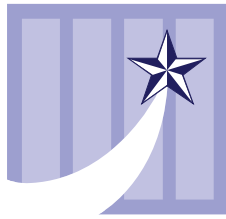


2012 Survey Findings



Perceptions of Texas Criminal Justice and Corrections Agencies: Incarcerated Individuals and Their Loved Ones



TEXAS CRIMINAL
JUSTICE COALITION

ACKNOWLEDGEMENTS

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The Texas Criminal Justice Coalition identifies and advances real solutions to the problems facing Texas' juvenile and criminal justice systems. We conduct policy research and analysis, form effective partnerships, and educate key stakeholders to promote effective management, accountability, and best practices that increase public safety, save taxpayer dollars, and preserve human and civil rights.

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Table of Contents

Survey Methodology & Analysis	1
Key Findings	3
Recommendations for Texas Criminal Justice and Corrections Agencies	5
Supplemental Survey: Loved Ones of Incarcerated Individuals	19
Appendix A: Findings Tables – Incarcerated Individuals	25
Appendix B: Findings Tables – Loved Ones of Incarcerated Individuals	35
References	45



Survey Methodology & Analysis

Methodology

In response to the Sunset Advisory Commission's review of the Texas Department of Criminal Justice (TDCJ), the Texas Criminal Justice Coalition (TCJC) created a 50-question exploratory survey to capture the input of incarcerated persons within TDCJ. This survey contained open, closed, and ranked ordered questions.

We distributed the survey in October 2011 via inmate correspondence and received responses over a three-month period. Each participant was informed that the completion of the survey was strictly voluntary and was asked to complete a confidentiality agreement. Ultimately, 379 incarcerated individuals (out of the 500 who were asked to participate) provided feedback on issues including: public input and oversight, unit administration, unit staff, safety and prisoner management, conditions of confinement, physical and mental health, programs, and reentry and parole. The number of responses collected provided us with a 76% response rate.

Demographics of Surveyed Population

It is important to note that this study was exploratory in nature and can by no means be generalized to the entire population of incarcerated persons within TDCJ. We recommend a more thorough study to obtain a more in-depth look into the perceptions of this specific population.

Out of the 379 participants who responded to TCJC's survey, 93.7% were incarcerated at the time they completed the survey. 313 respondents (82.6%) have spent time in more than one facility. The information below is intended to provide more illustrative information about our respondents:

Overview of respondents by race/ethnicity:

- 64.4% are White
- 15.3% are Black
- 14.0% are Hispanic
- 6.3% Unknown

Overview of respondents by unit type:

- 74.7% are housed in a Prison
- 8.7% are housed in a State Jail
- 8.4% are housed in a Transfer Facility
- 4.2% are housed in a Treatment Facility
- 2.9% are housed in a Private Prison
- 1.1% Unknown

Overview of respondents by offense type:¹

- 47.7% committed an Index Crime
- 29.0% committed an Non-Index Crime
- 16.7% Offense Unknown
- 16.6% committed more than one offense

Additional facts about respondents:

- 79.9% were employed prior to incarceration
- 58% have a reentry plan
- 53% have a substance abuse/addiction issue
- 38.8% have been diagnosed with a mental illness
- 32.3% have received treatment for a substance abuse/addiction problem
- 24.8% are currently enrolled in school
- 23% were enrolled in school prior to incarceration
- 17.2% are currently taking medication for their mental illness

Note About Supplemental Survey: In conjunction with this survey, TCJC conducted a supplemental study to capture the input of loved ones (friends and families) of incarcerated individuals (*findings and recommendations begin on page 19*). This survey was similar in structure to the survey of incarcerated individuals, with the exception of specific demographics (e.g., unit type, education and employment history, reentry plan, etc.), which were collected solely for incarcerated individuals.

Out of the 68 loved ones who responded to TCJC's survey, 21 (30.9%) are related to incarcerated individuals in more than one way (friend, family member, service provider, etc.), 18 (26.5%) identified themselves as a family member other than a parent or a child, 13 (19.1%) are a parent/guardian of an incarcerated individual, and 9 (13.2%) identified themselves as a friend of an incarcerated individual. The 7 remaining respondents identified themselves as either a child of an incarcerated individual, a staff member within TDCJ, or a service provider.

Definitions

In addition to a series of open- and closed-ended questions, participants of both the inmate survey and the supplemental survey were asked to rank order several sub-categories based on their perceived level of importance. These questions were used to identify the issues that individuals find to be most important and most deserving of the Sunset Commission's review. Participants were given the option of ranking issues on a continuum from low importance to high importance. (*Note: A full breakdown of all participants' ranked responses is included in Appendices A and B.*)

The findings in this report have been generalized to TDCJ; however, it is important to note that participants were asked to identify if they were responding to TDCJ as a whole or a particular agency, including:

- The Community Justice Assistance Division (CJAD)
- The Board of Pardons and Parole (BPP)
- Windham School District (WSD)
- Correctional Managed Health Care Committee

Any findings applicable to the agencies listed above have been identified as a response specific to that agency; all other findings have been generalized to TDCJ or "criminal justice and corrections agencies" in the State of Texas.

The perspective of these survey respondents is critical to TCJC's ongoing work to improve criminal justice practices, to the benefit of incarcerated individuals, friends and families, and correctional facility staff. Findings will be used to support our policy recommendations, with recognition that this feedback is not reflective of the entire population of incarcerated individuals within TDCJ, nor of their loved ones.

Key Findings

A. Public Oversight and Input

Many incarcerated individuals would like more independent oversight and increased efficiency in answering the public's questions.

- 91% of incarcerated individuals identified the need for an independent corrections ombudsman as a highly important issue.
- 75% of respondents think TDCJ's efficiency in responding to questions, from incarcerated individuals and the public in general, is moderately or highly important.

B. Unit Administration

A majority of incarcerated individuals believe there should be changes made to the inmate transfer process, and/or the inmate grievance process.

- 85% of incarcerated individuals indicated that transfer needs based on special considerations – such as family, health, and access to educational opportunities – are an issue of high importance.
- 72% indicated that the clarity of the grievance process is an issue of high importance; however, 73% think that the accessibility of the grievance process is of low importance.

C. Unit Staff

Many incarcerated individuals identified issues with staff abuse and staff training, though most are satisfied with the level of protection that staff provides, and with the quantity of staff.

- 74% of incarcerated individuals reported that poor treatment or abuse by staff is an issue of moderate or high importance.
- 61% indicated that staff training is an issue of moderate or high importance.
- 70% think that lack of staff protection is of mild or low importance. Similarly, 63% think issues of protection in general are of mild or low importance.
- 65% think that the quantity of staff is of mild or low importance.

D. Safety and Prisoner Management

Many issues related to safety for incarcerated individuals are of high importance, including racism, Security Threat Group identification and/or misidentification, and use of administrative segregation.

- 73% of incarcerated individuals reported that racism within TDCJ is a moderately to highly important issue.
- 69% believe that identification and/or misidentification of Security Threat Group (STG) members is a highly important issue. Furthermore, 68% claimed that danger associated with STGs is an issue of low importance.

- 62% think that inconsistencies in discipline administration and criteria for discipline are a highly important issue.
- 64% indicated that criteria for administrative segregation designation are a highly important issue; however, 63% think the length of administrative segregation designations is an issue of low importance.
- 70% claimed that drug use in prison is of mild to low importance.

E. Conditions of Confinement

Many incarcerated individuals are concerned with unit temperature and the nutritional value and quality of meals; however, the variety of food is not an issue.

- 74% of incarcerated individuals claimed that access to heat and/or air conditioning is a moderately to highly important issue.
- 67% think that the nutritional value and quality of food is a moderately or highly important issue. However, 67% think the availability of alternative meals is of mild or low importance.

F. Physical and Mental Health

Physical and mental health care is an area of concern for incarcerated individuals.

- 80% of incarcerated individuals indicated that the quality of health care in prisons is of moderate to high importance. However, 62% believe the type and frequency of doctors' visits to be of mild or low importance.
- 66% think that issues related to post-traumatic stress disorder (PTSD) are a moderately or highly important issue for incarcerated veterans.

G. Programs

In general, the quality of and time allotment for programming within TDCJ is an important issue for incarcerated individuals, with the exception of volunteer-based programming.

- 65% of incarcerated individuals indicated access to vocational training and educational programming is a moderately or highly important issue. Similarly, 60% think that diversity of vocational training and educational programs is a moderately or highly important issue.
- 70% think that the emphasis on or importance of volunteers for vocational training and educational programs is of mild or low importance. Similarly, 64% think that the emphasis on or importance of volunteers for rehabilitation and treatment programs is of mild or low importance.

H. Reentry and Parole

Many incarcerated individuals see a need for improvements to the Board of Pardons and Paroles (BPP), but see revocations as an area that does not need to be changed.

- 74% of incarcerated individuals indicated that BPP approval and denial rates are of moderate to high importance.
- 61% indicated that parole conditions are an issue of moderate or high importance.
- 62% think that revocation rates are an issue of mild or low importance.

Recommendations for Texas Criminal Justice and Corrections Agencies

A. Public Oversight and Input

1. Texas policy-makers should institute an independent Criminal Justice Ombudsman Office.

Our survey findings indicate that a large majority of incarcerated individuals and their loved ones believe TDCJ should institute an independent ombudsman.

Currently, the general public has access to TDCJ's Ombudsman Program, an entity that "provides a single point of contact for elected officials and members of the general public who have inquiries regarding the agency, offenders, or staff. When necessary, the investigations shall be coordinated through appropriate TDCJ officials. The TDCJ Ombudsman Offices strive to provide timely responses to the public."² While this may be an appropriate outlet for the public to obtain information about TDCJ, several issues with the Ombudsman Program currently exist.

The TDCJ Ombudsman Program uses its quantity of responses to inquiries and the amount of time it takes program officers to respond to such inquiries as its outcome performance measure.³ In contrast, a quality assurance approach would measure a program's success in terms of the number of issues resolved, and in what way. Based on available quantitative data alone, the TDCJ Ombudsman Program is not effective in resolving issues that affect Texas prisoners; between 2010 and 2011, the Program experienced a 12% increase in inquiries.⁴

There is a conflict of interest when individuals who are appointed by an agency are responsible for overseeing that agency. Other states have developed independent legislative criminal justice ombudsman offices that measure quality over quantity. Below are some examples:

"Internal investigation[s] [are] wholly biased and ineffective, including [the] ombudsman!"
Survey respondent

- The Alaska Office of the Ombudsman⁵ can be used to file complaints against any state employee, including correctional officers, wardens, administrative staff, etc., at the Alaska Department of Corrections. According to the Office's website, the agency "is a non-partisan, neutral, fact-finding agency and takes no sides in disputes. Our job is to determine whether state government actions are fair and reasonable."
- The California Department of Corrections and Rehabilitation Office⁶ of the Ombudsman offers an impartial, confidential avenue to address complaints and resolve issues. One of the major goals of the Office is to provide accountability, fairness, and constructive problem-solving.
- The State of Iowa Citizens' Aide/Ombudsman⁷ accepts both jail and prison inquiries. In 2011, 15% of prison complaints were substantiated.

- Michigan’s Legislative Corrections Ombudsman⁸ investigates Michigan Department of Corrections (MDOC) actions that are allegedly contrary to law or against MDOC policy. The Office prioritizes a resolution of issues at the unit or agency level, while providing last resort assistance in objectively overseeing MDOC. The Office makes recommendations for policy and legislative changes as necessary.

Each of the Offices described above is an independent entity that serves as a check and balance over its state’s respective criminal justice department. In addition, each welcomes inquiries from currently incarcerated individuals, separate from existing in-prison grievance systems. These states recognize that it is possible for an offender grievance system to be biased and unfair. Texas policy-makers should demonstrate a commitment to democratically-run state agencies by implementing an independent Ombudsman Office to objectively review complaints against TDCJ staff.

2. TDCJ should strengthen its responsiveness to and transparency with the general public, including incarcerated individuals.

Our survey findings show that incarcerated individuals and their loved ones are concerned with TDCJ’s responsiveness. Currently, TDCJ has no system of accountability related to responding to inquiries made by prisoners or members of the general public. TDCJ should produce quarterly reports, recording the types of inquiries it receives and the time it takes to respond to them.

TDCJ should also take steps to proactively reduce the amount of inquiries it receives. Since TDCJ is a public entity, the agency should post Administrative Directives online. Transparent and simple access to information would cut down on the amount of inquiries received.

Similarly, TDCJ could use resources more efficiently and effectively by centralizing all documents that have been requested via an Open Records Request. TDCJ should use the Department of Homeland Security Immigration and Customs Enforcement Freedom of Information Act (FOIA) Library as an example.⁹ The FOIA Library compiles all FOIA-requested documents in a single webpage. This model supports transparency and avoids duplicating Open Records Request responses.

B. Unit Administration

1. TDCJ should loosen requirements for hardship transfers, and implement a creative, strategic approach to transfers as part of a positive reinforcement-based prisoner management strategy.

“[I was] denied hardship transfer in 2010 [even though a] doctor emailed that [my] son was having problems in school because he couldn’t see his dad.” *Survey respondent*

Our survey findings indicate that hardship transfers are a highly important issue for incarcerated individuals. Inmates may seek a hardship transfer for several reasons, including the desire to be closer to loved ones, or for health reasons. TDCJ’s State Classification Committee (SCC), the body that oversees transfers and security designations, receives 120,000 transfer requests each month.¹⁰

According to the SCC an incarcerated individual will *only* be granted a hardship transfer on the grounds that a family

member is ill *if* the family member provides a doctor's note indicating an inability to travel long distances due to a medical condition.¹¹ However, this criteria excludes many issues that should be considered as having proved a case for a hardship transfer. A family member may be well enough to travel but would have to do so uncomfortably; or a loved one may not be able to afford travel costs and time taken off work; or a close friend (non-biological family) may not meet the transfer requirement, despite the strength of the relationship between the incarcerated individual and the loved one. Because so many legitimate situations exclude individuals from receiving a hardship transfer, the SCC should lower the requirements for medical transfers, even if it is only possible to transfer individuals closer to their families for a short amount of time.

As noted, many incarcerated individuals and their loved ones may request a transfer simply to be closer to family. In 2010, 54% of the individuals who arrived at TDCJ were from one of the 10 largest counties in Texas;¹² however, urban areas have very few facilities. Such transfer requests are valid. TDCJ should consider changing its transfer policy so that the agency and incarcerated individuals can mutually benefit. While it is not possible to house 54% of incarcerated individuals in urban areas, placing an emphasis on family reconciliation will benefit TDCJ, incarcerated persons, friends, and families alike. Indeed, studies show that familial involvement in an incarcerated person's life is an excellent strategy for reducing in-prison violence and negative behaviors.¹³ Increased access to visits with loved ones provides incarcerated individuals something to look forward to, helps individuals overcome negative feelings, and curbs violent or inappropriate behaviors,¹⁴ all of which assists in the eventual reentry process.

Because it is difficult for many family members to travel to rural prisons, TDCJ should also prioritize the development of a transfer strategy that will allow incarcerated individuals increased opportunity to receive visits. For example, TDCJ could create a positive reinforcement system in which individuals who do not receive major disciplinary infractions for a specified amount of time will receive a temporary hardship transfer to the urban county prison of their choice, allowing them the opportunity to receive more visits from their loved ones.

2. TDCJ should strengthen the clarity of the grievance process by creating easily understandable instructions and providing assistance.

Our survey findings indicate that many incarcerated individuals and their loved ones are unsatisfied with the Offender Grievance Program, with lack of clarity being the issue of most concern. In FY 2010, only 25% of all Step 1 grievances were appealed to Step 2;¹⁵ given TCJC's survey findings, it is likely that lack of process clarity discourages many incarcerated individuals from appealing their complaint to Step 2.

Our survey findings are of particular concern, since the Offender Grievance Program is the only means incarcerated individuals have to report injustice and settle issues within a facility. Additionally, if prisoners do not understand the grievance process, they are more likely to resort to lawsuits or reach out to the media or outside advocates. TDCJ should therefore develop easily understandable instructions for following

"When we are filing a grievance, the unit Warden is always stating 'Insufficient Evidence!' This is a mistreatment of inmates and a violation of constitutional rights."

Survey respondent

grievance procedures, and it should provide additional support in filling out grievance forms and following through with the process.

Further, TDCJ should take care to clarify grievance decisions. If a grievance is denied at Step 1, the response should specifically indicate why. Unit Wardens should discourage one-line responses from grievance officers, and instead encourage a more detailed comment outlining how a decision was reached. By providing more thorough feedback, TDCJ will be able to cut down on the amount of arbitrary grievances or follow-up grievances. Further, such an approach would lessen the likelihood of unjustified appeals to Step 2. In addition, providing a written response regardless of the outcome would align TDCJ with the grievance standards developed by the American Bar Association.¹⁶

“This process is a diversion with no real attempt to address real issues.”

Survey respondent

Separately, TDCJ should have independent grievance review boards. Currently, grievance boards are comprised of TDCJ correctional officers who have been promoted to the Grievance Officer position. This creates a clear and inherent conflict of interest. TDCJ should either implement an impartial entity tasked with addressing grievances, or offer more independence on grievance boards as presently structured. In the case of the latter, the Governor should appoint a board that includes at least one member who has never been a TDCJ employee. The board should review more serious grievances, such as those relating to staff abuse. Additionally, board members’ credentials, expertise, and decision patterns should be made public. Having at least one independent board member would allow for more objectivity throughout the grievance decision-making process.

C. Unit Staff

1. TDCJ should more effectively utilize the Offender Grievance Program to identify patterns of abuse, while ensuring confidentiality for inmates who file a complaint.

Our survey findings indicate that staff abuse is an important issue for incarcerated individuals and their loved ones. As noted above, there is little faith and clarity in the Offender Grievance Program. Part of the problem is that there is no confidentiality for incarcerated individuals who raise abuse allegations against staff. The result is sometimes retaliation and, at the very least, failure to resolve the issue.

TDCJ should ensure confidentiality for prisoners who file grievances. The agency should commit to a “zero tolerance” policy for failure to protect prisoners from retaliation when they use the

“[I have experienced] indifference of staff to inmate rape and beatings, [and] retaliation against [those] who report abuse by guards.” *Survey respondent*

grievance system; specifically, it should institute severe consequences for staff members who engage in retaliation, and encourage other staff members to report misconduct. Similarly, TDCJ should utilize grievances as an opportunity to identify patterns among staff members and on particular units. If, for example, many incarcerated individuals are grieving about a specific correctional officer, grievance review boards should question whether that officer is effectively doing his or her job.

Lastly, TCJC’s survey respondents indicated that many correctional officers will actively engage in verbal abuse, or turn a blind eye to prisoner-on-prisoner violence. TDCJ should therefore include verbal and emotional abuse, neglect, and failure to intervene when witnessing violence between incarcerated individuals under the definition of staff abuse.

2. TDCJ should increase the level and diversity of training for correctional officers.

Many of the comments on TCJC’s surveys indicated that staff need additional training. This compliments TCJC’s Correctional Officer Survey Findings Report.¹⁷ The Correctional Officers Report also indicated that many officers would like to receive additional training, specifically in areas related to rehabilitation. TDCJ should conduct a broader survey of correctional officers to identify all issue areas that are not covered in current trainings and incorporate findings into trainings for all staff.

Additionally, while TDCJ correctional staff receives specialized trainings, most involve reactive techniques rather than prevention methods. In 2008-2009, for example, 16 trainings were provided to 3,700 staff members by TDCJ’s Correctional Training and Staff Development Department; they focused on defensive techniques, including firearm qualifications, and munitions training.¹⁸ In

addition to defensive training, corrections staff should be provided ample opportunity to learn evidence-based violence-prevention techniques, such as identification and handling of vulnerable inmates, suicide prevention, and strategies to reduce the risk of assaults.¹⁹ Further, restorative justice, conflict resolution, and mediation techniques have been proven to substantially change patterns of criminogenic and violent behavior, and de-escalate conflicts.²⁰

“There is a lack of supervision of correctional officers, lack of meaningful training, and a lack of professionalism in the discharge of their duties.”

Survey respondent

TDCJ should provide trainings on violence prevention and conflict de-escalation techniques to all staff, to support a safer environment for incarcerated individuals and help curb staff abuse.

D. Safety and Prisoner Management

1. Policy-makers should develop a protocol for addressing identified racism within TDCJ.

One of the most disturbing findings from TCJC’s survey is that many incarcerated individuals feel that TDCJ facilities have a racist environment. Notably, this finding compliments TCJC’s Correctional Officer Survey Findings Report; many officers agree that TDCJ facilities have a racist environment.²¹ This could have detrimental, potentially legal, consequences for the agency. While further study is needed to identify where most incarcerated individuals come into contact with racism, the issue must be addressed as swiftly and thoroughly as possible.

Additionally, the serious nature of this finding raises questions about sexism and other forms of discrimination within TDCJ, something that was beyond the scope of this survey. TDCJ should consult with an unbiased team of researchers to conduct a broad, anonymous survey of incarcerated individuals to identify the nature of racism and other forms

“Racism is perpetuated by policies in practice.”

Survey respondent

of discrimination within its facilities. Based on these findings, and after conducting an extensive literature review, TDCJ should develop an evidence-based protocol for dealing with identified discrimination.

2. TDCJ should reduce the number of people who are classified as members of a Security Threat Group, thereby reducing the administrative segregation population.

Our survey findings indicate that there are problems with Security Threat Group (STG, or gang) designations, and that incarcerated individuals do not feel their safety is threatened by STG members. TDCJ should revisit its current STG protocols to ensure individuals are not mistakenly or arbitrarily classified as STG members, and thus unnecessarily assigned to administrative segregation.

According to a recent study, 75% of individuals incarcerated in segregation in Texas are there because of alleged membership in a STG.²² Yet one-third of individuals currently in administrative segregation were originally incarcerated for nonviolent offenses.²³

Keeping inmates in isolation simply because of their STG designation may have made sense in the 1980s and 1990s: weapons were more available to inmates, the officer-to-inmate ratio was much lower, unit security was more lax, prison gangs were at war, gangs in general were more prevalent, and prison crimes were rarely prosecuted.²⁴ Today, TDCJ and other system stakeholders must reevaluate this outdated policy.

“Ad seg is barbaric! STG members confined in ad seg have no access to educational, vocational trade, substance abuse programs, TV or telephone calls.” *Survey respondent*

Inmates in administrative segregation spend all but one hour per day confined in a small cell with little or no human contact, denied participation in rehabilitation, education, and religious programming, and deprived of contact visits with other individuals—an emotionally and psychologically costly penalty.²⁵ But overuse of administrative segregation is costly to taxpayers as well. The cost of incarcerating just 5,000 individuals merely for being members of an STG is \$150 million.²⁶ Housing those same individuals in the general population for one year would save the State of Texas \$60 million.

In addition to reexamining STG protocols, TDCJ should undergo a thorough review of other states’ administrative segregation classification procedures, especially those of Mississippi,²⁷ and assess all individuals in administrative segregation for likelihood of violence. The end goal should be a safe reduction in the use of isolation and the integration of individuals currently in administrative segregation with the general population.

3. TDCJ should reduce its overall administrative segregation population.

Our survey findings indicate that TDCJ is overusing administrative segregation. In 2011, TDCJ housed 8,784 prisoners – over 5% of its total prison and state jail population – in administrative segregation.²⁸ This is compared to a national average of 1-2% of individuals in correctional administrative segregation.²⁹

Despite the overwhelming evidence in favor of a positive-reinforcement approach to behavior change,³⁰ TDCJ is currently using administrative segregation as a component of a punitive model. Research shows that solitary confinement causes physical, mental, and emotional damage,³¹ and yields higher recidivism rates.³² What’s worse, in 2011, TDCJ identified 2,060 individuals in administrative segregation (nearly 25%) who had a mental health or mental retardation diagnosis.³³ TDCJ should shift its punitive approach and only utilize short-term administrative segregation under extreme circumstances.

“Ad seg stays at capacity level and people stay there for decades. This is the most impossible issue.”

Survey respondent

For those individuals who *do* warrant administrative segregation, TDCJ should, at a minimum, allow them to participate in programming, per the recommendations of both the American Bar Association³⁴ and the American Correctional Association.³⁵ Likewise, individuals in administrative segregation should be allowed to engage in visits with their loved ones; this is helpful to the rehabilitative process, can contribute to positive behavioral changes and effective prisoner management, and encourages pro-social skills that will benefit inmates after release.³⁶

Finally, TDCJ should never hold an incarcerated individual in administrative segregation during the final 12 months of his or her sentence. In 2010 alone, Texas released 1,314 individuals directly from administrative segregation to the streets,³⁷ without having provided them any reintegration or rehabilitative programming, which may endanger public safety in both the short and long term, and further exacerbate the negative effects of solitary confinement. In fact, of those released in 2007 directly to the community, 33% re-offended and returned to prison within three years.³⁸

Ultimately, the use of administrative segregation should be limited and used as a last resort option to house prisoners who pose a serious threat to others, as it was originally intended.

E. Conditions of Confinement

1. TDCJ should comply with national heating and cooling standards.

Our survey findings in regard to facility temperatures raise concern. Again, they are similar to the findings from TCJC’s Correctional Officer Survey Findings Report; a large majority of officers commented that access to heat and air conditioning is a problem in TDCJ units.³⁹ A recent report indicated that 93 of TDCJ’s prisons do not have air conditioning; this is especially problematic as unit temperatures can reach up to 108 degrees Fahrenheit.⁴⁰ Similarly, many of the comments in the survey responses indicated temperatures get extremely cold in the winter.

“I lost 43 pounds in 2 months due to dehydration and high temps. My health [is] in danger.”

Survey respondent

According to the American Bar Association⁴¹ and the American Correctional Association,⁴² temperatures should be adjusted appropriately according to the season. The American Society of Heating, Refrigerating and Air-Conditioning Engineers recommends a dwelling not exceed 84 degrees Fahrenheit.⁴³ As a southern state, it is imperative that correctional facilities are safeguarded from potential illnesses associated with over-exposure to extreme weather conditions and dehydration.

2. TDCJ should publicly post and distribute the findings of its 2011 nutritional review, in compliance with national standards.

Our survey findings indicate that many incarcerated individuals and their loved ones are concerned with the nutritional content of the food in TDCJ units. This is likely a result of recent cuts to the prisoner meal line item in TDCJ’s budget. Since 2009, TDCJ’s food budget has decreased by 15%, while food prices nationally have risen.⁴⁴ Though TCJC does not have enough information to conclude whether budget cuts have impacted food nutrition, it is possible that many incarcerated individuals are feeling the effects of the cuts. TDCJ should prioritize basic needs, such as healthy and nutritional food, for the individuals in its facilities when making decisions about where to trim the budget. Similarly, legislators should refuse to approve a budget that will cut basic needs.

“[The] food budget has been cut several times in recent years. [The] overall diet is inadequate to maintain health in terms of daily vitamin and food needs.” *Survey respondent*

Additionally, in accordance with national American Correctional Association⁴⁵ standards, correctional facilities should have prisoner meal plans reviewed annually by a licensed nutritionist or dietitian. TDCJ follows through with this requirement each year. However, as TCJC’s survey findings indicate, many incarcerated individuals and their loved ones believe their food is lacking in nutritional value. To shed light on this grievance, TDCJ should make the findings of its 2011 nutritional review public, and distribute copies to all facility libraries annually upon completion of future reviews.

F. Physical and Mental Health

1. TDCJ health care providers should improve the quality of medical care for incarcerated individuals.

Our survey findings indicate that many incarcerated individuals and their loved ones would like to see prisoner health care improved. TCJC defers to the Texas Civil Rights Project (TCRP), who has been studying TDCJ’s health care providers for years, on this issue. In The Project’s “TCRP Letter to Texas Sunset Advisory Commission about Prison Health Care Crisis,” the organization describes a state of health care that is reaching unconstitutional conditions.⁴⁶ TCRP recommends the following:

“Policies refusing medical treatment and medication due to costs allow for serious medical conditions to progress to life-threatening situations that could [have been] prevented.”
Survey respondent

- Releasing Texas’ most medically expensive, and least criminally dangerous, inmates.
- Appropriating dramatically more money for inmate health care in the next legislative session.
- Reducing the prison population – either through increased use of parole generally, by reducing prison sentences for nonviolent crimes, or both.

Policy-makers and TDCJ Administrators should follow TCRP’s recommendations to improve the quality of health care for incarcerated individuals, and bring down its associated costs.

2. Policy-makers should repeal the \$100 medical service fee for incarcerated individuals.

Beginning in September 2011, individuals incarcerated in TDCJ facilities have been charged a \$100 annual medical service fee for seeking medical attention.⁴⁷ Responses to TCJC's survey indicated that many incarcerated individuals and their loved ones believe the fee is producing undesirable results and is unfair.

"The new \$100 surcharge discourages inmates from seeking medical aid for potentially serious and/or infectious maladies. This will lead to a higher rate of infection, complication, and even death." *Survey respondent*

Incarcerated individuals should not be asked to pay a medical service fee because, in practice, the policy discourages individuals from seeking needed medical attention. While the purpose of the fee is to curb the high cost of providing medical care to the 155,940⁴⁸ individuals incarcerated within TDCJ facilities, the fee is likely to produce the opposite effect. Individuals who do not seek medical care in the early stages of sickness are likely to get worse, which will be significantly more expensive in the long term, especially if individuals have a contagious illness.

Additionally, incarcerated individuals in Texas provide free labor to the state of Texas, from the day-to-day domestic work within the prisons (laundry, cooking, cleaning, etc.), to production of goods (tables, chairs, mattresses, etc.) for Texas Correctional Industries. Unlike other corrections systems in the country,⁴⁹ Texas inmates are not paid for this labor. This means any service fee TDCJ charges incarcerated individuals will not come directly from the individuals but from their loved ones. It is unfair and against Texas' values of individual responsibility to punish multiple people for one individual's mistake. Friends and family members of incarcerated individuals should not have to bear the cost of medical care while their loved one is incapable of working for a wage.

Ultimately, TDCJ's \$100 medical service fee is counterintuitive, is likely to increase medical costs in the long run, and extends punishment beyond prison walls. Policy-makers who are serious about reducing corrections costs should immediately repeal the fee and instead seek common sense solutions for trimming TDCJ's budget, including more effectively using diversions, community supervision, and parole-based strategies.

3. TDCJ should improve mental health treatment for veterans suffering from post-traumatic stress disorder.

Our survey findings indicate that incarcerated veterans are not receiving adequate treatment for post-traumatic stress disorder (PTSD). In general, incarcerated veterans have an estimated PTSD rate of 39%, compared to a rate of 7.8% among the general population.⁵⁰ Because PTSD is linked with anger, hostility, and aggressive acts,⁵¹ policy-makers should encourage prison administrators to offer PTSD counseling and therapy inside the correctional setting. This not only will help veterans deal with their own traumatic experiences, but it may also mitigate aggressive and potentially violent behavior inside prison walls, thereby increasing safety for guards and prisoners alike.

In addition to PTSD, incarcerated veterans are more likely to have a history of alcohol dependence, and are more likely to be suffering from some degree of mental illness, than their non-veteran counterparts.⁵² It is imperative that policy-makers and TDCJ administrators devote more attention to intake-level assessments and treatment particularized to veterans' needs in these areas.

Correctional facility staff should also take all steps necessary to provide overdose- and suicide-prevention educational materials to incarcerated veterans. Sources vary, but recent VA figures indicate that an estimated 18 veterans commit suicide each day in the United States⁵³ – one suicide every 80 minutes.⁵⁴ Those suffering from PTSD and co-occurring disorders are at especially high risk of suicide and lethal overdose, including after they are released from incarceration.⁵⁵ Prison staff, in partnership with the Department of Veterans Affairs (VA), should make available comprehensive educational materials regarding overdose and suicide prevention prior to release. TDCJ should also train correctional officers to notice the symptoms of PTSD and the signs that a suicide attempt may occur.

G. Programs

1. **Policy-makers should improve access to vocational and educational training by ensuring budget funds for the Windham School District are allocated more heavily towards qualified instructional staff.**

Our survey findings indicate that incarcerated individuals would like increased access to vocational and educational training. This issue has likely been exacerbated by recent cuts to the Windham School District (WSD), the in-prison entity that provides educational and vocational programming to eligible inmates. Budget cuts totaled \$17.8 million, or 27% of WSD's entire per-year budget for 2011-2012. (*Note:* This does not include the cuts to WSD's continuing education budget, which provides funds for college programs.⁵⁶) As a result of the cuts, WSD eliminated 271 full-time employees, including 157 teachers.⁵⁷ General Educational Development (GED) classes were totally eliminated from the Glossbrenner, Halbert, Havins, Johnston, LeBlanc, and Sayle substance abuse facilities, and they were significantly reduced at 19 additional units. Ultimately, WSD estimates that 16,700 individuals will lose their seats in TDCJ classrooms as a result of the cuts.⁵⁸

"My son has earned two degrees while incarcerated and has proved to be the intelligent young man I knew he would be. The thought of the education program being cut due to the economy/ budget cuts scares me."

Survey respondent

Budget and instructional staffing cuts were made despite findings that in-prison educational programs can decrease inmate misconduct, violence, and disciplinary infractions,⁵⁹ and despite overwhelming evidence that education is an especially important tool for community integration – helping returning individuals better prepare for employment opportunities, and contributing to lowered recidivism. Indeed, WSD in particular was meeting its outcome goals. According to its 2010 Annual Performance Report, WSD reported that:

- More than 75% of the employed releasees who received vocational training while incarcerated earned income in one or more occupations related to their training.
- In general, releasees who received vocational training while incarcerated displayed higher initial employment rates, earned higher wages, and exhibited higher job retention rates than those who did not receive vocational training.
- Vocationally trained releasees who were less than 25 years of age in the prison and state jail population exhibited overall higher job retention rates than those of the same age group who did not receive vocational training.⁶⁰

Realistically, 99% of individuals incarcerated within TDCJ could eventually be released.⁶¹ In the interest of providing quality rehabilitation to incarcerated individuals who will return to our communities, policy-makers should ensure budget funds for WSD are allocated more heavily towards qualified instructional staff, and they should prioritize educational and vocational programming as one of the most important aspects of a rehabilitative corrections strategy.

H. Reentry and Parole

1. The Board of Pardons and Paroles (BPP) should continue its recent trend of increasing parole approval rates, adhering to the recommended approval rating.

Our survey findings indicate that incarcerated individuals and their loved ones believe the BPP does not release enough eligible individuals. Although the parole rate has increased in recent years,⁶² it is still well below the recommended approval rating. An inmate with the lowest risk level (7), according to the guidelines, should be approved in 76-100% of the cases reviewed.⁶³ However, in FY 2010, the average approval rate for a level 7 inmate was only 63.8%.⁶⁴ In 2011, this number increased to only 65.5%.⁶⁵

Incarcerating individuals who are eligible for parole is a costly public safety choice; incarceration costs the state an average of \$50.79 per bed per day, whereas parole costs only \$3.74.⁶⁶ Oftentimes, continued incarceration is not justified. The parole guidelines were developed to identify individuals who could be safely released into the community. The BPP should adhere to its own guidelines and release low-risk individuals as soon as they are eligible.

“Many non-violent first time offenders [are] routinely denied parole solely in order to keep prison beds full and state money coming in.”

Survey respondent

2. Policy-makers should allow the BPP to place lower-risk incarcerated individuals who have little or no disciplinary infractions on their records on mandatory supervision as soon as such individuals are eligible.

Prior to 1995, Texas Government Code section 508.149 required the BPP to release an individual to parole when his or her accrued “good time” plus calendar time equaled the full sentence. (*Note: Individuals can only accrue “good time” if they have met certain criteria based on their behavior and program completion while incarcerated.*⁶⁷) However, a 1995 amendment to that provision

created “discretionary” mandatory supervision, requiring any person who is eligible for mandatory supervision to be reviewed *again* by the BPP and, at the BPP’s discretion, approved for release at the pre-determined statutory time. In other words, the amendment gave the BPP the authority to override statutory release dates for otherwise parole-eligible individuals.

“No one knows when they’ll go home or what they can do to actually make a difference. Behavior, programming, age, and time served all seem meaningless. This is demoralizing and corrodes all sense of fairness. We need an objective parole process when eligible.”

Survey respondent

As a result of the change in law, more cases are sent to the BPP for approval, adding to the already high number of cases it must review. In 2010, the BPP reviewed 18,939 persons eligible for mandatory supervision in addition to the 78,575 parole considerations already under evaluation.⁶⁸ This additional review effort generates unnecessary inefficiencies, incurs additional costs, and strains resources.

As an example, a person denied release to mandatory supervision under discretionary review must be reconsidered at least twice during the two years after the date of the determination.⁶⁹ But pursuant to BPP policy, a person is automatically given a one-year set-off for his or her next review, meaning the next review cannot come for one full year.⁷⁰ As a result, a single denial costs the state roughly \$18,358 per person.⁷¹

As of August 31, 2010, TDCJ housed 8,068 individuals eligible for mandatory supervision subject to BPP review.⁷² This population cost the state **\$409,774 per day** to incarcerate.⁷³ Offering parole to this small section of eligible individuals, who already meet specific, established statutory requirements, will save money and free up the BPP to devote more time to higher-risk cases. The BPP will still retain discretion over a significant segment of the prison population, and continue to set and approve conditions of parole and supervision for all individuals.

3. The BPP and the Parole Division should improve their coordination and exchange information to more appropriately assess and impose reasonable parole conditions.

Our survey findings indicate that incarcerated individuals and their loved ones believe parole conditions to be unreasonable. One of the major deficiencies in the parole process is the lack of communication and information sharing among the Parole Division and the BPP. Inconsistencies often lead to unnecessary procedures, including increased revocation hearings, oftentimes for technical violations.

While many technical violation parole revocations are a result of multiple infractions, there is room for innovative sanction strategies. In FY 2011, 84% of the technical-only revocations were for more than

“A problem is the time they make you spend on a technical violation where there is no new felony charge against you. You made a mistake. You work when out in society and pay taxes. Why keep you locked up for years on a mistake when you could be with family, working paying taxes, and being a productive member of society?” *Survey respondent*

one violation; however, 61% were for three or less violations.⁷⁴ While the BPP is not practicing a zero tolerance policy for technical violations, 30% of the technical violation revocations for FY 2011 received only one hearing before the parolee was revoked.⁷⁵

Revocations negatively impact a person's chance at rehabilitation, causing disruption in programs, services, and overall progress toward rehabilitation. For a person who simply commits a technical violation – not a new crime – revocation should be a last resort. The BPP should recommend using alternative sanctions, such as a graduated sanction schedule, which will provide the Parole Division with a more appropriate, cost-effective method for disciplining parolees.

Above all, the BPP and Parole Division must consistently communicate to appropriately designate parole conditions and avoid unnecessary technical violations.

Supplemental Survey: Loved Ones of Incarcerated Individuals

As noted in the *Survey Methodology & Analysis* section of this report (p. 1), TCJC also distributed a survey to friends and family members of incarcerated individuals. The findings of this survey were similar to those of the incarcerated individuals we surveyed; in general, the friends and families of incarcerated individuals were in agreement with their incarcerated loved ones. As such, the findings and recommendations below represent only information that is supplemental to the incarcerated individuals' survey findings.

A. Unit Administration

- 72% of loved ones think that the frequency, duration, and flexibility of visitation are highly important issues.
1. TDCJ should increase the use of visitation as a positive reinforcement tool and allow increased visitation opportunities to individuals who make positive choices.

"I'm over 400 miles from Houston and I haven't seen [my] only daughter in 14 years."

Survey respondent

As mentioned above, access to loved ones is an effective prisoner management strategy.⁷⁶ TDCJ should develop a positive reinforcement system that will allow incarcerated individuals more frequent visits for longer periods of time based on the positive behavioral decisions individuals make. (Note: For more information on this recommendation, see Unit Administration, Recommendation 1 [pp. 6-7] and Safety and Prisoner Management, Recommendation 3 [pp. 10-11].)

B. Safety and Prisoner Management

- 75% of loved ones indicated that dangerous or threatening conditions from other incarcerated individuals is a moderately or highly important issue.
1. TDCJ should increase access to quality programming and increase levels of staff training.

While safety is the first priority for criminal justice and correction agencies, policy-makers and TDCJ administrators should take care to use evidence-based practices to address safety concerns within facilities. Studies show that providing incarcerated individuals with adequate access to exercise and programming will encourage positive behaviors.⁷⁷ Additionally, correctional staff should be well

"Those prisoners who do not pose a risk to other prisoners should have a variety of work and leisure activities available to them to build successful routines and habits to support performance outside."

Survey respondent

trained in areas such as conflict mediation, de-escalation techniques, and restorative justice to shift the punitive, violent culture of TDCJ to an environment that encourages healing and maturely addressing problems that arise. (*Note:* For more information on this recommendation, see Unit Staff, Recommendation 2 [p. 9] and Programs, Recommendation 1 [pp. 14-15].)

C. Conditions of Confinement

- 63% of loved ones indicated that availability and expenses of commissary goods and services is a highly important issue; however, 63% think that commissary options are an issue of low importance.
 - 81% indicated that unit cleanliness is an issue of mild or low importance.
 - 62% think that space and overcrowding is of mild or low importance.
1. TDCJ should make commissary goods more accessible, offer more items for free, and identify ways to lower other prices.

“We are not given adequate supplies such as feminine products, soap, razors, and toothpaste. We can’t live without them but most of the time [we] don’t get them.”
Survey respondent

Many of the comments from TCJC survey respondents indicated that incarcerated individuals do not have access to basic needs, such as feminine products, soap, toothpaste, etc. TDCJ should make these items available for free to all incarcerated individuals.

Items that fall outside the basic needs category should be reduced to the lowest possible price. Incarcerated individuals do not receive a wage for the work they perform for TDCJ and Texas Correctional Industries, and they are unable to work outside of prison walls. It is therefore impossible for incarcerated individuals to pay for their own commissary goods (unless they had a savings prior to incarceration); instead, the burden of paying for commissary goods falls on loved ones of incarcerated individuals. TDCJ should research additional ways to decrease the price of commissary goods.

D. Programs

- 65% of loved ones indicated that considerations toward family integration are an issue of high importance.
- 65% think that access to rehabilitation and treatment programming is moderately or highly important, and 63% think diversity and rehabilitative treatment-oriented programs is moderately or highly important.
- 64% indicated that access to substance abuse treatment in particular is moderately to highly important.

1. Whenever possible, TDCJ should provide family-based therapeutic interventions to individuals who are low-risk and within 12 months of release.

Individuals within 12 months of release should have assistance planning for their reentry into the community. Studies show that involving families and loved ones in an individual’s recovery plan is an effective way to support new behaviors.⁷⁸ Similarly, an Urban Institute survey found that previously incarcerated individuals who reported closer relationships with family members after release were less likely to use drugs,⁷⁹ and more likely to find work.⁸⁰ One possible way to include families in reentry planning is to utilize evidence-based practices such as strategic family therapy (where family members are part of inmates’ therapy sessions) to support individuals in making positive life choices.⁸¹ Policy-makers and TDCJ administrators should also research other ways to involve loved ones in an individual’s release plan as soon as the reentry process is initiated.

“It is vitally important to keep inmates involved with family and friends for successful reentry [upon] completion of their sentence.”
Survey respondent

2. TDCJ should increase access to quality rehabilitative and treatment programming, specifically substance abuse and mental health programming.

Our survey findings indicate that friends and family members of incarcerated individuals would like to see an increase in rehabilitative and treatment programming for their incarcerated loved ones. In addition, there is an objective need for bolstered programming, given the number of people incarcerated within TDCJ with substance abuse and mental health issues.

In FY 2010, more than 22,000 individuals (31% of incoming inmates) were received by TDCJ for a drug offense,⁸² and 73% of those individuals were charged with possession, as opposed to delivery or other offenses.⁸³ Maintaining substance abuse treatment programs is imperative, with recent studies indicating that 63% of the prison population is chemically dependent.⁸⁴

TDCJ currently offers four substance abuse treatment programs that follow a therapeutic community model: In-Prison Therapeutic Community Program (IPTC), Pre-Release Therapeutic Community (PRTC), Pre-Release Substance Abuse Program (PRSAP), and Substance Abuse Felony Punishment (SAFP) facilities.⁸⁵ Policy-makers should bolster programming within TDCJ facilities,

while also extending the use of evidence-based practices, such as cognitive therapy,⁸⁶ and utilizing community-based aftercare models, including out-patient treatment, medication-assisted treatment, and/or chemical dependency counseling.⁷

Similarly, TDCJ should bolster programming for incarcerated individuals suffering from mental health issues and/or trauma. A Bureau of Justice Statistics report determined that 56% of state prison inmates also have mental health issues.⁸⁸ Additionally, a recent study from the Texas Department of State Health Services (DSHS)

“There are hoards of females here who have been sexually, mentally, and physically abused but [there are] only a tiny few programs, if at all, to help them heal and renew to a point of changing their lives.”
Survey respondent

found that between 2007 and 2009, an average of 19% of DSHS's adult clients with mental illness reported that they had been criminal justice system-involved. DSHS also determined that, as of April 2010, an average of 23% of people involved with TDCJ (30% in prison, 30% on parole, and 19% on probation) were current or former DSHS clients.⁸⁹ Policy-makers and TDCJ administrators should take all available steps to address the root causes of criminality and treat incarcerated individuals with mental illness and trauma.

E. Reentry and Parole

- 64% of loved ones indicated that barriers to employment and housing upon release are an issue of high importance.
- 71% think that transparency related to the Board of Pardons and Paroles is a moderately or highly important issue.
- 63% think that parole oversight is of mild or low importance.

1. The Board of Pardons and Paroles (BPP) should provide more, and easily understandable, information about the parole process to the general public.

Our survey findings indicate that loved ones of incarcerated individuals would like to see greater transparency from the BPP. The parole process is bureaucratic and extremely daunting to outsiders. Furthermore, the system is frequently changing, making it difficult for friends and family members of incarcerated individuals to understand what their loved ones are facing. The BPP should provide easily understandable information about the parole system in response to public inquiries, post the information online, and provide copies to incarcerated individuals who will be parole eligible within 12 months. (*Note: The BPP currently has parole information posted on its website;*⁹⁰ however, much of the language is inaccessible to individuals unfamiliar with the process. Further, many loved ones of incarcerated individuals do not have Internet access. The BPP should therefore provide hard copies of the process to all parole-eligible incarcerated individuals.)

Making available new, easily accessible parole materials will ease the fear and anxiety provoked by confusion about the parole system, and it will encourage incarcerated individuals and their loved ones to be more organized in their approach to obtaining parole. To ensure the materials are as understandable and clear as possible, BPP staff should collaborate with a group of family members of incarcerated individuals during the drafting process.

"How do we know if the information the Parole Board is reviewing is accurate? Other than sending in letters for inclusion in the parole file, how do we know what they are basing their decision on? This is a very secretive process, and one that is very frustrating, especially for the inmates and their families. There has to be a better way."

Survey respondent

2. The BPP should welcome input from loved ones of incarcerated individuals who wish to make a case for parole.

Currently, individuals incarcerated within TDCJ do not have a parole hearing option where they can present a case for why they should be released, and invite their loved ones to provide character witnesses and testimony on their behalf. Furthermore, the BPP does not solicit input from loved ones of incarcerated individuals during the parole process.

In the absence of these options, many loved ones are left feeling helpless and unable to positively contribute to the incarcerated individual’s possible release. Yet, actively engaged family members can significantly assist an individual’s transition from incarceration to the community, while also helping to ensure that parole decisions are being based on accurate information (e.g., completion of in-prison treatment, post-release housing availability, etc.). The BPP should use parole reviews as an opportunity to solicit participation from the loved ones of incarcerated individuals.

3. The BPP should provide an incarcerated individual with a personal, detailed explanation indicating why he or she was denied parole.

Our survey findings indicate that many friends and family members of incarcerated individuals would like to receive clear statements indicating why their loved one was denied parole. This problem is echoed in the recently released Sunset Advisory Commission Staff Report. The

“Specific and written reasons should be given for any denial.”

Survey respondent

report claims that parole denial letters are unnecessarily vague and provide incarcerated individuals with “little valuable information as to the reason for denial.”⁹¹ The Sunset Staff recommends the BPP provide more detailed information indicating why an individual has been denied. TCJC strongly agrees with this recommendation, to the benefit of incarcerated individuals and the family members interested in securing their release.

4. Policy-makers should provide the Parole Division with more resources to strengthen employment-based reentry case management.

As noted above, Texas’ parole approval rate has increased dramatically in recent months.⁹² At the same time, the Parole Division is facing budget cuts alongside most state agencies. This will create a challenging situation for parole officers who act as both supervisor and case manager to individuals on parole. Given their limited resources and time, parole officers will likely choose to emphasize the supervision component of their duties, over the case management duties – which are instrumental to the success of the individuals they oversee.

Indeed, overwhelming evidence demonstrates that a successful post-release reentry strategy must include basic needs, case management, and employment placement. A study of homeless individuals with substance abuse disorders in Houston found that a lack of referrals to treatment from the criminal justice system is one of the largest barriers for this population.⁹³

“The absence of post-release care and job assistance training is contributing to the recidivism rate in Texas.”

Survey respondent

Studies also show that case management has a positive impact during recovery from alcohol and substance abuse, producing an increase in employment and a decrease in criminality among individuals with case managers.⁹⁴ Additionally, employment placement is a key component to reentry; one team of researchers found that 44% of substance abusers with jobs had success returning from confinement and staying sober, versus only 17% of unemployed individuals.⁹⁵

A model program that policy-makers should look to for employment-based reentry case management is the Crime Prevention Institute (CPI), a nonprofit organization that closed its doors in 2011 due to lack of funding. CPI utilized a 12-week evidence-based cognitive behavioral therapy curriculum inside the Travis County State Jail, and provided case management, post-release supportive services, and employment-based cash incentives. The program yielded a 70% employment rate; of those who acquired employment, 75% remained employed, full-time, for 90 days. Of those who completed the program, only 12% recidivated;⁹⁶ this is compared to a 33% recidivism rate for the general state jail population.⁹⁷ Policy-makers should provide the Parole Division with the resources it needs to promote evidence-based practices for reentry, such as employment-based case management.

5. Policy-makers should increase access to housing for recently released individuals.

Reentry housing is another area that concerns family members of incarcerated individuals. This is understandable, considering the scope of reentry in Texas. In 2010, 71,063 individuals were released from TDCJ.⁹⁸ Of those men and women, 31,573 were released on a flat discharge with no housing requirements.⁹⁹ The remaining 39,490 individuals were released on parole or probation¹⁰⁰ – which requires individuals to have an address prior to release – adding to the 254,113 individuals already under supervision.¹⁰¹

Housing options for individuals returning from incarceration are scarce, and oftentimes are wrought with criminal behavior-triggering situations such as drugs and unlawful activity. In addition, over half of those released from TDCJ will live in a homeless shelter sometime after their release,¹⁰² which has serious consequences, including an increased chance of returning to drug use and a lower chance of finding stable employment.¹⁰³ These risks further increase the likelihood of returning to the criminal justice system. For example, one study found that people on parole who entered homeless shelters were seven times more likely to violate their parole conditions during the first month after release than those who had some form of housing.¹⁰⁴ Research also shows that substandard and low-quality housing is associated with higher rates of violent crime and increased delinquency.¹⁰⁵

Given the importance of housing on reentry and, ultimately, public safety in Texas communities, policy-makers should increase funding for safe and stable housing for previously incarcerated individuals.

Appendix A: Findings Tables Incarcerated Individuals

A. Public Oversight and Input

Agency Evaluations & Monitoring

	High Importance	Low Importance
More Evaluations	8.9%	92.1%
Need for Independent Ombudsman	91.1%	7.9%

Public Input & Interaction

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Transparency	13.1%	23.3%	21.6%	24.5%	17.0%
Public Access	20.1%	17.6%	28.9%	25.7%	8.3%
Availability of Staff/ Administration	11.7%	25.4%	17.2%	24.9%	20.5%
Efficiency of Responding to Questions	51.6%	23.7%	12.5%	8.3%	5.3%
Amount of Public Participation	3.5%	10.0%	19.8%	16.6%	48.9%

B. Unit Administration

Family Involvement

	High Importance	Neutral Importance	Low Importance
Emphasis or Assistance in Keeping Loved Ones	56.2%	23.8%	21.4%
Including Family & Friends in the Reentry Process	21.4%	37.9%	39.3%
Efforts by the Agency to Keep Family Informed	22.5%	38.3%	39.3%

Grievance Process

	High Importance	Low Importance
Accessibility of Grievance Process	27.7%	72.5%
Clarity of Process	72.3%	27.5%

Technology & Communication

	High Importance	Neutral Importance	Low Importance
Communication Between Departments	28.3%	35.7%	36.0%
Problems or Lack of Communication	28.6%	32.3%	37.9%
Issues with Record Keeping Practice	43.1%	31.9%	26.1%

Transfers

	High Importance	Low Importance
Issues with the Agency's Transfer Policies	15.0%	85.6%
Special Considerations	85.0%	14.4%

Visitation

	High Importance	Neutral Importance	Low Importance
Frequency, Duration, Flexibility	59.0%	18.8%	20.8%
Accommodations & Special Considerations	11.9%	49.4%	38.4%
Considerations for Disabled People	29.1%	31.8%	40.8%

C. Unit Staff

	High Importance	Moderate Importance	Mild Importance	Low Importance
Agency's Staff Training	27.3%	33.9%	24.3%	14.2%
Number of Staff in Agency	13.7%	21.4%	37.8%	27.3%
Poor Treatment/Abuse	51.0%	22.5%	14.2%	12.0%
Lack of Staff Protection	8.0%	22.1%	23.6%	46.4%

D. Safety and Prisoner Management

Administrative Segregation

	High Importance	Low Importance
Criteria for Placement	63.5%	36.8%
Duration in Administrative Segregation	36.5%	63.2%

Classification

	High Importance	Neutral Importance	Low Importance
Problems with STG Classifications	28.6%	37.7%	33.7%
Problems with Sexual Predator Classifications	22.5%	41.5%	41.5%
Problems with Disciplinary Status	48.9%	24.8%	24.8%

Discipline

	High Importance	Low Importance
Issues with Discipline Procedures	37.7%	61.9%
Inconsistencies in Discipline Administration & Criteria	62.3%	38.1%

Gangs

	High Importance	Low Importance
Identification & Misidentification	68.6%	31.8%
Threats, Pressure, Coercion & General Danger	31.4%	68.2%

Privileges

	High Importance	Neutral Importance	Low Importance
Granting or Revoking Privileges	26.8%	30.3%	41.6%
Access to Privileges	46.0%	36.1%	19.9%
Access to Recreation	27.1%	33.6%	38.6%

Safety Conditions

	High Importance	Moderate Importance	Mild Importance	Low Importance
General Feelings of Endangerment	15.8%	31.9%	30.3%	21.2%
Safety Precautions & Procedures	10.5%	37.9%	40.1%	10.2%
Dangerous or Threatening Conditions in the Construction	10.9%	25.6%	40.0%	26.3%
Racism	41.4%	31.9%	20.4%	9.3%
Dangerous or Threatening Conditions from the People	17.5%	40.4%	32.8%	6.8%
Issues of Protection	3.9%	32.6%	36.4%	26.3%

E. Conditions of Confinement

Commissary

	High Importance	Low Importance
Options in Goods & Services	40.6%	59.0%
Availability & Expenses of Goods	59.4%	41.0%

Food & Nutrition

	High Importance	Moderate Importance	Mild Importance	Low Importance
Availability of Alternative Meals	15.2%	19.9%	26.4%	40.2%
Nutritional Value & Quality of Food	35.5%	31.7%	25.7%	6.6%
Disparity in Food Service	27.0%	21.8%	21.5%	30.1%
Insufficient Amount of Food	22.3%	26.6%	26.4%	23.0%

General Conditions of Confinement

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Space & Overcrowding	20.7%	19.9%	7.9%	15.4%	35.9%
Access to Adequate Heat/Air	49.5%	24.4%	14.7%	12.2%	3.6%
Access to Adequate Drinking Water	5.3%	15.9%	22.3%	30.3%	23.5%
Basic Personal Health Needs	15.4%	23.2%	32.5%	17.7%	10.8%
Cleanliness	9.1%	16.6%	22.6%	24.4%	26.3%

Mail

	High Importance	Neutral Importance	Low Importance
Problems with Mailing Process	35.4%	40.7%	22.5%
Access to Mail & Delivery	36.5%	45.7%	18.6%
Personal Mail Being Opened	28.1%	13.6%	58.9%

Property

	High Importance	Neutral Importance	Low Importance
Storage	42.5%	30.2%	25.9%
Issues of Confiscation	39.4%	38.4%	22.2%
Problems with Donating or Giving Property Away	18.1%	31.3%	51.9%

Units & Facilities

	High Importance	Low Importance
Inconsistencies in Conditions & Accommodations	50.9%	51.6%
Inconsistencies & Discrepancies in Treatment	49.1%	48.4%

F. Physical and Mental Health

Health Care

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Assessment Instruments & Screening Tools	10.7%	18.2%	28.1%	22.7%	29.2%
Frequency of Health Assessments & Evaluations	7.4%	17.0%	31.3%	29.1%	16.1%
Access to Proper Medications	16.2%	33.7%	15.2%	19.0%	11.4%
Type & Amount of Doctor's Visits	3.7%	13.3%	19.5%	23.9%	37.7%
Quality of Health Care	62.1%	17.8%	5.9%	5.3%	5.5%

Mental Health & Disabilities

	High Importance	Moderate Importance	Mild Importance	Low Importance
Lack of Resources	21.3%	23.8%	29.7%	25.8%
Accommodations/ Considerations	19.8%	24.2%	27.5%	28.0%
Availability of Treatment & Assistance Programs	24.5%	32.1%	28.0%	16.1%
Problems with Screening & Assessment	34.4%	20.0%	14.8%	30.1%

Physical Health

	High Importance	Low Importance
Availability & Frequency of Exercise Opportunities	48.9%	50.0%
Variety & Options in Exercise Opportunities	51.1%	50.0%

Veterans

	High Importance	Moderate Importance	Mild Importance	Low Importance
Lack of Consideration for Population	42.6%	13.0%	12.1%	33.5%
Issues Related to PTSD	32.8%	33.3%	21.4%	14.5%
Issues Related to Substance Abuse	7.2%	24.9%	39.9%	24.3%
Issues Related to Mental Health Needs	17.4%	28.8%	26.6%	27.7%

G. Programs

Rehabilitation & Treatment Programs

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Access & Diversity of Programs Offered	27.3%	26.0%	24.0%	18.9%	6.1%
Issues of Access to Programs	29.2%	20.2%	20.2%	11.2%	6.5%
Quality of Programs	17.3%	26.4%	26.4%	21.5%	13.0%
Denying Access to Programs as Punishment	14.2%	15.3%	15.3%	24.0%	34.8%
Emphasis & Importance of Volunteers	11.9%	14.0%	14.0%	24.5%	39.6%

Substance Abuse

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Lack of Resources	17.2%	33.4%	17.3%	22.8%	9.0%
Accommodation Considerations	6.0%	26.4%	18.7%	40.6%	8.5%
Problems with Screening & Assessments	16.0%	24%	13.8%	35.3%	10.8%
Access to Treatment	12.4%	38.3%	16.9%	27.6%	3.6%
Availability of Substance Abuse Programs/Treatments	17.2%	39.6%	11.1%	26.3%	5.4%
Usefulness/Quality of Programs	16.4%	28.5%	15.1%	31.7%	8.5%
Drug use in Prison	14.8%	9.8%	7.1%	15.6%	54.3%

Vocational Training & Education

	High Importance	Moderate Importance	Mild Importance	Low Importance
Access & Diversity of Programs Offered	27.3%	32.3%	23.6%	15.8%
Issues of Access to Programs	38.5%	26.1%	22.8%	11.7%
Quality of Programs	17.3%	25.7%	36.0%	19.8%
Emphasis & Importance of Volunteers	16.9%	16.0%	17.6%	52.6%

H. Reentry and Parole

Board of Pardons and Paroles

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Communication Problems with Staff	10.6%	17.1%	25.1%	23.6%	24.2%
Issues of Transparency	31.1%	25.6%	17.7%	16.5%	10.0%
Conditions & Requirements	6.7%	14.6%	28.0%	30.8%	17.7%
Approval & Denial Rates	46.1%	27.6%	10.7%	8.4%	6.9%
Issues with Revocations	5.5%	15.0%	18.5%	20.7%	41.1%

Parole Division

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Issues with Oversight	21.9%	25.1%	15.0%	18.9%	21.6%
Parole Conditions	36.3%	24.2%	13.6%	15.2%	9.9%
Access & Diversity of Programs Offered	6.3%	16.6%	31.4%	31.3%	15.0%
Access to Additional Services Outside of Programming	24.9%	22.9%	22.3%	18.0%	10.8%
Quality of Programs	10.5%	11.2%	17.7%	16.6%	42.7%

Probation/Community Supervision

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Issues with Oversight	27.0%	23.9%	17.3%	15.6%	15.2%
Probation Conditions	30.0%	27.1%	13.1%	17.0%	12.3%
Access & Diversity of Programs Offered	10.0%	19.7%	26.6%	29.2%	16.1%
Access to Additional Services Outside of Programming	24.3%	20.6%	23.8%	22.2%	8.5%
Quality of Programs	8.7%	8.7%	19.2%	16.0%	47.9%

Reentry Issues

	High Importance	Neutral Importance	Low Importance
Barriers to Employment & Housing	51.9%	24.7%	21.3%
Assistance in Reintegration	34.5%	47.7%	19.7%
Access to Programs & Treatment	13.6%	27.6%	59.0%

Appendix B: Findings Tables Loved Ones of Incarcerated Individuals

A. Public Oversight and Input

Agency Evaluations & Monitoring

	High Importance	Low Importance
More Evaluations	4.7%	96.6%
Need for Independent Ombudsman	95.3%	3.4%

Public Input & Interaction

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Transparency	25.0%	20.6%	16.4%	33.3%	11.1%
Public Access	20.3%	30.2%	26.2%	14.8%	9.3%
Availability of Staff/ Administration	7.8%	15.9%	26.2%	24.1%	24.1%
Efficiency of Responding to Questions	46.9%	19.0%	13.1%	13.0%	3.7%
Amount of Public Participation	0%	14.3%	18.0%	14.8%	51.9%

B. Unit Administration

Family Involvement

	High Importance	Low Importance
Efforts Towards Family Integration	35.1%	63.6%
Considerations Towards Family Integration	64.9%	36.4%

Grievance Process

	High Importance	Low Importance
Accessibility of Grievance Process	14.0%	86.5%
Clarity of Process	86.0%	13.5%

Technology & Communication

	High Importance	Moderate Importance	Mild Importance	Low Importance
Communication between Departments	23.3%	32.7%	20.0%	23.5%
Problems/Lack of Communication	30.0%	29.1%	14.5%	25.5%
Issues with Inmate Records	30.0%	18.2%	32.7%	19.6%
Issues in Receiving Information	16.7%	20.0%	32.7%	31.4%

Transfers

	High Importance	Low Importance
Issues with the Agency's Transfer Policies	14.0%	86.5%
Special Considerations	86.0%	13.5%

Visitation

	High Importance	Neutral Importance	Low Importance
Frequency, Duration, Flexibility	72.4%	20.8%	10.2%
Accommodations & Special Considerations	19.0%	49.1%	28.6%
Considerations for Disabled People	8.6%	30.2%	61.2%

C. Unit Staff

	High Importance	Moderate Importance	Mild Importance	Low Importance
Agency's Staff Training	28.3%	39.7%	19.6%	13.2%
Number of Staff in Agency	13.3%	20.7%	46.4%	22.6%
Poor Treatment/Abuse	58.3%	22.4%	16.1%	1.9%
Lack of Staff Protection	0%	17.2%	17.9%	62.3%

D. Safety and Prisoner Management

Administrative Segregation

	High Importance	Low Importance
Criteria for Placement	59.6%	38.5%
Duration in Administrative Segregation	40.4%	61.5%

Classification

	High Importance	Neutral Importance	Low Importance
Problems with STG Classifications	18.2%	51.9%	28.3%
Problems with Sexual Predator Classifications	20.0%	27.8%	52.8%
Problems with Disciplinary Status	61.8%	20.4%	18.9%

Discipline

	High Importance	Low Importance
Issues with Discipline Procedures	34.5%	66.1%
Discipline Administration & Criteria Inconsistencies	65.5%	33.9%

Gangs

	High Importance	Low Importance
Identification & Misidentification	41.8%	57.4%
Threats, Pressure, Coercion & General Danger	58.2%	42.6%

Privileges

	High Importance	Neutral Importance	Low Importance
Granting or Revoking Privileges	40.4%	24.5%	37.3%
Access to Privileges	42.1%	47.2%	11.8%
Access to Recreation	17.5%	28.3%	51.0%

Safety Conditions

	High Importance	Moderate Importance	Mild Importance	Low Importance
General Feelings of Endangerment	25.9%	32.9%	20.3%	20.5%
Safety Precautions & Procedures	3.7%	34.9%	53.6%	11.4%
Dangerous or Threatening Conditions in the Construction	16.7%	21.4%	31.7%	31.8%
Racism	22.2%	33%	24.9%	15.9%
Dangerous or Threatening Conditions from the People	24.1%	50.4%	24.7%	0%
Issues of Protection	7.4%	27.3%	44.8%	20.5%

E. Conditions of Confinement

Commissary

	High Importance	Low Importance
Options in Goods & Services	37.3%	62.5%
Availability & Expenses of Goods	62.7%	37.5%

Food & Nutrition

	High Importance	Moderate Importance	Mild Importance	Low Importance
Availability of Alternative Meals	15.5%	26.3%	33.3%	26.9%
Nutritional Value & Quality of Food	60.3%	33.3%	5.6%	1.9%
Disparity in Food Service	8.6%	7.0%	25.9%	55.8%
Insufficient Amount of Food	15.5%	33.3%	35.2%	15.4%

General Conditions of Confinement

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Space & Overcrowding	19.4%	12.3%	8.9%	25.9%	35.8%
Access to Adequate Heat/Air	50.0%	26.3%	8.9%	9.3%	5.7%
Access to Adequate Drinking Water	12.9%	26.3%	35.7%	13.0%	7.5%
Basic Personal Health Needs	16.1%	29.8%	35.7%	18.5%	3.8%
Cleanliness	1.6%	5.3%	10.7%	33.3%	47.2%

Mail

	High Importance	Neutral Importance	Low Importance
Problems with Mailing Process	24.6%	40.4%	34.0%
Access to Mail & Delivery	45.6%	38.5%	13.2%
Personal Mail Being Opened	29.8%	21.2%	52.8%

Property

	High Importance	Neutral Importance	Low Importance
Storage	41.7%	32.1%	26.9%
Issues of Confiscation	48.3%	42.9%	11.5%
Problems with Donating or Giving Property Away	10.0%	25.0%	61.5%

F. Physical and Mental Health

Health Care

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Assessment Instruments & Screening Tools	8.3%	14.0%	28.6%	22.6%	32.7%
Frequency of Health Assessments & Evaluations	11.7%	17.5%	16.1%	41.5%	13.5%
Access to Proper Medications	13.3%	38.6%	25.0%	7.5%	13.5%
Type & Amount of Doctor's Visits	6.7%	19.3%	19.6%	18.9%	34.6%
Quality of Health Care	60.0%	10.5%	10.7%	9.4%	5.8%

Mental Health & Disabilities

	High Importance	Moderate Importance	Mild Importance	Low Importance
Lack of Resources	32.7%	20.0%	32.1%	17.6%
Accommodations/ Considerations	16.4%	36.4%	26.4%	21.6%
Availability of Treatment & Assistance Programs	25.5%	25.5%	30.2%	19.6%
Problems with Screening & Assessment	25.5%	18.2%	11.3%	41.2%

Physical Health

	High Importance	Low Importance
Availability & Frequency of Exercise Opportunities	62.1%	39.3%
Variety & Options in Exercise Opportunities	37.9%	60.7%

Veterans

	High Importance	Moderate Importance	Mild Importance	Low Importance
Lack of Consideration for Population	27.3%	15.9%	14.0%	39.0%
Issues Related to PTSD	50.0%	22.7%	20.9%	7.3%
Issues Related to Substance Abuse	11.4%	36.4%	30.2%	26.8%
Issues Related to Mental Health Needs	11.4%	25.0%	34.9%	26.8%

G. Programs

Rehabilitation & Treatment Programs

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Access & Diversity of Programs Offered	27.8%	35.2%	15.7%	20.4%	2.1%
Issues of Access to Programs	37.0%	27.8%	27.5%	4.1%	2.1%
Quality of Programs	20.4%	18.5%	35.3%	20.4%	6.4%
Denying Access to Programs as Punishment	13.0%	13.0%	9.8%	33.8%	25.5%
Emphasis & Importance of Volunteers	1.9%	5.6%	11.8%	16.3%	63.8%

Substance Abuse

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Lack of Resources	30.2%	22.1%	21.3%	24.5%	4.7%
Accommodations/ Considerations	1.9%	24.2%	21.3%	46.7%	9.3%
Problems with Screening & Assessments	11.3%	26.3%	8.5%	37.8%	14.0%
Access to Treatment	15.1%	48.6%	12.8%	17.8%	2.3%
Availability of Substance Abuse Programs/Treatments	22.6%	32.2%	14.9%	17.7%	7.0%
Usefulness/Quality of Programs	7.5%	30.4%	17.0%	37.7%	11.6%
Drug Use in Prison	11.3%	16.1%	4.3%	17.7%	51.2%

Vocational Training & Education

	High Importance	Moderate Importance	Mild Importance	Low Importance
Access & Diversity of Programs Offered	42.4%	35.1%	16.4%	6.0%
Issues of Access to Programs	42.4%	33.3%	20.0%	4.0%
Quality of Programs	8.5%	22.8%	49.1%	18.0%
Emphasis & Importance of Volunteers	6.8%	8.8%	14.5%	72.0%

H. Reentry and Parole

Board of Pardons and Paroles

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Communication Problems with Staff	5.2%	12.3%	37.0%	24.5%	24.5%
Issues of Transparency	41.4%	29.8%	14.8%	7.5%	6.1%
Conditions & Requirements	1.7%	15.8%	25.9%	34.0%	18.4%
Approval & Denial Rates	43.1%	28.1%	7.4%	15.1%	8.2%
Issues with Revocations	8.6%	14.0%	14.8%	18.9%	42.9%

Parole Division

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Issues with Oversight	9.4%	15.1%	14.8%	36.0%	27.1%
Parole Conditions	41.5%	17.0%	18.5%	10.0%	12.50%
Access & Diversity of Programs Offered	9.4%	24.5%	16.7%	24.0%	25.0%
Access to Additional Services Outside of Programming	20.8%	32.1%	24.1%	8.0%	14.6%
Quality of Programs	18.9%	11.3%	25.9%	22.0%	20.8%

Probation/Community Supervision

	High Importance	Moderate Importance	Neutral Importance	Mild Importance	Low Importance
Issues with Oversight	12.0%	8.0%	18.4%	23.4%	35.6%
Probation Conditions	38.0%	18.0%	8.2%	25.5%	11.1%
Access & Diversity of Programs Offered	18.0%	36.0%	18.4%	17.0%	13.3%
Access to Additional Services Outside of Programming	18.0%	26.0%	24.5%	17.0%	15.6%
Quality of Programs	14.0%	12.0%	30.6%	17.0%	24.4%

Reentry Issues

	High Importance	Neutral Importance	Low Importance
Barriers to Employment & Housing	63.6%	20.0%	16.7%
Assistance in Reintegration	27.3%	52.7%	20.4%
Access to Programs & Treatment	9.1%	27.3%	63.0%

References

- ¹ For the purpose of this report, the Texas Criminal Justice Coalition (TCJC) opted to categorize offenses in the simplest way possible. The current manner in which TDCJ categorizes their offenses is inconsistent and therefore we chose to delineate offense categories as defined by the Chicago Police Department ClearMap Crime Summary, Crime Type Categories: Definition and Description, http://gis.chicagopolice.org/clearmap_crime_sums/crime_types.html. Index Crime is defined as “more serious offenses,” and includes crimes such as homicide, criminal sexual assault, robbery, arson, etc. Non-Index Crime is defined as “less serious offenses,” and includes crimes such as forgery, vandalism, drug abuse, disorderly conduct, etc.
- ² Texas Department of Criminal Justice (TDCJ), “Administrative Review & Risk Management Division: TDCJ Ombudsman Program,” http://www.tdcj.state.tx.us/divisions/arm/arm_res_ombudsman.html.
- ³ TDCJ Office of the Ombudsman, “FY 2011 Summary Report,” September 8, 2011, p. 2, available upon request.
- ⁴ In FY 2010, the TDCJ Ombudsman Program received 15,483 inquiries; in FY 2011, it received 17,308. Texas Department of Criminal Justice Office of the Ombudsman, “FY 2010 Summary Report,” October 4, 2010, p. 4, available upon request.
- ⁵ Information on this office taken from Alaska Office of the Ombudsman, “Welcome,” <http://ombud.alaska.gov/#>.
- ⁶ Information on this office taken from California Department of Corrections & Rehabilitation, “Office of the Ombudsman,” <http://www.cdcr.ca.gov/Ombuds/index.html>.
- ⁷ Information on this office taken from State of Iowa, “Annual Report of the Citizens’ Aide/Ombudsman,” 2011, p. 10, https://www.legis.iowa.gov/DOCS/CAO/Annual_Reports/2012/CARHC001.PDF.
- ⁸ The Michigan Legislative Council, “Legislative Corrections Ombudsman,” May 12, 2009, <http://council.legislature.mi.gov/lco.html>.
- ⁹ For access to the Department of Homeland Security Immigration and Customs Enforcement FOIA Library, see <http://www.ice.gov/foia/library/index.htm>.
- ¹⁰ April Thompson, TDCJ State Classification Committee, telephone conversation with Sarah Beth Bolin, Texas Criminal Justice Coalition, January 30, 2012.
- ¹¹ April Thompson, TDCJ State Classification Committee.
- ¹² TDCJ, “Statistical Report: FY 2010,” pp. 22-24, http://www.tdcj.state.tx.us/documents/Statistical_Report_2010.pdf; also see TDCJ, “Unit Directory – Region/Type of Facility/Map,” http://www.tdcj.state.tx.us/unit_directory/unit_map.html#map.
- ¹³ Hans Toch and Terry A. Kupers, “Violence in Prison: Revisited,” *Journal of Offender Rehabilitation*, 2007, available upon request.
- ¹⁴ Toch and Kupers, *Violence in Prison*.
- ¹⁵ The current offender grievance process has two levels, Step 1 and Step 2. Step 1 allows the Warden to identify and resolve issues at the unit level; Step 2 affords an inmate the opportunity to appeal the Warden’s decision. These appeals are sent to the Central Grievance Office in Huntsville, Texas, for review. TDCJ Administrative Review & Risk Management Division, “Offender Grievance Program: Pamphlet,” Revised 1 September 2010, p. 2, http://www.tdcj.state.tx.us/documents/Offender_Grievance_pamphlet_English.pdf.
- ¹⁶ American Bar Association (ABA) Standard 23-9.1: “Grievance Procedures,” in *ABA Standards for Criminal Justice: Treatment of Prisoners*, 3rd Ed., pp. 56/57, available upon request. This Standard encourages (a) resolution of prisoners’ complaints on an informal basis, if possible; (b) providing prisoners the opportunity to make suggestions to improve programs and conditions; (c) formal procedures for resolving specific prisoner grievances, with prisoner notification; (d) minimization of technical requirements for grievances, easy accessibility to forms, and written rejections; and (e) procedures designed to instill confidence in the process, with periodic evaluations and procedural protections.
- ¹⁷ TCJC, “Perceptions of the Texas Department of Criminal Justice: Correctional Officers: 2012 Survey Findings,” May, 2012, pp. 3, 5-7, available upon request.
- ¹⁸ Karen D. Chung and Nancy J. Peek, “Conditions of Confinement in Texas Prisons,” December 2010, available upon request.

¹⁹ Chung and Peek, *Conditions of Confinement in Texas Prisons*.

²⁰ Jeff Latimer, Craig Dowden, and Danielle Muise, "The Effectiveness of Restorative Justice Practices: A Meta-Analysis," *The Prison Journal* 85, no. 2, June 2005, pp. 127-144. Also see Bridges to Life, "Goals, Outcomes, and Evaluation," http://www.bridgestolife.org/index.php?option=com_content&view=article&id=7&Itemid=8. This successful Texas restorative justice program has seen an 18.8% recidivism rate compared to TDCJ's overall recidivism rate of around 25% (TDCJ, "Statewide Criminal Justice Recidivism and Revocation Rates: Submitted to the 82nd Texas Legislature Legislative Budget Board Staff," January 2011, p. 31, http://www.lbb.state.tx.us/PubSafety_CrimJustice/3/Reports/Recidivism_Report_2011.pdf); participation in the Bridges to Life program is dependent on an incarcerated individual's good behavior. Also see Morton, Deutsch, Peter T. Coleman, and Eric Colton Marcus, "The Handbook of Conflict Resolution: Theory and Practice," (San Francisco: John Wiley & Sons, Inc.: 2006). Also see James A. Wall, Jr., John B. Stark, and Rhett L. Standifer, "Mediation: A Current Review and Theory Development," *Journal of Conflict Resolution* 45, no. 3, June 2001, pp. 370-391.

²¹ TCJC, *Perceptions of the Texas Department of Criminal Justice*, pp. 3, 6, available upon request.

²² National Institute of Corrections, "National Survey of the Management of High-Risk Inmates," 2002, available upon request.

²³ TDCJ Response to Open Records Request, *Administrative Segregation*.

²⁴ Erika Harrell, "Violence by Gang Members, 1993-2003," U.S. Department of Justice, Bureau of Justice Statistics, June 2005, p. 1, <http://bjs.ojp.usdoj.gov/content/pub/pdf/vgm03.pdf>; also see Justice Policy Institute, "Ganging Up on Communities? Putting Gang Crime in Context," 2005, <http://www.prisonpolicy.org/scans/jpi/JPIgangreport705.pdf>.

²⁵ Terry Kupers, "What to Do with the Survivors? Coping With the Long-term Effects of Isolated Confinement," *Criminal Justice and Behavior* 35, 2008, pp. 1005-1016; also see Stuart Grassian, "Psychiatric Effects of Solitary Confinement," *Journal of Law and Psychology* 22, 2006, pp. 325-383, available at <http://law.wustl.edu/journal/22/p325grassian.pdf>.

²⁶ A conservative estimate of the cost per person per day of administrative segregation is \$30,000 (roughly twice that of general population). LBB, *Criminal Justice Uniform Cost Report*, p. 6 (using FY 2010 prison inmate cost per day of \$50.79).

²⁷ Mississippi recently reclassified its administrative segregation population, assigned most nonviolent gang members to the general population, and reduced its administrative segregation numbers from 1,000 to less than 150, with no increase in violence. From Terry Kupers and others, "Beyond Supermax Administrative Segregation: Mississippi's Experience Rethinking Prison Classification and Creating Alternative Mental Health Programs," 2009, *Criminal Justice and Behavior*. As a result, the state saved over \$5 million in one year. This figure includes the staff and other costs associated with actually closing the unit, as well as the cost of incarceration for individuals moved to a high security, non-administrative segregation unit. Christopher Epps, Commissioner, Mississippi Department of Corrections and Suzanne Singletary, Director, Division of Communications for the Mississippi Department of Corrections, in email correspondence to Sarah V. Carswell, TCJC, January 12, 2012.

²⁸ TDCJ Response to Open Records Request, "Administrative Segregation," December 12, 2011, available upon request; also see TDCJ, "Self Evaluation Report Submitted to the Texas Sunset Advisory Commission," August 31, 2011, pp. 54-55, available at <http://www.sunset.state.tx.us/83rd/cj/ser.pdf>.

²⁹ James Austin and Emmitt Sparkman, "Colorado Department of Corrections Administrative Segregation and Classification Review," National Institute of Corrections, October 2011, http://www.ccjrc.org/pdf/2011_Solitary_Confinement_Report.pdf.

³⁰ Denise Bronson, "A Behavior Approach to Social Work Treatment," In Albert R. Roberts, Gilbert, J. Greene, *Social Workers' Desk Reference*, (New York: Oxford Press, 2002), pp. 137-143.

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³³ TDCJ Response to Open Records Request, *Administrative Segregation*.

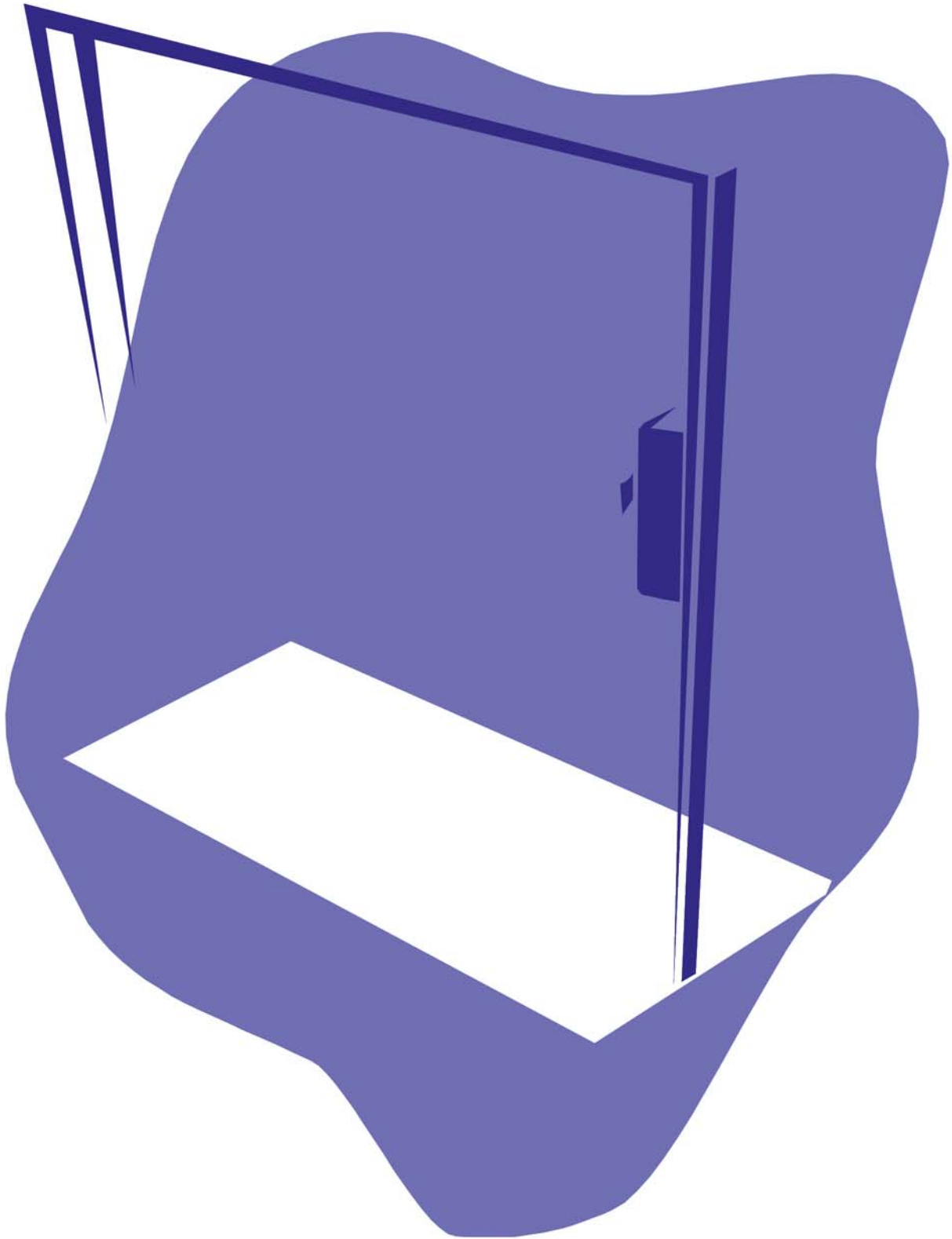
³⁴ ABA Standard 23-3.8, "Segregated Housing," in *ABA Standards for Criminal Justice*, p. 16.

³⁵ American Correctional Association (ACA), Standard 4-4273, "Administrative Segregation/Protective Custody," *om Standards for Adult Correctional Institutions*, 4th Ed., January, 2003, p. 74.

- ³⁶ Chung and Peek, *Conditions of Confinement in Texas Prisons*; also see Toch and Kupers, *Violence in Prison*.
- ³⁷ TDCJ, *Statistical Report*, p. 3.
- ³⁸ TDCJ Response to Open Records Request, *Administrative Segregation*.
- ³⁹ TCJC, *Perceptions of the Texas Department of Criminal Justice*, pp. 3, 7-8, available upon request.
- ⁴⁰ Allan Turner, "With No AC, Inmates Forced to Sweat it Out in Prison," *Houston Chronicle*, July 3, 2009, <http://www.chron.com/news/houston-texas/article/With-no-AC-inmates-forced-to-sweat-it-out-in-1739794.php>; also See Brandi Grissom, "Texas Inmates Complain of Sweltering Prison Conditions," *The Texas Tribune*, September 13, 2011, <http://www.texascivilrightsproject.org/?p=3816>.
- ⁴¹ ABA, Standard 23-3.1, "Physical Plant and Environmental Conditions," *ABA Criminal Justice Standards for Criminal Justice*, p. 12.
- ⁴² ACA, Standard 4-4153, "Heating and Cooling" in *Standards for Adult Correctional Institutions*, 4th Ed., p. 42; also see ACA, Standard 4-4153 (Revised August 2006), "Heating and Cooling, in *2010 Standards Supplement*, p. 50.
- ⁴³ James J. Balsamo, Jr., "Report of Review of Interrogatories, Policies, and Other Documents, Inspections and Research Related to Civil Action No. 2:08-CV-00273; *Blackmon v. Kukua et al.*," October 4, 2010, available upon request.
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