
**HOUSE COMMITTEE ON CORRECTIONS
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2004**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
79TH TEXAS LEGISLATURE**

**RAY ALLEN
CHAIRMAN**

**COMMITTEE CLERK
LAUREN THOMAS**



Committee On
Corrections

January 11, 2005

Ray Allen
Chairman

P.O. Box 2910
Austin, Texas 78768-2910

The Honorable Tom Craddick
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on Corrections of the Seventy-Eighth Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Seventy-ninth Legislature.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Ray Allen", written over a horizontal line.

Ray Allen

A handwritten signature in black ink, appearing to be "Chuck Hopson", written over a horizontal line.

A handwritten signature in black ink, appearing to be "Jessica Farrar", written over a horizontal line.

Jessica Farrar

A handwritten signature in black ink, appearing to be "John Mabry", written over a horizontal line.

John Mabry

A handwritten signature in black ink, appearing to be "Roberto Alonzo", written over a horizontal line.

A handwritten signature in black ink, appearing to be "Patrick Haggerty", written over a horizontal line.

Patrick "Pat" Haggerty

A handwritten signature in black ink, appearing to be "Jack Stick", written over a horizontal line.

Jack Stick

Chuck Hopson
Vice-Chairman

Members: Roberto Alonzo, Jessica Farrar, Patrick "Pat" Haggerty, John Mabry, Jack Stick

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INTRODUCTION

At the beginning of the 78th Legislature, the Honorable Tom Craddick, Speaker of the Texas House of Representatives, appointed seven members to the House Committee on Corrections. The committee membership included the following: Ray Allen, Chair; Chuck Hopson, Vice-Chair; Roberto Alonzo; Jessica Farrar; Patrick Haggerty; John Mabry; Jack Stick.

During the interim, the Corrections Committee was assigned five charges by the speaker:

1. Review the effectiveness, efficiency and funding mechanisms of the community supervision and parole supervision systems. Examine accountability for various community supervision programs administered through local community supervision and corrections departments. Study the advisability, methods and costs of creating a progressive-sanctions model for the adult criminal justice system. (Joint Interim Charge with House Appropriations Committee)
2. Study targeted contracting and review strategies and initiatives in the prison system related to oversight, efficiency, effectiveness and potential cost-savings of contracted services by private sector vendors.
3. Study the Council on Sex Offender Treatment, including treatment methods and effectiveness and explore the possibility of licensing of registered sex offender treatments providers.
4. Study the criminal justice mental health initiative in coordination with the Texas Correctional Office on Offenders with Medical or Mental Impairments.
5. Monitor the agencies and programs under the committee's oversight jurisdiction.

In order to undertake the charges efficiently and effectively, Chairman Allen appointed a subcommittee to study each of the charges.

The subcommittees have completed their hearings and investigations and have issued their respective reports. The Corrections Committee has approved all reports, which are incorporated as the following final report for the entire committee. The members approved all sections of the report.

Finally, the committee wishes to express appreciation to the staff of the committee members; to the agencies that assisted the committee and supplied valuable information for the preparation of the report, in particular the Texas Department of Criminal Justice, TDCJ executive staff, Texas Board of Pardons and Paroles, State Auditor's Office, Texas Correctional Office on Offenders with Medical and Mental Impairments, Council on Sex Offender Treatment, and the citizens who testified at the hearings for their time and efforts on behalf of the committee.

HOUSE COMMITTEE ON CORRECTIONS

INTERIM STUDY CHARGES AND SUBCOMMITTEE ASSIGNMENTS

CHARGE NO. 1

Review the effectiveness, efficiency and funding mechanisms of the community supervision and parole supervision systems. Examine accountability for various community supervision programs administered through local community supervision and corrections departments. Study the advisability, methods and costs of creating a progressive-sanctions model for the adult criminal justice system. (Joint Interim Charge with House Appropriations Committee)

Ray Allen, Chair
Chuck Hopson
Roberto Alonzo
Jessica Farrar
Pat Haggerty
John Mabry
Jack Stick

CHARGE NO. 2

Study targeted contracting and review strategies and initiatives in the prison system related to oversight, efficiency, effectiveness and potential cost-savings of contracted services by private sector vendors.

Ray Allen, Chair
Roberto Alonzo
Pat Haggerty
Chuck Hopson
Jack Stick

CHARGE NO. 3

Study the Council on Sex Offender Treatment, including treatment methods and effectiveness and explore the possibility of licensing of registered sex offender treatment providers.

Chuck Hopson, Chair
Roberto Alonzo

Pat Haggerty
John Mabry
Jack Stick

CHARGE NO. 4

Study the criminal justice mental health initiative in coordination with the Texas Correctional Office on Offenders with Medical and Mental Impairments.

Pat Haggerty, Chair
Jessica Farrar
Chuck Hopson

CHARGE NO. 5

Monitor the agencies and programs under the committee's oversight jurisdiction.

Ray Allen, Chair
Chuck Hopson
Roberto Alonzo
Jessica Farrar
Pat Haggerty
John Mabry
Jack Stick

**SUBCOMMITTEE ON THE EFFECTIVENESS, EFFICIENCY, AND FUNDING
MECHANISMS OF THE COMMUNITY SUPERVISION AND PAROLE SUPERVISION
SYSTEMS**

**SUBCOMMITTEE ON THE EFFECTIVENESS, EFFICIENCY, AND FUNDING
MECHANISMS OF THE COMMUNITY SUPERVISION AND PAROLE SUPERVISION
SYSTEMS**

CHARGE: Review the effectiveness, efficiency and funding mechanisms of the community supervision and parole supervision systems. Examine accountability for various community supervision programs administered through local community supervision and corrections departments. Study the advisability, methods and costs of creating a progressive sanctions model for the adult criminal justice system.

COMMUNITY SUPERVISION BACKGROUND

Texas has the largest number of offenders on probation supervision in the country. At the end of FY 2004, there were about 428,000 offenders serving a period of community supervision. Approximately 236,000 offenders were on probation for a felony offense and 192,000 offenders were on probation for a misdemeanor offense.

Community supervision in Texas is a shared responsibility between the State and local communities. There are 121 local Community Supervision and Corrections Departments (CSCD) that are responsible for the supervision and rehabilitation of offenders sentenced to community supervision by local courts. Approximately 3,300 Community Supervision Officers, who are employees of local judicial districts, are responsible for supervising felony and misdemeanor offenders. Community supervision duties include:

- Monitor compliance with court-ordered conditions
- Assist in securing treatment and rehabilitation services when needed
- File violation reports
- Conduct office, home, and field visits
- Assist offenders in securing employment and verify employment
- Monitor drug usage through urinalysis testing

The Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) is responsible for the distribution of state funds to CSCDs to provide supervision and programs for offenders on community supervision. TDCJ-CJAD develops standards for supervision and programs based on best-practices, approves Community Justice Plans and budgets, conducts program and fiscal audits, and provides training and certification of community supervision officers.

State funds are distributed to CSCDs based on formulas stipulated by the state and through competitive grant processes. These funds are appropriated by the Texas legislature under three strategies. The appropriations each year for FY 2004-2005 were:

- Basic Supervision: \$101 million to provide adequate basic community supervision services
- Diversion programs: \$61 million for the development of programs to divert adult offenders to community-based programs and away from traditional incarcerations

-
- Community corrections: \$43 million to provide formula allocated community-based correctional programs to encourage the development of alternatives to incarceration

In addition to these funds, community supervision programs are allocated approximately \$14 million per year for the Treatment Alternative to Incarceration Program (TAIP) providing community based substance abuse treatment to probationers. The Substance Abuse Felony Punishment Program (SAFP), providing secure residential and outpatient services to probationers, and the Mental Health Initiative, administered by TCOOMMI, providing case management services to mentally ill adult probationers are additional resources available for community supervision.

The estimated cost per day for supervising an offender in the community is \$2.13 per day (CJPC, 2002). The state cost is approximately \$0.97 per day and offender fees for supervision make up approximately \$1.16 per day. Approximately 38% of all supervision funding is provided by offender fees when all funding sources are considered:

- \$132 million in offender fees (38%)
- \$101 million for basic supervision (29%)
- \$61 million for diversion grant programs (17%)
- \$43 million for community corrections programs (12%)
- \$14 million for TAIP (4%)

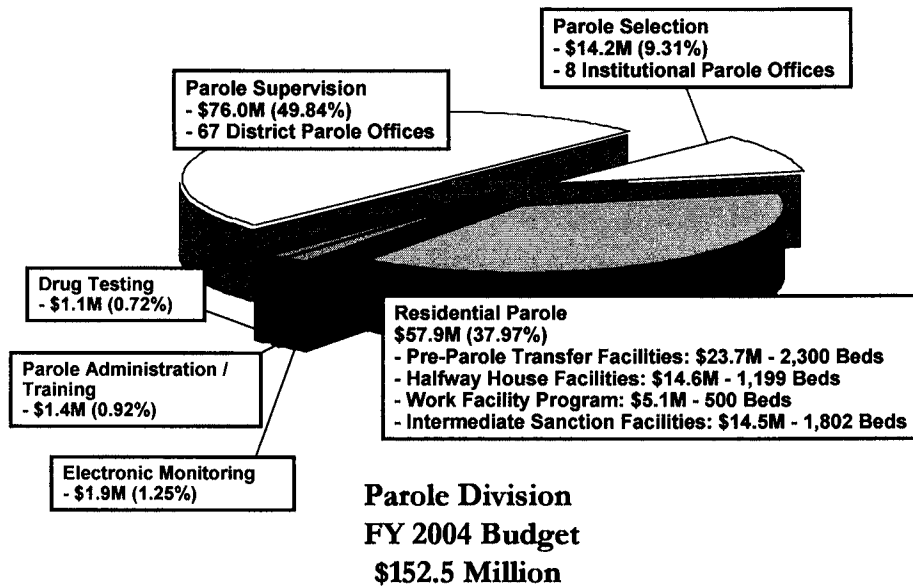
An additional \$48 million in victim's restitution and \$68 million in court costs and fines are also collected from probationers. In all a total of \$248 million was collected from probationers in 2003.

PAROLE SUPERVISION BACKGROUND

The Parole Division supervises offenders released from prison on parole or mandatory supervision to complete their sentences in Texas communities. The Division is also responsible for pre-release functions such as investigating offender release plans and preparing release-eligible cases for consideration by the Board of Pardons and Paroles. The Division's mission is to promote public safety and positive offender change through effective supervision, programs and services.

Current Funding Levels

The Parole Division operated with a \$152.5 million budget for FY2004. The allocation of funds among the Division's functions is depicted below.



Parole Supervision Population

Current funding levels provide sufficient staff to supervise the present parole supervision population within legislatively-mandated ratios. 1,225 parole officers supervised 76,577 offenders at the end of August 2004. The different types of caseloads to which offenders were assigned are shown below.

OFFENDERS BY CASELOAD TYPE		
	Caseload Ratio	August 04 Population
Regular	75:1	62,577
Therapeutic Community	75:1	2,089
District Resource Center	75:1	2,251
Special Needs	45:1	3,568
Sex Offender	30:1	3,485
Intensive	25:1	1,133
Super-Intensive Supervision	14:1	1,474

TESTIMONY

In response to its charge, the Committee on Corrections held, jointly with the Committee on Appropriations Criminal Justice Subcommittee, a series of three public hearings dedicated to this charge. The committee heard both invited and public testimony during the course of these hearings.

COMMUNITY SUPERVISION

Implementing Evidence Based Practices to Improve the Effectiveness and Efficiency of Community Supervision

In recent years, a body of research has been developed identifying the components of programs that are proven to reduce recidivism and produce long-term change in offender behavior. This body of research has been referred to as “what works” or “evidence-based practices”. Since 1999, TDCJ-CJAD has been implementing evidence-based practices through training, technical assistance, conferences, and funding strategies. Evidence based practices proven to reduce recidivism include:

- **Assessment of risk:** Placing the right people in the right program. Research has demonstrated that identifying and placing high risk offenders in intensive programs is the most cost-effective allocation of resources
- **Target crime-producing behaviors:** Effective treatment of substance abuse problems, employment issues and other needs must be addressed
- **Cognitive-behavioral programs:** Programs that address impulsivity, poor problem solving skills, and anti-social thinking have demonstrated effectiveness in reducing recidivism
- **Quality control:** Programs are evaluated using criteria that assess the use of evidence based practices to ensure that effective programs are being delivered as designed
- **Evaluation:** Programs are evaluated to determine effectiveness in reducing recidivism.

TDCJ-CJAD, the Judicial Advisory Council (JAC) and CSCDs have collaborated on a series of efforts to implement evidence-based practices.

- Over 300 Community Supervision Officers and 30 trainers received training on a cognitive-behavioral program for offenders called Thinking for a Change
- Evidence-based Practices Training was provided to 250 Harris County CSCD staff and 32 Harris County District and Court-at-Law Judges
- An annual Sentencing Conference brings together local sentencing officials to discuss the effective and efficient use of community based sanctions
- The Texas Intermediate Sanctions Bench Manual was produced and distributed to all members of the criminal justice system. The Manual provides information on community based sentencing alternatives and sanctions including evidence-based practices

TDCJ-CJAD’s grant funding process requires the use of evidence-based practices that are shown to reduce recidivism. Based on evaluations using recidivism as a primary factor, 5 Community Correction Facilities were closed in 2003. An additional 98 non-residential programs were discontinued and funding was diverted to programs with more diversionary and recidivism reduction potential. Programs such as drug courts and treatment programs were funded partially through funds made available.

An evaluation infrastructure is being developed to determine effectiveness of TDCJ-CJAD funding strategies. Program outcomes as measured by recidivism will become an increasingly important factor in program funding decisions.

Factors Impacting the Effectiveness and Efficiency of Community Supervision

Joan Petersilia, Ph.D., a highly respected criminologist, summarizes the findings from the evidence-based literature as follows:

“ The most important finding from the intermediate sanctions literature is that programs must deliver high ‘doses’ of both treatment and surveillance to assure public safety and reduce recidivism. Treatment alone is not enough, nor is surveillance by itself adequate. Programs that can increase offender to officer contact and provide treatment have reduced recidivism”¹

A number of factors are impacting the ability of community supervision to increase offender to officer contact and provide treatment in effective dosages. The causes and results of this inability are reflected in the table below:

**Trends in Community Supervision Appropriations
Supervision Population and Felony Revocations**

Fiscal Year	Appropriation (in millions)	Direct Felony Population	Direct + Indirect Felony Population	Felony Revocations to TDCJ
1994	\$220	146,854	217,108	15,330
1995	\$229	155,199	233,376	17,036
1996	\$230	158,634	241,025	18,119
1997	\$208	162,384	247,991	19,576
1998	\$210	164,702	250,913	21,688
1999	\$210	162,422	250,109	22,338
2000	\$219	161,191	245,302	21,447
2001	\$218	159,369	243,759	20,623
2002	\$225	158,489	242,776	21,369
2003	\$221	157,724	238,209	23,277
% Change 1994-2003	+0.5%	+7.4%	+9.7%	+51.8%

Felony revocations to prison have grown faster than the felony supervision population as resources have lagged behind growth and needs. A number of previous reports, including the House Corrections Interim report 2002, have documented the need for increased resources for community supervision and how increased resources could cost-effectively reduce revocations to prison and increase the use of community supervision as an alternative to incarceration. These reports include:

- Technical Violations Committee report 2001
- House Corrections and Senate Criminal Justice Interim Committee reports 2002
- Criminal Justice Policy Council Biennial Report 2003
- TDCJ Exceptional Item Request for FY 2004-2005

The Technical Violations Committee, consisting of a statewide cross-section of judges, prosecutors, and adult probation directors and state officials, was formed in 2002 to examine factors associated with the increased revocations for technical violations of supervision. The committee concluded that a decline in resources for community supervision was associated with an increase in community supervision.

The House Corrections and the Senate Criminal Justice Interim Committee reports of 2002 documented the need for reducing caseload sizes, establishing more community corrections facility beds, increasing availability of substance abuse treatment beds, and expanding the use of alternatives to revocation through increased funding of an array of residential and non-residential sanctions and treatment.

The Criminal Justice Policy Council (CJPC) recommended strengthening probation by reducing caseloads through early discharge and creating consistency in the use of intermediate sanctions and diversion programs across localities. The CJPC also recommended that the state adopt a discretionary statewide system of progressive sanctions similar to juvenile policy and increase intermediate sanction and program capacity.

The TDCJ FY 2004-2005 budget, in its exceptional item request, included \$18 million per year to reduce caseload sizes.

None of these recommendations were enacted due to the budget shortfall in FY 2004-2005. TDCJ-CJAD diversion program funding was reduced by \$8 million for the biennium and community corrections funding was reduced by \$4.8 million.

These reports have noted that efforts to strengthen community supervision have been constrained by resource needs in several areas. These constraints directly impact efforts to implement evidence-based practices. These areas include:

- High caseload sizes
- Insufficient treatment resources
- Decreased number of community correctional facilities

Efforts to strengthen community supervision should focus on these resource needs.

Reduce Caseload Sizes

Background

The average Community Supervision Officer in Texas is responsible for supervising 116 probationers directly and 36 probationers indirectly (152 total). Indirect supervision refers to probationers that have stopped reporting (absconded supervision) and while the officer is not directly supervising the offender, the officer must make efforts to locate the offender, file violation reports when appropriate, and meet other requirements. Other probationers fall into the indirect category (besides absconders) who require officer time though the offender is not classified in direct supervision caseloads.

High caseloads in Texas are indirectly related to the relatively long supervision terms of probationers in Texas compared with the rest of the country. The average probation sentence in Texas is 63 months, 66% longer than the U.S. average probation sentence of 38 months.

High caseloads lead to inadequate offender to officer contact time. The following calculations demonstrate the amount of time an officer can spend supervising an offender.

An average work month consists of approximately 168 hours. After deductions for time associated with administrative duties, fees and fine collection and monitoring, sick and vacation leave, the average work time allocated to direct supervision activities is 120 hours per month. This leads to the following calculation for supervision time per offender:

Time supervised each case per month
= 120 work hours per month for supervision / 116 direct cases
= 1.03 hours per case / offender

Prior Recommendations

Judges surveyed in 2002 indicated that the ideal caseload size should be 70. In the same survey, prosecutors identified an ideal caseload size of 65, CSCD directors 91, and community supervision officers 100.

The House Corrections Interim Committee Report 2002 recommended “The 78th Legislature should consider funding some reduction in caseload size”.

The TDCJ LAR for 2004-2005 exceptional item request included \$18 million per year for Basic Supervision to reduce caseload sizes.

CSCD Directors responding to the 2004 TDCJ-CJAD Sentencing Survey identified “smaller caseloads” as their top funding priority.

Policy Considerations

Judges and CSCD Directors were asked their opinion regarding a number of policy initiatives that could result in smaller caseloads. These initiatives included:

- Early discharge of probation: While a majority of judges (55%) supported legislation requiring judicial review of offenders eligible for early discharge, CSCD Directors did not (29%).
- Judges and CSCD Directors supported (66%) making State Jail felons eligible for early discharge.
- Close to half (44%) of all respondents would support reducing probation terms to 5 years.

TDCJ FY 2006-2007 LAR Exceptional Item

TDCJ is requesting \$28.2 million for the biennium in its exceptional item request to reduce regular probation supervision caseloads from 116 per officer to 95 per officer.

Increase Treatment Resources

Background

An estimated 72,566 felony offenders and 82,573 misdemeanor offenders are on probation for controlled substance or DWI offenses. Based on needs assessment data collected when an offender is placed on community supervision, an estimated 55,447 felony offenders and 47,237 misdemeanor offenders, a total of 102,613 offenders, need substance abuse treatment. In FY 2003, 48,651 offenders on community supervision received substance abuse treatment services or 47% of offenders identified with treatment needs.

HB 1287, passed by the 77th Legislature, required drug courts to be established in counties with a population over 550,000. Drug courts are designed to provide court-supervised treatment as an alternative to traditional criminal sanctions. Research in Texas has documented the effectiveness of drug courts in reducing recidivism rates of substance abusing offenders. Drug courts incorporate many of the components of evidence-based practices. The judicial oversight of treatment, immediate sanctioning of violations, low caseloads, and intensive treatment component are all evidence-based practices that contribute to the success of drug courts. The state allocates \$750,000 per year to support the six drug courts in Texas when this legislation passed. At the end of FY 2004, 22 adult drug courts were operating in Texas. While state funding has remained at \$750,000 per year, TDCJ-CJAD re-directed \$2.2 million in diversion program funding to drug courts. This funding was diverted from previously funded programs that had less diversion potential than drug courts.

HB 2668, passed by the 78th Legislature, requires first time state jail felons convicted of low-level drug possession offenses to be placed on community supervision and receive treatment. The LBB estimated that approximately 4,000 offenders would be diverted from State Jails and placed on community supervision. No funds were allocated for treatment services for this population.

The waiting list for the Substance Abuse Felony Punishment program is approximately 16 weeks, the longest in the program's history. This represents an indicator of increased need for secure residential treatment.

Prior Recommendations

The Technical Violations Committee report recommended funding 300 specialized caseloads to serve 10,500 felons with substance abuse problems or other needs, such as mentally ill offenders.

The Senate Criminal Justice Interim report 2002 recommended that the number of available substance abuse treatment beds be increased.

Judges responding to the 2004 TDCJ-CJAD Sentencing Survey indicated they would be more likely to use community supervision as a direct sentencing option (71%) or as an alternative to revocation (71%) if there were more specialized caseloads. Judges ranked "more treatment resources" as their highest funding priority and CSCD Directors ranked "more treatment resources" as their second highest funding priority (behind reduced caseloads).

TDCJ FY 2006-2007 LAR Exceptional Item

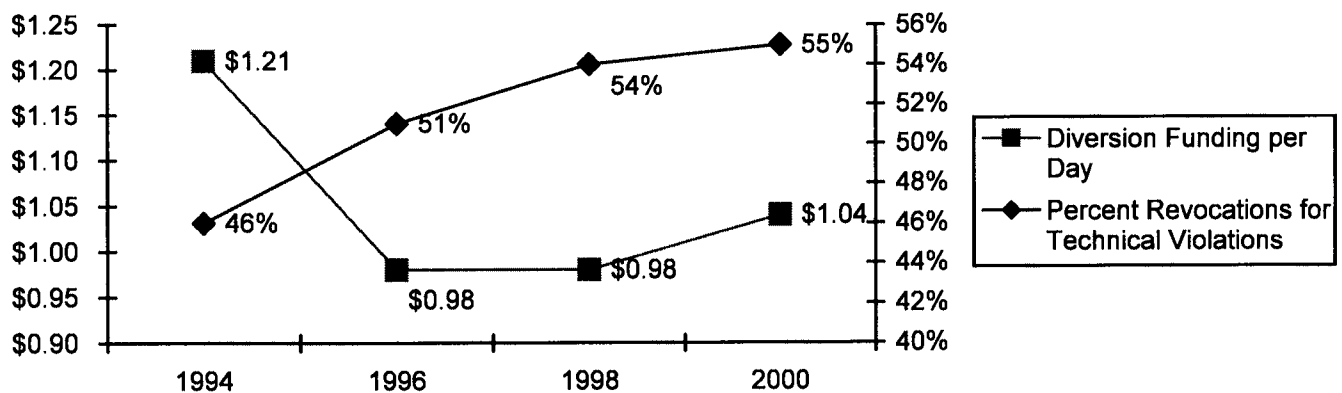
TDCJ is requesting \$7.2 million for the biennium in its exceptional item request to provide outpatient treatment for 4,000 offenders.

Increase the Number of Community Correction Facility Beds

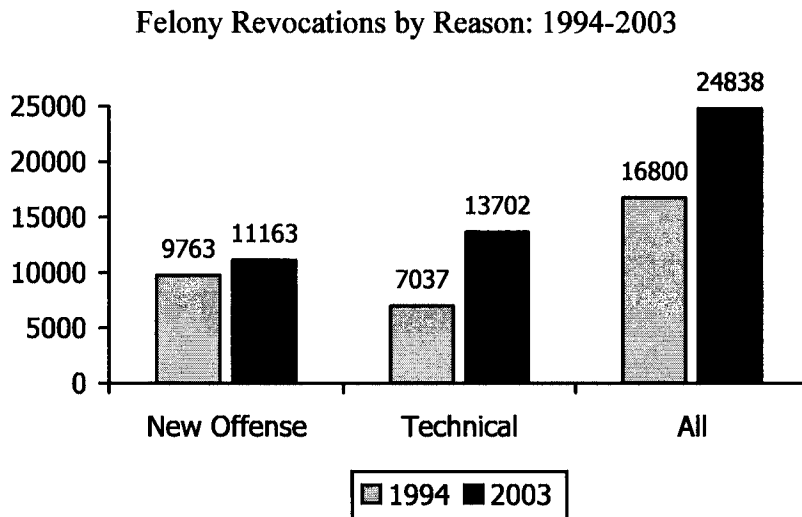
Background

Probation revocation data reported by CSCDs indicate an increase in the number and percent of probation revocations due to violation of supervision conditions. As funds for diversions declined the percent of revocations for technical violations increased from 46% of all revocations to 55% as shown in the graph below.

Revocations for Technical Violations Increased as Diversion Funding Declined



While the number of revocations for new offenses has only increased 14%, the number of revocations for technical violations has increased by 95%.



Revocations reported as technical violations can be misleading. When an offender is arrested for a new offense, who also has violated conditions of supervision, the motion to revoke supervision may omit the new offense charge and base the revocation on technical violations, facilitating the processing of the revocation and reducing the workload on the judicial docket. A study by the Criminal Justice Policy Council indicated that revocations for violations of supervision conditions was approximately 41% of all revocations when all arrests for new offenses are removed from cases reported as technical violation revocations.

While the true technical violation rate may be between 41% and 55%, the growth in probation revocations appears to be associated with inadequate alternative sanction resources. The number of community corrections facility beds have declined from 4,751 beds in 1995 to 2,800 beds in 2004.

Prior Recommendations

The Technical Violations Committee recommended adding 750 residential sanction and treatment beds.

The House Committee on Corrections Interim report 2002 recommended that the 78th Legislature consider establishing more community corrections facility beds.

The Senate Committee on Criminal Justice Interim report 2002 recommended that the number of available substance abuse treatment beds be increased.

Judges responding to the 2004 TDCJ-CJAD Sentencing Survey indicated they would be more likely to use community supervision as a *direct sentencing* option (84%) if there were more residential

facilities and more likely to use community supervision as an *alternative to revocation* (94%) if there were more residential facilities.

Judges ranked “more residential treatment resources” as their second highest funding priority.

TDCJ 2006-2007 LAR

TDCJ is requesting \$20.1 million for the biennium in its exceptional item request to provide 500 residential treatment and sanction beds for prison diversions.

Increasing the Effectiveness and Efficiency of Community Supervision: Pilot Projects

Progressive Sanctions and Evidence Based Practices

Resource needs documented throughout this report form the core components necessary to implement evidence-based practices to reduce recidivism. One of the core components requiring these resources is a system of graduated, systematic responses to violations of supervision conditions. This component is commonly referred to as a “progressive sanctions model”. Key components of a progressive sanctions model involves increased sanctions, supervision, and treatment for offenders failing to comply with conditions of supervision.

- Over half of Judges (53%) and two-thirds of CSCD Directors (68%) responding to the 2004 TDCJ-CJAD Sentencing Survey indicated they would support legislation directing departments to develop a local system of progressive sanctions.
 - ✓ Approximately 77% of judges and 92% of CSCD Directors would support providing more funding to departments utilizing a system of progressive sanctions

CSCDs and TDCJ-CJAD are collaborating on a number of innovative efforts to strengthen community supervision through the implementation of evidence-based practices and other programs. A brief description of these programs are provided below.

Ft. Bend Progressive Sanctions Pilot Program

Ft. Bend County CSCD is implementing a comprehensive program to reduce revocations which incorporates progressive sanctions as a central component in the program. The Ft. Bend pilot project is described below to illustrate an effort to reduce probation revocations using a progressive sanctions model. Critical to this effort are the resources allocated by TDCJ-CJAD to lower caseload sizes to increase offender to officer contact, increase treatment resources, and make alternative sanctions available to deliver a comprehensive approach to reducing revocations. The goal of the Ft. Bend pilot is to reduce felony revocations to TDCJ by 30% in FY 2005. TDCJ allocated \$363,000 for FY 2005 for this project.

The pilot program incorporates four primary strategies to reduce felony revocations. These strategies are grounded in evidence-based practices shown to reduce recidivism. Many of the components replicate successful drug court program components. These strategies are summarized below:

-
- **Progressive sanctions:** A systematic approach to swiftly address violations in an effort to deter future violations. A court admonishment docket will impose a series of increasing sanctions for violations. Examples of sanctions include increased reporting requirements, additional community service, additional fines, jail time, and similar sanctions.
 - **Incentives:** An incentive program will be developed for offenders complying with court conditions. Incentives may include reduced supervision contacts, decreased community service requirements, decreased fines, and eligibility for early termination. The presiding judge will review and administer incentives.
 - **Increase supervision and monitoring:** This component will be based on assessed needs and risks of the offender. Depending on the assessment, offenders may be placed on reduced caseloads with increased contacts, field visits, placed in treatment and cognitive programs, and attend court sessions.
 - **End Sentencing:** Offenders who continue to violate court orders and do not respond to the progressive sanctions system, but do not re-offend and represent little risk to public safety will be subject to short-term incarceration in jail or an Intermediate Sanction Facility. Upon completion of the incarceration period they will be discharged from probation so that resources can be devoted to other offenders.

Harris County Best Practices Initiative

Harris County CSCD, Judges, and TDCJ-CJAD are engaged in a collaborative effort to implement evidence-based practices to reduce recidivism. The initiative consists of several components:

- Training on best-practices as described earlier in this report.
- Redesign of the Harris County Community Corrections facility: Evaluations conducted by TDCJ-CJAD indicated that changes to the Harris County Boot Camp could increase its effectiveness in reducing recidivism. The facility, now called the Harris County Correctional Facility, is incorporating treatment and cognitive programming into redesign efforts.
- Implementation of drug courts: Two drug courts are being implemented in Harris County to address the significant number of offenders arrested for drug offenses in Harris County.
- Coordinated judicial effort to develop more uniform policies: A review of the Harris County judicial system and the CSCD indicated a need for more consistent and uniform policies to achieve goals of the courts and community supervision. A coordinated effort is being implemented to achieve those goals
- An assessment center to identify risk and needs of offenders, and to more effectively allocate resources is being implemented, as well as other evidence based practices associated with reduced recidivism.

Dallas Kiosk Reporting Project

Research has demonstrated that an effective assessment process can identify offenders who pose minimal risk for re-offending so that resources are focused on surveillance and treatment of high-risk offenders. Dallas is implementing a program to shift supervision resources from low risk to high-

risk offenders through the use of an ATM-like Kiosk to provide automated supervision services to those offenders who pose minimum risk to society.

Offenders who meet stringent criteria for Kiosk reporting are transferred to the Kiosk reporting caseload resulting in the freeing of supervision resources for higher risk offenders. Kiosk offenders report to the Kiosk machine where identity is verified via a biometric hand identification process. Contact information is verified, the Kiosk receives supervision fees, records responses to standard reporting questions such as current address and employment status, new arrest information, and other questions. A computer-generated report is reviewed by assigned staff. Approximately 500 offenders are currently assigned to the Kiosk reporting program

TDCJ-CJAD and the Dallas CSCD are collaborating on an evaluation to determine differences in recidivism rates, fee collection, and reporting rates for Kiosk offenders versus similar offenders under traditional supervision. Additionally, improvements in outcomes for higher risk offenders as a result of resource saving and resource reallocation associated with the Kiosk will be evaluated.

Summary: Strengthening Community Supervision

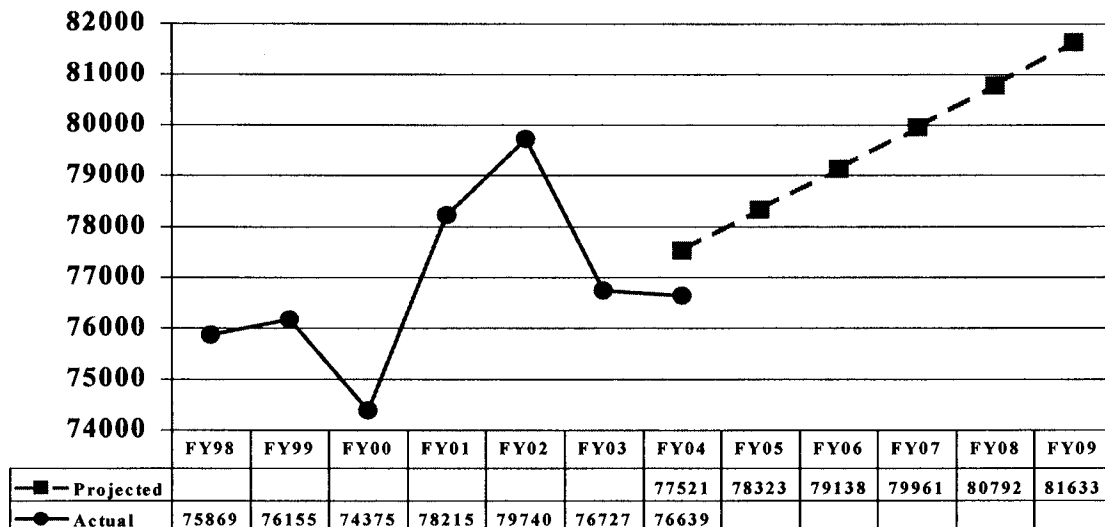
Increased investment in community supervision can result in cost-effective savings associated with diversions from prison and reduced revocations to prison. TDCJ-CJAD and CSCD implementation of evidence based practices represents a significant opportunity to break the cycle of expensive prison overcrowding problems that have affected Texas for the last twenty years. Increased accountability and evaluation of effectiveness of investments in community supervision are critical to assessing the effectiveness of this policy

PAROLE SUPERVISION

Population Growth

While current funding is adequate to provide supervision for the present parole supervision population, recent projections by the Legislative Budget Board (LBB) suggest the number of offenders under active supervision by the Parole Division will increase significantly over the next few years, as shown in the chart that follows. Consequently, the Division will need additional parole officers to maintain caseload ratios at their current levels.

Projected Parole Population Growth



Note: Data shown are yearly averages.
 Source: Adult and Juvenile Correctional Population Projections – Fiscal Years 2004-2009, Legislative Budget Board, June 1, 2004

TDCJ FY 2006-2007 LAR Exceptional Item: Increase the Parole Division's funding by \$4.4 million over the FY2006-07 biennium to provide for expected growth in the active parole supervision population.

Progressive Sanctions

The Parole Division continuously strives to improve the efficiency and effectiveness of its supervision, programs and services within existing funding limits. In the area of violations processing, for example, efforts initiated in FY2003 to reduce warrant issuance, through reduction of movement violations by offenders on electronic monitoring, and the transferring of authority for warrant issuance to Regional Jail Coordinators, continued in FY2004. Additionally, the number of hearings convened by summons issuance in lieu of warrant issuance increased by more than 1,200 in FY2004 compared to FY2003. These efforts resulted in a significant reduction in the number of warrants issued, from an average of 37,600 in previous years to 34,743 in FY2004. Similarly, a project to locate and apprehend offenders who had absconded supervision by assigning their cases to central office administrative staff also yielded positive results, reducing the number of outstanding warrants at the end of FY2004 by more than 1,000 compared to the end of FY2003.

For offenders who violate the terms and conditions of their release, a system of graduated sanctions is already in place, supported by current funding levels. Parole officers are instructed through policy and training to apply the sanction most appropriate, based on the offender's level of risk and the seriousness of the violation. Available sanctions include:

Local Interventions - compliance counseling; written reprimand; case conference; increased supervision level and/or increased contact requirements; home curfew.

Electronic Monitoring - placement on an intensive (25:1) caseload with electronic monitoring. A pilot project was implemented in August 2004 utilizing passive Global Positioning System (GPS) technology as a cost-effective means of electronically monitoring offenders in outlying rural areas. A monthly average of 2,043 offenders were electronically monitored in FY2004.

Intermediate Sanction Facility (ISF) Placement - short-term confinement (60-180 days) in a secure facility. Reserved for the most serious technical parole violators, these facilities provide an effective alternative to revocation that conserves critical prison bed space and also assists the Board of Pardons and Paroles in meeting the 40-day disposition deadline imposed by the 78th Texas Legislature. In FY2004, the Division contracted for 1,802 ISF beds in the locations shown below, and made 10,982 placements.

FY 2004 Intermediate Sanction Facilities		
FACILITY	CITY	BEDS
Eastern ISF (F)	Longview	188
Eastern ISF (M)	Longview	112
Northern ISF	Ft. Worth	400
Pampa ISF	Pampa	402
Southern ISF	Houston	450
Western ISF	Brownfield	250
TOTAL		1,802

Substance Abuse Facility Punishment (SAFP) - in lieu of revocation, the Board of Pardons and Paroles may impose upon an offender a period of confinement (usually six months) in a SAFP facility. In FY2004, the Division was allocated 352 beds in the Department's SAFP facilities and made 605 placements. This sanction is reserved for the most serious drug-involved parole violators.

Substance Abuse Interventions

Nine of ten offenders currently on parole or mandatory supervision have a special condition "S" imposed by the Board of Pardons and Paroles as a result of their current offense(s) or criminal history. This condition of release requires the offender to abstain from alcohol and unlawful drug use, and authorizes the supervising parole officer to impose other requirements and restrictions based upon the offender's individual circumstances, for example, participation in a substance abuse treatment program.

To combat substance abuse among the offenders under its supervision, the Parole Division presently

has available the following resources:

Drug Testing - by law, all offenders on parole or mandatory supervision in Texas are subject to targeted and random testing for drug or alcohol use. 940,429 tests were administered in FY2004 to a monthly average of 25,958 offenders; each month, approximately 4,000 offenders tested positive at least once. A widely-held premise in many jurisdictions, including the federal system, is that frequent testing is in itself an effective deterrent to casual drug and alcohol use.

Substance Abuse (Therapeutic Community) Caseloads - upon release, offenders participating in the In-prison Therapeutic Community (IPTC) substance abuse program are assigned to specialized 75:1 substance abuse caseloads supervised by specially-trained parole officers. These offenders are eligible to receive purchased outpatient treatment services while on parole or mandatory supervision as a component of their aftercare.

DWI/DUI Initiative - the Division is developing policy that will impose upon offenders convicted of operating a motor vehicle while under the influence of alcohol or drugs certain requirements and restrictions, for example, driving restrictions (to include utilization of interlock ignition devices) and completion of a DWI Intervention Program certified by the Texas Commission on Alcohol and Drug Abuse (TCADA). Resource limitations will likely necessitate that offenders cover the costs of these interventions.

Parole Division Counseling Program - the Division presently employs 19 certified substance abuse counselors, each carrying a caseload of fifty offenders, who provide in-house substance abuse counseling to approximately 2,000 offenders annually. The limited number of counselors necessitates this option be restricted to offenders residing in major metropolitan areas.

Local Community Resources - parole officer referrals to AA/NA, peer support and/or substance abuse education programs, where locally available.

Clearly, more substance abuse treatment options are needed for offenders on parole or mandatory supervision who have moderate to serious substance abuse problems, many of whom are also low income or indigent. An increase in funding of \$5M annually would allow the Division to contract with local service providers to provide individual or group counseling to an additional 16,500 offenders each year. If approved, the Division will re-focus its in-house counseling program to serve drug-involved parole violators while incarcerated in Intermediate Sanction Facilities. No substance abuse programming is currently available through ISFs.

TDCJ FY 2006-2007 LAR Exceptional Item: Increase the Parole Division's funding by \$5 million each year of the FY2006-07 biennium to provide subsidized outpatient substance abuse counseling to 16,500 offenders annually.

Supervision Fees and Collections

Among other fees, the Parole Division is required by statute to collect a monthly parole supervision fee of \$10 from all offenders under parole supervision. Supervision fees are assessed monthly

regardless of financial ability to pay; the Board of Pardons and Paroles may allow deferral of payment but not exemption; and, all payments must be made within two years of the due date. Proceeds are deposited into the State's General Revenue Fund.

The Parole Division has engaged in a concerted effort to improve its fee collections for the current biennium, including fee collection training of parole officers conducted at the regional and local levels. The purpose of the training was to reeducate supervising officers on collection procedures and emphasize the importance of fee collection to the Department and Division. This effort resulted in an increase in the total amount of fees collected of almost \$480K in FY2004 compared to FY2003.

FEE COLLECTION BY FUND TYPE	Fee Amount	Collected FY03	Collected FY04
Supervision Fees	\$10/month	\$ 6,672,153	\$ 6,767,684
Restitution	Varies	1,020,423	1,027,616
Crime Victims Compensation	\$8/month	2,183,228	2,508,435
Sexual Assault Program	\$5/month	28,751	28,209
Sex Offender Notification	Varies	11,189	11,378
Post-Secondary Education Reimbursement	Varies	329,387	381,240
TOTAL		\$ 10,245,131	\$ 10,724,562

The largest gain was in the amount collected for the Crime Victims' Compensation Fund, which increased by \$325K. This is an administrative fee collected by parole officers from offenders whose crimes were committed after August 29,1993.

While efforts to improve collections will continue, dramatic increases in dollar amounts collected are unlikely for several reasons. Currently, 39% of offenders on parole or mandatory supervision are unemployed; a significant number of those are physically and/or mentally unable to work. Of the offenders who are employed, 79% earn an hourly wage of \$10 or less.

For these reasons, the amount of revenue to be gained by an increasing the monthly parole supervision fee is limited. For example, a 50% increase in the fee amount (from \$10 to \$15) will not likely result in a 50% increase in the total amount collected from parole supervision fees. This expectation is consistent with a survey of probation fee collections sponsored by the National Institute of Corrections (NIC) that found, as fee amounts increased, collection rates decreased, and with American Probation and Parole Association (APPA) guidelines cautioning against overestimating the amount of revenue likely to be generated from fee collections.

COMMUNITY SUPERVISION FINDINGS/RECOMMENDATIONS

Reduce caseloads for Community Supervision Officers

- TDCJ is requesting \$28.2 million for the 2006-2007 biennium in its exceptional item request to reduce regular probation supervision caseloads from 116 per officer to 95 per officer.

Increase treatment resources for offenders on community supervision

- TDCJ is requesting \$7.2 million for the 2006-2007 biennium in its exceptional item request to provide outpatient treatment for 4,000 offenders.

Increase the number of community correction facility beds

- TDCJ is requesting \$20.1 million for the 2006-2007 biennium in its exceptional item request to provide 500 residential treatment and sanction beds for prison diversions.

PAROLE SUPERVISION FINDINGS/RECOMMENDATIONS

Maintain current Parole Division funding levels the FY2006-07 biennium

Increase funding to provide for expected growth in the active parole supervision population

- TDCJ is requesting \$4.4 million for the 2006-2007 biennium in its exceptional item request.

Increase funding to provide subsidized outpatient substance abuse counseling.

- TDCJ is requesting \$15 million each year of the 2006-2007 biennium to provide subsidized outpatient substance abuse counseling to 16,500 offenders annually.

Consider increasing parole supervision fees to \$15/month.

Restore drug treatment funding to the parole division budget.

Hire a no-loss contract to collect delinquent parole fees.

SUBCOMMITTEE ON TARGETED CONTRACTING

SUBCOMMITTEE ON TARGETED CONTRACTING

CHARGE: Study targeted contracting and review strategies and initiatives in the prison system related to oversight, efficiency, effectiveness and potential cost-savings of contracted services by private sector vendors.

BACKGROUND

For decades the legislature has worked toward increasing accountability and efficiencies in government operations. The Texas Department of Criminal Justice faces complex challenges in its mission to protect public safety through its strategies of prisons, parole, and community supervision. Both geography and operational complexity pose daunting challenges for the agency.

In the last regular session, the legislature cut nearly a quarter of a billion dollars from the budget of the Texas Department of Criminal Justice (TDCJ). For the 2005-2006 biennium the agency has been instructed to anticipate additional reductions. Not only must TDCJ address challenges arising from reduced appropriations, but it must also deal with the chaos arising from constant reorganization amid a growing prison population crisis.

TDCJ must concentrate on its core mission and look outward for strategic partnerships to meet other necessary support missions.

To provide a more accountable, efficient and cost effective environment for prison operation, TDCJ officials should pursue new methods and procedures made available by advances in technology and free-world business practices. In this day of staff shortages, appropriate technology and efficient business practices can allow prisons to operate with reduced manpower and efficiencies while maintaining a high degree of safety both inside the prison and in communities outside of prison walls. TDCJ should form strategic alliances with private sector partners to help identify areas for improvement and develop more efficient means of operation.

TESTIMONY

In response to its charge, the Committee on Corrections held a series of four public hearings dedicated to this charge. The committee heard both invited and public testimony during the course of these hearings.

HEARING # 1 - February 3, 2004

Witness List

Julie Ivie
Sandra Donoho
Gary Johnson
Doug Dretke

State Auditor's Office
State Auditor's Office
Texas Department of Criminal Justice
Texas Department of Criminal Justice

Brad Livingston
John Benestante
Christina Melton Crain
Laurie Shanblum

Texas Department of Criminal Justice
Texas Department of Criminal Justice
Texas Board of Criminal Justice
Corrections Corporation of America

Witness Testimony

The House Corrections Committee met in a public hearing on Tuesday, February 3, 2004 at 10:06 am in Room E2.026, Capitol Extension.

Julie Ivie, representing the State Auditor's Office, testified on the functions of the State Auditor's Office and specifically referred to audits done on the Texas Department of Criminal Justice(TDCJ). She made mention of two previous TDCJ audits related to contracting. One was completed in 1996 and was an audit on purchasing and contract administration at TDCJ. The second was done in 1998 and was an audit on Managed Health Care at TDCJ.

Sandra Donoho, representing the State Auditor's Office, testified regarding a new audit being performed on contract administration in TDCJ's Community Justice Assistance Division." This audit was published in September of 2004.

Gary Johnson, representing the Texas Department of Criminal Justice, testified about current events in the agency, stating that the department was looking for more efficient ways to make the money go further including a recent reorganization of the incarceration function of the agency. He testified that TDCJ finalized contracts for private beds including state jail, institutional, pre-parole transfer, and intermediate sanction facility beds. He also noted that due to the recent budget cuts the department suffered, they reduced their workforce by over 1700 positions and because of that, were forced to become more innovative and creative in carrying out necessary functions while ensuring the public safety.

Doug Dretke, representing the Texas Department of Criminal Justice, testified about the reorganization of the incarceration functions of TDCJ. Four departments were consolidated under one new department, of which he is the director. Those four departments were the institutional division, the state jail division, the operations division, and the private facilities division. He added that the consolidation of those functions enhanced communication and coordination, and increased consistency and efficiency within the department.

Brad Livingston, representing the Texas Department of Criminal Justice, gave a summary of the contracting process for private prisons and state jails. He also testified that TDCJ recently made modifications to the Request for Proposal (RFP) process in which the option for vendors to present various prices for a variety of lengths of contracts was presented, the option for creating a discount for vendors who receive contracts for multiple units was created, and vendors were asked to provide pricing for medical components of contracts to evaluate and negotiate with Correctional Managed Health Care in order to bring costs down.

John Benestante, representing the Texas Department of Criminal Justice, gave testimony on some current and past contracts TDCJ is involved with regard to the manufacturing and logistics division

of the department.

Christina Melton Crain, representing the Texas Board of Criminal Justice, testified that TDCJ has done a good job of finding better ways to be efficient in light of the recent budget cuts. She also noted that TDCJ is currently looking for ways to be more efficient.

Laurie Shanblum, representing Corrections Corporation of America(CCA), testified regarding the contracting of beds by CCA. She said she is pleased with the current communication between TDCJ, the state leadership, and private vendors, saying that it is greatly improved. She also said that the new streamlined RFP process has been positive.

HEARING #2 - March 16, 2004

Witness List

Michael Moore	<i>Representing himself</i>
John Lininger	<i>JLL, LLC and Clients</i>
Robert Edelstein	<i>Icon Systems, Inc.</i>
John White	<i>The Next Step, Inc. and Protocol, Inc.</i>
Michael Pinkert	<i>MHM Correctional Services</i>
Carl "Sonny" Emerson	<i>TASC/Omni-View</i>
Alan Viterbi	<i>Liquid Environmental Solutions of Texas</i>
Frank Davis	<i>Civigenics</i>
Keith Eismann	<i>MCI Telecommunications Corp., Inc.</i>
James Coughlan	<i>UPS Professional Services, Inc.</i>
Sathya Gosselin	<i>ACLU of Texas</i>

Witness Testimony

The House Committee on Corrections met in a public hearing on Tuesday, March 16, 2004 at 10:05am in Room E2.030, Capitol Extension.

Michael Moore, representing himself and his consulting company, testified on ways to assess an agency or department to organize it in the most efficient manner.

John Lininger, representing his company, JLL Problem Solving, LLC and his clients, testified that his clients could help balance TDCJ's budget within 6 months. He brings private sector companies together with public sector agencies to save money. His clients have a more economic way of running various aspects of a prison system to save money.

Robert Edelstein, representing Icon Systems, Inc., testified that his company has solutions for saving TDCJ money through plumbing technology. He noted that in corrections departments, plumbing is not controlled, and prisoners can use plumbing often. His company has a technology that limits the amount of time and frequency in which inmates can use sinks, showers, and toilets. The technology reduces maintenance by 95%. He testified that his company could save TDCJ \$10-15 million per year.

John White, representing The Next Step, Inc. and Protocol, Inc., presented an automated management service that could be used to reduce the work loads of parole officers and save approximately \$18 million in the next two years. His company uses a call center to verify parolee employment, location, and meetings and forwards the information to parole officers. The system could handle around two-thirds of a parole officer's work load.

Michael Pinkert, representing MHM Correctional Services, which is the country's largest provider of mental health services to inmates in prisons and jails. His proposal was that his company contract with the state for a per diem fee to provide all mental health services for TDCJ at a substantial cost savings.

Carl "Sonny" Emerson, representing TASC/Omni-View, designed a prison building with zero blind spots and 100 % staff and inmate surveillance. His design provides for staff and inmate safety and allows for compliance with the Federal Prison Rape Elimination Act.

Alan Viterbi, representing Liquid Environmental Solutions of Texas, testified on the grease trap waste service TDCJ currently uses. His company deploys it's own fleet of trucks to go to all of the prisons in Texas and drain grease traps. It then disposes of the waste at Texas Commission on Environmental Quality designated locations. He said that his company hopes to continue providing this service to TDCJ in the future.

Frank Davis, representing Civigenics, testified that his company provides treatment services for criminal justice systems. Civigenics currently contracts at a Substance Abuse Felony Punishment facility in San Diego, TX, at a cost savings for TDCJ. Civigenics hopes to expand its programs in Texas, saying that they offer the same or better research based programs as any other company.

Keith Eismann, representing MCI Telecommunications Corp., Inc. testified on the benefits of implementing an inmate telephone system. MCI currently has contracts in 14 states. He said that they can provide, at no cost to the state, everything necessary for inmate telephone calls. He estimated that the use of an inmate telephone system could create approximately \$30 million in new revenue for the state per year.

James Coughlan, representing UPS Professional Services, Inc, testified that UPS could provide shipping and trucking services for TDCJ. UPS could also implement a tracking system for all products and goods being shipped by TDCJ.

Sathya Gosselin, representing the ACLU of Texas, urged caution in contracting with private sector companies to perform corrections functions.

HEARING #3 - May 18, 2004

Witness List

John Robinson
Everett Bell
Roger O'Dell

Aramark Correctional Services
Alanco Technologies
Southwest Management Consultants

Preston Chancellor
George Killinger
Gary Palmer
Rew Walker
Krista DelSota
Lisa Anderson

Southwest Management Consultants
Cornell Companies
Comprehensive Health Services
Iron Mountain Corp.
Hewitt Associates
Jefferson Wells International

Witness Testimony

The House Committee on Corrections met in a public hearing on Tuesday, May 18, 2004 at 10:04am in Room E2.026, Capitol Extension.

John Robinson, representing Aramark Correctional Services, testified that Aramark could generate savings amounting to 25% of TDCJ's food service budget through consistency of purchasing, preparation, delivery, and management of food. Contracting with Aramark would also decrease TDCJ's liability for nutrition and food safety. The company employs licensed dieticians who work to ensure compliance with all local, state, and federal dietary codes and statutes. It would be possible to save \$.10 - .15 per day in the first year.

Everett Bell, representing Alanco Technologies, testified that his company could increase safety to correctional officers and inmates in prison through a radio frequency tracking system. This system allows wardens to know the exact location of every inmate, every second of the day. It would help prevent incidents which may lead to increased medical or legal expenses for TDCJ.

Roger O'Dell and Preston Chancellor, representing Southwest Management Consultants, explained the Dreamcatcher Program for incarcerated youth. The program "provides continuity in goal-setting, lifestyle change, and follow-through."² It also "teaches youth the importance of identifying barriers and developing strategies and resources for overcoming identified barriers."³ They try to provide youth with a vision to build a positive future. Their goal is to reduce recidivism and violence inside and outside of prison. They project a \$2 million savings for the Texas Youth Commission.

George Killinger, representing Cornell Companies, which is a correctional management company which targets special groups of offenders such as geriatric or drug treatment to create efficiencies.

Rew Walker, representing Iron Mountain Corp., testified that his company could contract for records and information management at a cost and time savings for TDCJ.

Krista DelSota, representing Hewitt Associates, an international management consulting service, testified that Hewitt provides human resources consulting, health care consulting, and retirement plan design. They specialize in effectiveness and efficiency of human resource structures. If her company contracted with TDCJ, they would only get paid out of savings generated.

Lisa Anderson, representing Jefferson Wells International, said her company could improve productivity in the financial, human resources, and day-to-day functions of TDCJ. Jefferson Wells would take on a function of TDCJ, improve it, re-train employees, and then turn the function back

over to TDCJ more efficient thereby reducing costs.

HEARING #4 - August 31, 2004

Witness List

Mr. Gary Johnson	Texas Department of Criminal Justice
Mr. Brad Livingston	Texas Department of Criminal Justice
Mr. Bryan Collier	Texas Department of Criminal Justice
Mr. John Benestante	Texas Department of Criminal Justice
Mr. Tony Jeary	Phoenix Group/Lighting Science
Mr. Daniel Smillie	Cognos Corporation
Mr. Tim Crocker	Cognos Corporation

Witness Testimony

The House Committee on Corrections met in a public hearing on Tuesday, August 31, 2004 at 1:08pm in Room E2.026, Capitol Extension.

Brad Livingston, representing the Texas Department of Criminal Justice, testified on some of the current contracts TDCJ has with private sector companies.

Bryan Collier, representing the Texas Department of Criminal Justice, gave the committee an update on the automated management service/call center program the Parole Division researched after hearing a representative of the company testify at a previous Targeted Contracting hearing. He said that at the present time, contracting for that service would be cost prohibitive to TDCJ.

John Benestante, representing the Texas Department of Criminal Justice, gave the committee an update on possible contracting opportunities for the Manufacturing and Logistics Division researched during the interim.

Tony Jeary, representing The Phoenix Group/Lighting Services, presented a new light bulb technology that uses 1/8th the electricity of normal light bulbs, and would save TDCJ money on the cost of electricity.

Dan Smillie and Tim Crocker, representing Cognos Corporation, testified on an information management system that could quickly provide analytical information about operations, performance, and safety to directors within TDCJ.

FINDINGS/RECOMMENDATIONS

The committee recommends that the Texas Department of Criminal Justice pursue new methods and procedures made available by advances in technology and free-world business practices. TDCJ should form strategic alliances with private sector partners to help identify areas for improvement and develop more efficient methods of operation.

The committee recommends the Texas Department of Criminal Justice to report back to the legislature on the progress of any ongoing efforts and progress in carrying out the committees' recommendations since the publication of this report by March 1, 2005.

The Texas Department of Criminal Justice should focus on the following areas for improvement and development of a more efficient means of operation:

- Developing plans for specialized units for contracted capacity in the areas of Special Needs offenders, Mentally ill offenders, DWI offenders, Sex Offenders, Drug treatment and other specialized offender populations.
- Contract for or complete the offender management system launched a decade ago.
- Expand and develop new markets for Correctional Industries.
- Contract for new technology and a more efficient, comprehensive commissary system.
- Contract with a state university to modernize Transportation and Logistics operations.
- Contract for a more efficient means of food service.
- Contract for an offender telephone system to enhance security and public safety while generating revenue.
- Investigate new technologies to enhance security and employee safety.

SUBCOMMITTEE ON THE COUNCIL ON SEX OFFENDER TREATMENT

SUBCOMMITTEE ON THE COUNCIL ON SEX OFFENDER TREATMENT

CHARGE: Study the Council on Sex Offender Treatment, including treatment methods and effectiveness and explore the possibility of licensing of registered sex offender treatment providers.

BACKGROUND

No crime other than murder invokes such a negative public reaction as sexual crimes. Many sex crimes involve a male offender against a woman or child. Victim vulnerability increases societal perceptions of the dangerousness of these perpetrators as well as popular disdain for them. This imbalance of perceived strength in a period when the rights of victims are taken very seriously adds to the disdain.⁴

Sexual offenses result in significant physical, psychological, and/or emotional distress to victims that can last for years and some victim's voices will remain entombed in silence. Thus, any offender's subsequent re-offending is a serious public concern. The prevention of sexual violence is particularly important, given the irrefutable harm that these offenses cause victims and the fear they generate in the community.⁵ In the most extreme and rare cases, sex offenders murder their victims. During the 1980s and early 1990s, the sexual homicides of Jacob Wetterling, Polly Klaas, and Megan Kanka were catalysts for the majority of sex offender legislation. Due to these homicides, it is not surprising that exceptional policies have been directed toward individuals who have committed such heinous offenses.

The majority of sexual offenders will eventually be released from custody back into the community. "The key to preventing sexual abuse is to shift paradigms," writes Robert E. Freeman-Longo and Gerald Blanchard in their 1998 book, *Sex Abuse in America*. "In addition to viewing sexual abuse as a criminal justice issue, we must also view it as a serious public health problem and preventable social problem." Sex offenders cannot be "cured" but with specialized offense specific treatment by qualified individuals, the majority of sex offenders can learn to manage their behaviors.

The State of Texas has recognized the increased public awareness and concern with the chronic prevalence of sexual aggression and sexual victimization. The need for the creation of the Council on Sex Offender Treatment in 1983 was identified due to the rising rate of sexual crimes and extremely high recidivism rates for untreated sexual offenders. The Council has four primary functions: 1) regulatory by maintaining a registry of sex offender treatment providers and establishing the rules and regulations regarding the treatment of sex offenders, 2) mental and public health by treating of sex offenders, 3) public safety by administering the civil commitment of sexually violent predators and preventing sexual assault, and 4) educational by disseminating information regarding the management of sex offenders to the public. This legal mandate is an innovative domain of the law. These functions may appear superficially different, however in reality, if these functions were separated it would be deleterious to public safety. The Council's functions are synergistic with maintaining the highest level of public safety and preventing sexual assault through effective treatment and interventions in the management of sex offenders.

TESTIMONY

In response to its charge, the Committee on Corrections held two public hearings dedicated to this charge. The committee heard both invited and public testimony during the course of these hearings.

The Effectiveness of Sex Offender Treatment

Over the past 30 years, an enormous amount of research has produced relevant information regarding the assessment, treatment, and containment of sex offenders which in turn has enhanced public safety. There have been considerable advances in our knowledge about the characteristics of effective treatment programs.⁶ The purpose of treatment is to modify both cognitive distortions and deviant sexual behavior to reduce the risk of re-offending. Research and clinical reports have begun to demonstrate that a number of treatment methods are effective in modifying some forms of sexual deviance.

1. In the December 2002 publication of Psychiatry News, an article titled "Sex Offender Recidivism Rates Below Expectations: A 15 Year Prospective Study" concluded that more than eighty percent (80%) of sex offenders who have undergone treatment do not re-offend within fifteen (15) years. The study of 626 individuals was reported at the American Academy of Psychiatry and Law. The study found that sex offenders who were compliant with treatment were less likely to re-offend. Approximately forty percent (40%) of these individuals received anti-androgenic drugs in order to lessen their sex drive.
2. Child molesters who participated in a cognitive behavioral treatment program had fewer sexual re-arrests than the sex offenders who did not receive any treatment (13.2% vs. 57.1%, respectively). Both groups were followed for 11 years. The recidivism data was obtained by official sources and self-reports. Treated exhibitionist were reconvicted or charged with a sexual offense less than the untreated exhibitionist (23.6% v. 57.1%, respectively).⁷
3. When treatment programs are compared with criminal justice sanctions, the findings show treatment is more likely to reduce recidivism. Even detailed analyses of types of sanctions show no one particular sanction as significantly effective in reducing recidivism. If we are to enhance community safety offender rehabilitation programs that follow the principles of effective treatment are most likely to meet with success.⁸
4. Prentky and Burgess (1990) estimated the total expense per sexual offense to be \$183,333.00 dollars (offender cost \$169,029.00 and victim cost \$14,304.00). Cost savings with treating offenders occurs in two places: (1) it is less costly to treat an offender than incarcerate him or her; and, (2) there is less expense associated with lower recidivism (untreated risk of re-offense .40 compared to treated risk of re-offense at .25).⁹
5. With respect to the costs of sex offender treatment, it is not as expensive as prison. The average cost of building a new prison cell is about \$55,000 and the average cost of operating it for a year is \$22,000. A year of intensively supervised probation and treatment may cost between \$5,000-\$15,000, depending on the regimen. Thus, a full year of treatment costs far less than an additional year of prison.¹⁰
6. The Lane Council study found cost experienced by victims of rape and sexual assault were \$109,778 and sexual abuse of a child was \$126,024. This included productivity, medical care, mental health, police services, social services, tangible loss, and quality of life. These estimates demonstrate the devastating impact of sex crimes on victims.

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7. Recidivism rates of sex offenders do decrease with proper treatment. A meta-analytic study showed that treated sex offenders recidivated at a rate of .19.¹¹
 8. The overall effect of treatment shows reductions in both sexual recidivism, 10% of the treated subjects to 17% of untreated, and general recidivism, 32% for treated subjects to 51% of untreated subjects.¹²
 9. Incarceration in a penal institution does not deter repeat sexually violent predators or the proliferation of sexual violence. Decades of research across a broad spectrum of issues show that punishment merely suppresses deviant behavior and does not eradicate it.¹³
 10. Effective risk management is enhanced when the progress that sexual abusers make in institutional settings is reinforced and strengthened with follow-up services in the community. Relevant post-release services include community aftercare treatment, correctional supervision, and involvement of family members and other appropriate support persons.¹⁴
 11. Treated sex offenders are more likely to make emotional and psychological restitution for the offender's deviant behavior and be available to contribute to the victim's treatment process.

Reasons for Licensure and Protected Act

1. To *enhance public safety* through enforcement of the standards of practice. The majority of sex offenders eventually return to the community. It is imperative that community corrections programs use sex offender treatment programs by qualified individuals as an adjunct to supervision and thereby increase safeguards for the community.
2. The field of sex offender assessment and treatment has undergone many changes and requires specialized training. Rules and standards of practice provide a framework for treatment providers and delineate professional expectations for the treatment of sex offenders.
3. Sex offender treatment mandates an approach unfamiliar to most mental health professionals because of the substantial control a therapist must exercise over their client due to the concern for *community protection*.
4. Treatment of sex offenders involves a very specific focus requiring extensive training usually not provided in current graduate education courses for mental health providers or in residency programs in psychiatry.¹⁵
5. Most, sexual abusers will benefit from treatment. Inadequate or unethical treatment damages the credibility of all sex offender treatment providers and presents an unnecessary risk to the community.¹⁶
6. Treatment is most effective when the intensity of services is matched to the client's risk of recidivism. Providing an inappropriate intensity of services may negatively affect a client's risk and the community's perception of treatment. Treatment providers are mindful of the possibility that treatment that is not matched to the client's risk, criminogenic needs and responsivity factors may have inadvertent effects such as increasing risk.¹⁷
7. Unlike traditional psychotherapy in sex offender treatment, the primary client is the community.
8. Sex offender treatment is different than traditional psychotherapy in that treatment is mandated, confrontational, structured, victim centered, and the treatment provider imposes values and limits. Providers cannot remain neutral because of the risk of colluding with the offender and contributing to the offender's denial. In sex offender treatment, confidentiality

is not maintained due to the enormous public safety issues. Because secrecy is the lifeblood of sexual offending, treatment providers cannot guarantee confidentiality. Treatment providers must not solely rely on self-report because sex offenders see trust as abuseable. Treatment providers rely on polygraphs to verify information given by the offender. Sex offender treatment is offense specific and focuses on the deviant sexual arousal and behavior.

9. Sex offender treatment requires the offender to face the consequences of their behavior on their victims and society. In treatment sex offenders are expected to accept responsibility for their sex offending behaviors. Honesty is the basis of treatment.
10. Although community safety is the central purpose of sex offender management, characteristics of sex offenders themselves dictate the form and style of treatment that will be most effective.¹⁸ Due to this specialization, only Treatment Providers in the Council's registry are qualified through training and experience to conduct the assessment and provide the appropriate treatment for sex offenders.
11. In a 2003 Council Survey of Registered Sex Offender Treatment Providers (RSOTPs), 71% were in support of licensure (22% were not in support and 7% were undecided).

Providing Sex Offender Treatment Services to Rural Areas

1. According to the 2000 U.S. Census, about 84% of Texans live in metropolitan areas, which comprise only 58 of the state's 254 counties. With these statistics, it can be reasonably concluded that a majority of the approximately 43,000 sex offenders in the adult and juvenile system reside in major metropolitan areas. This would equate to 36,120 sex offenders in metropolitan areas and 6,880 (16%) in rural areas.
2. Currently there are approximately 13,600 sex offenders on direct community supervision. 700 (5%) sex offender reside in 99 rural counties (Provided by CJAD).
3. As of May 14, 2004 there are 381 registered sex offender treatment providers. These registered sex offender treatment providers provide service to sex offenders in 100 Texas cities and 72 counties.
4. There are approximately 23,600 licensed professionals that would qualify with specialized training and supervision experience to treat sex offenders (11,000-Licensed Professional Counselors, 5,000-Social Worker-Advanced Clinical Practitioners, 4,000-Marriage and Family Therapist, 3,600-Psychologists).
5. Additionally, it is reasonable to conclude that licensed professionals are currently providing services in rural areas or the offender is commuting to an area were treatment is provided.

FINDINGS/RECOMMENDATIONS

Create a Protected Practice for Sex Offender Treatment providers to standardize training and treatment grounded in "evidence-based" research and "best practices."

Consider amending the following sections in the Texas Occupation Code: Chapter 110:, Section 110.301, USE OF TITLE AND PRACTICE: LICENSURE REQUIRED.

- (a) A person shall not claim or represent to be a sex offender treatment provider or use any title, words, letters, or abbreviations that imply that the person is a "sex offender treatment provider" unless the person is listed in the Council's registry.
- (b) A person shall not claim, represent, or engage in the practice of "sex offender

treatment” or use the practice, “sex offender treatment” unless the person is listed in the Council’s registry.

Pilot Program (Draft of the Adult Forensic Assessment)

The Council should work directly with CJAD, the Directors of the CSCDs, and the PSI Unit to develop, implement, and research the dynamic risk assessment.

The specialized PSI’s for adult sex offenders prior to sentencing in Dallas and Houston should have the following forensic assessment including but not limited to:

1. The assessment shall be conducted by a sex offender treatment provider in the Council’s registry.
2. The psychosexual pre-sentence assessment shall include:
 - a. Clinical Interview
 - b. Record Review (police report of the instant offense, victim(s) statement, arrest record, existing psychological reports, and grand jury indictment, child welfare reports, etc)
 - c. Physiological Assessment (PPG). The VRT may be utilized if the person cannot be assessed by the PPG due to medical or gender issues.
 - d. Formal Tests
 - i. Traditional Tests (MMPI-2 or MCMI-III)
 - ii. Risk Assessment (Static 99)
 - e. Psychopathy Assessment (Hare PCL-R)
 - f. Substance Abuse (SASSI)
3. A sexual history polygraph shall be conducted by a JPCOT polygraph examiner within one year of sentencing. Additionally, the following polygraphs would be conducted: instant offense, maintenance, and monitoring polygraphs.

Amend the Texas Health and Safety Code to include in the definition of a “Licensed Practitioner” a Registered Sex Offender Treatment Provider who has been certified in the use of a Penile Plethysmography (PPG). The Council on Sex Offender Treatment (CSOT) will include in the Standards of Practice that plethysmograph assessments can only be administered by licensed practitioners who are RSOTPs and can document their training on the administration of the PPG and the interpretation of assessment data.

Amend Texas Civil Statutes, Title 71, Chapter 6 F. Professional Counselors, Article 4512(g)-1 Sex Offender Information Exchange,

Section 2(a) states, “Notwithstanding Chapter 611, Health and Safety Code, or the Medical Practice Act, a person described by Section 4 of this article shall release or transfer the official offense report, victim statements, test results, progress reports, discharge summary, and any additional information necessary for the treatment of a sex offender to:

- (1) a criminal justice agency
- (2) a local law enforcement authority; or
- (3) any other person described by Section 4 of this article

(b) A criminal justice agency may release information concerning the treatment of a sex offender to:

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- (1) another criminal justice agency
 - (2) a local law enforcement authority; or
 - (4) a person described in Section 4 of this article

(c) A local law enforcement authority shall release or transfer the official offense report, victim statements, criminal history, and any additional information necessary for the treatment of a sex offender to:

- (1) another law enforcement authority
- (2) a criminal justice agency; or
- (3) a person described by Section 4 of this article

Section 4. Information concerning the treatment of a sex offender shall release or transfer the official offense report, victim statements, test results, progress reports, discharge summary, and any additional information by a person who:

- (1) is a licensed or certified in this state to provide mental health or medical services including:
 - (A) physician
 - (B) psychiatrist
 - (C) psychologist
 - (D) licensed professional counselor
 - (E) licensed marriage and family therapist
 - (F) certified social worker; and
 - (G) licensed or certified, provides or provided mental health or medical services for the rehabilitation of sex offenders

Exempt Texas Department of Criminal Justice Institutional Division from the administrative requirements imposed by the creation of a protected practice for RSOTP providers.

SUBCOMMITTEE ON THE CRIMINAL JUSTICE MENTAL HEALTH INITIATIVE

SUBCOMMITTEE ON THE CRIMINAL JUSTICE MENTAL HEALTH INITIATIVE

CHARGE: Study the criminal justice mental health initiative in coordination with the Texas Correctional Office on Offenders with Medical and Mental Impairments.

BACKGROUND

During the 77th Legislative session, information was presented to the Legislature that provided baseline data on the estimated prevalence rates of persons with mental illnesses involved in the juvenile and adult criminal justice systems. The FY 2001 data that was presented by the Criminal Justice Policy Council showed, a disproportionate percentage of offenders with mental impairments involved in the justice system:

	Offenders Under Supervision FY 2001	Mentally Ill Population (Est.)
Adult Probation	464,856	61,655 (13.3%)
TDCJ Parole	110,692	29,948 (27.1%)
TJPC	44,496	9,962 (22.4%)
TYC Parole	6,241	2,775 (44.5%)

The numbers prompted the Legislature to approve a \$35 million appropriation for a Mental Health/Criminal Justice Initiative. This initiative was designed to provide targeted funding for treatment and supervision services for offenders with mental illnesses on juvenile or adult probation or who were being released from Texas Youth Commission (TYC) on parole. By targeting specific services, the anticipated outcome was reduced recidivism of an offender population who is at higher risk to be revoked due to technical or new offense violations.

As the initiative nears its third year of operation, a number of accomplishments can be cited as successes:

- 189.94% more offenders were served beyond the Legislative Budget Board (LBB) measures.
- The overall collaboration between the juvenile and adult justice agencies and the public mental health system has improved significantly. One particular benefit is the

joint staffing of offender cases involving non-compliance. No revocations are initiated without a joint review and discussion by the supervising authority and the treatment providers.

- Innovations resulting from improved collaboration have occurred in various locales. Harris County has initiated a mental health court liaison program that provides technical assistance to all twenty-three felony courts in cases involving offenders with mental illnesses.
- The Bexar County Community Supervision and Corrections Department (CSCD) and local Mental Health/Mental Retardation (MH/MR) agencies have joined resources to create a court residential treatment program for probationers with mental illnesses.
- Tom Green County, Tarrant County and other CSCDs have allocated space within their offices to house the mental health staff. This collaboration has significantly improved overall communication and coordination between the two entities by allowing constant and continuous interaction of criminal justice and mental health staff.
- Timely assessments of offenders have provided the courts with more accurate information regarding the defendant/probationer's mental health status, consequently allowing for the consideration of the offenders specialized treatment and service needs.
- Immediate access to targeted treatment services allows the offenders to participate in mental health programs without delays, thus avoiding decompensation that occurs without treatment. This in turn minimizes behavioral issues that could contribute to non-compliance to conditions of supervision

TESTIMONY

In response to its charge, the Committee on Corrections held a public hearing dedicated to this charge. The committee heard both invited and public testimony during this hearing.

Issues Identified as Barriers

Despite the progress noted in the initiative, testimony revealed that continued obstacles exist which impact the overall goals and effectiveness of the program. Based upon monthly reports from providers, the lack of residential and substance abuse treatment and accurate mental health screening are cited as primary barriers to the service delivery system. The following provides a brief summary of these issues.

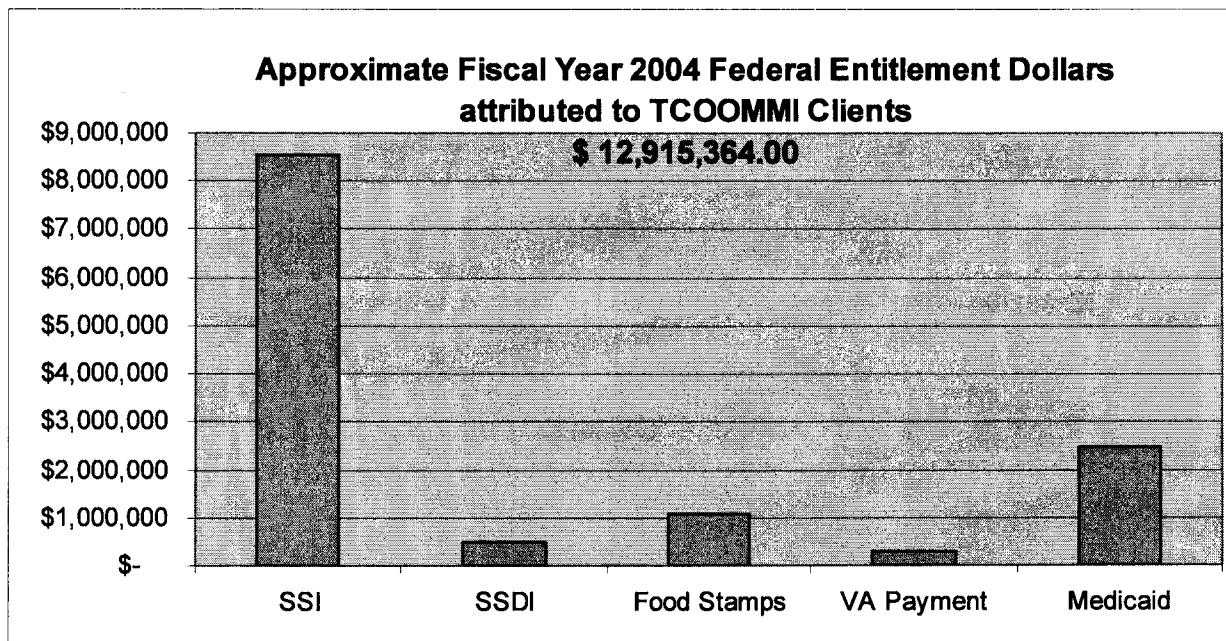
Residential

The adult probation system has shown a decrease in the number of residential placements

available to all probationers during the last decade. When factoring in the specialized treatment needs of mentally ill probationers, the lack of appropriate residential options is even more problematic.

Local jurisdictions have often times been forced to revoke probation simply due to lack of structured residential alternatives. This is a costly option for several reasons. If incarcerated, the per day costs of supervision increases from approximately \$2/day to \$44/day. The overall, cost increases when factoring in mental health treatment provided to the inmate while in custody.

A second factor involves federal entitlements. If a person, otherwise eligible for SSI and Medicaid, is institutionalized (state mental health hospital, jail or prison) he/she automatically is excluded from those entitlements. This results in local and/or state governmental entities becoming financially responsible for 100% of the offender's daily living and treatment cost. If the offender is in the community, all related medical, psychiatric and rehabilitative costs can be reimbursed through Medicaid. In addition, the offender is eligible for monthly payments of Social Security/Supplemental Security Income (SS/SSI) to provide a source of much needed income. As noted in the following graph, approximately \$12.9 million in federal entitlements were provided to offenders served in the Texas Council on Offenders with Medical and Mental Impairment' (TCOOMMI) community based programs during FY2004:



* Important Note: This does not include federal reimbursement of costs associated with non-psychiatric medical care that is provided by local physicians or hospitals.

From a fiscal standpoint, the state has a monetary interest in diverting offenders with mental illnesses from incarceration whenever possible or appropriate. Without adequate community-based residential programs, the fiscal implications for the state are significant.

Substance Abuse Treatment

During the latter part of the 1990's, internal guidelines for the Texas Commission of Alcohol and Drug Abuse (TCADA) allowed for excluding persons with mental illnesses from services. Similarly, local MH/MR policies included provisions for excluding persons with mental illness and substance abuse problems from services. Fortunately, both agencies, as members of the TCOOMMI Advisory Committee (TAC), were apprised of the exclusionary criteria, and amended contracting procedures to prohibit such practices by local providers. While these changes were certainly a step in the right direction, there still limited opportunities for offenders with mental illnesses to access community-based and substance abuse treatment programs.

The lack of accessible services is just one aspect of the problem. Another involves the specialization of treating dually diagnosed individuals, or those with a mental illness and substance abuse disorder. According to preliminary data collected by TCOOMMI, the number one reason for rearrests or motion to revoke (MTR) is related to dirty urine tests or related infractions.

The state has, in fact, partially responded to the problem by funding TDCJ to operate special needs Substance Abuse Felony Punishment Facilities (SAFPF). These units are designed to address both presenting problems; mental health and substance abuse. Following nine months of placement, the offender is released to post-release transitional and out-patient placement.

The limit on this resource, however, has resulted in a 4 to 6 month waiting period for SAFPF admission. Furthermore, it would appear from a fiscal perspective, community-based inpatient, rather than institutional placement, would be more cost effective due to potential Medicaid revenue that could be pursued in the community setting.

TDCJ, through the Community Justice Assistance Division (CJAD) and TCOOMMI, and local CSCDs' and MH/MR providers have responded to this limitation by pursuing innovative partnerships through joint funding opportunities. This is demonstrated by the Bexar County CSCD and MH/MR residential program (program description attached.) Similar partnerships are currently being explored in other locations across the state in an effort to provide some level of response to this service delivery as need.

Mental Health Screening

One problem that impacts the timely identification and diversion of offenders with mental illnesses is a comprehensive screening system beginning at arrest and intake/booking at the local jail. An illustration of this issue involves a random sample of the Texas Uniform Health Status Update Forms that were submitted by local jails for inmates admitted to TDCJ.

TCOOMMI conducted an onsite review at three (3) TDCJ units, Hutchins, Byrd and Holliday, of 100 inmate files to determine the accuracy of the Texas Uniform Health Status Update Form on identifying mental health. The results of that review are noted below:

-
- The majority of inmate records reviewed had a health status form submitted by the jail
 - Of the 100 inmate records reviewed, 15 or 15% had a mental health diagnosis noted (10 had the same diagnosis as what was found on the CARE system)
 - Of the remaining 85, 29 or 34% were found on the CARE system as current or former clients of MH/MR, but no mental health notation was indicated by the jail
 - 44% of the 100 were former or current clients of MH/MR

This study clearly demonstrated that persons who have a history of MH/MR service, were not identified as such while incarcerated in local jails. This information poses a number of questions such as, was the defendant competent? If on probation, did the CSCD or courts know of his/her mental illness, and if not, could it have impacted the courts sentencing decision to incarcerate?

Clearly the need to enhance the front end of the screening process is critical to this states efforts to divert appropriate offenders to specialized programs. The Committee heard testimony concerning the Jail Standards Commission and TCOOMMI's recent activities to implement a more reliable and enhancing screening process for all 238 local jails. These efforts, once fully implemented, should result in Texas having one of the most comprehensive screening processes in the country.

FINDINGS/RECOMMENDATIONS

The Corrections Committee's review of the interim charge relating to the Mental Health/Criminal Justice Initiative has revealed promising results. Most notably, increased collaboration; immediate availability of treatment and supervision services; and cost effective alternatives to incarceration for a high risk offender population. In addition, the Committee was presented information on the efforts of local and state agencies working in partnership to develop innovative programs for this specialized offender population, such as the Mental Health Court Liaisons and the Bexar County Residential Program.

In addition to these accomplishments, issues still remain that impact the overall success of the initiative. Toward that, the Committee offers the following recommendations:

- (1) Enforcement provisions should be developed that link funding to compliance to Continuity of Care/MOU requirements. While TCOOMMI's statutory provisions require oversight, there is no penalty for non-compliance.
- (2) Any future expansion of residential programs for CSCD's should include provisions for a percentage of slots to be dedicated to offenders with special needs. This will ensure increased access to alternatives to incarceration for those offenders who present a risk for

incarceration.

- (3) The Texas Commission on Jail Standards (TCJS) should incorporate the current rider provisions for mental health as an ongoing issue. In addition, this effort should be expanded to include a review of all medical issues in order to reduce duplication and identify alternatives to incarceration. In addition, jails should report screening information in their monthly reports to the TCJS.
- (4) To whatever extent possible, TCOOMMI funded programs should establish a designated Liaison to the Jail and Courts to respond to pre-trial sentencing and treatment issues. The result could produce fewer incarcerations due to timely identification and diversions to specialized programs for offenders with mental illnesses.
- (5) Data collection and analysis needs to be strengthened in order to quantify outcomes. TDCJ should pursue external sources to review the outcomes of the initiative.
- (6) HB2292 (78R) made sweeping reforms to the Health and Human Service System in Texas. TCOOMMI should monitor and report any specific implementation changes in eligibility criteria or services that may impact offenders special needs and report findings to the Committee.

APPENDIX A

January 4, 2005

The Honorable Ray Allen
Chairman, House Committee on Corrections
P.O. Box 2910
Austin, TX 78767

Dear Chairman Allen:

Thank you for your continued leadership regarding criminal justice issues. I appreciate the time and energy that all the Corrections Committee Members have put into developing our Interim Report for the 79th Legislature.

I am particularly glad to see the Legislature moving towards a more humanistic approach regarding criminal justice. It is long overdue that we begin spending our tax payer dollars on effective rehabilitative treatments rather than ignoring constant recidivism rates. It is a positive step for all Texans that our committee spent time examining mental health and sex offender treatment options.

Although I am generally pleased with our report, I have reservations with the findings of interim charge number four which relates to targeted contracting. The interim report states that "TDCJ should form strategic alliances with private sector partners to help identify areas for improvement and develop more efficient methods of operation."

While I agree that efficiency should be a goal of every agency, I question the logic of encouraging TDCJ to "form strategic alliances." Although the language is vague and seemingly neutral, I feel it necessary to clarify my position. I do not believe that the contracting out of our prison system is efficient. From my experience working on these issues for the past ten years, I believe it is crucial that any contracting out to private entities include strict performance measures. We must also protect employees in terms of pay and benefits while also ensuring their safety and the safety of all Texans. It is also crucial that any privatization involve a fair bidding process to avoid the scrutiny that has befallen state contracts in other service areas.

I understand that there will continue to be much discussion regarding these issues. I appreciate the opportunity to share my views with you and the Committee.

Thank you very much.

Respectfully,



Jessica Farrar
State Representative, District 148

JF/mf

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