



TEXAS CRIMINAL
JUSTICE COALITION

RE-ENTRY REFORM IN TEXAS: 2005-2011

*Creating Tools for Returning Individuals
To Live Responsibly & Remain Law-Abiding*

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Key Point of Consideration

*Re-entry strategies are **critical** to supplementing diversion and corrections-level practices that reduce incarcerated populations and address the specific needs of those who have exhibited criminal behavior.*

Outline

Importance of Re-Entry Strategies

Re-Entry Barriers
Needed Reforms
Necessity of Collaboration

Smart-On-Crime Re-Entry Policies

2005 (1 policy)
2007 (4 policies)
2009 (5 policies)
2011 (6 policies)

Moving Forward

Ramifications of Re-Entry Failures
Critical Strategies

Importance of Re-Entry Strategies

Re-Entry Barriers

- ◆ Annually, over **70,000 people** leave Texas prisons, many of whom are released without any supervision requirements.
- ◆ Meanwhile, **hundreds of thousands** more individuals cycle in and out of local Texas jails every year.
- ◆ Sadly, various barriers – in addition to the stigma of a **criminal record** – prevent or jeopardize the successful re-entry of these individuals into our communities, forcing many back behind bars.
 - **Medical issues, drug and alcohol dependence, and undiagnosed mental health disorders** damage efforts to participate in society in a fulfilling and productive way.
 - Likewise, **low education levels** minimize employment opportunities, which are already limited for previously incarcerated individuals.
 - The **lack of housing availability** and an **inability to purchase food** only increase the likelihood of re-off ending, as do **financial barriers** that leave individuals with no means to support themselves.

Importance of Re-Entry Strategies

Needed Reforms

- ◆ To address these issues, policy-makers in 2009 and 2011 made an **historic, bipartisan showing of support** for various policies that have begun providing returning individuals with resources for personal responsibility that will more successfully avert them from the criminal justice system in the future.
- ◆ **Continued investment in re-entry practitioners and programs** – as well as **additional legislative policies that will eliminate barriers to re-entry** – are imperative in maintaining progress to keep recidivism rates and, thus, incoming prison and jail populations low.
 - » Especially for **felons**, assistance upon re-entry is crucial. The collateral consequences of a felony conviction include a life-long series of legal barriers and roadblocks that severely limit access to fundamental necessities to help people live responsibly.
 - » **Misdemeanants**, too, can face challenges in a variety of areas, including employment, child custody, housing, and public assistance benefits.

Importance of Re-Entry Strategies

Necessity of Collaboration

- ◆ Texas must **continue to support sustainable systems** to return people to their communities in a safe and effective way.
- ◆ Together, **corrections and re-entry stakeholders** must collaborate to strengthen Texas' social support infrastructure:



- » Commit to **programs and services** – both in-house and community-based – that promote success for returning individuals and their families.
- » Aid **“high stakes” neighborhoods** to which large concentrations of previously incarcerated men and women return.

Smart-On-Crime Re-Entry Policies

2005



H.B. 967 (Representative Haggerty and Senator Whitmire): Required the Texas Department of Public Safety to accept prison identification cards (issued by TDCJ) as proof of identity for the purpose of obtaining a driver's license or state identification card, critical for applying for a job or for housing. *Signed by the Governor!*

Smart-On-Crime Re-Entry Policies

2007

- ◆ **H.B. 431 (Representatives Madden and McClendon; Senator Whitmire):** Authorized judges to release state jail felony defendants who do not pose a threat to public safety due to their medical conditions onto medically recommended intensive supervision. *Signed by the Governor!*
- ◆ **H.B. 2611 (Senator Whitmire and Representative Madden):** Allowed individuals with sex offenses to be released on medically recommended intensive supervision if they had a terminal illness or condition of long-term care, including a persistent vegetative state or an organic brain syndrome with significant to total mobility impairment. These individuals can become eligible for federal Medicare and Medicaid if living in the community, rather than costing taxpayers' unnecessary incarceration expenses. *Signed by the Governor!*

Smart-On-Crime Re-Entry Policies

2007

- ◆ **H.B. 3736 (Representative McReynolds and Senator Hinojosa):** Required TDCJ to establish maximum caseload guidelines for parole officers, which better ensured that officers could provide parolees with high-quality supervision, to the benefit of public safety through more successful reintegration. *Filed without signature by the Governor.*
- ◆ **S.B. 909 (Senator Whitmire; Representatives Madden, Kolkhorst, Flynn, Hochberg, and Byron Cook):** Provisions in this Sunset bill for TDCJ increased the Board of Pardons and Paroles' accountability by encouraging them to explain decisions not to follow their own guidelines when refusing to release parole-eligible inmates. At the time, Dr. Tony Fabelo, a leading criminal justice expert in Texas, noted that a decline in parole release rates (which was unsupported on safety grounds) was the main cause of over-incarceration in Texas. *Signed by the Governor!*

Smart-On-Crime Re-Entry Policies

2009

During Texas' 2009 Legislative Session, state policy-makers historically backed policies that will assist men and women in their reintegration efforts, providing those who have been returning to our communities with the **tools to effectively and healthily manage their lives**. These previously incarcerated individuals are now more empowered to participate in society as law-abiding, contributing community members, to the benefit of public safety, family cohesion, local economies, and public health.

- ◆ **H.B. 1711 (Representatives Sylvester Turner, Guillen, Mando Martinez, Veasey, and Marquez; Senator Whitmire):** Created a comprehensive statewide reintegration program for individuals transitioning from prison back into our communities. *Note:* This bill included an amendment that established a Reentry Task Force, which also took into consideration county and city reentry efforts, and increased the state's likelihood of obtaining federal Second Chance funding. *Signed by the Governor!*

Smart-On-Crime Re-Entry Policies

2009

- ◆ **H.B. 2161 (Representatives Sylvester Turner and Marquez; Senator Whitmire):** Gave individuals re-entering society a personal identification certificate provided by TDCJ, allowing individuals to more easily obtain an ID or drivers license. *Signed by the Governor!*



- ◆ **H.B. 3226 (Representatives Madden, Edwards, McReynolds, and Christian; Senator Seliger):** Established a housing voucher program to address the lack of housing that many paroled individuals face when leaving prison. *Signed by the Governor!*

Smart-On-Crime Re-Entry Policies

2009

- ◆ **H.B. 963 (Representative Guillen and Senator Whitmire):** Allowed previously incarcerated individuals to confirm their eligibility status for an occupational license before committing to and preparing for an educational program. *Note:* This bill included an amendment that would increase employment opportunities for nonviolent, non 3-g offenders if they were eligible to obtain an occupational license and if their past crime was not related to the occupational license they were trying to obtain. *Signed by the Governor!*
- ◆ **H.B. 2808 (Representative Thompson and Senator West):** Prohibited a licensing authority from considering a person to have been convicted of an offense if the person entered a plea of guilty or nolo contendere, or if the judge deferred and ultimately dismissed the proceedings. *Signed by the Governor!*

Smart-On-Crime Re-Entry Policies

2011

- ◆ **H.B. 1106 (Representative Johnson and Senator West):** Assists those who are placed on deferred adjudication community supervision by first requiring judges to disclose to criminal defendants their post-conviction right to petition the court for an order of nondisclosure. *No significant fiscal implication to the State is anticipated. Signed by the Governor!*



- ◆ **H.B. 2735 (Representative Madden and Senator Hinojosa):** Creates expedited bonding procedures for “blue warrant” parolees charged with certain new offenses or administrative (technical) violations of parole conditions. *A county could experience a positive fiscal impact related to county jail expenses as a result of the ability to release a person who would otherwise be required to be held until a hearing. Signed by the Governor!*

Smart-On-Crime Re-Entry Policies

2011

- ◆ **H.B. 200 (Representative Parker and Senator Whitmire):** Requires the Texas Department of Criminal Justice to electronically notify the U.S. Social Security Administration about the release or discharge of a prisoner from a state correctional facility, if s/he was receiving Supplemental Security Income or Social Security Disability Insurance immediately prior to confinement, but only if s/he was confined for less than 12 consecutive months. **No significant fiscal implication to the State is anticipated.** *Signed by the Governor!*
- ◆ **S.B. 144 (Senator West; Representatives Thompson, Gallego, Yvonne Davis, and Aliseda):** Allows the Governor, with the written recommendation and advice of a majority of the Board of Pardons and Paroles, to grant reprieves and commutations of punishments and pardons, as well as to remit fines and forfeitures, after an individual completes a term of deferred adjudication community supervision. **NOTE:** This will take effect January 1, 2012, provided the constitutional amendment proposed by the 82nd Legislature authorizing the Governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision is approved by the voters. **Although exact savings cannot be determined at this time, a positive fiscal impact could be achieved through savings associated with a more successful re-entry transition.** *Signed by the Governor!*

Smart-On-Crime Re-Entry Policies

2011

- ◆ **S.B. 462 (Senator West; Representatives Veasey and Gallego):** Provides for expunctions in the event that the individual has been acquitted at trial, or the individual has been released and there have been no charges filed, no pending charges, no final conviction, and no period of community supervision; also allows for an expunction in the event of a conviction for a Class C misdemeanor, and sets specific time intervals prior to expunction for various offense levels. *Although exact savings cannot be determined at this time, a **positive fiscal impact** could be achieved through savings associated with a more successful re-entry transition.*
Signed by the Governor!
- ◆ **S.B. 198 (Senator West; Representatives West and Todd Smith):** Addresses the “Romeo and Juliet” dilemma by exempting teenagers (19 years of age or younger) who are convicted of a certain offense involving consensual sexual conduct with another teenager (at least 15 years old, and no more than four years younger than the sexual partner) from the requirement of registering as a sex offender for life in Texas. ***No significant fiscal implication to the State is anticipated.*** *Signed by Governor!*

Moving Forward

Ramifications of Re-Entry Failures

- Without assistance for those exiting confinement:
 - Rates of re-offending** are likely to rise.
 - Counties will see comparable increases in their use of **enforcement resources**.
 - Re-incarceration costs** will fall on taxpayers.



The cycle of incarceration and re-incarceration will merely continue and at enormous taxpayer expense.

Moving Forward

Critical Strategies

- ◆ As noted in the introduction to this presentation, we must collectively work to **bolster the state's re-entry infrastructure** – an imperative cost-saving strategy.
 - This includes **defeating legislative proposals** that add additional barriers to re-entry.
- ◆ **DESIRED OUTCOME: Providing tools for personal responsibility** to re-entering individuals ensures they are more capable of finding and maintaining both housing and employment, in turn living as law abiding, contributing members of our communities.



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- Interim and legislative committee hearing notices and related materials
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- Links to key report findings by other researchers and advocates
- Features on criminal and juvenile justice practitioners and programs
- Media clips that discuss criminal and juvenile justice
- Funding opportunities
- Upcoming events
- Important upcoming dates

We also want to hear what's **important in your community**. Please let us know about innovative strategies you are implementing, as well as policy areas in need of reform.

Lastly, we would love the opportunity to partner with you and, through our public education and policy advocacy efforts, we can **work together** to improve the lives of Texans.

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