

Keeping Texas Competitive

A Legislator's Guide to the Issues 2013-2014



Parole and Reentry

The Issue

In 2011, 70,916 inmates were released from Texas prisons and state jails, along with nearly all of the approximately 1 million individuals annually received into county jails. A little over 30% of released state prison and jail inmates are re-incarcerated within three years, either for a new offense or for violating the rules of their parole supervision.

Some 34,000 of those released from state prisons and jails were placed on parole supervision. Another 30,558 were released without supervision. Another 5,739 were placed on probation for the remainder of their sentence, nearly all of whom were inmates incarcerated in the state's Substance Abuse Felony Punishment Facilities (SAFPFs). The bulk of the prison population is governed by Discretionary Mandatory Supervision (DMS). Constitutionally, their release is within the sole discretion of the Board of Pardons and Paroles (BPP).

All but 158 of the 22,705 inmates released from state jails in 2011 were freed without supervision because before 2011, state jail inmates served a flat sentence of up to two years. In the 82nd session, however, the law was changed to award diligent participation credits to state jail offenders who make progress in educational, vocational, and treatment programs that can result in up to a 20% reduction in time served behind bars.

The remaining releases without supervision in 2011, totaling nearly 8,011, involved those who served their entire sentence for a third degree or higher felony, either because they were statutorily ineligible for early release due to the seriousness of their crime or because they were denied parole by the BPP.

The Board uses several factors in making its decisions, including a risk assessment process developed with the assistance of the National Institute on Corrections that scores inmates based on their individual risk factors, such as offense history and severity. Each of the more than 2,000 felonies in Texas law is classified by the BPP as low, medium, high, or extremely high severity. Institutional parole officers interview each candidate for parole and DMS and write a report, which becomes part of the file reviewed by the BPP. The public, including district attorneys and victims who are automatically notified, may submit written comments to the board. Family, friends, ministers, and others who know the candidate often submit comments as well.

As of August 2011, some 107,194 Texans were under parole supervision. The number of parolees convicted of a new crime declined 31% from 2007 to 2010, despite an increase in the total number of parolees. Parole revocations, whether for a new conviction, law violation, and rules violations, fell 32% from 2007 to 2010.

This success may be due to the recent strengthening of parole supervision and treatment. For example, prior to 2007, drug tests were sent to a laboratory, creating a delay of a few weeks. Now, results are instant, and most parolees with drug problems admit to it before being tested. Violators who do not pose a public safety risk are immediately referred to outpatient treatment.

Also, parolees who repeatedly violate the rules or commit a misdemeanor are often sent to an Intermediate Sanctions Facility (ISF) for approximately 75 days, in lieu of being revoked to prison. Some parolees at ISFs receive drug treatment along with follow-up counseling upon release. Literacy, Graduate Equivalency Degrees, and workforce preparation programming are available at some facilities. In fiscal year 2010, TDCJ placed 9,373 offenders in ISFs.

Upon reentering society, ex-inmates face challenges such as obtaining employment and housing and establishing positive associations. In 2009, the Legislature enacted a measure developed by the Foundation that allows many qualified ex-offenders to obtain provisional licenses to enter most licensed occupations. Evidence shows employed ex-offenders are less likely to offend and those in higher-paying jobs, which are more likely to be licensed, re-offend at the lowest rate.

The Facts

- In 2010, parole cost \$3.74 per day per offender, compared to \$50.79 a day per prison inmate.
- The most dangerous Texas sex offenders are ineligible for parole. The most seriously violent inmates serve 85% of their sentences and those incarcerated for indecency with a child serve 91.7%. Yet more than two-thirds of offenders enter state lockups for a nonviolent offense.

Recommendations

- Continue to strengthen parole supervision and treatment programs that reduce recidivism and revocations.
- Create a supervised reentry program for inmates now discharged after serving the entire sentence in prison.
- Require nonviolent parolees revoked for technical violations, not new crimes, to be sent to an ISF rather than prison, provided they have not been to an ISF within the last two years.
- Provide relief to employers from negligent-hiring lawsuits on the basis that the employee is an ex-offender.

Resources

The Role of Parole in Texas by Marc Levin and Vikrant Reddy, Texas Public Policy Foundation (May 2011).

“Texas Parole Reforms Lowered Crime, Cost” by Marc Levin, *Dallas Morning News* (Jan. 2010).

Texas Criminal Justice Reforms: Lower Crime, Lower Cost by Marc Levin, Texas Public Policy Foundation (Jan. 2010).

