



## Texas Families for Justice

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# Texas Communities Bear the Burden of State's Broken Criminal Justice System

*A broken criminal justice system lacks transparency and accountability, creates harmful conditions for incarcerated people, imposes unfair barriers to success for people with arrest and conviction histories, and decreases economic stability among families, especially among black and Latino communities.*

### *Our Criminal Justice System is Broken*

- Since the early 1990s, crime rates have been steadily declining in Texas. Despite recent reforms,<sup>i</sup> Texas has one of the highest incarceration rates in the country and the world, with approximately 150,000 people incarcerated in Texas state prisons and 69,000 people in county jails.<sup>ii</sup>
- Texas ranks second in the nation in total arrests for marijuana possession, wasting nearly \$300 million in state taxpayer money.<sup>iii</sup> Whites, African-Americans, and Latinos use drugs at roughly comparable rates, but African-Americans and Latinos are more likely to be arrested.
- Latino and black communities (972 and 2,855 per 100,000 residents respectively) are also incarcerated at higher rates than white communities (768 per 100,000 residents).<sup>iv</sup>
- Fifty four percent of incarcerated people nationwide are parents of children under 18. Children of color are more likely to have an incarcerated parent. One in 57 white children (1.8 percent), one in nine black children (11.4 percent) and in 28 Latino children (3.5 percent) have an incarcerated parent.<sup>v</sup>
- The Board of Pardons and Paroles, despite recommendations from the Texas Sunset Commission, continues to deny incarcerated individuals' parole for vague, static reasons such as the "Nature of Offense," and gives too little weight to other indicators, such as positive prison behavior, academic achievement, and family support.
- The Texas public sex offender registry is a social death sentence for people who are required to register and spreads the stigma to their

families. Currently, there are over 80,000 people listed on the public registry and most of them are required to register for life regardless of the nature of their crime or their risk to reoffend.

## *Incarcerated People are subjected to Unsafe and Inhumane Conditions*

- In 2011, individuals incarcerated in Texas Department of Criminal Justice (TDCJ) filed 174,535 grievances and approximately one quarter of all those were complaints about an aspect of unit facilities, pointing to the inadequate, antiquated condition of most TDCJ facilities.<sup>vi</sup>
- The abysmal condition of these units, and TDCJ's failure to provide relief from extreme weather, have contributed to at least 14 deaths in recent years, and have led to at least one report calling conditions in TDCJ a "violation of both international human rights standards as well as the Constitution."<sup>vii</sup>

## *Jobs and Education Reduce Recidivism, Not Mass Incarceration*

- Nearly one in three Texans return to prison after their release.<sup>viii</sup> Texas taxpayers spend \$21,390 to incarcerate a person for a year. The state spends over \$3.2 billion in taxpayer dollars to fund the bloated prison system.<sup>ix</sup>
- Corporations have taken advantage of the broken criminal justice system by incarcerating more than 14,500 people in Texas, the largest number of people

incarcerated in private prisons and local jails.<sup>x</sup>

- People with arrest or conviction histories face employment discrimination and are fifty percent less likely to receive a call back for entry-level positions when compared to those without arrest or conviction histories with worse outcomes for black applicants. White applicants with a conviction history are more likely to receive a call back than black applicants without a conviction history.<sup>xi</sup>
- Research with formerly incarcerated people shows employment significantly reduces recidivism,<sup>xii</sup> but in Texas, only Travis County and Austin have policies in place to "Ban the Box," which gives people a fair chance to be evaluated based on their skills and qualifications rather than their conviction histories.<sup>xiii</sup> In addition, higher education, not only leads to increased employment opportunities, but also reduces recidivism by as much as 43 percent.<sup>xiv</sup>
- The Reentry and Integration Division of TDCJ provides minimal reentry programming for those leaving prison, and only provides services to those who are paroling.<sup>xv</sup> This means the 28,936<sup>xvi</sup> people who maxed-out their sentences in 2013 not only received no supervision or help after they were released; they received no programming prior to returning to their communities.

## Strengthen Texas Families and Communities by Ending Mass Incarceration

Despite the progress made in 2007 regarding prison reform in Texas, there is more work to be done including:

- Reforms to parole and pardon decision-making to give greater weight to positive prison behaviors, academic achievement, and family support;
- External oversight of TDCJ to promote transparency, outside evaluation, and evaluation to ensure safety and well-being of incarcerated people;

- Implementation of reentry programs and transitional opportunities, including services for people who are not on parole when they return to their communities.
- Coordination between prison education entities and outside education institutions to ensure people leaving prison can access, transfer, and continue coursework;

These reforms represent only a few of the many actions needed to bring respect and dignity to incarcerated persons, people with arrest and conviction histories and their families, but they would create an immeasurable change in the lives of thousands of people.



*Texas Voices for Reason and Justice advocates for common sense, research based laws and policies through education, legislation, litigation, and support for persons required to register for sex related offenses as well as for members of their families.*



*Texas Inmate Families Association strengthening families through support, education and advocacy. Our mission is to break the cycle of crime by strengthening families through support, education, and advocacy.*



*The main mission of all CURE Chapters is to work together to achieve Criminal Justice and Prison reform by advocating for local and national proactive legislation.*



*Nation Inside is a platform that connects and supports people who are building a movement to systematically challenge mass incarceration in the United States.*



*TCJC works with peers, policy-makers, practitioners, and community members to identify and promote smart justice policies that safely reduce Texas' costly over-reliance on incarceration.*



*The mission of the Center for Community Change is to build the power and capacity of low-income people, especially low-income people of color, to change their communities and public policies for the better.*

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- <sup>i</sup> U.S. Department of Justice. *Uniform Crime Reporting Statistics*. Accessed October 20, 2014. Retrieved from <http://tinyurl.com/3wj6fn9>
- <sup>ii</sup> Texas Commission on Jail Standards. *Abbreviated Population Report for 9/1/2014*. (2014). Retrieved from <http://tinyurl.com/lkg92mx>
- <sup>iii</sup> ACLU of Texas. *Texas Police Have a Drug Problem and Black Texans are Paying for It*. (2013). Retrieved from <http://tinyurl.com/k5qgv5>
- <sup>iv</sup> Prison Policy Initiative. *Breaking Down Mass Incarceration in the 2010 Census: State-by-state incarceration rates by race/ethnicity*. (2014). Retrieved from <http://tinyurl.com/jvu8qsc>
- <sup>v</sup> The Pew Charitable Trusts. *Collateral Costs: Incarceration's effect on economic mobility*. (2010). Retrieved from <http://tinyurl.com/kmyyf4r>
- <sup>vi</sup> Texas Department of Criminal Justice. *Offender Grievance Program, Fiscal Year 2011 Report*. (2013). Retrieved from <http://tinyurl.com/nwwcmr6>. See also Texas Criminal Justice Coalition Fact Sheet: Require TDCJ to Provide Detailed Reporting of Grievance Resolutions to Help Facilities Effectively Resolve Issues at <http://tinyurl.com/ps8ofe8>
- <sup>vii</sup> Human Rights Clinic at the University of Texas School of Law. *Deadly Heat in Texas Prisons: A report from the Human Rights Clinic at the University of Texas School of Law*. (2014). Retrieved from <http://tinyurl.com/nkncl2>
- <sup>viii</sup> Legislative Budget Board. *Statewide Criminal Justice Recidivism and Revocation Rates*. (2013). Retrieved from <http://tinyurl.com/chex9bo>
- <sup>ix</sup> Vera Institute of Justice. *The Price of Prisons: Texas*. (2012). Retrieved from <http://tinyurl.com/l7wbt8s>
- <sup>x</sup> Bureau of Justice Statistics. *Prisoners in 2013*. (2014). Retrieved from <http://tinyurl.com/kj2ooej>
- <sup>xi</sup> Pager, D. *The Mark of a Criminal Record*. (2003). Retrieved from <http://tinyurl.com/jwvbg49>
- <sup>xii</sup> Berg, M. T., & Huebner. *Reentry and the Ties that Bind: An examination of social ties, employment, and recidivism*. (2011). Retrieved from <http://tinyurl.com/kmbykpn>
- <sup>xiii</sup> National Employment Law Project. *Ban the Box: U.S. cities, counties, and states adopt fair hiring policies to reduce unfair barriers to employment for people with criminal records*. (2014). Retrieved from <http://tinyurl.com/l9m9asn>
- <sup>xiv</sup> Rand Corporation. *Evaluating the Effectiveness of Correctional Education*. (2013). Retrieved from <http://tinyurl.com/pfbtwqe>
- <sup>xv</sup> Texas Department of Criminal Justice. *Reentry Program, Reentry and Integration Division, Texas Department of Criminal Justice*. Accessed October 27, 2014. Retrieved from <http://tinyurl.com/ktlbgoy>
- <sup>xvi</sup> Texas Department of Criminal Justice. *Statistical Report: Fiscal Year 2013*. (2013). Retrieved from <http://tinyurl.com/p5gxz4m>