

Texas Department of Criminal Justice:

Reentry Update



September 1, 2012

TEXAS BOARD OF CRIMINAL JUSTICE

TDCJ

Reentry Update

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TDCJ Reentry Update

INTRODUCTION

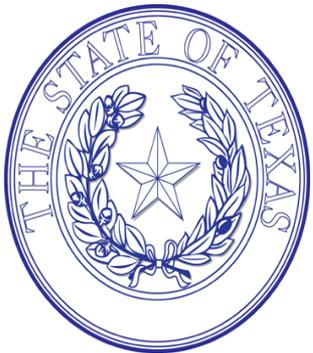
During the past two legislative sessions, the state's Leadership has demonstrated a continued commitment to enhancing the reentry practices at the state and local levels of government. During the 81st Legislative session, the Texas Legislature enacted several policy initiatives designed to develop a more comprehensive reentry process for offenders involved in the adult criminal justice system. Those policy measures included the enactment of HB 1711, HB 2161 and new funding to create sixty-four (64) reentry case management positions within the Texas Department of Criminal Justice (TDCJ).

Although recent budget reductions have impacted reentry initiatives as well as other aspects of the agency's operations, the 82nd Legislature continued funding for sixty-four (64) case manager positions. Ongoing funding for these critical positions allowed TDCJ to maintain its momentum in providing targeted reentry services to those offenders determined to be at highest risk of recidivism.

During the past fiscal year, TDCJ has been involved in the Sunset Review process. As a result, a number of recommendations regarding the agency's and states' reentry practices were included in the report to the Sunset Commission. Those recommendations included the following:

1. The agency should develop a reentry plan in accordance with HB 1711;
2. The Individual Treatment Plan (ITP) should be revised to provide substantive information regarding the offenders treatment and programming for the Board of Pardons and Paroles in their decision making process;
3. The Reentry Task Force membership should be expanded to include key stakeholders in the reentry process; and
4. The agency's reentry case management program should be focused on certain offender population and activities.

These and other implementation activities are discussed in more detail in the following sections of this report.



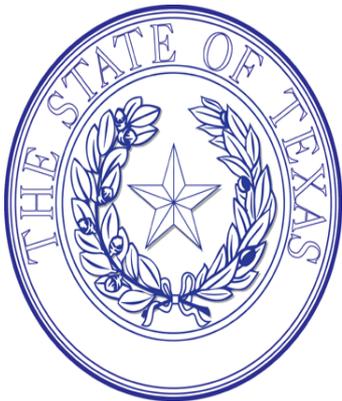
Reentry Update

According to a 2008 report by the Pew Foundation, 1 out of 22 Texans were under some form of supervision in the state's criminal justice system. Four years later, a comparable number of offenders are involved in the state's criminal justice system. This number includes the following offender populations:

- One million plus offenders are processed in local jails on an annual basis;
- 414,000 offenders on misdemeanor or felony probation;
- 154,000 offenders incarcerated in TDCJ facilities; and
- 83,000 offenders on parole.

The combined total of offenders under TDCJ's direct jurisdiction (probation, prison, parole) is approximately 651,000. Based upon the most recent data reports, Texas has the country's largest criminal justice population. When coupled with the sheer size of the state, providing comprehensive reentry services for 1 out of 22 Texans is not the sole role and responsibility of one agency, but rather a collaborative approach between local and state entities.

An important component of HB 1711 requires TDCJ, in cooperation with the Office of Court Administration, to create an eight (8) member Reentry Task Force (RTF) to coordinate the development of a statewide reentry process. Due to the size and scope of the challenge, the agency expanded the membership from 8 to 22 members.



Reentry Update

The size and scope of reentry issues requires a multi-agency approach to address the many reentry needs presented by the offender population. The statewide Reentry Task Force (RTF) provides a formal mechanism for local and state stakeholders to guide the discussion on the state's reentry practices. In order to comprehensively address all the related reentry issues, TDCJ expanded the legislatively mandated eight members to the following twenty-two entities:

Texas Department of Criminal Justice
Texas Board of Pardons and Paroles
Office of Court Administration
Texas Department of Public Safety
Texas Department of Family and Protective Services
Texas Commission on Jail Standards
Department of State Health Services
Texas Workforce Commission
Texas Department of Housing and Community Affairs
Health and Human Services Commission
Criminal Justice Coordinator, Urban County

Windham School District
TCOOMMI Advisory Committee
Judicial Advisory Council
Sheriff's Association of Texas
Urban County Commissioner
Rural County Judge
Texas Inmate Family Association
Texas Criminal Justice Coalition
Faith Based Volunteer
Reentry Coordinator, Urban County
Texas Juvenile Justice Department



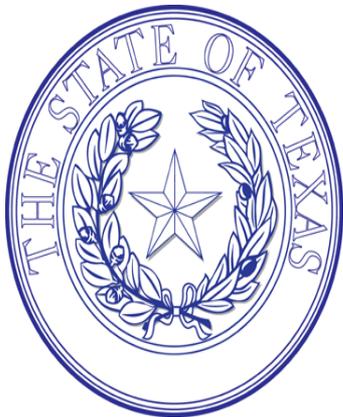
ROLE OF THE REENTRY TASK FORCE

Reentry Update

As outlined in H.B. 1711, the role and function of the Reentry Task Force is as follows:

- (b) The reentry task force established under Subsection (a) may :*
- (1) identify gaps in services for offenders following their release or discharge to rural or urban communities in the areas of employment, housing, substance abuse treatment, medical care, and any other areas in which the offenders need special services; and*
 - (2) coordinate with providers of existing local reentry and reintegration programs, including programs operated by a municipality or county, to make recommendations regarding the provision of comprehensive services to offenders following their release or discharge to rural or urban communities.*

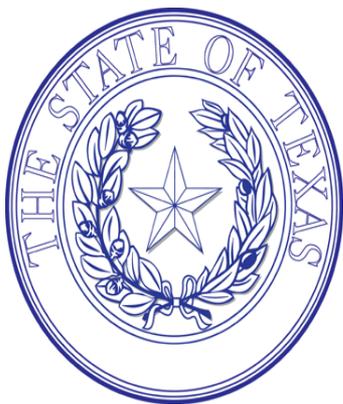
Identifying gaps in the reentry service delivery system for urban and rural counties is a fairly straightforward process. The lack of affordable and safe housing, opportunities for meaningful employment, timely access to substance abuse and mental health treatment, health care and other basic living supports have been and continue to be the biggest reentry hurdles in rural and urban communities. Some of these barriers are due to financial constraints; others are due to local, state or federal policies that restrict offenders from accessing services due to criminal history or instant offense. The following section provides a brief overview of the barriers and possible recommended course of actions.



REENTRY BARRIERS AND RECOMMENDATIONS

Housing – Proper Housing is critical component to meaningful participation in the community, yet many barriers to obtaining housing still exist. Housing restrictions can further isolate individuals and place them in unhealthy and counterproductive environments that ultimately contribute to homelessness and recidivism. Housing barriers can substantially impede and individual’s ability to reconnect with his or her family and loved ones, making it more difficult to associate with positive support groups. In addition to identifying available housing for system involved individuals –from probationers to parolees—providing assistance and ensuring placement is essential to successful reintegration into the community. Unfortunately, many offenders are financially unable to rent or own residences therefore rely on subsidized housing or family support for residential needs. While federal housing restrictions are minimal, local housing authorities are allowed broad discretion by the federal government in establishing eligibility criteria for persons with a criminal justice history; consequently most have adopted some type of exclusionary guidelines for offender populations. To address this and other issues, the following recommendations are offered:

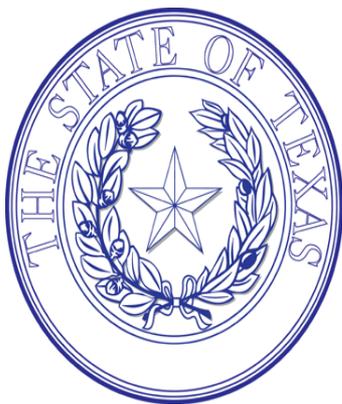
- Housing providers, both public and private, should coordinate with TDCJ to identify available housing and collaborate to assist offenders in obtaining safe and affordable housing.
- Continue to coordinate efforts with community resources and various authorities to target the specific housing needs of veterans, persons with special needs, and those with mental health issues.
- Local housing authorities should be encouraged to consider targeting a certain amount of subsidized housing slots for offenders in safe neighborhoods within the community.
- Provide tax incentives for landlords or rental associations that will allow offenders to rent in privately owned properties.
- Coordinate with the state housing agency on identifying funding streams or model housing programs that target offenders for certain residential supports.
- Explore opportunities to blend public and private funding to provide more housing opportunities for offender populations.
- Every effort should be made to maintain, and to eventually increase, the transitional housing available to offenders being released and discharged from incarceration and to encourage and facilitate direct communication between the providers and offenders whenever possible.



Reentry Update

Employment – During the 81st legislative session, funding for the Project RIO program was eliminated. As a result, targeted job training and supports for offenders during and after incarceration were no longer available after August 31, 2011. Another barrier to employment after release is the occupational code restrictions that prevent offenders from acquiring certain licenses or holding certain jobs. Studies show direct links between post-prison employment and lowered recidivism rates. Besides providing income for immediate needs, employment provides a stabilizing routine, occupies time that might otherwise be used for illegal activities, develops self-discipline, and enhances former offenders' self-image and self-esteem. The following recommendations are offered as possible strategies to enhance and expand employment options for offenders:

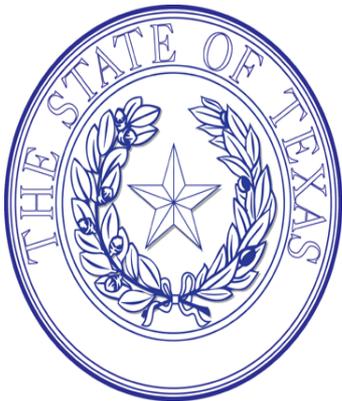
- Tax incentives and bonding programs could be expanded to increase the pool of potential employers willing to hire or provide paid apprenticeships for offenders.
- Review the current occupational code restrictions to determine if exclusions could be narrowed to certain offenses or if possible eliminated.
- Expand vocational and training opportunities to incarcerated offenders based on job market demands within local communities or the state.
- Continue working on a verification system between the TDCJ and the Texas Veterans Administration to identify offenders who may qualify for targeted vocational and educational programs.
- Examine opportunities to develop and expand partnerships with educational providers and potential employers to fill gaps in services and to provide additional resources for individuals reentering the community.



REENTRY BARRIERS AND RECOMMENDATIONS

Treatment and Support Services – Most of the people in Texas prisons will be released at some point. To create more opportunity for the offender to succeed, to prevent gaps in needed treatment, and to lessen the risk of relapse or potential recidivism, there must be robust treatment options as well as continuity between institutional services those offered in the community. The majority of individuals involved in the local and state criminal justice systems have a substance abuse problem that contributes to their illegal behavior. Also, routine data matches between the criminal justice and mental health systems show a continued growth in the number of offenders with serious mental illnesses incarcerated in local jails and state correctional facilities. Identifying individuals with these issues is a critical first step, but providing a continuum of treatment and services is crucial to successful reentry. Recent studies on recidivism rates demonstrate positive results for those offenders involved in specialized supervision and treatment programs funded by the Texas Legislature. The following recommendations could potentially result in better outcomes for this offender population:

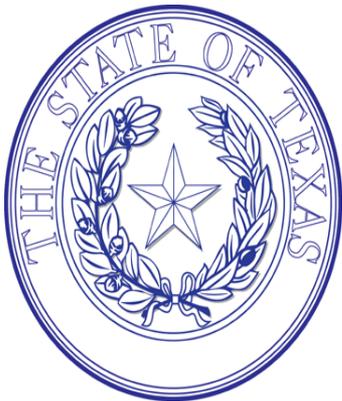
- Encourage all state funded treatment programs to be research driven and evidenced based. Allocation of funds should be based on outcomes and results.
- Improve the exchange of information related to treatment and needed services.
- Create continuity by collaborating with community service providers to offer institutional treatment and programming and to ensure that similar services are available to the offender upon release to the community.
- Expand the availability of and eligibility for targeted mental health and substance abuse treatment programs for offenders.
- Examine strategies to maximize Medicaid to offset state costs associated with outpatient substance abuse and mental health treatment. Enhancing federal revenue would allow for an expanded number of offenders to be served with existing state funds.
- Coordinate with the TCOOMMI Advisory Committee in the development of special need offender reentry recommendations to be included in their report to the Legislature in January 2013.



REENTRY BARRIERS AND RECOMMENDATIONS

Additional Support Services — Basic-life skills such as money management, healthy life styles, pro-social decision making and interpersonal communication also represent critical elements to an offender's successful reentry into society. Institutional programming and services can provide a foundation for these basic skills, however without a comparable level of services once released, the outcomes may be negatively impacted. The following recommendations can help enhance and expand basic resources and services necessary to provide individuals the tools necessary to fully integrate back into the community:

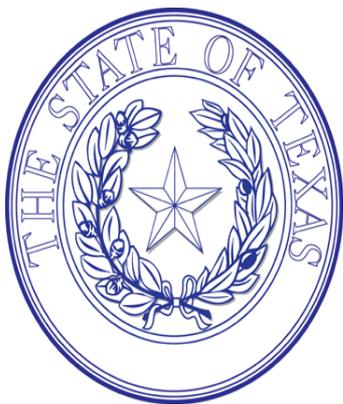
- Examine current availability of community support services, eligibility requirements and exclusions from participation. Work with local and state public and private providers to minimize or eliminate restrictions that preclude offenders from accessing basic life from skill supports and services.
- Enhance and expand current reentry and continuity of care service efforts by developing more formal pre and post release referral processes between the agency and local community providers.
- Enhance current information sharing processes that have a role in the reentry process.



Reentry Update

Family and Pro-Social Support Systems – Many offenders come from environments where criminal thinking and behavior is the norm. As a result, many offenders have minimal exposure to pro-social values and beliefs. TDCJ has over 18,000 volunteers, most of them faith-based, who serve as positive role models and support systems for offenders. Unfortunately, a similar level of volunteerism does not exist for those same offenders once they are released from custody and returned to the community. Community involvement in the reentry process should be encouraged as it serves to destigmatize offenders, allowing them to view themselves as valued members of society. Pro-social attitudes and behaviors are learned through modeling and positive interactions, making volunteers and mentors crucial to the reentry process. The following recommendations will be further developed by the RTF during the next biennium:

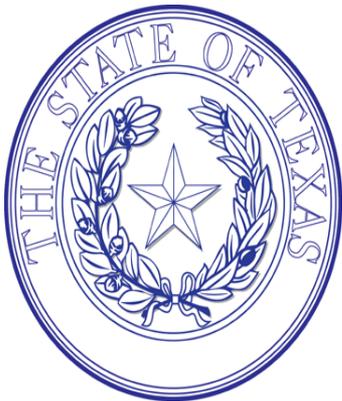
- Recruit volunteers, including ex-offenders, to serve as certified reentry mentors. Faith-based organizations of different denominations, reflective of the diversity of offenders and their religious preferences, will be recruited and trained to provide individual mentoring and support to the offender AND family on a pre and post release basis.
- Coordinate with family associations and other special interest groups on strategies to recruit volunteers or mentors from their respective organizations. Families of offenders are an excellent resource to other families who may be struggling with their loved ones incarceration or return to the community.
- Identify private funding sources to provide stipends to ex offenders to serve as mentors to offenders after their release from incarceration. A small stipend could be used to offset transportation or communication costs incurred by the ex offender in their mentoring activities.
- Continue the expansion of faith-based dorms of different denominations to include an intensive focus on pre and post release reentry planning and supports.
- Continue to work with the Attorney General's office on child support issues, and its potential impact on the offenders reentry to the community.
- Strengthen the interactions between criminal justice agencies and the Department of Family and Protective Services to improve their respective interventions with mutual clients.



OTHER REENTRY BARRIERS AND RECOMMENDATIONS

In addition to these reentry service barriers, there are other challenges that impact the state's efforts to improve the reentry process in Texas. During the upcoming biennium, the agency in cooperation with its local and state partners will continue to coordinate our individual and collective efforts to establish a comprehensive and seamless reentry process within the state of Texas. To accomplish this worthwhile goal, the following recommendations are offered for consideration:

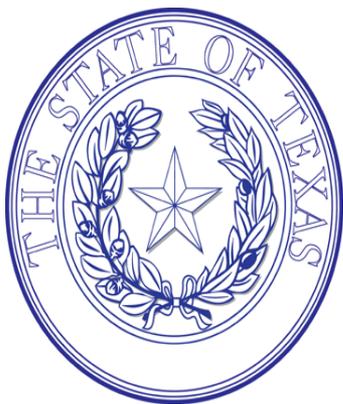
- Examine strategies to improve information sharing among local and state agencies. There continues to be considerable duplication of effort among staff due to conflicting laws or administrative practices that unintentionally create barriers to communication and data sharing.
- Examine opportunities to promote cross-training and certification of staff to perform certain functions of other agencies. This strategy could result in improved reentry processes for issuing birth certificates, the renewal of driver's license or state identification cards and timely access to federal entitlements for eligible offender populations.
- Expand efforts to engage offenders in programming and treatment services during and after incarceration. Without the offenders willing participation, essential changes in their criminal thinking and behavior patterns is less likely to occur.
- Consider establishing state policy similar to TCOOMMI's continuity of care for special needs offenders for ALL offenders involved in the adult criminal justice system. Requiring local and state governmental entities to define their individual and collective role and responsibility in the reentry process would ensure some level of accountability for all affected agencies.
- Community service and resource information provided to the offender during incarceration and at time of release must be comprehensive and current. The information should be county-specific, up-to-date, available in Spanish, contain verifiable contact information, and readily accessible in unit law libraries and school libraries. The RTF should play a critical role in ensuring that service information regarding their respective agencies, associations or organizations is routinely provided to TDCJ.
- Information on state and federal entitlement programs, including eligibility and exclusionary criteria should be available in all correctional settings, including local jails, probation, prison and parole offices.



Reentry Update

TDCJ, like other states' adult criminal justice agencies, is implementing research driven and evidenced based approaches in working with the offender population. Research has proven that targeting offenders assessed as having the highest criminogenic factors and needs will have the most dramatic impact on reducing recidivism and improving public safety. The agency has adopted or is in the process of implementing the following evidenced based practices in its day to day operations:

- All current and future treatment or interventions must adhere to evidenced based practice models;
- A new risk and need assessment covering all stages of the criminal justice system is being piloted in community supervision departments and the Reentry Division. The goal is to implement a uniform assessment tool across the agency to improve consistency in supervision, classification and program assignment of offenders on probation, parole or incarcerated in TDCJ correctional facilities;
- An integrated casemanagement system is being examined that will record and track offender programming, assessments and progress.
- The Individual Treatment Plan (ITP) is being revised in cooperation with the Board of Pardons and Paroles (BPP) to enhance offender programming documentation;
- Internal workgroups continue to meet to identify reentry barriers, and make recommendations for resolving problems; and
- A comprehensive reentry plan is being developed in cooperation with the BPP and the WSD to establish short and long term goals and objectives for system wide reentry best practices. The RTF and key community partners will be solicited for their input and recommendations to be included in the state's reentry plan.



Reentry Update

Although the past year produced a number of positive changes to the agency's reentry efforts, the overall progress was impacted by fiscal challenges facing the state during this time period. Due to budget reductions prior to, during and after the 81st Legislative session, the agency reduced its workforce by 1044 positions. Included in this number was 168 Project RIO staff assigned to correctional facilities to assist offenders in reentry and employment related support services. To minimize the impact of the staff reduction, the following interim measures were implemented:

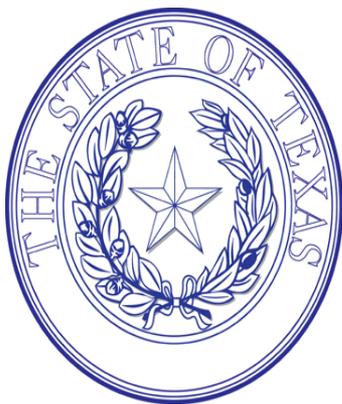
- Identification document processing activities have been assigned to other unit based staff such as chaplains and treatment providers. Although the number of documents processed during the past year decreased, the overall impact was less severe than it would have been.
- Prior to the staff reduction, 100% of the TDCJ correctional facilities had reentry staff assigned to the units. Today, 48% of the units have reentry support staff. To maximize the remaining staff resources, offenders assessed as highest risk are prioritized for reentry services. Priority for reentry services will also be limited to offenders released on some form of supervision to ensure compliance to the post-release reentry plan.
- Distribution of birth certificates, social security cards and other identification documents occurs at the offenders' initial visit with his/her parole officer rather at time of release. This change not only decreased the amount of time reentry staff spent distributing documents during the release process, but decreased the likelihood of the offender losing the documents.



Reentry Update

During the past year, the TDCJ, Department of State Health Services (DSHS) and Department of Public Safety (DPS) have continued to work on establishing an electronic process for issuing a state identification card for all offenders released or discharged from state correctional facilities. Full implementation of this initiative has not yet been achieved due to a variety of policy and funding issues. Despite these issues, the TDCJ has instituted the following interim measures to assist the offender in securing a state issued identification card after their release to the community:

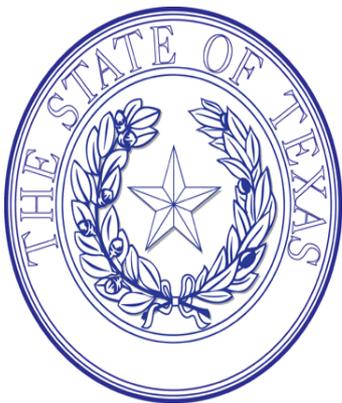
- TDCJ and DSHS have entered into an interagency contract to obtain birth certificates for those offenders who were born in Texas and whose driver license/state ID will expire prior to their release. Offenders who are eligible to renew their cards or licenses after release, have pending felony detainers or illegal aliens are excluded from the birth certificate application process.
- TDCJ has an interagency agreement with the Social Security Administration to provide replacement Social Security Cards for offenders scheduled for release within six months.
- Other supporting identification documents such as military records or offender identification cards that may be used to secure a state drivers license or identification card are provided to offenders at time of their release.
- Offenders who are eligible to renew their state issued drivers license or identification card after their return to the community are provided written notification of this status prior to and at the time of their release.
- TDCJ, DSHS and DPS are in the process of finalizing interagency contracts for issuing the state identification card through an electronic process. A pilot program for identification card applications and processing will be operational in Spring, 2013.



OTHER REENTRY BARRIERS

In addition to local and state policies that impact reentry, a number of federal rules have been cited as barriers to the process. Prior to 9/11, federal agencies such as the Social Security and Veterans Administration provided the TDCJ with verified social security number, military status and disability benefit eligibility information on offenders incarcerated in the states correctional facilities. Without a state issued identification card, the offender will be unable to obtain basic living needs such as renting a house, opening a bank account, applying for a job or accessing entitlement programs. The following provides a brief overview of the current guidelines and processes for requesting and obtaining this information and puts forward recommendations that may help overcome some barriers:

- The Social Security Administration (SSA) will provide an affirmative or negative response to each verification request. Unfortunately, if the SS number is not correct, the SSA will only respond with a rejection rather than the accurate number. Due to the significant number of incorrect numbers provided by offenders, the agency opted not to pursue this option. The TDCJ is however working with the DPS on an alternative strategy for verifying an offender's SS number.
- The TDCJ currently serves as a member of the Texas Coordinating Council for Veteran Services sponsored by the Texas Veterans Commission. One of the key issues the agency is working on with the council is the accurate and timely identification of veterans within the local and state criminal justice systems. In the past, the agency provided the names of all offenders to the Veterans Administration (VA) for verification of the offenders military status. Due to changes in federal security laws, the identification of veterans in the criminal justice system is now limited to self-reporting. For those who self-identify as veterans, the agency refers that person to the VA for pre and post release supports. To further enhance our current identification process, the agency will submit a data report on all offender admissions to the VA in the hope the VA will use the data to identify other eligible veterans who did not self-report veteran status to TDCJ.
- State policy requires the TDCJ to initiate the disability benefit reapplication process on any offender incarcerated in our correctional facilities for 12 months or less. For offenders with mental illnesses or other special needs this is a great strategy for reinstatement of benefits prior to release. Unfortunately the SSA does not provide the information without a signed release of information and self-reporting is less than reliable. TDCJ will continue to work with key health and human service partners towards creating a more reliable process for identifying offenders who may have received some type of federal entitlement service prior to their incarceration.



Reentry Update

Since the implementation of HB 1711 in September 2009, the agency has made considerable progress towards enhancing reentry practices within the state. Most notably, efforts to adopt and implement a uniform risk assessment for the probation, prison, reentry and parole systems is a positive step in the right direction. This strategy will ensure that all TDCJ divisions are targeting the appropriate level of supervision and treatment to offenders who pose the highest risk of recidivism and to public safety.

The Reentry Task Force's commitment to improving the coordination between local and state entities on reentry issues will continue to have a positive impact on the states reentry efforts. The RTF recognizes that the role and responsibility of reentry is not solely the function of the TDCJ but rather a collaborative partnership among key public and private stakeholders. Despite the progress, the RTF and agency acknowledge that significant challenges still exist.

Creating a comprehensive reentry process that addresses rural and urban differences, financial constraints, regulatory barriers and the ever-changing demographics of the state is and will continue to be difficult challenges. The current and proposed recommendations outlined in this report however are intended to provide the TDCJ and its partner with a short and long term plan of action towards reducing recidivism and enhancing the public safety of the citizens of Texas.

