

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE - SECTION 50,**  
**SENATE BILL 909 REPORT**  
**JANUARY 2009**

Section 50 of Senate 909, 80<sup>th</sup> Regular Session, reads as follows:

*The Texas Department of Criminal Justice shall conduct a study regarding:*

*(1) the number of inmates confined in facilities operated by or under contract with the department who pose no significant risk of recidivism or danger to society due to the:*

*(A) inmate's age or health;*

*(B) nature of the crime committed by the inmate; or*

*(C) reasonably successful rehabilitation of the inmate while incarcerated;*

*(2) alternatives to confining inmates described by Subdivision (1) of this subsection in a facility operated by or under contract with the department;*

*(3) to the extent permitted by federal law, the possibility of conducting a prisoner exchange with the United Mexican States or another foreign country in which foreign nationals in the custody of the department are exchanged for United States citizens incarcerated in another country; and*

*(4) measures that the department can take to assure that inmates sent to a foreign country under a prisoner exchange described by Subdivision (3) of this subsection will not be released early.*

*(b) The Texas Department of Criminal Justice shall submit a report to the members of the 81st Legislature regarding the results of the study conducted under Subsection (a) of this section.*

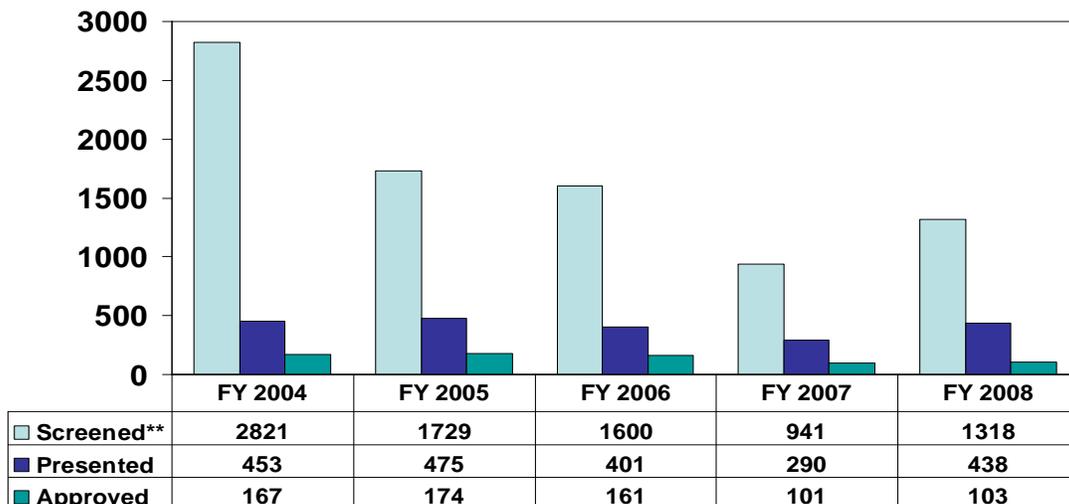
**INMATE'S AGE OR HEALTH**

Pursuant to Chapter 508.146 of the Texas Government Code, the Medically Recommended Intensive Supervision (MRIS) program provides for the early parole review and release of certain categories of offenders who are mentally ill, mentally retarded, elderly, terminally ill, long term care of physically handicapped. The purpose of MRIS is to release inmates from incarceration who due to their physical condition pose minimal public safety risk and place them in more cost effective alternatives. Offenders are placed on specialized parole caseloads and receive intensive case management services after release.

There are significant restrictions on the eligibility of violent and sex offenders for the MRIS program. Only those 3G offenders who have a terminal illness and/or require long-term care, and only those sex offenders who are in a persistent vegetative state or have an organic brain syndrome with significant to total mobility impairment, are eligible.

An extensive screening process coordinated by the Texas Correctional Office on Offenders with Mental or Medical Impairments (TCOOMMI) and review process by the Board of Pardons and Paroles is designed to ensure the release of only those offenders who may be safely supervised in the community. During the last five years more than 700 offenders have been approved for release after the parole panel determined they were a minimal risk to public safety and unlikely to recidivate. The following chart shows the number of MRIS referrals and approvals during the past 5 years.

## MRIS Data Comparison (by fiscal year)



\*\*Includes ineligible referrals with no qualifying medical condition.

The following charts provide additional information regarding the number of offenders who are 55 and over or who have certain medical conditions.

**Texas Department of Criminal Justice  
Offenders 55 and Older  
As of August 31, 2008**

Age	Female	Male	Total
55	73	1,505	1,578
56	72	1,294	1,366
57	41	1,132	1,173
58	55	961	1,016
59	32	876	908
60	40	761	801
61	25	698	723
62	15	521	536
63	16	436	452
64	14	346	360
65	17	354	371
66	13	285	298
67	8	245	253
68	5	205	210
69	2	149	151
70	4	136	140
71	3	112	115
72	1	102	103
73	2	90	92
74	1	64	65
75	3	47	50
76	0	36	36
77	0	36	36
78	1	24	25
79	1	32	33
80	0	10	10
81	0	18	18
82	0	10	10
83	0	8	8
84	0	4	4
85	0	2	2
87	0	3	3
88	0	3	3
89	0	1	1
<b>Total</b>	<b>444</b>	<b>10,506</b>	<b>10,950</b>

Offense of Record	Prison	State Jail	SAFP	Total
Homicide*	1,705	2	2	1,709
Kidnapping	110	0	0	110
Sexual Assault	1,101	0	0	1,101
Sexual Assault Against a Child	1,666	0	0	1,666
Robbery	838	0	7	845
Assault/Terroristic Threat	797	2	10	809
Arson	39	0	1	40
Burglary	647	17	12	676
Larceny	236	79	7	322
Stolen Vehicle	63	7	1	71
Forgery	72	18	4	94
Fraud	37	10	0	47
Stolen/Damaged Property	2	2	1	5
Drug-Delivery	504	27	19	550
Drug-Possession	624	163	46	833
Drug-Other	15	0	1	16
Sexual Offense Against a Child	841	0	0	841
Failure to Register as a Sex Offender	147	3	1	151
Family Offense	10	2	0	12
Commercialized/Sex Offense	6	5	0	11
Obstruction/Public Order	71	1	1	73
Escape	39	9	1	49
Weapons Offenses	85	1	1	87
DWI	708	3	37	748
Other	81	2	1	84
<b>Total</b>	<b>10,444</b>	<b>353</b>	<b>153</b>	<b>10,950</b>

The above is based on offense of record. An offender's offense of record is the offense which incarcerates him for the longest period of time.

\*State Jail offenders incarcerated for homicide are convicted of criminally negligent homicide.

Texas Department of Criminal Justice Offenders with  
 Certain Medical Conditions – All Ages

Medical Conditions	
On Dialysis	175
Requiring Hospice Care	21
In Wheelchairs	389

As of August 31, 2008

Infectious Diseases	
Hepatitis B	1,052
Hepatitis C	21,435
HIV positive, but not AIDS	1,656
AIDS	910

As of September 30, 2008

**NATURE OF THE CRIME COMMITTED BY THE INMATE**

Information regarding the offenses committed by the offender population is provided in the chart below. The offense of record is shown, which is the offense which will incarcerate the offender for the longest period of time. Note that offenders may have committed other prior or current offenses which are not reflected in the offense of record.

Although the release of offenders serving sentences for non-violent crimes is less likely to pose a threat to public safety than the release of violent offenders, there is not necessarily the same relationship between nature of offense and likelihood of recidivism. The Legislative Budget Board’s January 2007 report entitled *Statewide Criminal Justice Recidivism and Revocation Rates* found the recidivism rate for prison inmates (27.9 percent over three (3) years) was lower than the rate for state jail felons (34.2 percent over three (3) years). Among offenders released from prison, property and drug offenders had the highest rates of recidivism (32.8 and 31.6 percent respectively). The report also noted that based on available information, recidivism rates in Texas are much lower than the national average and in comparable states like New York and Pennsylvania.

It should be noted that the state jail population consists almost entirely of nonviolent property and drug offenders, and therefore may be a population of particular interest when considering alternatives to incarceration. It is also worth noting that unlike the prison population, state jail offenders are ineligible for both parole consideration and the award of good time credits. An offender’s eligibility for either can reduce the duration of their confinement, which could provide both an alternative to continued incarceration and an incentive for positive behavior while incarcerated.

Offense of Record	Prison	State Jail	SAFP	Total
Homicide*	15,984	14	14	16,012
Kidnapping	1,300	7	10	1,317
Sexual Assault	7,488	0	0	7,488
Sexual Assault Against a Child	11,810	0	0	11,810
Robbery	22,682	0	211	22,893
Assault/Terroristic Threat	17,375	112	402	17,889
Arson	728	0	18	746
Burglary	14,033	1,059	580	15,672
Larceny	2,336	2,419	161	4,916
Stolen Vehicle	856	715	57	1,628
Forgery	778	981	115	1,874
Fraud	525	636	62	1,223
Stolen/Damaged Property	76	143	19	238
Drug-Delivery	9,686	670	242	10,598
Drug-Possession	13,432	4,556	1,275	19,263
Drug-Other	506	6	48	560
Sexual Offense Against a Child	5,016	9	0	5,025
Failure to Register as a Sex Offender	1,687	91	4	1,782
Family Offense	250	181	33	464
Commercialized/Sex Offense	122	320	24	466
Obstruction/Public Order	1,833	118	56	2,007
Escape	1,125	781	64	1,970
Weapons Offenses	2,768	38	36	2,842
DWI	5,641	185	417	6,243
Other	1,097	65	38	1,200
Total	139,134	13,106	3,886	156,126

The above is based on offense of record. An offender's offense of record is the offense which incarcerates the offender for the longest period of time.

\*State Jail offenders incarcerated for homicide are convicted of criminally negligent homicide.

## **REASONABLY SUCCESSFUL REHABILITATION OF THE INMATE WHILE INCARCERATED**

### SAFP and IPTC Program Completers

Numerous programs offered by the Texas Department of Criminal (TDCJ) and the Windham School District (WSD) contribute to the successful rehabilitation of offenders by providing substance abuse treatment, academic and vocational education, job training, and other important rehabilitative services, and many have documented success in reducing recidivism among the offender population. In fact, in many instances the release of an offender to parole supervision is contingent upon successful completion of one of these programs (often referred to as an FI-R vote).

Offenders with an FI-R vote from the Board of Pardons and Paroles who have successfully completed one of these programs requirements can be considered to have demonstrated reasonably successful rehabilitation. Similarly, there are TDCJ programs who probationers are required to complete prior to release to community supervision, and offenders who have

successfully completed these programs requirements can be considered to have demonstrated reasonably successful rehabilitation.

There are two similar programs in TDCJ, the Substance Abuse Felony Punishment (SAFP) and the In Prison Therapeutic Community (IPTC) Programs, which generally provide for six (6) months of substance abuse treatment in an incarcerated setting followed by a continuum of care involving both residential and outpatient treatment. The former primarily serves probationers, while the latter serves inmates approved for parole.

As of 11/7/08, there are 710 offenders who have completed the incarceration phase of the programs but whose release pursuant to the conditions of probation or parole is pending the availability of a bed in a Transitional Treatment Centers (TTCs).

A TTC is a community residential facility providing continued treatment in a residential setting. Upon completion of the residential portion of their aftercare plan an offender participates in outpatient treatment for up to 12 additional months. The aftercare phase administers a diverse range of therapeutic, residential, outpatient, and resource programs.

Through negotiations with existing vendors TDCJ has obtained additional TTC beds. In April TDCJ issued another Request-For-Proposal (RFP), which included longer contract terms, reduced insurance requirements, and other modifications intended to encourage vendor interest.

Additionally, TDCJ and Texas Department of State Health Services (DSHS) coordinated a plan to allow current contractors to reduce the square footage required per client. Current providers were notified that they may request a waiver from DSHS. The new RFP was modified to inform potential providers of the ability to request a waiver. As of November 2008, current contracts have been increased by 269 beds and contracts for an additional 18 beds are being finalized.

TDCJ, in cooperation with Community Supervision and Corrections Departments (CSCDs) and vendors are also exploring other options related to TTC placements. These options include providing an intensive outpatient treatment model in lieu of residential placement. The outpatient option would provide a level of treatment equal to the current TTC model, absent the requirement that the offender reside at the facility (if a suitable residential alternative exists). As of December 5, 2008, 24 existing contracts (nearly 2,000 outpatient treatment slots) have been modified to provide for intensive outpatient treatment.

TDCJ is currently piloting this model in the Fort Bend CSCD (11 offenders completed model and transitioned to Phase II) (23 offenders currently participating) and finalizing negotiations with the Dallas CSCD to begin providing these services. .

### Halfway House Placements

The Texas Department of Criminal Justice (TDCJ) contracts with private vendors to provide temporary living accommodations to paroling offenders who have no residence, or at least no residence compliant with the conditions of release (for example, offenders convicted of certain

crimes cannot reside in location with children or in close proximity to where children frequent), and who lack the financial means to secure housing. Offenders who have been approved for parole pending a halfway house placement can also be considered to have demonstrated reasonably successful rehabilitation.

As of 11/13/08, there are 227 offenders who the parole board has approved for parole but have not been released due to lack of an approved home plan. In other words, their release is contingent upon a residential plan that complies with their parole conditions.

The 80<sup>th</sup> Texas Legislature appropriated funding for an additional 300 halfway house beds, 200 of which are already operational. The remaining 100 beds are already under contract with an anticipated on-line date of March 2009. Unfortunately the damages associated with Hurricane Ike included the temporary loss of approximately 200 existing halfway house beds in Harris County. However, those beds are expected back online in 2009. It should be noted that community opposition makes it extremely difficult to site halfway house facilities. TDCJ is preparing another RFP seeking proposals for vendors to operate a halfway house on TDCJ-owned land.

#### **ALTERNATIVES TO CONFINING INMATES**

The TDCJ Community Justice Assistance Division, Parole Division and Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) all administer alternatives to incarceration in the offender for the offender population.

#### **TDCJ Community Justice Assistance Division (CJAD)**

The TDCJ Community Justice Assistance Division (CJAD) provides funding and oversight to the 122 Community Supervision and Corrections Departments (CSCDs) located across Texas, and serves offenders who are on deferred adjudication or community supervision. Numerous programs and supervision strategies are offered which provide alternatives to incarceration. Supervision of offenders by local CSCDs keeps the offender connected to the community while providing supervision and tools that will result in a productive lifestyle. A brief description of those programs and strategies follows:

##### Battering Intervention and Prevention Project (BIPP)

The 71st Legislature established the Battering Intervention and Prevention Project (BIPP), which serves as the vehicle for educating the public, increasing the responsiveness of law enforcement, ensuring the delivery of appropriate services to protect victims and to counsel batterers. CJAD contracts with a nonprofit organization to deliver a variety of services to victims and defendants with the goal of breaking the cycle of domestic violence and abuse. The CJAD funded programs are located in Bastrop, Bell, Bexar, Bowie, Cameron, Collin, Dallas (2), Denton, El Paso, Ft. Bend, Grayson, Hale, Harris, Hidalgo, Hutchinson, Jefferson, Kerr, Lamar, Lubbock, Midland, Nueces, Potter, Smith, Tarrant, Travis and Victoria counties.

There are specific guidelines that BIPP programs must follow in order to receive funding from CJAD. These guidelines require that programs use a psycho-educational group format of at least 18 weeks. The written educational curriculum used in these groups should, at a minimum, include information on the nature of domestic violence, non-violence planning, attitude and belief changes, maintaining non-abusive behavior and the effects of domestic violence on children. Most family violence perpetrators are required by the court to attend intervention programs.

The 80<sup>th</sup> Legislature required the provision of intervention or counseling services to certain persons who committed family violence and to establish a process for accrediting those services. By September 1, 2009, in order to serve as a referral source for the courts, all BIPP program providers must be accredited by CJAD.

### Cognitive Behavioral Programs

The prevalence of cognitive and cognitive-behavioral psycho-educational instruction in corrections is the result of evidence-based national research on “what works” to reduce recidivism. Cognitive programs focus on modifying anti-social attitudes and teaching pro-social skills through a variety of techniques, most notably in-class practice of appropriate methods of dealing with risky or crime invoking situations. On the strength of current research, cognitive behavioral programs are now required in community corrections facilities (CCF), specialized caseloads and other programs.

### Community Service Restitution (CSR)

CSR is a common community supervision program and is defined as a non-salaried service performed by an offender for a civic or nonprofit organization. It is popular due to the versatility of CSR in promoting several concepts in criminal justice, such as restorative justice and retributive justice. In the restorative sense, CSR promotes “making good” toward the victim and restoring society in general by positive contributions to victims and community. In the retributive sense, the offender pays a price similar to a fine as a just punishment. In addition, the offender may learn life skills and employment skills that aid in future employment. CSCDs may also use additional CSR in lieu of payment of other fees and fines for indigent offenders who would otherwise be in violation of their conditions of supervision. The court “may require, as a condition of community supervision, that the defendant work a specific number of hours of community service for organizations approved by the Judge or designated by the Department.”

### Day Reporting Centers (DRC)

Day Reporting Centers (DRCs) are a highly structured, intensive supervision, non-residential option for high-risk offenders. Originally, they were called “day jails” due to the daily or very frequent face-to-face contact requirement. The Community Supervision Officer (CSO) to whom the offender reports regularly is located at the site. DRCs are often combined with electronic monitoring, ignition interlock devices and frequent urinalysis. Although risk-management, incapacitation and intensive supervision are utilized, the focus on rehabilitation is strong. Day reporting may be used for substance abuse treatment intensive outpatient programs. Several

DRCs have an aftercare component for those being released from residential placements. The DRCs serve as brokers and/or providers for structured community sanctions and human service activities including: community service work, substance abuse services, literacy/GED, pre-employment sessions, job placement or referral, cognitive skills and basic life skills development, and other types of non-academic education.

### Day Resource Centers (DRS)

A Day Resource Center (DRS) is a non-residential option for those who are assessed as having high needs but the DRS are open to all offenders, regardless of risk level. Utilization of the resource center is generally not a condition of community supervision, as intensive supervision and frequent reporting is not usually required of this type of client. While primarily the DRS provide educational services and CSR assignments, several DRSs have an aftercare component for those being released from residential placements. Offenders mandated to achieve sixth grade skill levels are a primary target of these programs. In addition, Adult Basic Education, GED preparatory classes, and English as a Second Language (ESL) courses are typically provided. A large number of community service restitution hours are conducted under the umbrella of these centers. Individualized and group counseling sessions may be available, along with additional training opportunities in cognitive, life skills, job search and retention skills sometimes offered to the community supervision population at these facilities.

### Education

For offenders assessed with skills below a completed sixth grade level, state law requires participation in educational programs as a condition of community supervision. Please note that participation, not achievement, is statutorily imposed. Education programs appropriate for those under community supervision typically include an assessment of needs to form a baseline for evaluation of progress and a length of participation sufficient to allow students to achieve goals. Approaches may employ self-paced learning, individualized learning plans, student set goals and non-traditional instructional methods. Although there are a number of adult educational programs offered in or through CSCDs, nearly all are conducted in partnership with the Texas Education Agency and are found in both residential and non-residential settings.

### Education (Non-Academic)

Non-academic education programs consist of a number of psycho-educational programs and classes that are instructive in various types of problem-solving or life skills. Some are mandatory and some are by referral of the CSO who has assessed the offender. A number of these programs are contracted, but the majority are conducted “in-house” with trained CSCD staff.

### Employment

Criminal justice research indicates a significant relationship between crime and lack of employment. The main goal of employment programs is long-term employment and those that are most effective combine academic with vocational skills, problem solving, cognitive skills, job preparedness, and job retention. The Texas Workforce Commission (TWC) and Project RIO

cooperate with departments in some collaborative programs for a limited number of offenders. Many CCFs and contract residential service providers include employment services as an element of programming. In recent years, CSCDs have developed in-house programs, contracted with the TWC, or developed job preparation and placement services in an effort to reach both residential and non-residential clients.

### Mentally Impaired Offenders

One of the most challenging issues in community corrections is that of the mentally impaired offender, and in recognition of its importance, in 2002 the 77th Legislature appropriated funds for the Mental Health Initiative, resulting in one of the most positive programs affecting community corrections. This initiative provides for direct linkage among CSCDs, TCOOMMI and Mental Health Mental Retardation Authority (MHMRA) agencies.

The primary method to address the issue for CSCDs is the creation or expansion of specialized caseloads. CSOs receive specialized training, have reduced caseloads and intensive contact with offenders, and work directly with the case managers of MHMRA to ensure continuity of services. The population targeted is the “Priority Population” identified by MHMRA as being most in need. The initiative is partially funded through the CJAD diversion program grants to CSCDs.

### Pre-Trial Services

Pre-trial services, including Pre-sentence Investigation Reports (PSI), other assessments, conditional release, supervision services and diversion programs provide an opportunity for local criminal justice agencies to engage in collaborative efforts to impact offenders at their initial entry into the system. Pre-trial programs are essentially an agreement between the defendant and the prosecutor with supervision outcomes impacting eventual disposition of the case. The prosecutor’s office, the county, and the local community justice council play an integral role in the shaping and success of pre-trial programs in partnership with the CSCD.

The CSCDs or pre-trial entities design pre-trial programs with a range of interventions, from regular reporting, payment of fees and fines, referrals to appropriate agencies and ordered classes/treatment, to intensive supervision with electronic monitoring. Pre-trial diversion programs intervene in the prosecution of the offender, and both prosecution and conviction are deferred for a conditional period. Local criminal justice agencies must first agree on the program’s agenda and proposed outcomes. Pre-trial diversion can afford youthful, first-time, nonviolent offenders an opportunity to be diverted from the system by participation in court-ordered sanctions and services.

### Residential Facilities

Some offenders are required by the court to live in special facilities while they complete their community supervision. Residential facilities allow judges to save prison beds for violent felons while giving offenders the treatment or sanction that will best serve them and society.

Court Residential Treatment Centers (CRTC) treat offenders for substance abuse and alcohol dependency. They also offer education and life skills training, and may offer vocational and employment services in the final phases of the program. The Lubbock center is the only one in Texas that accepts dually-diagnosed (combined mental health and chemical dependence issue) offenders.

Restitution Centers (RC) are special program facilities for offenders who are required by the court to work to repay their victims and society. The centers target offenders who have problems holding a job or paying court-ordered fees and who don't appear to have serious substance abuse problems. The centers require offenders to get full-time jobs, attend education, life skills and cognitive, training and "work off" their CSR obligation.

Substance Abuse Treatment Facilities (SATF) primarily provide treatment and rehabilitation to offenders with substance abuse problems. They also offer education and life skills training, and may offer vocational training and 24-hour supervision.

Intermediate Sanctions Facilities (ISF) are short-term detention facilities for offenders who violate their community supervision and are used as an alternative to revoking an offender's supervision, which would result in sending him or her to prison. ISF services include education, life skills, cognitive training and CSR.

Mentally Impaired Offender Facilities (MIOF) are designed to demonstrate a multi-service approach, along with appropriate and cost-effective alternatives to incarceration of offenders with special needs. TCOOMMI funding supports special needs services at the MIOF.

### Specialized Caseloads

A strategy employed by CJAD and local CSCDs to address both risk and needs of offenders is the utilization of specialized caseloads, wherein specially trained CSOs develop unique expertise and supervise caseloads of 35-65 offenders with similar characteristics.

This approach was applied to DWI (Driving While Intoxicated) offenders initially in 1983. However, in 1989, CSCDs acquired greater flexibility in tailoring supervision strategies to address evolving community needs and circumstances. CJAD now provides financial assistance to support specialized caseload programs statewide.

An assessment should indicate that the person is at high risk of reoffending and should be appropriate to the caseload specialization. Specialized caseloads include: sex offenders, substance abusers, mentally impaired offenders, high risk offenders, youthful offenders, non-English speaking offenders, gang affiliates, family violence, culturally specific and intensive supervision.

### Intensive Supervision Probation (ISP), Surveillance and Electronic Monitoring

Intensive Supervision Probation (ISP) and surveillance programs are highly structured specialized caseload programs considered to be among the most restrictive non-residential

sanctions for high risk offenders. ISP and surveillance require more frequent face-to-face contact and frequent urinalysis. Risk-management tools are used to supervise offenders, such as electronic monitoring and increased field surveillance, which allows collaboration between the CSO and law enforcement. These programs have a greater impact when they incorporate cognitive skills and rehabilitative services that address high need areas, such as unemployment, or substance abuse.

### Sex Offender Intensive Supervision Programs

Offenders are identified as sex offenders if they have a current conviction or deferred adjudication for a sex offense and have been ordered by the jurisdictional authority to participate in sex offender supervision or treatment. CSCDs may require sex offender assessment, supervision, surveillance and/or treatment. This intensive supervision requires registration and reporting, and treatment by a licensed therapist.

### Substance Abuse and Aftercare Caseloads

Offenders who are assessed as high risk to reoffend due to having substance abuse problems are assigned to specially trained CSOs who supervise reduced caseloads of 40-65 offenders. Probationers in these caseloads remain in the community but are supervised closely and linked to treatment. Specific strategies may include swift intervention when behavior may lead to relapse, greater face-to-face contact, collateral agency or family contacts, and the use of incentives where appropriate to recognize or reinforce compliance. The CSO receives specialized training in nationally recognized best practices for this population.

Aftercare caseloads are similar. When individuals transition into the community from a residential or in-patient program, they have unique challenges and require support, including program elements similar to those in the facility; otherwise, they are at high risk of relapse and community supervision failure. Substance abuse aftercare and other residential aftercare caseloads focus on providing the support, service and supervision that will lead to a successful re-entry. Specialized caseloads also operate as part of the case management strategy in conjunction with Treatment Alternatives to Incarceration Program (TAIP), SAFFP aftercare and drug courts.

### Substance Abuse Services and Outpatient Treatment

Placement into substance abuse services is assessment-driven. Some individuals will not need treatment but may need substance abuse education and/or support services. Generally, CSCDs do not provide these services, but refer individuals to them from various community organizations. Fees for these services are either free or paid by the participant.

The assessment may indicate a need for Supportive Outpatient Treatment (SOP) or Intensive Outpatient Treatment (IOP) relating to abuse of, dependence on, or addiction to substances. The frequency and intensity of contact and the level of service is dependent on the severity level of

the assessment. Generally, CSCDs contract with certified providers for these services and costs are offset by program participant fees. However, a CSCD may also opt to operate an “in-house” substance abuse program within the department for greater consistency, collaboration and control. These choices are locally determined and often are partially funded by CJAD.

#### Substance Abuse Intervention and Treatment (Cognitive and Cognitive-Behavioral Options)

Cognitive strategies are required in nearly all CJAD programs, addressing antisocial attitudes, impulsivity, interpersonal problem-solving, social perspective-taking vs. egocentrism, critical reasoning, and values enhancement, among other issues. Some programs used with great frequency across the state include Thinking for a Change, Milkman & Wanberg Substance Abuse/Cognitive Programs, Moral Recognition and Reasoning and Rehabilitation. Several other programs are in use, generally designed to be less costly or available through public domain.

#### Treatment Alternatives to Incarceration Program (TAIP)

TAIP was implemented to provide automatic screening and assessment/evaluation for offenders arrested for an offense other than a Class C misdemeanor, in which an element of the offense or contributor to the offense included the use, possession or sale of alcohol, controlled substances or marijuana. During the screening process, the financial status of the offender is determined, and depending on the outcome, the offender may be eligible for treatment fully funded by TAIP monies or on a sliding scale fee. Based on the assessment/evaluation, the offender is referred and placed into an appropriate contracted or in-house chemical dependency program. TAIP serves as a link between community-based chemical dependency treatment providers and the criminal justice system in order to serve the chemically dependent population more effectively.

TAIP is comprised of 29 funded administrative CSCDs that facilitate substance abuse services for an additional 33 CSCDs, totaling 133 (of 254) counties receiving services. TAIP supplements drug treatment courts and other special population courts in assessment. TAIP also provides matching funds for Residential Substance Abuse Treatment (RSAT) grant programs utilizing federal funds through the Office of the Governor. TAIP can impact those in need of treatment and services across the continuum of care from pre-trial to residential re-entry.

Once incarcerated in the Texas Department of Criminal Justice, programs and supervisions strategies employed by the TDCJ Parole Division offer alternatives to continued incarceration.

### **Parole Division**

#### Battering Intervention and Prevention Program (BIPP)

The Parole Division (PD), in collaboration with the Texas Council on Family Violence, requires a weekly participation in an intervention program for approximately 20 weeks for some offenders. Participants are held accountable for past abusive behaviors and taught the fundamentals of leading a nonviolent lifestyle. This on-sight programming allows the Division to

immediately respond to program non-compliance, monitor participation, and improve communication between the provider and parole officer.

### Chaplaincy Services Parole Division

New in 2008, a PD Chaplain will be available in each region to provide routine ministerial clergy work to parolees and staff. Chaplains will supervise faith-based education classes, coordinate volunteer work, counsel offenders seeking religious support and parole adjustment, provide like support to offender families and make pastoral visits to offenders with special needs. They will visit outreach centers and other community resources to promote better understanding of the mission of the division, assist offenders more effectively, and assist the division in providing cognitive skills classes, anger management and substance abuse education and support groups.

### District Reentry Centers (DRCs)

DRCs are a comprehensive approach to supervision with services promoting personal growth and responsibility in five (5) core areas: cognitive intervention, anger management, substance abuse education, pre-employment classes and victim impact classes. DRCs are assisted by volunteers, faith-based initiatives and community outreach agencies. Compliance is monitored through a Rapid Response System and completion of the program is rewarded with a graduation ceremony.

Parolees reporting as new arrivals, not already assigned to a specialized caseload, and those referred by the Regional Director or designee, may be placed on a DRC caseload. Those with a Board Imposed special condition of DRC placement, Anger Management classes, Cognitive Intervention, SVORI (Serious and Violent Offender Reentry Initiative) aftercare component or a special condition for Battering Intervention and Prevention programming may also be referred to a DRC caseload. Upon assessment, referrals are made for appropriate programming found at the DRC.

The most distinguishing feature of the DRC is the emphasis placed on heightened offender accountability for overall supervision compliance and program participation. DRC officers assigned to the "Rapid Response Team" attempt face-to-face contact with the client within 24 hours of an alleged problem or reported program non-compliance. Appropriate interventions are utilized depending on the severity and frequency of the problem and may include: increased reporting, increased urinalysis monitoring, case conferences and, in some instances, additional programming requirements.

In FY 2007, 1,182 individuals successfully completed DRC caseloads. Graduates are transferred to regular supervision caseloads for the duration of their parole. Regular supervision offenders may utilize the DRC programs at their discretion or upon instruction from their supervising officer. Support groups are usually open but core programs or closed groups must have referrals for participation.

### Intermediate Sanction Facility

Intermediate Sanction Facilities (ISF) provide for a temporary period of incarceration and programming as an alternative to revocation. The decision to place an offender in an ISF is made by the Board of Pardons and Paroles. An offender may be placed in an ISF for a period of 60 – 180 days. Programming may include a 45-day inpatient substance abuse program with follow up treatment upon release.

### Halfway Houses

For offenders releasing to Mandatory Supervision or Parole who have no immediate next of kin, friend, or other tenable plan for residence, he or she may work with the Institutional Parole Officer (IPO) to find non-contract or alternative housing in a halfway house. If the offender has exhausted the list and is still unable to obtain a letter of acceptance from a halfway house, the IPO will attempt to make a placement in a contracted halfway house.

### Project COPE

Project COPE (Community Opportunity Program in Education) utilizes adult education centers funded by the Texas Education Agency and community based organizations that provide adult education classes through the use of volunteers. Available programs may include Literacy, Adult Basic Education, ESL and Life Skills. No tuition or fees are charged for adult basic education, however, there may be tuition and fees assessed for secondary education. Participation in basic education is mandatory for certain offenders with low educational achievement scores.

### Reentry Crisis Counseling (RCC)

C.O.O.L. (Christ Over Our Lives) Ministries in Houston provides Dr. Paul Carlin's Reentry Crisis Counseling to parolees. It is spiritual counseling, caring counseling and a supportive ministry with the goal of restoring the parolee to a productive life status.

### Substance Abuse Counseling Program (SACP)

The Substance Abuse Counseling Program (SACP) is provided to offenders who have not participated in a Therapeutic Community (TC) program and is comprised of three (3) intervention levels.

Level I is a four (4) hour substance abuse education and relapse prevention planning class, which is provided to all newly released offenders with special condition "S" within approximately one (1) week of release. Offenders who submit a positive urinalysis or request counseling services are referred to Level II, which is 60-90 days of outpatient counseling and treatment services.

Level II services are provided by contracted treatment vendors; however, in areas where there is no contracted vendor a TDCJ Parole Division Counselor (Licensed Chemical Dependency Counselor) provides Level II counseling services.

Level III is a minimum of 60 days inpatient substance abuse treatment at a SACP Intermediate Sanction Facility (SACP-ISF). Upon successful completion of the inpatient SACP-ISF, the offender is referred to SACP Level II outpatient services as a continuum of care.

#### Therapeutic Community (TC) Continuum of Care

Parole Division Specialized TC officers are actively involved with offenders who have completed the in-prison phase of the IPTC program as they transition from incarceration to society. Specialized Parole Officers are trained to work with program participants in a three (3) phase treatment program, which begins upon release from an IPTC or SAFP program. A treatment team approach is utilized to assess and meet the needs of the offender, and the assigned Parole Officer facilitates treatment services through community providers, thus ensuring the Continuum of Care for individuals who participated in intensive drug treatment programs while incarcerated. Throughout the TC Continuum of Care, graduated treatment interventions for non-compliance are utilized which may include, but not be limited to, increased reporting, increased urinalysis testing, increased treatment, compliance counseling or proceeding with the revocation or summons process.

#### Special Needs Offender Program (SNOP) – Parole Division

The Special Needs Offender Program (SNOP) has three (3) categories: Mentally Impaired, Mentally Retarded or Terminally Ill/Physically Handicapped. Special Needs offenders with Mental Impairments qualify for placement if they have been diagnosed with Major Depression, Schizophrenia, PTSD (Post Traumatic Stress Disorder), or as Bipolar, or other mental diagnosis and receiving treatment. A Mentally Retarded placement requires the offender to have an IQ of 70 or below based on valid psychological testing and demonstrated “Adaptive Behavior Deficits” before the age of 18, or, to have participated in the MROP (Mentally Retarded Offender Program) while in prison. Offenders with a documented terminal illness or a severely disabling handicap are placed on the Terminally Ill/Physically Handicapped caseload by having a prognosis of one (1) year or less to live; require 24-hour nursing care or specialized medical support services; have a severe and chronic disabling physical handicap that results in substantial functional limitations and major life activity; or received services for deaf or hard of hearing while in prison.

The supervising SNOP officer makes appropriate referrals to MHMRA, Department of Aging and Disabilities (DADS), or the Veterans Administration (VA) offices. TCOOMMI has contracts with MHMRA and DADS to assist offenders with rehabilitation/psychological services, psychiatric services, medication and monitoring, individual/group therapy and skills training, benefit eligibility services, including federal entitlement application processing, and screening/linkage to appropriate medical services, including hospice care. As with all caseloads, offender non-compliance issues are addressed by appropriate interventions. These vary from compliance counseling to the request of a pre-revocation warrant or summons hearing. Cases are often staffed using a team approach in determining the most appropriate and effective response to any violation of release.

The SNOP officers work closely with MHMRA or DADS case managers to maintain a strong working relationship and a cooperative effort to address the needs of the offenders. In some areas, MHMRA and Parole staff are located in the same office building to ensure Continuity of Care for offenders.

### **Texas Correctional Office on Offenders with Medical or Mental Impairments**

For offenders on community supervision, parole supervision or even in a pre-trial status the TDCJ Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) offers programs and services designed to allow special needs offenders to successfully reside in the community as an alternative to incarceration. TCOOMMI contracts with local and state governmental entities for an array of services for offenders with special needs including coordination and case management for adults, along with appropriate and cost-effective alternatives to incarceration. These services include:

- Case management
- Rehabilitation/Psychological services
- Psychiatric services
- Medication and monitoring
- Individual/Group therapy and skills training
- Benefit eligibility services including federal entitlement application processing
- Transitional services from local jails, TTCs, residential facilities (halfway houses, ISFs)
- Screening and linkage to appropriate medical services, including hospice
- Jail screening
- Court intervention

### Continuity of Care (COC) for Special Needs Offenders

Provides pre-release screening and referral for aftercare medical or psychiatric treatment services for special needs offenders referred from the TDCJ facilities. TCOOMMI contracts for 43 COC Workers and Benefit Eligibility Specialists, to coordinate the following activities:

- Identifying offenders with special needs who require aftercare services
- Participating in joint treatment planning with the TDCJ staff
- Securing resources in the community for all offenders with special needs
- Working toward improved systems of coordination and communication among local and/or state criminal justice, social service and other appropriate disciplines to ensure post release services for offenders with special needs
- Monitoring post release service access through 90 day follow-up reports
- Coordinating with all MHMRA centers, DSHS and other health and human services
- Preparing and submitting SS/SSI (Social Security/Supplemental Social Security Income) and other federal entitlement benefit applications 90 days prior to release.

## Jail Diversion Programs

The adult jail diversion programs are designed specifically to demonstrate a multi-service approach for more appropriate alternatives to incarceration for offenders with special needs. Jail diversion programs include: specialized mental health deputies, designated mental health staff assigned to screen offenders for mental health issues, resource information services for attorneys or court personnel, advocacy for the offender with attorneys, court personnel and/or bond release programs, and referrals for further medical evaluation or commitment upon release from incarceration.

## Medically Recommended Intensive Supervision (MRIS)

As discussed previously in this report, the MRIS program provides early parole review and release of certain categories of offenders who are mentally ill, mentally retarded, elderly, terminally ill, long-term care or physically handicapped. During Fiscal Year 2008, the Board of Pardons and Paroles approved 103 offenders for release pursuant to the MRIS program.

## **PRISONER EXCHANGE**

The transfer of foreign nationals convicted of a crime in the United States, or the transfer of United States citizens or nationals convicted of a crime in a foreign country, is possible if a treaty providing for such transfer is in force between the United States and the foreign country involved.

### **Information from the Department of State regarding Prisoner Transfer Treaties**

Under U.S. law foreign nationals convicted of a crime in the United States, and United States citizens or nationals convicted of a crime in a foreign country, may apply for a prisoner transfer to their home country if a treaty providing for such transfer is in force between the United States and the foreign country involved.

The United States has 12 bilateral prisoner transfer treaties in force in Bolivia, Canada, France, Hong Kong S.A.R., Marshall Islands, Mexico, Micronesia, Palau, Panama, Peru, Thailand and Turkey. In addition, the United States is a party to two multilateral prisoner transfer treaties.

1. The Council of Europe Convention on the Transfer of Sentenced Persons (or COE Convention). (Europeans countries refer to it as the Strasbourg Convention.)

The COE Convention is in force in the following countries: Albania, Andorra, Armenia, Austria, Azerbaijan, Bahamas, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia (Former Yugoslav Republic of), Malta, the Netherlands (including Netherlands Antilles and Aruba), Nicaragua, Norway (including Bouvet Island, Peter I's Island and Queen Maud Land), Panama, Poland, Portugal, Romania, Slovak Republic,

Slovenia, Spain, Sweden, Switzerland, Tonga, Trinidad and Tobago, Turkey, Ukraine, the United Kingdom (including Anguilla, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Ducie and Oena Islands, Falkland Islands, Gibraltar, Henderson, Isle Of Man, Montserrat, Pitcairn, St. Helena and Dependencies and the Sovereign Base Areas of Akrotiri and Dhekelia on the Island of Cyprus), Yugoslavia and the United States.

2. The Inter-American Convention on Serving Criminal Sentences Abroad (or OAS Convention). The OAS Convention is in force in the following countries: Brazil, Canada, Chile, Costa Rica, Mexico, Nicaragua, Panama, the United States and Venezuela.

The consent of the U.S. Government, the foreign government and the prisoner is required for each transfer. If the person was convicted of a crime by a state in the United States, and is serving a sentence in a state facility, consent of the state is also required. The decision to transfer a prisoner is a discretionary decision to be made by each country.

A prisoner may apply for transfer to a country of which he is a citizen or national in accordance with the provisions of the governing treaty. However, a prisoner is not eligible for transfer until the judgment and sentence in his case is final; that is, when no appeals or collateral attacks are pending. Some prisoner transfer treaties require that fines imposed as part of the criminal sentence be paid prior to transfer. Depending on the provisions of the governing treaty, prisoners who are convicted of certain types of crimes (such as military offenses and political offenses) or who have less than a specified amount of time remaining on their sentences (normally six (6) months or one (1) year, depending on the treaty involved), are not eligible for transfer.

United States law requires that a prisoner transferring into or out of the United States give his/her consent before being transferred. This is done at a hearing called a consent verification hearing.

Forty-four of the 50 states and the Commonwealth of the Northern Mariana Islands have enacted implementing legislation but only a handful (Arizona, Florida, Illinois, Massachusetts, New Mexico, New York, Minnesota, Washington, Alabama, and Idaho) are currently participating. (Vermont participates only with respect to prisoners seeking transfer to Canada.)

Source: U.S. Department of State website

## **Prisoner Transfer Process in Texas**

In 1977 the 65<sup>th</sup> Texas Legislature added Article 42.17 to the Code of Criminal Procedure. Article 42.17 authorizes Texas to participate in the Prisoner Transfer Program and reads as follows:

*Art. 42.17. TRANSFER UNDER TREATY. When a treaty is in effect between the United States and a foreign country providing for the transfer of convicted offenders who are citizens or nationals of foreign countries to the foreign countries of which they are citizens or*

*nationals, the governor is authorized, subject to the terms of such treaty, to act on behalf of the State of Texas and to consent to the transfer of such convicted offenders under the provisions of Article IV, Section 11 of the Constitution of the State of Texas.*

Offenders incarcerated in the Texas Department of Criminal Justice (TDCJ) are notified to contact the State Counsel for Offenders (SCFO) for assistance in seeking an international transfer in order to serve the remainder of their sentence in their home country. The SCFO provides indigent offenders who are incarcerated in TDCJ with legal counsel that is independent of the agency (the Director of the SCFO is appointed by and reports to the Board of Criminal Justice). There are five (5) legal sections within SCFO, to include the Immigration section which assists offenders with an International Prison Transfer request.

If the offender's native country is party to a prisoner transfer treaty with the United States, the SCFO will respond to an offender request by providing the application form and forwarding the completed form to the Office of the Governor and the offender country's nearest consulate. The Office of the Governor approves or disapproves the application. If approved, the application is forward to the Department of State for further processing.

As noted by the U.S. Department of State, the majority of states, to include Texas, have not actively participated in the program. One factor impacting participation by the majority of states may be that pursuant to the international treaties between the United States and foreign countries, the receiving country's parole policies will determine when a transferred offender is released, not the parole polices of the sending state. Other constraining factors may include requirements for accepting an offender imposed by individual nations.

### **Institutional Hearing Program**

Although Texas and most other states have not been active participants in transfers pursuant to federal treaties, it should be noted that Texas does actively work with the U.S. Immigrations and Customs Enforcement (ICE) to identify and process incarcerated criminal aliens subject to deportation upon release from the Texas Department of Criminal Justice (TDCJ).

Congress passed The Immigration Reform and Control Act of 1986 and The Anti-Drug Abuse Act of 1988, directed at incarcerated criminal aliens. These Acts addressed the processing of criminal aliens through removal proceedings while still imprisoned so they can be promptly removed at the conclusion of their sentences. In response to those laws, the Immigration and Naturalization Service (INS) and the Executive Office for Immigration Review created the Institutional Hearing Program (IHP). The IHP conducts investigations and hearings, and issues removal orders for incarcerated criminal aliens to be deported upon their release from incarceration.

In 1995 a working relationship between TDCJ and INS was formalized with the creation of the Texas State Enhanced IHP Program. To facilitate INS access to the offender population, an Institutional Hearing Program facility was constructed on TDCJ property.

The purpose of the Texas State Enhanced IHP is to identify criminal aliens incarcerated in TDCJ, institute deportation proceedings during their terms of incarceration, and to remove the identified criminal aliens from the United States immediately after they have served their terms of incarceration.

The role of TDCJ begins with the identification of potentially deportable, foreign-born offenders by intake staff and the reporting of those identified or suspected of being foreign-born to the ICE. The process is outlined in more detail below.

#### For TDCJ Male Prison Offenders

- Foreign born offenders are identified at all TDCJ Intake sites
- ICE staff in the IHP are notified of each offenders arrival
- Upon request from ICE, offenders are transported to the Holliday Unit in Huntsville for interview
- When the interview process is completed, offenders are returned to their regular unit of assignment
- If ICE lodges a detainer, then ICE officials are notified at time of release
- ICE staff with the IHP then assume custody of the offender at the Huntsville Unit Releasing Office

Male offenders requiring a deportation court hearing are transported to the IHP building in Huntsville. The Executive Office of Immigration Review provides immigration judges and ICE trial attorneys. TDCJ provides offenders with counsel through the State Counsel for Offenders office.

#### For TDCJ Female Prison Offenders

Female prison offenders housed and released in the Gatesville area are processed by the San Antonio ICE office. The identification at the time of intake and notification to ICE is the same as the male process described above.

#### For TDCJ State Jail Offenders

The identification and notification process described above remains basically the same. The male offenders are transported to the Lychner State Jail and processed by the Houston ICE office. However, state jail offenders to be released to ICE remain at Lychner until the time of their release. The Houston ICE Office assumes custody of these offenders. State jail female offenders are also the responsibility of the Houston ICE Office.

Exceptions to these processes occur if an offender is incapable of being transported due to physical or mental conditions.

The number and age of TDCJ offenders claiming foreign birth, foreign citizenship, with ICE detainees and with final orders of deportation, are shown in the following charts.

## Offenders Who Claim Foreign Place of Birth or Foreign Citizenship, Have an INS Detainer and Have Final Orders for Deportation (As of September 30, 2008)

Where "Claim" is used, refers to the self reporting of the offender upon intake. This variable is NOT updated with new information after an Immigration and Customs Enforcement (ICE) investigation.

**Offenders Who Claim Foreign Place of Birth**

Age Group	Prison	State Jail	SAFP	Grand Total
14-16	1	0	0	1
17-18	84	18	2	104
19-20	294	32	3	329
21-22	455	49	3	507
23-24	608	58	5	671
25-29	1,844	117	19	1,980
30-34	1,958	111	13	2,082
35-39	1,784	90	10	1,884
40-44	1,619	54	16	1,689
45-49	1,169	47	16	1,232
50-54	778	26	9	813
55-59	402	7	5	414
60-64	194	9	2	205
65+	129	1	2	132
<b>Grand Total</b>	<b>11,319</b>	<b>619</b>	<b>105</b>	<b>12,043</b>

**Offenders Who Claim Foreign Citizenship**

Age Group	Prison	State Jail	SAFP	Grand Total
14-16	1	0	0	1
17-18	83	16	1	100
19-20	276	25	1	302
21-22	435	44	1	480
23-24	568	56	1	625
25-29	1,748	102	5	1,855
30-34	1,822	100	5	1,927
35-39	1,616	75	6	1,697
40-44	1,461	37	10	1,508
45-49	1,019	28	5	1,052
50-54	670	13	8	691
55-59	353	3	3	359
60-64	172	6	2	180
65+	116	1	1	118
<b>Grand Total*</b>	<b>10,340</b>	<b>506</b>	<b>49</b>	<b>10,895</b>

\*Offenders who claim foreign citizenship without considering place of birth. Documents citing the number of offenders claiming foreign place of birth and foreign citizenship will report a slightly lower number.

**Offenders With ICE Detainers**

Age Group	Prison	State Jail	SAFP	Grand Total
14-16	0	0	0	0
17-18	66	0	0	66
19-20	165	5	0	170
21-22	288	6	0	294
23-24	385	5	0	390
25-29	1198	19	0	1,217
30-34	1337	26	0	1,363
35-39	1126	10	1	1,137
40-44	990	8	0	998
45-49	682	9	0	691
50-54	409	4	0	413
55-59	212	0	0	212
60-64	106	0	0	106
65+	64	0	0	64
<b>Grand Total</b>	<b>7,028</b>	<b>92</b>	<b>1</b>	<b>7,121</b>

Offenders who receive an ICE detainer are removed from SAFP.

**Offenders with Final Orders for Deportation  
(As of September 30, 2008)**

Age Group	Prison	State Jail	SAFP	Grand Total
14-16	0	0	0	0
17-18	14	0	0	14
19-20	49	0	0	49
21-22	107	0	0	107
23-24	175	0	0	175
25-29	642	0	0	642
30-34	768	0	0	768
35-39	633	0	0	633
40-44	601	0	0	601
45-49	469	0	0	469
50-54	251	0	0	251
55-59	129	0	0	129
60-64	74	0	0	74
65+	41	0	0	41
<b>Grand Total</b>	<b>3,953</b>	<b>0</b>	<b>0</b>	<b>3,953</b>

ICE only provides final orders data for male, prison offenders.

## State Criminal Alien Assistance Program (SCAAP)

In addition to the Institutional Hearing Program which facilitates the timely deportation of foreign born offenders upon completion of their sentence, Texas receives federal funds from the State Criminal Alien Assistance Program (SCAAP). These funds provide a partial reimbursement for the cost of incarceration.

SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens who were incarcerated for at least 4 consecutive days during the reporting period and who have at least one felony or two misdemeanor convictions. Historical SCAAP appropriations and the allocation received by the Texas Department of Criminal Justice, as well as the estimated cost of incarcerating criminal aliens for the State of Texas, are shown in the charts below.

### STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) Information

Reporting Period	Application Year Federal FY	Year Received State FY	Federal APPN	Payment Amount	Budgeted FY	% of Payment	Appropriation Requirement
1-Jul-95 30-Jun-96	1997	1998	\$ 500.0	\$ 33,048,483	1998	7%	\$ 48,000,000
1-Jul-96 30-Jun-97	1998	1999	\$ 585.0	\$ 39,043,217	1999	7%	\$ 41,800,000
1-Jul-97 30-Jun-98	1999	2000	\$ 585.0	\$ 37,723,729	2000	6%	\$ 33,993,345
1-Jul-98 30-Jun-99	2000	2001	\$ 585.0	\$ 34,876,533	2001	6%	\$ 33,993,345
1-Jul-99 30-Jun-00	2001	2002	\$ 565.0	\$ 31,773,699	2002	6%	\$ 31,324,281
1-Jul-00 30-Jun-01	2002	2002	\$ 550.0	\$ 34,144,499	2003	6%	\$ 31,324,281
1-Jul-01 30-Jun-02	2003	2004	\$ 240.0	\$ 14,633,918	2004	6%	\$ 32,959,099
1-Jul-02 30-Jun-03	2004	2004	\$ 281.6	\$ 17,126,820	2005	6%	\$ 32,959,099
1-Jul-03 30-Jun-04	2005	2006	\$ 287.1	\$ 18,582,484	2006	6%	\$ 17,126,820
1-Jul-04 30-Jun-05	2006	2007	\$ 374.9	\$ 19,653,851	2007	5.2%	\$ 17,126,820
1-Jul-05 30-Jun-06	2007	2008	\$ 377.3	\$ 19,348,827	2008	5.1%	\$ 17,854,652
1-Jul-06 30-Jun-07	2008	2009	\$ 386.2	\$ 18,074,866	2009	4.7%	\$ 17,854,652

Payment amount is based on the number of incarcerated illegal aliens and correctional officers salary

TDCJ ESTIMATED COST OF INCARCERATING CRIMINAL ALIENS				
2003	2004	2005	2006	2007
\$ 135,128,254	\$ 120,421,402	\$ 129,243,192	\$ 138,672,658	\$ 140,751,120
\$41.64*	\$40.06*	\$40.05*	\$42.54*	\$42.54*

\*Cost Per Day (Source - Legislative Budget Board)