



## Parole and Reentry



### The Issue

In 2013, 72,019 inmates were released from Texas prisons and state jails, along with nearly all of the approximately 1 million individuals annually received into county jails. Approximately 20% of released state prison inmates and 30% of jail inmates are re-incarcerated within three years, either for a new offense or for violating the rules of their parole supervision.

Nearly 41,000 of those released from state prisons and jails were placed on parole. Another 30,108 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 (SAFPs).

The bulk of the prison population is governed by Discretionary Mandatory Supervision (DMS), as mandatory supervision was abolished prospectively in 1996. Constitutionally, the early release of offenders is within the sole discretion of the Board of Pardons and Paroles (BPP).

All but 127 of the 22,784 inmates released from state jails in 2012 were discharged without supervision. 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.

As of August 2012, some 113,374 Texans were under parole supervision. The Board uses several factors in making its decisions, including a risk assessment process 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. The public, including district attorneys and victims who are automatically notified (and family, friends, ministers, and others who know the candidate) may submit written comments to the board.

In recent years, the number of parolees convicted of new crimes has been declining. This success may be due to 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 ISF's receive drug treatment along with follow-up counseling upon release. In fiscal year 2010, TDCJ placed 9,097 offenders in ISFs.

Immediately upon reentering society, ex-inmates face challenges such as obtaining employment and housing and establishing positive associations. Evidence shows ex-offenders who are employed are less likely to offend and those in higher-paying jobs, which are more likely to be licensed, re-offend at the lowest rate.

In 2013, the Legislature passed several important bills aimed at facilitating reentry. For example, HB 1188 immunizes employers from being sued for negligent hiring in most circumstances when they hire ex-offenders. A similar bill, HB 1659, prohibits occupational licenses from being suspended, revoked, or denied to ex-offenders who have (1) completed deferred adjudication, and (2) gone an additional five years with a clean record. As an important safeguard, licenses could still be denied to sex offenders and those uniquely "unfit for the license."

## The Facts

- In 2012, parole cost \$3.63 per day per offender, compared to \$50.04 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.
- Require split sentencing for certain state jail felons so that they are discharged from state jail on to probation supervision.
- Revise the 2011 state jail earned time credit law so that TDCJ can administratively credit the time earned unless the sentencing court affirmatively decides otherwise.
- Reinstigate mandatory supervision for most drug possession offenders convicted of possessing four grams or less who do not have a prior violent or sex offense.
- Allow ex-offenders who have proven successful on probation for a non-violent state jail felony and paid all required restitution to petition the sentencing court to reduce the offense to a Class A misdemeanor.
- Require nonviolent parolees revoked for technical violations, not new crimes, be sent to an ISF rather than prison, provided they have not been to an ISF within the last two years, and cap initial revocations of nonviolent parolees for a misdemeanor at one year.
- Immunize landlords from being sued for renting to ex-offenders.

## Resources

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

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

*Working with Conviction: Criminal Offenses as Barriers to Entering Licensed Occupations in Texas* by Marc Levin, Texas Public Policy Foundation (Nov. 2007).

