.

Without adequate probation supervision or the resources for diversionary alternatives to incarceration, diversions will likely decrease and probation revocation rates will likely increase, causing a corresponding increase to the agency's prison population.

External/Internal Factors Impacting Strategy:

One factor that may impact implementation of this strategy is actual population compared to projected populations.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 3: Probation, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy (basic supervision) is funded at 95%, resulting in a loss of **\$8.6 million** for the biennium.

A decrease in probation funding will result in the elimination of approximately 87 probation officer positions and require an increase in the regular direct supervision caseload ratio of 108 to 114 as these additional cases will be assumed by the remaining probation officers. With reduced probation staffing, there will also be 3,100 fewer offenders being monitored on specialized caseloads (sex offender, special needs, substance abuse). Additionally, 1,480 fewer probationers will be served biennially in community-based residential beds and about 400 fewer offenders will receive substance abuse counseling through Treatment Alternatives to Incarceration funding.

➤ **Additional 5% cut:**

The first 5% reduction in funding would result in the elimination of approximately 154 probation officer positions and require an increase in the regular direct supervision caseload ratio to 119, as these additional cases will be assumed by the remaining probation officers. With reduced probation staffing, there will also be 3,780 fewer offenders being monitored on specialized caseloads (sex offender, special needs, substance abuse). Additionally, 1,780 fewer

probationers will be served in community-based residential beds and 460 fewer offenders will receive substance abuse counseling through Treatment Alternatives to Incarceration funding.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in the elimination of 154 additional probation officer positions and require an increase in the regular direct supervision caseload ratio of 119 to 131, as these additional cases will be assumed by the remaining probation officers. With reduced probation staffing, there will also be an additional 3,780 fewer offenders being monitored on specialized caseloads, 1,780 fewer probationers served in community-based residential beds, and 460 fewer offenders receiving substance abuse counseling.

Additional Exceptional Item 22: Probation Community Supervision and Corrections Departments (CSCD) Refunds

General Revenue funding, totaling \$6.8 million, is required to replace declining probation funding that has historically been provided by previous biennium refunds received from local CSCDs. The decline is due primarily to **probation treatment** and diversion programs which began in the previous biennium and are now substantially operational, resulting in increasing expenditures and CSCD staffing requirements, thus fewer dollars returned to the state.

External/Internal Factors:

If not funded, CSCDs would be unable to maintain the current probation supervision levels or provide treatment diversions and other alternatives to incarceration – programs that are crucial to maintaining a balanced criminal justice system.

DIVERSION PROGRAMS

Agency Goal 1, Objective 1, Strategy 2

This strategy provides grant funding to Community Supervision and Corrections Departments (CSCDs) with funding for residential facilities, substance abuse caseloads, mentally ill offenders and other grant programs intended to divert offenders from prison.

Without adequate probation supervision or the resources for diversionary alternatives to incarceration, diversions will likely decrease and probation revocation rates will likely increase, causing a corresponding increase to the agency's prison population.

External/Internal Factors Impacting Strategy:

Funding will be based primarily on diversionary programs instituted in the community and the availability of those programs.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 3: Probation, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy (diversion programs) is funded at 95%, resulting in a loss of **\$9.2 million** for the biennium.

A decrease in probation funding will result in the elimination of approximately 87 probation officer positions and require an increase in the regular direct supervision caseload ratio of 108 to 114 as these additional cases will be assumed by the remaining probation officers. With reduced probation staffing, there will also be 3,100 fewer offenders being monitored on specialized caseloads (sex offender, special needs, substance abuse). Additionally, 1,480 fewer probationers will be served biennially in community-based residential beds and about 400 fewer offenders will receive substance abuse counseling through Treatment Alternatives to Incarceration funding.

➤ **Additional 5% cut:**

The first 5% reduction in funding would result in the elimination of approximately 154 probation officer positions and require an increase in the regular direct supervision caseload ratio to 119, as these additional cases will be assumed by the remaining probation officers. With reduced probation staffing, there will also be 3,780 fewer offenders being monitored on specialized caseloads (sex offender, special needs, substance abuse). Additionally, 1,780 fewer probationers will be served in community-based residential beds and 460 fewer offenders will receive substance abuse counseling through Treatment Alternatives to Incarceration funding.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in the elimination of 154 additional probation officer positions and require an increase in the regular direct supervision caseload ratio of 119 to

131, as these additional cases will be assumed by the remaining probation officers. With reduced probation staffing, there will also be an additional 3,780 fewer offenders being monitored on specialized caseloads, 1,780 fewer probationers served in community-based residential beds, and 460 fewer offenders receiving substance abuse counseling.

Additional Exceptional Item 18: Biennialization of the FY 2010-11 Approved Pay Raise – Community Supervision Officers and Direct Care Staff

The 81st Legislature approved targeted salary increases for community supervision officers and direct care staff for probationers for both years of the 2010-2011 biennium. This exceptional item would biennialize the pay raise

Consistent with legislative appropriations, these staff received an average salary increase of 3.5% on September 1, 2009, and will receive another 3.5% increase effective September 1, 2010. For both years of the FY 2012-13 biennium, these employees will continue to receive the cumulative 7% pay increase. This exceptional item requests necessary funding to continue these previously approved and established salary increases at current staffing levels. A number of factors, including the growth in probation staffing, has resulted in the required biennial amount to be higher than what was initially appropriated. Absence of funding for these items would result in a reduction of funding for the local probation departments and could require a reduction in force as well.

External/Internal Factors:

Absence of funding for these items could result in a reduction in force for Community Supervision Officers and Direct Care Staff.

Additional Exceptional Item 22: Probation Community Supervision and Corrections Departments (CSCD) Refunds

General Revenue funding, totaling \$6.8 million, is required to replace declining probation funding that has historically been provided by previous biennium refunds received from local CSCDs. The decline is due primarily to probation treatment and **diversion programs** which began in the previous biennium and are now substantially operational, resulting in increasing expenditures and CSCD staffing requirements, thus fewer dollars returned to the state.

External/Internal Factors:

If not funded, CSCDs would be unable to maintain the current probation supervision levels or provide treatment diversions and other alternatives to incarceration – programs that are crucial to maintaining a balanced criminal justice system.

Additional Exceptional Item 24: Increased Operating Cost at Community Corrections Facilities

Funding for existing community corrections facility (CCF) beds operated by local CSCDs, totaling \$10.0 million biennially, is necessary for increasing annual costs associated with maintenance, utilities, food, supplies, and other operational costs. These programs provide judges with alternatives to incarceration, both as a sentencing option and as an alternative to revocation. These alternatives are designed to divert probationers from incarceration in prisons and state jails.

External/Internal Factors:

Without this funding, some existing residential and restitution beds may close due to increasing operational costs.

COMMUNITY CORRECTIONS
Agency Goal 1, Objective 1, Strategy 3

Through community corrections funding, local Community Supervision and Corrections Departments (CSCDs) develop programs to serve primarily as diversions from prison.

Programs funded through the Community Corrections Strategy are distributed by formula to local probation departments from the Community Justice Assistance Division (CJAD).

Without adequate probation supervision or the resources for diversionary alternatives to incarceration, diversions will likely decrease and probation revocation rates will likely increase, causing a corresponding increase to the agency's prison population.

An additional exceptional item has been requested for general revenue to replace declining probation funding that has historically been provided by previous biennium refunds received from local Community Supervision and Corrections Departments (CSCDs).

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 3: Probation, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy (community corrections) is funded at 95%, resulting in a loss of **\$3.0 million** for the biennium.

A decrease in probation funding will result in the elimination of approximately 87 probation officer positions and require an increase in the regular direct supervision caseload ratio of 108 to 114 as these additional cases will be assumed by the remaining probation officers. With reduced probation staffing, there will also be 3,100 fewer offenders being monitored on specialized caseloads (sex offender, special needs, substance abuse). Additionally, 1,480 fewer probationers will be served biennially in community-based residential beds and about 400 fewer offenders will receive substance abuse counseling through Treatment Alternatives to Incarceration funding.

➤ **Additional 5% cut:**

The first 5% reduction in funding would result in the elimination of approximately 154 probation officer positions and require an increase in the regular direct supervision caseload ratio to 119, as these additional cases will be assumed by the remaining probation officers. With reduced probation staffing, there will also be 3,780 fewer offenders being monitored on specialized caseloads (sex offender, special needs, substance abuse). Additionally, 1,780 fewer probationers will be served in community-based residential beds and 460 fewer offenders will receive substance abuse counseling through Treatment Alternatives to Incarceration funding.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in the elimination of 154 additional probation officer positions and require an increase in the regular direct supervision caseload ratio of 119 to 131, as these additional cases will be assumed by the remaining probation officers. With reduced probation staffing, there will also be an additional 3,780 fewer offenders being monitored on specialized caseloads, 1,780 fewer probationers served in community-based residential beds, and 460 fewer offenders receiving substance abuse counseling.

Additional Exceptional Item 22: Probation Community Supervision and Corrections Departments (CSCD) Refunds

General Revenue funding, totaling \$6.8 million, is required to replace declining probation funding that has historically been provided by previous biennium refunds received from local CSCDs. The decline is due primarily to probation treatment and diversion programs which began in the previous biennium and are now substantially operational, resulting in increasing expenditures and CSCD staffing requirements, thus fewer dollars returned to the state.

External/Internal Factors:

If not funded, CSCDs would be unable to maintain the current probation supervision levels or provide treatment diversions and other alternatives to incarceration – programs that are crucial to maintaining a balanced criminal justice system.

TREATMENT ALTERNATIVES TO INCARCERATION PROGRAM
Agency Goal 1, Objective 1, Strategy 4

The Treatment Alternatives to Incarceration Program (TAIP) makes both in-patient and out-patient substance abuse treatment services available in the community for offenders on probation.

Without adequate probation supervision or the resources for diversionary alternatives to incarceration, diversions will likely decrease and probation revocation rates will likely increase, causing a corresponding increase to the agency's prison population.

External/Internal Factors Impacting Strategy:

This program is partially funded through an interagency contract with the Department of State Health Services (DSHS).

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 3: Probation, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy (TAIP) is funded at 95%, resulting in a loss of **\$0.6 million** for the biennium.

A decrease in probation funding will result in the elimination of approximately 87 probation officer positions and require an increase in the regular direct supervision caseload ratio of 108 to 114 as these additional cases will be assumed by the remaining probation officers. With reduced probation staffing, there will also be 3,100 fewer offenders being monitored on specialized caseloads (sex offender, special needs, substance abuse). Additionally, 1,480 fewer probationers will be served biennially in community-based residential beds and about 400 fewer offenders will receive substance abuse counseling through Treatment Alternatives to Incarceration funding.

➤ **Additional 5% cut:**

The first 5% reduction in funding would result in the elimination of approximately 154 probation officer positions and require an increase in the regular direct supervision caseload ratio to 119, as these additional cases will be assumed by the remaining probation officers. With reduced probation staffing, there will also be 3,780 fewer offenders being monitored on specialized caseloads (sex offender, special needs, substance abuse). Additionally, 1,780 fewer probationers will be served in community-based residential beds and 460 fewer offenders will receive substance abuse counseling through Treatment Alternatives to Incarceration funding.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in the elimination of 154 additional probation officer positions and require an increase in the regular direct supervision caseload ratio of 119 to 131, as these additional cases will be assumed by the remaining probation officers. With reduced

probation staffing, there will also be an additional 3,780 fewer offenders being monitored on specialized caseloads, 1,780 fewer probationers served in community-based residential beds, and 460 fewer offenders receiving substance abuse counseling.

SPECIAL NEEDS PROJECTS

Agency Goal 2, Objective 1, Strategy 1

This strategy provides funding for treatment of mentally ill offenders being supervised in the community, to include intensive case management and support services such as psychiatric assessments, medications and counseling; continuity of care services involving pre-release and post-release screening, referral and medical/psychiatric treatment to offenders nearing release from incarceration; processing of offenders eligible for release to Medically Recommended Intensive Supervision; and administering the pre-release Social Security application process for released offenders.

External/Internal Factors Impacting Strategy:

Changes to funding in this strategy will impact services for offenders with mental illness served through community-based mental health criminal justice initiatives and the jail diversion programs, and could directly impact the offender population.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 12: Special Needs Projects, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy is funded at 95%, resulting in a loss of **\$1.6 million** for the biennium.

This funding reduction will result in a decrease of services for offenders with mental illness served through community-based mental health criminal justice initiatives and the jail diversion programs, and could directly impact the offender population.

➤ **Additional 5% cut:**

The first 5% reduction in funding would result in a decrease of these services for offenders with mental illness served through community-based mental health criminal justice initiatives and the jail diversion programs, and would likely have a direct impact to the offender population.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in further decreases of services for offenders with mental illness served through community-based mental health criminal justice initiatives and the jail diversion programs.

CORRECTIONAL SUPPORT OPERATIONS
Agency Goal 3, Objective 1, Strategy 2

These functions provide unit-based and regional support operations, to include unit offender records, offender mail, courtroom operations, and the Classification and Records Department. These staff handle the ongoing diagnostic and intake process, all transactions relating to unit assignments, custody assignments, disciplinary actions, time earning calculations, and job/program assignment.

External/Internal Factors Impacting Strategy:

Funding for this strategy is critical for TDCJ to meet its statutory (Sec. 493.001(1), Texas Government Code) obligation to confine and supervise adult felons.

Any changes in offender population will likely impact these functions during the upcoming biennium.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 7: Correctional Unit Support, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy is funded at 95%, resulting in a loss of **\$6.6 million** for the biennium.

If not funded, the amount listed would represent a reduction of approximately 135 positions. Reductions in these critical support functions would negatively impact our ability to manage the day to day unit functions such as: maintaining offender records, processing and distributing offender mail, and ensuring accurate offender classification throughout the system.

External/Internal Factors:

Changes in offender population will likely impact these functions during the upcoming biennium. Funding for this strategy is critical for TDCJ to meet its statutory (Sec.493.001(1), Government Code) obligation to confine and supervise adult felons.

➤ **Additional 5% cut:**

The first 5% reduction in funding would result in the elimination of 171 unit support positions.

➤ **Final 5% cut:**

The second 5% reduction in funding would represent the elimination of 171 additional unit support positions, for a total reduction of 342 employees.

OFFENDER SERVICES
Agency Goal 3, Objective 1, Strategy 3

These programs ensure that offenders have access to the courts through the State Counsel for Offenders and the operations of unit law libraries. Additionally, this strategy includes the Counsel Substitute program, which provides representation to offenders charged with disciplinary violations on the units, release payments for prison offenders, and interstate compact services. Additionally, statutorily required release payments for prison offenders are paid from this strategy.

External/Internal Factors Impacting Strategy:

Any changes in offender population may impact these functions during the upcoming biennium.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 15: Offender Services, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy is funded at 95%, resulting in a loss of **\$1 million** for the biennium.

Significant funding reductions in FY 2003 resulted in the elimination of 86 positions, and these positions have not been restored.

External/Internal Factors:

If not funded, the amounts listed above represent a reduction of 16 additional employees and would hamper the agency's ability to meet its statutory obligation to provide appropriate levels of representation to offenders within the system.

➤ **Additional 5% cut:**

The first 5% reduction in funding would result in the elimination of 20 employees and would hamper the agency's statutory obligation to provide appropriate levels of representation to offenders within the system.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in the elimination of 20 additional employees, for a total of 40 employees.

CORRECTIONAL MANAGED PSYCHIATRIC CARE
Agency Goal 3, Objective 1, Strategy 7

In accordance with Section 501; Subchapter E of the Government Code, the Correctional Managed Health Care Committee is responsible for the establishment, direction, and operation of a psychiatric and psychological health care program for offenders confined in TDCJ. Psychiatric and psychological services are consistent with the standards of the National Commission on Correctional Health Care and the American Correctional Association. Mental health services shall include programs for the mentally-ill and mentally retarded and include the entire spectrum of care from outpatient services to chronic and acute inpatient services including transitional, continuous, extended, and structured intermediate care.

External/Internal Factors Impacting Strategy:

The costs involved in delivering mental health services are influenced by such factors as the development of new protocols, advanced drug therapies, rising pharmaceutical costs, enhancements in medical technology, and the availability of health care professionals.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 26: Correctional Managed Health Care (CMHC)

TDCJ's base request for this strategy is funded at 95%, resulting in a loss of **\$4.1 million** for the biennium.

The CMHC funding items total \$263.6 mil for the 2012-13 biennium. This amount is designed to address the resource needs of the correctional health care program as detailed below:

1 Recover 5% Adj Base Reduction	\$21.0 (FY2012)	\$20.9 (FY2013)
2 Adj Base to Reflect Req'd Cost	\$77.9	\$111.9
3 Incr Hosp/Spec Care Costs	\$1.0	\$2.0
4 Pharmacy & Drug Increases	\$0.5	\$1.0
5 Critical Cap Equip Replacement	\$6.5	\$5.3
6 Expanded Training & Education	\$1.4	\$1.4
7 Marlin Med Fac	\$5.8	\$7.0
TOTALS	\$114.1	\$149.5

According to CMHC, cont'd funding of the \$41.9 mil under item #1 is critical to ensure effective overall quality of care within the system. This required funding maintains operations and delivers the level of services required by minimum standards. \$189.8 mil in item #2 is requested to bring the base level of funding to the level of expense actually incurred for the delivery of services. Funding less than this level will require elimination of services. University providers have reduced the levels of service for many components and are encountering difficulties in the ability to recruit and retain staff necessary to provide quality care at TDCJ facilities. Aging of the prison population continues to exert

pressure on the level of services required and the cost of these services. **Hospital and specialty care costs are estimated to increase about \$3 mil.** Pharmacy expenses have been low, however, the cost of medications have increased due to the cost of chemo drugs. **\$1.5 mil is requested to offset increased pharmacy and drug costs.** The program is also facing critical capital equipment needs for x-ray, dialysis, dental chairs and other equipment estimated to total \$11.8 mil. Funding for expanded training and education will require \$2.8 mil. Finally, an additional \$12.9 mil is requested for the Marlin Medical Facility which when completed will provide over 200 medical, geriatric sheltered housing, nursing home and assisted living offender beds.

External/Internal Factors:

A loss of 5% funding would hamper the agency's ability to provide constitutionally mandated psychiatric care for offenders in the agency.

According to Correctional Managed Health Care (CMHC), a reduction to offender health care and psychiatric care will remove foundational support entities, thus slowing the delivery of care; negatively impacting access to care and affecting overall quality; and adversely affecting continuity of care. Areas affected would be: reduced onsite care, reduced nursing staff, reduction of dental staff, reduction of onsite coverage, medical provider staff, pharmacy, mental health staff, administrative and ancillary staff and capital equipment.

In other words, significant impact on the health care system would include: reduced coverage and hours at most TDCJ facilities, modify outpatient staffing, and reductions to mental health services.

➤ **Additional 5% cut:**

Reduction of approximately 373 FTEs for the first 5%.

➤ **Final 5% cut:**

Reduction of approximately 370 additional FTEs for the second 5%.

RESIDENTIAL PRE-PAROLE FACILITIES
Agency Goal 3, Objective 1, Strategy 14

In order to limit the growth of state expenditures, long-term contracts have historically been established with private vendors for the operations of seven private prisons (4,118 beds), five privately operated state jails (7,345 beds), **two pre-parole transfer facilities (2,300 beds)**, one Driving While Intoxicated (DWI) facility, and one work program facility (500 beds). These competitively awarded contracts are evaluated and awarded with escalating rates, resulting in increases of approximately 2.5% annually.

Pre-parole transfer facilities provide secure community-based pre-parole housing for offenders nearing release.

External/Internal Factors Impacting Strategy:

Funding for this item is critical for TDCJ to meet its statutory (Sec. 493.001(1), Texas Government Code) obligation to confine and supervise adult felons.

Any changes in offender population will likely impact these functions during the upcoming biennium.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 4: Privately Operated Correctional Facilities, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy is funded at 95%, resulting in a loss of **\$2.6 million** for the biennium.

The overall reduction would result in the elimination of approximately 471 beds at contract prisons, privately operated state jails, and **pre-parole transfer facilities**, thereby reducing the agency's correctional capacity. This funding, as well as additional funding in another exceptional item, is required to maintain current operating levels.

Specifically, this exceptional item for continued funding would maintain the operation of **98 beds at pre-parole facilities**.

External/Internal Factors:

Funding for Privately Operated Correctional Facilities is critical for TDCJ to meet its statutory (Sec. 493.001(1), Texas Government Code) obligation to confine and supervise adult felons.

➤ **Additional 5% cut:**

The first 5% reduction in overall funding would result in the elimination of approximately 565 beds at contract prisons, privately operated state jails, and pre-parole transfer facilities, thereby reducing the agency's correctional capacity.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in the loss of approximately 565 additional beds, for a total bed elimination of 1,130.

Additional Exceptional Item 21: Contractual Per Diem Adjustments—Privately Operated Facilities, Halfway House & Intermediate Sanction Facilities

Based on the current funding level and the current filled rate of these privately operated facilities facilities, TDCJ will require an additional \$53.3 million for the 2012-13 biennium to maintain the current population in these correctional and parole facilities and represent the continued operation of 296 beds.

ACADEMIC AND VOCATIONAL TRAINING
Agency Goal 3, Objective 2, Strategy 2

The TDCJ provides opportunities to eligible offenders to acquire academic certification and/or vocational skills (mechanics, welding, etc.) that increase the likelihood of success upon release.

External/Internal Factors Impacting Strategy:

Academic and vocational programs are an integral part of the rehabilitative process. Confinees who are unable to obtain grants or scholarships will be unable to participate in some programs offered.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 16: Academic and Vocational Training, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy is funded at 95%, resulting in a loss of **\$0.2 million** for the biennium.

In coordination with the Windham School District (WSD), 13 colleges and universities provide academic education and vocational training to eligible offenders throughout the system.

These courses provide opportunities to eligible offenders to acquire academic certification and/or vocational job skills that increase the likelihood of a successful reentry.

Reductions to these programs will result in over 340 offenders not having access to these programs each year and will hinder rehabilitation success, potentially increasing recidivism.

➤ **Additional 5% cut:**

The first 5% reduction in funding would result in over 395 offenders not having access to these programs and will hinder rehabilitation success, potentially increasing recidivism.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in 395 additional offenders not having access to these programs.

TREATMENT SERVICES
Agency Goal 3, Objective 2, Strategy 4

This strategy provides funding for unit classification case managers, unit chaplains, Parole Treatment Services, Reentry Coordinators, the Youthful Offender and Sex Offender Programs.

External/Internal Factors Impacting Strategy:

Funding for this item is critical for TDCJ to meet its statutory (Sec. 493.001 (1), Texas Government Code) obligation to confine and supervise adult felons. Any changes in offender population will likely impact these functions during the upcoming biennium.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 14: Treatment Services, Continued Funding for 5% Items, TDCJ

The base request for this strategy is funded at 95%, resulting in a loss of **\$1.6 million** for the biennium.

If not funded, the amount listed above would result in the reduction of 25 positions from these program areas, impacting the unit's ability to provide programs and services that properly classify offenders relative to security, make housing and job assignments, and offer relative chaplaincy services and reentry, and reducing sex offender treatment services.

➤ **Additional 5% cut:**

The first 5% reduction in funding would result in the elimination of 30 employees from these program areas.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in the elimination of 30 additional employees, for a total of 60 employees.

**SUBSTANCE ABUSE TREATMENT –
SUBSTANCE ABUSE FELONY PUNISHMENT FACILITIES**
Agency Goal 3, Objective 2, Strategy 5

During the FY 2008-2009 and FY 2010-2011 biennia, an emphasis has been placed on the treatment of substance abuse-related offenders by state leadership and TDCJ.

The Agency is responsible for the Substance Abuse Felony Punishment Facility (SAFPF) program, which is an intensive 6-month (9-month for special needs offenders) program with 3 phases for offenders with crime related substance abuse problems. A judge sentences offenders into the program as a condition of probation or as a modification of parole. The Board of Pardons and Paroles may also place an offender in the program as a modification of parole supervision.

Upon completion of the incarceration portion of the SAFP program, offenders are provided substance abuse aftercare as a continuum of care in the community. The aftercare component consists of 3 months of residential or intensive outpatient treatment, followed by outpatient counseling for up to 12 additional months.

External/Internal Factors Impacting Strategy:

Availability of funds dictates number and type of programs offered. As funding is reduced, the rehabilitative efforts are diminished, with a potential of a corresponding increase to the recidivism rate of offenders with substance abuse problems.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 6: Substance Abuse Treatment, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy (the SAFP program) is funded at 95%, resulting in a loss of **\$5.9 million** for the biennium.

Overall reductions in this strategy would adversely impact the institutional treatment and continuing aftercare by decreasing the number of offenders who could receive substance abuse treatment by 580 offenders annually within the **Substance Abuse Felony Punishment (SAFP) facilities**, In-Prison Therapeutic Communities (IPTC), and State Jail Substance Abuse Treatment Program. Without these treatment alternatives, the recidivism rate for these offenders needing substance abuse treatment will likely increase, further adding to the demand for prison beds. This funding, as well as additional funding in another exceptional item, is required to maintain current operating levels.

Specifically, this exceptional item for continued funding would maintain the operation of **120 SAFP beds providing treatment services for 240 offenders annually**.

External/Internal Factors:

Funding for Substance Abuse Treatment is critical for TDCJ to meet its statutory (Sec. 493.009(a), Texas Government Code) obligation to provide Substance Abuse Treatment programs to confine and treat defendants required to participate in these programs under Section 14, Article 42.12, Code of Criminal Procedure; and individuals referred for treatment as part of a drug court program established under Chapter 469, Health and Safety Code, or a similar program created under other law.

➤ **Additional 5% cut:**

The first 5% reduction in funding would adversely impact the institutional treatment and continuing aftercare by decreasing the number of offenders who could receive substance abuse treatment by 945 offenders annually within the **Substance Abuse Felony Punishment (SAFP) facilities**, In-Prison Therapeutic Communities (IPTC), and State Jail Substance Abuse Treatment Program.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in the loss of treatment for 945 additional offenders annually, bringing the total loss to 1,890.

**SUBSTANCE ABUSE TREATMENT –
IN-PRISON TREATMENT AND COORDINATION**
Agency Goal 3, Objective 2, Strategy 6

During the FY 2008-2009 and FY 2010-2011 biennia, an emphasis has been placed on the treatment of substance abuse-related offenders by state leadership and TDCJ.

The In-Prison Therapeutic Community (IPTC) program is an intensive 6-month 3-phase program for offenders with crime related substance abuse problems. The Board of Pardons and Paroles (BPP) must vote to place qualified offenders into the program. Upon completion of the incarceration portion of the IPTC program, offenders are provided substance abuse aftercare. The aftercare component includes 3 months of residential or intensive outpatient treatment, followed by outpatient counseling for up to 12 additional months.

The Pre-Release Substance Abuse Treatment Program and Pre-Release Therapeutic Community are intensive 6-month programs for offenders approved for parole by the BPP. The State Jail Substance Abuse program is for state jail offenders who have been convicted of a broad range of offenses and are primarily within four months of release. The Driving While Intoxicated Recovery program is a 6-month program developed for an offender population with diverse anti-social behavior issues and re-offending risk factors. Offenders enter the DWI program before their parole review date.

External/Internal Factors Impacting Strategy:

Availability of funds dictates number and type of programs offered. As funding is reduced, the rehabilitative efforts are diminished, with a potential of a corresponding increase to the recidivism rate of offenders with substance abuse problems.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 6: Substance Abuse Treatment, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy (the IPTC program) is funded at 95%, resulting in a loss of **\$1.7 million** for the biennium.

Overall reductions in this strategy would adversely impact the institutional treatment and continuing aftercare by decreasing the number of offenders who could receive substance abuse treatment by 580 offenders annually within the Substance Abuse Felony Punishment (SAFP) facilities, **In-Prison Therapeutic Communities (IPTC)**, and State Jail Substance Abuse Treatment Program. Without these treatment alternatives, the recidivism rate for these offenders needing substance abuse treatment will likely increase, further adding to the demand for prison beds. This funding, as well as additional funding in another exceptional item, is required to maintain current operating levels.

Specifically, this exceptional item for continued funding would maintain the operation of **59 IPTC** and 44 State Jail Substance Abuse **slots providing treatment services for approximately 340 offenders annually**.

External/Internal Factors:

Funding for Substance Abuse Treatment is critical for TDCJ to meet its statutory (Sec. 493.009(a), Texas Government Code) obligation to provide Substance Abuse Treatment programs to confine and treat defendants required to participate in these programs under Section 14, Article 42.12, Code of Criminal Procedure; and individuals referred for treatment as part of a drug court program established under Chapter 469, Health and Safety Code, or a similar program created under other law.

➤ **Additional 5% cut:**

The first 5% reduction in funding would adversely impact the institutional treatment and continuing aftercare by decreasing the number of offenders who could receive substance abuse treatment by 945 offenders annually within the Substance Abuse Felony Punishment (SAFP) facilities, **In-Prison Therapeutic Communities (IPTC)**, and State Jail Substance Abuse Treatment Program.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in the loss of treatment for 945 additional offenders annually, bringing the total loss to 1,890.

BOARD OF PARDONS AND PAROLES
Agency Goal 5, Objective 1, Strategy 1

The Board of Pardons and Paroles' (BPP) Board Operations, Executive Clemency Section, and Institutional Parole Officers are funded in this strategy. The BPP is responsible for determining which eligible offenders are to be released on parole. Staff analyze and review historical files that are used in determining which offenders are to be released on parole, conditions of parole or mandatory supervision, and executive clemency recommendations to the Governor.

External/Internal Factors Impacting Strategy:

Any changes in offender population will likely impact these functions during the upcoming biennium.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 27: Continued Funding for 5% Items, BPP

TDCJ's base request for this strategy (BPP) is funded at 95%, resulting in a loss of **\$1.9 million** for the biennium.

If not funded, 28 BPP positions would be eliminated, to include **Institutional Parole Officers, Hearing Officers, and other key support staff**. **Reducing the BPP's ability to render parole decisions would create a backlog of offenders leaving the TDCJ which in turn would increase the number of offenders incarcerated and increase associated expenses due to their prolonged incarceration. There would also be a reduction in decisions to require offenders eligible to be placed in treatment programs to complete such treatment prior to release, and reduce the positive effects of those programs on recidivism rates and the current TDCJ population.** Additionally, the loss of this funding would reduce the number of hearings that could be conducted by the BPP and would extend the time offenders remain in county jails, causing the BPP to exceed statutory limits as established in Texas Government Code 508.282, which requires revocation processing be completed in a set number of days (40 days from date of arrest).

External/Internal Factors:

Loss of this funding will hinder the Board of Pardons and Paroles from continuing to conduct its statutory duties (i.e., rendering parole decisions), adversely affecting the TDCJ population by creating a backlog of offenders leaving the TDCJ..

➤ **Additional 5% cut:**

According to the Texas Board of Pardons and Paroles (BPP) a 5% reduction will result in the elimination of approximately 29 Institutional Parole Officers, Hearing Officers, and key operational support staff. **This will cause a decrease in the BPP's ability to efficiently**

review case files to determine which offenders are eligible for release, reducing the number of offenders released, and adversely affecting the current TDCJ population. **This reduction would also** reduce the timelines of the revocation hearing process, extending the time offenders remain in county jails, and **affect the number of decisions made to place eligible offenders in effective treatment programs.**

➤ **Final 5% cut:**

An additional 5% reduction will eliminate 29 more positions and **further decrease the BPP's ability to efficiently review case files to determine which offenders are eligible for release.** **This additional reduction would also** further reduce the timeliness of the revocation hearing process, extending the time offenders remain in county jails, and **have a greater effect on the number of decisions made to place eligible offenders in effective treatment programs.**

REVOCATION PROCESSING

Agency Goal 5, Objective 1, Strategy 2

The Board of Pardons and Paroles' (BPP) Hearing Section is funded in this strategy. Hearing officers conduct preliminary and revocation hearings on behalf of the BPP and provide findings and recommendations for parole panel review and decision.

An additional exceptional item has been requested to biennialize the pay raise approved by the 81st Legislature for Hearing Officers.

External/Internal Factors Impacting Strategy:

Any changes in offender population will likely impact these functions during the upcoming biennium.

* * *

➤ Failure to restore 5% cuts:

Exceptional Item 27: Continued Funding for 5% Items, BPP

TDCJ's base request for this strategy (Revocation Processing) is funded at 95%, resulting in a loss of **\$0.7 million** for the biennium.

If not funded, 28 BPP positions would be eliminated, to include Institutional Parole Officers, **Hearing Officers**, and other key support staff. Reducing the BPP's ability to render parole decisions would create a backlog of offenders leaving the TDCJ which in turn would increase the number of offenders incarcerated and increase associated expenses due to their prolonged incarceration. There would also be a reduction in decisions to require offenders eligible to be placed in treatment programs to complete such treatment prior to release, and reduce the positive effects of those programs on recidivism rates and the current TDCJ population. **Additionally, the loss of this funding would reduce the number of hearings that could be conducted by the BPP and would extend the time offenders remain in county jails, causing the BPP to exceed statutory limits as established in Texas Government Code 508.282, which requires revocation processing be completed in a set number of days (40 days from date of arrest).**

External/Internal Factors:

Loss of this funding will hinder the Board of Pardons and Paroles from continuing to conduct its statutory duties (i.e., rendering parole decisions), adversely affecting the TDCJ population by creating a backlog of offenders leaving the TDCJ..

➤ Additional 5% cut:

According to the Texas Board of Pardons and Paroles (BPP) a 5% reduction will result in the elimination of approximately 29 Institutional Parole Officers, **Hearing Officers**, and key

operational support staff. This will cause a decrease in the BPP's ability to efficiently review case files to determine which offenders are eligible for release, reducing the number of offenders released, and adversely affecting the current TDCJ population. **This reduction would also reduce the timelines of the revocation hearing process, extending the time offenders remain in county jails**, and affect the number of decisions made to place eligible offenders in effective treatment programs.

➤ **Final 5% cut:**

An additional 5% reduction will eliminate 29 more positions and further decrease the BPP's ability to efficiently review case files to determine which offenders are eligible for release. **This additional reduction would also further reduce the timeliness of the revocation hearing process, extending the time offenders remain in county jails**, and have a greater effect on the number of decisions made to place eligible offenders in effective treatment programs.

PAROLE SUPERVISION
Agency Goal 6, Objective 2, Strategy 1

The Parole Division has a vital role in the agency's fundamental public safety mission by providing for the investigation and supervision of all offenders released on parole and mandatory supervision. The Division encourages offenders to comply with conditions of their release through close supervision and the utilization of specialized caseloads to provide specialized supervision to sex offenders, mentally ill/mentally retarded [MIMR] offenders and offenders with histories of substance abuse.

External/Internal Factors Impacting Strategy:

Any changes in the number of offenders on supervision will likely impact these functions during the upcoming biennium.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 5: Parole Supervision, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy is funded at 95%, resulting in a loss of **\$7.6 million** for the biennium.

If not funded, the amount listed will result in the elimination of approximately 120 Parole Officers and key operational support staff. This will cause an increase in the regular direct supervision caseload ratio of 75 to 87 as the additional cases will be assumed by remaining officers. Currently, a ratio of 75 active releasees to one parole officer is required, exclusive of intensive and super-intensive (Article V, Rider 31, 81st Legislature). In order to maintain current caseload ratios based on the most recent offender supervision projections, this continued funding, as well as additional funding in another exceptional item to account for projected growth, is required.

External/Internal Factors:

Without adequate supervision by parole officers, recidivism may increase or violations may go undetected.

➤ **Additional 5% cut:**

The first 5% reduction in funding would result in the elimination of 149 Parole Officers and key operational support staff. This will cause an increase in the regular direct supervision caseload ratio to 101, as the additional cases will be assumed by remaining officers.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in the elimination of 149 additional Parole

Officers and key operational support staff, for a total of 298 employees. This will cause a further increase in the regular direct supervision caseload ratio of 101 to 121 as the additional cases will be assumed by remaining officers.

Additional Exceptional Item 23: Parole Caseload Growth Based on LBB Population Projections

LBB projections relating to the number of active parolees under supervision indicate an increase for the 2012-13 biennium. Based on these figures, the number of active parolees will climb to an annual average of 81,810 in FY 2012 and 82,838 in FY 2013, approximately 4% above current levels. Based on this projected growth in the parolee population (and increase in parole supervision), TDCJ will need an additional \$9.9 million during the 2012-13 biennium to maintain current operations and caseload ratios.

External/Internal Factors:

If actual populations vary from projected populations, service levels could be adversely affected.

HALFWAY HOUSE FACILITIES

Agency Goal 6, Objective 2, Strategy 2

In order to limit the growth of state expenditures, long-term contracts have historically been established with private vendors for the operations of seven private prisons (4,118 beds), five privately operated state jails (7,345 beds), two pre-parole transfer facilities (2,300 beds), one work program facility (500 beds), **seven halfway house facilities (1,607 beds)**, and 6 intermediate sanction facilities (2,800 beds). These competitively awarded contracts are evaluated and awarded with escalating rates, resulting in increases of approximately 2.5% annually.

Halfway houses are an integral part of our parole supervision model and a necessity to provide supervision for offenders who have no other residential options. Halfway house placements are made for offenders scheduled to be released on mandatory supervision. These beds are only utilized for offenders who have no viable residential plan at the time of release.

External/Internal Factors Impacting Strategy:

Any changes in offender population will likely impact these functions during the upcoming biennium.

* * *

➤ **Failure to restore 5% cuts:**

Exceptional Item 13: Halfway House Facilities, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy is funded at 95%, resulting in a loss of **\$1.6 million** for the biennium.

Halfway house placements are made for offenders scheduled to be released on parole or mandatory supervision and have no viable residential plan at the time of release. This funding decrease would result in 220 fewer annual halfway house placements (equivalent to 55 halfway house beds), directly impacting the agency's prison population due to delays in halfway house placements. This funding, as well as additional funding in another exceptional item, is required to maintain current operating levels.

External/Internal Factors:

Any changes in offender population will likely impact these functions during the upcoming biennium.

➤ **Additional 5% cut:**

The first 5% reduction in funding would result in 260 fewer annual halfway house placements (the equivalent to 65 halfway house beds), directly impacting the agency prison population due to delays in halfway house placements.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in an additional 260 fewer annual halfway house placements, for a total reduction of 520 annual placements (the equivalent to 130 halfway house beds).

Additional Exceptional Item 21: Contractual Per Diem Adjustments—Privately Operated Facilities, Halfway House & Intermediate Sanction Facilities

Based on the current funding level and the current filled rate of these privately operated facilities, TDCJ will require an additional \$53.3 million for the 2012-13 biennium to maintain the current population in these correctional and parole facilities. **Without this funding, 2,200 beds will be eliminated, of which 830 are ISF and halfway house beds.**

Specifically, this exceptional item will maintain the current population levels on these facilities and represents the continued operation of 284 beds equivalent to 1,136 annual Halfway House placements.

INTERMEDIATE SANCTION FACILITIES

Agency Goal 6, Objective 2, Strategy 3

In order to limit the growth of state expenditures, long-term contracts have historically been established with private vendors for the operations of seven private prisons (4,118 beds), five privately operated state jails (7,345 beds), two pre-parole transfer facilities (2,300 beds), one work program facility (500 beds), seven halfway house facilities (1,607 beds), and **6 intermediate sanction facilities (2,800 beds)**. These competitively awarded contracts are evaluated and awarded with escalating rates, resulting in increases of approximately 2.5% annually.

Intermediate Sanction Facility (ISF) beds are utilized to house offenders who have violated the conditions of their supervision. Offenders who have committed technical violations of release can be placed in an ISF by the Board of Pardons and Paroles. The benefit of utilizing an ISF is that the facilities are utilized as an alternative to revocation – offenders do not enter into a revoked status when they are sent to an ISF and remain on supervision. Consequently, the offender does not enter the Correctional Institutions Division.

External/Internal Factors Impacting Strategy:

The reduction of ISF beds as an option for the Board of Pardons and Paroles could result in additional revocations, thus adversely affecting the agency's operations and prison population. With a decreased number of diversionary beds available, the agency's incarcerated offender population could be impacted.

* * *

➤ Failure to restore 5% cuts:

Exceptional Item 9: Intermediate Sanction Facilities, Continued Funding for 5% Items, TDCJ

TDCJ's base request for this strategy is funded at 95%, resulting in a loss of **\$2.7 million** for the biennium.

This funding decrease would equate to a reduction of 85 ISF beds, or approximately 510 placements annually. The reduction of ISF beds as an option for the Board Pardons and Paroles and local judges could result in additional revocations, thus adversely affecting the agency's prison population. This funding, as well as additional funding in another exceptional item, is required to maintain current operating levels.

➤ Additional 5% cut:

The first 5% reduction in funding would eliminate 101 ISF beds, or approximately 606 placements annually. The reduction of ISF beds as an option for the Board of Pardons and Paroles and local judges could result in additional revocations, thus adversely affecting the agency's prison population.

➤ **Final 5% cut:**

The second 5% reduction in funding would result in the elimination of an additional 101 ISF beds, bringing the total reduction to 202 ISF beds, or approximately 1,212 annual placements.

Additional Exceptional Item 19: Biennialization of Substance Abuse Felony Punishment Facility / Intermediate Sanction Facility Funding

Last session, TDCJ received continued funding for a number of treatment and diversion initiatives originally established by the 80th Legislature, including the phase in of 1,500 SAFP beds and **1,400 parole and probation ISF beds**. As part of the agency's 5% reduction plan submission for the 2010-11 biennium, TDCJ identified \$18.9 million in underutilized/ unspent treatment diversion funds, primarily SAFP funding, due to the ongoing phase-in of these beds. TDCJ continues to work with local judges, district attorneys, and the probation community to ensure these treatment alternatives are effectively and fully utilized. The continuation of this funding in FY 2012-13 is required to fully utilize the operations of these programs. Without this funding, approximately 625 treatment beds will be eliminated.

Specifically, this request represents continued operation of 181 ISF beds or approximately 1,086 offender placements annually.

Additional Exceptional Item 21: Contractual Per Diem Adjustments—Privately Operated Facilities, Halfway House & Intermediate Sanction Facilities

Based on the current funding level and the current filled rate of these privately operated facilities, TDCJ will require an additional \$53.3 million for the 2012-13 biennium to maintain the current population in these correctional and parole facilities. **Without this funding, 2,200 beds will be eliminated, of which 830 are ISF and halfway house beds.**

Specifically, this exceptional item will maintain the current operation of 550 ISF beds equivalent to 3,300 placements annually.

APPENDIX B: PROJECTED FUNDING CUTS AND RAMIFICATIONS

This chart includes agency cuts to staffing, program operations, and service delivery at the 5, 10, and 15 percent cut levels. This information only reflects cuts in areas chosen by TCJC as priorities for the full restoration of funding. Other cuts to agency programs, services, and personnel are reflected in TDCJ's larger legislative appropriations request.

TDCJ STRATEGY	SERVICES PROVIDED	5% CUT (Amount to Restore)	10% CUT	15% CUT	TOTAL RAMIFICATION (with 15% cuts)
Basic Supervision	Probation supervision funding creates alternatives to incarceration by providing financial aid to Community Supervision and Corrections Departments (CSCDs) for the establishment and delivery of basic probation services for felony and misdemeanor offenders.	<i>Needed restoration: \$8.6 million</i> for the biennium			
		Elimination of approximately 87 probation officer positions	Elimination of approximately 154 probation officer positions	Elimination of 154 additional probation officer positions	Elimination of approximately 395 probation officer positions
		An increase in the regular direct supervision caseload ratio of 108 to 114 as these additional cases will be assumed by the remaining probation officers	An increase in the regular direct supervision caseload ratio of 114 to 119	A further increase in the regular direct supervision caseload ratio of 119 to 131	An increase in the regular direct supervision caseload ratio of 108 to 131
Diversion Programs	This provides CSCDs with grant funding for residential facilities, substance abuse	<i>Needed restoration: \$9.2 million</i> for the biennium			

		3,100 fewer offenders being monitored on specialized caseloads (sex offender, special needs, substance abuse)	3,780 fewer offenders being monitored on specialized caseloads	3,780 fewer offenders being monitored on specialized caseloads	10,660 fewer offenders being monitored on specialized caseloads
Community Corrections	Community corrections funding allows local Community Supervision and Corrections Departments to develop programs to serve primarily as diversions from prison.	<i>Needed restoration: \$3 million</i> for the biennium			
		1,480 fewer probationers will be served biennially in community-based residential beds	1,780 fewer probationers served in community-based residential beds	1,780 fewer probationers served in community-based residential beds	5,040 fewer probationers served in community-based residential beds
Treatment Alternatives To Incarceration Program (TAIP)	TAIP makes both in-patient and out-patient substance abuse treatment services available in the community for offenders on probation.	<i>Needed restoration: \$0.6 million</i> for the biennium			
		About 400 fewer offenders will receive substance abuse counseling through TAIP funding	460 fewer offenders receiving substance abuse counseling	460 fewer offenders receiving substance abuse counseling	About 1,320 fewer offenders receiving substance abuse counseling

<p>Special Needs Projects</p>	<p>Treatment of mentally ill offenders being supervised in the community includes psychiatric assessments, medications and counseling; pre-release and post-release screening, referral and medical/psychiatric treatment to offenders nearing release from incarceration; processing of offenders eligible for release to Medically Recommended Intensive Supervision; and administering the pre-release Social Security application process for released offenders.</p>	<p><i>Needed restoration: \$1.6 million</i> for the biennium</p>			
		<p>A decrease of intensive case management and support services for offenders with mental illness served through community-based mental health criminal justice initiatives and the jail diversion programs</p>	<p>A decrease of these services for offenders with mental illness</p>	<p>A further decrease of these services for offenders with mental illness</p>	<p>A significant decrease of services for offenders with mental illness</p>
<p>Correctional Support Operations</p>	<p>These functions provide unit offender records, offender mail, courtroom operations, and the Classification and Records Department. Staff handle the ongoing diagnostic and intake process, all transactions relating to unit assignments, custody assignments,</p>	<p><i>Needed restoration: \$6.6 million</i> for the biennium</p>			

		A reduction of approximately 135 positions	Elimination of 171 unit support positions	Elimination of 171 additional unit support positions	Elimination of 477 unit support positions
Offender Services	Programs ensure that offenders have access to the courts and the operations of unit law libraries; that offenders charged with disciplinary violations on the units have representation; that offenders get release payments and interstate compact services.	<i>Needed restoration: \$1 million</i> for the biennium			
		A reduction of 16 additional employees	Elimination of 20 employees	Elimination of 20 additional employees	Elimination of 56 employees
Correctional Managed Psychiatric Care	Psychiatric and psychological health care program for offenders confined in TDCJ. Mental health services shall include programs for the mentally-ill and mentally retarded and include the entire spectrum of care from outpatient services to chronic and acute inpatient services including transitional, continuous, extended, and structured intermediate care.	<i>Needed restoration: \$4.1 million</i> for the biennium			
		Reduced nursing staff, reduction of medical provider staff, pharmacy, mental health staff, administrative and ancillary staff	Reduction of approximately 373 full time employees (FTEs)	Reduction of approximately 370 additional FTEs	Reduction of at least 740 FTEs; likely as many as 1,000
Residential Pre-Parole Facilities	Pre-parole transfer facilities provide secure community-based pre-parole housing for	<i>Needed restoration: \$2.6 million</i> for the biennium			

		Elimination of approximately 471 beds at contract prisons, privately operated state jails, and pre-parole transfer facilities <i>[This request would maintain the operation of <u>98</u> beds at pre-parole facilities]</i>	Elimination of approximately 565 beds	Elimination of approximately 565 beds	Elimination of approximately 1,601 beds at contract prisons, privately operated state jails, and pre-parole transfer facilities – some of which would be pre-parole facility beds
Academic And Vocational Training	This provides opportunities to eligible offenders to acquire academic certification and/or vocational skills (mechanics, welding, etc.) that increase the likelihood of success upon release.	<i>Needed restoration: \$0.2 million</i> for the biennium			
		Over 340 offenders not having access to programs each year	Over 395 offenders not having access	395 additional offenders not having access	Over 1,130 offenders not having access
Treatment Services	Treatment services are provided by unit classification case managers, unit chaplains, Parole Treatment Services, Reentry Coordinators, the Youthful Offender and Sex Offender Programs.	<i>Needed restoration: \$1.6 million</i> for the biennium			
		The reduction of 25 positions from these program areas	Elimination of 30 employees	Elimination of 30 additional employees	Elimination of 85 employees
Substance Abuse Treatment	A SAFPF program is an intensive 6-month (9-month for special needs offenders)	<i>Needed restoration: \$5.9 million</i> for the biennium			

		<p>Loss of substance abuse treatment for 580 offenders annually within the Substance Abuse Felony Punishment (SAFP) facilities, In-Prison Therapeutic Communities (IPTC), and State Jail Substance Abuse Treatment Program</p> <p><i>[This request would maintain the operation of 120 SAFPF beds providing treatment services for <u>240</u> offenders annually]</i></p>	Loss of treatment for 945 offenders annually	Loss of treatment for 945 additional offenders annually	Loss of treatment for 2,470 offenders annually within the Substance Abuse Felony Punishment (SAFP) facilities, In-Prison Therapeutic Communities (IPTC), and State Jail Substance Abuse Treatment Program – <i>some of which would be offenders within SAFPFs</i>
<p>Substance Abuse Treatment – In-Prison Treatment And Coordination (IPTC)</p>	<p>IPTC is an intensive 6-month 3-phase program for offenders with crime-related substance abuse problems. Qualified offenders are placed into the program by a vote of Board of Pardons and Paroles.</p>	<p><i>Needed restoration: \$1.7 million for the biennium</i></p>			

		<p>Loss of substance abuse treatment for 580 offenders annually within the Substance Abuse Felony Punishment (SAFP) facilities, IPTC, and State Jail Substance Abuse Treatment Program</p> <p><i>[This request would maintain the operation of 59 IPTC slots providing treatment services for approximately 340 offenders annually]</i></p>	Loss of treatment for 945 offenders annually	Loss of treatment for 945 additional offenders annually	Loss of treatment for 2,470 offenders annually within the Substance Abuse Felony Punishment (SAFP) facilities, In-Prison Therapeutic Communities (IPTC), and State Jail Substance Abuse Treatment Program – <i>some of which would be offenders within IPTC beds</i>
Board Of Pardons And Paroles (BPP)	BPP determines which offenders are to be released on parole, conditions of parole or mandatory supervision, and executive clemency recommendations to the Governor.	<p><i>Needed restoration: \$1.9 million</i> for the biennium</p> <p>28 BPP positions would be eliminated, to include Institutional Parole Officers, Hearing Officers, and other key support staff</p>	Elimination of approximately 29 positions	Elimination of 29 more positions	Elimination of approximately 86 positions, including Institutional Parole Officers, Hearing Officers, and other key support staff – <i>some of which would be Parole Officers</i>

Revocation Processing	Hearing officers conduct preliminary and revocation hearings on behalf of the BPP and provide findings and recommendations for parole panel review and decision.	<i>Needed restoration: \$0.7 million</i> for the biennium			
		28 BPP positions would be eliminated, to include Institutional Parole Officers and other key support staff	Elimination of approximately 29 positions	Elimination of 29 more positions	Elimination of approximately 86 positions, including Institutional Parole Officers, Hearing Officers, and other key support staff – <i>some of which would be Hearing Officers</i>
Parole Supervision	The Parole Division encourages offenders to comply with conditions of their release through close supervision and the utilization of specialized caseloads to provide specialized supervision to sex offenders, mentally ill/mentally retarded [MIMR] offenders and offenders with histories of substance abuse.	<i>Needed restoration: \$7.6 million</i> for the biennium			
		Elimination of approximately 120 Parole Officers and key operational support staff	Elimination of 149 Parole Officers and key operational support staff	Elimination of 149 additional Parole Officers and key operational support staff	Elimination of 418 Parole Officers and key operational support staff
		An increase in the regular direct supervision caseload ratio of 75 to 87	An increase in the regular direct supervision caseload ratio of 87 to 101	A further increase in the regular direct supervision caseload ratio of 101 to 121	An increase in the regular direct supervision caseload ratio of 75 to 121
Halfway House Facilities	Halfway houses provide supervision for offenders who have no other	<i>Needed restoration: \$1.6 million</i> for the biennium			

		220 fewer annual halfway house placements (equivalent to 55 halfway house beds)	260 fewer annual halfway house placements (the equivalent to 65 halfway house beds)	An additional 260 fewer annual halfway house placements	740 fewer annual halfway house placements
Intermediate Sanction Facilities	ISFs house offenders who have violated the conditions of their supervision. The facilities are utilized as an alternative to revocation.	<i>Needed restoration: \$2.7 million</i> for the biennium			
		A reduction of 85 ISF beds, or approximately 510 placements annually	Elimination of 101 ISF beds, or approximately 606 placements annually	Elimination of an additional 101 ISF beds	Elimination of 287 ISF beds