



**WRITTEN TESTIMONY**

**SUBMITTED BY ANA YÁÑEZ-CORREA, EXECUTIVE DIRECTOR  
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**REGARDING SENATE BILL 909**

**SENATE COMMITTEE ON GOVERNMENT ORGANIZATION**

**APRIL 2, 2007**

Dear Members of the Committee,

My name is Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition. Thank you for allowing me this opportunity to present testimony regarding Senate Bill 909 by Senator Whitmire.

S.B. 909 implements recommendations of the Sunset Commission regarding the Texas Department of Criminal Justice (TDCJ) and the Correctional Managed Health Care Committee (CMHCC). S.B. 909 can streamline and strengthen criminal justice policies across the board and save taxpayers money, reduce recidivism, and increase public safety.

### **WHAT ARE THE ACTIONS AND BENEFITS OF S.B. 909?**

- **Creates a Criminal Justice Legislative Oversight Committee to provide objective research, analysis, and recommendations to help guide state criminal justice policies.** The Committee would be comprised of 6 members with the presiding officer being chosen annually. The charges of the Committee would be: (1) to use statistical analyses and other research methods to conduct an in-depth examination of the criminal justice system in this state, that would include (a) an assessment of the cost-effectiveness of the use of state and local funds in the criminal justice system, (b) an identification of critical problems in the criminal justice system, and (c) a determination of the long-range needs of the criminal justice system; (2) to recommend to the legislature (a) strategies to solve the problems identified under Subdivision (1)(b), and (b) policy priorities to address the long-range needs determined under Subdivision (1)(C); and (3) to advise and assist the Legislature in developing plans, programs, and proposed legislation to improve the effectiveness of the criminal justice system. The Committee would be granted all of the relevant powers of a special committee as defined by statute and legislative rules.
  - *This Committee will be able to provide accountability for programs and management within TDCJ and encourage the most effective practices.*
- **Implements mandatory early release review for probationers and parolees.** This provision mandates that probationers and parolees be periodically reviewed to determine their eligibility for early release, with appropriate action to be taken if they are found to qualify for early release.
  - *Reducing parole and probation term lengths will decrease recidivism rates by reducing the odds of technical revocation, improve supervision and increase public safety by freeing up officer resources for supervising more high-risk offenders, and save money by reducing costs spent on supervision and, if offenders are revoked, incarceration.*
- **Enacts several changes to probation policy in order to reduce revocations, including mandatory early release review, revised funding structures, and researching electronic monitoring devices.**
  - *These changes are meant to accompany a system of progressive sanctions that has been shown to reduce recidivism, apportion supervisory resources more effectively, and prevent unnecessary prison revocations that lead to overcrowding.*

- **Provides for the medically-supervised release into community supervision of state jail felons who are ill, elderly, disabled, or otherwise requiring long-term care.**
  - *This provision will free up much needed state jail space for more dangerous offenders, as well as save TDCJ funds by reducing health care expenditures for these expensive patients.*
- **Requires the Parole Board to adopt new guidelines and procedures for parole consideration.** The Parole Board would be required to provide a written explanation for failing to follow its guidelines, and also be responsible for periodically evaluating its guidelines and issuing an annual report to the Criminal Justice Legislative Oversight Committee. In addition, the Board would also be required to create a mechanism for accepting public input on its policies. Conflict of interest hirings would also be eliminated for potential Parole Board members and commissioners.
  - *These measures would add a high degree of accountability to the parole process and correct the faulty release rates which have created a prison capacity crisis.*
- **Modifies the formula for distributing funds to Community Supervision & Corrections Departments (CSCDs).**
  - *This provision would increase basic funding while abandoning the per-capita-under-supervision standard that has created a dependence by CSCDs on long probationer terms to collect their fees. Ultimately, these changes would make it feasible for the departments to adopt progressive sanctions and shorter, stronger probation terms that would reduce recidivism, save taxpayers money, and increase public safety by allowing departments to focus resources on highest risk probationers.*
- **Enacts several changes to CMHCC.** The bill clarifies the statutory purpose and responsibilities of the Committee, and sets new standards for the appointment of the Chair of the Committee, who under the bill would have to be a public physician. It also facilitates the oversight by TDCJ of care administered through CMHCC.
  - *These changes would improve the accountability and operations of CMHCC.*
- **Allows the continuation of TDCJ, CMHCC and the Parole Board.**
  - *These institutions continue to be necessary to meet the criminal justice needs of the State.*
- **Requires TDCJ to screen female prison and state jail inmates at intake to determine if they are at risk for fetal alcohol syndrome and provide treatment to those who are found positive, as well as distribute educational material to all female inmates upon intake concerning fetal alcohol syndrome.**
- **Requires TDCJ, CMHCC, and the Parole Board to adopt technological solutions (including the Internet) that will improve their services, and adopt negotiated rulemaking and alternative dispute resolution for resolving internal conflicts.**

- *Increased use of the Internet can facilitate public input on policy decisions and also provide a measure of public oversight, thereby increasing accountability management in the departments. Other technological improvements, if demonstrated to improve efficacy or provide other benefits, should also be used.*

**RE-ENTRY INITIATIVES ARE NEEDED TO MAKE S.B. 909 TRULY COMPREHENSIVE BY ADDRESSING OFFENDERS' PERSONAL RESPONSIBILITY AND REINTEGRATION NEEDS.**

In order to reduce recidivism and realize the entire benefit of strengthened parole and probation programs, S.B. 909 must include provisions on re-entry. The following are two suggested recommendations:

- (1) The development of a validated intake process used during an individual's admission into a TDCJ correctional facility (an assessment of each individual's risk, needs, strengths), and
- (2) The development of a re-integration plan for each individual. This plan should be based on the intake assessment and outline the programming that TDCJ will provide to the individual while incarcerated or during community supervision, parole, and mandatory supervision to ensure that his/her integration into the free world is safe and successful.

I appreciate the opportunity to testify before the committee on this very important bill. S.B. 909 corrects many of the current deficiencies in our criminal justice system and, if implemented properly and with additions for re-entry initiatives, can eliminate the need for new prisons while saving money without sacrificing public safety.