

# **SUNSET ADVISORY COMMISSION**

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**STAFF REPORT WITH FINAL RESULTS**

**Texas Department of Criminal Justice  
Correctional Managed Health Care Committee  
Windham School District  
Board of Pardons and Paroles**

**2024-25  
89TH LEGISLATURE**



# SUNSET ADVISORY COMMISSION



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*Cover photo: The Texas State Capitol was completed in 1888. With the Goddess of Liberty atop the dome, the Texas State Capitol Building is 19 feet taller than the U.S. Capitol Building in Washington, D.C. The photo shows the south facade of the Capitol. Photo Credit: Janet Wood*

**TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE**

**CORRECTIONAL MANAGED  
HEALTH CARE COMMITTEE**

**WINDHAM SCHOOL DISTRICT**

**BOARD OF PARDONS AND PAROLES**

SUNSET STAFF REPORT WITH FINAL RESULTS

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## HOW TO READ SUNSET REPORTS

For each agency that undergoes a Sunset review, the Sunset Advisory Commission publishes three versions of its staff report on the agency. These three versions of the staff report result from the three stages of the Sunset process, explained in more detail at [sunset.texas.gov/how-sunset-works](http://sunset.texas.gov/how-sunset-works). The current version of the Sunset staff report on this agency is noted below and can be found on the Sunset website at [sunset.texas.gov](http://sunset.texas.gov).

### **Sunset Staff Report**

The first version of the report, the Sunset Staff Report, contains Sunset staff's recommendations to the Sunset Commission on the need for, performance of, and improvements to the agency under review.

### **Sunset Staff Report with Commission Decisions**

The second version of the report, the Sunset Staff Report with Commission Decisions, contains the original staff report as well as the commission's decisions on which statutory recommendations to propose to the Legislature and which management recommendations the agency should implement.

### **CURRENT VERSION: Sunset Staff Report with Final Results**

The third and final version of the report, the Sunset Staff Report with Final Results, contains the original staff report, the Sunset Commission's decisions, and the Legislature's final actions on the proposed statutory recommendations.

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# FINAL RESULTS

## Senate Bill 2405 Parker (Canales)

### Summary

The Texas Department of Criminal Justice (TDCJ) and the other adult criminal justice entities subject to this Sunset review — the Board of Pardons and Paroles (BPP), Windham School District, and Correctional Managed Health Care Committee — are once again at a critical point. This review occurred in the context of these entities confronting serious challenges in executing their mission to safely confine, supervise, and provide services for adults convicted of certain crimes in Texas. To help TDCJ and its counterparts prevent current problems from becoming unmanageable, widespread crises in the coming years, SB 2405 addresses current problems with facilities and staffing by requiring TDCJ to plan for its future facility and capacity needs. Additionally, the bill requires TDCJ to improve rehabilitation program planning and evaluation to better support the successful outcomes necessary for inmates to safely reenter the community. The bill also makes improvements to BPP's processes with the goal of improved fairness, consistency, and transparency and eases burdens on the often underappreciated parole staff who serve a critical public safety role in Texas' communities. Finally, the bill continues TDCJ for 12 years. The other criminal justice entities are not subject to abolishment through the Sunset Act and will be reviewed alongside TDCJ again in 12 years.

The following material summarizes results of the Sunset review of Texas Criminal Justice Entities, including management actions directed to the entities that did not require legislative action.

### ISSUE 1 — A Changing Workforce and Inmate Population Make Multiple TDCJ Facilities Almost Impossible to Adequately Staff.

**Recommendation 1.1, Adopted as Modified** — Require TDCJ to create a long-term facilities plan that identifies facility and capacity needs.

**Recommendation 1.2, Not Adopted** — Require TDCJ to develop a phased plan to close facilities with persistent staffing challenges.

**Recommendation 1.3, Adopted** — Eliminate the requirement for TDCJ to maintain state jails in nine regions from statute.

**Recommendation 1.4, Adopted** — Eliminate unit maximum capacities from statute.

### ISSUE 2 — TDCJ's Policies and Practices Contribute to and Inadequately Address Its Staffing Crisis

**Recommendation 2.1, Adopted** — Direct TDCJ to consolidate and expand its existing workforce retention and support functions under one department to better support employees and systematically identify root causes of turnover. (Management action – nonstatutory)

**Recommendation 2.2, Adopted** — Direct TDCJ to conduct job task analyses for key roles, clarify task prioritization, and tailor evaluations, hiring objectives, and training materials as needed. (Management action – nonstatutory)

**Recommendation 2.3, Adopted** — Direct TDCJ to provide additional guidance in policy on appropriate use of disciplinary and corrective actions for both subordinates and supervisors. (Management action – nonstatutory)

**Recommendation 2.4, Adopted** — Direct TDCJ to clarify and streamline its process for employees to file formal workplace issues and consider creating an avenue for anonymous complaints. (Management action – nonstatutory)

**Recommendation 2.5, Adopted** — Direct TDCJ to revise and expand the scope of its performance evaluation process. (Management action – nonstatutory)

**Recommendation 2.6, Adopted** — Direct TDCJ to strengthen policies and processes for employees to seek out, participate in, and track trainings as a path to advancement within the agency. (Management action – nonstatutory)

**Recommendation 2.7, Adopted** — Direct TDCJ to update and standardize its telework policy. (Management action – nonstatutory)

**Recommendation 2.8, Adopted** — Direct TDCJ to more consistently collect and analyze feedback from both current and separating staff. (Management action – nonstatutory)

### **ISSUE 3 — Uncoordinated Strategic Planning and Outdated Data Systems and Practices Hinder TDCJ from Effectively Modernizing to Address Technology and Staffing Challenges.**

**Recommendation 3.1, Adopted** — Direct TDCJ to establish an office of modernization and strategic initiatives. (Management action – nonstatutory)

**Recommendation 3.2, Adopted** — Direct TDCJ to develop a plan to prioritize improving its data collection and analysis, focusing on correctional and parole functions. (Management action – nonstatutory)

**Recommendation 3.3, Adopted** — Direct TDCJ to establish and maintain a report that enables users to view an array of indicators on prison health and safety. Additionally, this management action will include the following other components:

- Direct TDCJ to track and report key metrics and performance indicators related to transferring inmates from county jails to TDCJ facilities and certifying commitment documents. As part of this management action, TDCJ will track information on the number of and reasons why “pen packets” require corrective actions. TDCJ will also track the number of days it takes to review packets for certification and report on instances the agency goes beyond the statutorily required five days to certify the packets or request corrective action. TDCJ will regularly report this information on the public-facing dashboard, including its average intake time in days and time it takes counties to correct, and advise counties how to submit packets successfully.
- Direct TDCJ to include as part of the agency’s public-facing dashboard health and safety indicator information regarding the immigration status and other related statistical information of incarcerated individuals in TDCJ custody.



- Direct TDCJ to include statistical information regarding parolees in the information that the agency will publish and develop a public-facing dashboard for. This information will include any data regarding subsequent arrests, revocations, and dually supervised individuals who are on probation and parole. This information also will include statistical and general data relating to parole and mandatory supervision, including the names of releasees and data recorded relating to parole and mandatory supervision services, as contemplated in Section 508.313(b) of the Texas Government Code. (Management action – nonstatutory)

**Recommendation 3.4, Adopted** — Direct TDCJ to establish administrative directives for the data governance program plan established by the Data Management Office. (Management Action – nonstatutory)

**Recommendation 3.5, Adopted** — Direct TDCJ to develop a written plan to phase out paper-based processes, reduce manual data processes, and identify opportunities for automation. As part of its planning to implement this management action direct TDCJ to include considerations necessary to make additional common processes and information available on inmate tablets:

- Information necessary to understand the status of and decisions around custody level classification, including promotion to G1 custody level or trusty status.
- Information related to an inmate’s institutional record that could impact a parole outcome, including the inmate’s disciplinary record and progress towards completing an individual treatment plan (ITP), as applicable.
- Parole status letters. (Management action – nonstatutory)

**Recommendation 3.6, Adopted** — Direct TDCJ to evaluate its process for reviewing external research requests. Additionally, TDCJ, along with the Windham School District, will explore data-sharing agreements with any Education Research Center established under Section 1.005 of the Texas Education Code. (Management action – nonstatutory)

## ISSUE 4 — The State Lacks Sufficient Oversight and Strategic Planning for Inmate Rehabilitation Programs.

**Recommendation 4.1, Adopted as Modified** — Require TDCJ to comprehensively inventory rehabilitation and reentry programs, conduct biennial program evaluations, and recommend changes to programs when needed.

**Recommendation 4.2, Adopted as Modified** — Require TDCJ to develop a strategic plan for rehabilitation and reentry programs in conjunction with Windham and report on implementation status biennially.

**Recommendation 4.3, Adopted** — Require TDCJ to track parole-voted program voting data and use these data to inform strategic program planning.

**Recommendation 4.4, Adopted** — Require TDCJ to prioritize parole-voted program decisions.

**Recommendation 4.5, Adopted** — Require TDCJ, BPP, and Windham to collaborate in developing evidence-based ITP and parole-voted program criteria and to develop and maintain associated program lists.

**Recommendation 4.6, Adopted** — Require TDCJ to revise the ITP to include a comprehensive, plain language list of program participation information with clear distinctions between evidence-based and non-evidence-based program participation.

**Recommendation 4.7, Adopted** — Remove volunteer and faith-based program reporting requirement for wardens.

**Recommendation 4.8, Adopted as Modified** — Require TDCJ staff to report on volunteer and faith-based program data and ensure volunteer and faith-based programming needs are met at each facility.

**Recommendation 4.9, Adopted** — Direct TDCJ to merge the Rehabilitation Programs Division and the Reentry and Integration Division. (Management action – nonstatutory)

**Recommendation 4.10, Adopted** — Direct BPP to make parole-voted program decisions independent of TDCJ program placement practices. (Management action – nonstatutory)

**Recommendation 4.11, Adopted** — Direct TDCJ to develop volunteer program assessment criteria and regular monitoring and assessment policies to ensure sufficient volunteer program oversight and strategic use of volunteer resources. (Management action – nonstatutory)

**Recommendation 4.12, Adopted as Modified** — Modify language in the General Appropriations Act to direct TDCJ to transfer administration and management of postsecondary correctional education to Windham through a memorandum of understanding. Additionally, this provision allows for the use of funds for additional purposes. This change specifies Windham may use funds for costs of attendance including tuition, books, course materials, and fees, and for other direct costs that benefit students' postsecondary education such as information technology, program startups, and program enhancements. (Change in appropriation)

## **ISSUE 5 — Critical Statutory and Structural Deficiencies Strain an Already Overextended Parole System, Creating Unnecessary Barriers to Effective Supervision.**

**Recommendation 5.1, Adopted** — Abolish the PO salary career ladder and require TDCJ to establish it in rule.

**Recommendation 5.2, Adopted as Modified** — Abolish statutory maximum parole caseload ratios and require TDCJ to establish them in rule.

**Recommendation 5.3, Not Adopted** — Require TDCJ and BPP to evaluate post-release special conditions that may be temporarily modified by POs and require TDCJ and BPP to establish corresponding modification processes in rule.

**Recommendation 5.4, Not Adopted** — Prohibit the Parole Division from making recommendations of additional special conditions prior to release.

**Recommendation 5.5, Adopted** — Direct the Parole Division to report supervision trends and workload impacts of supervision conditions to BPP annually. (Management action – nonstatutory)

## ISSUE 6 — BPP Does Not Ensure Its Decision-Making Processes are Fair, Consistent, Transparent, and Data-Informed.

**Recommendation 6.1, Adopted as Modified** — Require BPP to collect and analyze data for release decisions, special conditions, and revocations and incorporate the findings into training for voters and staff.

**Recommendation 6.2, Adopted** — Require BPP to provide training for Medically Recommended Intensive Supervision (MRIS) process voters.

**Recommendation 6.3, Adopted** — Require BPP to establish a process in rule for assessments of an inmate's prognosis for MRIS cases. Additionally, this provision specifies that if an inmate qualifies for MRIS due to medical factors, one or more health care practitioners will conduct a review and provide MRIS voters a written report on the inmate's condition and medical evaluation that specifically describes how the inmate's illnesses and treatments will affect their cognitive and physical abilities and limitations.

**Recommendation 6.4, Adopted** — Require BPP to establish in rule the factors considered in MRIS decisions.

**Recommendation 6.5, Adopted** — Require BPP and TDCJ's Parole Division to create a special conditions working group consisting of voters and Parole Division staff representatives.

**Recommendation 6.6, Adopted** — Direct BPP to develop formal and detailed internal processes to address variations from parole guidelines. (Management action – nonstatutory)

**Recommendation 6.7, Adopted** — Direct the agency to review its Institutional Parole Officer (IPO) interview procedures and take action to increase effectiveness and consistency. As part of this management action, should BPP decide interviews continue to be necessary, the agency will create a baseline list of standard questions to build from instead of scripted questions, work with TDCJ to make the standardized list of interview questions available to inmates and the public in its Parole in Texas report, and publish the questions to inmate tablets through the "FYI" application and in prison libraries. As part of this management action, BPP should work with TDCJ to review the information provided to the public and inmates regarding the parole and clemency processes and ensure it is clear and accessible. (Management action – nonstatutory)

**Recommendation 6.8, Adopted** — Direct the agency to review its case summary preparation processes and take action to address inefficiencies. (Management action – nonstatutory)

**Recommendation 6.9, Adopted** — Direct BPP to work with the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) to establish a method to videoconference with an inmate who qualifies for MRIS due to a medical condition. (Management action – nonstatutory)

**Recommendation 6.10, Adopted** — Direct BPP to identify and address barriers to completing noncapital clemency applications and post relevant guidance on its website. (Management action – nonstatutory)

## ISSUE 7 — The State Has a Continuing Need for the Texas Department of Criminal Justice.

**Recommendation 7.1, Adopted** — Continue the Texas Department of Criminal Justice and Texas Board of Criminal Justice for 12 years.

**Recommendation 7.2, Adopted** — Direct TDCJ to eliminate the Private Facility Contract Monitoring and Oversight Division and reallocate existing resources elsewhere within the agency. (Management action – nonstatutory)

## ISSUE 8 — Texas Criminal Justice Entities’ Statutes and Processes Do Not Reflect Some Standard Elements of Sunset Reviews.

**Recommendation 8.1, Adopted** — Update for the committee the standard across-the-board requirement regarding grounds for removal of a board member.

**Recommendation 8.2, Adopted** — Update for TDCJ, BPP, and the committee the standard across-the-board requirement related to board member training.

**Recommendation 8.3, Adopted** — Update for BPP the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public.

**Recommendation 8.4, Adopted** — Abolish three of TDCJ’s reports, adjust the deadlines for three others, and continue all other reporting requirements for TDCJ, the committee, Windham, and BPP.

**Recommendation 8.5, Adopted** — Continue the Judicial Advisory Council and the TCOOMMI advisory committee.

**Recommendation 8.6, Adopted** — Remove the Advisory Committee on Agriculture from statute.

**Recommendation 8.7, Adopted** — Update TDCJ’s statute to reflect the requirements of the person-first respectful language initiative.

**Recommendation 8.8, Adopted** — Direct Windham to adopt a rule review plan. (Management action – nonstatutory)

## NEW ISSUES ADDED BY THE SUNSET COMMISSION

**Annual Training For Counties, Adopted** — Require TDCJ to provide annual trainings to counties on how to submit commitment documents, known as “pen packets.”

**Expedited Training For Correctional Officers, Adopted** — Direct TDCJ to explore expedited training pathways for qualified correctional officer (CO) candidates, including former COs, COs from other states, members of the military, and law enforcement personnel. As part of this management action, TDCJ should establish an expedited training curriculum, rather than the normal six weeks, for qualified candidates as defined by the agency. (Management action – nonstatutory)

### Postsecondary Education, Adopted

- Update Chapter 19 of the Texas Education Code with the following two changes:
  - Reflect education practitioner norms by updating terminology, including replacing “inmate” with “student,” “vocational training” with “career and technical education,” “GED” with “high school equivalency program,” and “ESL” with “English as a second language program.”
  - Facilitate Windham’s new role of overseeing postsecondary education by authorizing data sharing with other agencies and regulatory entities.

- Direct Windham School District to explore Texas State Technical College (TSTC) and community college partnerships generally. This management action directs the district to consider partnership opportunities between Windham and TSTC, and any other community colleges as applicable, to expand postsecondary career and technical education (CTE) at locations experiencing CTE program shortages due to instructor staffing or availability of specific high-demand programs. (Management action – nonstatutory)

**Texas Board of Criminal Justice Experience Requirements, Adopted** — Require that at least two members of the Texas Board of Criminal Justice board possess significant business or corporate experience.

## Provisions Added by the Legislature

**Assaults by Staff** — Require TDCJ’s executive director to refer all assaults on inmates by TDCJ staff to law enforcement.

**Compensatory Time** — Require TDCJ to credit employees’ unused compensatory time as vacation leave.

**Complaint Notice** — Require TDCJ to provide a notice, instead of a written copy, of the department’s policies and procedures relating to complaint investigation and resolution.

**Criminal Justice Policy Council** — Remove the defunct Criminal Justice Policy Council from statute and require the State Auditor’s Office instead of the council to examine records and operations of the criminal justice system every five years.

**MRIS Statute Improvements** — Streamline the statute, authorize BPP to expand medical eligibility by rule, and update the composition of panels.

**Nonsubstantive Statutory Changes** — Update statute related to the TDCJ board’s duties and the board-reporting entities, including the Office of the Independent Auditor, Office of the Independent Ombudsman, and Office of the Inspector General. Additionally, update outdated agency, division, and office name references and terms and align statute with TDCJ’s existing organizational structure and operations.

**Parole Staff Qualifications** — Authorize TDCJ to establish a process to waive parole staff qualifications.

**Postsecondary Higher Education** — Codify part of TDCJ’s General Appropriations Act Rider 26, which as updated from a Sunset recommendation specifies that Windham administers postsecondary education, by requiring releasees to repay postsecondary tuition and fees. Additionally, establish a Postsecondary Education Advisory Board to advise Windham and TDCJ regarding postsecondary education programs. Additionally, require Windham to evaluate postsecondary education programs, require Windham to disaggregate reported evaluation results by sex, and require the report to include information about students who complete training in a regulated industry who were denied industry licensure.

**Prison Maximum Capacity** — Update the process for TDCJ to increase prison facility maximum capacities, including removing the governor and attorney general from the review process when TDCJ updates capacity. Additionally, authorize TDCJ’s board, instead of the attorney general, to allow TDCJ to exceed 100 percent of unit capacity in certain situations.

**Reporting Requirement Changes** — Clarify requirements of and move due dates for some required reports from September 1, 2026, to December 1, 2026, including the initial long-term facilities plan.

## Fiscal Implication Summary

Overall, the Sunset review of TDCJ will result in \$1,469,752 savings over two fiscal years and \$151,008,000 savings over five fiscal years. The Sunset Commission’s management actions will result in savings to General Revenue of about \$734,876 annually, and starting in fiscal year 2028, savings of about \$49,111,430 annually to TDCJ if the agency successfully implements the provisions in SB 2405. Otherwise, though several management actions and bill provisions will not have a significant fiscal impact to the state, some will result in costs and savings that will depend on implementation and cannot be determined at this time.

SB 2405 requires TDCJ to reduce rehabilitation program placement timelines by 50 percent and eliminate program placement delays starting September 1, 2027. Based on Sunset staff’s calculations using agency-provided data, successfully implementing this bill provision will likely result in a total savings of \$147,334,290 by the end of fiscal year 2030. Savings associated with this could be returned to General Revenue or appropriated back to the agency for other functions beginning in fiscal year 2028.

The management action adopted by the Sunset Commission to merge the Rehabilitation Programs Division and the Reentry and Integration Division will result in a small cost savings to the state of about \$202,213 in salary and benefits for each of the next five fiscal years and the reduction of at least one full-time equivalent employee.

The management action adopted by the Sunset Commission to eliminate the Private Facility Contract Monitoring and Oversight Division will result in a small cost savings of about \$532,663 in salary and benefits for each of the next five fiscal years and a reduction of three full-time equivalent employees.

### Texas Department of Criminal Justice

Fiscal Year	Savings to the General Revenue Fund	Savings to TDCJ from Reduction in Parole Voted Placement Times	Savings to TDCJ from Elimination of Program Placement Delays	Change in FTEs From 2023
2026	\$734,876	\$0	\$0	-4
2027	\$734,876	\$0	\$0	-4
2028	\$734,876	\$29,540,544	\$19,570,886	-4
2029	\$734,876	\$29,540,544	\$19,570,886	-4
2030	\$734,876	\$29,540,544	\$19,570,886	-4

# SUNSET COMMISSION DECISIONS

## Summary

The following material summarizes the Sunset Commission's decisions on the staff recommendations for the Texas Criminal Justice Entities, as well as modifications and new recommendations developed in response to testimony at the public hearing.

The Texas Department of Criminal Justice (TDCJ) and the other adult criminal justice entities subject to this Sunset review — the Board of Pardons and Paroles (BPP), Windham School District, and Correctional Managed Health Care Committee — are once again at a critical point. This review occurred in the context of these entities confronting serious challenges in executing their mission to safely confine, supervise, and provide services for adults convicted of certain crimes in Texas, and the Sunset Commission's recommendations would help TDCJ and its counterparts prevent current problems from becoming unmanageable, widespread crises in the coming years.

While the sheer size and complexity of Texas' sprawling prison system is unique, TDCJ faces the same national trend as its peers in other states — hiring people to work in corrections is difficult. The uncomfortable reality is some of Texas' prisons are located in places where hiring sufficient correctional staff is nearly impossible, so the commission determined TDCJ must concurrently plan for the future to locate or expand facilities in places where the agency can adequately staff them while also greatly improving internal human resources functions and processes to retain existing staff.

The Sunset Commission also found TDCJ to be in significant need of modernization. Without better strategic planning and data practices, the agency will continue to reactively lurch from emergency to emergency. Additionally, TDCJ's approach to rehabilitation programs, many of which inform BPP's determination of the potential for an inmate to safely reenter the community, suffer from deficiencies that undermine the Legislature's significant investment in these programs. To overcome these deficiencies, the commission recommends requiring enhanced rehabilitation planning and evaluation to better ensure beneficial program outcomes.

The Sunset Commission also took a close look at the parole system — both the processes by which BPP decides whether to grant early release to eligible inmates and the processes by which TDCJ's parole officers supervise releasees. Sunset focused on improved fairness, consistency, and transparency of BPP's decision-making processes and also found the need for more efficient TDCJ parole processes to ease burdens on the often underappreciated parole staff who serve a critical public safety role in Texas' communities.

Despite finding considerable areas for improvement across the criminal justice entities under review, Sunset determined that Texas continues to benefit from TDCJ's oversight and management of a system in which a single state agency supports probation and directly provides incarceration and parole supervision. Accordingly, the commission recommends continuing TDCJ for 12 years and aligning its Sunset review to coincide with that of the other criminal justice entities.

## ISSUE 1

### A Changing Workforce and Inmate Population Make Multiple TDCJ Facilities Almost Impossible to Adequately Staff.

**Recommendation 1.1, Adopted as Modified** — Require TDCJ to create a long-term facilities and staffing plan that identifies future needs and makes recommendations to organize resources and capacity accordingly. Additionally, require TDCJ to include as part of the long-term facilities and staffing plan a phased plan to close facilities with persistent staffing challenges. This inclusion would merge the planning from Recommendation 1.2 to close facilities with persistent staffing challenges into the overall long-term planning in Recommendation 1.1. All other requirements and considerations from Recommendation 1.2 would be included in Recommendation 1.1 as part of this recommendation.

**Recommendation 1.2, Not Adopted** — Require TDCJ to develop a phased plan to close facilities with persistent staffing challenges.

**Recommendation 1.3, Adopted** — Eliminate the requirement for TDCJ to maintain state jails in nine regions from statute.

**Recommendation 1.4, Adopted** — Eliminate unit maximum capacities from statute.

## ISSUE 2

### TDCJ's Policies and Practices Contribute to and Inadequately Address Its Staffing Crisis.

**Recommendation 2.1, Adopted** — Direct TDCJ to consolidate and expand its existing workforce retention and support functions under one department to better support employees and systematically identify root causes of turnover. (Management action – nonstatutory)

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**Recommendation 2.8, Adopted** — Direct TDCJ to more consistently collect and analyze feedback from both current and separating staff. (Management action – nonstatutory)

## ISSUE 3

### Uncoordinated Strategic Planning and Outdated Data Systems and Practices Hinder TDCJ from Effectively Modernizing to Address Technology and Staffing Challenges.

**Recommendation 3.1, Adopted** — Direct TDCJ to establish an office of modernization and strategic initiatives. (Management action – nonstatutory)

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- Direct TDCJ to include as part of the agency’s public-facing dashboard health and safety indicator information regarding the immigration status and other related statistical information of incarcerated individuals in TDCJ custody.
- Direct TDCJ to include statistical information regarding parolees in the information that the agency will publish and develop a public-facing dashboard for as part of this recommendation. This information would include any data regarding subsequent arrests, revocations, and dually supervised individuals who are on probation and parole. This information also would include statistical and general data relating to parole and mandatory supervision, including the names of releasees and data recorded relating to parole and mandatory supervision services, as contemplated in Section 508.313(b) of the Texas Government Code. (Management action – nonstatutory)

**Recommendation 3.4, Adopted** — Direct TDCJ to establish administrative directives for the data governance program plan established by the Data Management Office. (Management Action – nonstatutory)

**Recommendation 3.5, Adopted as Modified** — Direct TDCJ to develop a written plan to phase out paper-based processes, reduce manual data processes, and identify opportunities for automation. As part of its planning to implement this recommendation, direct TDCJ to include considerations necessary to make additional common processes and information available on inmate tablets:

- Information necessary to understand the status of and decisions around custody level classification, including promotion to G1 custody level or trusty status.
- Information related to an inmate's institutional record that could impact a parole outcome, including the inmate's disciplinary record and progress towards completing an individual treatment plan (ITP), as applicable.
- Parole status letters. (Management action – nonstatutory)

**Recommendation 3.6, Adopted as Modified** — Direct TDCJ to evaluate its process for reviewing external research requests. Additionally, direct TDCJ, along with the Windham School District, to explore data sharing agreements with any Education Research Center established under Section 1.005 of the Texas Education Code. (Management action – nonstatutory)

## ISSUE 4

### The State Lacks Sufficient Oversight and Strategic Planning for Inmate Rehabilitation Programs.

**Recommendation 4.1, Adopted** — Require TDCJ to comprehensively inventory rehabilitation and reentry programs, conduct biennial program evaluations, and recommend changes to programs when needed.

**Recommendation 4.2, Adopted** — Require TDCJ to develop a strategic plan for rehabilitation and reentry programs in conjunction with Windham and report on implementation status biennially.

**Recommendation 4.3, Adopted** — Require TDCJ to track parole-voted program voting data and use these data to inform strategic program planning.

**Recommendation 4.4, Adopted** — Require TDCJ to prioritize parole-voted program decisions.

**Recommendation 4.5, Adopted** — Require TDCJ, BPP, and Windham to collaborate in developing evidence-based ITP and parole-voted program criteria and to develop and maintain associated program lists.

**Recommendation 4.6, Adopted** — Require TDCJ to revise the ITP to include a comprehensive, plain language list of program participation information with clear distinctions between evidence-based and non-evidence-based program participation.

**Recommendation 4.7, Adopted** — Remove volunteer and faith-based program reporting requirement for wardens.

**Recommendation 4.8, Adopted** — Require TDCJ staff responsible for rehabilitation and reentry programs and services to report on volunteer and faith-based program data and ensure volunteer and faith-based programming needs are met at each facility.

**Recommendation 4.9, Adopted** — Direct TDCJ to merge the Rehabilitation Programs Division and the Reentry and Integration Division. (Management action – nonstatutory)

**Recommendation 4.10, Adopted** — Direct BPP to make parole-voted program decisions independent of TDCJ program placement practices. (Management action – nonstatutory)

**Recommendation 4.11, Adopted** — Direct TDCJ to develop volunteer program assessment criteria and regular monitoring and assessment policies to ensure sufficient volunteer program oversight and strategic use of volunteer resources. (Management action – nonstatutory)

**Recommendation 4.12, Adopted as Modified** — Modify language in the General Appropriations Act to direct TDCJ to transfer administration and management of postsecondary correctional education to Windham through a memorandum of understanding. Additionally, this recommendation would express the will of the Sunset Commission that the Legislature consider allowing the use of funds for additional purposes. This change would specify Windham may use funds for costs of attendance including tuition, books, course materials, and fees, and for other direct costs that benefit students' postsecondary education such as information technology, program startups, and program enhancements. (Change in appropriation)

## ISSUE 5

### Critical Statutory and Structural Deficiencies Strain an Already Overextended Parole System, Creating Unnecessary Barriers to Effective Supervision.

**Recommendation 5.1, Adopted** — Abolish the PO salary career ladder and require TDCJ to establish it in rule.

**Recommendation 5.2, Adopted** — Abolish statutory maximum parole caseload ratios and require TDCJ to establish them in rule.

**Recommendation 5.3, Not Adopted** — Require TDCJ and BPP to evaluate post-release special conditions that may be temporarily modified by POs and require TDCJ and BPP to establish corresponding modification processes in rule.

**Recommendation 5.4, Adopted** — Prohibit the Parole Division from making recommendations of additional special conditions prior to release.

**Recommendation 5.5, Adopted** — Direct the Parole Division to report supervision trends and workload impacts of supervision conditions to BPP annually. (Management action – nonstatutory)

## ISSUE 6

### BPP Does Not Ensure Its Decision-Making Processes are Fair, Consistent, Transparent, and Data-Informed.

**Recommendation 6.1, Adopted** — Require BPP to report outcomes by panel for release decisions, special conditions, and revocations and incorporate the findings into training for voters and staff.

**Recommendation 6.2, Adopted** — Require BPP to provide training for MRIS voters.

**Recommendation 6.3, Adopted as Modified** — Require BPP to establish a process in rule for assessments of an inmate's prognosis for MRIS cases. Additionally, this recommendation would specify if an inmate qualifies for MRIS due to medical factors, one or more health care practitioners would conduct a review and provide MRIS voters a written report on the inmate's condition and medical evaluation that specifically describes how the inmate's illnesses and treatments will affect their cognitive and physical abilities and limitations.

**Recommendation 6.4, Adopted** — Require BPP to establish in rule the factors considered in MRIS decisions.

**Recommendation 6.5, Adopted** — Require BPP and TDCJ’s Parole Division to create a special conditions working group consisting of voters and Parole Division staff representatives.

**Recommendation 6.6, Adopted** — Direct BPP to develop formal and detailed internal processes to address variations from parole guidelines. (Management action – nonstatutory)

**Recommendation 6.7, Adopted as Modified** — Direct the agency to review its Institutional Parole Officer (IPO) interview procedures and take action to increase effectiveness and consistency. As part of this recommendation, should BPP decide interviews continue to be necessary, direct the agency to create a baseline list of standard questions to build from instead of scripted questions, work with TDCJ to make the standardized list of interview questions available to inmates and the public in its Parole in Texas report, and publish the questions to inmate tablets through the “FYI” application and in prison libraries. As part of this recommendation, also direct BPP to work with TDCJ to review the information provided to the public and inmates regarding the parole and clemency processes and ensure it is clear and accessible. (Management action – nonstatutory)

**Recommendation 6.8, Adopted** — Direct the agency to review its case summary preparation processes and take action to address inefficiencies. (Management action – nonstatutory)

**Recommendation 6.9, Adopted** — Direct BPP to work with TCOOMMI to establish a method to videoconference with an inmate who qualifies for MRIS due to a medical condition. (Management action – nonstatutory)

**Recommendation 6.10, Adopted** — Direct BPP to identify and address barriers to completing noncapital clemency applications and post relevant guidance on its website. (Management action – nonstatutory)

## ISSUE 7

### The State Has a Continuing Need for the Texas Department of Criminal Justice.

**Recommendation 7.1, Adopted** — Continue the Texas Department of Criminal Justice and Texas Board of Criminal Justice for 12 years.

**Recommendation 7.2, Adopted** — Direct TDCJ to eliminate the Private Facility Contract Monitoring and Oversight Division and reallocate existing resources elsewhere within the agency. (Management action – nonstatutory)

## ISSUE 8

### Texas Criminal Justice Entities’ Statutes and Processes Do Not Reflect Some Standard Elements of Sunset Reviews.

**Recommendation 8.1, Adopted** — Update for the committee the standard across-the-board requirement regarding grounds for removal of a board member.

**Recommendation 8.2, Adopted** — Update for TDCJ, BPP, and the committee the standard across-the-board requirement related to board member training.

**Recommendation 8.3, Adopted** — Update for BPP the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public.

**Recommendation 8.4, Adopted** — Abolish three of TDCJ’s reports, adjust the deadlines for three others, and continue all other reporting requirements for TDCJ, the committee, Windham, and BPP.

**Recommendation 8.5, Adopted** — Continue the Judicial Advisory Council and the TCOOMMI advisory committee.

**Recommendation 8.6, Adopted** — Remove the Advisory Committee on Agriculture from statute.

**Recommendation 8.7, Adopted** — Update TDCJ’s statute to reflect the requirements of the person-first respectful language initiative.

**Recommendation 8.8, Adopted** — Direct Windham to adopt a rule review plan. (Management action – nonstatutory)

## ADOPTED NEW RECOMMENDATIONS

### Annual Training For Counties

- Require TDCJ to provide annual trainings to counties on how to submit commitment documents, known as “pen packets.”

### Expedited Training For Correctional Officers

- Direct TDCJ to explore expedited training pathways for qualified correctional officer (CO) candidates, including former COs, COs from other states, members of the military, and law enforcement personnel. As part of this recommendation, TDCJ should establish an expedited training curriculum, rather than the normal six weeks, for qualified candidates as defined by the agency. (Management action – nonstatutory)

### Postsecondary Education

- Update Chapter 19 of the Texas Education Code with the following two changes:
  - Reflect education practitioner norms by updating terminology, including replacing “inmate” with “student,” “vocational training” with “career and technical education,” and “GED” with “high school equivalency certificate.”
  - Facilitate Windham’s new role of overseeing postsecondary education by authorizing data sharing with the Texas Higher Education Coordinating Board.
- Direct Windham School District to explore Texas State Technical College (TSTC) and community college partnerships generally. This recommendation directs the district to consider partnership opportunities between Windham and TSTC, and any other community colleges as applicable, to expand postsecondary career and technical education (CTE) at locations experiencing CTE program shortages due to instructor staffing or availability of specific high-demand programs. (Management action – nonstatutory)

### Texas Board of Criminal Justice Experience Requirements

- Require that at least two members of the Texas Board of Criminal Justice board possess significant business or corporate experience.

## Fiscal Implication Summary

Overall, the Sunset Commission’s recommendations would result in savings to General Revenue of about \$734,876 annually, and starting in fiscal year 2028, savings of about \$49,111,430 annually to TDCJ. Otherwise, though several recommendations would not have a significant fiscal impact to the state, some would result in costs and savings that will depend on implementation and cannot be determined at this time.

The recommendation to require TDCJ to reduce program placement timelines by 50 percent and eliminate program placement delays starting September 1, 2027, would result in a total savings of \$147,334,290 by the end of fiscal year 2030. Savings associated with this recommendation could be returned to General Revenue or appropriated back to the agency for other functions beginning in fiscal year 2028. The recommendation to merge the Rehabilitation Programs Division and the Reentry and Integration Division would result in a small cost savings to the state of about \$202,213 in salary and benefits for each of the next five fiscal years and the reduction of at least one full-time equivalent employee.

The recommendation to eliminate the Private Facility Contract Monitoring and Oversight Division would result in a small cost savings of about \$532,663 in salary and benefits for each of the next five fiscal years and a reduction of three full-time equivalent employees.

### Texas Department of Criminal Justice

Fiscal Year	Savings to the General Revenue Fund	Savings to TDCJ from Reduction in Parole Voted Placement Times	Savings to TDCJ from Elimination of Program Placement Delays	Change in FTEs from 2023
2026	\$734,876	\$0	\$0	-4
2027	\$734,876	\$0	\$0	-4
2028	\$734,876	\$29,540,544	\$19,570,886	-4
2029	\$734,876	\$29,540,544	\$19,570,886	-4
2030	\$734,876	\$29,540,544	\$19,570,886	-4

# SUMMARY OF SUNSET STAFF REPORT

As the criminal justice system works through the final lingering effects of the COVID-19 pandemic on court backlogs, the Texas Department of Criminal Justice (TDCJ) along with the other adult criminal justice entities subject to this Sunset review — the Board of Pardons and Paroles (BPP), Windham School District, and Correctional Managed Health Care Committee — are once again at a critical point. This Sunset review occurred in the context of both TDCJ's systemwide prison lockdown due to unprecedented levels of contraband and violence and inmate population projections that exceed TDCJ's operational capacity, raising basic questions about TDCJ's ability to handle its current and future realities. The state's criminal justice entities are confronting serious challenges in executing their mission to safely confine, supervise, and provide services for adults convicted of certain crimes in Texas. This Sunset review therefore seeks to best position TDCJ and its counterparts so that they are able to prevent current problems from becoming unmanageable, widespread crises in the coming years.

While the sheer size and complexity of Texas' sprawling prison system is unique, TDCJ faces the same national trend as its peers in other states — hiring people to work in corrections is difficult. The Legislature and TDCJ have long recognized correctional officers, who play a vital frontline role overseeing incarcerated adults, as deserving of additional attention and resources for recruitment and retention. Yet the uncomfortable reality the Sunset review found is some of Texas' prisons are located in places where hiring sufficient correctional staff is nearly impossible. As that reality is unlikely to change, TDCJ is forced to spend significantly on transporting staff around the state and maintaining facilities that hold thousands of vacant, unusable beds. Furthermore, while difficulty hiring correctional staff isn't unique to this state, the agency has not done enough to mitigate this problem. Serious and systemic deficiencies in human resources functions, which form the backbone of effective agency operations, contribute to agencywide hiring and retention problems, with more than half of TDCJ divisions at a vacancy rate of at least 20 percent in fiscal year 2023. This staffing crisis extends to parole officers who supervise releasees in Texas communities and several other critical divisions. Ultimately, the Sunset review found TDCJ must concurrently plan for the future to locate or expand facilities in places where the agency can adequately staff them while also greatly improving internal human resources functions and processes to retain existing staff.

The Sunset review also found TDCJ to be in significant need of modernization, as decades-old technology and paper-based and manual processes limit the agency's ability to effectively and efficiently leverage its \$3.9 billion annual budget. But the lack of modernization is not limited to technology. Without better strategic planning and data practices, the agency will continue to reactively lurch from emergency to emergency. Additionally, TDCJ's approach

Sunset seeks to position TDCJ to be able to prevent problems from becoming widespread crises.

to rehabilitation programs, many of which inform BPP's determination of the potential for an inmate to safely reenter the community, suffer from deficiencies that undermine the Legislature's significant investment in these programs. To overcome these deficiencies, this review recommends requiring enhanced rehabilitation planning and evaluation to better ensure beneficial program outcomes rather than simply encouraging participation regardless of efficacy.

This Sunset review also took a close look at the parole system — both the processes by which BPP decides whether to grant early release to eligible inmates and the processes by which TDCJ's parole officers supervise releasees. Given the high stakes of inmates reentering the community and the discretionary nature of making such decisions, BPP voters understandably take a cautious approach. As it has in previous reviews of BPP, Sunset focused on improved fairness, consistency, and transparency of BPP's decision-making processes. Separately, the review also found the need for more efficient TDCJ parole processes to ease burdens on the often underappreciated parole staff who serve a critical public safety role in Texas' communities.

This review did not have findings or recommendations in two key areas: probation and correctional health care. TDCJ's role in probation is limited to maintaining standards for and providing funding to local Community Supervision and Corrections Departments (CSCDs). Overall, Sunset staff found TDCJ adequately performs this function, and many ideas for changes to probation largely amounted to calls for increased funding. To this end, TDCJ has requested through its 2026-27 Legislative Appropriations Request additional funding to support both CSCD staff salaries and supervision activities. Additionally, this review found the Correctional Managed Health Care Committee's role, which primarily is to develop a statewide managed healthcare plan, to be functioning adequately. TDCJ works effectively with its contracted partners at the Texas Tech University Health Sciences Center and University of Texas Medical Branch to deliver healthcare services as the Legislature intended.

Despite finding considerable areas for improvement across the criminal justice entities under review, Sunset staff determined that Texas continues to benefit from TDCJ's oversight and management of a system in which a single state agency supports probation and directly provides incarceration and parole supervision. Accordingly, Sunset staff recommends continuing TDCJ for 12 years and aligning its Sunset review to coincide with that of the other criminal justice entities.

The following material highlights Sunset staff's key recommendations for the Texas Department of Criminal Justice, Board of Pardons and Paroles, Windham School District, and Correctional Managed Health Care Committee.

## **Sunset Staff Issues and Recommendations**

### **ISSUE 1**

#### **A Changing Workforce and Inmate Population Make Multiple TDCJ Facilities Almost Impossible to Adequately Staff.**

TDCJ is forced to rely on inefficient and costly staffing models and policies just to maintain operations at its facilities due to staffing shortages. In the last five years, these staffing shortages have reduced TDCJ's number of usable beds by the thousands, resulting in TDCJ idling buildings and entire facilities. At the same time, the number of inmates with special needs is increasing, and the latest inmate population



projections indicate the total inmate population will soon outgrow the agency's bed capacity. Given these challenges, the state needs new planning processes to continue to safely and sustainably house its inmates.

### **Key Recommendations**

- Require TDCJ to create a long-term facilities and staffing plan that identifies future needs and makes recommendations to organize resources and capacity accordingly.
- Require TDCJ to develop a phased plan to close facilities with persistent staffing challenges.

## **ISSUE 2**

### **TDCJ's Policies and Practices Contribute to and Inadequately Address Its Staffing Crisis.**

High vacancy and turnover rates persist across many TDCJ divisions and have a significant operational impact on the agency despite efforts the agency and state leaders have made to address these problems. The resulting staffing crisis is extremely costly to the state, diminishes public safety and safety within correctional facilities, and severely strains staff who are expected to fill in operational gaps left by vacancies. At the same time, poor accountability for supervisors has enabled a persistent agency culture problem that exacerbates the difficult working conditions TDCJ employees face. Furthermore, TDCJ provides inadequate services to support staff, particularly in the areas of workplace issue resolution, performance evaluations, and clear paths for professional advancement within the agency.

### **Key Recommendations**

- Direct TDCJ to consolidate and expand its existing workforce retention and support functions under one department to better support employees and systematically identify root causes of turnover.
- Direct TDCJ to conduct job task analyses for key roles, clarify task prioritization, and tailor evaluations, hiring objectives, and training materials as needed.
- Direct TDCJ to provide additional guidance in policy on the appropriate use of disciplinary and corrective actions for both subordinates and supervisors.
- Direct TDCJ to revise and expand the scope of its performance evaluation process.
- Direct TDCJ to strengthen policies and processes for employees to seek out, participate in, and track trainings as a path to advancement within the agency.

## **ISSUE 3**

### **Uncoordinated Strategic Planning and Outdated Data Systems and Practices Hinder TDCJ from Effectively Modernizing to Address Technology and Staffing Challenges.**

TDCJ is in significant need of targeted strategic planning and modernization, but a reactive and unfocused approach to modernization has resulted in incomplete reforms. Furthermore, TDCJ's existing data

systems and practices are siloed, inefficient, and too frequently paper-based, which requires manual data entry, resulting in gaps and errors in data as well as wasted valuable staff time. Establishing a systematic accounting of the agency's modernization needs, improving coordination between the agency's divisions leading modernization initiatives, and standardizing a prioritization process for such efforts would position the agency to be better prepared to respond to its current and future challenges.

### **Key Recommendations**

- Direct TDCJ to establish an office of modernization and strategic initiatives.
- Direct TDCJ to establish and maintain a report that enables users to view an array of indicators on prison health and safety.
- Direct TDCJ to develop a written plan to phase out paper-based processes, reduce manual data processes, and identify opportunities for automation.
- Direct TDCJ to establish administrative directives for the data governance program plan established by the Data Management Office.

## **ISSUE 4**

### **The State Lacks Sufficient Oversight and Strategic Planning for Inmate Rehabilitation Programs.**

Limited program oversight and evaluation, paired with a lack of strategic planning, create potential public safety risks and costly program placement timelines. TDCJ does not maintain a comprehensive inventory of its rehabilitation programs and reported a varying number of them throughout the Sunset review. TDCJ also does not evaluate the majority of its rehabilitation programs, preventing the agency from sufficiently determining which programs are effective. Moreover, the lack of systemwide strategic planning and oversight around programming creates lengthy program placement timelines for parole-contingent programs, and the agency's divisional structure around these programs is inefficient. These placement times limit rehabilitation opportunities prior to release and unduly extend parole-voted release timelines, costing the state millions of dollars annually by having TDCJ continue to house, feed, and provide health care to individuals who would otherwise be released.

### **Key Recommendations**

- Require TDCJ to comprehensively inventory rehabilitation and reentry programs, conduct biennial program evaluations, and recommend changes to programs when needed.
- Require TDCJ to develop a strategic plan for rehabilitation and reentry programs in conjunction with Windham and report on implementation status biennially.
- Require TDCJ to track parole-voted program voting data and use this data to inform strategic program planning.
- Direct TDCJ to merge the Rehabilitation Programs Division and the Reentry and Integration Division.

## ISSUE 5

### Critical Statutory and Structural Deficiencies Strain an Already Overextended Parole System, Creating Unnecessary Barriers to Effective Supervision.

In recent years, parole officer (PO) vacancy rates have jumped to 21 percent, an outcome POs primarily attribute to low pay, unmanageable caseloads, and agency cultural issues. While TDCJ has prioritized PO pay increases in its 2026-27 Legislative Appropriations Request, other statutory and structural factors limit the agency's ability to improve PO staffing conditions without resorting to risky supervision practices such as hybrid virtual supervision of high-risk releasees. In partnership with BPP and relevant stakeholders, TDCJ needs greater flexibility to adjust its PO salary career ladder, caseload structure, and supervision conditions to meet the challenges of a changing workforce and projected increases in the supervised population in the coming years.

#### Key Recommendations

- Abolish the PO salary career ladder and require TDCJ to establish it in rule.
- Abolish statutory maximum parole caseload ratios and require TDCJ to establish them in rule.
- Require TDCJ and BPP to evaluate post-release special conditions that may be temporarily modified by POs, and require TDCJ and BPP to establish corresponding modification processes in rule.
- Direct the Parole Division to report supervision trends and workload impacts of supervision conditions to BPP annually.

## ISSUE 6

### BPP Does Not Ensure Its Decision-Making Processes are Fair, Consistent, Transparent, and Data-Informed.

BPP's main responsibilities are to make release and release revocation decisions, impose conditions on releasees, and make clemency recommendations. While discretion is inherent to these decisions, partial noncompliance with statute governing parole guidelines poses a potential risk to public safety, increases costs for the state, and raises questions about inconsistent outcomes across regions. The agency also could better collect and analyze data to inform its own processes, ensuring parole voters have the information necessary to best make decisions about which inmates are well suited to release. Finally, the review found several areas for improvement in the agency's Medically Recommended Intensive Supervision (MRIS) process.

#### Key Recommendations

- Require BPP to report outcomes by panel for release decisions, special conditions, and revocations and incorporate the findings into training for voters and staff.
- Require BPP to provide training for MRIS voters and to establish in rule the factors considered in MRIS decisions.
- Direct the agency to review its Institutional Parole Officer interview procedures and take action to increase effectiveness and consistency.

## ISSUE 7

### The State Has a Continuing Need for the Texas Department of Criminal Justice.

Texas has a continuing need for TDCJ to protect the public's safety by incarcerating and supervising individuals convicted of certain crimes by the courts. Through its support of probation functions and direct administration of incarceration, rehabilitation, and parole functions, TDCJ continues to be the most appropriate agency to oversee Texas' adult criminal justice system. TDCJ and its counterparts at BPP, Windham, and the committee, all of which are subject to review but not abolishment through the Sunset act, all serve a vital public safety role. Sunset staff found considerable problems and areas for improvement across TDCJ but no reason to deviate from a standard 12-year continue recommendation. Sunset also recommends eliminating a division that is no longer necessary.

#### Key Recommendations

- Continue the Texas Department of Criminal Justice and Texas Board of Criminal Justice for 12 years.
- Direct TDCJ to eliminate the Private Facility Contract Monitoring and Oversight Division and reallocate existing resources elsewhere within the agency.

## ISSUE 8

### Texas Criminal Justice Entities' Statutes and Processes Do Not Reflect Some Standard Elements of Sunset Reviews.

Certain processes and statutory provisions of the criminal justice entities under review do not align with standard Sunset review elements derived from direction traditionally provided by the Sunset Commission, statutory requirements added by the Legislature to the criteria for review in the Sunset Act, or general law provisions imposed on state agencies. Specifically, this review identified changes needed to conform statutes for TDCJ, BPP, and the committee to standard Sunset language generally applied to all state agencies. The review also found changes needed to address statutorily required reports of the four entities and the need for TDCJ's advisory committees.

#### Key Recommendations

- Update for the committee the standard across-the-board requirement regarding grounds for removal of a board member.
- Update for TDCJ, BPP, and the committee the standard across-the-board requirement related to board member training.
- Update for BPP the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public.
- Abolish three of TDCJ's reports, adjust the deadlines for three others, and continue all other reporting requirements for TDCJ, the committee, Windham, and BPP.
- Continue the Judicial Advisory Council and TCOOMMI advisory committee and remove the Advisory Committee on Agriculture from statute.

## Fiscal Implication Summary

Overall, the recommendations in this report would result in savings to General Revenue of about \$734,876 annually, and starting in fiscal year 2028, savings of about \$49,111,430 annually to TDCJ. Otherwise, though several recommendations in this report would not have a significant fiscal impact to the state, some recommendations would result in costs and savings that will depend on implementation and cannot be determined at this time.

**Issue 4** – Based on the statutorily required program placement reduction goals described in Recommendation 4.2, TDCJ would be required to reduce program placement timelines by 50 percent and eliminate program placement delays starting September 1, 2027, which would result in a total savings of \$147,334,290 by the end of fiscal year 2030. Savings associated with this recommendation could be returned to General Revenue or appropriated back to the agency for other functions beginning in fiscal year 2028. Recommendation 4.9 to merge the Rehabilitation Programs Division and the Reentry and Integration Division would result in a small cost savings to the state of about \$202,213 in salary and benefits for each of the next five fiscal years and the reduction of at least one full-time equivalent employee.

**Issue 7** – Recommendation 7.2 to eliminate a division no longer necessary would result in a small cost savings of about \$532,663 in salary and benefits for each of the next five fiscal years and a reduction of three full-time equivalent employees.

### Texas Department of Criminal Justice

Fiscal Year	Savings to the General Revenue Fund	Savings to TDCJ from Reduction in Parole Voted Placement Times	Savings to TDCJ from Elimination of Program Placement Delays	Change in FTEs from 2023
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2030	\$734,876	\$29,540,544	\$19,570,886	-4



# TDCJ AT A GLANCE

Created in 1989 by consolidating Texas’ adult probation, incarceration, and parole supervision functions, the Texas Department of Criminal Justice (TDCJ) works with the Board of Pardons and Paroles (BPP), Windham School District, and the Correctional Managed Health Care Committee to confine, supervise, and provide services for adults convicted of certain crimes in Texas. To fulfill its mission, TDCJ performs the following key functions:

- Assists local Community Supervision and Corrections Departments (CSCDs) that supervise individuals on probation.
- Provides confinement, rehabilitation, and services for reintegration of inmates in state jails and prisons.
- Supervises individuals released from confinement to TDCJ supervision in the community.

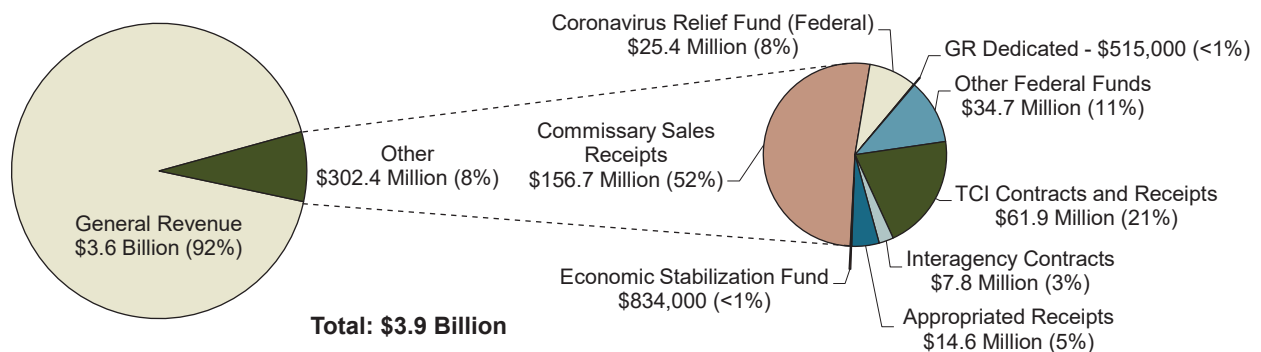
## Key Facts

- **Governance.** The Texas Board of Criminal Justice governs TDCJ’s operations and, in a separate capacity, serves as the Board of Trustees for Windham. The governor appoints TDCJ’s nine-member board with the advice and consent of the Senate and designates the board chair.<sup>1</sup> Board members serve staggered, six-year terms.

Statute requires the board to employ and supervise an executive director.<sup>2</sup> Board policy makes the board responsible for appointing and overseeing the inspector general, director of the State Counsel for Offenders, director of Internal Audit, Prison Rape Elimination Act ombudsman, and independent ombudsman, all of whom directly report to the board.<sup>3</sup>

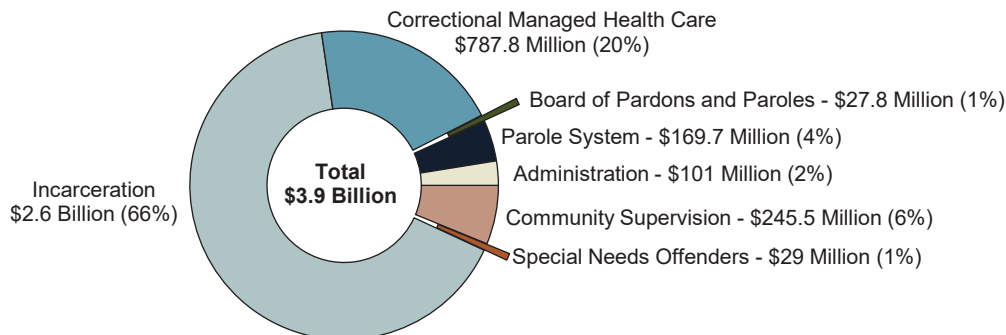
- **Funding.** As shown in the chart, in fiscal year 2023 TDCJ operated on a budget of about \$3.9 billion, mostly from general revenue. TDCJ also receives general revenue dedicated funds, federal grant funds, revenue from interagency contracts, revenue generated from the sale of agricultural products, and revenue generated from the sale of manufactured products through the agency’s Texas Correctional Industries (TCI) program.

**TDCJ Revenue - FY 2023**



TDCJ spent \$3.9 billion in fiscal year 2023, most of which was for incarceration and healthcare services. Although it is a separate state agency, BPP is funded through TDCJ's appropriations, as reflected in the *TDCJ Expenditures* chart.

### TDCJ Expenditures - FY 2023



Appendix A describes TDCJ's use of historically underutilized businesses in purchasing goods and services for fiscal years 2021 to 2023.

- **Staffing.** At the end of fiscal year 2023, TDCJ employed 31,179 staff, including 21,231 correctional staff, 17,361 of which were correctional officers.<sup>4</sup> Staff also works in offices in Huntsville and Austin, parole offices, and regional offices across the state. Appendix B compares the percentages of minorities and women in TDCJ's workforce to the statewide civilian labor force for the past three fiscal years.
- **Managed population.** At the end of fiscal year 2023, the agency oversaw 530,718 people — 326,005 probationers, 129,653 inmates, and 75,060 releasees.<sup>5</sup> TDCJ confines individuals convicted of first-, second-, and third-degree felonies in prisons and state jails and confines individuals convicted of state jail felonies in state jails.<sup>6</sup>
- **Facilities.** TDCJ uses 101 state correctional facilities, 100 of which it owns. The agency operates 93, and private contractors operate eight. Appendix C shows the 65 communities in which all correctional facilities are located. In addition to prisons and state jails, which are often referred to as "units," facility types include Substance Abuse Felony Punishment facilities, which confine qualified inmates and provide them with substance abuse treatment, and Intermediate Sanction Facilities, which confine low-risk releasees who have violated their release conditions. TDCJ locates and houses inmates based on offense, sentence length, healthcare needs, and a number of other factors.<sup>7</sup>
- **Community supervision.** Instead of prison confinement, a judge may sentence individuals convicted of certain crimes to community supervision, or "adult probation," which allows them to serve their sentences in the community. Texas has 122 CSCDs that supervise 326,005 probationers, including both felons and misdemeanants. Local district court and county court-at-law judges establish and oversee CSCDs. Community supervision officers perform all supervision duties, including meeting with probationers, developing supervision plans, and ensuring probationers comply with the terms of their supervision.

TDCJ's Community Justice Assistance Division (CJAD) provides state funding to CSCDs, develops supervision standards to which CSCDs must adhere, and monitors CSCDs' programs and budgets. In fiscal year 2023, CJAD disbursed about \$244 million in state funding to CSCDs and awarded additional grant funds to nonprofits for Battering Intervention and Prevention Programs. The Judicial Advisory Council advises CJAD and the board on community supervision issues.



- **Incarceration.** TDCJ confines inmates and works to safely maintain custody, provide basic necessities such as food and health care, and offer programs and services that support rehabilitation and prepare inmates for eventual release into the community.

Confinement and security. TDCJ's oversight begins once an inmate is transferred to a TDCJ facility from county jail. TDCJ intakes and assesses an average of 1,036 inmates from counties every week. The agency conducts an intake assessment to classify inmates and determine initial custody levels, housing assignments, and job placements. Over the course of an inmate's sentence, TDCJ may change an inmate's housing arrangement or transfer them to another facility based on security, health, or programming reasons as the inmate's needs change.

TDCJ staff may file disciplinary reports against inmates for violating agency policy. In fiscal year 2023, TDCJ held just over 182,000 disciplinary hearings. Sanctions from disciplinary hearings can range from lost or limited privileges to a change in custody level. Correctional officers may also use force when necessary to maintain order, in accordance with TDCJ's Behavioral Intervention Plan, formerly referred to as the Use of Force Plan. In fiscal year 2023, TDCJ reported about 11,000 uses of the Behavioral Intervention Plan. The Office of the Inspector General investigates all criminal allegations within or related to TDCJ facilities such as sexual assault. In fiscal year 2023, the inspector general investigated around 12,000 criminal cases.

Basic services. TDCJ provides inmates with basic necessities such as food and laundry services. About 40 percent of the food inmates consume is produced from the 111,000 acres of agricultural land TDCJ manages. Many inmates work at one of TDCJ's 36 prison-based factories, training programs, and warehouses, which produce and store goods for inmate use, such as clothing, towels, and mattresses, and goods for sale such as office furniture to other state and governmental entities and institutions of higher education in Texas. The agency also transports inmates who are reassigned to other units or for court appearances or medical appointments. In fiscal year 2023, TDCJ moved an average of 6,802 inmates within the system every week using its 2,520-vehicle fleet.

Health services. The agency contracts with the University of Texas Medical Branch (UTMB) and Texas Tech University Health Sciences Center to provide constitutionally required health care to inmates in units, in regional clinics and hospitals, and at UTMB's Hospital Galveston. TDCJ staff monitors the quality of and access to care provided to inmates through audits, investigations, and complaint and grievance resolution. The agency also coordinates medical and mental health services through the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). TCOOMMI assists in providing continuity of care services for inmates moving between probation, incarceration, release, and parole. TCOOMMI also coordinates the early medical release program, known as Medically Recommended Intensive Supervision, with BPP.

Inmate complaint resolution. Statute allows inmates to file grievances with TDCJ about any issue related to their incarceration.<sup>8</sup> The Office of the Independent Ombudsman investigates non-criminal, non-medical complaints from the public, government officials, and TDCJ inmates and acts as a centralized point of contact for outside inquiries about operations or inmate concerns.

Rehabilitation and reentry services. TDCJ operates rehabilitation programs, such as substance abuse and sex offender treatment, to reduce recidivism of inmates released from prison and prevent future victimization. Inmates who BPP places into a program as a condition of release receive priority placement in most programs. However, TDCJ offers several programs not connected with parole decisions, some of which are facilitated by agency chaplains or volunteers from the community.

TDCJ provides reentry services, such as assisting inmates with acquiring identification documents, prior to release. The agency also provides inmates with personalized information packets tailored to the area in which they will live, along with reentry case plans.

- **Release and parole supervision.** In fiscal year 2023, 12,888 individuals fully served their terms of incarceration and were released through flat discharge, primarily from one of TDCJ's 17 prisons that serve as release facilities, as well as from state jails and other facilities. In the same year, BPP voted to release 22,455 inmates on parole after considering a variety of factors, including completion of rehabilitation programming. The BPP Agency at a Glance provides more detail about early release and the parole decision-making process.

Once released to parole supervision, TDCJ supervises releasees for the remainder of their original sentence to ensure compliance with release terms and any special conditions of release that BPP imposed. In fiscal year 2023, TDCJ employed about 1,100 parole officers. Those managing only regular cases had an average caseload of 80 releasees while officers managing high-need cases had an average case load between 18 and 68. When releasees violate their terms of supervision or commit a new crime, parole officers may apply sanctions or initiate the parole revocation process. If sanctions do not result in compliance, the parole officer issues a warrant, commonly known as a “blue warrant,” for the releasee’s arrest, which sometimes results in a revocation hearing and decision from BPP.

- **Victim services.** TDCJ has dedicated staff that provide direct services to crime victims, including families, by issuing notifications of inmates status in the post-conviction phase and by providing support and information.<sup>9</sup> The agency also gives victims the opportunity to receive apology letters from inmates and to meet with the inmate responsible for their victimization.<sup>10</sup> In addition, this staff offers support services to TDCJ employees who have experienced stress or trauma.<sup>11</sup>

<sup>1</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 492.002, Texas Government Code.

<sup>2</sup> Section 492.013(b), Texas Government Code.

<sup>3</sup> Texas Department of Criminal Justice (TDCJ), “Inspector General Policy Statement,” Number BP-01.07 (rev. 8), June 24, 2022; TDCJ, “State Counsel for Offenders Policy Statement,” Number BP-13.69 (rev. 11), June 24, 2022; TDCJ, “Internal Audit Division Policy Statement,” Number BP-14.02 (rev. 12), June 24, 2022; TDCJ, “Prison Rape Elimination Act Ombudsman Policy Statement,” Number BP-02.09 (rev. 3), June 24, 2022; TDCJ, “Independent Ombudsman Policy Statement,” Number BP-01.08 (rev. 2), June 24, 2022.

<sup>4</sup> Legislative Budget Board, *TDCJ Monthly Correctional Population Report*, web page last modified April, 2024, accessed online May 21, 2024, [https://www.lbb.texas.gov/CJDA/\\_site/TDCJ.html](https://www.lbb.texas.gov/CJDA/_site/TDCJ.html).

<sup>5</sup> TDCJ, “FY2023 Statistical Report,” accessed online February 20, 2024, [https://www.tdcj.texas.gov/documents/Statistical\\_Report\\_FY2023.pdf](https://www.tdcj.texas.gov/documents/Statistical_Report_FY2023.pdf).

<sup>6</sup> Ibid.

<sup>7</sup> TDCJ, *Unit Directory*, accessed online December 21, 2023, [https://www.tdcj.texas.gov/unit\\_directory/index.html](https://www.tdcj.texas.gov/unit_directory/index.html).

<sup>8</sup> Section 501.008, Texas Government Code.

<sup>9</sup> Chapter 56A, Texas Code of Criminal Procedure.

<sup>10</sup> Article 56A.602, Texas Code of Criminal Procedure.

<sup>11</sup> TDCJ, “Employee Support Services,” accessed online May 24, 2024, [https://www.tdcj.texas.gov/divisions/vs/employee\\_support\\_services.html](https://www.tdcj.texas.gov/divisions/vs/employee_support_services.html).

# COMMITTEE AT A GLANCE

The Legislature created the Correctional Managed Health Care Committee in 1993 to establish a managed healthcare system and control costs by negotiating contracts with healthcare providers. In 2011, the Legislature transferred the authority to contract with and monitor healthcare providers from the committee to the Texas Department of Criminal Justice (TDCJ). In 2013, the Legislature abolished the committee as a standalone entity and reconstituted it as a committee administratively attached to TDCJ. To fulfill its mission, the committee performs the following key functions:

- Develops and approves a managed healthcare plan for all TDCJ inmates.
- Develops statewide policies for the delivery of correctional health care.
- Coordinates cost containment initiatives.
- Resolves disputes between TDCJ and university providers and ensures TDCJ appropriately monitors providers.
- Provides clinical expertise and assistance in identifying system needs related to inmate health care.

## Key Facts

- **Governance.** The volunteer committee consists of nine voting members and one non-voting member, as shown in the following table.<sup>1</sup> The governor selects the committee chair, who must be both a public member and a physician.<sup>2</sup> The six governor-appointed members serve four-year terms, and all other members serve at the will of their appointing authority.<sup>3</sup>

**Correctional Managed Health Care Committee**

Position	Appointed By
One staff member from TDCJ	TDCJ
One physician representative from the University of Texas Medical Branch (UTMB)	UTMB
One physician representative from the Texas Tech University Health Sciences Center (TTUHSC)	TTUHSC
Two physicians employed full time by a medical school other than either UTMB or TTUHSC	Governor
Two licensed mental health professionals	Governor
Two public members not affiliated with TDCJ or with any contracting entity, at least one of whom is licensed to practice medicine in Texas	Governor
The state Medicaid director, or a person employed full time by the Health and Human Services Commission (non-voting)	State Medicaid director

- **Funding and staffing.** The committee receives no state appropriations and does not have staff. Instead, TDCJ provides all of the committee’s administrative support. A General Appropriations Act rider allows members of the committee to be reimbursed from TDCJ’s managed healthcare budget for travel expenses.<sup>4</sup> In fiscal year 2023, TDCJ spent \$2,092 on travel expenses for the committee.

- ***Managed Healthcare Plan and university providers.*** The committee creates and annually updates the *Managed Healthcare Plan*. This plan provides a general description of the types of healthcare services and treatments UTMB and TTUHSC provide to inmates at TDCJ facilities and off-site locations. The committee also provides clinical expertise and assistance to TDCJ in identifying system needs related to the healthcare program and ensuring quality and consistent delivery of services across the state and by different providers. UTMB and TTUHSC manage a statewide provider network, provide pharmacy services, and conduct reviews to ensure services are provided in an appropriate and cost-effective manner. UTMB's service area covers approximately 80 percent of the inmate population while TTUHSC covers approximately 20 percent.

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<sup>1</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 501.133, Texas Government Code.

<sup>2</sup> Section 501.137, Texas Government Code.

<sup>3</sup> Section 501.136, Texas Government Code.

<sup>4</sup> Texas Department of Criminal Justice, Rider 42, p. V-16, Article V, Chapter 1170 (HB 1), Acts of the 88th Legislature, Regular Session, 2023 (General Appropriations Act).

# WINDHAM AT A GLANCE

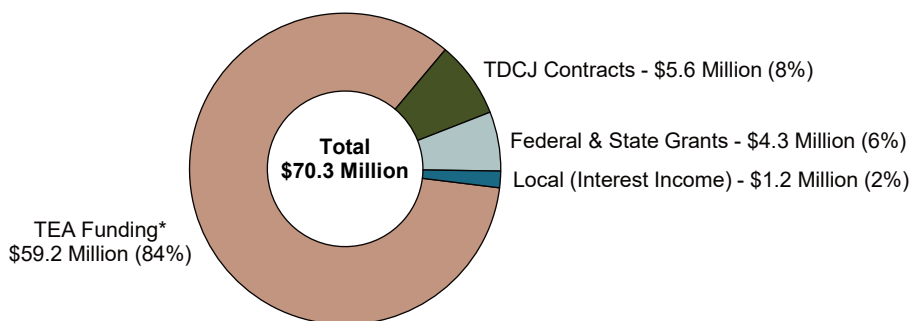
The Windham School District provides educational programs and services in the correctional setting of the Texas Department of Criminal Justice (TDCJ). Statute establishes goals for Windham to reduce recidivism and the cost of confinement or imprisonment, increase the success of former students in obtaining and maintaining employment, and incentivize inmates to behave in positive ways during confinement or imprisonment.<sup>1</sup>To accomplish these goals, Windham performs the following key functions:

- Provides academic, technical, and life skills programs to eligible students.
- Analyzes and evaluates the effectiveness of its programs.
- Manages libraries and recreational resources in correctional facilities.

## Key Facts

- **Governance.** The nine-member, governor-appointed Texas Board of Criminal Justice also serves as Windham’s Board of Trustees.<sup>2</sup> In this capacity, the board provides general oversight of the school district and hires Windham’s superintendent.
- **Funding.** As shown in the chart below, Windham received more than \$70 million in total revenue in fiscal year 2023, including about \$59 million of General Revenue funding from the Texas Education Agency’s Foundation School Program and the Rider 8 Instructional Materials Allotment via a pass-through grant. Funding is based on the number of “contact hours,” or hours of face-to-face instruction students receive. Windham also receives funding from TDCJ to support its wellness and recreation programs and library services. Federal and state grants support special education, career and technical education, and supplemental education services.

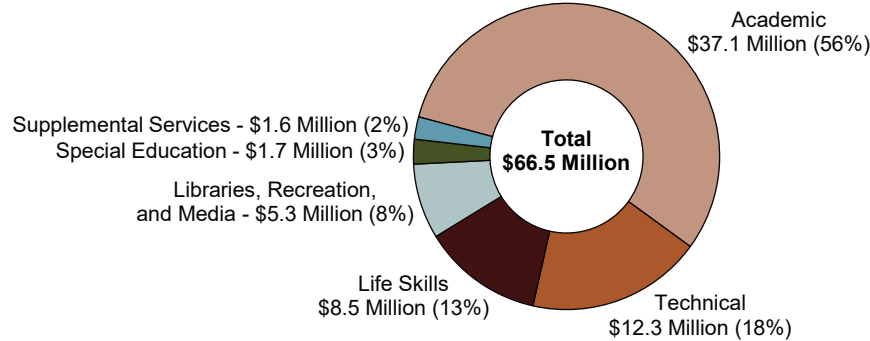
**Windham Revenue - FY 2023**



\* The Foundation School Program accounts for \$58.1 million, and \$1.1 million is from the Instructional Materials Allotment (Rider 8).

In fiscal year 2023, Windham’s expenditures totaled more than \$66 million, as shown in the *Windham Expenditures* chart on the following page. Like other school districts, Windham carries a fund balance reflecting unspent operating funds. At the end of fiscal year 2023, Windham’s fund balance was nearly \$24 million, which the school district attributes to the COVID-19 pandemic and does not anticipate sustaining in the long term. The school district spent an average of \$16 per student per day on programming and services in fiscal year 2022.<sup>3</sup> Windham relies on TDCJ to coordinate the data submission regarding its use of historically underutilized businesses in purchasing goods and services, as covered in Appendix A.

### Windham Expenditures - FY 2023



- Staffing.** The superintendent is Windham’s chief executive officer and is responsible for supervising daily operations. In fiscal year 2023, Windham had 915 total staff, including 62 principals and 433 certified teachers. Staff works at Windham’s central office in Huntsville and at Windham campuses in 90 TDCJ-run and eight private units across the state. Appendix D compares the percentages of minorities and women in Windham’s workforce to the statewide civilian labor force for the past three fiscal years.
- Windham students.** In fiscal year 2023, the average age was 36 years for all Windham students and 22 years for students enrolled in high school programs. Windham prioritizes younger inmates for enrollment in programs and also considers individual educational needs and remaining time on a prospective student’s sentence. Windham staff administers an initial basic educational and reading test upon intake, which helps inform a student’s individualized treatment plan. In fiscal year 2023, Windham enrolled a total of 47,462 students, and about 69 percent of releasees in that year participated in Windham programs during their incarceration.<sup>4</sup>
- Academic programs.** Windham provides literacy and adult secondary education courses, including for students working toward a high school diploma or equivalency certificate. Windham provides English language instruction and special education services to students as needed. In fiscal year 2023, 3,254 students earned their high school diploma or equivalency certificate through Windham programs. Students also achieved 5,072 literacy level gains in reading, 3,621 gains in language, and 4,564 gains in math.
- Technical programs.** Windham offers courses in 40 occupational fields, such as cosmetology and truck driving, for which students can apply or obtain certifications while incarcerated. Additionally, Windham partners with TDCJ and external employers to offer on-the-job training, supplemental training, and Department of Labor apprenticeship programs. In fiscal year 2023, 17,933 Windham students participated in classes or apprenticeships and earned a total of 19,253 industry certifications, on-the-job training certificates, and occupational licenses.
- Life skills programs.** Windham offers three life skills courses to help participants successfully navigate reintegration into their communities after incarceration. Topics include parenting, self-esteem, stress and anger management, résumé building, and interviewing. The Board of Pardons and Paroles may require an inmate to complete a life skills program, such as Changing Habits and Achieving New Goals to Empower Success, to obtain parole. Among releasees in fiscal year 2023, 16,398 completed life skills courses.

- **Students under 22 years.** Windham provides students in this age group supplemental services in academic and work-readiness programming through federal grants. Eligible students with disabilities may receive special education accommodations for coursework.<sup>5</sup> In fiscal year 2023, nearly 3,300 students were eligible for supplemental services, and 554 students received special education services.
- **Libraries, recreation, and media.** Through a memorandum of understanding with TDCJ, Windham provides recreational resources such as exercise equipment, televisions, and arts and crafts supplies to each TDCJ-run facility to promote health and wellness. Windham also publishes and disseminates *The ECHO*, a newspaper written by and for individuals in TDCJ custody, and operates unit libraries at TDCJ-run and private facilities.

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<sup>1</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 19.003, Texas Education Code.

<sup>2</sup> Section 19.004, Texas Education Code.

<sup>3</sup> Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report – Fiscal Years 2021 and 2022*, February 2023, p. 6, accessed online August 26, 2024, [https://www.lbb.texas.gov/Documents/Publications/Policy\\_Report/7455\\_Uniform\\_Cost\\_Feb\\_2023.pdf](https://www.lbb.texas.gov/Documents/Publications/Policy_Report/7455_Uniform_Cost_Feb_2023.pdf). The Legislative Budget Board's calculation of Windham's average per-student, per-day expenditure on programming and services was not available for fiscal year 2023 at the time of this report's publication.

<sup>4</sup> Windham School District, *Elevating Expectations: Annual Performance Report School Year 2022-2023*, 2024, p. 5, accessed online September 1, 2024, [https://wsdtx.org/about-windham/reports/annual-performance-reports/#flipbook-df\\_18745/1/](https://wsdtx.org/about-windham/reports/annual-performance-reports/#flipbook-df_18745/1/).

<sup>5</sup> 34 Code of Federal Regulations, Part B, Subpart B, Section 300.111 (2023).





# BPP AT A GLANCE

Established in 1929, the Board of Pardons and Paroles (BPP) is a constitutionally created agency responsible for making clemency recommendations and determining which eligible inmates to release early from the custody of the Texas Department of Criminal Justice (TDCJ). To accomplish its goals, BPP performs the following key functions:

- Determines whether eligible inmates may be placed on supervised release from prison, as described in the textbox below.
- Determines the conditions an individual must meet before and during supervised release.
- Revokes or modifies the conditions of an individual's supervised release when needed.
- Recommends the resolution of requests for clemency to the governor, including pardons, commutations of a sentence, reprieves, remissions of a fine, or forfeitures.<sup>1</sup>

The various types of supervised release are broadly referred to as “parole,” whereby inmates serve the remainder of their sentences in the community under TDCJ supervision. Parole eligibility is based on several factors, including time served, the type of crime committed, and the calculation of good conduct time, or “good time.” TDCJ credits good time to an inmate for participation in work, educational, or treatment programs while incarcerated.<sup>2</sup> The term “releasee” applies to an individual released from confinement to TDCJ supervision in the community.

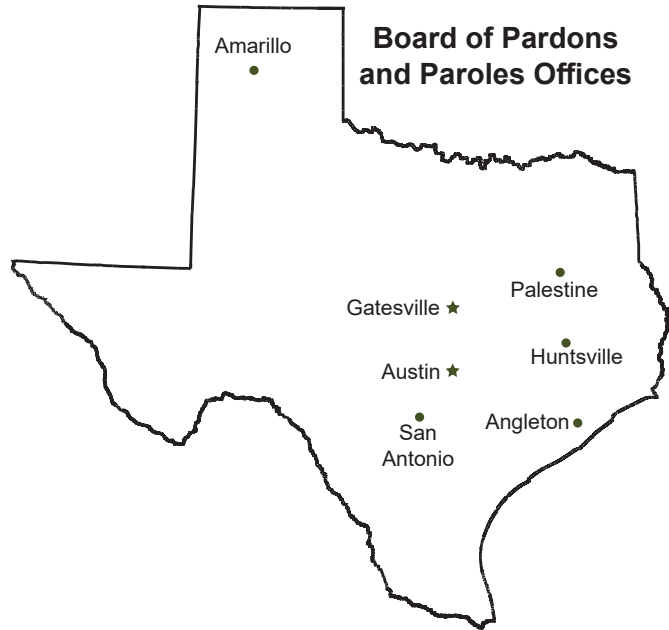
## Types of Supervised Release

- **Parole.** Statute authorizes BPP to grant certain inmates the privilege of early release from prison to serve the remainder of their sentence in the community under TDCJ supervision. Parole may depend on BPP setting conditions such as completing a rehabilitation program prior to release.
- **Mandatory supervision.** Statute grants inmates who committed certain offenses before September 1, 1996, automatic release from prison when together their calendar time served and good time credit equal the length of their sentence.<sup>3</sup> BPP may set the conditions of release.
- **Discretionary mandatory supervision (DMS).** Statute authorizes BPP to approve or deny mandatory supervision for certain offenses committed on or after September 1, 1996.<sup>4</sup>
- **Medically recommended intensive supervision (MRIS).** Statute makes inmates with certain offenses eligible for early release if BPP determines they no longer pose a threat to public safety due to age, disability, or illness.<sup>5</sup>

## Key Facts

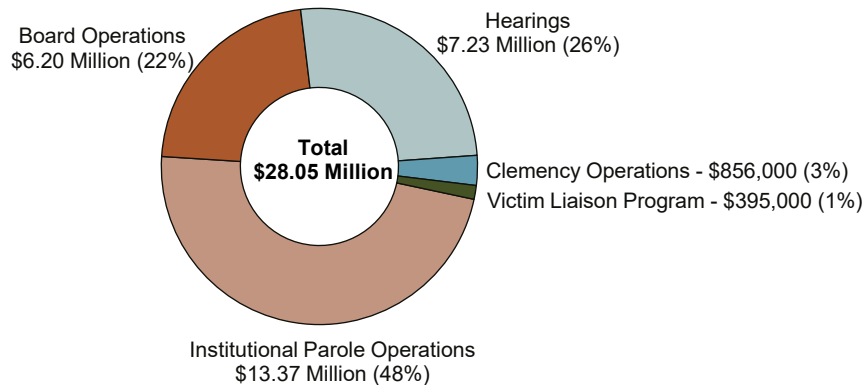
- **Governance.** The governor appoints BPP's seven full-time board members with the advice and consent of the Senate and designates the presiding officer.<sup>6</sup> Members serve staggered six-year terms, must be representative of the general public, and must have resided in Texas for two years.<sup>7</sup> The presiding officer is responsible for hiring full-time parole commissioners, of which BPP currently has 15. Seven regional board offices across Texas are staffed with one board member and generally two parole commissioners, comprising a parole panel. Parole panels review and make decisions about most cases, but the board

has some exclusive duties, including parole reviews for inmates with certain offenses as well as clemency recommendations and policymaking. The board offices are shown in the accompanying map, with stars representing the two headquarter locations.



- Funding.** Funded through TDCJ’s appropriations, BPP received nearly \$30 million in General Revenue and \$395,000 in grants in fiscal year 2023 and spent about \$28 million. BPP’s biggest expenditure of about \$13 million was on institutional parole operations, as shown below. The pie chart shows expenditures on each program in fiscal year 2023. The agency transfers any lapsed funds from vacant positions to TDCJ. In fiscal year 2023, the amount of lapsed funds BPP transferred to TDCJ was \$2.2 million. BPP relies on TDCJ to coordinate its use of historically underutilized businesses in purchasing goods and services, as covered in Appendix A.

**BPP Expenditures - FY 2023**



- Staffing.** The chief of staff and board administrator oversee BPP’s daily operations under the direction of the presiding officer. In fiscal year 2023, BPP employed 445 total staff, including 243 in the Institutional Parole Operations Division, which assists parole panels by interviewing and compiling information on parole-eligible inmates; 61 across the seven regional board offices, which accounts for voters and administrative assistants; and 56 in the Hearing Operations Division, which holds parole revocation hearings and makes recommendations to parole panels on revocation decisions. The remaining staff consists of 47 administrative employees, 16 in both the Information Technology and General Counsel Divisions, and six in the Victim Liaison Program. In addition to the seven regional offices, BPP has seven institutional parole offices and 19 hearing offices. Appendix E compares the percentages of minorities and women in BPP’s workforce to the statewide civilian labor force for the past three fiscal years.

- **Parole decisions and conditions.** Parole panels rely on Institutional Parole Officers (IPOs) to gather information for use in voting. IPOs conduct interviews and compile summaries of each case. Members of a panel then independently consider and vote on each case assigned to the panel, taking into account externally validated parole guidelines.<sup>8</sup> The table shows BPP’s approval rates for the various types of parole in fiscal year 2023.

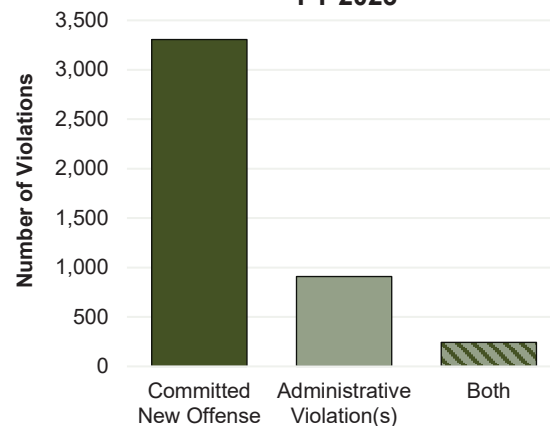
**BPP Approval Rates - FY 2023**

	Eligible Inmates	Approved Inmates	Approval Rate
Parole	64,775	22,455	34.7%
DMS	14,495	6,347	43.8%
MRIS	289	27	9.3%

In addition to approving release, parole panels determine the conditions of release. Conditions may include requiring an inmate to complete programming before release, such as a TDCJ rehabilitation program, or after release, such as sex offender treatment or psychological counseling in the community. Once TDCJ releases the inmate, its Parole Division supervises the releasee for the remainder of their sentence. The TDCJ at a Glance includes additional information on rehabilitation and reentry services and parole supervision.

- **Parole revocations.** Parole panels may continue, revoke, or modify parole status if a releasee violates a parole condition or commits a new offense. BPP uses a graduated sanctions approach, which can include imposing additional conditions, placing the releasee in a short-term sanction facility, or returning them to TDCJ custody. Releasees facing revocation and reincarceration have the right to due process through a revocation hearing conducted by a hearing officer, many of which occur via videoconference. In fiscal year 2023, violations of parole conditions and new offenses resulted in 11,632 revocation hearings and 4,458 revocations by parole panels. The accompanying chart shows the breakdown of revocations by violation type in fiscal year 2023.

**Revocations by Violation Type FY 2023**



- **Victim support.** The Victim Liaison Program provides support to victims who elect to participate in the parole review process. Statute entitles victims, legal guardians of a victim, or close relatives of a deceased victim to certain rights within the criminal justice system, including submitting a written statement or providing a statement in-person to a parole panel during an inmate’s parole review.<sup>9</sup> Staff can accompany victims for in-person statements and provide other support services such as explaining the panel’s vote to the victim. In fiscal year 2023, the program served approximately 2,900 individuals.
- **Clemency recommendations.** The seven-member board is responsible for reviewing clemency requests through a formal application process and making recommendations to the governor, who makes the final decision. A majority of the board must agree to make a clemency recommendation. In fiscal year 2023, the board considered clemency applications for 156 noncapital cases and seven capital cases. The board made three noncapital clemency recommendations to the governor, all of which he approved.

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<sup>1</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 508.050, Texas Government Code.

<sup>2</sup> Section 498.003, Texas Government Code.

<sup>3</sup> Section 508.147, Texas Government Code.

<sup>4</sup> Chapter 263 (HB 1433), Acts of the 74th Texas Legislature, Regular Session, 1995; Section 508.149(b), Texas Government Code; 37 Texas Administrative Code (TAC), Part 5, Chapter 145, Subchapter A, Section 145.14 (1997) (Board of Pardons and Paroles, *Action upon Review; Release to Mandatory Supervision*).

<sup>5</sup> Section 508.146, Texas Government Code.

<sup>6</sup> Sections 508.031 and 508.035(a), Texas Government Code.

<sup>7</sup> Sections 508.037 and 508.032, Texas Government Code.

<sup>8</sup> Section 508.144, Texas Government Code.

<sup>9</sup> Section 508.153, Texas Government Code.

# ISSUE 1

## A Changing Workforce and Inmate Population Make Multiple TDCJ Facilities Almost Impossible to Adequately Staff.

### Background

The Texas Department of Criminal Justice (TDCJ) has 101 facilities across the state with nearly 154,000 beds. However, the agency's capacity to actually house inmates in those beds depends on several factors. By rule, the agency should not use more than 96 percent of its total "online," or usable, bed capacity to house inmates. The remaining four percent is intended to give the agency flexibility to move inmates among facilities as needed and avoid overcrowding.<sup>1</sup> The table defines the various terms used to describe the agency's capacity, with quantities as of June 2024.<sup>2</sup>

**Capacity Definitions**

Category	Description	Quantity
Total Bed Capacity	Total number of beds within TDCJ facilities, including temporarily offline (idled) beds.	153,987
Online Bed Capacity	Total number of beds available to house incarcerated individuals, not including idled beds.	140,127
Operational Capacity	96 percent of the online bed capacity.	134,522

TDCJ houses two categories of inmates: prison inmates, who have committed first-, second-, or third-degree felonies and have sentences ranging from two years to life; and state jail felons, who have committed less severe felonies with sentences ranging from 180 days to two years.<sup>3</sup> TDCJ assigns inmates a custody level based on information gathered during intake and their behavior while confined. The agency uses custody level to determine each inmate's housing type and freedom of movement. TDCJ has 23 facilities categorized as maximum security that house a higher proportion of high-security inmates than other facilities that also house these inmates.

The Correctional Institutions Division (CID) assigns inmates to particular facilities based on a variety of factors, including medical needs, custody level, programming needs or preferences, work placement, status as a state jail felon, and other housing restrictions such as gang affiliations. TDCJ operates nine types of confinement facilities, as summarized in Appendix F.

TDCJ confines certain subpopulations of inmates with medical and other special needs. These subpopulations include elderly inmates, typically aged 55 and up in correctional settings, inmates with mental health or chronic medical conditions, and mobility-impaired inmates. Many inmates in these subpopulations require specific care and accommodations which TDCJ fulfills with the special bed types outlined in the table on the following page. These special beds can be located within several of the nine types of confinement facilities. In addition to these housing types, many inmates with special needs require accommodations such as "cool beds," or beds in areas with HVAC installed, or bottom bunks.

As discussed further in Issue 2, the agency has experienced crisis-level vacancy rates among correctional staff for several years in many of its facilities. In 2018, in response to rising vacancies, TDCJ began transporting correctional officers (COs) from higher- to lower-staffed facilities. Additionally, as inmate populations decreased during the COVID-19 pandemic, the agency took beds offline by idling buildings and entire facilities with the highest vacancy rates. When TDCJ idles facilities, it must continue performing a basic level of maintenance on the idled facilities to keep those beds ready to repopulate if necessary.

### Special Bed Types, End of FY 2023

Bed Type	Description	Census <sup>4</sup>
Infirmiry Beds	Used for inmates who require inpatient care involving observation or management but do not merit admission to a hospital. Infirmiry beds operate similarly to a nursing home, providing short-term and chronic care.	701
Sheltered Housing Unit (SHU) Beds	Used for inmates with medical needs that cannot be met in a standard prison environment but do not require infirmiry care.	577

## Findings

### While TDCJ’s staffing crisis is agencywide, continuing to maintain and rely on particularly hard-to-staff facilities is costly and unsustainable.

TDCJ’s statewide correctional staffing crisis, which is discussed in detail in Issue 2, is especially severe for facilities in locations where certain demographic and geographic factors limit the agency’s ability to recruit and retain staff. The agency invests significant resources into maintenance and alternative staffing models at these hard-to-staff facilities, applying a temporary solution to a problem unlikely to improve in certain areas of the state. These short-term solutions to address severe staffing shortages can create safety risks for staff and the public and are not a viable long-term strategy to maintain the agency’s operational capacity.

Some units are operating with up to 70% of CO positions unfilled.

- **Severe vacancy rates at many facilities.** While correctional best practice is that staff vacancy rates remain below 10 percent, in fiscal year 2023, TDCJ’s vacancy rate among correctional staff was nearly 28 percent agencywide and much higher at certain facilities.<sup>5</sup> At the end of that year, 22 facilities had more than 40 percent of correctional positions vacant, including six facilities with more than half of correctional positions vacant, as shown in the table on the following page. These vacancy rates are even higher for just COs, with some units operating with up to 70 percent of CO positions unfilled. Agency data indicate vacancy rates have progressively worsened at certain facilities over the last ten years. For example, Sunset staff analyzed a random sample of CO shift turnout rosters from one facility and found it frequently operates with a vacancy rate over 60 percent after accounting for employees on leave or otherwise absent from work. Moreover, Sunset staff learned some facilities have operated with as little as 25 percent of the staff they need on a given day. In practice, this forces TDCJ staff to supervise thousands of inmates with fewer than half of the security staff they need, which has potentially dire consequences for staff, inmates, and others, as discussed further in Issue 2.

**TDCJ Units with the Highest Vacancy Rates, FYs 2014-23**

Unit	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23
D	13.92%	16.63%	18.68%	22.28%	25.83%	31.61%	45.86%	47.09%	52.72%	55.43%
E	20.05%	27.19%	16.19%	22.15%	28.87%	29.84%	38.86%	43.44%	52.59%	53.55%
G	20.83%	27.01%	11.45%	20.63%	28.72%	31.43%	36.77%	41.62%	48.52%	52.77%
B	27.39%	16.67%	16.24%	30.70%	31.82%	44.91%	41.67%	43.46%	51.69%	53.89%
W	15.71%	17.84%	8.70%	8.74%	11.16%	15.65%	15.78%	27.85%	43.78%	49.90%
J	11.53%	17.13%	10.14%	17.38%	28.15%	27.57%	32.74%	35.61%	45.14%	47.98%
C	24.36%	16.85%	6.88%	20.15%	14.34%	12.04%	25.37%	44.11%	47.40%	51.74%
A	1.53%	3.89%	9.16%	7.50%	19.92%	23.16%	32.68%	42.24%	59.09%	56.57%
R	13.56%	8.47%	9.40%	10.17%	25.66%	5.08%	16.10%	32.48%	41.96%	48.68%
O	40.14%	21.35%	12.43%	27.69%	23.22%	36.43%	36.29%	52.55%	51.85%	48.67%

- Costly, inefficient, and burdensome staff transport models.** In the face of staffing shortages in hard-to-staff areas of the state, TDCJ relies on costly and operationally inefficient staffing models to support basic operations, a practice the agency recognizes is not sustainable in the long term. TDCJ uses three staff transport models, as outlined in the table below, including Uber and hotel models that regularly distribute staff from well-staffed facilities to those with high vacancies. For example, TDCJ transports staff from the Dominguez State Jail in San Antonio to the Dalhart Unit in Texas’ panhandle, a distance of nearly 600 miles. TDCJ does not systematically track costs associated with its staff transport models but estimated it spent \$14 million on lodging and rental vehicles alone in fiscal year 2023. The agency could not provide an estimate of other costly aspects of these staffing models such as gas and maintenance for agency vehicles, staff per diems, administrative time to track and coordinate staffing needs, and overtime specifically related to the staff transport models, though the agency did spend \$277 million overall on CO and sergeant overtime in fiscal year 2023. These staffing models are not only costly relative to full permanent staffing at facilities but can also be incredibly disruptive and fatiguing for staff, leading to dissatisfaction, burnout, and costly employee turnover, as discussed further in Issue 2.

TDCJ spent \$277 million on CO and sergeant overtime in fiscal year 2023.

**Staff Transport Models**

Model	Description
Uber Model	Staff are transported from one facility to another for a shift within one day. Officers receive compensation for travel time as well as time on the facilities. Common receiving locations include facilities in Beaumont, New Boston, and Tennessee Colony.
Hotel Model	Staff are transported from one facility to another for an overnight stay in a hotel, with a stay of one to two weeks. The agency uses this model to support a facility that is either farther away or requires more sustained support than can be provided using the Uber model. Common receiving locations include facilities in Amarillo, Dalhart, and New Boston.
Mobile Correctional Officer Team (MCOT)	Staff commit to a year-long travel assignment, during which they work at a number of facilities for varying lengths of time. About 90 percent of MCOT officers are new academy graduates. TDCJ deploys these officers to supplement staff shortages, aid in implementing special projects, and during emergencies.

TDCJ transports staff to address excessive staff vacancy rates, but the practice is costly and unsustainable.

Furthermore, transported COs are not always as effective as the permanent staff on a facility. While many TDCJ facilities were designed based on one of several facility prototypes, every facility is somewhat unique, whether because of its physical layout, standard operating procedures, inmate population, or cultural norms. Many facilities have undergone decades of repairs and renovations, often retrofitted with new security features that may differ among vendors. Transported staff may have to learn how to operate another facility’s infrastructure, even something as granular as a security door, because it differs from their home facility. Inmate populations can also vary significantly across facilities. For example, staff from the Montford Unit in Lubbock, a facility that primarily houses inmates with severe medical or mental health needs, regularly rotates to support the Clements Unit, a large maximum-security facility in Amarillo. Staff members transporting to a facility for one day or for a week or two at a time must quickly learn and adapt to a new environment and system, which can be difficult for both them and the facility’s permanent staff. Sunset staff learned from COs that, while the help is appreciated and needed, transported officers are sometimes more prone to mistakes, more reticent to take on difficult assignments, and in some cases, less invested in their tasks and the overall success of the facility. Given limited capacity, most receiving facilities provide little unit-specific training to transported COs, and TDCJ has not provided clear guidance for receiving facilities and supervisors on how to best utilize such staff, further exacerbating these challenges. Overall, the staff transport models are costly and an unsustainable short-term solution to what has become a pervasive and long-term problem in hiring and retaining COs at hard-to-staff locations.

Several facilities with the highest vacancy rates are in counties with low unemployment rates.

- **Correctional staffing crisis unlikely to improve at hard-to-staff locations.** While the agency’s staffing shortages go beyond correctional staff, correctional staff continues to be TDCJ’s biggest hiring and retention challenge. In particular, many TDCJ facilities are in areas of the state with a limited labor pool from which the agency can hire qualified COs. Sunset staff identified the 27 hardest-to-staff facilities based on a vacancy rate of 40 percent or higher or the receipt of COs through the staff transport models discussed above. For these 27 facilities, Sunset staff conducted an analysis of county-level demographic and economic data to identify facilities where correctional staffing challenges are most likely to continue. For example, several facilities with the highest vacancy rates are in counties with low unemployment rates, low rates of high school credential attainment, and median household incomes well above the midpoint salary for a new CO, according to Sunset staff’s analysis of U.S. Census Bureau data. A low unemployment rate is associated with a limited labor pool, and a high school credential is a minimum qualification to be a CO, suggesting an insufficient number of local candidates are even minimally qualified. Among the 27 hardest-to-staff facilities, six are located in counties with an unemployment rate of less than 4.1 percent, the statewide average as of July 2024, and six are located in counties with median household incomes more than \$20,000 above the midpoint annual salary for new COs, which



is \$40,914.<sup>6</sup> As the state has attracted more major employers, labor market competition has exacerbated TDCJ’s recruitment and retention challenges, as have local population declines in some locations. Additionally, nearly a fifth of respondents to a Sunset survey of correctional staff said their commute is greater than one hour, suggesting some facilities are located far from their labor source.

- **Costly, aging infrastructure leads to inefficient maintenance spending.** TDCJ continues to invest in hard-to-staff facilities and spends significant resources to maintain idled facilities. TDCJ’s large deferred maintenance cost estimates total more than \$1.1 billion for fiscal year 2024, and the future needs the agency has projected include costs associated with many facilities that have critically high vacancy rates. This arrangement forces TDCJ to sink money into facilities that likely cannot be adequately staffed in the long term. From fiscal year 2024 on, the agency has identified almost \$500 million in deferred maintenance costs for the 27 facilities identified by Sunset staff as the hardest to staff, \$207 million of which is for facilities constructed before 1970, including one facility constructed in 1917. The accompanying table lists the five short-staffed facilities with the highest deferred maintenance costs, which total nearly \$279 million.

**Largest Deferred Maintenance Needs**

Facility	Deferred Maintenance Total
W	\$110,930,000
F	\$64,862,000
E	\$36,425,000
I	\$33,940,000
G	\$32,830,000

Additionally, significant maintenance needs indicate that existing infrastructure is outdated or in need of repair, which can compromise security and worsen conditions in facilities for both staff and inmates. Critical security infrastructure that does not work properly can compound existing challenges and the safety risks COs face in an already taxing environment, as discussed further in Issue 2. Respondents to a Sunset survey of correctional staff indicated significant problems and concerns with the conditions of TDCJ facilities, as summarized in the textbox.

**Sunset CO Survey Responses**

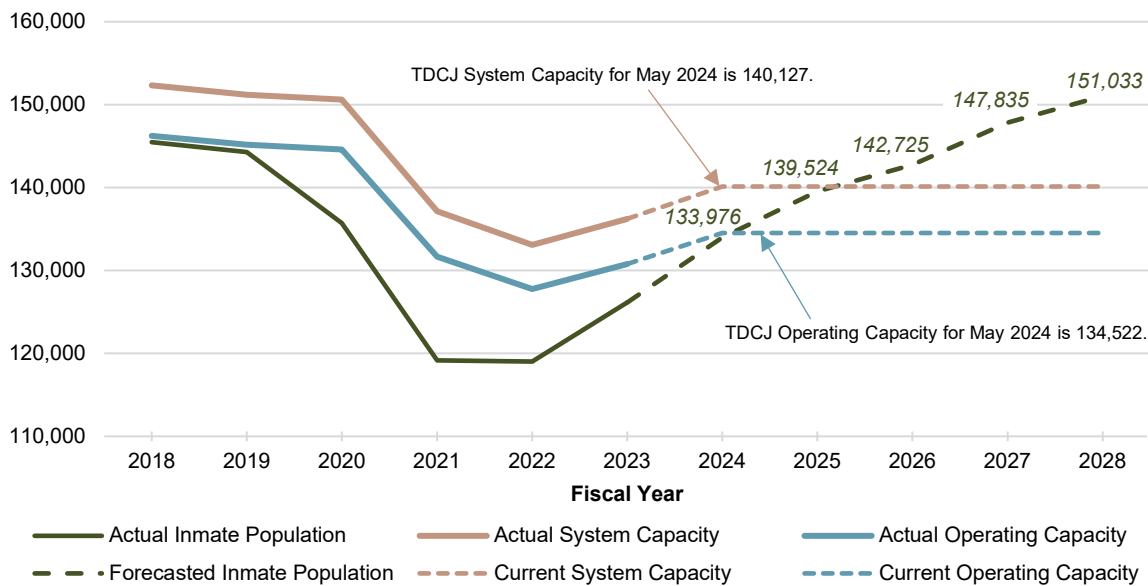
- 87 percent of respondents indicated the facilities they work in are in need of significant repairs.
- 40 percent of respondents disagreed or strongly disagreed they feel safe in TDCJ facilities.
- Among staff who work in units without HVAC, 80 percent reported this makes their job more difficult.

**Texas’ inmate population may soon outgrow the agency’s current operating capacity, yet the state lacks a regular and rigorous planning process to adequately evaluate long-term facility needs.**

- **Population projected to exceed operational capacity.** Texas’ inmate population is expected to significantly increase in the next five to 10 years as courts resume full functioning after the COVID-19 pandemic. TDCJ, already unable to meet its own safety standards for basic staffing levels, cannot realistically expect to maintain the staffing levels necessary to supervise a larger population.<sup>7</sup> As seen in the graph on the following page, the Legislative Budget Board’s (LBB) most recent inmate population

projections, released in July 2024, estimate TDCJ’s population will reach almost 140,000 by the end of fiscal year 2025, about 7,000 higher than TDCJ’s current operating capacity, and surpass 150,000 by fiscal year 2028.<sup>7</sup> While TDCJ has nearly 14,000 beds not currently counted in its online capacity, these beds were either idled or closed due to TDCJ’s inability to adequately staff them.<sup>9</sup> The reality of the economic and demographic factors described earlier indicate TDCJ will likely not be able to adequately and safely staff these beds should it need to reopen them. For example, the short-staffed Clements Unit in Amarillo, which had a vacancy rate of about 55 percent in fiscal year 2023 and has idled multiple buildings within the facility due to staffing shortages, is located right next to the Neal Unit, another large facility which was completely idled in 2020 due to high vacancy rates. TDCJ cannot provide enough staff to fully operate the more than 3,500 beds at the Clements Unit. It is therefore highly unlikely TDCJ will be able to open the approximately 1,700 beds in its neighboring facility again. Although these beds sit unoccupied and appear to be a resource, TDCJ acknowledges the state cannot operate under the assumption they can be easily made available if needed.

**TDCJ Correctional Institution Average  
End-of-Month Population and Capacity, FYs 2018-28**



- Current long-term planning process is inadequate.** Historically, the Legislature has primarily relied on LBB’s inmate population projections and the agency’s total and online bed capacities to plan for any changes to TDCJ’s operations and physical footprint, such as additional capacity build which last occurred in the 1990s. However, TDCJ’s capacity challenges are different now than in past years when facility overcrowding and lack of bed space were the primary concerns. During the COVID-19 pandemic, declines in output from courts reduced the number of individuals TDCJ received into custody, temporarily masking the impacts of severe staffing

challenges which began for the agency in 2016 and worsened during the pandemic. With inmate intake now rising as courts have resumed full functioning and are working through a post-pandemic backlog, TDCJ is facing the increasingly urgent challenge to manage a growing inmate population with far fewer COs and other staff.

Statute does not direct TDCJ to develop a long-term plan to ensure the agency has adequate bed capacity and facilities to meet the needs of inmates, staff working in facilities, and the agency as a whole. The state would benefit from more regular and robust planning outside of the biennial budget process to ensure TDCJ's needs are met and the state is prepared to house and attend to its inmate population into the future, especially given TDCJ's staffing challenges and a rising inmate population. As explained in the textbox, another large state with significant facility needs and staffing challenges recently initiated a legislatively driven long-term planning study.<sup>10</sup> Texas would benefit from a similarly more comprehensive planning initiative.

In its Legislative Appropriations Request for fiscal years 2026-27, TDCJ requested funding to build expansion dorms, as discussed in the textbox, at already well-staffed facilities to help address its capacity challenge.<sup>11</sup> In contrast to new prisons recently constructed in other states that have around 4,000 beds and cost over \$1 billion, these requested expansion dorms would add 4,800 beds to TDCJ's current capacity at the cost of \$240 million. This request demonstrates that capacity can be added at a lower price and is a step in the right direction but underscores the need to consider a variety of factors to ensure future investments are more sustainable. While TDCJ's rules contemplate a planning process that includes analysis of the local workforce from which the agency could recruit, the rule is only for when the agency is constructing entirely new facilities and therefore has not applied to TDCJ since the 1990s.<sup>12</sup>

### **TDCJ is underprepared for the healthcare and facility needs of its special needs populations, increasing both costs and potential risk for the state.**

As the inmate population has aged over the past decade, the number of inmates with special mental or physical health needs in TDCJ custody has also risen. TDCJ faces a difficult logistical challenge in placing these individuals in facilities that can appropriately provide for their medical, physical, and programming

#### **Florida Department of Corrections Master Plan**

Between 2022 and 2023, the Florida Department of Corrections worked with external consultants to develop a 20-year master plan for its facilities to address growing inmate populations, aging facilities, and staffing challenges.

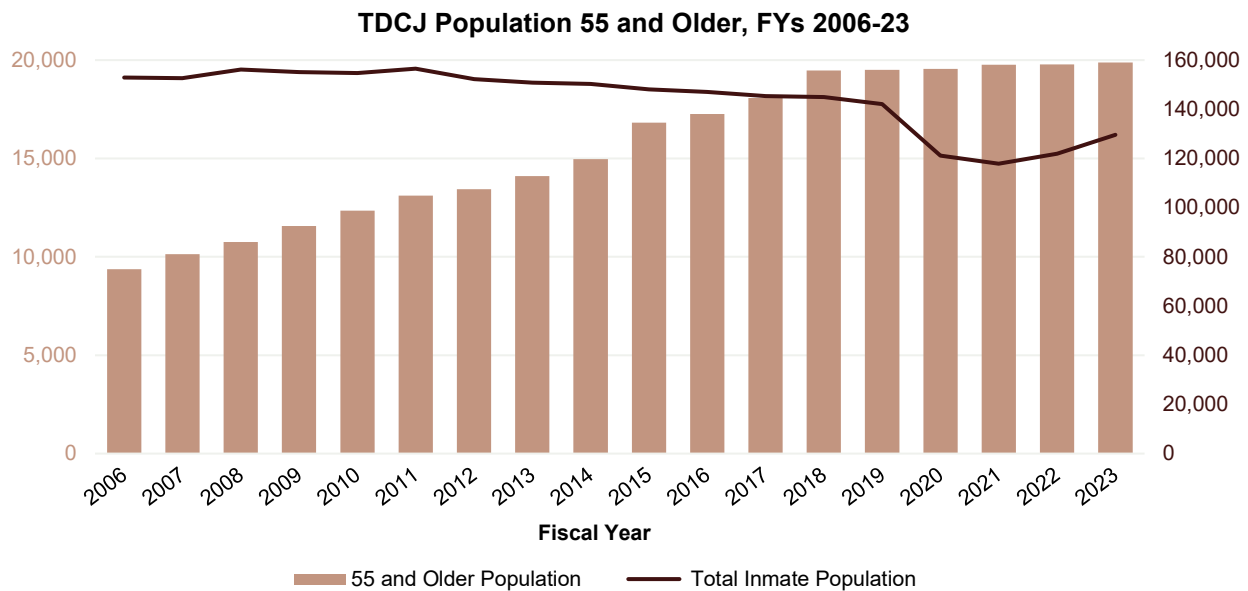
The final report, which is available to the public, recommended expanding capacity, reopening idled capacity, creating new incentives and programs to address persistent staffing challenges, closing aging, hard-to-staff facilities, modernizing infrastructure, and expanding infrastructure for inmates with special medical needs.

#### **Expansion Dorms**

TDCJ is requesting funding to build 12 expansion dorms, which are additional buildings constructed at existing units. These proposed buildings would consist only of inmate housing areas and would not contain additional features such as a laundry, kitchen, or manufacturing facilities.

needs. At the same time, staffing shortages and new transportation policies may constrain the agency’s ability to provide inmates with adequate access to care in the future.

- Growing special needs populations.** Despite a decrease in the overall inmate population during the COVID-19 pandemic, the population of elderly inmates in the TDCJ system has increased by around 40 percent since the last Sunset review in 2013, as shown in the graph below. Elderly inmates, those aged 55 years and older, require access to TDCJ’s healthcare resources four to five times more frequently than younger inmates and are more likely to have chronic, expensive-to-treat illnesses such as cancer and coronary artery disease. From fiscal year 2021 to 2023, the elderly population accounted for approximately 15 percent of the total inmate population, yet TDCJ spent as much or more on specialty care such as dialysis or outpatient hospital services for elderly inmates than it did for the rest of the inmate population.<sup>13</sup> In that same time period, TDCJ’s mental health caseload increased by over 21 percent, and inmates with mental health conditions accounted for nearly 27 percent of the total inmate population.<sup>14</sup>

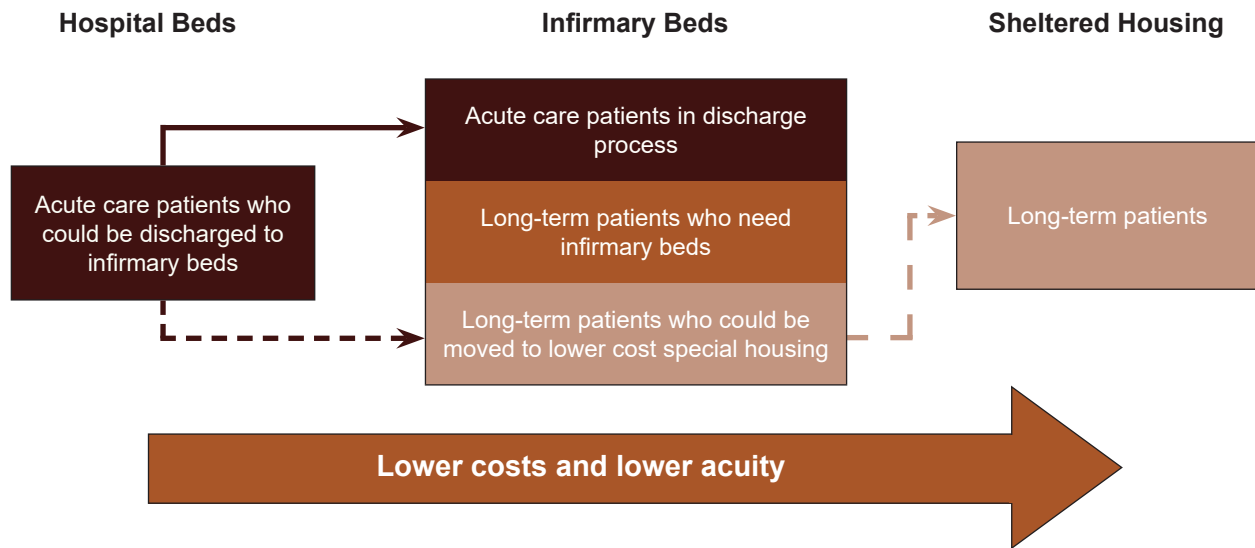


- Limited specialized housing.** To provide cost-effective care and accommodations for special needs populations, TDCJ uses specialized housing such as sheltered housing and infirmary beds. However, the agency is operating at nearly maximum capacity for these housing types, and combined with staffing shortages, these challenges increase the cost to provide necessary care and can make it difficult to provide adequate, timely care to inmates.

Limited capacity in specialized housing also constrains the agency’s ability to move inmates to lower-cost beds, as seen in the graphic on the following page. About 63 percent of infirmary bed occupants are long-term patients with chronic illnesses, meaning fewer step-down housing beds are available

for inmates recovering from acute conditions. Some of these long-term patients could be housed in lower-cost sheltered housing, but with this housing type also at maximum capacity, TDCJ has insufficient space to do so. Without additional specialized housing, TDCJ will continue to be forced to house inmates in higher-cost beds than may be medically necessary.

### TDCJ Special Housing Overview



- Increased liability risk.** As discussed in Appendix G, Texas has a history of extensive federal oversight and costly litigation for providing inadequate health care for inmates. Capacity and staffing shortages create new potential liabilities for the state. Inmates who require specialty care can receive that care either through telehealth, in-person visits to medical facilities operated by TDCJ’s healthcare partners — the University of Texas Medical Branch and Texas Tech University Health Sciences Center — including Hospital Galveston or the Western Regional Medical Facility (WRMF), or in-person visits to community hospitals. As of fiscal year 2023, the agency has reverted to its policy of having a minimum of three officers accompany all inmate transports between TDCJ-operated facilities and Hospital Galveston and WRMF and a minimum of three officers per inmate transported to a community hospital. This policy intends to provide additional safety for the public after the Lopez escape, an event discussed further in Issue 2. However, it can place a significant burden on already understaffed facilities that struggle to dedicate so many officers to duties away from the facility. While Sunset staff did not find evidence of this occurring systemically, there were instances where, lacking sufficient correctional staff and vehicles necessary to transport all inmates with off-unit medical appointments, correctional staff have had to select which inmates to transport to their appointments. The agency has not provided its staff guidance on how to respond to this challenge. Similarly, while Sunset staff did not find evidence of this occurring systemically, on days when a facility has particularly low

TDCJ must continue to ensure staff vacancies do not impact access to medical care.

CO turnout due to leave or other absences, facilities have closed on-unit clinics because they lack the capacity to securely accompany inmates to their clinic appointments. During the review, Sunset staff learned of inmates missing medical appointments due to a lack of TDCJ staff available to safely escort them. A persistent inability to ensure inmates have access to the appointments they need would not only elevate health and safety risks for inmates but would also put the state at higher risk for litigation.

**The state has an opportunity to give TDCJ additional flexibility and clarity in managing facilities and inmates by removing outdated sections of statute.**

TDCJ faces the complicated and difficult task of placing inmates throughout the system based on a range of diverse factors and evaluating its capacity for a growing inmate population while also dealing with crisis-level staffing shortages, as discussed earlier in this issue. In light of these challenges, the state has an opportunity to give the agency more flexibility in how it houses state jail felons and more clarity regarding unit maximum capacities.

- **Evolving management of state jail felons.** TDCJ's statutory requirement to maintain state jails in nine regions is out of date and not in alignment with how the agency manages state jail felons in practice.<sup>15</sup> When the Legislature created state jails in the 1990s, it intended for these facilities to have a close relationship with local Community Supervision and Corrections Departments (CSCDs) by giving state jail felons combined sentences that included both probation and incarceration in state jail facilities. Additionally, the Legislature intended for CSCDs to play a role in providing programming to state jail felons. Today, however, CSCDs do not provide any programming for state jail felons in TDCJ custody, and in fiscal year 2023, only one state jail felon was placed in TDCJ custody as a condition of their probation.<sup>16</sup> Due to the almost total non-use of CSCDs by TDCJ for the management of state jail felons, no need exists for statute to require the agency to house state jail felons near local CSCDs.

Five state jail facilities do not house any state jail felons.

Furthermore, the population of state jail felons in TDCJ custody has consistently declined since the agency's last Sunset review.<sup>17</sup> Currently, every state jail houses more regular CID prison inmates than state jail felons, and five state jail facilities do not house any state jail felons. Removing the regional requirement in statute would provide the agency flexibility to house state jail felons in a more logistically efficient manner and align with sentencing trends and legislative changes that have already reduced the distinction and separation between state jail felons and the rest of the inmate population TDCJ confines.

- **Outdated unit maximum capacities in statute.** In the 1990s, the Legislature codified each TDCJ facility and their maximum capacities in statute.<sup>18</sup> These capacity numbers have long been out of date, and statute does not include facilities constructed after 1991. As of 2006, the agency has operated based on unit maximum capacities established in rule, which the agency's board

is able to update as needed to remain consistent with the realities on the ground.<sup>19</sup> The statutory maximum capacities are not only unnecessary but could also be confusing for the public.

## Sunset Staff Recommendations

### *Change in Statute*

#### **1.1 Require TDCJ to create a long-term facilities and staffing plan that identifies future needs and makes recommendations to organize resources and capacity accordingly.**

This recommendation would require TDCJ to prepare and submit a 10-year plan that identifies its facility and capacity needs and includes recommendations for how the state can house inmates in facilities that can be appropriately staffed. Specifically, this recommendation would require TDCJ to:

- Examine the agency's ability and the cost to operate each facility based on current and future staffing levels, with consideration of demographic and economic trends and facility repair needs.
- Evaluate how the agency will distribute or consolidate inmates efficiently based on capacity and factors such as custody level, medical needs, and other special needs.
- Evaluate any facility retrofitting necessary to accommodate the needs of the agency's inmate population.
- Evaluate the future capacity build necessary to manage the projected inmate population, how that capacity build could be done in well-staffed parts of the state on land the agency already owns, and proposed timelines for implementation.
- Consider the various regional needs of the state while developing this plan, including any ancillary or community benefits associated with TDCJ facilities.

As part of this recommendation, TDCJ would seek approval from its board for the plan and present it to the governor, lieutenant governor, speaker of the House of Representatives, and legislative appropriations and oversight committees by September 1, 2026, and every four years thereafter. The agency may partner with an external consultant to develop this plan as needed.

This plan would arm state policymakers with the information they need to appropriately plan for TDCJ's future needs as the agency grapples with an ongoing staffing crisis and a growing inmate population.

#### **1.2 Require TDCJ to develop a phased plan to close facilities with persistent staffing challenges.**

This recommendation would require the agency to develop a phased plan to close facilities with persistent staffing challenges, particularly if TDCJ is able to bring more capacity online either by building expansion dorms as requested in the agency's 2026-27 Legislative Appropriations Request or by reducing staffing vacancies. To identify potential facilities for closure, TDCJ should consider a range of factors impacting the agency's ability to staff facilities as well as the ongoing costs to operate and maintain them. Sunset staff developed an example model as a potential starting point for this assessment, described further in Appendix H. In the example model, Sunset staff evaluated the agency's hardest-to-staff facilities using a series of metrics that provide insight into each facility's staffing challenges, capacity and type of capacity, available labor pool from which to hire, and cost to operate. TDCJ would have the discretion to use its

expertise to conduct its own analysis for potential facility closure, but its methodology should include at least the following factors:

- Vacancy rates
- Unit capacity
- County-level demographic and economic data
- Unit-deferred maintenance costs
- Receipt of COs via the staff transport models
- Number of cool beds
- Maximum security status

The plan should include estimated savings from reduced maintenance needs and any potential land sales. TDCJ would be required to submit this plan to its board for approval by September 1, 2026, and every four years thereafter.

### **1.3 Eliminate the requirement for TDCJ to maintain state jails in nine regions from statute.**

This recommendation would remove the requirement for TDCJ to maintain state jails in nine regions, giving the agency flexibility to place state jail felons throughout its facilities in a more efficient manner. Without the need to house state jail felons according to region, the agency would have the discretion to centralize state jail felons into fewer regions. This recommendation could also help the agency concentrate programming specifically aimed at the state jail felon population in fewer facilities.

### **1.4 Eliminate unit maximum capacities from statute.**

This recommendation would remove unit maximum capacities from statute and instead require TDCJ to maintain the updated unit maximum capacities in rule. This change would allow TDCJ to remain in compliance while enabling the agency and its board to adapt to changing inmate populations and capacity.

## **Fiscal Implication**

Recommendations to develop the long-term staffing and facilities plan and the facility closure plan could be implemented with existing resources, but the exact fiscal impact depends on how the agency implements them. The agency could realize savings from reduced staff transport and less required maintenance on idled, partially idled, and closed facilities. The agency could also generate revenue from the sale of the land if TDCJ decides to close facilities.



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- <sup>1</sup> 37 Texas Administrative Code (TAC), Part 6, Chapter 152, Subchapter B, Section 152.27 (2018) (Texas Department of Criminal Justice, Unit and System Capacity Standards).
- <sup>2</sup> Legislative Budget Board (LBB), “LBB Monthly Correctional Population Report,” accessed online August 15, 2024, [https://www.lbb.texas.gov/CJDA/\\_site/Home.html](https://www.lbb.texas.gov/CJDA/_site/Home.html).
- <sup>3</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 12.35, Texas Penal Code.
- <sup>4</sup> Correctional Managed Health Care Committee, *Financial Report on Inmate Health Care, Fourth Quarter FY2023*, p. 5, accessed online August 31, 2024, [https://www.tdcj.texas.gov/divisions/cmhc/docs/cmhcc\\_financial\\_reports/FY23\\_4th\\_Qtr\\_Report.pdf](https://www.tdcj.texas.gov/divisions/cmhc/docs/cmhcc_financial_reports/FY23_4th_Qtr_Report.pdf).
- <sup>5</sup> The American Correctional Association, a nationally recognized accrediting body that publishes standards and best practices for correctional institutions, states that units should not experience vacancy rates over 10 percent for any 18-month period. American Correctional Association, “Section 1C: Personnel, Staffing Requirements, Standard 5 ACI-1C-05,” *Performance-Based Standards and Expected Practices for Adult Correctional Institutions*, 5th ed. Alexandria, VA, 2021, p. 21.
- <sup>6</sup> U.S. Bureau of Labor Statistics, “Local Area Unemployment Statistics,” accessed online August 31, 2024, <https://www.bls.gov/lau/>. U.S. Census Bureau, “QuickFacts,” accessed online August 31, 2024, <https://www.census.gov/quickfacts/>.
- <sup>7</sup> LBB, *Adult and Juvenile Correctional Population Projections, Fiscal Years 2024 to 2028*, p. 3, accessed online August 15, 2024, [https://www.lbb.texas.gov/Documents/Publications/Memorandum/TDCJ\\_TJJD\\_070924Memo.pdf](https://www.lbb.texas.gov/Documents/Publications/Memorandum/TDCJ_TJJD_070924Memo.pdf).
- <sup>8</sup> Ibid.
- <sup>9</sup> Ibid.
- <sup>10</sup> State of Florida Department of Management Services, *Final Multi-Year Master Plan (FAR-D16)*, accessed online August 15, 2024, <https://floridapolicyproject.com/wp-content/uploads/2024/02/FL-DMS-Final-Multi-Year-Master-Plan-FAR-D16.pdf>.
- <sup>11</sup> Texas Department of Criminal Justice (TDCJ), “Legislative Appropriations Request, Fiscal Years 2026-2027,” September 6, 2024, accessed online September 23, 2024, <https://docs.lbb.texas.gov/Main/DocDisplay.aspx>.”
- <sup>12</sup> 37 TAC, Part 6, Chapter 155, Subchapter B, Section 155.23 (2017) (Texas Department of Criminal Justice, *Site Selection Process for the Location of Additional Facilities*).
- <sup>13</sup> Correctional Managed Health Care Committee, *Financial Report on Correctional Managed Health Care - Quarterly Report FY2021 - Fourth Quarter*, pp.5-6, accessed online August 15, 2024, [https://www.tdcj.texas.gov/divisions/cmhc/docs/cmhcc\\_financial\\_reports/FY21\\_4th\\_Qtr\\_Report.pdf](https://www.tdcj.texas.gov/divisions/cmhc/docs/cmhcc_financial_reports/FY21_4th_Qtr_Report.pdf). Correctional Managed Health Care Committee, *Financial Report on Correctional Managed Health Care - Quarterly Report FY2022 - Fourth Quarter*, pp.5-6, accessed online August 15, 2024, [https://www.tdcj.texas.gov/divisions/cmhc/docs/cmhcc\\_financial\\_reports/FY22\\_4th\\_Qtr\\_Report.pdf](https://www.tdcj.texas.gov/divisions/cmhc/docs/cmhcc_financial_reports/FY22_4th_Qtr_Report.pdf). Correctional Managed Health Care Committee, *Financial Report on Correctional Managed Health Care - Quarterly Report FY2023 - Fourth Quarter*, pp.5-6, accessed online August 15, 2024, [https://www.tdcj.texas.gov/divisions/cmhc/docs/cmhcc\\_financial\\_reports/FY23\\_4th\\_Qtr\\_Report.pdf](https://www.tdcj.texas.gov/divisions/cmhc/docs/cmhcc_financial_reports/FY23_4th_Qtr_Report.pdf).
- <sup>14</sup> Ibid.
- <sup>15</sup> Section 507.003, Texas Government Code.
- <sup>16</sup> TDCJ, *Statistical Report Fiscal Year 2023*, p. 16, accessed online August 15, 2024, [https://www.tdcj.texas.gov/documents/Statistical\\_Report\\_FY2023.pdf](https://www.tdcj.texas.gov/documents/Statistical_Report_FY2023.pdf).
- <sup>17</sup> TDCJ, “Publications,” accessed online August 15, 2024, [https://www.tdcj.texas.gov/publications/statistical\\_reports.html](https://www.tdcj.texas.gov/publications/statistical_reports.html).
- <sup>18</sup> Section 499.101, Texas Government Code.
- <sup>19</sup> 37 TAC, Part 6, Chapter 152, Subchapter B, Section 152.25 (2018) (Texas Department of Criminal Justice, *Maximum Rated Capacity of Individual Units*).



# ISSUE 2

## TDCJ’s Policies and Practices Contribute to and Inadequately Address Its Staffing Crisis.

### Background

Employees of the Texas Department of Criminal Justice (TDCJ) play a vital role in protecting the public by overseeing adults who are incarcerated or under state supervision. Two categories of employees are especially critical to this function: correctional and parole staff, as summarized in the table. Correctional officers (COs) and supervisors provide and oversee inmates’ secure confinement and rehabilitation in TDCJ facilities. Parole officers (POs), with oversight from supervisors, monitor and assist individuals released from confinement to TDCJ supervision in the community, referred to as releasees. Both correctional facilities and parole offices have oversight from regional and divisional senior leaders.

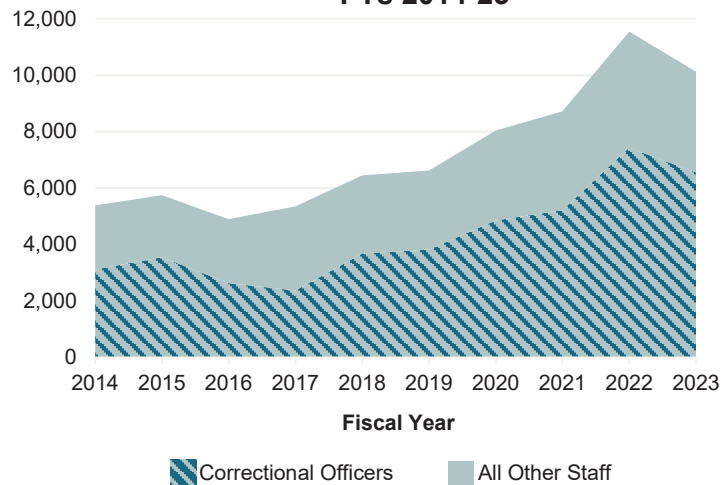
During the 2024-25 biennium, TDCJ is authorized to employ nearly 40,000 full-time equivalents (FTEs).<sup>1</sup> At the end of fiscal year 2023, the agency employed about 31,000 staff, or 78 percent of its staffing allocation. As shown in the chart, CO positions, which are the agency’s largest staffing section, make up the majority of staff vacancies, which have increased in recent years. Vacancies among other staff have grown more moderately and vary widely across TDCJ’s departments, divisions, and regions.

Several divisions participate in staff recruitment, retention, development, management, and support. The table on the following page describes each division’s current role; however, ownership of these functions has shifted in recent years. Most recently, CO recruitment transferred back to the Human Resources Division (HR) from the Training and Leader Development Division (TLDD), where the function was transferred in 2021.

**Correctional and Parole Employee Types**

Employee Type	Correctional	Parole
Officers	CO I-V	PO I-II
Supervisors	Sergeant Lieutenant Captain Major Assistant warden Warden	Unit Supervisor Parole Supervisor Assistant Regional Director
Senior leaders	Regional Director Division Deputy Division Director	Regional Director Division Deputy Division Director

**Number of Vacant Positions  
FYs 2014-23**



### Divisions Involved in Staffing and Retention

Division	Description
Human Resources Division (HR)	Conducts all recruiting, hiring, and administrative HR functions, with staff located at a central office and career center in Huntsville as well as at field offices in correctional facilities, parole offices, and other departments statewide.
Training and Leader Development Division	Develops and delivers formal staff training, including officer academies and in-service as well as technical and leadership trainings.
Research and Development Department	Conducts a monthly survey of COs and other research to gain insight on key challenges and opportunities to better support and retain staff.
Communications Department	Supports hiring efforts by coordinating advertising and developing recruitment materials.
Victim Services Division	Provides employee support and wellness services to staff across the agency, including to victims of crimes committed within and outside the agency.
Business and Finance Division	Processes staff payroll, including any changes to salaries, reimbursements, or other payments. Reviews and authorizes any changes to position classifications.

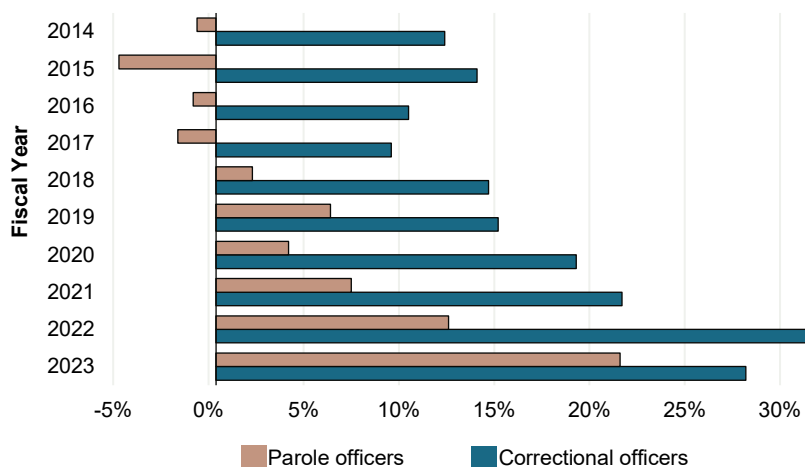
Sunset staff separately surveyed correctional staff, parole staff, and all other TDCJ employees, as summarized in Appendix I, to collect insights about their work experiences and potential factors driving retention challenges such as working conditions, workload, coworker relationships, and training. In September 2023, TDCJ began issuing a monthly retention and wellness survey to COs across correctional facilities to gather similar insights.

## Findings

### High vacancy and turnover rates have significant consequences for staff, inmates, and the public and cost the state millions of dollars.

High vacancy and turnover rates persist across many TDCJ divisions and have a significant operational impact on the agency despite numerous recent efforts the agency and state leaders have made to address these problems. Notably, upon TDCJ’s request outside of the legislative cycle, state leaders

**Correctional and Parole Officer Vacancy Rates  
FYs 2014-23**



issued a 15 percent pay raise to COs, effective July 1, 2022, to address all-time high vacancy and turnover rates. This pay raise was followed by a 5 percent increase for all state employees in both 2023 and 2024.<sup>2</sup> By the end of fiscal year 2023, the CO vacancy rate had dropped slightly yet remained high at nearly 28 percent, as shown in the chart.<sup>3</sup> Similarly, the PO (I-II) vacancy rate has been steadily rising since fiscal year 2020, most recently exceeding 21 percent.

Correctional and parole staffing is a nationwide challenge, but TDCJ’s staffing challenges are far from isolated to these divisions. As shown in the table, nearly two-thirds of TDCJ’s 14 other divisions had vacancy rates of at least 20 percent in fiscal year 2023. These challenges can be even more severe in certain departments within divisions; for example, several HR field offices are unstaffed or have just one employee.

**Divisional Vacancy Rates - FY 2023**

Division	Vacancy Rate
Rehabilitation Programs	31%
General Counsel	26%
Reentry and Integration	26%
Victim Services	25%
Facilities	23%
Community Justice Assistance	23%
Business & Finance	20%
Health Services	20%
Human Resources	20%

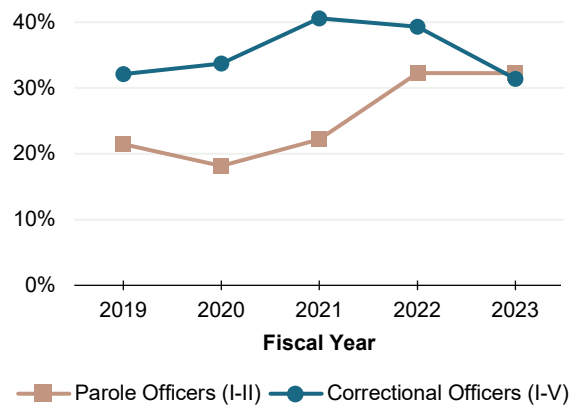
Contributing to high vacancy rates is a persistently high rate of employee turnover, as calculated using the equation developed by the State Auditor’s Office (SAO) shown in the textbox. TDCJ’s overall turnover rate has declined somewhat since 2021, but at 26 percent remained the third highest among Texas state agencies employing more than 1,000 staff in fiscal year 2023.<sup>4</sup> In key positions, turnover rates were even higher. As shown in the chart, among COs, turnover reached a peak of 41 percent in fiscal year 2021, and by fiscal year 2023 had returned to around pre-pandemic levels at 31 percent. Preliminary agency data indicate turnover decreased further in fiscal year 2024. Among POs, turnover has climbed rapidly and remained high over the last three fiscal years, reaching 32 percent in fiscal years 2022 and 2023. For both officer populations, SAO data show the proportion of voluntary separations has generally increased over the last five fiscal years relative to involuntary separations like dismissal for cause and resignation in lieu of termination.<sup>5</sup>

**SAO State Employee Turnover Rate Calculation**

$$\left( \frac{\text{Number of separations during the fiscal year}}{\text{Average number of classified employees during the fiscal year}} \right) \times 100$$

High turnover and resulting high vacancy rates typically increase workload and worsen work quality and workplace conditions, leading to more turnover in a vicious cycle. Moreover, with an increasing number of employees eligible to retire, retention of other experienced staff with valuable institutional knowledge has become even more important. For an agency charged with a critical custodial and public safety function, the staffing crisis has brought significant costs and risks to the state, agency employees, and inmates.

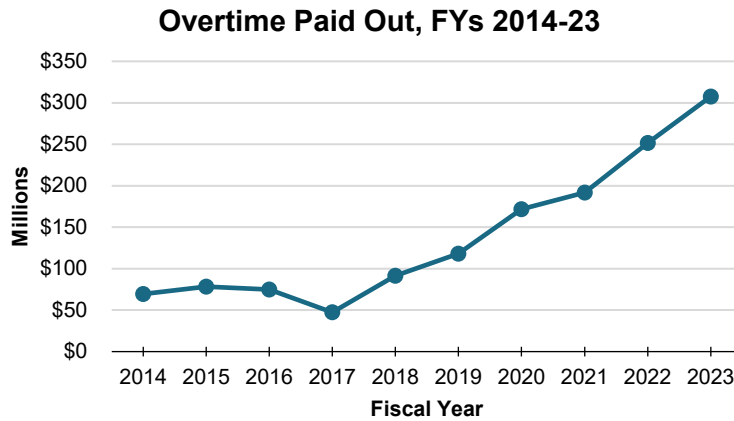
**Correctional and Parole Officer Turnover Rates, FYs 2019-23**



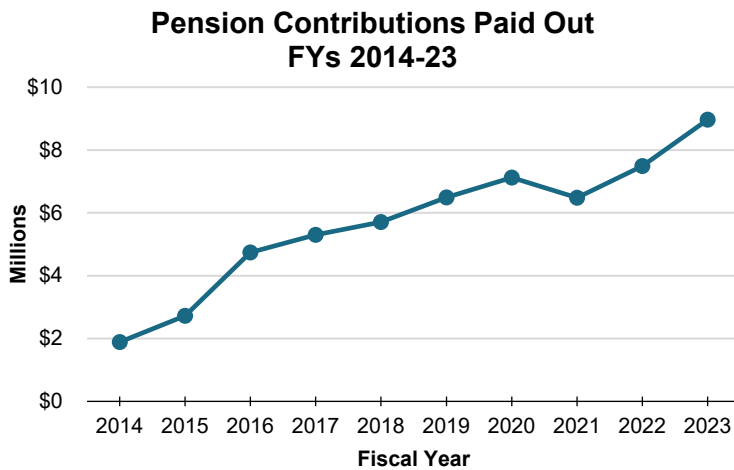
- **Exorbitant costs.** TDCJ receives minimal return on a significant training investment because of costly staff turnover. The agency estimates pre-service training costs on average \$9,300 per new CO hire and about \$7,000 (online) to \$12,000 (in-person) per new PO hire, and advertising costs are about \$770 per applicant.<sup>6</sup> However, new CO and PO hires often leave

the agency within a year. In the last 10 fiscal years, TDCJ has hired about 74,000 COs — nearly three times the size of the entire CO workforce — yet about 72,000 separated from the agency in the same period, meaning about \$725 million of the agency’s initial hiring and training investments did not provide lasting value.

Short staffing has also led to sharp increases in overtime spending. As shown in the *Overtime Paid Out* chart, TDCJ paid out \$308 million in overtime in fiscal year 2023 alone, including \$277 million to COs and sergeants



and \$2.2 million to POs.<sup>7</sup> As discussed further in Issue 1, TDCJ transports staff around the state to assist facilities with critical staffing vacancies and, in fiscal year 2023, spent \$14.1 million on vehicle rental and hotel costs alone for this effort.<sup>8</sup>



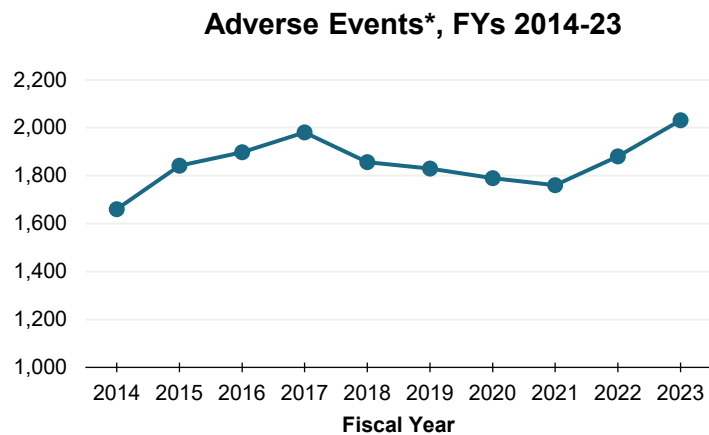
Additionally, TDCJ sometimes rehires retired employees to bring their experience back to the agency. With staffing shortages in key areas and critical losses of institutional knowledge due to turnover and retirements, TDCJ has increased its use of this practice to help bridge the gap. When state employees who retired on or after September 1, 2009, return to work, agencies must pay the Employee Retirement System a surcharge equal to the amount of the state’s pension contribution for an active employee.<sup>9</sup> As shown in the *Pension Contributions Paid Out* chart, TDCJ’s surcharge payments have steadily increased over the last 10 fiscal years, totaling \$9 million in fiscal year 2023 alone.

- **Dangerous facilities.** Forty percent of respondents to Sunset’s correctional staff survey said they feel unsafe in TDCJ facilities, and many facilities are so critically understaffed they cannot operate by the agency’s own safety standards. TDCJ’s staffing plans identify the roles minimally necessary to operate each facility safely, called “Priority One” positions, an example of which is described in the *Correctional Housing Rovers* textbox on the following page. Some portion of Priority One positions routinely go unfilled in several critically understaffed facilities. Priority Two positions, which further aid in the safe functioning of the facility and typically support inmate rehabilitation programming and recreation, often go entirely unfilled in these facilities.

### Correctional Housing Rovers

Each inmate housing area, such as a cellblock or wing of a dormitory, has a certain number of officers, informally called “housing rovers,” dedicated to security functions. Whenever these Priority One positions are left unfilled, rovers assigned to nearby housing areas must cover the unfilled areas — sometimes totaling hundreds of inmates at a time. Functionally, this means inmates are not being supervised as closely as TDCJ has deemed minimally necessary to ensure the safety and security of facilities, impacting both staff and inmates. Reducing inmate supervision and assistance with basic needs can lead to increases in violence, self-harm, and other dangerous incidents. Furthermore, in the event of such an incident, an officer’s nearest help might be a building away, out of earshot and behind security doors.

A Sunset staff analysis found facilities are more dangerous now than a decade ago. As shown in the chart, in fiscal year 2023 the agency recorded more than 2,000 adverse events, surpassing a pre-COVID-19 high, and these events have been rising as a percentage of the inmate population over the last 10 years. Even while the inmate population decreased, the amount of contraband such as drugs, weapons, and cellphones found in TDCJ facilities has increased significantly over the last 10 years, which can contribute to conflict and violence in prisons. Nearly 70 percent of respondents to Sunset’s correctional staff survey indicated they have experienced or witnessed an adverse event, nearly half of whom said they are exposed to these events daily or weekly. A majority of respondents indicated adverse events make their jobs more difficult and negatively impact their physical or mental health. Also at risk for these events are others who work in facilities, including food and laundry service staff, chaplains, medical providers, employees of the Windham School District and the Board of Pardons and Paroles, vendors, and volunteers.



\* Adverse events include inmate assaults, sexual assaults, or homicides against other inmates or staff, inmate or staff suicides, escape attempts, and escapes.

- **Excessive overwork.** Vacancies inhibit TDCJ’s ability to fulfill its statutory mission, and large proportions of staff in various divisions reported in Sunset surveys working beyond their normal hours, as shown in the table. Overworked and exhausted staff tend to be less operationally aware and effective, potentially compromising safety in facilities and elevating burnout across the agency. Many critically understaffed TDCJ facilities have a rotating schedule of monthly mandatory

### Percentage of Staff Who Report Working Beyond Normal Hours Regularly

Staff Type	Daily or Weekly	Monthly	Total
Correctional	60%	18%	78%
Parole	29%	37%	66%
All other	20%	12%	32%

Since FY 2019, documented violations of the 16-hour rule increased more than tenfold.

overtime due to staffing shortages. Separately, as discussed in Issue 1, some correctional staff and parole staff must travel on a rotating basis to assist understaffed facilities or offices, either for the day or for up to two weeks at a time, which many view as disruptive to their families and personal lives. Internal policy prohibits staff from working more than 16 hours a day or 10 days in a row. However, since fiscal year 2019, documented violations of the 10-day rule doubled and violations of the 16-hour rule increased more than tenfold to 9,000 violations per month on average. Moreover, nearly half of correctional staff Sunset surveyed said they are not regularly afforded breaks on duty despite these long shifts and are often on their feet and in areas without climate control. While some staff proactively seek overtime, half of the respondents to Sunset’s correctional staff survey said the amount of extra time they must work negatively impacts officer safety, and more than 40 percent of respondents said it negatively impacts the safety of inmates and the public.

TDCJ employees ineligible to earn overtime pay instead earn compensatory paid time off, which lapses after two years.<sup>10</sup> However, staff across the agency reported difficulty taking time off, and data indicate many staff forfeited significant amounts of this earned time due to expiration, essentially donating those hours to the state involuntarily. In fiscal year 2023, the relatively small proportion of correctional staff who earn compensatory time lost the equivalent of 95 years of time to expiration, and eligible parole staff lost more than six years.<sup>11</sup>

- **Risks to public safety.** Consistently overworked staff can become overstretched and less operationally aware and therefore might take more opportunities to cut corners, which can lead to public safety breaches, an example of which is explained in the textbox. Insufficient staffing without

#### Escape of Inmate Lopez

In 2022, inmate Gonzalo Lopez escaped TDCJ custody during a medical transport and brutally murdered five family members in Leon County while on the run. A criminal justice consulting firm investigated the escape and found it was strongly linked to critical short-staffing, with nearly a third of the unit’s Priority One positions unfilled that day.<sup>12</sup> Staff failed to follow multiple security protocols that ultimately enabled the escape, including inadequate strip searches, failure to search the inmate’s property bag, poorly applied restraints, and other shortcuts. Contributing to the problem was a lack of oversight from supervisory security staff who had not been conducting regular inspections or rounds to ensure their employees’ adherence to policy.

adjustments to responsibilities makes it nearly impossible to complete certain tasks. Employees consistently expressed concern that the staffing models TDCJ has adopted to deal with crisis-level vacancy rates, including requiring excessive overtime and travel, create conditions where mistakes and harmful oversights are more likely to happen. Similarly, critically understaffed parole offices and excessive caseloads can compromise the thoroughness and frequency of POs’ supervision services and in some cases have forced TDCJ to adopt more minimal supervision approaches. As discussed further in Issue 5, in several instances where releasees committed acts of violence, TDCJ identified lapses in parole supervision that contributed to these incidents.<sup>13</sup>



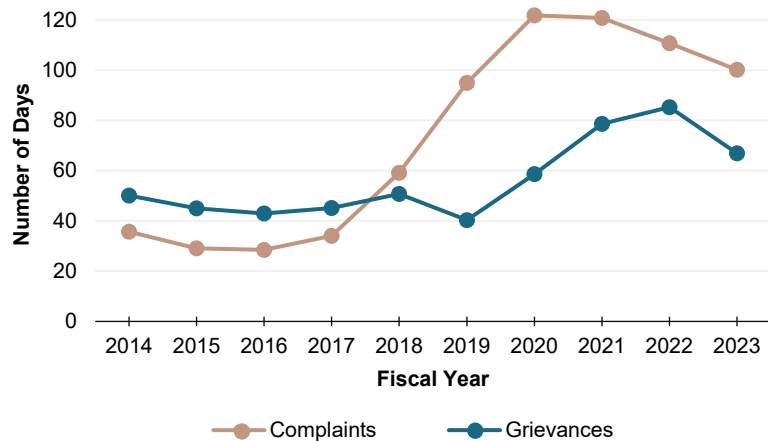
- Delays in core staff services.** As of April 2024, TDCJ was overdue on performance evaluations for 14,453 individuals — nearly half of its current employees — with an average of 14 months overdue and some more than 80 months overdue. TDCJ’s significant backlog of annual performance evaluations impacts staff both developmentally and financially, since employees must have a current evaluation meeting certain standards for career ladder progressions and other salary increases. Furthermore, the agency has failed for over a year to provide certain staff with a raise associated with a promotion, reclassification of a position, or progression on a career ladder, even for positions with automatic progression timelines like COs. As of April 2024, 110 promotions across the agency had been outstanding for more than six months, with the average and maximum time and amount overdue summarized in the table. Several staff also reported months-long delays in receiving pay for time adjustments that require manual entry such as overtime hours, which can total hundreds of dollars per week.

**Overdue Promotion Pay**

Average (per person)	Max
25 months overdue	53 months overdue
\$2,889 outstanding	\$8,308 outstanding

Resolution times for employee complaints and grievances, two avenues for employees to elevate workplace issues as explained further on page 47, have also increased over the last 10 years, averaging more than three months for complaints and two months for grievances in fiscal year 2023. Furthermore, HR lacks a system or formalized guidelines for prioritizing incoming complaints or grievances according to risk or severity. In practice, HR generally prioritizes criminal allegations, Equal Employment Opportunity Act (EEO) complaints, and those requiring an external referral but mostly processes and screens all other issues as they come in. This process does not appropriately direct the division’s limited resources to the highest-risk or most serious issues.

**Days to Resolve Complaints and Grievances FYs 2014-23**



**Agency culture and poor management decisions drive staff departures agencywide.**

A Sunset staff analysis of agency data indicated TDCJ’s primary staffing challenge is retention, and a broad range of factors impact the agency’s ability to retain staff. Difficult working conditions are inherent to correctional or parole settings where, for relatively low pay, staff encounter grim realities

### Average Ratio of New Hires to Separations FYs 2014-23

Division	Ratio
Manufacturing, Agribusiness, and Logistics Division	1:1.7
Facilities Division	1:1.7
Reentry and Integration Division	1:1.4
HR Division	1:1.2
Rehabilitation Programs Division	1:1.2

and difficult or dangerous situations on a regular basis. Notably, a federal report found COs are nearly twice as likely as police officers to experience workplace violence.<sup>14</sup> Respondents to Sunset’s surveys of correctional and parole staff highlighted the toll that difficult working conditions take on their physical and mental health. Yet other divisions throughout the agency have high attrition rates as well. The table shows how some divisions lose on average nearly two employees for every new hire, which is incredibly costly to the state.

- **Unfair and punitive leadership culture.** In survey responses and numerous conversations with TDCJ employees, Sunset staff learned about a highly biased and punitive leadership culture, where many supervisors insufficiently support staff or even misuse their power. Comments consistently indicated a pervasive culture of disrespect, callousness, and unfair treatment from supervisors. Staff spoke of rampant favoritism and “cliques,” whereby supervisors privilege some staff while giving others worse assignments,

### Top Complaint and Grievance Topics, FYs 2014-23\*

#### Complaints

- Hostile Work Environment (33%)
- Workplace Behavior (33%)
- Discrimination (30%)

#### Grievances

- Supervisor or Coworker Issues (48%)
- Disciplinary or Corrective Action (32%)

\* Data analysts at the Texas Legislative Council summarized 10 years of agency data (fiscal years 2014-23) on 38,879 employee complaints and 9,603 grievances, summarizing all cases by issue category and location which Sunset staff manually grouped for simplicity. Where a single complaint or grievance cited multiple issue categories, each category was counted separately for that complaint or grievance to quantify each category’s volume of issues. Cases noted to have been “created in error” or that included other errors impeding analysis were excluded from the dataset.

publicly humiliating certain staff, and administering more severe or retaliatory discipline often for little apparent cause. While particularly prevalent in correctional facilities and parole offices, the dynamic is not limited to those environments; non-officer staff in several divisions also highlighted how some supervisors create a hostile workplace, micromanage, and demean or belittle staff, all with little accountability. Sunset staff worked closely with data analysts at the Texas Legislative Council to analyze 10 fiscal years of agency data on workplace issue filings (complaints and grievances) and found the vast majority related to mistreatment or other issues with colleagues, as shown in the accompanying textbox. Nearly 60 percent of all issue filings were related to these issues and took place in correctional facilities. TDCJ’s executive leaders are aware that this dynamic is one of the agency’s top challenges.

- **Unrealistic expectations and unclear priorities.**

Immense workload. Despite the difficulty — and sometimes physical impossibility — of completing all required tasks with such severe staffing shortages, TDCJ has failed to adjust expectations to the new realities of

current staffing levels. In the face of crisis-level staffing at many correctional facilities, parole offices, and other departments, employees are often tasked with more than they can reasonably perform within normal working hours. For example, a correctional housing rover responsible for 300 inmates across multiple housing areas would have just six seconds to perform a security check on each inmate, which TDCJ policy requires every 30 minutes. Even assuming there are no interruptions or inmate needs to attend to, this would be nearly impossible and is just one of the many recurring tasks rovers must perform throughout their shift. Furthermore, officers from across the facility are regularly pulled to cover unfilled Priority One positions, leaving their primary duties undone. Despite widespread staffing shortages, supervisors assigning positions on understaffed facilities have received limited guidance from executive or senior leaders about what tasks to prioritize or how to adjust the requirements set out in policy.

A correctional staffer responsible for 300 inmates has just six seconds to check on each inmate.

While COs receive basic training on all key roles within facilities, COs employed by or transported to an understaffed correctional facility could be expected to cover any number of the roles on a facility with little supplemental training on short notice. About 50 non-supervisory, non-facility-specific CO roles have official “post orders,” or memoranda outlining key duties, examples of which are shown in the textbox. TDCJ’s implicit expectation is that COs be familiar with and ready to fulfill dozens of roles they may not regularly perform and which may differ from similar roles at their home facility, as discussed in Issue 1.

#### Example CO Post Orders

- Back gate officer
- Corridor control officer
- Disciplinary hearing officer
- Food service officer
- Inmate intake officer
- Inmate visitation officer
- Key control officer
- Public medical transport officer
- Restrictive housing officer

As discussed further in Issue 5, high turnover among POs and clerical staff has driven up both POs’ caseloads and the quantity and diversity of tasks they must complete for most cases. Completing basic supervision requirements for a high caseload can be incredibly time intensive, including substantial desk work, in-person engagements with releasees, and hours of driving per week. High turnover among POs forces already overloaded officers to assume more cases, and turnover among clerical staff has also forced more administrative tasks on POs such as processing new releasee intakes and referrals. Some within TDCJ leadership acknowledge the job is nearly impossible to complete within a 40-hour work week, yet staff indicated some regional managers and supervisors criticize or even discipline officers for “poor time management” when their workload requires overtime.

Pressure to perform promotes deception and creates risk. During the review, Sunset staff repeatedly heard from employees about a culture trickling down from upper levels of agency leadership of “doing more with less” and “making it work,” coupled with a reluctance to report bad news up the chain of command. Under this dynamic, the crush of tasks described above creates a lose-lose scenario for officers and other staff who risk punishment for admitting failure to complete all required tasks, feel they must deceive supervisors or falsify recordkeeping, and wind up

having to make high-stakes prioritization decisions. For example, some COs in understaffed facilities reported feeling conflicted about whether to leave their post to intervene on behalf of a coworker during an incident with an inmate, risking punishment if another incident were to occur on their own abandoned post. Placing this pressure on staff is unfair, can be detrimental to morale, and may result in decisions that entail higher risk or do not align with the best interests of the facility, department, or agency.

Insufficient prioritization exercise. In fiscal year 2023, TDCJ leadership tasked each division to identify its core competencies, intending to bring clarity and consistency to how key tasks are performed across the agency. However, the agency could have taken better advantage of this opportunity to identify core tasks for key staff positions and streamline duties where possible, recognizing the reality of TDCJ's insufficient staffing to complete all tasks required by policy. In identifying broad, divisional core competencies, the exercise provided no guidance to employees in understaffed facilities, offices, and departments about how to prioritize their tasks, particularly when staffing is at a critical level or an emergent incident occurs. The effort did not result in workload reductions and in some cases added to staff's workload through additional tasks or trainings. Moreover, without direction to establish specific outcome metrics or goals, divisional leaders' success in adhering to the core competencies is unmeasurable.

- **Poor supervisor accountability.** During the review, Sunset staff learned TDCJ historically has embraced a strictly hierarchical culture that insufficiently holds upper-level staff accountable. As one of the largest state agencies in Texas, TDCJ's decentralized structure and footprint necessitates

### Examples of Supervisor Accountability Mechanisms

- Complete timely and thorough performance evaluations of supervisors.
- Monitor or periodically audit supervisors' reasonable adherence to policy, staff development, and retention efforts.
- Monitor supervisors who are the subject of repeated workplace issue filings from junior staff.
- Require thorough documentation of cause for disciplinary actions taken.

strong accountability mechanisms to promote effective and fair leadership. Stronger accountability mechanisms, such as those described in the textbox, are essential for improving the agency's culture. Executive leaders acknowledged ample evidence of common problems, yet survey responses and conversations with staff indicated leaders' efforts to address these problems have not been effective. While TDCJ's disciplinary policy explicitly holds supervisors to a higher standard of conduct, unfairness and mistreatment were among the most consistent themes across Sunset's surveys and meetings with staff as well as in agency workplace issue data. Moreover, critical incidents often result in lower-level staff facing the most severe discipline. For example, in a sample of recent escapes and other public safety incidents, COs, POs, and lower-level supervisors,

including sergeants and lieutenants, were more likely to lose their jobs, whereas upper-level supervisors were more likely to receive probation, suspension, or demotion, in some cases accompanied by transfer to another facility.<sup>15</sup> Senior leaders at the regional and divisional levels experienced no discipline for these incidents despite their charge to oversee safe facility operations. This accountability double standard contributes to a culture of impunity for problematic supervisors who violate or fail to enforce agency

policy, mistreat staff, or abuse their power. TDCJ executive leaders have tried to address cultural issues among supervisors primarily by expanding leadership training programs; however, many of these programs rightfully target the agency’s most promising, not problematic, leaders.

- **Problematic disciplinary policy and application.** TDCJ is in the process of revising its policy PD-22, which outlines employee rules of conduct and progressive disciplinary actions for violations as well as a process for hearings and appeals. Under the current policy, half of all COs, 20 percent of all POs, and nearly a quarter of all other staff have received at least one disciplinary action during their tenure with the agency. These data suggest the current policy is either not particularly effective in deterring violations or, as many staff suggested, it is overused and overly punitive. As shown in the table, probation made up 55 percent of disciplinary sanctions imposed in fiscal year 2023, since the current policy requires imposing probation concurrently with other sanctions such as suspension. Throughout the agency’s history, the policy has lacked clarity and provided limited options for disciplinary alternatives, including non-punitive behavior correction or professional development. Certain aspects of the policy are subjective while others are quite inflexible, creating a tension agency leaders have acknowledged between a desire to standardize application and the need for some flexibility. Some of the policy’s 53 rule violations include broad and poorly defined categories such as “insubordination,” which is concerning given evidence of supervisors misusing their discretion.<sup>16</sup> Given the impacts associated with disciplinary sanctions, including disqualification for some raises and most promotions, avoiding unfair, unjustified, or overly punitive use of the policy is critical.<sup>17</sup>

**Disciplinary Sanctions Imposed – FY 2023**

Probation	4,192
Reprimand Only	1,342
No Discipline Imposed	1,156
Suspension without Pay	363
Recommended for Dismissal	353
Reduction in Pay	126
Demotion	83
<b>TOTAL</b>	<b>7,615</b>

- **Inefficient and problematic process to elevate workplace issues.** Agency data suggest staff is fundamentally confused about how best to elevate workplace issues and may be discouraged from doing so given a complex, burdensome process and unreliable anonymity.

Confusingly bifurcated. As summarized in the table, TDCJ has two channels with separate forms for filing workplace issues: complaints, which include EEO issues, and grievances.<sup>18</sup> TDCJ employees frequently use the wrong form, use both forms for the same issue, or submit complaints in other informal formats — from email to a piece of paper — and HR has adopted procedures to accept and correct them. Staff’s confusion creates inefficiencies on the back end for HR staff, who must identify the appropriate channel and

**Channels to Elevate Workplace Issues**

Issue Type	Description
Complaints	About employment matters, including violations of federal EEO rules related to protected characteristics such as race or sex, and other matters (non-EEO). HR screens all complaints to confirm if any EEO rule violations are present, then either investigates and resolves the issue internally or refers the issue to the appropriate TDCJ division or external entity for resolution.
Grievances	About employment matters, excluding certain issue categories. <sup>19</sup> HR screens grievances for any EEO rule violations that might require separate filing as a complaint, then sends the grievance back to the facility, office, or department for resolution, with two opportunities for the grievant to appeal the resolution.

any errors with the filing, return forms as needed for correction or refiling, and administratively consolidate any duplicative filings.

Needlessly complex and burdensome. Staff struggles to comply with an overly detailed and restrictive grievance policy. An analysis of 10 fiscal years of agency data found TDCJ rejected or returned about half of grievances for noncompliance with policy. More than a third of rejected or returned grievances cited multiple reasons for not processing the grievances, such as inappropriate requested relief, ineligibility, and untimely filing, suggesting staff is fundamentally confused about the policy. Under the policy, employees can only submit one grievance per individual and per employment-related matter, but when employees submit multiple forms related to one issue, HR staff often identifies and consolidates them on the back end, creating inefficiencies.<sup>20</sup> Additionally, the policy outlines that a request to sanction another employee is improper and grounds for rejection, despite such a request having no bearing on the validity of the issue.<sup>21</sup> Nearly a third of all grievances rejected or returned in the last 10 fiscal years cited this reason.

TDCJ rejected or returned about half of staff's grievances for noncompliance with policy.

Lack of confidentiality. TDCJ's grievance policy also risks exposing grievants to colleagues in their chain of command because it requires employees to submit grievances through their facility, office, or department grievance contact, not the agency's central HR division. As discussed above, many CO and PO respondents to Sunset's surveys worry about retaliation from supervisors or coworkers if they submit a grievance, citing a concern that the process may not be reliably anonymous. Agency data also suggest the grievance process is underused, with about four times fewer grievances filed than complaints in the last 10 years, despite grievances affording a more robust appeal process, potentially reflecting staff's retaliation concerns.

### **TDCJ has been unable to create a positive, growth-oriented, and sustainable employee experience, contributing to high turnover rates.**

In an increasingly competitive job market, TDCJ will not be able to better support and retain employees unless the agency prioritizes fundamental staff development functions and strives to offer more flexibility and other non-monetary benefits.

Many evaluation criteria relate narrowly to an employee's physical ability to perform basic requirements.

- **Inadequate performance evaluations.** TDCJ's annual performance evaluations are perfunctory and do not adequately guide an employee's growth and development. Many evaluation criteria relate narrowly to an employee's physical ability to perform basic requirements, are unrelated to performance, or are broad and difficult to evaluate, examples of which are highlighted in the textbox on the following page. TDCJ's evaluations lack more nuanced and meaningful dimensions of job performance, including tasks the agency identified as core competencies for COs such as count procedures, searches, and restraints. Specific and measurable core competencies, particularly by role, could be used to evaluate more precise aspects of performance. In

addition, the existing process does not meaningfully evaluate key criminal justice-specific aspects of performance such as a rehabilitative focus or general aspects of performance such as attitude, coworker relationships, and proactivity. Moreover, TDCJ's evaluations reflect only the impressions of a direct supervisor, excluding input from other colleagues with diverse perspectives on an employee's performance, and do not typically result in actionable steps such as trainings, goal setting, or other professional development.

- **Unclear or restricted paths to advancement.** Although TDCJ has been expanding its training offerings, staff across the agency currently has little visibility on available trainings and how they relate to potential advancement opportunities, including open roles within their division or across the agency. Furthermore, while some management training is required for certain promotions, many of TDCJ's more proactive management trainings require a supervisor's nomination to participate, limiting access to these opportunities. While in-person training programs have limited physical capacity, the agency already has some online courses, is working to expand those offerings, and has requested additional funding to continue these efforts in its 2026-27 Legislative Appropriations Request.<sup>22</sup> By removing barriers and outlining a clearer roadmap for employees to track training progress toward requirements or goals, TDCJ could better motivate staff and clarify paths for a meaningful and enduring career at the agency.

Better tying advancement to trainings would also promote fairness in selections for leadership roles. Sunset staff observed and repeatedly heard about a dynamic in which promotions for senior leadership roles are based in large part on personality, tenure, and loyalty to the agency rather than particular training, experience, or fitness for the role. Survey respondents and other agency staff spoke of having to be "invited" to apply for certain leadership roles, which might discourage highly qualified but less tenured staff or exclude external candidates from applying.

- **Limited and outdated remote work policy.** TDCJ's remote work policy is outdated and non-standard for employees in similar roles across the agency, missing opportunities where feasible to provide flexibility many workers have come to desire or expect in the wake of the pandemic. While some divisions have developed their own policies authorizing telework, the agencywide policy requires several layers of approval — up through the agency's executive director — and requires establishing set weekly days and hours to telework rather than allowing a flexible hybrid schedule.<sup>23</sup> TDCJ staff indicated the agency could provide this flexibility more consistently to increase job satisfaction without compromising output, as described in the textbox on the following page. Expanding this privilege and clarifying agency policy could help retain existing staff and serve as a recruitment tool.

### Sample of CO Evaluation Criteria

- "Climbing stairs and ladders while searching for escaped inmates."
- "Hearing calls for and calling for help."
- "Carrying an injured or unconscious inmate or employee various distances to safety up or down stairs and ladders."
- "Receives on-the-job training."

Expanding remote work could help retain existing staff and serve as a recruitment tool.

**Opportunities for Remote Work**

On Sunset’s parole staff survey, nearly 70 percent of respondents agreed or strongly agreed they would be able to complete their work remotely when not doing in-person visits to releasees, yet only about half of eligible POs currently have that option. POs are ineligible for remote work until one year after their hire date.

Among non-officer staff, more than half of respondents to Sunset’s survey agreed they would be able to complete at least part of their work remotely and it would make them happier in their job, yet only 20 percent are allowed to do so.

Improved tracking and analysis of hiring data would provide valuable insights TDCJ currently is missing.

**TDCJ could better use data to identify root causes of turnover and facilitate hiring.**

While outdated technology and cumbersome manual processes plague TDCJ, as discussed further in Issue 3, the agency does not consistently use the data it collects to understand and better address its staffing crisis. Data analytics was among HR’s self-identified core competencies; however, the agency has not systematically used data to inform its recruitment and retention efforts. For example, while TDCJ now regularly surveys COs about retention and wellness, the agency has not made efforts to collect similar insights from other critical or high-turnover positions, including POs and HR and IT division staff. Furthermore, the agency has not effectively used existing sources of employee sentiment data to gather insights to inform retention strategies. For example, TDCJ issues the optional SAO exit survey to each voluntarily separating employee but does not consistently mine the surveys for

actionable insights. Prior to a Sunset request in early 2024, HR only retained individual exit surveys and did not keep records of the aggregate data SAO compiles on a quarterly basis showing trends across surveys. TDCJ could also gain more detailed insights by creating its own exit survey or standardizing questions in retention or exit interviews. Additionally, while TDCJ maintains data on the nature of employee complaints and grievances, analyzing these data would enable TDCJ to identify common issues arising across the workplace that the agency could address more proactively.

In addition, as a large agency where some candidates apply for multiple positions at once or would be qualified for various roles across divisions, TDCJ misses opportunities to ensure hiring and resourcing decisions reflect the best interests of the agency. TDCJ lacks an applicant tracking system to store candidate data such as location preferences and automate key steps in the hiring process, meaning HR staff processes tens of thousands of applications per year manually. As a result, HR cannot track applications through the process or provide updates to either candidates or hiring division staff. Consequently, when candidates apply for multiple positions simultaneously, HR, TLDD, and the relevant divisions are unable to coordinate to avoid duplicating interviews or negotiate to determine who should hire which candidates for the agency’s priorities and best interest. Moreover, job candidates who are not selected for the role to which they applied are not consistently directed to consider similar positions at TDCJ or other roles in the agency’s highest-need areas.



## Sunset Staff Recommendations

### *Management Action*

#### **2.1 Direct TDCJ to consolidate and expand its existing workforce retention and support functions under one department to better support employees and systematically identify root causes of turnover.**

This recommendation would direct TDCJ to evaluate all divisions and personnel with relevant staffing and retention duties and consolidate key functions into a single department whose sole focus is workforce retention and support. This department would oversee existing retention-oriented initiatives, including employee recognition, financial incentives, state-owned housing, and other benefits. The department also would develop new initiatives such as structured mentorship, peer support, or other retention and wellness supports. In addition to existing functions that would be part of this department, TDCJ should also perform, at a minimum, the following additional workforce retention and support functions:

- Analyze data collected from staff surveys, focus groups, workplace issue filings, and other sentiment-gathering efforts to mine for insights and develop data-driven employee retention and support initiatives.
- Monitor core staff services, including timely completion of annual performance evaluations and implementation of pay adjustments, trends in workplace issue filings and sentiment data, and efforts to address critical turnover problems, and provide biannual progress reports to TDCJ executive staff and the board.
- Evaluate the effectiveness and ongoing need for existing employee retention and wellness supports.
- Develop and implement standard operating procedures for voluntarily separating employees, such as a TDCJ-specific exit survey or interview questions or a discussion of other open TDCJ positions.

This department would assist TDCJ in ensuring better coordination and centralization of workforce retention and support. The recommendation would enable the agency to more holistically identify management problems that lead to employee turnover and make better informed and systematic efforts to address them. TDCJ would be directed to establish this department by September 1, 2025, and provide its first biannual report by December 1, 2025, and first follow-up report by June 1, 2026. TDCJ should publish these reports on its website.

#### **2.2 Direct TDCJ to conduct job task analyses for key roles, clarify task prioritization, and tailor evaluations, hiring objectives, and training materials as needed.**

This recommendation would direct TDCJ to study the scope of tasks for key roles such as POs, HR, and IT staff, similar to an effort the agency has only recently begun for COs with help from academic partners. Given the prevalence of both critical understaffing and emergent situations at TDCJ, the analysis should clarify which tasks or positions should be prioritized under those circumstances, streamlining staffing plans and employee expectations to better match realities on the ground. As part of this recommendation, TDCJ should consider and plan for how to use technology like applicant tracking software to reduce inefficiencies and make better use of staff resources, including through the automation plan recommended in Issue 3. The agency could consider working with a research institution or other external consultant to help conduct the analysis. The recommendation would also direct the agency to use the results of the analysis to revise job descriptions and performance evaluations for the studied roles as well as tailor training and hiring objectives as needed, completing this effort for key roles by September 1, 2026.

### **2.3 Direct TDCJ to provide additional guidance in policy on appropriate use of disciplinary and corrective actions for both subordinates and supervisors.**

As TDCJ finalizes revisions to its disciplinary policy, this recommendation would direct the agency to ensure it adequately emphasizes behavior correction rather than rigidly punitive action and allows for more flexibility to consider context and extenuating circumstances. Specifically, the policy should make clear when it is appropriate or preferred for a supervisor to pursue non-disciplinary corrective actions and expand upon what those actions could include such as remedial training or a performance improvement plan process. The policy should ensure all conduct standards and violations are clearly defined and require more thorough documentation of cause for disciplinary action.

As part of this recommendation, TDCJ could consider whether certain levels of disciplinary action should continue to disqualify or exclude staff members from promotions, salary increases, or other opportunities. The agency could also consider removing low-level disciplinary actions from an employee's record when the employee completes the assigned corrective action or demonstrates satisfactory correction in their behavior or performance. To support the new policy, the agency should expand its existing remedial training and coaching curricula as resources allow.

With careful attention to avoid reinforcing or expanding an overly punitive culture, the recommendation would also direct TDCJ to clarify how supervisors will practically be held to a higher conduct standard and how subordinates may seek recourse for their supervisors' violations in a way that protects their identity. Furthermore, as TDCJ rolls out new initiatives for accountability and security such as its body camera program, the agency should consider updating the policy or adopting rules about how these programs fit into the agency's disciplinary procedures.

As part of this recommendation, the agency could consider implementing a temporary measure whereby the workforce retention and support department described in Recommendation 2.1 periodically audits disciplinary actions to ensure fairness and consistent application across facilities and departments of the agency and reports to TDCJ leadership on a regular basis. A clearer and more inclusive policy would encourage supervisors to coach their subordinates to improve performance and ensure disciplinary and corrective actions are more fairly assigned and not used as threats.

### **2.4 Direct TDCJ to clarify and streamline its process for employees to file formal workplace issues and consider creating an avenue for anonymous complaints.**

This recommendation would direct TDCJ to revise the process by which employees may elevate formal workplace issues with the goal of emphasizing clarity, simplicity, and confidentiality when needed and to develop guidelines for prioritizing the highest-risk filings. To protect confidentiality, employees should be allowed to submit filings directly to the central HR office rather than going through a local contact, and the agency should consider creating online forms as an alternative to paper. The agency should also collect data on workplace issues in a standardized manner to facilitate analysis, including data on the subject and location of the issue, resolution method, and any follow-up actions taken.

The agency should also implement a separate process for employees to formally file anonymous complaints rather than just formal workplace complaints and ensure employees have a clear understanding regarding the different purposes of each. An anonymous complaints process would allow the agency to identify systemic issues with workplace culture without an expectation to directly investigate or resolve an individual's issue. This recommendation would allow TDCJ to provide an outlet for management issues staff may be afraid to submit as formal complaints and also allow the agency to more systemically identify management problems that may contribute to high turnover.

## **2.5 Direct TDCJ to revise and expand the scope of its performance evaluation process.**

This recommendation would direct TDCJ to develop qualitative and quantitative measures that better reflect performance and work quality and ensure employees are not unfairly held accountable for aspects of their work that fall outside their control. TDCJ should also remove current evaluation criteria that do not meaningfully assess performance quality such as those related to the employee's basic capability to perform required job functions. As part of this recommendation, TDCJ could also consider incorporating feedback from additional colleagues in performance evaluations as relevant, including from subordinates and peers, and to the extent possible. The agency could also consider requiring employees to develop concrete professional development goals with timelines, such as completion of proactive training opportunities, as part of their performance evaluation process.

This recommendation would also direct TDCJ to incorporate turnover as a performance measure on the evaluations of supervisors and senior leaders, taking into account external factors potentially impacting staffing such as local demographics, as discussed in Issue 1. The agency should use these employees' performance evaluations to identify areas with high turnover and possible contributing factors that these leaders could directly address. This recommendation would help TDCJ recognize supervisors who adopt effective strategies to increase retention and replicate those practices agencywide as well as identify those who need additional training or resources devoted to improving retention. This approach would also incentivize regional leaders to solve workplace issues within their regions, possibly with the help of the workforce retention and support department described in Recommendation 2.1.

This recommendation would direct TDCJ to prioritize revising and then completing performance evaluations for correctional and parole staff, completing an initial round by September 1, 2027, incorporating components identified in the job task analyses directed under Recommendation 2.2. The agency could consider implementing a temporary measure whereby the workforce retention and support department periodically audits performance evaluations, particularly of supervisors and senior leaders, to ensure the new criteria and additional inputs are being appropriately incorporated.

## **2.6 Direct TDCJ to strengthen policies and processes for employees to seek out, participate in, and track trainings as a path to advancement within the agency.**

This recommendation would direct TDCJ to more clearly link advancement opportunities to trainings and ensure training opportunities are available for employees to pursue proactively where possible. As part of this recommendation, the agency could consider developing internal certifications or other training tracks and developing or acquiring a tool for employees to track their training progress toward advancement goals such as new assignments, merit salary increases, and promotions. The learning management system and additional training resources included in the agency's 2026–27 Legislative Appropriations Request would support these goals.<sup>24</sup> This recommendation would direct the agency to leverage existing online trainings to develop initial tracks and continue to expand training offerings as resources allow.

## **2.7 Direct TDCJ to update and standardize its telework policy.**

This recommendation would direct TDCJ to revise its telework policy, building on the practices of divisions across the agency that have implemented more consistent teleworking opportunities for staff. The agency should aim to extend teleworking or hybrid work flexibility to more employees where operationally feasible and with appropriate checks in place. As part of this recommendation, the agency should consider updating the policy to enable staff not typically permitted to telework, including correctional staff, the opportunity to complete required trainings or other administrative tasks from home when possible since both connectivity and time constraints make it difficult to complete these tasks within TDCJ facilities.

Given its limited resources to attract and retain strong candidates, particularly in certain hard-to-staff locations, the agency could better utilize this no-cost benefit with a more inclusive and expansive policy.

## **2.8 Direct TDCJ to more consistently collect and analyze feedback from both current and separating staff.**

This recommendation would direct TDCJ to collect more feedback from staff about retention and wellness challenges and opportunities, expanding beyond correctional staff surveys to solicit input from parole and other staff categories as resources allow. The agency should emphasize anonymous feedback mechanisms to promote candid responses and curtail fears of retaliation. The recommendation would also direct TDCJ to better analyze trends from data the agency already collects, including workplace issue filings, exit interviews, and surveys. The agency should also consider implementing periodic “retention interviews” with staff to mitigate issues in their current role or discuss whether any other areas of the agency might be of interest.

## **Fiscal Implication**

Overall, these recommendations are designed to contribute to improved retention, saving an estimated \$7,770-12,770 in advertising and upfront training costs alone for each CO or PO retained, with additional savings from retaining other agency staff. The recommendations’ exact fiscal impact to the state depends on how the agency implements them and therefore cannot be estimated.

Recommendation 2.1 would require consolidating certain functions the agency already performs within one clear chain of command and carrying out new functions. TDCJ might choose to hire additional employees to accomplish these directives, but the impact of any new salaries and benefits depends on implementation and cannot be estimated. Investing these resources could help reduce the agency’s significant overall turnover costs, and with reduced turnover, ultimately help TDCJ better complete its vital public safety mission. For example, losing just 500 fewer COs per year — less than 10 percent of the 6,652 COs lost in fiscal year 2023 — would save the agency more than \$5 million.

Recommendation 2.2 could likely be achieved with existing resources if the agency is able to engage an external research partner, such as a university or another government agency, to assist in conducting the job task analysis. Purchasing an applicant tracking system or hiring an external research partner such as a consultant could bring additional costs that cannot be estimated at this time. Directives to revise TDCJ’s evaluation, hiring, and training materials could be accomplished with existing resources.

Recommendations 2.3 to 2.8, which direct TDCJ to revise internal policies and practices, could be accomplished with existing resources as well and therefore would have no fiscal impact to the state.

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<sup>1</sup> Texas Department of Criminal Justice (TDCJ), Article V, Page V-6, Chapter 1170 (HB 1), Acts of the 88th Legislature, Regular Session, 2023 (General Appropriations Act).

<sup>2</sup> TDCJ, “Legislative Updates: Pay Increases for All COs and Employees,” accessed online August 18, 2024. [https://www.tdcj.texas.gov/news/pay\\_increases\\_effective\\_july\\_1.html#:~:text=In%20April%202022%2C%20state%20leadership,the%20next%20two%20fiscal%20years;Article%20IX,Page%20IX-110,Chapter%201170%20\(HB%201\),Acts%20of%20the%2088th%20Legislature,Regular%20Session,2023%20\(Gen%20Appropriations%20Act\);Chapter%20458%20\(SB%2030\),Acts%20of%20the%2088th%20Legislature,Regular%20Session,2023.](https://www.tdcj.texas.gov/news/pay_increases_effective_july_1.html#:~:text=In%20April%202022%2C%20state%20leadership,the%20next%20two%20fiscal%20years;Article%20IX,Page%20IX-110,Chapter%201170%20(HB%201),Acts%20of%20the%2088th%20Legislature,Regular%20Session,2023%20(Gen%20Appropriations%20Act);Chapter%20458%20(SB%2030),Acts%20of%20the%2088th%20Legislature,Regular%20Session,2023.)

<sup>3</sup> The Legislature slightly reduced the agency's budget allocation for CO positions in 2015 due to high vacancy rates. Prior to the change, the FTE cap for COs was calculated assuming 97.5% of TDCJ's ideal CO staffing level but was adjusted down to assume just 94.0% of TDCJ's ideal CO staffing level.

<sup>4</sup> State Auditor's Office (SAO), *An Annual Report on Classified Employee Turnover for Fiscal Year 2023*, January 2024, p. 18, accessed online August 14, 2024, <https://sao.texas.gov/Reports/Main/24-702.pdf>.

<sup>5</sup> SAO, "E-Class Search Criteria," accessed online August 14, 2023, <https://sao.texas.gov/Apps/eclass/Search/>.

<sup>6</sup> The agency could not estimate total costs related to new hires, including additional training.

<sup>7</sup> Sergeants are the only correctional supervisors eligible to earn overtime. Lieutenants and above are eligible to earn compensatory time. Parole officers are eligible to receive overtime while parole supervisors are eligible to earn compensatory time.

<sup>8</sup> The agency does not track other costs associated with staff transport, including transport-related overtime, vehicle maintenance, and gas.

<sup>9</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 812.206, Texas Government Code.

<sup>10</sup> Chapter 432 (HB 1914), Acts of the 88th Texas Legislature, Regular Session, 2023.

<sup>11</sup> Based on a 40-hour work week.

<sup>12</sup> CGL, *Lopez Escape Review*, September 2022, accessed online August 14, 2024, [https://www.scribd.com/document/613221613/CGL-Lopez-Report#from\\_embed](https://www.scribd.com/document/613221613/CGL-Lopez-Report#from_embed).

<sup>13</sup> TDCJ and Board of Pardons and Paroles (BPP), "Nestor Hernandez and Zeric Jackson Investigative Report," December 28, 2022, p. 1, accessed online August 18, 2024, [https://gov.texas.gov/uploads/files/press/Hernandez\\_Jackson\\_Response\\_to\\_the\\_Governor.pdf](https://gov.texas.gov/uploads/files/press/Hernandez_Jackson_Response_to_the_Governor.pdf).

<sup>14</sup> Erika Harrell et al., *Indicators of Workplace Violence, 2019*, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice; Bureau of Labor Statistics, Office of Safety, Health, and Working Conditions, U.S. Department of Labor; and National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 2022, p. 22, accessed online September 13, 2024, <https://bjs.ojp.gov/content/pub/pdf/iwv19.pdf>.

<sup>15</sup> TDCJ and BPP, "Nestor Hernandez and Zeric Jackson Investigative Report," December 28, 2022, accessed online August 18, 2024, [https://gov.texas.gov/uploads/files/press/Hernandez\\_Jackson\\_Response\\_to\\_the\\_Governor.pdf](https://gov.texas.gov/uploads/files/press/Hernandez_Jackson_Response_to_the_Governor.pdf).

<sup>16</sup> TDCJ, *Personnel Manual*, "General Rules of Conduct and Disciplinary Action Guidelines for Employees (PD-22)," last revised November 1, 2021, accessed online August 14, 2024, <https://www.tdcj.texas.gov/Divisions/hr/hr-policy/pd-22.pdf>.

<sup>17</sup> TDCJ, *Personnel Manual*, "Employee Awards and Recognition (PD-53)," last revised August 1, 2015, pp. 5-6, accessed online August 14, 2024, <https://www.tdcj.texas.gov/Divisions/hr/hr-policy/pd-53.pdf>; TDCJ, *Personnel Manual*, "Merit Salary Increases (PD-90)," last revised May 1, 2024, p. 4, accessed online August 14, 2024, <https://www.tdcj.texas.gov/Divisions/hr/hr-policy/pd-90.pdf>.

<sup>18</sup> TDCJ, *Personnel Manual*, "Discrimination in the Workplace (PD-31)," last revised September 1, 2021, accessed online August 14, <https://www.tdcj.texas.gov/Divisions/hr/hr-policy/pd-31.pdf>; TDCJ, *Personnel Manual*, "Employee Grievance Procedures (PD-30)," last revised June 24, 2022, accessed online August 14, <https://www.tdcj.texas.gov/Divisions/hr/hr-policy/pd-30.pdf>.

<sup>19</sup> TDCJ's grievance policy (PD-30) outlines some "non-grievable" issues such as administrative separation, reclassification, and pending disciplinary action.

<sup>20</sup> TDCJ, *Personnel Manual*, "Employee Grievance Procedures (PD-30)," last revised June 24, 2022, p. 8, accessed online August 14, <https://www.tdcj.texas.gov/Divisions/hr/hr-policy/pd-30.pdf>.

<sup>21</sup> Ibid.

<sup>22</sup> TDCJ, "Legislative Appropriations Request, Fiscal Years 2026-2027," September 6, 2024, accessed online September 23, 2024, <https://docs.lbb.texas.gov/Main/DocDisplay.aspx>.

<sup>23</sup> TDCJ, *Personnel Manual*, "Teleworking (PD-94)," last revised December 1, 2020, accessed online August 14, 2024, <https://www.tdcj.texas.gov/Divisions/hr/hr-policy/pd-94.pdf>.

<sup>24</sup> TDCJ, "Legislative Appropriations Request, Fiscal Years 2026-2027," September 6, 2024, accessed online September 23, 2024, <https://docs.lbb.texas.gov/Main/DocDisplay.aspx>.



## ISSUE 3

# Uncoordinated Strategic Planning and Outdated Data Systems and Practices Hinder TDCJ from Effectively Modernizing to Address Technology and Staffing Challenges.

### Background

The Texas Department of Criminal Justice's (TDCJ) information technology (IT) infrastructure consists of at least 70 applications originally built on mainframe technology that comprise its inmate management system. These applications are essential to the operational work of TDCJ but use an outdated coding language which, coupled with significant changes to TDCJ's processes over the past few decades, has made TDCJ's data management system increasingly out of date with current operational practices and more complicated and time consuming for TDCJ staff to use. Examples of applications include those that calculate an inmate's time served or time remaining and those that manage an inmate's work or rehabilitative programming assignments. TDCJ's Parole Division uses a separate web-based data management system for its parole operations, and various divisions use siloed Microsoft Access databases or Excel spreadsheets to conduct and document TDCJ operations not covered by its main data management systems. In addition to electronic data management, TDCJ relies on many paper-based and manual processes to keep track of information on agency operations.

In 2022, TDCJ awarded Microsoft a contract to replace the mainframe with a cloud-based system known as the Corrections Information Technology System (CITS). The original launch date for phase one of CITS was August 2024, but the project has experienced significant implementation delays. As TDCJ prepares to shift to CITS, the agency is largely relying on a temporary cloud-based technology to move and store data between systems.

Separate from the initiative to acquire a new data management system, TDCJ announced a strategic plan in 2022 to help the agency achieve its long-term goals by the end of this decade, known internally as the 2030 Plan. The plan includes goals to improve various aspects of TDCJ's operations and strategic initiatives the agency plans to pursue to meet these goals. Technology initiatives make up one of seven key areas in the plan the agency has targeted for improvements.

### Findings

#### **TDCJ's scattershot, reactive, and halting approach to strategic planning leads to incomplete reforms and limited modernization.**

TDCJ is in need of significant modernization, as defined in the textbox on the following page. Siloed, decades-old technology and paper-based processes form the backbone of the agency's increasingly complex operations. Additionally, critical aging infrastructure and staffing challenges, as discussed in Issues 1 and 2, make it all the more important for TDCJ to identify and operationalize strategic initiatives to increase operational efficiencies and optimize staff processes. While some modernization initiatives will have upfront costs, the agency can implement others with existing resources, and overall modernization

Decades-old technology and paper-based processes form the backbone of TDCJ's increasingly complex operations.

efforts will lead to long-term savings for the agency and reduce burdens on staff. The agency’s executive staff is aware of the need for modernization, but TDCJ lacks clear and repeatable processes for prioritizing strategic initiatives, coordinating initiatives across divisions, and ensuring initiatives are fully implemented to meet that need.

### What is Modernization?

A state agency modernizes by updating its procedures and practices to reflect changing needs, resource constraints, and best practices. Many such efforts will require updates to the agency’s use of data and technological capabilities, but other modernization efforts may only require a re-evaluation of how the agency conducts operations. For example, TDCJ recently changed the number of times it counts all inmates in its prisons from eight times a day to six. TDCJ reported making this change both as a result of overworked correctional officers being asked to do too many tasks and research across the correctional field indicating that this decrease in the number of counts per day would not impact the safety or security of prisons.

- **Internal strategic initiatives lack consistent coordination, follow-through, and accountability and are often derailed by emergencies despite the predictable volatility of corrections environments.** The agency’s internal modernization initiatives — either as part of the agency’s broader 2030 Plan, the CITS data modernization transition, or standalone strategic initiatives — receive different amounts of attention and follow-through. Executive staff regularly does not provide specific goals or outcome metrics to which staff can be held accountable, and the agency does not sufficiently track or ensure the implementation of all initiatives.

Unfocused strategic initiatives and lack of prioritization. As an agency with an abundance of processes requiring modernization, TDCJ must prioritize the initiatives it can actually implement and will provide the greatest benefit to the agency’s overworked staff. TDCJ’s 2030 Plan, which originated in 2022, includes many much-needed strategies to help modernize the agency but lists goals of significantly varying importance without clear prioritization as well as goals that are overly broad or ambitious. As a result, the 2030 Plan comes across as a wish list for the agency rather than achievable and actionable initiatives. For example, one overly broad goal is for TDCJ to “be voted by employees as the number one employer in Texas” while another more modest goal is to develop a citizens’ academy. The former seeks to solve the agency’s biggest challenge — as discussed in Issue 2 — in just six years. Becoming the number one employer will likely require a number of well-defined initiatives with clear metrics by which the agency can measure progress to transform the agency’s culture in that time period. The latter would require the agency to develop a single program, which TDCJ has already done. While proposing aspirational goals can be an effective leadership strategy, such goals must be backed by proportional prioritization and resources. Additionally, while TDCJ announced the 2030 plan in October 2022, TDCJ only started conducting quarterly meetings with division leadership on the implementation of projects in

TDCJ’s 2030 Plan comes across as a wish list rather than achievable and actionable initiatives.



summer 2024. Sufficient planning and prioritization is especially urgent for initiatives that require an IT component. While TDCJ is working to transition to a new data management system, TDCJ's IT staff has limited capacity to take on other initiatives. TDCJ division leaders or executive staff submit projects to IT staff, but IT and executive staff lack guidance on how and when to make the decision on whether to move forward with an initiative. Oftentimes, the prioritization of strategic initiatives comes down to a negotiation between different division leaders and executive staff instead of involving an accounting of the overall needs and capacity of the agency that staff dedicated to tracking and implementing strategic initiatives could provide.

Lack of coordination. TDCJ does not have a clear process for ensuring sufficient coordination between divisions when proposing or implementing strategic initiatives, in part because there is no staff responsible for globally tracking and prioritizing strategic initiatives across divisions. TDCJ does have one staff member assigned to tracking implementation of 2030 projects, but other initiatives outside the 2030 umbrella are not always consistently tracked, and the agency lacks sufficient coordination across divisions for these efforts. For example, most agency initiatives require an IT component, but TDCJ's IT staff is not always brought in early in the planning process. Specifically, several initiatives laid out in TDCJ's 2030 Plan would similarly require an IT component, but TDCJ staff reported that they did not have to consult with IT staff on the agency's capacity to actually implement these initiatives, resulting in planning of limited value. Additionally, TDCJ staff often proposes a modernization initiative for a single division when attempting to develop a process or system that could benefit multiple agency divisions. For example, IT staff reports having built distinct case management databases for different divisions of TDCJ, even when it would have been more efficient to create one database and customize it for different divisional needs. IT staff is working to better identify cross-divisional needs to avoid such an outcome, but clearer processes and staff dedicated to identifying and prioritizing strategic initiative needs across divisions would eliminate both siloed and duplicative efforts.

Organizational structure does not provide consistent oversight of strategic initiatives. As an agency with significant modernization needs, TDCJ should have a single entity responsible for identifying, prioritizing, and tracking the implementation of strategic initiatives. Additionally, frequent critical incidents inherent to operating a corrections system make it crucial for the agency to have an organizational structure that can simultaneously perform the day-to-day operations of the agency and move modernization efforts forward. TDCJ's executive leadership — including the executive director, deputy executive director, chief of staff, and leadership from different TDCJ divisions assigned to specific modernization efforts — are all involved with ensuring the implementation of initiatives. During the review, Sunset staff observed the executive staff as often very involved with running the

Sufficient planning and prioritization is especially urgent for initiatives that require an IT component.

IT built distinct databases for different divisions instead of creating one database and customizing it.

day-to-day operations of the state’s correctional system, which given the high-risk nature of the work is understandable. However, agency staff repeatedly asserted that responding to emergencies takes up all of TDCJ’s bandwidth and, in the process, new initiatives and long-term strategy fall to the wayside. Notable recent crises include the COVID-19 pandemic, high-profile escapes, and a systemwide lockdown in September 2023. While these incidents understandably require much of the agency’s resources to address, the agency does not adequately plan for or maintain an organizational

structure that accounts for the reality that critical incidents are a norm within correctional environments. Other large organizations might designate certain executive staff to operations and others to strategic growth, for example. At TDCJ, a similar approach, such as dedicating staff to track the progress and effectiveness of new initiatives, could better ensure follow-through with strategic initiatives. Without such accountability mechanisms, these initiatives are not always implemented timely or completely. The textbox provides an example of a modernization effort within TDCJ’s Parole Division that is still unresolved after a decade, despite having a significant impact on parole officer’s (POs) workload.

**Correcting a Parole Contact Report**

In 2014, an audit found that a report TDCJ generates to tell POs how often they must make different types of contact with each parolee on their caseload was inaccurate. The number of required contacts with parolees varies depending on factors including risk, but when the Texas Risk Assessment System was launched in 2014, the report was never updated to indicate the impact of risk on how often a PO had to make contact with a parolee each month. As a result, POs have to manually open each case file and determine if they have met their contact requirements. In 2022, the Parole Division received a grant from the Bureau of Justice Assistance (BJA) that would fix this report, but after 22 months of inaction from TDCJ, BJA threatened to pull the funding. In 2024, TDCJ was able to provide BJA with the required information and is now working to secure a contract to fix the report, over 10 years after the need for this one modernization effort was identified.

- **TDCJ does not effectively use outside researchers to help guide the agency’s modernization.** TDCJ allows anyone to apply to conduct external research on TDCJ operations but evaluates all proposals to ensure that the research is scientifically sound and will not cause harm or significant disruptions to TDCJ staff or inmates. In this context, research is a systematic investigation designed to develop or contribute to general knowledge and can include program evaluations and outcome studies. Research may be academic or biomedical in nature and may include the collection of new data or the use of existing data pertinent to the employees, clients, or operations of TDCJ.<sup>1</sup> External research can provide TDCJ with valuable information on topics such as efficacy of rehabilitative programs, factors that may lead to adverse events such as suicides or assaults, or reasons for staff separations. Research on these topics can also help TDCJ use modern tools to address longstanding challenges and cover topics that the agency has an interest in but that TDCJ’s small Research and Development Department (R&D) does not have staff capacity to study. To ensure the agency is getting the most out of external research, however, TDCJ must have objective and consistent policies to evaluate research proposals and should develop a process for soliciting external research requests when appropriate.

Not using outside research and expertise at times results in missed opportunities.

Informal assessments of the value of external researchers. TDCJ does not have clear, objective factors for determining whether an external research project would provide value to the agency, and the approval process is overly reliant on subjective assessments from agency leadership. Starting in 2021, TDCJ's executive leadership tasked R&D with reviewing external research requests. In response, the department created a more formalized process, yet it still relies on informal assessments from TDCJ's executive leadership on whether the research provides a benefit to the agency. This limits TDCJ from obtaining objective information on topics such as the outcomes of its programs and using such information to improve operations.

TDCJ denies most outside research requests.

Culture resistant to outside researchers. TDCJ is resistant to using outside researchers, even when it may be appropriate to do so, leading to missed opportunities to gather information that could help improve operational outcomes and staff efficiencies. For example, TDCJ has an ongoing research collaboration with Rice University's Texas Policy Lab to conduct research on topics TDCJ finds valuable such as a machine learning project that would help the agency better assess risk. The policy lab pitched a project to catalogue and evaluate all of TDCJ's programming in early 2023, but TDCJ leadership twice denied the request even though it is a project the agency finds valuable and would fill a gap in the agency's evaluation of its programming, as explained in Issue 4. TDCJ's R&D Department is just now starting to get underway with a comparable project. Overall, in fiscal year 2023, TDCJ received 32 external research requests. The agency approved six and denied 23, with the remaining three requests withdrawn or still under review.

No institutional review board. TDCJ lacks an institutional review board (IRB), a body responsible for guarding the welfare of human subjects recruited to participate in research. In contrast, other data-rich state agencies in Texas like the Health and Human Services Commission and Department of State Health Services — as well as juvenile and adult correctional systems in other states like Florida and North Carolina — use IRBs to screen external research requests.<sup>2</sup> Other states like Washington have IRBs that serve a number of state agencies, including their corrections agencies.<sup>3</sup> With an IRB, TDCJ could establish a more objective, scientifically and ethically based process for vetting research proposals while also protecting human subjects.

TDCJ's data practices result in missed opportunities to analyze its own practices.

**Significant data quality challenges lead to errors and gaps in information that create inefficiencies and limit TDCJ's ability to identify and address ongoing problems.**

TDCJ has outdated and inadequate data management systems and processes that lead to errors and gaps in data for day-to-day operations of prisons and the parole system.

- **Incomplete data.** The ways in which TDCJ collects and reports data often do not contain the level of data that would best allow the agency to

identify and address consistent problems that impact inmates and staff. During the course of the review, Sunset staff found numerous examples of incomplete data.

Use of force. TDCJ was able to provide Sunset with data on the number of use-of-force incidents, as defined in the textbox, broken down by correctional facility. However, the agency was unable to provide the type of use of force, such as excessive force or provoked use of force, for each incident. TDCJ explained the data are not tracked by these different categories due to the agency's reporting structure. For example, a facility review might find that the use of force was provoked, but a subsequent review by central administrative staff or the Office of the Inspector General (OIG) might reclassify the use of force as non-provoked. Tracking the type of use of force after the final review, however, could help TDCJ identify trends in use of force over time and at different correctional facilities and then use that information to improve processes or staff training.

### Use of Force

In certain circumstances, TDCJ correctional staff is authorized to use force against inmates to achieve compliance or maintain a safe and secure environment. Guidelines for TDCJ's use-of-force policy are laid out in the agency's behavioral intervention plan that establishes an expectation for staff to attempt de-escalation before using force against an inmate in most circumstances. TDCJ documented 10,851 uses of force in fiscal year 2023.

Employee complaints and grievances. TDCJ does not label or track the types of issues or locations for employee complaints in a consistent manner, which can lead to difficulties in complaint categorization. The agency lacks set complaint categories or locations for agency staff to enter into the employee complaints data application, leading to inconsistencies and errors. Employee complaints and grievances also contain incomplete data such as missing dates related to intake, referral or decision, and closure. In some cases, the agency included a referral or decision date, but the data did not include an actual referral or decision. Incomplete data on employee complaints and grievances prevent TDCJ from better identifying and targeting issues that may contribute to the agency's employee retention challenges.

### Universal Request Forms

I-60s are universal request forms inmates can send to anyone working at TDCJ to make requests on any issue. Common types of requests inmates make through I-60s include work assignment changes, changes to visitation, or changes in housing placement. Requests through I-60s can have a significant impact on an inmate's experience and rehabilitation while in TDCJ custody.

Universal request forms. TDCJ does not track any information about its universal request forms for its inmates, as described in the textbox, including how many inmates submit universal request forms and to whom. TDCJ expressed a desire to put the paper-based form on inmates' tablets, which TDCJ provided to inmates in all correctional facilities by 2023, but it has not yet done so. A comprehensive view of the number and types of requests made at different facilities or even by region could help TDCJ identify problems or needs and dispatch resources or develop changes to procedure as appropriate.

- **Unreliable data.** Limitations in TDCJ's data management systems often cause the agency to be unsure of the reliability of its data, which can obscure the size and scope of serious issues that occur within the agency and make

it difficult to appropriately remediate such issues. The agency has some quality control processes to improve data reliability, but these processes are not standardized and are not always consistently followed, limiting their usefulness. TDCJ lacks master data management processes to ensure that data in its master records are consistent and correct, resulting in time-intensive processes to clean data any time it is pulled from the system and preventing TDCJ from having a single source of truth for data requests. During the review, Sunset staff found several examples of unreliable data.

Time credit appeals. Inmates can dispute the amount of time TDCJ reports they must serve until discharge or parole eligibility, as described in the textbox. TDCJ began tracking the number of time credit appeals in 2015 but does not track the results of these appeals, reporting that the outcomes are too varied to do so. However, comprehensive data on how many time credit appeals contained an error and basic information on why the error occurred could help TDCJ identify and address the causes of time calculation errors, which is especially important when there is a growing inmate population with fewer staff to manage them, as described in Issues 1 and 2.

Staffing data. The data TDCJ collects and reports internally about staffing levels at different prisons are not always accurate and complete and often exist only on paper, which limits comprehensive analysis. Each correctional facility has different staffing numbers to track, including its number of authorized and filled positions. The actual number of correctional officers who are available to work on a particular day varies due to illness or other types of leave so daily data points include staff who are initially assigned to work a shift, staff who actually cover that shift, and staff who work beyond the assigned shift. The number of unfilled positions at a facility might change significantly during a shift as staff does not show up for a shift, staff is asked to stay beyond their original shift, or staff is sent over from other facilities. TDCJ does track some information about the deployment of correctional officers to short-staffed units through its staffing command center, but individual prisons often only report these nuances on paper shift rosters, and the agencywide staffing data available to agency leadership often do not reflect the daily reality at prisons. Without this granular level of data, and due to the agency's reliance on a paper-based roster system, TDCJ cannot accurately assess and address its staffing challenges at different prisons.

- **Data not in usable forms.** TDCJ does not have a comprehensive view of key system indicators and basic metrics such as staff turnover, changes in prison population, or adverse events that would allow TDCJ leadership to identify trends in different prisons or regions. Even if TDCJ addressed the gaps and errors in its data, the agency is not set up to review key metrics

### Time Credit Appeal

Inmates may appeal any potential issues with the time TDCJ reports they are required to serve. Common reasons for time credit appeals include missing information on time served in county jails and overturned inmate disciplinary cases that restore an inmate's good time. TDCJ staff will investigate the issue, identify any problems with an inmate's time calculation, and make corrections to an inmate's time as needed. TDCJ received nearly 3,100 appeals in fiscal year 2023.

The number of unfilled positions at a facility might change significantly during a shift.

Leadership  
needs better  
data insights into  
what is occurring  
at prisons.

over time at different prisons. Cumbersome and siloed databases, many of which date back to the 1990s, and the use of spreadsheets and hand counts to track information prevent TDCJ staff from effectively collecting and tracking important data and information about its prisons. Due to the technical and process limitations noted above, as well as staff's considerable workload, TDCJ is unable to look at comprehensive information about different prisons, regions, and the whole system in a single location. Similarly, while TDCJ has data on several different indicators relevant to the safety and security of staff and inmates, these data are not centrally located. Because TDCJ leadership does not have a consistent and comprehensive view of key indicators in prisons, staff is often reacting to problems as they occur. An overview of indicators such as staffing, assaults and other violent incidents, contraband, grievances, complaints handled by the independent ombudsman, and disciplinary cases at different correctional facilities and regions could help TDCJ identify trends and deploy resources as appropriate in a systematic rather than piecemeal manner.

**TDCJ's inefficient, siloed, and outdated data governance leads to errors that can hinder the agency's ability to ensure safety to inmates, staff, and the public.**

- **Limited and informal communication.** More formalized communication and coordination between the entities responsible for TDCJ's data governance would ensure that distinct initiatives to improve data governance occur in coordination and without duplication. As shown in the table on the following page, three main staffing groups within TDCJ deal with cross-divisional data: the Data Management Office (DMO) in TDCJ's IT Division, the statistical section of TDCJ's Executive Administrative Services, and the R&D Department. While the statistical section and R&D communicate semi-regularly, it is largely just regarding projects on which R&D is working. Conversely, during the review, Sunset staff learned the statistical section and R&D have limited interactions with DMO. TDCJ intends to establish a data governance council as a part of DMO's data governance plan. The data governance council would include these three entities along with other staff and would be responsible for managing, escalating, and resolving data governance issues. TDCJ approved the data governance plan in August 2024, but the data governance council has yet to convene.
- **Overreliance on paper-based processes.** As it has for decades, TDCJ continues to rely on paper-based processes that require significant staff resources and often result in errors and lost data. Most basic correctional tasks within a prison are performed using paper-based processes, including the count of inmates that occurs six times a day, the I-60 form, inmate grievances, and inmate discipline. Additionally, many of TDCJ's administrative processes, such as transferring information about incoming inmates from the counties to TDCJ, rely heavily on paper-based processes. Respondents to Sunset's survey of non-correctional staff reported that their jobs require significant amounts of paper-based processes and manual

Inefficient paper-  
based processes  
drive day-to-day  
operations.

data entry, as shown in the textbox. During conversations with TDCJ staff, Sunset staff repeatedly learned of concerns that reliance on paper for these important processes render them more prone to error. The massive scale of TDCJ’s operations and the necessary processes to support the agency create opportunity for error as well. While data on the universal I-60 request systems are not tracked, as discussed above, in fiscal year 2023 there were over 244,000 inmate disciplinary cases and nearly 127,000 inmate grievances. Sunset learned from stakeholders that TDCJ’s reliance on paper for the I-60 and grievance processes make it too easy for forms to be lost or destroyed.

**Non-Correctional Staff Reliance on Paper-Based Processes**

- 76% reported that their job requires a lot of paper-based processes.
- 46% reported that they have to perform duplicate data entry due to paper-based processes.
- 45% reported that systems for data input have technological limitations that make their job more difficult.

**TDCJ Entities that Serve Data Governance Functions**

Data Management Office	Statistical Section	Research & Development Department
<ul style="list-style-type: none"> <li>• Housed in TDCJ’s Information Technology Division.</li> <li>• Established in 2021 as required by SB 475 (87R).<sup>4</sup></li> <li>• Helps ensure data projects from TDCJ’s different operational divisions are using data in secure and appropriate ways.</li> <li>• Develops policies for TDCJ’s data management.</li> <li>• Develops a data governance plan for the agency.</li> <li>• Assists on data management preparations during the transition to CITS.</li> </ul>	<ul style="list-style-type: none"> <li>• Longstanding staffing section housed in TDCJ’s Executive Administrative Services Division.</li> <li>• Collects, reconciles, and combines data from disparate data systems throughout the agency.</li> <li>• Uses verified data to create statistical reports for an array of stakeholders within and outside the agency.</li> <li>• Identifies data errors and reports on an ad hoc basis significant and consistent errors to either the Information Technology Division (for programming errors) or the division from which the data originated (for human errors).</li> </ul>	<ul style="list-style-type: none"> <li>• Housed in TDCJ’s Executive Administrative Services Division.</li> <li>• Established in 2019 by TDCJ’s executive director.</li> <li>• Conducts data analysis to address specific problems as requested by TDCJ leadership.</li> <li>• Uses data to make recommendations or establish strategic initiatives.</li> </ul>

Technology and TDCJ culture. Technological and fiscal limitations admittedly necessitate the continued use of some paper-based processes. However, TDCJ too quickly defaults to a cultural inertia of doing things the way they have always been done. During the review, Sunset staff observed a deep resistance to eliminating paper-based processes and moving towards digitization. For example, TDCJ does not allow correctional staff on facilities to use basic tools such as Microsoft Excel to conduct inmate counts nor does the agency even have that tool available to correctional officers, instead relying on a paper-based process. Similarly, TDCJ intake staff print out copies of inmate packets they receive from the counties via email to then manually enter that information into TDCJ’s data system.

Staff relies on the print packets as a workflow tool to keep track of which staff is assigned to conduct manual data entry for which inmates, instead of keeping track of data entry workflow electronically. Additionally, the agency has tried to move to using more digital signatures, but various divisions have expressed discomfort with such a change. Without digital signatures, agency staff must print out hard copies of records, gather signatures, and then often immediately scan documents back into a database, resulting in an inefficient process that introduces more opportunities for error.

Staff regularly manually enter the same information into multiple databases.

Discrete digitization projects. Some TDCJ staff is working on digitizing discrete paper-based processes for some TDCJ divisions, but the agency is not systematically reviewing and identifying paper-based processes best suited for digitization. Such a review could help all divisions identify processes most beneficial for the agency if digitized and create a timeline to do so with consideration of the ease of implementation, use of staff resources, and whether the process will be affected by the transition to TDCJ's new data system. Given the agency's limited resources, such a systematic review could help the agency identify processes to digitize that have the lowest barrier to implementation and the highest long-term potential savings.

- **Manual data processes lead to duplication and data errors, wasting limited staff time and creating operational errors.** TDCJ's numerous databases, some of which document the same types of information, often have difficulty communicating with one another. This requires staff to enter and update the same information in multiple databases, resulting in conflicting data or time-intensive reconciliation processes to ensure accuracy. TDCJ does not use a designated master data record, indicating the agency has not established the data infrastructure to support a single source of truth for data systems and reporting. TDCJ staff also conducts manual data entry multiple times as a form of quality control, which is very time- and labor-intensive and not ideal during the agency's staffing crisis, as covered in Issue 2.

TDCJ identified 34 inmates wrongly released over the last 10 years.

Intake and classification. Much of the initial data entry at TDCJ is done by the intake staff before an inmate is transferred from jail to a TDCJ facility, including manual entry of biographic, sentence, and background information. Classification staff uses this information to make important determinations about an inmate's level of supervision and needs, which will determine custody levels, facility placement, and access to different services. Incorrect intake data entry can cause serious problems, potentially leading TDCJ to house inmates who should not be bunked together for security reasons in the same cell, bar inmates from certain rehabilitative classes, classify inmates at an inappropriate risk level, or even input inmate sentences incorrectly. As a quality control process, TDCJ leadership required duplicate data entry, resulting in two intake staff inputting the same data for each inmate. CID leadership established this quality control process after a series of audits in the mid-2000s identified consistent time calculation errors that caused TDCJ to incorrectly release inmates or fail to identify inmates who should be eligible for parole. Over the past ten fiscal years,



TDCJ identified 34 inmates who were wrongly released. This system had flaws, as nothing prevented intake staff from copying the first intake data entry and pasting it into the second. However, as of 2024, intake staff has stopped this manual quality control process, reporting that release staff identifies and corrects any errors that intake staff made when an inmate is preparing for release. Despite the high risk associated with intake data entry errors, intake staff is not changing its current processes, as delays from the launch of TDCJ's new cloud-based system and increases in the number of inmates coming from county jails puts additional pressure on its workload.

Manual data processes and associated data entry errors create risk in the corrections environment.

Violence and sexual abuse investigations. Staff working at correctional facilities reports allegations of serious incidents in prisons into TDCJ's Emergency Action Center (EAC), and EAC staff enters that information into the EAC database. OIG investigates incidents reported to the EAC that are criminal in nature, entering data on alleged criminal incidents such as sexual assaults into OIG's internal database. Separately, staff from TDCJ's Correctional Institutional Division (CID) enters allegations of certain incidents — including sexual abuse, violence, and extortion — into a database to launch an administrative investigation. These administrative investigations can result in TDCJ making decisions to ensure the safe functioning of correctional facilities such as job or housing changes or designating an inmate as an alleged perpetrator. TDCJ created this CID database for administrative investigations in 2020 because an audit found the previous process caused various reporting errors. Still, the current manual process requires significant staff time for data input and quality control. The process also requires frequent reviews to ensure an investigation does not fall through the cracks, and staff reports spending months reconciling data between the EAC database and CID's administrative database for an annual report because the data never align.

Time scan application. In 2024, TDCJ's IT staff built a time scan application for corrections staff intended to eliminate paper timesheets and overtime forms. While the agency has reduced its reliance on paper overtime forms, the application does not tie into the payroll system, requiring duplicative data entry that creates more opportunities for error. TDCJ leadership was interested in IT staff connecting the two systems, but the project would require a significant amount of IT staff resources and would likely be made obsolete by TDCJ's pending transition in the next biennium to the state's Centralized Accounting Payroll/Personnel System (CAPPS), again reflecting a scattershot planning and decision-making process.

Staff spends months reconciling data between databases for one report because the data never align.

Career ladder progression. For all career ladder progressions beyond correctional officers, for whom promotions are based on months of service, TDCJ's HR staff must manually identify when an employee has hit the required minimum experience for a career ladder progression and check for any and all additional eligibility requirements. These requirements vary by position type, making it more difficult for staff to ensure they identify all employees who are eligible for career ladder progression. For other types

of merit increases, human resources staff must follow a similar process to identify eligible staff and cross reference all eligibility requirements. Automatic identification and notification of staff eligible for progression could assist with addressing the agency’s dire retention rates and reduce HR staff workload.

- **The data system transition is not going well and on its own will not fix TDCJ’s data problems.** As shown in the table, in preparation for its transition to CITS, TDCJ temporarily shifted from an outdated mainframe platform and DB2 database to a cloud-based system known as Micro Focus, which does not contain any significant changes to applications. CITS would also be a cloud-based system but would replace the majority of the inmate management applications, changing how TDCJ collects, stores, and uses data.

**TDCJ’s Different Data Systems**

Old Data System: Mainframe	Current Data System: Micro Focus	Future Data Systems: CITS & CAPPs
<ul style="list-style-type: none"> <li>• Hosted through a mainframe services contract with the Department of Information Resources.</li> <li>• Used outdated COBOL programming.</li> <li>• Some divisions of TDCJ also relied on access databases and web-based applications to supplement data on the mainframe.</li> </ul>	<ul style="list-style-type: none"> <li>• Cloud-based system.</li> <li>• Represents a “lift and shift” of the mainframe, where applications were moved off the mainframe and housed in the cloud-based system.</li> <li>• Some applications received minor changes, typically only when coding changes were necessary to ensure applications functioned in the cloud.</li> <li>• An intermediary (and temporary) step necessary for the transition from the mainframe to CITS.</li> <li>• Some discrete applications and Access databases are not housed on Micro Focus.</li> </ul>	<ul style="list-style-type: none"> <li>• Cloud-based systems.</li> <li>• Represents a major overhaul of TDCJ’s applications.</li> <li>• Changes are intended to improve the usability of applications, reduce errors, decrease manual data entry, and increase communication between databases.</li> <li>• In the long term, TDCJ plans for all operational applications and databases to be housed in CITS.</li> <li>• TDCJ is planning for all financial and HR data to be housed in CAPPs or other cloud-based systems.</li> </ul>

TDCJ leadership hopes the transition to CITS will address many longstanding data issues and help modernize the agency, but the agency does not have a consistent strategic plan for identifying and fixing procedures that cause gaps and errors.

Problematic transition delayed TDCJ operations. A problematic first phase of the data system transition impeded operations for TDCJ, the Windham School District, and the Board of Pardons and Paroles (BPP), raising concerns that the agency is not adequately prepared for the more complicated shift to CITS or other modern centralized systems. The agency’s contractors, which include Microsoft, told TDCJ’s IT staff that the shift would not seriously disrupt TDCJ’s operations, especially when compared to the much more in-depth overall shift that transitioning to CITS will entail. When TDCJ launched Micro Focus in early January 2024,

it had conducted 16 weeks of testing with 200 users and synced the data into the new cloud-based database several times. Yet when Micro Focus launched, it almost immediately crashed; the system could not handle the user load, and several technical issues presented further complications. Three months of troubleshooting passed before Micro Focus was largely working as intended, with four to five weeks of very limited functionality. During this period, TDCJ had to prioritize certain divisions' access to the agency's data systems used for daily operations while others had to rely on paper-based or other back-up processes for the entire period. Some classification and intake staff, who rely on daily access to applications to calculate inmates' sentences and whose duties are essential to the smooth functioning of inmate intake from county jail, described the rollout as a disaster and reported that the switch resulted in a significant slowdown in their work at a time when TDCJ was already struggling to keep up with the intake process.

Outlook of current phase unclear. Similar to the unexpected difficulties with the transition to Micro Focus, TDCJ has run into problems with the CITS transition. The project and its initial launch have been delayed. In the face of this unclear outlook, TDCJ must think systematically about how to improve its data management and analytics practices to support the staff who uses these systems daily. The agency must comprehensively think about what other changes in data management it needs to make instead of treating a new system as a catch-all solution.

The transition to a new inmate management system is not going well.

Limited initial launch of CITS. While CITS could address some of TDCJ's data governance issues, the first phase of the launch will not be comprehensive, and TDCJ needs to plan for databases and processes that will not be a part of CITS for several years. Phase one of CITS is supposed to include a retooled inmate management system and replacement of some access databases, but many aspects of TDCJ's data will not be included in the initial launch. Perhaps most notably, parole is excluded from the initial phase of CITS, and the agency intends for an update of the parole data system to be part of the second phase. TDCJ will need additional appropriations to complete future phases of CITS.

## Sunset Staff Recommendations

### *Management Action*

#### **3.1 Direct TDCJ to establish an office of modernization and strategic initiatives.**

This recommendation would direct TDCJ to establish an office that would identify, prioritize, and implement initiatives aimed at modernizing the agency by December 31, 2025. This office would ensure TDCJ is consistently identifying the modernization needs of the agency, prioritizing the implementation of initiatives that are feasible and will have the largest impact on improving TDCJ operations, and ensuring collaboration across divisions to eliminate duplication of efforts. As part of this recommendation, TDCJ should locate its existing R&D Department — which often works to identify causes of complex problems within TDCJ and propose novel solutions — under this office. The office should perform the following duties:

- Work with TDCJ's divisions and executive leadership to identify potential strategic initiatives or other modernization efforts the agency can undertake.
- As appropriate, coordinate with external entities such as BPP, Windham, Community Supervision and Corrections Departments, court systems, and other relevant stakeholders to identify opportunities for collaboration on modernization efforts and other strategic initiatives that can improve the functioning of Texas' correctional system.
- Work with executive leadership to prioritize the implementation of strategic initiatives based on the impact they will have on staff resources and the agency's capacity to implement the initiative.
- Consult with TDCJ's IT staff on any initiatives that may include an IT component to ensure the agency has sufficient resources to implement the strategic initiative.
- Assist in the coordination of the implementation of strategic initiatives and modernization efforts across divisions.
- Track the implementation of all active strategic initiatives.
- Deliver recommendations on how TDCJ could solicit outside researchers to work on targeted projects that would benefit the agency as well as how the agency can better leverage ongoing relationships with research entities.

### **3.2 Direct TDCJ to develop a plan to prioritize improving its data collection and analysis, focusing on correctional and parole functions.**

This recommendation would direct TDCJ staff, in coordination with the agency's board, to develop a plan to improve the agency's data collection, quality, management, analysis, and proper designation of master data sets. This recommendation would help the agency reduce burden on staff by identifying and prioritizing data collection and analysis processes that can be easily improved and require significant staff time. This recommendation would also help agency operations by identifying and improving data collection processes that frequently lead to inaccurate data. In developing this plan, TDCJ should consult with correctional and parole staff regarding what data and potential tools could improve both their day-to-day work and the agency's ability to make strategic decisions over the long term. TDCJ should consider what data problems the agency expects to be addressed by CITS and identify any process improvements the agency can implement now. TDCJ should annually update this plan to include changes to data collection and analysis practices as well as changes to the agency's data management systems. TDCJ staff should present this plan and its annual updates to the agency's board for comments and approval. TDCJ should complete the first version of this plan by September 1, 2026, and present it to the board at the next board meeting.

### **3.3 Direct TDCJ to establish and maintain a report that enables users to view an array of indicators on prison health and safety.**

The report should include but not be limited to staffing levels, assaults, uses of force, contraband discoveries, and self-harm events. This report should allow users to select a specific correctional facility, facility type, or region or to view indicators statewide. TDCJ should use information from existing reports to create this comprehensive view of prison performance indicators. This recommendation would allow TDCJ executive staff, regional staff, and leadership at correctional facilities to easily identify trends, including concerning changes in indicators that may be evidence of problems or challenges the agency needs to address. As a part of this recommendation, TDCJ should develop a visual dashboard to display these

indicators. This dashboard should be publicly available on the agency's website for indicators the agency determines would not represent a risk to the safety and security of prisons, staff, inmates, or the public. This dashboard should be updated on a regular basis to reflect current conditions in facilities.

### **3.4 Direct TDCJ to establish administrative directives for the data governance program plan established by the Data Management Office.**

This recommendation would direct TDCJ to establish the following governing bodies suggested in the data governance program plan: Data Governance Operations, Data Governance Council, and Data Governance Executive Committee. This recommendation would ensure a more coordinated assessment of TDCJ's data governance needs. As part of this recommendation, TDCJ should establish written administrative directives which delineate the duties and compositions of these three governing bodies, as guided by the data governance program plan and Data Management Office. These administrative directives should include guidance on how often each of these governing bodies should meet. Until the data governance council is established and meeting regularly, representatives from TDCJ's Data Management Office, statistical section, and R&D would be directed to meet at least quarterly to review existing data governance initiatives, determine the necessary collaboration and coordination between divisions on data governance issues to reduce duplication of effort and data errors, and identify any emergent or urgent data governance needs for the agency.

### **3.5 Direct TDCJ to develop a written plan to phase out paper-based processes, reduce manual data processes, and identify opportunities for automation.**

As a part of this recommendation, TDCJ should prioritize paper-based processes that can be phased out with TDCJ's existing technology and identify processes that require significant staff resources to support. Additionally, TDCJ should focus on making available common processes such as the I-60, inmate grievances, and ombudsman complaint forms on inmate tablets and maintain paper-based processes only for the few inmates who are not given tablets or cannot use them. This recommendation would increase the efficiency of these processes for the agency and its staff by reducing the number of lost forms and human errors endemic to the current system. Placing forms or establishing processes on inmate tablets would also make it easier for TDCJ to centrally store and analyze data from these forms. This plan should also study what staff positions and duties could be eliminated through these efficiencies and the savings that could be generated for the agency. When considering what processes to digitize or automate, the agency should prioritize processes that would have the greatest impact on reducing staff duties while requiring limited resources to implement. The agency should also prioritize processes that would not be digitized or automated by the transition to CITS or another data management system such as CAPPs to avoid duplication of effort.

### **3.6 Direct TDCJ to evaluate its process for reviewing external research requests.**

TDCJ should evaluate its process for reviewing external research requests and document what factors the agency will use to determine if the requests would provide value to the agency and if the agency has the capacity to accommodate the research. TDCJ should publish these factors on its website. TDCJ should also establish a process for identifying discrete research questions the agency has an interest in and soliciting outside researchers to help the agency answer these questions. As a part of this recommendation, TDCJ should explore the creation of an IRB to help the agency establish a more objective process for vetting research proposals and protecting human research subjects. As part of this recommendation, TDCJ should consult with HHSC and DSHS on the makeup and duties of their IRBs.

## Fiscal Implication

These recommendations would not have a fiscal impact to the state, and TDCJ could implement them with existing resources. Certain initiatives the office of modernization and strategic initiatives might implement and the plan to eliminate paper-based processes would likely include upfront costs but could also lead to long-term savings for the agency.

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<sup>1</sup> Texas Department of Criminal Justice, “External Research,” accessed online September 1, 2024, [https://www.tdcj.texas.gov/divisions/eas/external\\_research.html](https://www.tdcj.texas.gov/divisions/eas/external_research.html).

<sup>2</sup> Texas Health and Human Services Commission (HHSC), “Institutional Review Board (IRB2),” accessed online August 28, 2024, <https://www.hhs.texas.gov/about/records-statistics/institutional-review-board-irb2>; HHSC “Institutional Review Board,” accessed online August 28, 2024, <https://www.dshs.texas.gov/sites/default/files/irb/IrbPolicy.pdf>; Florida Department of Juvenile Justice, “Institutional Review Board (IRB) Requests,” accessed online August 28, 2024, <https://www.djj.state.fl.us/research/institutional-review-board-irb-requests>; North Carolina Department of Public Safety, “A Guide to the Research Approval Process,” accessed online August 28, 2024, <https://www.ncdps.gov/rpguide/download>.

<sup>3</sup> Washington State Department of Social and Health Services, “Human Research Review Section,” accessed online August 28, 2024, <https://www.dshs.wa.gov/ffa/human-research-review-section>.

<sup>4</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 2054.137, Texas Government Code.

## ISSUE 4

# The State Lacks Sufficient Oversight and Strategic Planning for Inmate Rehabilitation Programs.

### Background

In the 1990s, the Legislature altered the mission of the Texas Department of Criminal Justice (TDCJ) to eliminate any mention of punishment and instead directed TDCJ to promote positive change in inmate behavior through rehabilitation and reintegration efforts.<sup>1</sup> As reflected in this revised mission, most inmates do not serve life sentences and instead return to the community after a finite period of time. The Board of Pardons and Paroles (BPP) ultimately decides whether an inmate is sufficiently rehabilitated to release, but TDCJ is responsible for rehabilitating and preparing inmates to safely and successfully reenter those communities.

This shift in purpose is also reflective of a watershed moment in national correctional research circles that swung approaches to rehabilitation programming from a “nothing works” approach to an evidence-based and evidence-informed understanding that rehabilitation programming with therapeutic integrity has discernible and measurable impacts, both in terms of increased public safety and cost-reduction outcomes.<sup>3</sup> The 2006 Sunset review of TDCJ reinforced this point by finding that TDCJ could not adequately address inmate rehabilitation needs and achieve cost-saving recidivism reduction outcomes without a significant investment by the state in rehabilitation and reentry programming.<sup>4</sup> Today, this rehabilitation and reintegration mission is primarily carried out by three entities: TDCJ’s Rehabilitation Programs Division (RPD) and Reentry and Integration Division (RID), and Windham School District.

Separate from Windham’s education courses, TDCJ offers a variety of rehabilitation programs, participation in which may be required for some programs and voluntary for others, as explained in the textbox. The Legislature appropriated over \$191 million annually for rehabilitation, reentry, and education programming in the correctional setting in fiscal years 2024 and 2025.<sup>5</sup>

#### TDCJ Rehabilitation and Reentry Programs

- **Required parole-voted programs.** BPP can require rehabilitation programming such as substance use treatment or sex offender treatment prior to an inmate’s release on parole.
- **Required ITP programs.** Statute requires TDCJ to establish an individual treatment plan (ITP) for each inmate that includes a plan for and record of an inmate’s institutional progress. As part of this plan, TDCJ identifies rehabilitation and reentry program needs based on risks and needs assessments.<sup>2</sup>
- **Elective TDCJ-led programs.** TDCJ offers a wide variety of elective rehabilitation and reentry programming, including faith-based, behavioral change, and substance use treatment programs.
- **Elective volunteer and peer-led programs.** Volunteers develop and lead many programs within TDCJ facilities. Many rehabilitation programs are also led by inmates, referred to as peer-led programs. Examples of these programs include faith-based, anger management, and peer recovery support programs.

## Findings

### TDCJ’s failure to comprehensively inventory and evaluate rehabilitation programs poses a risk to individuals who are incarcerated and the communities to which they will return.

TDCJ provided various estimates — ranging from 97 to 3,000 — for the number of its rehabilitation programs.

- **No comprehensive program inventory.** TDCJ does not maintain a comprehensive list of active rehabilitation programs or program enrollments, limiting TDCJ’s oversight of programs operating within its facilities. During the review, TDCJ staff provided various estimates — ranging from 97 to 3,000 — of the number of active rehabilitation programs operating within its facilities. However, because the agency does not maintain a comprehensive program inventory, the agency could not provide a definitive count. After numerous requests, TDCJ provided Sunset staff with a list of 672 distinct programs six days before publication of this report. Of those programs, TDCJ tracks only a fraction of program enrollments, focusing mainly on parole-voted and individual treatment plan (ITP) programs. Most notably, TDCJ staff said the agency does not monitor volunteer- or peer-led programs, going so far as to say these programs are impossible to track or control. The agency does not distinguish between programs claiming rehabilitative and reentry effects and programs with less measurable goals, the latter of which applies to many volunteer- and peer-led programs. In contrast, other states such as Washington require corrections agencies to maintain updated program inventories and submit evaluative reports of programs claiming rehabilitative or reentry effects to their legislatures to ensure sufficient program oversight and effective use of state dollars.<sup>6</sup>
- **Limited program evaluation.** While statute requires TDCJ to maintain a program evaluation capability to determine the effectiveness of rehabilitation and reintegration programs and services, the agency does not comprehensively assess rehabilitation programs and cannot demonstrate

programs are effective in reducing recidivism and improving reentry outcomes.<sup>7</sup> As explained in the accompanying textbox, previous Sunset reviews have found that TDCJ and Windham should routinely evaluate all education and rehabilitation programs to ensure they effectively reduce reincarceration and parole revocation.<sup>9</sup> However, while TDCJ routinely evaluates a select sample of rehabilitation programs, the agency does not evaluate most programs, including some parole-voted and ITP-required programs, and instead produces a biennial report that includes evaluations of just 13 programs. While some volunteer- and peer-led programs may not claim rehabilitative or reentry effects and may not be appropriate to evaluate, many other

#### Previous Sunset Findings

In 2006, the Sunset Commission found TDCJ should conduct routine program evaluations of all rehabilitation programs designed to reduce reincarcerations and revocations and report the findings to the Legislature.<sup>8</sup> Since then, TDCJ has evaluated a select sample of rehabilitation programs biennially.

In 2013, the Sunset Commission also found Windham could not prove its programs reduced recidivism or incarceration costs or improved inmate behavior or employability because it did not consistently evaluate the effectiveness of its programs.<sup>10</sup> As a result, the Legislature required Windham to conduct biennial program evaluations to measure whether its academic, career and technical, and life skills programs reduce recidivism and meet its other statutory goals.<sup>11</sup> Windham published its first biennial report in 2015 and has since partnered with various universities to conduct descriptive statistical and correlational analyses of programming to help produce the report.<sup>12</sup>



agency-, volunteer-, and peer-led programs allege these effects without research-informed or research-based evaluations to support these claims.

Additionally, TDCJ's program evaluation criterion is restricted to recidivism rates despite research suggesting that other metrics, such as prison misconduct, post-release employment rates, and cost avoidance, also determine correctional program performance.<sup>13</sup>

Unlike TDCJ, Windham evaluates programs based on a wide range of metrics, as described in the *Windham Statutorily Required Program Evaluation Metrics* textbox.<sup>14</sup> While RPD's mission expressly contemplates providing "evidence-based rehabilitation programs," the scant number of programs TDCJ actually evaluates suggests the agency is not meeting this part of its mission.<sup>15</sup> TDCJ has conducted risk assessments and strengths, weaknesses, opportunities, and threats (SWOT) reviews for some of its other programs; however, the agency did not provide evidence that these assessments include evaluations of program effectiveness or public safety impacts. Moreover, without ongoing evaluation of all programs claiming rehabilitative or reentry effects to determine which rehabilitation programs work, TDCJ and the Legislature cannot allocate resources accordingly.

#### Windham Statutorily Required Program Evaluation Metrics

- Institutional disciplinary violations
- Subsequent arrests, convictions, or confinements
- Cost of confinement
- Educational achievement
- High school equivalency examination passage
- Type of training services provided
- Type of employment obtained upon release
- Whether employment was related to training
- Difference between earnings on the date employment is obtained following release and earnings on the first anniversary of that date
- Employment retention factors

- **Adverse program outcomes.** Rather than ensuring program efficacy, TDCJ takes an "any programming is better than none" approach, focusing on operating as many distinct programs as possible and encouraging widespread inmate participation regardless of program effects. During the review, Sunset staff learned that part of the logic of this approach is to keep inmates occupied, thereby reducing prison disturbances and increasing institutional safety. While correctional professionals and researchers have long recognized that limiting idle time does sustain safer prisons, this is not the primary goal of rehabilitation programs and does not absolve TDCJ of basic program oversight responsibilities.<sup>16</sup> Established research shows correctional programs lacking evidentiary basis and effective implementation decrease recidivism reduction effects, wasting state dollars that could be spent on more effective rehabilitation programs and risking adverse outcomes in the process.<sup>17</sup>

TDCJ's limited program evaluations demonstrate a wide range of program outcomes, from high levels of efficacy to consistent underperformance. The agency's biennial rehabilitation programs report assesses program outcomes by comparing two- and three-year recidivism rates of program participants against recidivism rates of comparison groups that are selected based on their similarity to the program completers. The table in Appendix J shows the difference in recidivism rates between program participants

Some programs are so ineffective that participants are more likely to reoffend than nonparticipants.

and comparison groups as presented in TDCJ's rehabilitation reports since fiscal year 2013. Some programs, such as the In-Prison Therapeutic Community and the DWI program, have demonstrated effectiveness by yielding consistent decreases in recidivism rates for a decade. Likewise, the Prison Fellowship Academy, a faith-based rehabilitation program formerly known as the Innerchange Freedom Initiative, has had reduced or neutral recidivism effects across most years.<sup>18</sup>

In contrast, the Pre-Release Substance Abuse Program (PRSAP), an ITP and parole-voted program, has had consistently higher rates of recidivism among program participants since at least the last Sunset review, meaning participation in this program is at best ineffective and at worst may be so harmful as to increase the likelihood of recidivism. Going back even further, a 2007 report from the State Auditor's Office found that inmates who completed PRSAP were slightly more likely to be re-arrested or re-incarcerated within two years of release than nonparticipants.<sup>19</sup> Over the last 10 years, BPP has required over 20,000 individuals to complete PRSAP prior to release on parole. In 2020, TDCJ altered the curriculum and structure of this program to address the program's consistent underperformance. TDCJ has not yet evaluated the recidivism effects of the revised program but will conduct this evaluation in fiscal year 2025.

One program's enrollments are more than double what they should be to achieve optimal outcomes.

Adverse outcomes are not necessarily due to flaws in curriculum or instruction and may be attributed to program implementation. TDCJ staff reported PRSAP enrollments are more than double what they should be to achieve optimal program outcomes. Research supports this explanation, suggesting even programs with strong theoretical foundations often fail due to shortcomings in program implementation.<sup>20</sup> Other programs, such as the Serious and Violent Offender Reentry Initiative (SVORI), also yield adverse program outcomes according to TDCJ's evaluations. External research shows SVORI to be an efficacious, cost-effective program when administered in other states, with a 90 percent chance the program will produce benefits greater than program costs.<sup>21</sup> Continued program evaluation following program modifications is necessary to determine why PRSAP and SVORI consistently underperform within TDCJ facilities.

In contrast, statute requires Windham to not only evaluate the effectiveness of its programs but also adjust programs as necessary.<sup>22</sup> Windham complies with this requirement by including in its biennial report a detailed list of program changes following program evaluations.<sup>23</sup> TDCJ should similarly use program evaluation results to modify and improve rehabilitation programs.

- **Abdication of responsibility for program outcomes.** During the review, TDCJ and BPP have denied responsibility for rehabilitation program outcomes even as both agencies make decisions annually affecting tens of millions of state rehabilitation programming dollars. Multiple TDCJ staff stated program outcomes and efficacy are not the agency's responsibility, arguing instead that rehabilitation programs work if the inmate "wants

it to work.” For its part, BPP staff suggested that TDCJ, not BPP, has the expertise to assess inmate rehabilitation progress and needs despite BPP’s statutory responsibility to consider an inmate’s “progress in any programs” when making parole decisions.<sup>24</sup> BPP also determines whether rehabilitation programming is needed prior to release on supervision and has required over 130,000 individuals to complete programming prior to release since fiscal year 2015. Although BPP staff has recently started learning more about TDCJ’s rehabilitation programs, Sunset staff found parole voters have limited awareness of options and outcomes of RPD, RID, and Windham programs, suggesting BPP would benefit from more regular communication with these entities. Statute requires BPP to release an inmate only when a parole panel believes an inmate is able and willing to fulfill the obligations of a law-abiding citizen and if the release will not increase risk to the public.<sup>25</sup> Moreover, BPP’s vision statement emphasizes its role in maximizing the “restoration of human potential,” but the agency cannot fulfill its statutory responsibilities or self-imposed vision without holding both TDCJ and itself accountable for rehabilitation programming.<sup>26</sup>

Parole voters have limited awareness of program options and outcomes.

### **Insufficient strategic planning and oversight results in a costly and inefficient approach to programming that strains resources and limits rehabilitation opportunities prior to release.**

RPD, RID, and Windham are all responsible for rehabilitation and reentry programs but lack a cohesive strategy guiding program administration, oversight, and resources throughout the correctional system. This approach creates avoidable and costly oversight issues.

- **Lack of program strategy and alignment.** The current rehabilitation and reentry program structure requires significant levels of cooperation and coordination between RPD, RID, and Windham to succeed. However, inefficient processes and a lack of cooperation among the entities results in program redundancies and overlaps, wasting resources and confusing inmates and staff alike.

RPD and RID. Both of these TDCJ divisions offer rehabilitation and reentry-targeted programming, but only RID has specialized medical and program oversight expertise that allows this division to manage the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). RID is also statutorily required to evaluate reentry and reintegration programs and services and publish these findings in a biennial report.<sup>27</sup> RID internal policy requires intensive oversight of TCOOMMI programs and contracted services through monthly and quarterly program performance reporting and compliance reviews and audits.<sup>28</sup> RPD has no such expertise in facilitating or conducting program evaluations. Combining these divisions would yield greater program alignment and oversight, both in terms of program outcomes and cost effectiveness.

Inefficient processes and a lack of cooperation results in program redundancies and overlaps.

Postsecondary education. RPD is unable to dedicate sufficient resources to effectively administer the postsecondary education program and capitalize

Windham School District is well-suited to offer postsecondary education instead of TDCJ.

on expanded Pell Grant opportunities. Therefore, the program would be better placed at Windham. Research shows that inmates who participate in education programs while incarcerated are 43 percent less likely to reoffend and have a 13 percent higher likelihood of obtaining employment upon release than non-participants. Moreover, the direct costs of education in corrections environments are much lower than the costs of reincarceration, making secondary and postsecondary education a critical rehabilitative investment.<sup>29</sup> In Texas’ system, these functions are split, with Windham administering secondary education and RPD administering postsecondary.

However, RPD has limited resources to dedicate to postsecondary programming, with only three staff responsible for an average of nearly 7,000 annual program enrollments over the last five years. RPD relies on Windham to provide both classroom space for postsecondary courses and pre-enrollment academic advising. RPD staff also lacks the educational expertise of Windham staff. The federal and state reinstatement of Pell Grant eligibility for inmates in July 2023 has underscored how RPD lacks the resources to guide institutions through the verified prison education program process under the new Pell Grant requirements, risking the waste of funding opportunities and potential increased recidivism.<sup>30</sup>

- **Costly parole-voted program placement timelines.** TDCJ’s lack of systemwide strategic planning around programming results in the agency needing a lengthy amount of time to place inmates in parole-voted programs. These protracted placement times limit rehabilitation opportunities prior to release and unduly extend parole-voted release timelines, costing the state tens of millions of dollars by having TDCJ continue to house, feed, and provide health care to individuals who would otherwise be released.

Insufficient strategic planning drives program placement times. Lack of oversight and strategic planning limits TDCJ’s ability to expand capacity for parole-voted rehabilitation programs. During the review, TDCJ staff acknowledged that many rehabilitation programs are duplicative, spreading resources thin while creating lengthy program placement timelines for select programs. Although TDCJ has successfully reduced wait times in some areas, the agency has struggled to replicate that success across the system. For example, while TDCJ has eliminated DWI program waitlists by front-loading these programs, average program placement times for another similar substance use program — the Pre-Release Therapeutic Community Program — averaged over 146 days in fiscal year 2023.

Average program placement times for one substance abuse program averaged over 146 days.

TDCJ staff indicates that, even with the risks and needs assessments it uses for parole-voted program placements, many low-risk inmates take up limited program space in programs they may not actually need because most programs are built for high-risk individuals. This practice creates an overreliance on specific intensive therapeutic programs, which leads to long program placement timelines and avoidable adverse outcomes resulting from programs exceeding ideal capacity. In response to this problem, TDCJ began piloting a substance use education program in July 2024 that aims to

better address the needs of low-risk inmates with parole-voted programming requirements, reserving space in intensive substance use programs for inmates with higher assessed risks and needs. However, TDCJ does not assess its programming offerings more globally to determine whether other programs would benefit from both consolidation and a tiered approach within a limited set of proven programs.

With increased oversight and a clear strategic plan, TDCJ could assess whether the agency is making the best use of limited program resources such as licensed treatment providers and ensuring parole-voted program waitlists and program placement times are limited. TDCJ would also be able to evaluate opportunities to expand program capacity and eligibility by incorporating technology-based solutions. TDCJ is already experimenting with this approach through its non-parole-voted In-Prison Substance Use Treatment Program, a voluntary program led virtually by a licensed chemical dependency counselor.

Impact of program placement timelines on parole decisions. The information TDCJ provides to BPP about program placement timelines impacts BPP's decisions around rehabilitation programs, in some cases creating potential risk to the public when inmates are released without first receiving programming. When BPP voters conditionally approve someone for parole pending completion of rehabilitation programming, BPP voters generally select a start date on which the inmate will begin a BPP-specified program. BPP policy directs voters to select a start date that provides TDCJ time to place the inmate in programming, essentially creating a buffer between the date of BPP's approval vote and the specified date by which TDCJ should place the inmate in the designated program.<sup>31</sup> This buffer is based on the minimum amount of time TDCJ reports it needs to transfer inmates to a facility where the BPP-voted program is offered as well as reported program waitlists based on program capacity and demand. TDCJ provides a monthly report on program capacity and waitlists to BPP, the length of which are often reported to be under 30 days. However, actual average program placement times ranged as high as 146 days in fiscal year 2023. In fiscal year 2023, this BPP-established buffer between the parole vote and the BPP-voted program start date averaged 64 days, or a little over two months. BPP voters report including a two-month buffer is standard practice.

Following the parole decision, the inmate must remain confined until program completion and passage of the BPP-voted "release no earlier than" date, the earliest date TDCJ can release an inmate following program completion. If an inmate completes the program early, BPP voters can adjust this "release no earlier than" date.<sup>32</sup> However, as noted above, program placements often extend beyond the BPP-specified program start date. BPP voters select "release no earlier than" dates based on the built-in placement buffer and the program length. For example, if BPP voters determined an inmate needed to complete a six-month rehabilitation program prior to release on parole, they would specify a program start date two months

TDCJ places low-risk inmates in programs designed for high-risk inmates.

BPP builds in extra time to account for TDCJ's ability to get inmates into programming.

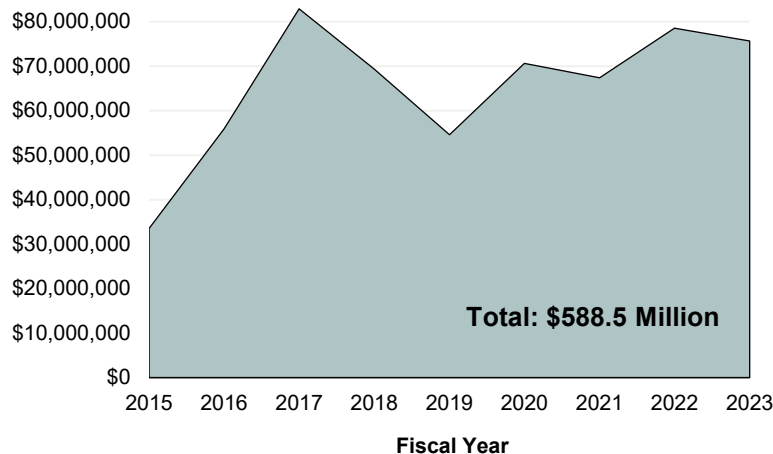
from the parole vote to account for the placement buffer and a “release no earlier than” date six months after the program start date, creating a minimum eight-month release timeline.

This timeline proves particularly challenging for discretionary mandatory supervision-eligible inmates with projected release dates. Projected release dates place a clock on BPP decisions by requiring the inmate to complete BPP-voted programming prior to the projected release date.<sup>33</sup> The combined impact of program placement buffers and delays beyond BPP-specified program start dates limits the programming an inmate can realistically complete before the projected release date, sometimes resulting in inmates who are released without completing programming. While BPP still has the option to attach post-release supervision conditions related to programming, this approach limits rehabilitation opportunities prior to inmate release — an outcome with which BPP voters expressed dissatisfaction to Sunset staff. Moreover, as Issue 5 explains, post-release supervision conditions create considerable challenges for the parole officers responsible for monitoring individuals released from confinement to TDCJ supervision in the community.

Parole-voted program placement practices cost the state over \$588.5 million between FYs 2015-23.

Lengthy program placement timelines. BPP-specified program start dates consider the time that TDCJ reports is needed to place inmates in programming. However, TDCJ does not assess program placement timelines and associated costs for all program placements to understand the actual burden of the time it takes to get inmates into programming. Sunset staff analyzed TDCJ-provided data related to program placements for fiscal years 2015-23 by evaluating both average program placement and aggregate

**Annual Cost of Parole-Voted Program Placement Timelines\* FYs 2015-23**

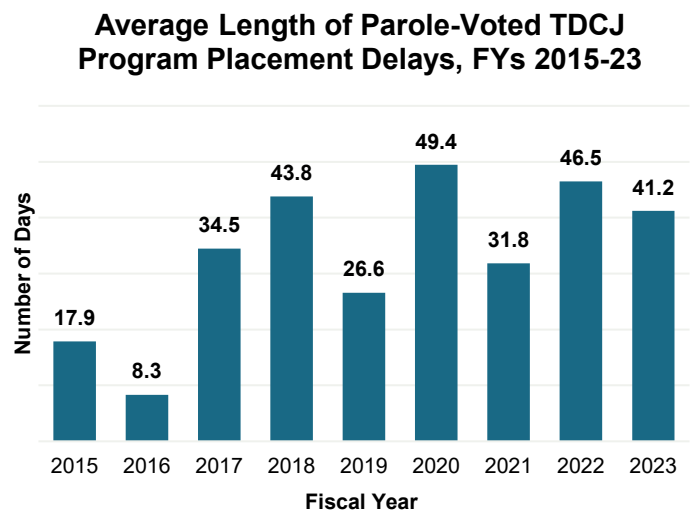
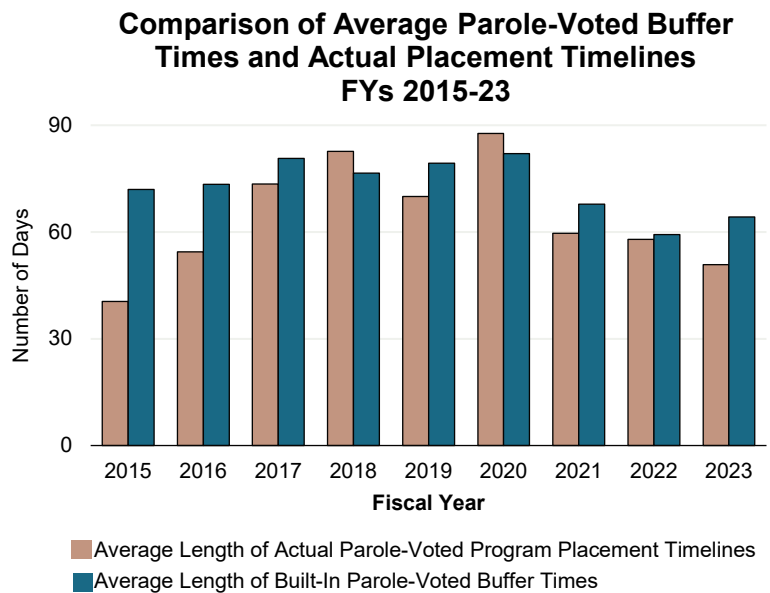


\* Costs include program placements within the TDCJ-established placement buffer and delayed placements beyond BPP-voted start dates.

total placement times. The Sunset staff analysis found parole-voted program placements cost the state over \$588.5 million between fiscal years 2015-23 based on the LBB-assessed cost per day and the actual days lapsed between the parole vote and actual program placement, year by year. Overall program placement times averaged between 50-60 days for fiscal years 2022 and 2023. As shown in the chart, the annual cost of parole-voted program placements for fiscal years 2022 and 2023 was \$78.6 million and \$75.7 million, respectively. This cost calculation only includes the cost to house, feed, and provide medical care to these inmates based on the number of days lapsed between a parole vote and actual program placement.

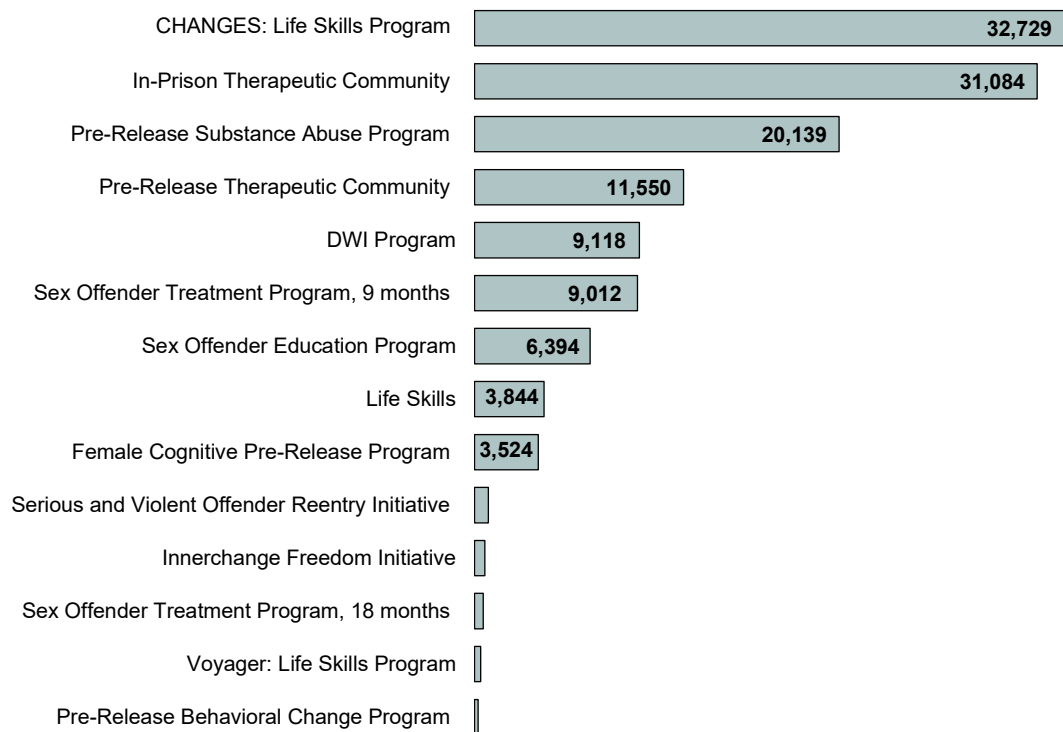
As shown in the chart, *Comparison of Average Parole-Voted Buffer Times and Actual Placement Times*, on average TDCJ places individuals as close to the end of the BPP-voted buffer time as possible because it sees little reason to place individuals sooner. Sunset staff learned TDCJ has long held that the agency is not required to ensure individuals enroll in programming as soon as possible or even that inmates complete parole-voted programming prior to their release eligibility date precisely because it is a “release no earlier than” date, not a required release date. However, TDCJ bears the cost of these lengthy program placement timelines when it cannot afford to do so. As Issue 1 and Issue 2 explain, TDCJ’s bed capacity is strained by its staffing and retention problem, and lengthy programming placements come at a monetary cost of tens of millions of dollars every year. These costs could be reduced with increased oversight and strategic planning around rehabilitation programs.

Parole-voted program placement delays. TDCJ does not track reasons for parole-voted program placement delays beyond BPP-voted program start dates, further limiting the agency’s ability to plan strategically for rehabilitation programming. The accompanying chart shows average program placement delays beyond BPP-voted start dates for fiscal years 2015-23. Eight days before the publication of this review, TDCJ acknowledged the existence of program placement delays, reporting overall average program placement delays of approximately 45 days. The averages shown in the chart are based on combined program placement delays rather than individual program placement delay averages, which ranged as high as 69 days beyond the BPP-voted start date for fiscal year 2023. As discussed previously, BPP already calculates program start dates by including a buffer based on TDCJ’s reported program placement times, meaning TDCJ influences specified program start dates yet still neglects to comply with its own reported timelines.



In contrast, Windham’s average placement delays into its parole-voted Changing Habits and Achieving New Goals to Empower Success (CHANGES) program averaged zero days for every year between fiscal years 2015-23. During this time period, Windham placed nearly 33,000 parole-voted inmates in this program, or 25 percent of all parole-voted inmates. As shown in the *Parole-Voted Program Enrollments* chart, CHANGES enrollments exceeded all other individual program enrollments for fiscal years 2015-23. On average, Windham placed parole-voted inmates in CHANGES within three days of a parole vote. While the CHANGES program requires a certified teacher rather than a licensed counselor like many other programs, Windham’s strategic planning and oversight effectively shorten program placement timelines. Windham has invested in extensive instructor cross-training to ensure this program is offered at the majority of its 98 campuses, eliminating the need for unit transfers and expanding program capacity and access. Windham also continuously tracks program capacity, placement, and vacancies and meets with principals annually to discuss changes in inmate population needs at each campus.

**Parole-Voted Program Enrollments  
FYs 2015-23**



Even so, program placement delays may occur due to reasons beyond TDCJ’s control, as explained in the textbox on the following page. However, TDCJ staff confirmed program placement delays without extenuating circumstances occur regularly, but because TDCJ does not track reasons for these delays, it cannot determine underlying causes or opportunities

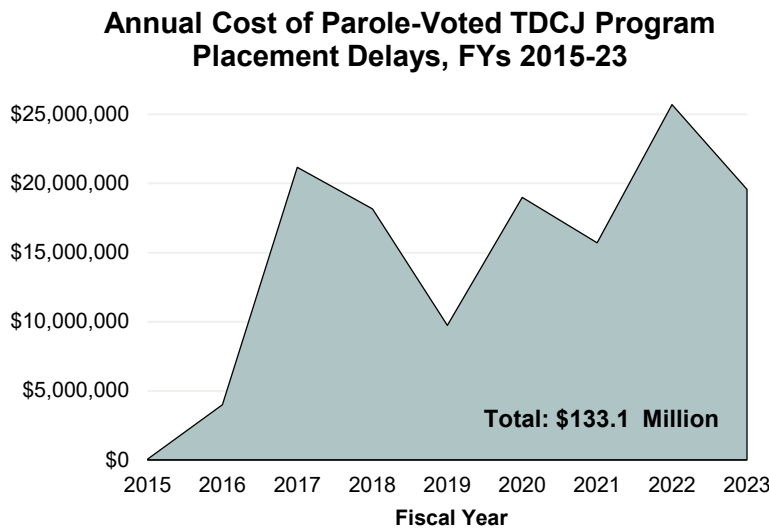


to reduce these delays. As shown in the chart below, parole-voted program placement delays cost the state over \$133.1 million between fiscal years 2015-23, or 22 percent of the overall cost to place inmates in parole-voted programming. Program placement delays cost \$25.7 million and \$19.6 million for fiscal years 2022 and 2023, respectively. Sunset staff witnessed one case in which an inmate had exceeded a parole-voted start date by 174 days with no extenuating circumstances and was still pending placement, bypassing the “release no earlier than date.” That one individual situation cost the state approximately \$13,483 as a result. The \$133 million cost of program placement delays calculation does not include actual program costs or the costs per day once TDCJ placed an inmate in programming. The calculation is instead limited to the cost to house, feed, and provide medical care to these inmates based on the number of actual days lapsed between the parole-voted start date and actual program placement.<sup>34</sup> Until TDCJ tracks the reasons for program placement delays, the agency will be unable to control or reduce placement delay-driven costs and capacity impacts or better understand where extenuating circumstances exist.

### Extenuating Circumstances

A 2020 audit conducted by TDCJ’s Internal Audit Division found, of a sample of 3,388 inmates voted into TDCJ and Windham parole-voted programs, the two entities collectively placed 26 percent in programming after the BPP-voted start date. The audit evaluated a sample of 200 of these delayed placements and found 73 percent were delayed due to extenuating circumstances such as bench warrants, temporary medical restrictions, or enrollments in college or career and technical courses.

However, it is unclear why these extenuating circumstances would result in such significant program placement delays for TDCJ programs alone; as noted, Windham program placements do not experience the delays seen in TDCJ-administered programming. Furthermore, this audit did not separately analyze TDCJ and Windham program placements, obscuring the impact of extenuating circumstances on parole-voted program placement delays for each entity.



**Lack of ITP and parole-voted program processes force BPP voters to make parole decisions based on incomplete information.**

- **No ITP program criteria or processes.** ITPs provide limited program information and listings despite statute requiring TDCJ to include in ITPs comprehensive program participation information.<sup>35</sup> This provision

ITPs provide limited information despite statute requiring them to include comprehensive program participation information.

resulted from a 2013 Sunset Commission directive that TDCJ use the ITP to comprehensively capture an inmate's risks and needs information and their participation in all state-funded and volunteer programs.<sup>36</sup> Moreover, TDCJ lacks criteria for determining which programs to list on the ITP as required. TDCJ staff was unable to explain why the agency considered some programs ITP programs, noting only that ITP programs are "evidence-based" even when the program had never been evaluated or had proven ineffective. Statute also requires TDCJ to submit the ITP when BPP considers an inmate's case for release, indicating the ITP is meant to help inform BPP's parole decision making.<sup>37</sup> As discussed in Issue 6, BPP's inadequate case summary and parole interview processes mean BPP relies on TDCJ to provide and highlight information about effective rehabilitation programming to make informed evaluations of an individual's rehabilitative progress, determine whether to approve parole, and determine whether to require rehabilitation programming prior to release. While TDCJ should make a distinction between evidence-based and non-evidence-based programs when identifying ITP program needs and communicating rehabilitation progress to BPP, statute clearly directs TDCJ to provide a complete list of rehabilitation program participation to BPP as part of the ITP.

- **No parole-voted program criteria or processes.** Neither BPP nor TDCJ have clear criteria or processes for adding or removing programs from the parole-voted programs list, which potentially subjects inmates to ineffective or harmful programming. BPP rules outline parole-voted programming options, but neither agency maintains a corresponding policy dictating which programs are eligible to be considered parole-voted in the first place or provide any reasoning or criteria that determines why some programs are considered parole-voted programs over others.<sup>38</sup> BPP defers to TDCJ on programming decisions, including which programs are considered parole-voted programs, without ensuring programs are efficacious or necessary. While BPP cannot control TDCJ's program evaluation process, it still needs to account for removing programs found to be ineffective or adding programs based on changing circumstances.

### **TDCJ would benefit from increased oversight and better strategic management of volunteer programs.**

- **Limited evaluation of volunteer programs.** Volunteers play a vital rehabilitation role within TDCJ facilities but have insufficient oversight, creating risk for TDCJ and the public. Additionally, TDCJ staff acknowledged during the review that the agency could be more strategic in its use of volunteers by encouraging volunteers to execute or support existing programs rather than create new ones. However, the agency does not sufficiently evaluate volunteer programs and rarely denies volunteer program requests. As of fiscal year 2023, TDCJ had around 27,500 registered volunteers.

Given the potential for poor programming to have adverse effects, such as increasing the likelihood of recidivism, insufficient oversight of prison volunteer programs also presents considerable risk. While RID thoroughly assesses volunteer-led programs for veterans prior to implementation, RPD has largely subjective requirements for volunteer-led programs. In fiscal year 2023, TDCJ approved 274 new volunteer programs and denied eight program proposals — a denial rate of only 2.8 percent.

This approach is a stark departure from TDCJ's attitude toward external researchers requesting to conduct research in TDCJ facilities, proposals that go through rigorous evaluation. In the last three years, TDCJ has denied 33 of 48 received research requests, a denial rate of 69 percent, mostly due either to what TDCJ asserts was a lack of value to the agency or the strain these researchers would put on TDCJ facilities and staff. However, in fiscal year 2023 alone, volunteers logged almost 204,000 volunteer hours within TDCJ facilities — a staggering number that no doubt both benefits TDCJ and places a demand on staff time. These cost-benefit effects are not dissimilar to those associated with allowing qualified individuals to conduct research that could help inform TDCJ operations without cost to the state.

- **Insufficient oversight.** TDCJ has limited visibility into and an acknowledged inability to control the activities of volunteers and the content of volunteer-led programs. Statute requires TDCJ wardens to identify volunteer and faith-based organizations that facilitate inmate programming and submit an annual report to the agency's board summarizing the volunteer and faith-based programs within the facility they oversee.<sup>39</sup> Wardens do not regularly submit this report and instead are better served by focusing on key duties. However, an annual report to the agency's board summarizing volunteer and faith-based programs would help ensure accountability if handled not by wardens but by a division already responsible for overseeing volunteers and volunteer-led programs. By soliciting input from wardens on volunteer program needs, TDCJ could better ensure each facility still benefits from volunteer and faith-based programs and better prevent the continued operation of programs that have adverse outcomes.

TDCJ has largely subjective requirements for volunteer-led programs.

TDCJ is unable to control the activities of volunteers and the content of volunteer-led programs.

## Sunset Staff Recommendations

### *Change in Statute*

#### **4.1 Require TDCJ to comprehensively inventory rehabilitation and reentry programs, conduct biennial program evaluations, and recommend changes to programs when needed.**

This recommendation would require TDCJ to develop and maintain an inventory of active programs, provide oversight of the programs offered within TDCJ facilities, and use this information to improve program offerings. TDCJ's inventory would cover volunteer and peer-led programs and include the following information: program goals, program capacity and enrollments, and units where the program is offered. This inventory would be updated continuously and made publicly available on TDCJ's website to ensure sufficient program oversight and accountability of active program offerings.

As part of this recommendation, TDCJ would be required to work with qualified researchers — internal or external — to develop criteria for programs claiming to have rehabilitative or reentry effects and use these criteria to evaluate these programs. TDCJ would be required to then collect results-based performance data for all programs claiming to have rehabilitative or reentry effects, including volunteer and peer-led programs, and evaluate whether the programs are meeting the agency’s established criteria. TDCJ would be required to collect and analyze data related to institutional disciplinary violations, rearrests, reincarcerations, employment, and cost of confinement. TDCJ would use these data to produce and compare recidivism and other correctional impact trends over time and make changes to programs when needed. For programs not claiming rehabilitative or reentry effects, TDCJ would create a separate correctional elective programs category for non-evidence-based and non-evidence-informed programs. TDCJ would not be required to evaluate these programs using the criteria listed above but would still be responsible for providing program oversight.

Under this recommendation, TDCJ would be authorized to establish any necessary memorandums of understanding with other entities to obtain and share data as necessary to perform these evaluations, encouraging coordination and limiting duplication of effort. In the event that TDCJ’s evaluations reveal poor program performance, this recommendation would allow TDCJ to make structural or programmatic adjustments to improve program performance.

This recommendation would also require TDCJ to compile and analyze program performance data and report findings to its board, BPP, the speaker of the House of Representatives, the lieutenant governor, legislative committees of jurisdiction, and the governor biennially by December 1 of each even-numbered year.

#### **4.2 Require TDCJ to develop a strategic plan for rehabilitation and reentry programs in conjunction with Windham and report on implementation status biennially.**

This recommendation would require TDCJ and Windham to develop a joint strategic plan by September 1, 2026, for the future of rehabilitation and reentry programs to increase program efficiencies and accountability while reducing program costs. This strategic plan should include clear program objectives and timelines with goals to:

- Increase program efficiencies.
- Reduce program redundancies.
- Incorporate new evidence-based and evidence-informed program approaches.
- Incorporate technology-based solutions, including through the automation plan recommended in Issue 3.

Additionally, this plan should include clear steps and timelines that would eliminate parole-voted program placement delays and reduce overall program placement timelines by at least 50 percent by September 1, 2027. In developing this plan, TDCJ should also evaluate therapeutic service contracts and obligations and renegotiate as needed to meet current and projected program needs. The agency should develop this strategic plan in tandem with the existing statutory annual reentry report.

As part of this recommendation, TDCJ and Windham should provide a biennial report with updates on the plan’s implementation status to TDCJ’s board, BPP, the speaker of the House of Representatives, the lieutenant governor, legislative committees of jurisdiction, and the governor. TDCJ and Windham should

also update this strategic plan every five years. This recommendation would facilitate a more proactive approach to rehabilitation and reentry programming with increased accountability and substantially reduced costs.

#### **4.3 Require TDCJ to track parole-voted program voting data and use these data to inform strategic program planning.**

This recommendation would require TDCJ to track data related to program placements and vote revision transmittal requests, which would increase TDCJ's visibility into placement delays and inform strategic planning. TDCJ would be required to collect and analyze parole-voted program data on a rolling basis that includes:

- Number of inmates waiting for program placement.
- Actual program placement waitlist times.
- Reasons for program enrollment delays beyond BPP-voted start dates.
- Vote revision requests related to program ineligibility, placement delays, and other factors that may affect parole release timelines.
- Number of inmates unable to complete parole-voted programs prior to the "release no earlier than" date.

TDCJ would be required to use these data to calculate program waitlist times, track and reduce program enrollment timelines, and work to eliminate program placement delays. TDCJ should include these data and related analysis in the strategic plan required by Recommendation 4.2. This recommendation would allow TDCJ to identify opportunities for increased program placement efficiencies and reduced placement costs.

#### **4.4 Require TDCJ to prioritize parole-voted program decisions.**

This recommendation would statutorily require TDCJ to prioritize parole-voted program placements, ensure programming capacity meets programming needs, and expand programming access in alignment with the strategic plan required under Recommendation 4.2.

#### **4.5 Require TDCJ, BPP, and Windham to collaborate in developing evidence-based ITP and parole-voted program criteria and to develop and maintain associated program lists.**

This recommendation would require TDCJ, BPP, and Windham to develop evidence-based program criteria specific to required ITP and parole-voted programs. As part of this recommendation, TDCJ, BPP, and Windham would be required to create clear processes designed to: evaluate programs to be added to the ITP and parole-voted program lists, assess current programs, and remove programs that do not meet established criteria. TDCJ, BPP, and Windham should not include non-evidence-based or non-evidence-informed programs on either list.

BPP, TDCJ, and Windham would also be required to coordinate on programming options through regular meetings. TDCJ and Windham would present programming options and program evaluation results to BPP as part of this process. While TDCJ and Windham should provide parole-voted programming recommendations, BPP would be required to make the final decision on which programs are considered

parole-voted programs. TDCJ and Windham would make the final decision on which programs are considered required ITP programs beyond the required parole-voted programs identified by BPP.

#### **4.6 Require TDCJ to revise the ITP to include a comprehensive, plain language list of program participation information with clear distinctions between evidence-based and non-evidence-based program participation.**

This recommendation would require TDCJ to revise its ITP to include a comprehensive list of program participation in accordance with statute and previous Sunset recommendations. Since TDCJ acknowledges the agency does not include a comprehensive record of program participation in the ITP as statute mandates, under this recommendation TDCJ would be required to do so by September 1, 2026.<sup>40</sup> This recommendation would require TDCJ to capture an inmate's participation in all programs, including a plain language list of both state-funded and intensive volunteer programs and program enrollment and completion dates as part of this revised version of the ITP. This recommendation would expand existing statutory requirements by requiring TDCJ to make distinctions between required evidence-based ITP program participation per Recommendation 4.5 and non-evidence-based correctional elective program participation, as defined in Recommendation 4.1. Per statute, TDCJ should continue to submit an updated version of the ITP complete with program information to BPP at the time of BPP's consideration of the inmate's case for release.

#### **4.7 Remove volunteer and faith-based program reporting requirement for wardens.**

This recommendation would remove the volunteer and faith-based program reporting requirement for wardens from statute. This recommendation would ensure wardens do not have additional volunteer reporting and recruiting responsibilities on top of current duties.

#### **4.8 Require TDCJ staff responsible for rehabilitation and reentry programs and services to report on volunteer and faith-based program data and ensure volunteer and faith-based programming needs are met at each facility.**

This recommendation would require TDCJ staff responsible for rehabilitation and reentry programs and services to ensure volunteer and faith-based programming needs are met at each facility. Under this recommendation, TDCJ staff should solicit feedback from wardens and unit-level chaplains on volunteer and faith-based programming needs for each facility. TDCJ rehabilitation and reentry programs and services staff should also take over the related statutorily required reporting requirement and, rather than creating a separate report, include this information in the annual rehabilitation and reentry report required under Recommendation 4.1.

### ***Management Action***

#### **4.9 Direct TDCJ to merge the Rehabilitation Programs Division and the Reentry and Integration Division.**

This recommendation would direct TDCJ to combine RPD and RID to create a single division responsible for rehabilitation and reentry programs and services, thereby reducing program inefficiencies and meeting the rehabilitation and reentry goals established in the strategic plan required under Recommendation 4.2. As part of this merger, TDCJ would give executive decision-making responsibility to current RID leadership due to the division's established program evaluation and contract management expertise. As described in Issue 8, with the dissolution of TDCJ's Private Facility Contract Monitoring and Oversight Division, RID and RPD would need to absorb contract monitoring responsibilities for contracted services

such as in-prison therapeutic community (IPTC) and other counseling and treatment services. TDCJ budgeted over \$23 million in fiscal year 2024 alone for IPTC contracted services — a substantial contract that would benefit from RID’s established contract management oversight processes under TCOOMMI.

RID leadership should restructure this combined division as needed to meet the strategic goals established under Recommendations 4.1 and 4.2. RID leadership would also be directed to oversee the rehabilitation and reentry program inventory and support the separate TDCJ division or external entity responsible for evaluating rehabilitation and reentry programs under Recommendation 4.1.

#### **4.10 Direct BPP to make parole-voted program decisions independent of TDCJ program placement practices.**

In recognition of the need to preserve BPP’s independence, this recommendation would direct BPP to alter formal and informal agency policies to prohibit voters from considering TDCJ-reported program placement timelines when making programming decisions such as setting program start dates and release eligibility dates. This recommendation would allow BPP voters to make programming decisions without being constrained by TDCJ logistics while Recommendation 4.4 would require TDCJ to prioritize those decisions through improved strategic planning related to rehabilitation programs.

#### **4.11 Direct TDCJ to develop volunteer program assessment criteria and regular monitoring and assessment policies to ensure sufficient volunteer program oversight and strategic use of volunteer resources.**

This recommendation would direct TDCJ to develop volunteer program assessment criteria for all facilities to increase volunteer program oversight and reduce the risk of adverse program outcomes. Under this recommendation, TDCJ would be directed to evaluate volunteer programs to ensure a program serves an established need within a TDCJ facility and does not duplicate preexisting rehabilitation, reentry, or other correctional elective programs available at the facility. As part of this evaluation, TDCJ should ensure programs do not provide services that should be provided or overseen by a licensed professional if the volunteer is unlicensed. Programs led by licensed volunteers should still be evaluated by the appropriately licensed TDCJ staff. Volunteer programs claiming rehabilitative or reentry outcomes would be subject to criteria and evaluation as established under Recommendation 4.1.

Volunteer programs should be evaluated by non-unit level staff responsible for rehabilitation and reentry programs and services upon receipt of program proposals. Once implemented, volunteer programs would be subject to unannounced program audits conducted by non-unit level rehabilitation and reentry staff at set intervals.

### ***Change in Appropriations***

#### **4.12 Modify language in the General Appropriations Act to direct TDCJ to transfer administration and management of postsecondary correctional education to Windham through a memorandum of understanding.**

This recommendation would modify Rider 26 (Postsecondary Education Program) of TDCJ’s bill pattern in the General Appropriations Act to require TDCJ to transfer administration and management of postsecondary education in corrections to Windham. TDCJ and Windham should establish a memorandum of understanding to accomplish this administrative transfer and ensure Pell Grant opportunities are not limited or lost due to this handover. As part of its biennial evaluation and report, Windham would be required to meet reporting requirements, which include: a list of postsecondary program partners, postsecondary enrollment data, Pell Grant utilization data, and recidivism and

employment outcomes. Windham should also work with TDCJ to develop clear criteria for institutions interested in becoming approved prison education programs eligible to administer Pell Grants under Title IV of the Higher Education Act as amended in 2020. Windham would also be required to assist interested institutions with the prison education program application process. This recommendation would improve correctional postsecondary education by utilizing Windham’s educational expertise and established program oversight and evaluation processes.

### Fiscal Implication

Overall, these recommendations are designed to create program efficiencies and improved rehabilitative and reentry outcomes and could result in significant cost savings to the state. Based on the statutorily required program placement reduction goals described in Recommendation 4.2, TDCJ would be required to reduce program placement timelines by 50 percent and eliminate program placement delays starting September 1, 2027. As shown in the chart below, this measure would result in a total savings of \$147,334,290 by the end of fiscal year 2030. Savings associated with these recommendations could be returned to General Revenue or appropriated back to the agency for other functions beginning in fiscal year 2028.

Fiscal Year	Cost Savings: 50% Reduction in Parole-Voted Program Placement Buffer Times	Cost Savings: Elimination of Program Placement Delays	
2026	\$0	\$0	
2027	\$0	\$0	
2028	\$29,540,544	\$19,570,886	
2029	\$29,540,544	\$19,570,886	
2030	\$29,540,544	\$19,570,886	
<b>Total Cost Savings</b>	<b>\$88,621,632</b>	<b>\$58,712,658</b>	<b>\$147,334,290</b>

Combining RID and RPD, as detailed in Recommendation 4.9, would result in a small cost savings to the state of about \$202,213 in salary and benefits for each of the next five fiscal years and the reduction of at least one full-time equivalent employee. Additional savings resulting from this division merger may be possible depending on the agency’s implementation of this recommendation. All other recommendations could be implemented using existing resources.

#### Texas Department of Criminal Justice

Fiscal Year	Savings to the General Revenue Fund	Change in FTEs from 2023
2026	\$202,213	-1
2027	\$202,213	-1
2028	\$202,213	-1
2029	\$202,213	-1
2030	\$202,213	-1



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- <sup>1</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 1.02(a), Chapter 785 (HB 2335), Acts of the 71st Texas Legislature, Regular Session, 1989; Section 493.001, Texas Government Code.
- <sup>2</sup> Section 508.152 (b), (b-1), Texas Government Code.
- <sup>3</sup> Grant Duwe, *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*, National Institute of Justice, June 2017, pp. 3-5, accessed online August 1, 2024, <https://www.ojp.gov/pdffiles1/nij/250476.pdf>.
- <sup>4</sup> Sunset Advisory Commission (SAC), *Criminal Justice Agencies Sunset Staff Report*, Austin: Texas Sunset Advisory Commission, October 2006, pp. 5-18.
- <sup>5</sup> Texas Department of Criminal Justice (TDCJ), Article V, Page V-6, HB 1, Acts of the 88th Legislature, 2023 (General Appropriations Act); Texas Education Agency, Item B.2.4. Strategy: Windham School District, Article V, p. III-2, HB 1, Acts of the 88th Legislature, 2023 (General Appropriations Act).
- <sup>6</sup> Washington State Institute for Public Policy, “Adult Corrections Inventory,” accessed online May 6, 2024, <https://www.wsipp.wa.gov/CurrentProjects>; Section 610 (c)(i), p. 585, Chapter 475 (SB 5187), Acts of the 68th Washington Legislature, Regular Session, 2023 (Operating Budget).
- <sup>7</sup> Section 493.0083, Texas Government Code.
- <sup>8</sup> SAC, *Texas Department of Criminal Justice, Board of Pardons and Paroles, Correctional Managed Health Care Committee Staff Report*, Austin: Texas Sunset Advisory Commission, October 2006, p. 16.
- <sup>9</sup> TDCJ, *Evaluation of Offenders Released in Fiscal Year 2007 That Completed Rehabilitation Tier Programs*, April 2011, p. 1, accessed online July 16, 2024, [https://static.texastribune.org/media/documents/Evaluation\\_of\\_Rehabilitation\\_Programs\\_-\\_April\\_2011.pdf](https://static.texastribune.org/media/documents/Evaluation_of_Rehabilitation_Programs_-_April_2011.pdf); SAC, *Criminal Justice Agencies Sunset Staff Report*, Austin: Texas Sunset Advisory Commission, October 2006, p. 16.
- <sup>10</sup> SAC, *Texas Criminal Justice Agencies Sunset Final Report with Legislative Action*, Austin: Texas Sunset Advisory Commission, July 2013, pp. 59-61.
- <sup>11</sup> SAC, *Texas Criminal Justice Agencies Sunset Final Report with Legislative Action*, Austin: Texas Sunset Advisory Commission, July 2013, p. 8b; Section 19.0041, Texas Education Code.
- <sup>12</sup> Windham School District, *Windham School District 2023 Biennial Evaluation and Report*, 2023, accessed online July 16, 2024, <https://Windhamtx.org/about-Windham/reports/biennial-evaluations/>.
- <sup>13</sup> Grant Duwe, *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*, National Institute of Justice, June 2017, p. 22, accessed online August 1, 2024, <https://www.ojp.gov/pdffiles1/nij/250476.pdf>.
- <sup>14</sup> Section 19.0041, Texas Education Code.
- <sup>15</sup> TDCJ, “Rehabilitation Programs Division,” accessed online May 10, 2024, <https://www.tdcj.texas.gov/divisions/rpd/index.html>.
- <sup>16</sup> Correctional Association of New York, “Doing Idle Time - An Investigation of Inmate Idleness in New York’s Prisons and Recommendations for Change,” February 1984, p. 2; Grant Duwe, Valerie Clark, and Susan McNeeley, “The Association Between Idleness and Post-Release Employment, Recidivism and Mortality,” Minnesota Department of Corrections, October 2023, pp. 2-3, accessed online August 1, 2024, [https://mn.gov/doc/assets/Idleness%20and%20Post-Release%20Outcomes\\_DOC%20Website%20October%202023\\_tcm1089-598502.pdf](https://mn.gov/doc/assets/Idleness%20and%20Post-Release%20Outcomes_DOC%20Website%20October%202023_tcm1089-598502.pdf).
- <sup>17</sup> Edward J. Latessa and Alexander Holsinger, “The Importance of Evaluating Correctional Programs: Assessing Outcome and Quality,” *Corrections Management Quarterly*, 2(4), 1998, p. 27-28; Grant Duwe, *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*, National Institute of Justice, June 2017, pp. 4-5, accessed online August 1, 2024, <https://www.ojp.gov/pdffiles1/nij/250476.pdf>.
- <sup>18</sup> Prison Fellowship, “Innerchange Freedom Initiative,” accessed online August 1, 2024, <https://www.prisonfellowship.org/about/reentry-support/innerchange-freedom-initiative/>.
- <sup>19</sup> State Auditor’s Office, *An Audit Report on Selected Rehabilitation Programs at the Department of Criminal Justice*, March 2007, p. 2, accessed online August 1, 2024, <https://sao.texas.gov/reports/main/07-026.pdf>.

- <sup>20</sup> Grant Duwe, *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*, National Institute of Justice, June 2017, pp. 4-5, accessed online August 1, 2024, <https://www.ojp.gov/pdffiles1/nij/250476.pdf>; National Institute of Justice Staff, "Lessons Learned from 30 Years of Prison Programs," *Corrections Today*, January 2012, pp. 109-110, accessed online August 1, 2024, <https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/239775.pdf>.
- <sup>21</sup> Washington State Institute for Public Policy, "Serious and Violent Offender Reentry Initiative," accessed online May 3, 2024, <https://www.wsipp.wa.gov/BenefitCost/Program/728>.
- <sup>22</sup> Section 19.0041, Texas Education Code.
- <sup>23</sup> Windham School District, *Windham School District 2023 Biennial Evaluation and Report*, 2023, pp. 1-3, accessed online July 16, 2024, <https://Windhamtx.org/about-Windham/reports/biennial-evaluations/>.
- <sup>24</sup> Section 508.144(a)(3), Texas Government Code.
- <sup>25</sup> Section 508.141(d) and (e)(2), Texas Government Code.
- <sup>26</sup> Board of Pardons and Paroles (BPP), "Vision Statement," accessed online September 15, 2024, <https://www.tdcj.texas.gov/bpp/AboutUs.htm#:~:text=MISSION%20STATEMENT%3A&text=Determine%20which%20prisoners%20are%20to,clemency%20matters%20to%20the%20Governor>.
- <sup>27</sup> Section 501.092(b)(7) and (i), Texas Government Code.
- <sup>28</sup> TDCJ PGP-01.10, "Program Management and Oversight," September 1, 2017, p. 1-6, accessed online May 7, 2024, [https://www.tdcj.texas.gov/documents/rid/TCCOOMMI\\_PGP\\_0110\\_Program\\_Management\\_Oversight.pdf](https://www.tdcj.texas.gov/documents/rid/TCCOOMMI_PGP_0110_Program_Management_Oversight.pdf).
- <sup>29</sup> Rand Corporation, *How Effective is Correctional Education, and Where Do We Go from Here? The Results of a Comprehensive Evaluation*, p. xv-xvi, 2014, accessed online May 10, 2024, [https://www.rand.org/content/dam/rand/pubs/research\\_reports/RR500/RR564/RAND\\_RR564.pdf](https://www.rand.org/content/dam/rand/pubs/research_reports/RR500/RR564/RAND_RR564.pdf).
- <sup>30</sup> Section 483(t)(3), Appropriations Act, H.R. 133, 2020; Federal Student Aid, "Prison Education Programs," accessed online August 5, 2024, <https://fsapartners.ed.gov/knowledge-center/topics/prison-education-programs>; Alliance for Higher Education in Prison, *Higher Education in Texas Prisons: A Collective Conversation and Networking*, p. 11, 2024, accessed online August 6, 2024, <https://edtrust.org/wp-content/uploads/2014/09/Texas-HEP-HEP-Convening-Brief.pdf>; Federal Student Aid, "Prison Education Programs," accessed online July 10, 2024, <https://fsapartners.ed.gov/knowledge-center/topics/prison-education-programs>.
- <sup>31</sup> BPP, "BPP-DIR. 145.300: Action Upon Review - Approval," October 14, 2022, p. 2, accessed online September 15, 2024, [https://www.tdcj.texas.gov/bpp/policies\\_directives/DIR\\_145.300.pdf](https://www.tdcj.texas.gov/bpp/policies_directives/DIR_145.300.pdf).
- <sup>32</sup> *Ibid*, p. 3.
- <sup>33</sup> Mary McCaffity, "A Primer on the Parole Process," *Texas District & County Attorneys Association*, July-August 2018, accessed online July 20, 2024, [https://www.tdcaa.com/journal/a-primer-on-the-parole-process/#:~:text=All%20offenders%20serving%20time%20for,to%20equal%20their%20entire%20sentence](https://www.tdcaa.com/journal/a-primer-on-the-parole-process/#:~:text=All%20offenders%20serving%20time%20for,to%20equal%20their%20entire%20sentence;); BPP, "Parole/Mandatory Supervision Information: Parole Panel Voting Options," accessed online July 20, 2024, [https://www.tdcj.texas.gov/bpp/what\\_is\\_parole/vote-options.htm](https://www.tdcj.texas.gov/bpp/what_is_parole/vote-options.htm); TDCJ, *Parole Division and the Board of Pardons and Paroles, Parole in Texas*, 2022, p. 9, accessed online July 20, 2024, [https://www.tdcj.texas.gov/bpp/publications/PIT\\_English.pdf](https://www.tdcj.texas.gov/bpp/publications/PIT_English.pdf).
- <sup>34</sup> Legislative Budget Board (LBB), *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2021 and 2022*, February 2023, p. 4, accessed online May 29, 2024, [https://www.lbb.texas.gov/Documents/Publications/Policy\\_Report/7455\\_Uniform\\_Cost\\_Feb\\_2023.pdf](https://www.lbb.texas.gov/Documents/Publications/Policy_Report/7455_Uniform_Cost_Feb_2023.pdf); LBB, *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2019 and 2020*, January 2021, p. 5, accessed online May 29, 2024, [https://www.lbb.texas.gov/documents/publications/policy\\_report/6292\\_cjda\\_uniform\\_cost.pdf](https://www.lbb.texas.gov/documents/publications/policy_report/6292_cjda_uniform_cost.pdf); LBB, *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2017 and 2018*, January 2019, p. 4, accessed online May 29, 2024, [https://www.lbb.texas.gov/Documents/Publications/Policy\\_Report/4911\\_Criminal\\_Juvenile\\_Uniform\\_Cost\\_Jan\\_2019.pdf](https://www.lbb.texas.gov/Documents/Publications/Policy_Report/4911_Criminal_Juvenile_Uniform_Cost_Jan_2019.pdf); LBB, *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2015 and 2016*, January 2017, p. 4, accessed online May 29, 2024, [https://www.lbb.texas.gov/Documents/Publications/Policy\\_Report/3137\\_UniformCosts\\_2017.pdf](https://www.lbb.texas.gov/Documents/Publications/Policy_Report/3137_UniformCosts_2017.pdf).
- <sup>35</sup> Section 508.152 (b-1)(1), Texas Government Code.
- <sup>36</sup> SB 213, Acts of the 83rd Legislature, Regular Session, 2013; SAC, *Texas Criminal Justice Agencies Sunset Final Report with Legislative Action*, Austin: Texas Sunset Advisory Commission, July 2013, pp. 8a, 41.
- <sup>37</sup> Section 508.152 (b)(2), Texas Government Code.
- <sup>38</sup> 37 Texas Administrative Code, Part 5, Chapter 145, Subchapter A, Section 145.12 (2023) (Board of Pardons and Paroles, *Action upon Review*).
- <sup>39</sup> Section 501.009, Texas Government Code.
- <sup>40</sup> Section 508.152(b-1)(1), Texas Government Code.

## ISSUE 5

# Critical Statutory and Structural Deficiencies Strain an Already Overextended Parole System, Creating Unnecessary Barriers to Effective Supervision.

### Background

Parole supervision ensures public safety and reduces recidivism through effective reintegration of releasees, or individuals released from confinement to Texas Department of Criminal Justice (TDCJ) supervision in the community. The Board of Pardons and Paroles (BPP) determines whether to release eligible inmates on parole or mandatory supervision as well as the conditions of release, which can include special conditions as described in the textbox.<sup>1</sup> Once BPP believes an inmate is able and willing to fulfill the obligations of a law-abiding citizen and is likely to successfully reintegrate into the community without increased risk to the public, TDCJ's Reentry and Integration Division and Parole Division work together to provide comprehensive reentry planning services and process the inmate's release.<sup>2</sup>

#### Parole Special Conditions

BPP may impose special release conditions for any releasee. Common special conditions include:

- Educational attainment requirements
- Psychological counseling
- Substance use treatment
- Alcoholics Anonymous and Narcotics Anonymous attendance
- Drug monitoring such as urinalysis
- Sex offender requirements
- Electronic monitoring
- Super Intensive Supervision Program or GPS-enabled electronic monitoring

Upon release, the Parole Division assigns a parole officer (PO) to each releasee within the region their approved residence is located. This PO is responsible for ensuring each releasee assigned to their caseload meets parole requirements in accordance with supervision conditions imposed by BPP. Additional PO duties include:

- Performing initial residence investigations.
- Installing and overseeing electronic monitoring equipment.
- Performing residential visits and compliance checks.
- Administering urinalysis tests.
- Facilitating, observing, and documenting BPP-imposed classes and treatment.
- Writing violation reports.
- Requesting pre-revocation warrants.
- Preparing for and participating in parole revocation hearings.
- Facilitating emergency management and check-ins during natural disasters and other major events.

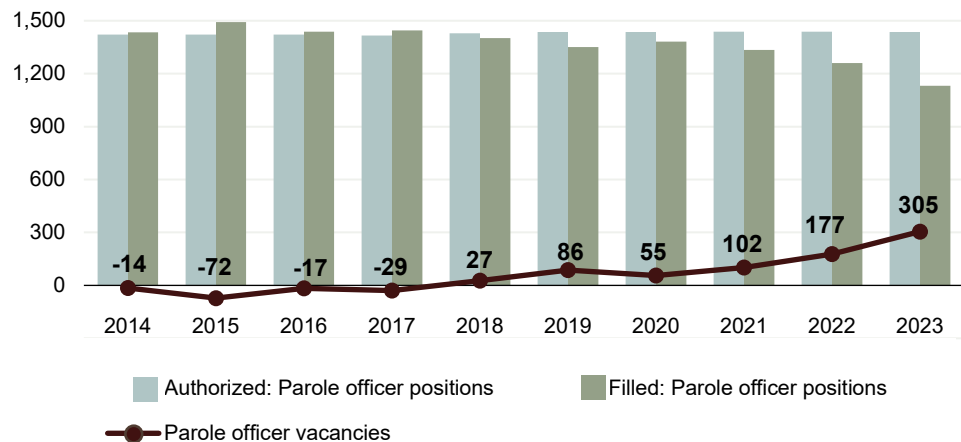
The Parole Division was authorized to hire 1,495 PO positions and supervised 75,953 releasees as of May 2024. The Parole Division assigns POs cases to supervise based on caseload type, which is determined based on the types of special conditions imposed by BPP, and a risks- and needs-informed supervision level.

## Findings

### TDCJ's parole officer staffing shortage shows no signs of abating amid an agencywide staffing crisis.

- PO staffing shortages and turnover.** Like correctional officers (COs), POs are in short supply in Texas. However, unlike COs, the PO shortage is relatively new, and TDCJ has found recruiting and retaining POs to be a challenge. As shown in the following graph, PO vacancies started to increase rapidly in fiscal year 2019. As of May 2024, PO vacancies jumped to over 300, creating a PO vacancy rate of about 21 percent. Issue 2 discusses agencywide staffing shortages and retention problems in more detail.

**Parole Officer Staffing and Vacancy Trends  
FYs 2014-23**



- Factors driving PO staffing shortages.** Some factors driving PO staffing shortages and turnover are specific to the Parole Division and how POs understand their place within TDCJ. Sunset staff conducted a parole staff survey and received over 400 responses. Survey responses conveyed an overwhelming sentiment among POs that too much is expected of them while they are paid too little.

PO pay. POs consider pay, which starts at \$44,704 as of fiscal year 2024, to be the single greatest driver of staffing shortages. Approximately 90 percent of respondents disagreed or strongly disagreed the current pay structure for POs is adequate, and 87 percent of respondents said the pay was too low for their cost of living. POs also complained about the rigidity of the statutory PO career ladder, which restricts annual salary increases and caps pay increases at 10 years of employment.<sup>3</sup>

Unmanageable caseloads and increased workload. At a recent agency townhall, numerous POs expressed frustration regarding high caseloads. In the parole staff survey, many officers reported that, while they find their work meaningful, workload expectations resulting from high caseloads are entirely unrealistic. During the review, TDCJ staff reported that the extensive administrative requirements placed on POs limit their ability to establish human connections with releasees — the part of the job many POs find most fulfilling. Moreover, more than half of survey respondents disagreed or strongly disagreed that Parole Division management listens to the concerns POs raise about caseload challenges. Managing caseloads has only grown more difficult for POs with the added demands resulting from the agency requiring POs to travel to understaffed offices, as discussed in Issue 2.

More than half of survey respondents disagreed that management listens to PO caseload concerns.

Punitive leadership culture. Issue 2 describes the staffing impacts of TDCJ's agencywide cultural struggles, including those in the Parole Division. Numerous POs reported the prevalence of verbally abusive and unprofessional supervisors, and more than half of respondents to Sunset's parole staff survey agreed or strongly agreed they worry about retaliation from supervisors if they submit a workplace grievance. POs also reported feeling worried they would be blamed for critical incidents involving releasees with little consideration of the role that division policies, staffing challenges, and leadership culture play in these incidents.

IT and technology limitations. Many POs report technology and IT limitations significantly increase their workload. POs report that their workload demands are made worse by the agency's outdated equipment, such as dysfunctional laptops and a lack of automated systems, and paper-based processes, which create inefficient supervision practices. This situation is exacerbated by TDCJ's broken parole contact tracking system, discussed on page 60 and in more detail in Issue 3.

POs report that their workload demands are made worse by TDCJ's outdated equipment.

- **Deprioritization of POs.** POs expressed frustration that the Parole Division is not an agency priority, a perception largely resulting from TDCJ's recent prioritization of CO pay and staffing initiatives over parallel efforts to improve PO staffing and retention. Over 45 percent of respondents to the parole staff survey indicated they do not feel supported and valued by TDCJ leadership, suggesting low morale among POs.

Insufficient PO pay increases and statutory career ladder limitations. Historically, TDCJ has included parallel requests for CO and PO pay increases in its biennial Legislative Appropriations Requests (LAR). The table on the following page shows years in which TDCJ requested CO and PO pay increases.<sup>4</sup> In April 2022, however, TDCJ requested a 15 percent pay raise for COs following record CO vacancy and turnover rates.<sup>5</sup> While TDCJ followed up by requesting a 15 percent pay increase for POs during the subsequent legislative session, the Legislature passed a 10 percent statewide salary increase for all state employees, including COs and POs, resulting in an overall 25 percent pay increase for COs and

**Statewide CO and PO Salary Gap, FYs 2014-26**

Fiscal Year	CO Starting Salaries	PO Starting Salaries	Salary Difference
2014	\$29,220	\$35,879	\$6,659
2018	\$32,335	\$39,718	\$7,383
2022	\$38,847	\$41,704	\$2,857
2024	\$44,674	\$44,704	\$30
2025	\$47,674	\$47,704	\$30
2026* (Projected)	\$52,441	\$54,860	\$2,419

\* Based on TDCJ’s fiscal year 2026–27 LAR request.

A statutory career ladder greatly limits TDCJ’s ability to adjust parole officer salaries.

a 10 percent increase for POs.<sup>6</sup> As shown in the table, this statewide increase narrowed the gap between the starting salaries of COs and POs, who the agency has historically paid significantly more, despite requiring a higher education level and a different skillset for POs. Moreover, between fiscal years 2014–25, CO starting salaries increased by 63 percent while PO salaries only increased by 33 percent. In its most recent LAR, TDCJ has requested salary increases of 15 percent for POs and 10 percent for COs to address staffing concerns.<sup>7</sup> If granted, CO salaries will have increased by nearly 80 percent since fiscal year 2014 while

PO salaries will have grown by about 50 percent.<sup>8</sup> Notably, the cost of increasing CO salaries is significantly higher than the cost of increasing PO salaries owing to the sheer number of COs compared to POs.<sup>9</sup> The continuation of the 2022 CO pay increase cost exceeded \$374 million for the 2024–25 biennium while the biennial PO pay increase cost was approximately \$24 million for the same initial percentage increase.<sup>10</sup>

Statutory caps on annual salary increases further restrict TDCJ’s ability to right-size PO pay as POs progress through their career. As noted above, POs are frustrated by the statutory career ladder, which limits annual salary increases to one-tenth of the difference between a PO’s current salary and the minimum annual salary in the next highest classification.<sup>11</sup> This translates to annual salary increases of less than \$300, even after the statewide and PO-specific salary increases described above.<sup>12</sup> As of fiscal year 2024, POs with 10 years of experience make only about \$5,000 more than the starting salary shown in the table above, topping out at a salary under \$50,000.

Less emphasis on PO staffing challenges. TDCJ leadership has publicly acknowledged CO staffing shortages while placing less emphasis on the impact of PO staffing vacancies. Issue 2 describes the 2022 escape of inmate Gonzalo Lopez, who escaped TDCJ custody during a medical transport. Following this incident, a public report commissioned by TDCJ and produced by the criminal justice consulting firm CGL attributed security lapses in part to “short staffing resulting from unsustainably high vacancy rates.”<sup>13</sup> Conversely, in a joint TDCJ–BPP investigative report following two high-profile murders involving releasees in 2022, which are discussed further on page 102, TDCJ cited lapses in PO supervision with no mention of PO staffing shortages.<sup>14</sup>

Delayed parole technology advances. In 2022, TDCJ awarded Microsoft the contract to replace its dated IT system with the cloud-based Corrections Information Technology System (CITS). Although TDCJ is working through this transition on the correctional institutions side, parole operations will not benefit from this upgrade until TDCJ requests additional funding

to implement a later phase of this transition. TDCJ has not requested or secured the appropriations to begin the parole portion of its CITS transition and will likely not begin implementing this second phase until at least 2028. As Issue 3 explains, TDCJ has also failed since 2014 to remedy a broken parole contact system designed to assist POs with supervision contact requirements. While TDCJ secured a Bureau of Justice Assistance (BJA) grant to fix this system in 2022, BJA threatened to pull funding after 22 months due to TDCJ inaction.

- **New supervision strategies.** To its credit, the Parole Division has made several changes and embraced new supervision strategies in an effort to improve staffing and reduce workload. To expand PO recruitment, the Parole Division recently relaxed the minimum education requirements from a bachelor's degree to an associate's degree with two years' work experience. However, this move has been extremely controversial among experienced POs, and vacancies have remained above 21 percent despite this change. The division also created an administrative caseload with virtual contact requirements for low-risk releasees and piloted a task-based supervision approach in which POs are responsible for specific tasks rather than set caseloads. While an evaluation of the pilot by TDCJ's Research and Development Division found 0.8 percent fewer arrests, 5 percent fewer parole violations, and 3.7 percent fewer warrants issued for releasees in participating parole offices, it did not show evidence of an impact on staffing losses. While decreases in violations and warrants are a positive sign, whether this decline was due to improved outcomes or less effective supervision is unclear. Because this is a novel supervision approach, Sunset staff could not identify external research indicating the likelihood of one explanation over another. However, the 0.8 percent reduction in arrests is notable and may suggest some improvement in supervision outcomes.

TDCJ is trying to innovate its supervision practices because of PO vacancies and excessive workload.

### **Unrealistic and outdated statutory maximum parole caseload ratios create unachievable expectations while limiting visibility into risky supervision practices.**

In an effort to hold TDCJ accountable for growing PO caseloads, the Legislature set maximum caseload ratios in 2007 that remain unchanged today.<sup>15</sup> In practice, TDCJ has never been able to comply with these requirements, and caseloads continue to grow beyond the statutory maximums with some high-risk caseloads nearly double the maximum allowed by statute, as shown in the table on the following page. Research shows excessively large caseloads with unrealistic workload demands negatively impact supervision quality, creating ineffective POs and supervision agencies in the process.<sup>16</sup> The American Probation and Parole Association (APPA) recommends supervision agencies implement caseload standards as a best practice, but because TDCJ's maximum caseload ratios are fixed in statute, the agency lacks flexibility to adjust them to incorporate risk-informed goals or caseload structures that account for changing supervision practices and new approaches. Moreover, rather than holding TDCJ to specified standards, these maximum caseload ratios obscure public

TDCJ has never been able to meet statutory maximum parole caseload ratios.

visibility into actual parole caseload sizes and supervision practices, even when these practices create risk in communities where TDCJ supervises releasees.

### TDCJ Parole Caseloads

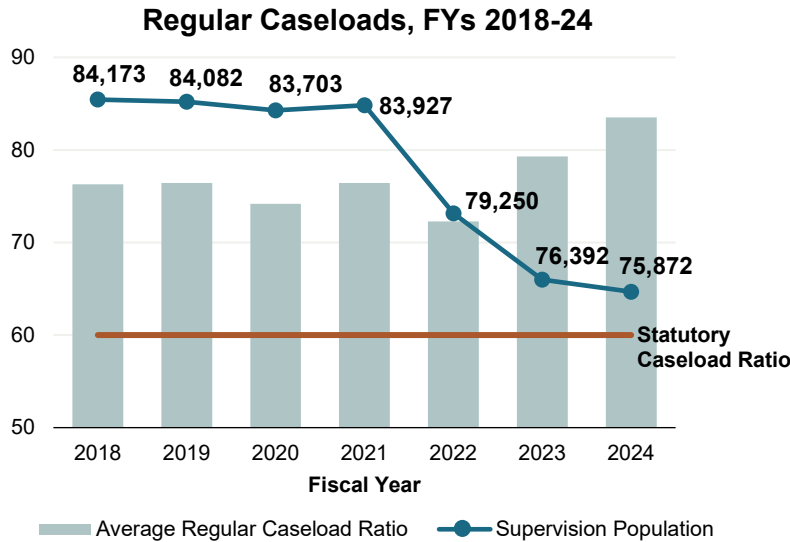
Parole Case Type	Statutory Maximum Caseloads	TDCJ Internal Policy Maximum Caseloads	FY 24 Actual Average Caseloads
Regular	60 active releasees	55-200 active releasees	83.5 active releasees
Special Needs Offender	35 active releasees	45-54 active releasees	49.1 active releasees
Substance Abuse Treatment	35 active releasees	55-66 active releasees	65.7 active releasees
Sex Offender	24 active releasees	30-36 active releasees	33.2 active releasees
Electronic Monitoring	20 active releasees	25-30 active releasees	30.8 active releasees
Super-Intensive Supervision Program	11 active releasees	15-18 active releasees	19.8 active releasees

The number of POs needed to meet statutory ratios is nearly double the current PO staff.

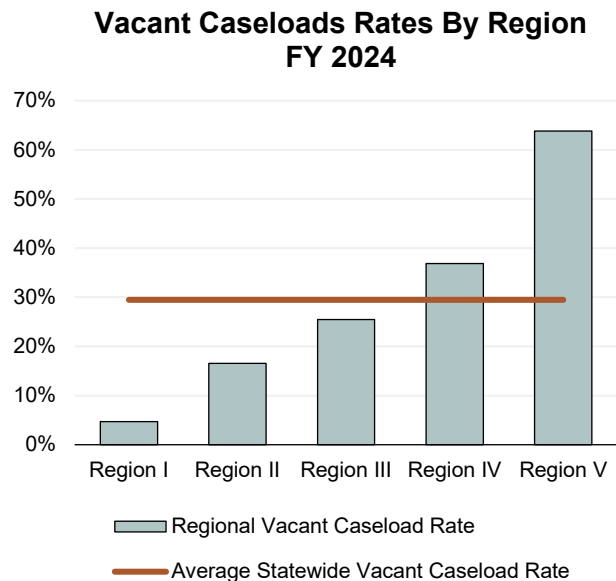
- Unachievable statutory caseload ratios.** TDCJ has never been able to meet statutory maximum caseloads, which range from 11 active super-intensive supervision program (SISP) releasees to 60 active, non-specialized, regular releasees per officer, as shown in the previous table. This statutory approach acknowledges the differing workloads between regular releasees, who are generally considered lower risk and demand less PO time, and specialized caseload releasees, who require more time to monitor. Rather than meeting statutory caseload requirements, TDCJ maintains its own internal caseload ratio policy and submits an annual report to the Legislative Budget Board (LBB) explaining statutory compliance barriers, including the number of additional POs TDCJ would need to meet the prescribed caseload ratios. In a 2020 study, TDCJ stated it would need an additional 703 POs at a cost of approximately \$61 million annually to comply with maximum statutory caseload ratios.<sup>17</sup> When TDCJ conducted that study, the agency employed 250 more POs than it does now. Today, the number of additional POs needed, inclusive of vacancies, to meet statutory caseload ratios is closer to 950 — nearly double the Parole Division’s current PO staff. While the supervised population has decreased from 83,703 in 2020 to 75,953 in 2024, LBB projects the supervised population will increase substantially in the coming years, as discussed further on page 99.<sup>18</sup> If PO staffing continues to decrease as the supervised population increases, statutory maximum caseloads will only become more unrealistic.

Overall caseload trends. In 2018, the average regular caseload size was about 76 releasees. Today, the average is nearly 84 releasees, as shown in the chart on the following page. While the population POs supervise has decreased, resulting in the lowest supervision population in a decade, caseloads have continued to grow as PO vacancies have rapidly increased. This trend also holds true for high-risk caseloads such as sex offender, electronic monitoring, and SISP caseloads. In fiscal year 2024, more than one-third of POs had average caseloads above the statutory maximums.



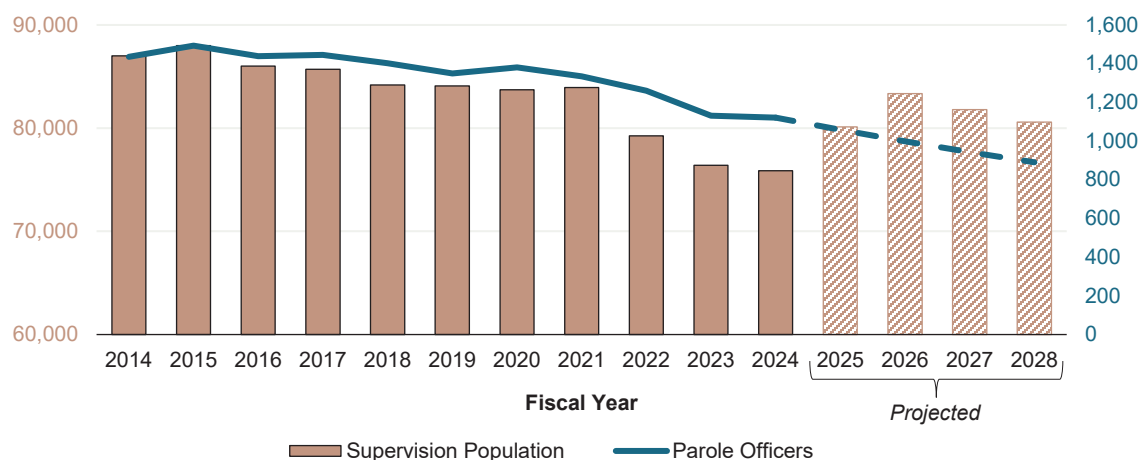


Regional caseload trends. Regionally, parole caseload sizes vary significantly, reflecting the different staffing challenges faced by each region. As of May 2024, Region IV, which includes San Antonio and Austin, had average regular caseloads as high as 98 releasees and substance abuse caseloads of nearly 66. Region IV also has the highest overall number of vacant caseloads — caseloads which should be filled by POs but are not due to staffing vacancies and POs on leave — and the second highest rate of vacant caseloads at nearly 37 percent. Region V, which includes much of West Texas, had average regular caseloads of 83 and the highest vacant caseload rate at nearly 64 percent as of May 2024. The chart shows vacant caseload rates by region. However, even regions with relatively low vacant caseload rates such as Regions I and II were unable to comply with the maximum caseload ratios prescribed by statute for any caseload type; as of May 2024, Region II had the lowest average regular caseload size at just over 78 active releasees, well above the 60 active releasee maximum required by statute.



Parole population projections. According to LBB projections, as shown in the chart on the following page, supervised populations are expected to exceed 80,000 by fiscal year 2025 and exceed 83,000 by 2026.<sup>19</sup> If PO staffing continues to decline at the same rate as the past two years, TDCJ will have fewer than 1,000 POs responsible for supervising a significantly larger population by 2026.

**Supervision Population and Parole Officer Staffing Changes  
FYs 2014-28**



- **Obsolete statutory caseload ratios. The nature of supervision has changed significantly in the past two decades, rendering the 2007 caseload maximums even more removed from today’s parole reality.**

Parole paradigm shift. Best practices in parole increasingly focus on the quality of interactions between POs and releaseses rather than the quantity of interactions. Traditional approaches to parole supervision have emphasized surveillance, treatment, and enforcement, but researchers and corrections practitioners suggest increasing levels of these activities do not always yield more successful parole outcomes.<sup>20</sup> Depending on the person, imposing either too many or too few supervision requirements can lead to unsuccessful outcomes. Research shows that over-supervising low-risk releaseses can actually increase supervision failure rates.<sup>21</sup>

Supervision agencies should use risks and needs assessments for caseload design, such as the Texas Risk Assessment System (TRAS) described in the textbox, to tailor resources based on risk, allowing supervision agencies

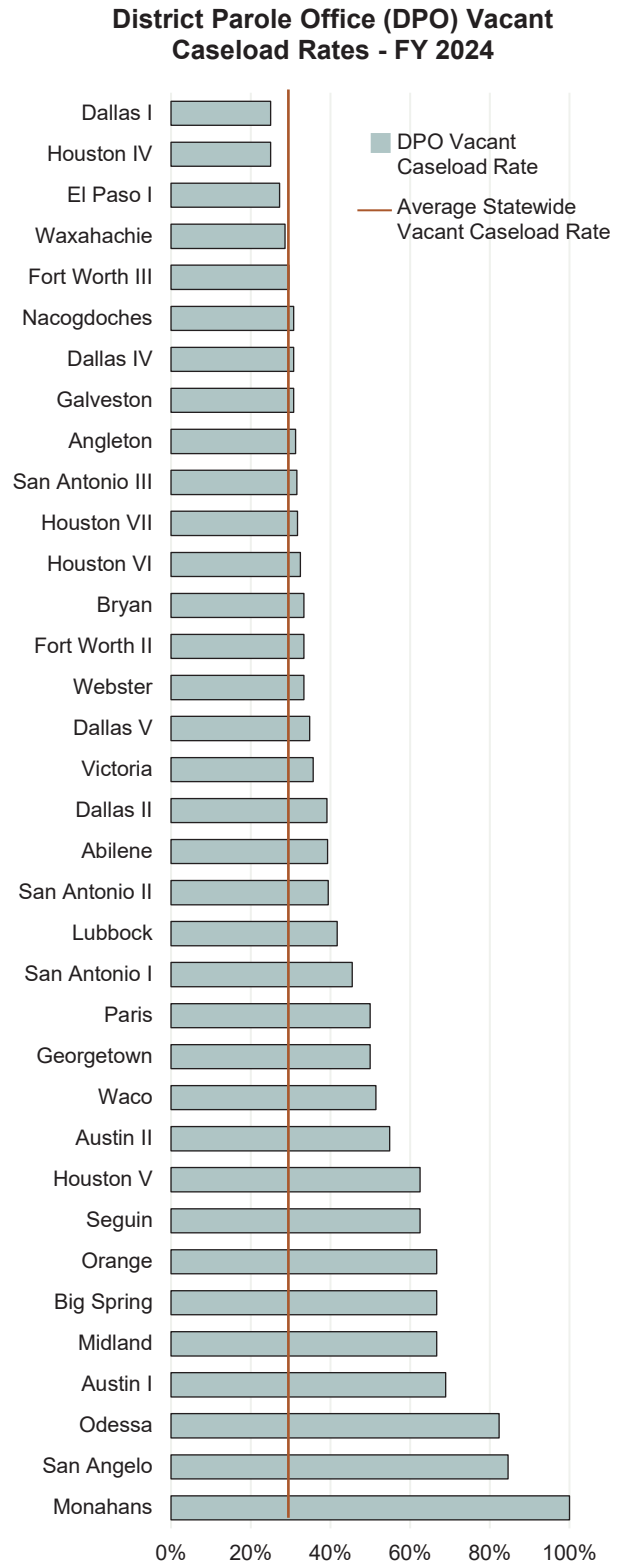
**Risks- and Needs-Informed Caseload Standards**

In line with a research-based approach, TDCJ implemented the **Texas Risk Assessment System (TRAS)** in 2014 to evaluate releaseses’ risks and needs, allowing the Parole Division to ensure releaseses receive the appropriate level of supervision. APPA’s 2024 standards direct corrections agencies to use risks and needs assessments such as TRAS to inform caseload standards. However, the Legislature set statutory maximum caseload ratios before TDCJ developed TRAS, meaning these caseload ratios are not risk-informed or compliant with national parole standards.

to increase the size of regular, low-risk caseloads. While the statutory maximum caseloads take this approach into account to some degree, APPA standards now suggest effective caseloads can range as high as 200:1 for low-risk individuals.<sup>22</sup> Conversely, research also suggests supervision agencies should ensure high-risk caseload ratios remain low, allowing for increased office sessions, field visits, employer contacts, telephone check-ins, and treatment.<sup>23</sup> Departing from statutory guidelines, TDCJ has implemented this research-based approach and altered caseload sizes accordingly. However, as PO staffing levels continue to decrease, even meeting these standards has proven difficult and will only be harder to do as the supervised population grows.

New supervision approaches. Despite statute disallowing adjustments to caseload structure even when adjustments meet national standards, TDCJ's Parole Division continues exploring new approaches.<sup>24</sup> In alignment with APPA standards, releasees on administrative-only caseloads receive minimal supervision but must still comply with supervision contact standards and other requirements. Similarly, the division intends to create an entirely virtual caseload for low-risk releasees and is in the process of piloting the task-based supervision approach described previously.

- Vacancies encourage risky supervision practices.** While research and APPA national standards may support many of the initiatives TDCJ has implemented, the agency has also been forced to make significant departures from research-supported best practices due to PO staffing shortages. TDCJ recently implemented a new approach for chronically understaffed parole offices, or offices with consistent vacant caseload rates of 25 percent or greater. Of 67 offices statewide, 35 are chronically understaffed. This policy directs these offices to conduct virtual home visits rather than in-person visits every other month for all releasees, including high-risk releasees with violent and sex offense records. The accompanying chart shows the 35 chronically understaffed offices operating under this new hybrid supervision policy. While research supports virtual supervision approaches for low-risk releasees, APPA national standards state that high-risk individuals should be monitored closely on small caseloads to yield reduced recidivism outcomes.<sup>25</sup> Research also shows merely providing supervision for the sake of supervision, rather than focusing on the quality and appropriateness of supervision and parole interventions, has little effect on recidivism.<sup>26</sup> Under these staffing conditions, however, POs have little time to do more than compliance checks, and the quality of even these compliance checks is arguably compromised by taking a virtual approach to supervising high-risk releasees.



### Parole Absconders Definition

Parole Division policy defines an absconder as “[a] client who is no longer residing in an approved residence or has failed to report after being released from a detention facility and, after completing a thorough investigation, the current whereabouts of the client remain unknown.”

Additionally, a 2016 internal audit found Parole Division staff did not sufficiently comply with absconder identification policy, as defined in the textbox.<sup>27</sup> The report emphasized the importance of PO efforts to meet risk-informed contact standards yet cited several PO deficiencies in observing and documenting contacts with releasees. This audit was conducted when PO staffing vacancies were 20 percentage points lower than they are today and before policy allowed for virtual supervision of high-risk releasees, and even then the division struggled to identify and prevent abscondence. Today, Texas has over 12,000 parole absconders, nearly half of whom absconded within the last two years.

### 2022 High-Profile Murder Cases Involving Releasees

**Nestor Hernandez.** On October 22, 2022, Nestor Hernandez fatally shot two Methodist Hospital employees following an argument with his girlfriend, who had just given birth to their child. Hernandez was on parole supervision after being released from a TDCJ facility on October 20, 2021. He was originally convicted of aggravated robbery with serious bodily injury and sentenced to eight years imprisonment on May 20, 2015. Upon release, BPP and TDCJ placed Hernandez on electronic monitoring. Hernandez was ultimately charged with capital murder.

**Zeric Jackson.** On November 3, 2022, Zeric Jackson fatally shot a man at the home of Jackson’s girlfriend. Jackson was on parole supervision after being released from a TDCJ facility on May 6, 2022. He was originally convicted of aggravated robbery and sentenced to 18 years imprisonment on March 30, 2007. Upon release, BPP and TDCJ placed Jackson on SISP monitoring. Jackson was ultimately charged with capital murder.

Responses from Sunset’s survey of parole staff indicate concerns about the effectiveness of this virtual approach, and two 2022 high-profile murder cases explained in the accompanying textbox underscore this risk. Following these incidents, Governor Abbott requested TDCJ and BPP conduct an investigation into these events involving releasees on electronic monitoring and SISP.<sup>28</sup> While the agency had not yet implemented virtual supervision approaches for high-risk releasees at the time of these incidents, both individuals would have been eligible for virtual supervision under the new policy.

In both cases, TDCJ identified lapses in supervision, such as not properly documenting interactions and failing to monitor GPS coordinates, and fired several lower-level staff, including the POs responsible for supervising the releasees. TDCJ also recommended a series of administrative actions, including unannounced field audits, and introduced its task-based pilot program.<sup>29</sup> TDCJ and BPP recommended criminalizing tampering with or removing electronic monitoring bracelets, which became law in 2023.<sup>30</sup> At the time of these incidents, the PO vacancy rate was already over 12 percent and the average statewide electronic monitoring and SISP caseloads were 30 and 18, respectively — far higher than the maximums prescribed by statute. The investigation did not analyze

the role caseload and workload demands prompted by staffing shortages played in these incidents. However, as PO staffing shortages continue to drive supervision approaches, TDCJ risks deviating further from statutory caseload maximums and evidence-based best practices.

- **Limited visibility into PO staffing needs and supervision practices.** As noted previously, TDCJ regularly reports to LBB calculations of the number of POs needed to meet the statutory caseload ratios outlined in statute. Despite years of reporting, TDCJ has never included these additional position requests in its LAR and the Parole Division has never been able to comply with statute as a result. While the Parole Division

has developed internal caseload ratios and has been working to develop new supervision approaches, it has done so without a clear sense of either the actual caseload ratios needed to ensure public safety or the number of POs needed to implement those caseload ratios. Moreover, TDCJ has not addressed root causes of recent PO vacancies or presented a revised supervision strategy to the Legislature. Instead, the agency is in the process of fundamentally altering how parole supervision works, not on the basis of research or APPA national standards but rather scarce staffing resources.

### **Inefficient special condition processes undermine BPP discretion and increase strain on parole officers and releasees.**

- **Impact of increased supervision conditions.** Widespread application of special conditions puts an immense strain on POs, as shown in the textbox, taking up valuable time that could be spent monitoring more high-risk releasees.<sup>31</sup> In fiscal year 2022 alone, TDCJ reported BPP imposed or approved over 320,000 special conditions for inmates releasing to parole supervision and releasees already on supervision. Many respondents to the parole staff survey indicated that special conditions are overapplied, citing the prevalence of unnecessary tasks like weekly urinalysis requirements and counterproductive electronic monitoring conditions for releasees with mental health designations. Other POs noted cases where electronic monitoring is imposed on releasees in nursing homes who are completely incapacitated. Regardless of the releasee's practical inability to reoffend, POs must still observe electronic monitoring contact requirements, which necessitate monthly in-person visits, when BPP imposes this special condition. Numerous respondents also noted that substance use treatment requirements, referred to as Special Condition S, are frequently imposed on releasees who do not have substance use problems. As of August 2024, BPP had applied Special Condition S to over 68,000 releasees, or approximately 90 percent of the supervised population statewide.

#### **Impact of Supervision Conditions**

Nationwide, the main factor increasing PO workload beyond staffing shortages is the growth in supervision conditions in recent decades. Parole supervision professionals often have little say in imposed conditions, meaning extensive monitoring and enforcement requirements fall on POs with little consideration for whether these conditions are relevant, evidence-informed, or realistic for either the releasee or the PO.

Additionally, a 2023 internal audit found pervasive deficiencies in the Parole Division's documentation of program referrals. Referrals include any documentation of substance use support or treatment attendance such as peer support recovery like Alcoholics Anonymous, substance treatment, and other requirements. Substance use treatment and counseling are common components of Special Condition S.<sup>33</sup> Parole Division policy requires POs to document referrals to ensure releasees adhere to BPP-imposed supervision conditions. Without such documentation, the Parole Division has no way of knowing whether the releasee is adhering to these conditions. The internal audit found numerous instances in which this documentation had been falsified or was missing entirely, raising concerns that the Parole Division's struggle to comply is driven in part by the prevalence of supervision conditions as well as ongoing PO staffing shortages.

Parole officers have valuable insights about releasees that currently are not shared with BPP.

- Limited ability of POs to modify post-release parole conditions.** Upon release, the Parole Division can also request imposing, withdrawing, or modifying special conditions through a BPP transmittal request.<sup>33</sup> Identical to a normal BPP vote, a three-member BPP voter panel determines whether to grant the Parole Division's request to change a releasee's supervision conditions. The post-release special condition modification process uses information voters do not have access to at the original parole approval vote. Parole supervision often requires long-term interpersonal interaction between the PO and the releasee, meaning the supervising PO is often in the best position to evaluate the releasee's behavioral patterns and their individual needs for special conditions. However, TDCJ policy prohibits the withdrawal or modification of certain special conditions, including Special Condition S.<sup>34</sup> Another key requirement of Special Condition S is alcohol use and urinalysis monitoring, a condition POs can already impose without BPP involvement for any releasee, regardless of whether BPP has imposed Special Condition S, through random drug testing.<sup>36</sup> Given the unique insight POs have into an individual releasee's risks and needs, POs need greater flexibility to temporarily alter special conditions as warranted, particularly for conditions that cannot be removed through the transmittal process like Special Condition S albeit with divisional oversight to ensure needed special conditions are enforced appropriately.
- Inefficient and inappropriate checks on BPP voter pre-release decisions.** The Parole Division undermines BPP's authority by requesting imposition of additional special conditions prior to release, increasing the workload on its own POs in the process. Once BPP has approved an inmate's release on parole, the non-PO Parole Division staff analyzes the case, including an evaluation of the BPP-prepared case summary, to determine whether additional special supervision conditions should be imposed beyond conditions BPP voters have already identified. This case analysis is a time-intensive process consisting of reviewing the exact same information voters had access to at the original parole vote. The division then sends a vote revision transmittal request to BPP which voters often approve in deference to the Parole Division's assumed expertise, resulting in the increased imposition of thousands of special conditions.

## Sunset Staff Recommendations

### *Change in Statute*

#### **5.1 Abolish the PO salary career ladder and require TDCJ to establish it in rule.**

This recommendation would remove the statutory PO salary career ladder and require TDCJ to establish one in rule, reevaluating the career ladder as needed. This recommendation would ensure PO career advancement and attendant salaries are appropriate to meet TDCJ's parole staffing needs. In developing this career ladder, TDCJ should consult with relevant stakeholders to review the current salary structure and align the new career ladder with projected future needs.

## **5.2 Abolish statutory maximum parole caseload ratios and require TDCJ to establish them in rule.**

This recommendation would remove the statutory maximum parole caseload ratios and require TDCJ to establish such ratios in rule and reevaluate these ratios as needed to ensure caseload policies are transparent, achievable, and informed by research-supported supervision practices. In developing these initial and subsequent maximum caseload ratios, TDCJ would be required to conduct a combined PO job task analysis and workload study in alignment with Recommendation 2.2. TDCJ would also be required to coordinate with relevant stakeholders to review current supervision practices and caseload approaches and submit a report to its board, BPP, the speaker of the House of Representatives, the lieutenant governor, legislative committees of jurisdiction, and the governor on proposed supervision approaches and parole caseload maximum ratios by September 1, 2026. This report should include an evaluation of current caseload vacancies based on assessed PO staffing needs as well as pilot project evaluation results of any proposed supervision approach changes prior to statewide implementation.

## **5.3 Require TDCJ and BPP to evaluate post-release special conditions that may be temporarily modified by POs and require TDCJ and BPP to establish corresponding modification processes in rule.**

This recommendation would require TDCJ and BPP to jointly evaluate and identify broadly applied post-release special conditions that would benefit from greater flexibility. Through rulemaking, TDCJ and BPP would authorize POs to temporarily adjust eligible post-release special conditions for a period of six months, as needed. Under this recommendation, TDCJ and BPP would work together to develop this process and establish it in rule. Together, TDCJ and BPP should:

- Identify special conditions eligible for temporary modification.
- Determine releasee eligibility requirements related to supervision performance and other relevant factors.
- Establish a minimum amount of time between date of release on supervision and special condition modification eligibility.
- Develop documentation standards and oversight mechanisms to ensure any temporary alteration of enforced special conditions is warranted and necessary.
- Revise the release contract mandated under existing statute to include a provision explicitly allowing for this special condition modification process.<sup>36</sup>
- Develop a release contract modification process requiring TDCJ to provide a modified contract to the releasee and obtain the releasee's signature and agreement to the modified conditions each time an initial or renewed temporary condition modification takes place.

Any temporary special condition modification should be based on TRAS or other assessments produced by a risks- and needs-assessment instrument, POs' on-the-ground evaluation of releasee risks and needs, and other relevant factors as determined by the agencies. After a period of six months following special condition modification, TDCJ should evaluate releasee supervision performance and determine whether to sustain the temporary modification of enforced special conditions, revert to the original BPP-imposed special condition, or petition BPP for permanent removal of the condition. Any imposition or permanent removal of special conditions would still require BPP approval in accordance with existing statute.<sup>37</sup> As part of this recommendation, TDCJ should track all special condition modifications.

#### **5.4 Prohibit the Parole Division from making recommendations of additional special conditions prior to release.**

This recommendation would prohibit TDCJ from reviewing BPP special condition voting decisions and recommending imposition of additional special conditions prior to an individual's release on parole. This recommendation would create greater efficiencies and help prevent over-application of special conditions.

#### ***Management Action***

#### **5.5 Direct the Parole Division to report supervision trends and workload impacts of supervision conditions to BPP annually.**

This recommendation would direct TDCJ's Parole Division to report supervision trends and associated workload impacts to BPP on an annual basis in an effort to ensure supervision conditions are not over-applied and remain achievable. As part of this recommendation, TDCJ should track special condition applications and produce a report analyzing special condition trends. This special condition report should be used by the special conditions working group created under Recommendation 6.5 to inform efficacy evaluations of special conditions. Alternatively, if the Sunset Advisory Commission does not adopt Recommendation 6.5, TDCJ and BPP should meet annually to discuss any special condition data trends and the ongoing effectiveness and appropriateness of imposing special conditions.

### **Fiscal Implication**

Overall, these recommendations would not have a fiscal impact to the state. The PO workload study required in Recommendation 5.2 could be accomplished within existing resources if the study is conducted internally by TDCJ's Research and Development Division or through the engagement of an external research partner such as a university or other government agency, as described in Issue 2. Hiring an external research partner such as a consultant could bring additional costs that cannot be estimated at this time. All other recommendations could be implemented with existing resources.



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<sup>1</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 508.0441, Texas Government Code; Texas Department of Criminal Justice (TDCJ) and Board of Pardons and Paroles (BPP), *Parole in Texas*, 2022, p. 21, accessed online May 14, 2024, [https://www.tdcj.texas.gov/bpp/publications/PIT\\_English.pdf](https://www.tdcj.texas.gov/bpp/publications/PIT_English.pdf).

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<sup>11</sup> Section 508.1131(c), Texas Government Code.

<sup>12</sup> TDCJ, “Parole Officer Career Ladder,” July 1, 2023, accessed online August 30, 2024, <https://www.tdcj.texas.gov/divisions/hr/hr-home/posalary.html>.

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## ISSUE 6

# BPP Does Not Ensure Its Decision-Making Processes are Fair, Consistent, Transparent, and Data-Informed.

### Background

The Board of Pardons and Paroles (BPP) decides whether to release eligible inmates on parole, determines what sanctions to apply to releasees who violate parole, and considers clemency applications. The term “releasee” applies to an individual released from confinement to supervision in the community by the Texas Department of Criminal Justice (TDCJ). The textbox lists BPP’s activities in fiscal year 2023.

The governor appoints the seven parole board members. The board’s presiding officer has hired 15 parole commissioners to assist with voting on release and revocation decisions. Each of the seven regional offices consists of a board member, administrative staff, and typically two parole commissioners. Parole panels, which are composed of the board member and two parole commissioners from one regional office, make most parole, discretionary mandatory supervision (DMS), and revocation decisions.<sup>1</sup> The BPP at a Glance contains more information about types of supervised release. Parole decisions involving certain violent offenses require a two-thirds majority vote by only board members, not panels.<sup>2</sup>

Voters do not convene to vote. Instead, for release decisions, an institutional parole officer (IPO) reviews the inmate’s files, interviews the inmate, and compiles various information into a “case summary.” For revocation decisions, BPP staff compile the releasee’s parole violation information into a hearing packet. The lead voter reviews the inmate’s case summary or hearing packet, records a vote, and sends the file to the second voter. The second voter then reviews the file along with the lead voter’s notes and records a vote. The second voter sends the file to the third voter for the deciding vote only if the first two voters disagree.

While the Legislature authorizes voter discretion, it has also imposed multiple requirements for this discretion and the process of decision making to encourage consistency and ensure public safety. For example, statute requires BPP to develop and maintain parole guidelines that equally weigh an inmate’s likelihood of a favorable parole outcome and the severity of their offense, establish a range of recommended approval rates based on the guidelines, and implement the guidelines.<sup>3</sup> In another example, statute outlines specific factors the agency must consider for Medically Recommended Intensive Supervision (MRIS), a form of early release for certain elderly or ill inmates.<sup>4</sup> BPP carries out its functions with an annual budget of about \$30 million and 445 employees.

#### BPP’s Activities - FY 2023

- Reviewed 79,270 inmates for parole and discretionary mandatory supervision and approved 28,802 (36.3%).
- Created 77,484 case summaries.
- Interviewed 4,426 attorneys or family members.
- Held 19,519 hearings.
- Revoked parole for 4,458 releasees.
- Considered 289 inmates for Medically Recommended Intensive Supervision and approved 27 (9.3%).
- Received 575 clemency applications, considered 163, and made a clemency recommendation for three.

## Findings

### **BPP’s partial noncompliance with statute governing parole guidelines poses a potential risk to public safety, increases costs for the state, and raises questions about inconsistent outcomes across regions.**

Statute requires BPP to develop research-based parole guidelines that are the basic criteria on which a parole decision is made and modify them as needed to help voters make decisions that equally consider an individual’s likelihood of a favorable parole outcome and the severity of the individual’s offense.<sup>5</sup> The agency consults with an external expert to create a recidivism risk level based on an individual’s static factors that do not change and dynamic factors that can change.<sup>6</sup> Voters rank the severity of each offense as low, moderate, high, or highest.<sup>7</sup> The agency then uses a matrix to combine these two components, as shown in Appendix K, to create the seven-level parole guidelines, with Level 1 indicating the highest risk of recidivism and highest offense severity and Level 7 indicating the lowest.

Statute requires BPP to establish and maintain a range of recommended approval rates for each guideline level to encourage consistency in its decision making.<sup>8</sup> Statute also requires BPP to annually review the extent to which the guidelines and recommended rates align with panel decisions and predict successful parole outcomes and to annually report to state leadership on variations from recommended approval rates.<sup>9</sup>

- **Lack of actions addressing variations.** BPP’s parole guidelines variations pose a potential risk to public safety and increase costs for the state by unnecessarily straining TDCJ’s bed and staffing capacity. The Legislature requires the agency to address variations from the guidelines and approval ranges because variations pose two problems: approving inmates for parole at a higher rate than recommended could result in releasees reoffending and posing a public safety risk, and approving inmates for parole at a lower rate than recommended could result in the state continuing to pay to house, feed, and tend to the medical needs of release-ready inmates who likely would be successful on parole according to the agency’s risk assessment.

Statute requires the agency to explain the variations in its annual report and list the actions it has taken or will take to address them.<sup>10</sup> However, the actions BPP has listed in recent years to address the variations are vague, describe existing duties of the agency, and have not effectively stopped variations from occurring. For example, from fiscal years 2018 to 2023, the only action the agency listed to address the variations was, “continually evaluating offense severity and adjusting as appropriate.”<sup>11</sup> In another example, in fiscal years 2016 and 2017, the agency reported that voting issues would be discussed at voter training.<sup>12</sup> BPP has more actions at its disposal such as developing formal internal procedures for out-of-range voting at individual, regional, and state levels and even updating the guidelines if the problem is with the tool itself, like the agency did

BPP deviations from parole guidelines come with potential risk to the public and costs to TDCJ.

in fiscal year 2014.<sup>13</sup> The agency has elected not to explore these options in recent years. Additionally, voters receive a report at the end of every month showing how their voting records compared to the recommended rates. Despite explaining in the annual parole guidelines report that the variations are partly due to the timing and frequency of these reports, the agency has not made any adjustments to this procedure.<sup>14</sup>

The table below shows the frequency of these variations from fiscal years 2015 to 2023.<sup>15</sup> The agency deviated from the approval ranges in at least one level in eight of the nine years represented in the table. Variations in Level 4 and 5 are the most significant due to the large number of inmates categorized in those levels, and the table shows that the agency has particularly struggled to meet those ranges in addition to the range for the lowest risk and offense severity category, Level 7. During these nine fiscal years, Level 4 and 5 inmates accounted for between 55 percent and 65 percent of all inmates considered for parole that year. BPP’s average variation from the Level 4 guideline and Level 5 guideline was 2 percent and 1.4 percent, respectively. These percentages may be small, but they equal 4,900 inmates in this time period, leading to increased costs and diminished prison capacity. BPP’s frequent challenges in meeting the range for Level 7, resulting in an average variation of 1.8 percent or 256 inmates, also suggest panel voters could be releasing more inmates with a high chance of success on parole and a low offense severity.

Deviations from minimum recommended approval rates from 2015 to 2023 increased TDCJ costs and diminished prison capacity.

**BPP Guideline Variations, FYs 2015-23**

Guideline Level	Recommended Approval Rate	FY 15	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22	FY 23
1	0%-20%	0.00%	0.00%	0.00%	0.00%	0.00%	100%*	9.09%	12.34%	7.86%
2	15%-35%	27.64%	30.23%	28.61%	26.28%	26.60%	31.16%	29.06%	28.23%	23.65%
3	25%-40%	36.09%	37.37%	35.70%	30.38%	32.57%	38.32%	36.16%	36.46%	28.35%
4	30%-45%	27.47%	28.53%	28.09%	26.59%	28.40%	31.47%	32.19%	33.08%	29.09%
5	35%-50%	35.35%	33.81%	33.97%	32.00%	33.68%	36.70%	37.70%	38.12%	34.43%
6	45%-70%	46.18%	44.17%	46.47%	45.10%	48.82%	51.13%	50.32%	50.90%	45.66%
7	65%-100%	67.02%	64.29%	67.72%	66.89%	73.03%	73.27%	64.64%	62.99%	60.71%

\* In this year, the agency approved two out of two Level 1 inmates, resulting in a variation. Due to the small sample size, however, this variation is negligible.

- **No regional data.** BPP does not collect and report regional release outcomes data for each of its parole panels, preventing the agency from comparing regional parole panel approval rates to the recommended rates as required by law.<sup>16</sup> This lack of data prevents BPP and the state from fully accounting for all the contributing factors to TDCJ’s capacity issues and raises concerns about fairness in the parole review process across BPP’s seven regional offices. In its parole guidelines annual report, BPP provides summary statewide release outcomes by parole guideline level. The report also

provides information for each individual voter that shows, by guideline level, the number of times that they voted and how many times they voted to approve release, which the report groups by regional office; however, the parole guidelines annual report does not show any data about actual parole panel outcomes. Parole panel outcomes are not determined by a single voter. A parole panel decision requires a consensus of two voters. A BPP board directive establishes panels with a specified order of voting, so one office in reality has multiple panels consisting of the same three voters but with different voting sequences. Thus, inferring the actual approval rate for a region based on how individual panel members voted separately is impossible. In addition, statute requires the board to meet annually to review and discuss the parole guidelines and provides that the board must consider how the parole guidelines serve the needs of parole decision making and the extent to which the parole guidelines reflect parole panel decisions and predict successful parole outcomes. Without parole panel outcomes data to evaluate, BPP is unable to fully comply with its statutory obligations.

Because BPP lacks its own in-house data analysis capacity, TDCJ provided Sunset staff regional voting data. However, due to its lack of technological capacity, TDCJ was not able to pull results for any paper-voted parole

cases in fiscal year 2023 and was only able to provide information for most, but not all, electronically voted cases. TDCJ and BPP staff estimated that electronic cases represent about 70 percent of all parole cases. Sunset staff reviewed BPP’s fiscal year 2023 parole guidelines annual report where BPP reported that it considered 64,775 parole cases.<sup>17</sup> Based on that figure, the 36,062 electronic cases that TDCJ provided information about would represent 56 percent of total cases. As a result, while the accompanying table shows how each board office’s overall approval rate ranged from 33 percent to nearly 45 percent for electronic cases, this table and chart on the following page are incomplete pictures because paper-voted and some electronically voted case data were not available by region.

**Regional Parole Approvals  
(Electronic Cases Only) - FY 2023**

Board Office	Electronic Cases Reviewed	Number Approved	Rate
Amarillo	5,060	1,670	33.0%
Angleton	6,093	2,351	38.6%
Austin*	730	672	92.1%
Gatesville	4,942	2,206	44.6%
Huntsville	7,154	2,776	38.8%
Palestine	6,016	1,988	33.0%
San Antonio	6,067	2,389	39.4%
<b>Total</b>	<b>36,062</b>	<b>14,052</b>	<b>39.0%</b>

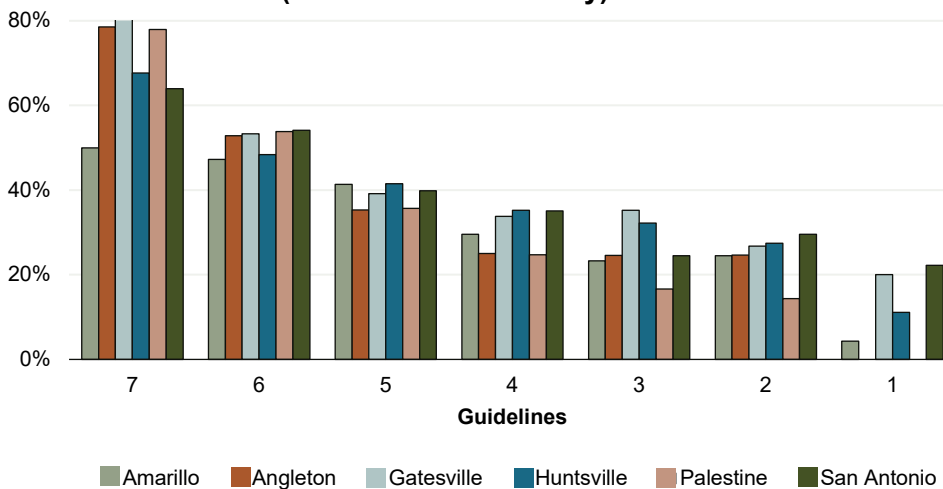
\* The numbers for Austin do not align with other regions because the Austin board office is a specialty panel that receives a specific type of offense.

BPP regional board offices are assigned to make parole release decisions for inmates housed in specific TDCJ correctional facilities. Regional variations in parole approval rates can have a disparate impact on bed availability and correctional officer staff capacities for the correctional facilities assigned to those regional offices. The lack of visibility into BPP’s regional approval rates obscures the effect that differences in regional voting outcomes have on TDCJ’s facility-level capacities. For example, correctional facilities assigned to Amarillo and Palestine may have a lower release rate than correctional facilities assigned to San Antonio and Gatesville, constraining TDCJ’s flexibility in making inmate housing decisions.

Furthermore, the regional variations evident in electronic cases potentially undermine the expectation for fairness among inmates, victims, and family members, and the failure to report them is nontransparent. The variations, in other words, could suggest release decisions may be driven more by the arbitrarily assigned region of an inmate’s facility rather than the inmate’s rehabilitation and risk to public safety. The accompanying chart, which compares the approval rates for electronically voted cases in fiscal year 2023 by guideline level, suggests a Level 4 inmate in the Palestine and Angleton regions has a lower chance of approval than a Level 4 inmate in the Huntsville or San Antonio regions. The disparity in approval outcomes is even greater for Level 7 inmates. In the Amarillo region, the electronic case approval rate was nearly 30 percentage points lower than the approval rates of Angleton and Gatesville and 15 percentage points below the recommended range. While BPP attributes differences in parole voting outcomes to regional factors, including a higher number of maximum security facilities or higher numbers of female inmates, the parole guidelines already consider an inmate’s custody level as one of 10 factors when calculating the inmate’s parole guidelines risk level and weight male and female risk factors differently. The parole guideline levels allow for direct comparison, regardless of facility type, sex, or other factors.

BPP is not complying with a statutory change the Legislature enacted through a previous Sunset bill.

**Rate of Parole Approval by Guideline Level (Electronic Cases Only) - FY 2023**

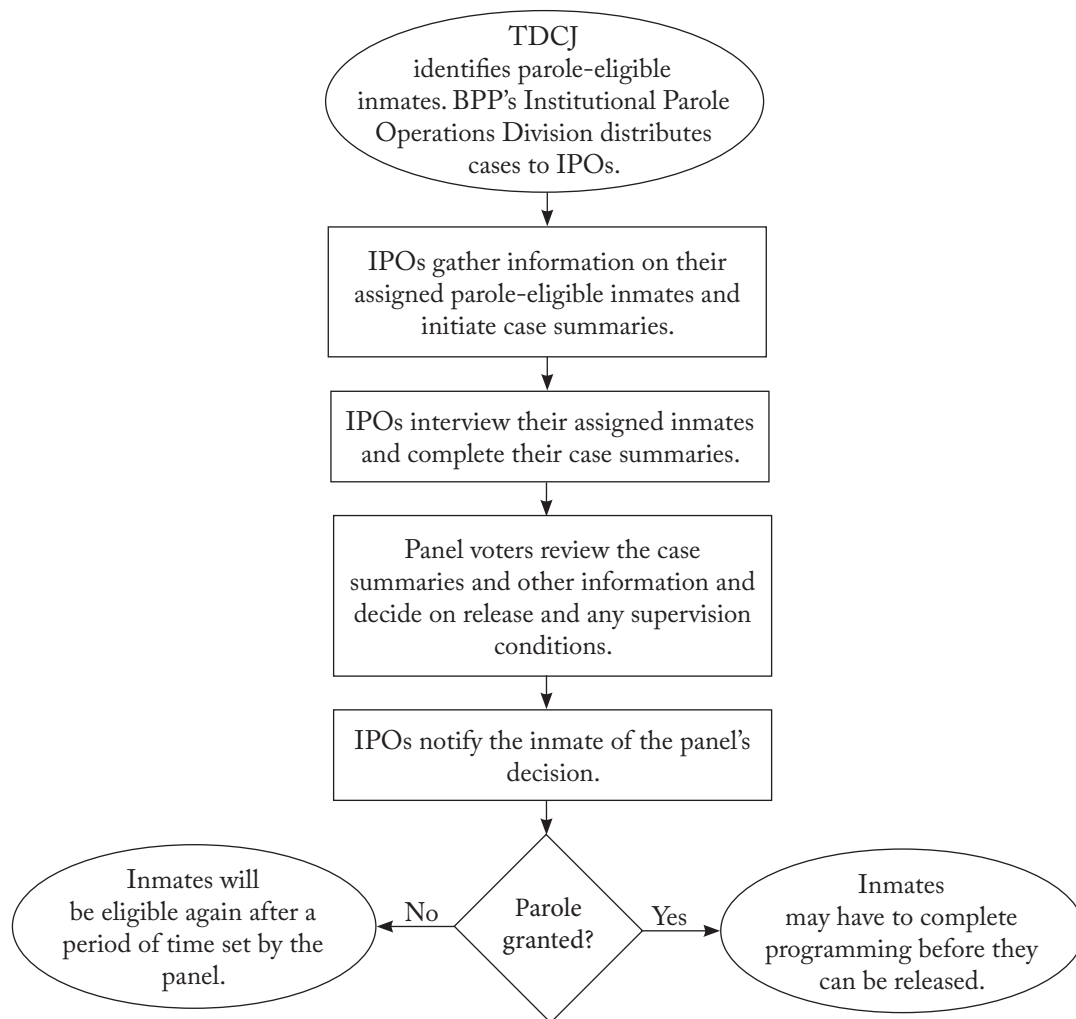


**Inefficient and ineffective case summary processes give IPOs too much discretion and fail to gather information necessary to inform voters about which inmates are well suited to release.**

To make release decisions, panels review case summaries and interview victims or other interested parties. IPOs create these case summaries first by reviewing inmates’ information in paper files or in various electronic TDCJ inmate information systems and manually inputting or summarizing the information into the case summary template. Then, they interview the inmates to complete remaining sections of the template. The template includes information such as

the inmate’s arrest history, periods of incarceration, classification and housing assignments, medical and psychological information, institutional behavior, any self-reported problems or addictions, and an analysis of the interview. IPOs act as the eyes and ears of the voters who do not have time to interact with every inmate up for parole or DMS, but the lead voter may choose to interview the inmate if needed. Every voter on the panel can also access all available files on inmates if needed. The flowchart below shows the information-gathering and decision-making process for parole and DMS voting.

### Parole Review Process



BPP does not establish thorough guidelines for and guardrails on IPO interviews or address inefficient information-gathering practices, undermining the usefulness of the case summary. As the immense volume of cases necessitates voters’ reliance on hundreds of IPOs and the case summaries they produce, improvements to the case summary process would better help voters make sound, well-informed release decisions.



- **Deficient procedures for IPO interviews.**

Non-substantive and unstandardized interview questions. A BPP administrative directive lists the types of information included in the case summary document but lacks standard interview questions to ensure IPOs consistently obtain information voters find useful for release consideration that is relevant to the specific case. The administrative directive also does not provide direction for IPOs when conducting interviews. After preparing the case summary based on information contained in the inmates' files, IPOs interview inmates to complete any remaining sections of the case summary template and fill out risk assessment instruments. The *Examples of Template Content* textbox shows the typical components of the template that IPOs ask inmates about. Rather than using the interview as an opportunity to learn about topics unavailable in the inmates' files, IPO questions typically focus on rehashing details of an inmate's criminal and substance use history. While rationales for offenses and substance use history can help color a picture of the inmate's past and help voters assess specific programming needs, these limited interview topics relitigate an offense a court has already ruled on and ask inmates to recall information from years past that they may not accurately remember. Potentially reflecting this missed opportunity, some voters reported to Sunset staff a feeling that some questions are unnecessary. Additionally, when voters directly communicate with IPOs about case summaries, sometimes suggesting how to conduct interviews, they potentially introduce additional inconsistency into the process.

Subjective and discretionary interview analyses. In the interview analysis section of the case summary, IPOs must discuss the inmate's level of grooming, level of cooperation and general attitude, level of accountability for the offense, favorable and unfavorable factors for release, programming needs, and supervision needs. Many of these determinations are subject to the IPO's discretion and risk invoking bias. Others are simply out of the inmate's control such as whether they showed up on time, which can be affected by staffing levels at the correctional facility or other factors. Moreover, asking IPOs to make subjective judgements on these criteria risks encroaching on the role and decision-making authority of voters. In conversations with Sunset staff, voters indicated varying levels of interest in the content of interview analyses, and TDCJ's internal auditor found that overall interview analyses could deliver more useful information to voters. Furthermore, writing an interview analysis is required for assault, weapons-related, or sex-related offenses but optional for all others, even

### Examples of Template Content

#### Criminal history

- Whether the inmate agrees with the contents of an offense report.
- The inmate's version of events, if they disagree with the offense report.
- The inmate's rationale for committing the offense.

#### Alcohol and drug use history

- The types of alcohol or drugs used.
- Methods and frequency of use.
- Ages at which the inmate used each substance.
- How much each substance cost at the time or the amount of each substance.

Accurate and objective information is important as most voters never meet inmates considered for release.

Rather than reviewing if interviews uncover new information, audits assess information already in case summaries.

though IPOs conduct interviews for most case summaries. Sunset staff found no discernable trend for when a case summary has an interview analysis when the analysis is optional, and IPOs do not always complete this section even when the analysis is required. Because of these practices, while the case summary is meant to be a collection of verified facts, IPO discretion is determining which information is relayed to voters and when.

Audits do not assess interview quality or accuracy. BPP does not record, transcribe, or audit interviews, limiting the reliability of interview analyses prepared by IPOs and the usefulness of the interviews themselves. Instead, IPO supervisors audit the written interview analysis. However, rather than reviewing if the interview analysis uncovers new information about the inmate, the audits assess whether the analysis mentions the inmate's appearance and behavior during the interview, their recommendations for the level of supervision, strengths and weaknesses of the inmate regarding their potential to have a successful supervision, and criminal history — information already detailed in another section of the case summary. Supervisors have no way of determining whether these interview analyses are accurate, not just because they are subjective but also because no transcript of the interview exists. Agency policy merely encourages supervisors to observe interviews periodically and as needed during quarterly visits, and the audit procedure only requires supervisors to pull completed case summaries for the quarterly audit.

- **High administrative and clerical burden.** Case summary preparation is a time-consuming process that requires a large number of IPOs to perform many tasks, including interviewing the inmate and navigating multiple electronic windows and files. Highly clerical case summary development procedures result in an ineffective use of agency resources that could be used for a more rigorous and high-quality assessment of inmate information. Institutional parole operations make up nearly half of BPP's \$28 million expenditures and more than half of the agency's 445 employees.

#### Unnecessary Manual Tasks

- To gather information on an inmate's parole violation, an IPO currently looks at parole revocation documentation and three different electronic windows, all of which contain the same information, and then manually enters the data in the case summary template.
- To summarize an inmate's participation in programming for the case summary, IPOs refer to an electronic window, which the voter already has access to when voting. The IPO then prints out that TDCJ window, signs it, and scans the sheet for the voter to access when voting. This process unnecessarily duplicates information in three different places and is a waste of the IPO's limited time.

In a fiscal year 2023 report, TDCJ's internal auditor found opportunities for automating many steps in case summary preparation in the future. However, opportunities for reducing the workload of IPOs already exist, and the *Unnecessary Manual Tasks* textbox provides examples. Duplicative tasks such as these add complexity to training and onboarding IPOs, which is already a three-month process, recently reduced from six months due to the division's turnover challenges. They also distract from the IPO's role as a factfinder for the voters.

The rationale behind having IPOs check multiple sources to obtain information is to ensure accuracy in case summary information. In reality, the agency requires IPOs to spend too much time performing rote tasks to transfer information to the case summary template, preventing IPOs from performing the more important task of checking for accuracy. Automating and streamlining such clerical tasks would enable IPOs to focus more on verifying information such as inmates' self-reported claims so that the voter can weigh all case summary information more confidently.

**MRIS processes are underdeveloped and not data-informed, risking inconsistent and uninformed MRIS decision making and an increased strain on TDCJ resources.**

The Correctional Managed Health Care Committee establishes the procedures for screening MRIS-eligible inmates.<sup>18</sup> The Texas Correctional Office on Inmates with Medical or Mental Impairments (TCOOMMI) housed within TDCJ receives MRIS referrals and screens for whether the inmate first meets the statutory requirements for eligibility, as summarized in the textbox *MRIS Eligibility*.<sup>19</sup> Healthcare providers from TDCJ's medical partners for the provision of healthcare services to inmates — the University of Texas Medical Branch (UTMB) and the Texas Tech University Health Sciences Center (TTUHSC) — then indicate on a screening form whether the inmate meets a medical criterion for MRIS, also provided in the textbox.<sup>20</sup> If inmates are eligible based on a diagnosis, the diagnosis must be confirmed by a licensed physician or psychiatrist.<sup>21</sup>

BPP approves or denies MRIS based on a medical or mental health summary that describes the inmate's current conditions, photos of the inmate at intake and at present, and the inmate's case summary. While for regular release considerations, IPOs can help voters virtually interview hospitalized inmates, they do not do so for MRIS reviews. Instead of a typical parole panel, a designated panel made up of the board chair and two other voters reviews MRIS cases.<sup>22</sup> Statute requires the panel to base the consideration on whether the inmate constitutes a threat to public safety in their current medical condition.<sup>23</sup>

- **Lack of appropriate voter training.** Unlike other areas of voting, BPP lacks a standardized, formal training for MRIS voters either on voting procedures or about the MRIS program itself, undermining panel members' preparation for deciding such cases.

**MRIS Eligibility**

Inmates with one or more of the following criteria may be eligible to be considered for MRIS:

- Terminal illness (life expectancy of less than six months)
- Elderly (65 or older)
- Physical disability
- Developmental or intellectual disability
- Mental illness
- Needs long-term care
- Organic brain syndrome
- Persistent vegetative state

Inmates sentenced to death or life without parole and non-U.S.-citizens with an active Immigration and Customs Enforcement detainer are not eligible for MRIS. Sex offenders must have organic brain syndrome or be in a vegetative state to be eligible.

Voters need more training to ensure sound decisions in release considerations for MRIS.

Confusion over statutory guidance. Sunset staff encountered MRIS voter confusion about the statutory requirement to assess an inmate's threat to public safety based only on the inmate's condition and medical evaluation.<sup>24</sup> Voters reported to Sunset staff that they routinely consider additional factors such as protest letters, time served, number of previous MRIS reviews, the inmate's eligibility for regular parole or DMS, and whether the case involves consecutive sentences, but they were not able to articulate how these factors indicate the degree of an inmate's threat to public safety. Considering aspects of an MRIS case beyond the medical assessment risks voters making decisions that are not in line with what the Legislature envisioned for the MRIS program.<sup>25</sup>

No clinical training. Neither statute nor board policy requires MRIS voters to have a clinical background or medical expertise or to receive training on how to interpret medical information. Sunset staff learned voters sometimes rely on a medical dictionary to understand the medical summary. The medical summary provides a static description of an inmate's condition such as medical history, current diagnoses, and level of mobility. However, without a clinically informed perspective, MRIS voters may be unable to fully account for the confluence of multiple medical and treatment-related factors or how a prognosis impacts an inmate's ability to reoffend, preventing voters from being able to assess whether an inmate's condition still enables them to be a threat to public safety. As of the third quarter in fiscal year 2024, five MRIS releasees had absconded, which means TDCJ cannot locate the releasees because they left their approved residence. Conversely, inmates have died from their conditions shortly after they have been denied MRIS, and others have been approved for MRIS only to die before release.

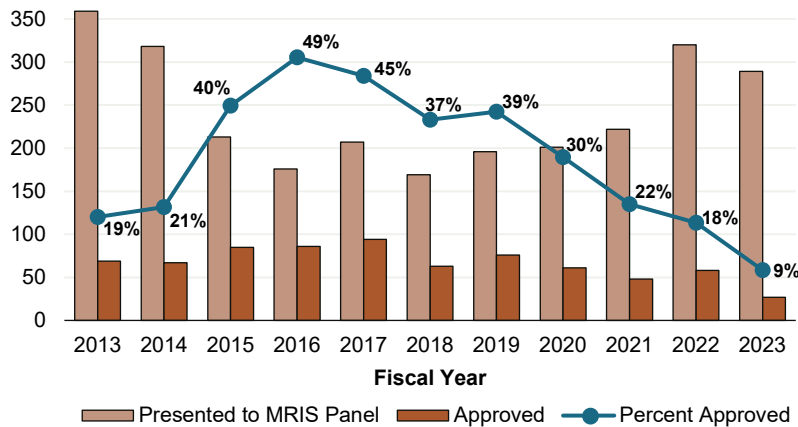
TDCJ sends BPP status reports on MRIS releasees, but BPP does not view the reports.

Unawareness of MRIS supervision. MRIS voters are not knowledgeable about the MRIS program beyond the MRIS review phase. MRIS voters gave Sunset staff conflicting answers about which BPP panel is responsible for graduated sanctions and modifying conditions for MRIS releasees once they return to the community. Voters rely on their knowledge of supervision practices to confidently vote for or against regular parole and DMS and impose special conditions or graduated sanctions; MRIS voters cannot make the most informed release decisions without a similar knowledge of MRIS supervision.

- **No use of data.** BPP does not use data to better understand MRIS outcomes, preventing panel members from voting knowledgeably on MRIS cases. Statute requires TDCJ to send BPP status reports on MRIS releasees, but BPP does not look at the reports to inform decision making.<sup>26</sup> Voters could use this report — which includes information on releasees' MRIS category, current conditions of releasees and months since release, revocations, and absconders — to determine if they need to modify conditions for MRIS releasees, as intended by statute. The agency could use this information to develop and improve MRIS voter training on decision making as well.

As the chart shows, the rate of MRIS approvals has generally declined since fiscal year 2016 despite an aging inmate population, an increase in the number of inmates presented for MRIS consideration, and a recent pandemic that would have increased the risk of death for MRIS-eligible inmates.<sup>27</sup> BPP was not aware of this trend nor could the agency explain it, a fact suggestive of BPP’s lack of data tracking and analysis of the MRIS program.

**MRIS Considerations and Approval Rates History  
FYs 2013-23**



- **Confusion surrounding processes in rule.** Agency rules state that for MRIS-eligible extraordinary cases, or cases that require the full seven-member board to vote, the three-member MRIS panel first makes the determination on whether the inmate is a threat to public safety and then the full seven-member board votes if the panel finds that they are not a threat.<sup>28</sup> However, Sunset staff learned that the full board does not vote these cases. Additionally, agency rules suggest that BPP provides the reasons for the decision, but TCOOMMI creates the decision letter containing reasons. Sunset staff heard from voters that they would like to provide reasons for their MRIS decisions. The confusion about and potential misalignment between rules and actual processes further suggest that BPP’s MRIS program is underdeveloped.
- **Increased strain on TDCJ resources.** Though the exact healthcare costs of MRIS-eligible inmates are unknown, many of these inmates occupy high-demand infirmary beds. For more on infirmary bed capacity, see Issue 1. TDCJ has infirmary beds at UTMB’s Hospital Galveston, but an underdeveloped MRIS program contributes to the high demand for those beds. As of August 2024, 57 infirmary patients were identified as MRIS-eligible. The high demand for infirmary beds pressures TDCJ to use in-patient beds in community hospitals for inmates receiving acute care. To secure these beds, TDCJ must station correctional officers at those hospitals, diverting staff from the facility during a staffing crisis, thereby exacerbating staff and inmate safety concerns at understaffed facilities and risking adverse events in the community hospitals. For example, in

BPP’s MRIS voting process does not adhere to its own rules.

a 10-month span in fiscal year 2024, TDCJ had two separate incidents wherein correctional officers misplaced their guns at community hospitals.<sup>29</sup>

**BPP misses an opportunity to enhance the consistency and effectiveness of its decisions by neglecting to evaluate decision making for graduated sanctions and special conditions.**

BPP voters do not simply vote “yes” or “no.” For example, parole approval is often conditional upon the inmate completing a treatment program prior to release, and voters must also record in their vote any special parole conditions they wish to impose on the individual such as electronic monitoring. For revocations, voters have three options: to continue without modification, modify, or revoke. When modifying parole, BPP uses a graduated sanctions approach, which includes options for escalating punitive actions corresponding to the severity of the parole violation. For example, voters may send a releasee to a short-term sanction facility or impose a special condition instead of revoking parole.

When a releasee violates their parole conditions or commits a new offense, TDCJ’s Parole Division notifies BPP to schedule a revocation hearing. During a hearing, a BPP hearing officer documents any evidence and testimony in the hearing packet and recommends a decision to the panel. Then, an analyst completes a desk review of the allegations, evidence, and testimonies and makes an additional recommendation to the panel which may or may not concur with that of the hearing officer. If a releasee waives their hearing, only the desk review occurs. Panels can take recommendations of hearing officers and analysts into account but are not bound by them.

BPP and TDCJ’s Parole Division do not work together to evaluate the effectiveness of special conditions.

- **No data on votes or recommendations.** BPP does not evaluate votes by panels on special conditions, graduated sanctions, or revocations for consistency. Tracking these decisions could enhance consistency and fairness in the parole review and revocation process as well as assist the agency in evaluating the effectiveness of its voter training. BPP also does not evaluate recommendations by hearing officers or analysts for consistency or assess whether these recommendations are useful to panels. BPP instead could track these recommendations, identify trends, and make necessary adjustments to its annual training, improving the process for voters.
- **No regular assessment of special conditions.** Statute requires BPP to determine the conditions of supervision and requires TDCJ’s Parole Division to ensure releasees meet these conditions.<sup>30</sup> BPP and the Parole Division collaborate and communicate on special conditions as needed, but they do not regularly assess the effectiveness of special conditions on addressing releasee needs like gainful employment, substance use and mental health treatment, permanent housing, and other measures of parole success. The dynamic and evolving field of parole supervision necessitates that the two entities work together to ensure special conditions both effectively enhance public safety and reasonably allow releasees to be successful on supervision.

## **BPP does not leverage data and resources to improve the noncapital clemency application process, resulting in a high rate of incomplete applications and increasing staff’s workload.**

The board considers applications for clemency — the process by which the governor may reduce an inmate’s sentence, grant a pardon, or delay a punishment — for capital cases, where the death penalty is or could be the sentence, and for noncapital cases, where the death penalty is not the sentence.<sup>31</sup> A grant of clemency could mean a full pardon after conviction or successful completion of a term of deferred adjudication community supervision, conditional pardon, pardon based on innocence, commutation of sentence, or a reprieve. In capital cases, clemency could include a commutation of sentence to life in prison or a reprieve of execution.<sup>32</sup> In both capital and noncapital cases, the board can vote only on whether to recommend clemency, not to approve or deny it. If the board recommends clemency, the governor makes the final decision.<sup>33</sup> A death warrant or order of execution automatically initiates BPP’s pre-application process for capital clemency. For noncapital clemency, petitioners themselves initiate the application process.

The agency’s failure to systematically track barriers to applying for noncapital clemency may unduly diminish the program’s accessibility while creating additional work for the agency’s clemency staff. The BPP staff that prepares clemency files only sends complete applications to the board for a vote, resulting in the agency rejecting the vast majority of applications in fiscal year 2023 for being administratively incomplete; only 15 percent of applications BPP received that year were complete. BPP does not track reasons for incomplete applications and was only able to identify commonly missing application components in fiscal year 2023 in response to a Sunset staff information request. The most commonly missing components in fiscal year 2023 were trial official letters, offense reports, certified court documentation, and Request for Application letters, all of which are issues BPP could preemptively address by providing additional clarity on its website and official communications. BPP’s current approach requires staff to request missing documents from each individual with an incomplete application and delays decisions for applicants.

About 85% of noncapital clemency applications BPP received in 2023 were incomplete.

## **Sunset Staff Recommendations**

### ***Change in Statute***

#### **6.1 Require BPP to report outcomes by panel for release decisions, special conditions, and revocations and incorporate the findings into training for voters and staff.**

This recommendation would require BPP to collect outcomes data for each three-voter panel and report additional information on parole, DMS, MRIS, special conditions, and graduated sanctions and use these findings to continuously improve training. BPP would coordinate with TDCJ to collect and analyze data to evaluate outcomes and trends. As part of this recommendation, BPP would determine a method for evaluating consistency of decision making in revocation decisions and then collect, analyze, and report the necessary data. This recommendation would also require BPP to use the outcomes data to inform training for voters, hearing officers, and analysts. In addition, this recommendation would

direct BPP to comply with its current requirement to compare regional approval rates to the agency's recommended approval rates.

Beginning on September 1, 2026, BPP would report the following information in one of its existing reports:

- **Annual parole guidelines report.**

Parole. Comparison of regional three-member panel approval rates to the recommended approval rates and an explanation of wide variations.

Special conditions. Regional imposition rates for each special condition imposed during release decisions and an explanation of wide variations.

- **Annual report on the agency's activities.**

MRIS. Approval numbers and rates over a 10-year period, explanation of 10-year trends, historical revocation rate, and types, if any, of modifications of conditions or graduated sanctions.

Graduated sanctions. Evaluation of consistency in graduated sanctions and revocations.

Special conditions. Evaluation of consistency in special conditions imposed as an outcome of a revocation hearing.

Recommendations by hearing officer and analysts. Rates of consensus between voting outcomes and hearing officer recommendations and voting outcomes and analyst recommendations for special conditions and graduated sanctions.

This recommendation would enhance transparency by requiring the agency to report on other aspects of its decision making and to evaluate trends, the consistency of its decisions, and the degree of alignment between recommendations and votes. These evaluations would give BPP greater insight into regional voting patterns, which may allow TDCJ to better anticipate facility capacity. Lastly, incorporating these findings into existing training would allow BPP to meet specific training needs of its voters, hearing officers, and analysts.<sup>34</sup>

## **6.2 Require BPP to provide training for MRIS voters.**

This recommendation would require BPP to develop and provide training on a regular basis for board members and parole commissioners who vote on MRIS cases. This recommendation would require BPP to provide comprehensive and detailed training to newly assigned MRIS voters and a condensed version of that training for biennial supplemental training. BPP would train voters who review MRIS cases on the following topics:

- Background information on the MRIS program during initial training.
- Statutory requirements for MRIS consideration or pertinent rules during initial and supplemental training.
- Interpreting medical conditions and treatment of MRIS-eligible inmates during initial and supplemental training.
- Graduated sanctions for MRIS releasees during initial and supplemental training.



- MRIS supervision during initial and supplemental training.
- Imposing and modifying special conditions on MRIS releasees during initial and supplemental training.

Voters currently on an MRIS panel would undergo initial training, and BPP would also inform MRIS voters thereafter of any changes to the initial training. BPP would develop the training using available data on MRIS and in consultation with TDCJ's Parole Division and a practicing physician and psychiatrist, as needed, to ensure that MRIS voters are fully equipped with the appropriate knowledge to make informed MRIS decisions that comply with statute.

### **6.3 Require BPP to establish a process in rule for assessments of an inmate's prognosis for MRIS cases.**

This recommendation would require BPP to define in rule the process for evaluating cases involving inmates who qualify for MRIS due to a medical condition. Under this recommendation, if an inmate qualifies for MRIS due to medical factors, one or more health care practitioners would conduct a review and provide MRIS voters a written report on the inmate's condition and medical evaluation that specifically addresses how the inmate's illnesses and treatments will affect their ability to constitute a threat to public safety. The healthcare practitioners would write the report in plain language that a nonmedical professional would understand. BPP would establish in rule the specific contents of the report. To comply with this recommendation, BPP should consider the following:

- Redacting any identifying information of a reviewer other than the specialty of the reviewer to prevent jeopardizing the health or safety of the reviewer.
- Consulting other entities, such as TCOOMMI, TDCJ's Parole Division, UTMB, TTUHSC, and the Correctional Managed Health Care Committee, to establish the contents of the report.

This recommendation would not authorize healthcare practitioners to make decisions about the MRIS cases they evaluate, and the report would enhance the medical or mental summary currently provided by a healthcare practitioner for inmates who qualify due to a medical or mental condition.<sup>35</sup> Enhancing the quality of clinical information for MRIS voters would better equip them to make the critical decisions with which they have been tasked.

### **6.4 Require BPP to establish in rule the factors considered in MRIS decisions.**

This recommendation would require BPP to determine and establish in rule a list of factors that are relevant or statutorily required for MRIS decisions in addition to the inmate's condition and medical evaluation. In rule, BPP would define threat to public safety and then list the factors that it determines MRIS voters should consider. This recommendation would give voters additional guidance and ensure the agency considers appropriate factors when rendering MRIS decisions.

### **6.5 Require BPP and TDCJ's Parole Division to create a special conditions working group consisting of voters and Parole Division staff representatives.**

This recommendation would require BPP and TDCJ to create a working group responsible for assessing the impact and effectiveness of special conditions that includes both voters and representatives from TDCJ's Parole Division. This working group would be part of the effort toward greater communication between the two entities recommended in Issue 5. As part of this recommendation, the group would meet annually to discuss the efficacy of special conditions with input from the field, assess the continuing

need for special conditions, and identify modifications that the board should consider making. This recommendation would reinforce the current collaboration between BPP and the Parole Division, ensure the continuation of this collaboration, and allow the two entities to adapt to evolving best practices in parole supervision.

### ***Management Action***

#### **6.6 Direct BPP to develop formal and detailed internal processes to address variations from parole guidelines.**

This recommendation would direct the agency to create internal processes to address individual, regional, and statewide variations from parole guidelines. BPP cites the infrequency and timing of voter reports to be a challenge in meeting the guidelines. Accordingly, this recommendation would direct BPP to consider providing more frequent voter reports and the presiding officer to refer to and initiate an already existing internal process when the agency identifies variations. Finally, as part of this recommendation, the agency should include in its annual parole guidelines report a more specific and concrete list of actions it has taken or will take to address variations.

#### **6.7 Direct the agency to review its IPO interview procedures and take action to increase effectiveness and consistency.**

This recommendation would direct the agency to review and take action to improve its IPO interview procedures. To do so, the agency should first establish, through consultation with the voters, the types of information about inmates voters need to make release decisions. Then, the agency should evaluate whether IPO interviews are the most effective method of obtaining such information. The agency should complete these steps by September 1, 2025. If BPP determines IPO interviews are necessary to gather the information voters need, the agency should create a standard list of topics or scripted questions IPOs must ask inmates, track interview no-shows, and consider recording IPO interviews for the voters' reference. BPP should audit interviews as well.

If the agency determines IPO interviews are worth the time and resources they require, this recommendation would direct the agency to reexamine its procedures for interview analyses. It should establish what types of information voters need from an interview analysis to make release decisions and determine whether current procedures meet the voters' needs. The agency should also consider reducing IPO discretion by requiring interview analyses for all cases if it determines that the analyses are necessary. Eliminating the IPO interview would eliminate a time-consuming task for IPOs, reducing their workload and training requirements. However, if the agency decides to continue the IPO interview, this recommendation would improve the objectivity and utility of the information IPOs gather and relay to voters.

#### **6.8 Direct the agency to review its case summary preparation processes and take action to address inefficiencies.**

This recommendation would direct BPP to identify elements of case summary development that can be automated and plan for their automation. It would also direct the agency to identify inefficient processes that can be addressed currently or in the near future without major IT solutions and eliminate the identified inefficiencies. For example, the agency should consider instructing IPOs to give voters a copy of an inmate's TDCJ individualized treatment plan (ITP) instead of having IPOs create a summary of the ITP to help guide decision making. The agency should identify inefficiencies that can be addressed in the short term and eliminate them by September 1, 2025. Lastly, BPP should consider transitioning the IPO's role from data entry to information quality assurance while considering the impact of this

transition on IPO training requirements. This recommendation would move the agency toward completely eliminating all clerical IPO tasks, freeing up IPOs to perform more useful functions.

**6.9 Direct BPP to work with TCOOMMI to establish a method to videoconference with an inmate who qualifies for MRIS due to a medical condition.**

This recommendation would direct BPP to establish a method to videoconference with an inmate who is eligible for MRIS based on a medical condition prior to rendering a decision. Videoconferencing with the eligible inmate would give voters an opportunity to directly observe the inmate and interview them if possible, providing information that is in addition to the written summary of the inmate's conditions. This opportunity would give voters better information and thus more confidence in their decision making.

**6.10 Direct BPP to identify and address barriers to completing noncapital clemency applications and post relevant guidance on its website.**

This recommendation would direct the agency to track barriers to completing noncapital clemency applications and use its website to reduce the most common barriers. BPP should identify and address barriers and use that information to publish a detailed webpage to help clemency petitioners submit complete applications by September 1, 2025. This recommendation would reduce the administrative burden on the clemency section staff and increase the accessibility of the noncapital clemency application process.

## **Fiscal Implication**

Overall, these recommendations could have a fiscal impact to the state depending on how the agency implements them, but the exact cost cannot be estimated at this time.

Recommendations 6.1 through 6.6, 6.9, and 6.10 expand upon currently existing agency duties or practices and could be accomplished with existing resources or lapsed funding from vacant positions if needed. These recommendations would have no fiscal impact to the state.

Recommendations 6.7 and 6.8 to improve institutional parole operations could generate a cost savings in the long term depending on how the agency implements them. As of July 2024, the agency had 141 IPOs working on creating case summaries, spending a large amount of time on manual tasks and interviews that require several months of training and onboarding. If these recommendations result in large reductions in IPO workload, they may allow the agency to further reduce the length of IPO training and onboarding or even downsize its IPO division. However, the agency may decide to continue conducting interviews or assign other tasks to IPOs as clerical tasks decrease. Therefore, the fiscal impact cannot be estimated.

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<sup>1</sup> All citations to Texas statutes are as they appear on <http://statutes.legis.texas.gov/>. Section 508.045, Texas Government Code.

<sup>2</sup> Section 508.046, Texas Government Code.

<sup>3</sup> Sections 508.144(a)(2), 508.144(a)(4), and 508.144(5), Texas Government Code.

<sup>4</sup> Section 508.146(a), Texas Government Code.

<sup>5</sup> Sections 508.144(a-c), Texas Government Code.

<sup>6</sup> Board of Pardons and Paroles (BPP), “Revised Parole Guidelines,” web page last modified January 31, 2024, accessed online August 16, 2024, [https://www.tdcj.texas.gov/bpp/parole\\_guidelines/parole\\_guidelines.html](https://www.tdcj.texas.gov/bpp/parole_guidelines/parole_guidelines.html).

<sup>7</sup> Ibid.

<sup>8</sup> Section 508.144(a)(4), Texas Government Code.

- <sup>9</sup> Section 508.144(b) and 508.1445, Texas Government Code.
- <sup>10</sup> Section 508.1445(b)(3), Texas Government Code.
- <sup>11</sup> BPP, *Annual Parole Guidelines Report FY 2018*, 2018, p. 9; BPP, *Annual Parole Guidelines Report FY 2019*, 2019, p. 9; BPP, *Annual Parole Guidelines Report FY 2020*, 2020, p. 9; BPP, *Annual Parole Guidelines Report FY 2021*, 2021, p. 9; BPP, *Annual Parole Guidelines Report FY 2022*, 2022, p. 9; BPP, *Annual Parole Guidelines Report FY 2023*, 2023, p. 9.
- <sup>12</sup> BPP, *Annual Parole Guidelines Report FY 2016*, 2016, p. 9; BPP, *Annual Parole Guidelines Report FY 2017*, 2017, p. 9.
- <sup>13</sup> BPP, *Annual Parole Guidelines Report FY 2014*, 2014, p. 17.
- <sup>14</sup> BPP, *Annual Parole Guidelines Report FY 2023*, 2023, p. 9; BPP, *Annual Parole Guidelines Report FY 2022*, 2022, p. 9; BPP, *Annual Parole Guidelines Report FY 2021*, 2021, p. 9; BPP, *Annual Parole Guidelines Report FY 2020*, 2020, p. 9; BPP, *Annual Parole Guidelines Report FY 2019*, 2019, p. 9; BPP, *Annual Parole Guidelines Report FY 2018*, 2018, p. 9; BPP, *Annual Parole Guidelines Report FY 2017*, 2017, p. 9; BPP, *Annual Parole Guidelines Report FY 2016*, 2016, p. 9.
- <sup>15</sup> BPP, *Annual Parole Guidelines Report FY 2023*, 2023, p. 9; BPP, *Annual Parole Guidelines Report FY 2022*, 2022, p. 9; BPP, *Annual Parole Guidelines Report FY 2021*, 2021, p. 9; BPP, *Annual Parole Guidelines Report FY 2020*, 2020, p. 9; BPP, *Annual Parole Guidelines Report FY 2019*, 2019, p. 9; BPP, *Annual Parole Guidelines Report FY 2018*, 2018, p. 9; BPP, *Annual Parole Guidelines Report FY 2017*, 2017, p. 9; BPP, *Annual Parole Guidelines Report FY 2016*, 2016, p. 9; BPP, *Annual Parole Guidelines Report FY 2015*, 2015, p. 9.
- <sup>16</sup> Sections 508.144(b)(2) and 508.1445(b)(2), Texas Government Code.
- <sup>17</sup> BPP, *Annual Parole Guidelines Report FY 2023*, 2023, p. 9.
- <sup>18</sup> Correctional Managed Health Care Committee, *Correctional Managed Health Care Policy Manual*, Number A-08.6, 2018.
- <sup>19</sup> Section 508.146, Texas Government Code.
- <sup>20</sup> Correctional Managed Health Care Committee, *Correctional Managed Health Care Policy Manual*, Number A-08.6, 2018, pp. 2-3.
- <sup>21</sup> *Ibid.*
- <sup>22</sup> Section 508.146(e), Texas Government Code.
- <sup>23</sup> Section 508.146(a)(2), Texas Government Code.
- <sup>24</sup> *Ibid.*
- <sup>25</sup> Texas House of Representatives, House Research Organization, *HB 772 Bill Analysis*, April 4, 2001, p. 3, accessed online August 25, 2024, <https://hro.house.texas.gov/pdf/ba77R/HB0772.PDF>.
- <sup>26</sup> Section 508.146(c), Texas Government Code.
- <sup>27</sup> Brendan Saloner et al., “COVID-19 Cases and Deaths in Federal and State Prisons,” *JAMA* vol. 324(6), July 8, 2020, pp. 602603, <https://doi.org/10.1001/jama.2020.12528>;
- <sup>28</sup> 37 Texas Administrative Code (TAC), Part 5, Chapter 145, Subchapter A, Section 145.15(d) (2002) (Board of Pardons and Paroles, *Action upon Review; Extraordinary Vote (SB 45)*); 37 Texas Administrative Code (TAC), Part 5, Chapter 145, Subchapter A, Section 145.18(d) (2016) (Board of Pardons and Paroles, *Action upon Review; Extraordinary Vote (HB 1914)*).
- <sup>29</sup> Alex Egan, Morgan Riddell, and Josh Gorbitt, “TDCJ Admits Officer Lost Gun at St. Joseph Hospital in Bryan,” *KBTX*, September 25, 2023, accessed online August 22, 2024, <https://www.kbtx.com/2023/09/25/tdcj-admits-officer-lost-gun-st-joseph-hospital-bryan/>; Morgan Riddell, “TDCJ Officer Lost Gun at Bryan Hospital While Inmate Received Care, Located by Staff,” *KBTX*, June 26, 2024, accessed online August 22, 2024, <https://www.kbtx.com/2024/06/26/tdcj-officer-lost-gun-bryan-hospital-while-inmate-received-care-located-by-staff/>.
- <sup>30</sup> Section 508.041(a)(2) and 508.112, Texas Government Code.
- <sup>31</sup> Section 48.01, Texas Code of Criminal Procedure.
- <sup>32</sup> BBP, “What is Clemency?,” web page last modified January 2, 2019, accessed online August 31, 2024, [https://www.tdcj.texas.gov/bpp/exec\\_clem/exec\\_clem.html](https://www.tdcj.texas.gov/bpp/exec_clem/exec_clem.html).
- <sup>33</sup> Section 11(b), Article IV, Texas Constitution.
- <sup>34</sup> Sections 508.0362, 508.042, and 508.041, Texas Government Code.
- <sup>35</sup> Correctional Managed Health Care Committee, *Correctional Managed Health Care Policy Manual*, Number A-08.6, 2018, pp. 2-3.



# ISSUE 7

## The State Has a Continuing Need for the Texas Department of Criminal Justice.

### Background

Created in 1989 by consolidating Texas' adult probation, incarceration, and parole supervision functions, the Texas Department of Criminal Justice (TDCJ) works with the Correctional Managed Health Care Committee, Windham School District, and Board of Pardons and Paroles (BPP) to confine, supervise, and provide services for adults convicted of crimes in Texas. To fulfill its mission, TDCJ performs the following key functions:

- Assists local Community Supervision and Corrections Departments (CSCDs) that supervise individuals on probation.
- Provides confinement, rehabilitation, and services for reintegration of inmates in state jails and prisons.
- Supervises individuals released from confinement to TDCJ supervision in the community.

In fiscal year 2023, TDCJ had a staff of about 31,000, including nearly 17,400 correctional officers, and operated on appropriations of approximately \$3.9 billion. The Texas Board of Criminal Justice governs TDCJ's operations and consists of nine members appointed by the governor to serve staggered, six-year terms.<sup>1</sup> TDCJ and its board will be abolished on September 1, 2025, unless continued by the Legislature.<sup>2</sup> Statute requires the Sunset Commission to review the committee and Windham in conjunction with TDCJ but does not subject either entity to abolishment through the Sunset Act.<sup>3</sup> Statute also requires the Sunset Commission to review BPP in conjunction with TDCJ, but because BPP is a constitutionally created agency, it is not subject to abolishment.<sup>4</sup>

### Findings

#### Texas has a continuing need to protect the public by supervising and incarcerating individuals convicted of crimes.

Texas has a continuing need for TDCJ to protect the public's safety by incarcerating and supervising individuals convicted of certain crimes by the courts.

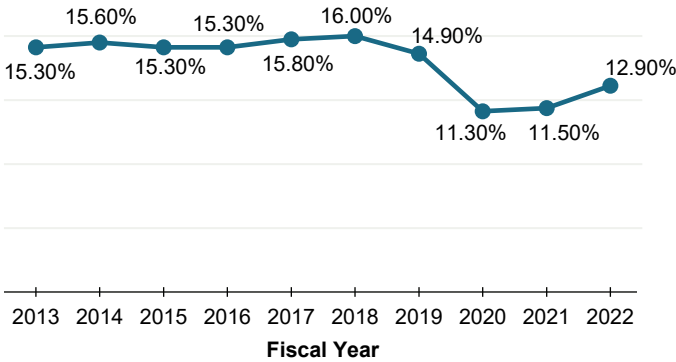
- **Probation.** Adult community supervision, commonly known as "probation," diverts individuals from incarceration by allowing judges to have individuals convicted of criminal offenses serve their sentences in the community with access to rehabilitation services instead of going directly to prison.<sup>5</sup> Locally controlled CSCDs, rather than the state, monitor probationers to attempt to ensure they comply with supervision terms, have access to rehabilitation services, and do not commit new crimes. As of fiscal year 2023, Texas has 122 CSCDs that serve a key public safety role by supervising about 326,000 probationers, including both felons and misdemeanants.

TDCJ's Community Justice Assistance Division supports this activity by providing state funding to CSCDs, developing supervision standards to

As of FY  
2023, Texas'  
122 CSCDs  
supervised  
about 326,000  
probationers.

which CSCDs must adhere, and monitoring CSCDs’ programs and budgets. TDCJ disbursed about \$244 million in state funding to CSCDs in fiscal

**Felony Community Supervision Revocation Rates, FYs 2013-22**



year 2023, which is distributed based on both statutory formulas and a grant scoring methodology. As of fiscal year 2023, state funding through TDCJ represents about 67 percent of CSCDs’ budgets, an increase from about 63 percent at the time of the agency’s last Sunset review in 2013.

Community supervision revocation rates are one measure of the effectiveness of these functions. The accompanying graph shows the rates of revocation of supervision for felony probationers from fiscal years 2013 to 2022.<sup>6</sup>

- **Incarceration.** The state has a continuing need to protect public safety by confining certain individuals convicted of criminal offenses and sentenced to prisons, state jails, and other correctional facilities. As of fiscal year 2023, TDCJ confined about 130,000 inmates in 101 correctional facilities across the state. The agency does so at a cost of approximately \$77.49 per inmate per day in state-run facilities through confinement, working to safely maintain custody, providing basic necessities, and providing programs and services to rehabilitate and prepare inmates for reentry into the community.<sup>7</sup> As of fiscal year 2021, the most recent year for which federal and other state systems’

data were available, TDCJ’s cost per inmate per day figures aligned with or were below that of other large states and were comparable to the federal system, as shown in the table. The American Correctional Association audits TDCJ facilities with standards on public safety, human treatment, and effective operation. TDCJ received agencywide accreditation in 2014, and the association re-audits facilities once every three years. TDCJ also complies with federal Prison Rape Elimination Act (PREA) standards, and the U.S. Department of Justice audits and certifies facilities for PREA compliance once every three years.

**Average Cost Per Day - FY 2021**

State	Inmate Population	Average Cost Per Day*
California	101,441	\$290.77
Federal Bureau of Prisons	157,314	\$120.10
Florida	80,417	\$77.53
Texas	133,772	\$77.02
Georgia	47,010	\$73.79

\* Each state and the federal system calculate these figures differently, so these figures are provided as points of comparison but have numerous caveats making direct comparisons difficult.

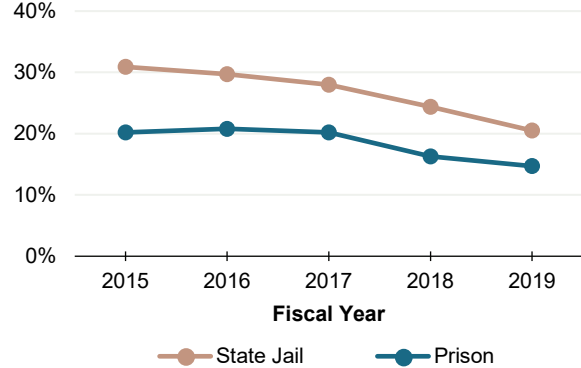
Within its facilities, TDCJ provides rehabilitation programming and reentry services, along with Windham’s education programs, to prepare inmates for reentry into society. Recidivism rates are one measure of the effectiveness of these activities and the agency’s efforts to protect public safety. The graph on the following page shows the most recent data for the rate of reincarceration for inmates in a TDCJ facility within a three-year period after release.<sup>8</sup>



Differences in how states define and calculate reincarceration complicate interstate comparisons. Additionally, reincarceration outcomes are highly influenced by a host of complex factors such as the state’s sentencing and parole laws and, for individuals released in 2019, the COVID-19 pandemic. That said, Texas’ reincarceration rates are generally lower than or comparable to other large states, as shown in the table.<sup>9</sup>

- **Parole.** As a separate, independent agency, BPP can vote to release and set conditions for certain eligible inmates before the end of their sentences to serve the remainder of a sentence in the community. Statute also grants some inmates release to mandatory supervision, which is automatic release from prison to supervision for inmates who committed certain eligible offenses before September 1, 1996, and whose calendar time served and good conduct time, or “good time,” credit together equal the length of their sentence. TDCJ credits good time to an inmate for participation in work, educational, or treatment programs while incarcerated.<sup>10</sup> Upon release, TDCJ’s Parole Division staff supervises releasees, who are individuals released from confinement to TDCJ supervision in the community for the remainder of their original sentence, to ensure compliance with release terms and any special conditions of release that BPP imposed. In fiscal year 2023, TDCJ’s parole officers provided supervision for approximately 75,000 individuals. As part of supervision activities, parole officers identify releasees for whom BPP may vote to revoke release for noncompliance. Revocation rates are one measure of the effectiveness of these functions. The accompanying graph shows revocation rates for fiscal years 2013 to 2022.<sup>11</sup>

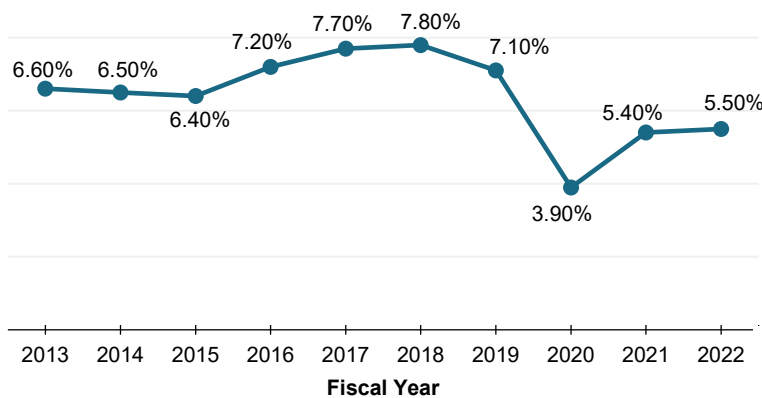
**Reincarceration Rates Within Three Years of Release, FYs 2015-19**



**Other States’ Reincarceration Rates - Release Year 2019**

State	Three-Year Reincarceration Rate
Arizona	31.0%
California	16.8%
New York	24.8%
Florida	21.0%
Pennsylvania	38.0%
Texas Prison	14.7%
Texas State Jail	20.5%

**Parole Revocation Rates, FYs 2013-22**



**TDCJ continues to be the most appropriate agency to oversee Texas’ adult criminal justice system.**

Few benefits would come from drastically altering the state’s consolidated probation, parole, and incarceration functions.

As detailed in the other issues of this report, Sunset staff found considerable problems and areas for improvement across TDCJ such as how the agency performs planning for its facilities, staffing, and rehabilitative programming for inmates. However, the review found that Texas continues to benefit from the coordination, communication, and administrative efficiencies offered by TDCJ’s oversight and management of a system in which a single state agency has a role supporting probation and is directly involved in incarceration and parole. TDCJ remains the only agency with the structure and expertise to carry out these necessary functions associated with the sprawling Texas adult criminal justice system. While other states offer different models of managing the criminal justice system, the size and scope of TDCJ’s operation necessitates continuing the agency and its board under the existing structure. Despite the challenges the agency faces, Sunset staff concluded, as it has in past reviews of TDCJ, few benefits would come from drastically altering the structure of consolidated probation, parole, and incarceration functions.

No other state agency is well situated to take on existing duties carried out by TDCJ. Although the Texas Juvenile Justice Department (TJJJD) also focuses on confining, supervising, rehabilitating, and reintegrating individuals, adult and youth populations have different rights, needs, and risks. Perhaps most notably, federal law requires juvenile facilities to maintain strict staff-to-youth supervision ratios, unlike the flexibility TDCJ has for its staff-to-inmate ratios in correctional facilities.<sup>12</sup> Meanwhile, TJJJD’s staffing shortage is even more severe than that of TDCJ, suggesting a consolidation would likely only compound rather than alleviate the state’s correctional staffing crisis.<sup>13</sup> Given the magnitude of the challenges the two systems face and their distinct programming and regulatory requirements, Sunset staff determined few if any administrative efficiencies would be gained with an alternative administrative structure.

**The Private Facility Contract Monitoring and Oversight Division is no longer necessary.**

**Contracted Programs and Facilities**

- Cognitive Treatment Program
- Driving While Intoxicated Treatment
- In-Prison Therapeutic Community
- Privately Operated Prisons and State Jails
- Residential Reentry Centers
- Substance Abuse Felony Punishment
- State Jail Substance Abuse Program
- Transitional Treatment Centers

TDCJ’s Private Facility Contract Monitoring and Oversight Division (PFCMOD) is responsible for the oversight and monitoring of contracts at mostly TDCJ-owned but privately operated facilities, including four prisons, three state jails, and one multi-use treatment facility that houses a range of inmates and programs. The division also monitors contracts for providers of treatment programs at TDCJ facilities, such as at substance abuse felony punishment facilities or for in-prison treatment programs. Examples of programs the agency contracts out and monitors through this division are listed in the textbox. Contract monitoring is the division’s core function. To a lesser extent, it also supports the

request for proposal portion of the procurement process. TDCJ's Business and Finance Division (BFD) is responsible for the bid, award, and management of the actual contract. As of fiscal year 2023, PFCMOD oversaw 62 contracts with 29 vendors, together valued at over \$1.3 billion for the lifetime of the contracts.

At the time of the previous Sunset review in 2013, TDCJ had ongoing contracts with private companies to operate 16 facilities that provided beds for about 17,000 individuals. Since then, the decreasing number of privately operated facilities in Texas has resulted in a decrease to eight facilities providing beds for about 7,500 individuals as of the end of fiscal year 2024. In addition, statute prohibits TDCJ from housing maximum-security inmates at a privately operated facility. Due to changes in the private corrections market, PFCMOD is increasingly monitoring contracts for about 15,000 programming slots at nearly 100 facilities rather than larger, more complicated contracts covering entire facilities. The lower number of major, high-dollar contracts covering privately operated facilities has lessened the need for an entirely separate division to conduct these functions.

Meanwhile, the potential for communication lapses and operational deficiencies remain as TDCJ continues to deal with the complex reality of managing such a large system. During the review, Sunset staff learned about occasional challenges with communication and aligning directives and policy updates between agency-operated and privately operated facilities. For example, during the systemwide lockdown and in previous lockdowns, TDCJ struggled to timely inform the private facilities to also lock down, and private facilities were confused about extraction procedures when TDCJ adjusted the procedures following the death of a correctional officer, creating risk for staff at those facilities. Additionally, the Parole Division occasionally lacks critical information about incidents occurring at the privately run Residential Reentry Centers, which would be relevant to a releasee's status and success while being supervised.

These challenges suggest the agency would benefit from aligned points of contact to ensure consistency in operations and standards and ensure contract monitors maintain subject matter expertise. At other large agencies, divisions with the most regular and consistent interactions with vendors are commonly the ones conducting contract monitoring, suggesting TDCJ's divisions directly affected by and in most frequent contact with private vendors could help mitigate some of the challenges described above. Given the importance of contract monitoring and oversight, TDCJ would be better suited to place PFCMOD's functions and resources within the divisions they are most closely aligned with, including BFD and the divisions responsible for correctional institutions, rehabilitation programming, and parole.

The number of private prisons operating in Texas has decreased since the previous Sunset review.

## Sunset Staff Recommendations

### *Change in Statute*

#### **7.1 Continue the Texas Department of Criminal Justice and Texas Board of Criminal Justice for 12 years.**

This recommendation would continue TDCJ and its board until September 1, 2037, for the standard 12-year period. Because the committee, Windham, and BPP are all subject to Sunset review at the same time as TDCJ, they would also come under review again in 2037.

### *Management Action*

#### **7.2 Direct TDCJ to eliminate the Private Facility Contract Monitoring and Oversight Division and reallocate existing resources elsewhere within the agency.**

This recommendation would direct TDCJ to eliminate PFCMOD, a division that is no longer necessary, by September 1, 2025, and reallocate existing resources as it deems most appropriate to align functions elsewhere within the agency. As part of this recommendation, three full-time equivalent positions would be eliminated, and other division functions would be transferred to and managed in the budgets of divisions to which they are reassigned.

## Fiscal Implication

Continuing TDCJ would require an annual appropriation from the Legislature, which was about \$3.9 billion in fiscal year 2023. Recommendation 7.2 to eliminate PFCMOD would result in a small cost savings to the state of about \$532,663 in salary and benefits for each of the next five fiscal years and a reduction of three full-time equivalent employees.

### Texas Department of Criminal Justice

Fiscal Year	Savings to the General Revenue Fund	Change in FTEs From 2023
2026	\$532,663	-3
2027	\$532,663	-3
2028	\$532,663	-3
2029	\$532,663	-3
2030	\$532,663	-3

- 
- <sup>1</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 492.002, Texas Government Code.
  - <sup>2</sup> Section 492.012, Texas Government Code.
  - <sup>3</sup> Section 501.132, Texas Government Code and Section 19.0022, Texas Education Code.
  - <sup>4</sup> Section 508.051, Texas Government Code.
  - <sup>5</sup> Article 42A.001(1), Texas Code of Criminal Procedure.
  - <sup>6</sup> Legislative Budget Board (LBB), “Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates,” January 2019, January 2021, and February 2023, pp. 14, 18, and 21.
  - <sup>7</sup> LBB, “Criminal and Juvenile Justice Uniform Cost Report,” Fiscal Years 2021 and 2022, released February 2023, p. 4.
  - <sup>8</sup> LBB, “Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates,” February 2023, pp. 35-36.
  - <sup>9</sup> California Department of Corrections and Rehabilitation, “Recidivism Report,” February 2024, p. vii; Council of State Governments, “50 States, 1 Goal,” April 2024, p. 4; LBB, “Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates,” February 2023, pp. 35-36; New York State Corrections and Community Supervision, “2019 and 2020 Releases from Custody,” p. 2.
  - <sup>10</sup> Section 498.003, Texas Government Code.
  - <sup>11</sup> LBB, “Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates,” January 2019, January 2021, and February 2023, pp. 13, 17 and 21.
  - <sup>12</sup> 28 Code of Federal Regulations, Section 115.313(c) (2023).
  - <sup>13</sup> Texas Sunset Advisory Commission, “Texas Juvenile Justice Department and Office of the Independent Ombudsman, Sunset Staff Report with Final Results,” June 2023, pp. 17-36.



## ISSUE 8

# Texas Criminal Justice Entities' Statutes and Processes Do Not Reflect Some Standard Elements of Sunset Reviews.

### Background

Over the years, Sunset reviews have included a number of standard elements derived from direction traditionally provided by the Sunset Commission, from statutory requirements added by the Legislature to the criteria for review in the Sunset Act, or from general law provisions imposed on state agencies. This review identified changes needed to conform statutes for the Texas Department of Criminal Justice (TDCJ), Board of Pardons and Paroles (BPP), and Correctional Managed Health Care Committee to standard Sunset language generally applied to all state agencies. The review also found changes needed to address statutorily required reports of the Windham School District and the other three entities mentioned above, address the need for advisory committees, and update statute to reflect the state's person-first respectful language initiative. Finally, the review identified changes needed at Windham to address statutorily required rule review.

- **Sunset across-the-board provisions (ATBs).** The Sunset Commission has developed a set of standard recommendations that it applies to all state agencies reviewed unless an overwhelming reason exists not to do so.<sup>1</sup> These ATBs reflect an effort by the Legislature to enact policy directives to prevent problems from occurring, instead of reacting to problems after the fact. ATBs are statutory administrative policies adopted by the Sunset Commission that contain “good government” standards. The ATBs reflect review criteria contained in the Sunset Act designed to ensure open, responsive, and effective government.
- **Reporting requirements.** The Sunset Act establishes a process for the Sunset Commission to consider if reporting requirements of agencies under review need to be continued or abolished.<sup>2</sup> The Sunset Commission has interpreted these provisions as applying to reports that are specific to the agency and not general reporting requirements that extend well beyond the scope of the agency under review. Reporting requirements with deadlines or that have expiration dates are not included, nor are routine notifications or notices, or posting requirements.
- **Advisory committees.** Under the Sunset Act, an agency's advisory committees are abolished on the same day as the agency unless expressly continued by law, but continuing the agency does not automatically continue its advisory committees by extension.<sup>3</sup> Additionally, other law provides that a statutory advisory committee expires four years after the date it was established unless either: (1) statute exempts the advisory committee from that provision, or (2) the agency sets a later date for expiration in rule.<sup>4</sup> Agencies may also have authority in rule to create advisory committees, some of which may be subject to the same four-year limitation. As a result, Sunset must sometimes determine whether an advisory committee should be continued.
- **Person-first respectful language.** Statute requires Sunset to consider and recommend, as appropriate, statutory revisions in accordance with the person-first respectful language outlined in general law.<sup>5</sup> The stated intent of the law is to try to affect society's attitudes toward people with disabilities by changing the way the language refers to them. Sunset only changes language that occurs in chapters of law that are opened by the Sunset Commission's recommendations.

- **Four-year rule review.** The Sunset Act directs the Sunset Commission to assess each agency’s rulemaking process, including the extent to which agencies encourage public participation in rulemaking.<sup>6</sup> As part of this assessment, Sunset considers an agency’s compliance with statutory requirements in the Administrative Procedure Act, including an agency’s review and consideration of the continuing need for each of its rules every four years from the date each rule took effect.<sup>7</sup>

## Findings

### **Statutes for TDCJ, BPP, and the committee do not reflect standard language typically applied across the board during Sunset reviews.**

Statutes do not contain newer board member training requirements.

- **Grounds for removal.** While the committee’s statute has the standard provision relating to grounds for removal of board members, because the committee no longer has its own staff, statute contains outdated language regarding the personnel responsible for initiating the removal process. Updating the statutory basis and process for removing a member of a policymaking body who does not maintain the qualifications, has a conflict of interest, or has neglected duties can help ensure the sound function of the policymaking body.
- **Board member training.** Statutes for TDCJ, BPP, and the committee contain standard language requiring board members to receive training and information necessary for them to properly discharge their duties. However, statutes do not contain newer requirements for all topics the training must cover, such as a discussion of the scope of, and limitations on, the entities’ rulemaking authority. Statutes also do not require the entities to create a training manual for all members or specify that members must attest to receiving and reviewing the training manual annually.
- **Complaint information.** BPP’s statute contains standard language requiring the agency to maintain complete information on complaints and make information on complaint procedures available to the public. However, BPP’s statute does not specify the agency may not inform parties of the status of complaints if doing so would jeopardize an ongoing investigation. Including this provision would help ensure complaints are fully investigated to protect the public.

### **TDCJ has three reporting requirements that are no longer necessary while all other reporting requirements continue to be necessary.**

State law requires TDCJ to produce 17 reports specific to the agency. Many of TDCJ’s reporting requirements continue to be useful, but some are no longer necessary, and some have due dates that should be adjusted without adjusting the substance of the report. Additionally, the committee’s one required report,



Windham's two reports, and BPP's two reports continue to serve a useful purpose. Appendix L lists reporting requirements for all four entities and Sunset staff's analysis of their need.

Three of TDCJ's required reports are no longer needed. Statute requires TDCJ to assess long-term administrative segregation and maximum security needs and report the results to the Legislative Criminal Justice Board, which no longer exists.<sup>8</sup> While assessing security within facilities is an important task, the Legislature would be better served by TDCJ more comprehensively reporting on an overall assessment of long-term facility needs as described in Issue 1. Similarly, a requirement for TDCJ to report results of an outdated study on a subset of inmates is no longer necessary. Additionally, the information from a required report the agency's Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) produces regarding the provision of services to wrongfully imprisoned persons could instead be included in TCOOMMI's biennial report.

Finally, to ease the administrative burden on TDCJ and provide information to the Legislature farther in advance of each session, the due dates for three other reports should be adjusted to December 1 of each even-numbered year.

### **TDCJ continues to need two of its statutory advisory committees but one has expired by operation of law.**

The Sunset Act directs the Sunset Commission to evaluate the need for an agency's advisory committees.<sup>9</sup> TDCJ has three advisory committees in statute that directly advise the agency: the Advisory Committee on Agriculture, Judicial Advisory Council, and TCOOMMI advisory committee.<sup>10</sup>

Of the three committees, TDCJ has established clear expiration dates in rule for the Judicial Advisory Council and TCOOMMI advisory committee but not for the Advisory Committee on Agriculture. General law requires agencies to establish in rule the purpose and tasks of its advisory committees and to describe the manner in which the committee will report to the agency.<sup>11</sup> As such, the Advisory Committee on Agriculture is effectively abolished unless the agency reauthorizes it.<sup>12</sup> Additionally, the agency requested travel reimbursement in its 2024-25 Legislative Appropriations Request without having established this committee in rule, after it was effectively abolished.

### **TDCJ's statute does not use appropriate language when referring to persons with disabilities.**

The governing statutes for TDCJ contain terms that are not consistent with the person-first respectful language initiative. The agency's Sunset bill should revise the statutes to use person-first respectful language.

Some deadlines for TDCJ reports could be aligned to give the Legislature more timely information.

TDCJ requested travel reimbursement funding for an advisory committee that had already been effectively been abolished.

**Windham does not comply with the statutory requirement to review its administrative rules every four years.**

Statute requires state agencies to review their rules every four years and determine whether the reasons for initially adopting each rule continue to exist.<sup>13</sup> However, Windham has not complied with that requirement by not conducting a review of its rules since 2016. The agency's noncompliance with this requirement results in stakeholders and members of the public potentially having to comply with rules that may not accurately reflect current law and agency practice.

## **Sunset Staff Recommendations**

### ***Change in Statute***

#### **8.1 Update for the committee the standard across-the-board requirement regarding grounds for removal of a board member.**

The recommendation would clarify in statute that the TDCJ executive director is responsible for initiating the process for removing a committee member when a ground for removal exists, replacing outdated language for the committee, which lacks its own staff.

#### **8.2 Update for TDCJ, BPP, and the committee the standard across-the-board requirement related to board member training.**

This recommendation would require TDCJ, BPP, and the committee to develop a training manual that each board member attests to receiving annually and require existing member training to include information about the scope of, and limitations on, each entity's rulemaking authority. The training should provide clarity that the Legislature sets policy, and agency boards and commissions have rulemaking authority necessary to implement legislative policy.

#### **8.3 Update for BPP the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public.**

This recommendation would update the statutory language requiring BPP to develop and maintain a complaints system and make information on complaint procedures available to the public by specifying BPP may not notify complaint parties of the status of complaints if doing so would jeopardize an ongoing investigation.

#### **8.4 Abolish three of TDCJ's reports, adjust the deadlines for three others, and continue all other reporting requirements for TDCJ, the committee, Windham, and BPP.**

This recommendation would eliminate the following TDCJ reports: the *Assessment of Unit Design and Security Systems*, *Sex Offender Recidivism Report*, and *Services for Wrongfully Imprisoned Persons Annual Report*. As part of this recommendation, TDCJ would include in the *Biennial TCOOMMI Report* the information the agency previously reported through the *Services for Wrongfully Imprisoned Persons Annual Report*. Additionally, the recommendation would amend the due dates for the following reports to December 1 of each even-numbered year: the *Biennial TCOOMMI Report*, *Evaluation of the Reentry and Reintegration Plan*, and *AIDS and HIV Report*. TDCJ's remaining 14 reporting requirements as well

as reporting requirements for the committee, Windham, and BPP would be continued without changes because they provide useful information both to state leadership and the public.

### **8.5 Continue the Judicial Advisory Council and the TCOOMMI advisory committee.**

This recommendation would continue the Judicial Advisory Council and the TCOOMMI advisory committee for 12 years.

### **8.6 Remove the Advisory Committee on Agriculture from statute.**

This recommendation would remove the Advisory Committee on Agriculture from statute because it has expired by operation of law and is no longer needed.

### **8.7 Update TDCJ's statute to reflect the requirements of the person-first respectful language initiative.**

This recommendation would direct the Texas Legislative Council to revise TDCJ's governing statutes to conform to the person-first respectful language requirements found in Chapter 392, Texas Government Code.

## ***Management Action***

### **8.8 Direct Windham to adopt a rule review plan.**

This recommendation would direct Windham to develop and adopt a rule review plan to help ensure compliance with the statutory requirement to regularly review its rules every four years, including determining whether the initial reasons for adopting the rules continue to exist.<sup>14</sup> The plan should include a schedule indicating when each chapter of rules will be reviewed so all rules are reviewed timely. Windham would adopt and submit the plan to its board by September 1, 2025.

## **Fiscal Implication**

These recommendations would not have a fiscal impact to the state. While the recommendations would require effort, they relate to basic management responsibilities and several update provisions already required by statute. The entities could implement these changes with existing resources.

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<sup>1</sup> Available at: <https://www.sunset.texas.gov/across-board-policies>.

<sup>2</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Sections 325.0075, 325.011(13), and 325.012(a)(4), Texas Government Code.

<sup>3</sup> Section 325.013, Texas Government Code.

<sup>4</sup> Section 2110.008, Texas Government Code.

<sup>5</sup> Section 325.0123(b), Texas Government Code.

<sup>6</sup> Section 325.011(8), Texas Government Code.

<sup>7</sup> Section 2001.039, Texas Government Code.

<sup>8</sup> Section 494.011, Texas Government Code, and Chapter 876 (SB 1428), Acts of the 74th Texas Legislature, Regular Session, 1995.

<sup>9</sup> Section 325.013, Texas Government Code.

<sup>10</sup> Sections 493.003(b) and 497.111, Texas Government Code, and Section 614.002, Texas Health and Safety Code.

<sup>11</sup> Section 2110.005, Texas Government Code.

<sup>12</sup> Section 2110.008, Texas Government Code.

<sup>13</sup> Section 2001.039, Texas Government Code.

<sup>14</sup> Ibid.

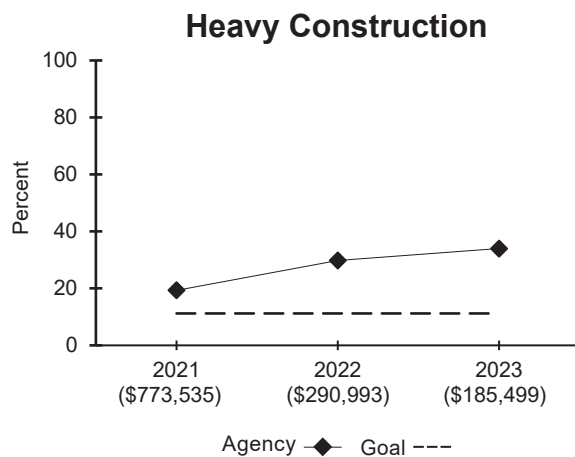
# APPENDIX A

## Texas Department of Criminal Justice Historically Underutilized Businesses Statistics, FYs 2021-23

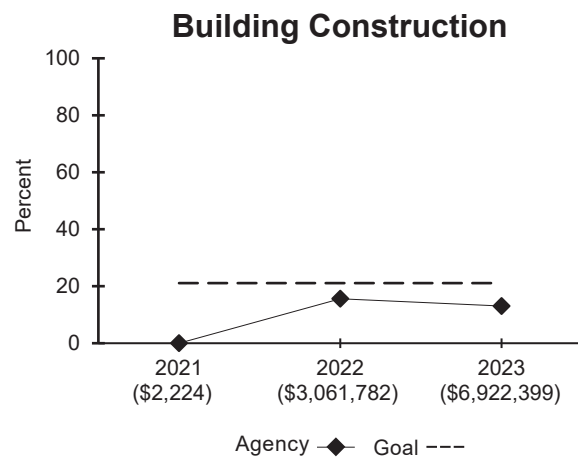
The Legislature has encouraged state agencies to increase their use of historically underutilized businesses (HUBs) to promote full and equal opportunities for all businesses in state procurement. The Legislature also requires the Sunset Commission to consider agencies' compliance with laws and rules regarding HUB use in its reviews.<sup>1</sup>

The following material shows trend information for the Texas Department of Criminal Justice's (TDCJ) use of HUBs in purchasing goods and services. The Board of Pardons and Paroles and Windham School District rely on TDCJ to coordinate the use of historically underutilized businesses in purchasing goods and services. The agency maintains and reports this information under guidelines in statute.<sup>2</sup> In the charts, the dashed lines represent the goal for HUB purchasing in each category, as established by the Office of the Comptroller of Public Accounts. The diamond lines represent the percentage of agency spending with HUBs in each purchasing category from fiscal years 2021-23. Finally, the number in parentheses under each year shows the total amount the agency spent in each purchasing category.

The agency exceeded statewide purchasing goals for the heavy construction category in each of the last three fiscal years and for the special trade category in fiscal year 2023. The agency met or nearly met the statewide purchasing goals for the special trade category in fiscal years 2021 and 2022. The agency fell below the statewide goals for spending in the building construction, professional services, other services, and commodities categories in each of the last three fiscal years.



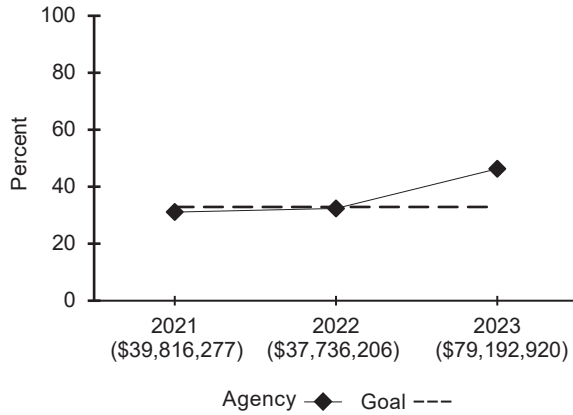
The agency exceeded the statewide goal for HUB spending in heavy construction in each of the last three fiscal years.



The agency failed to meet the statewide goal for HUB spending in building construction in each of the last three fiscal years.

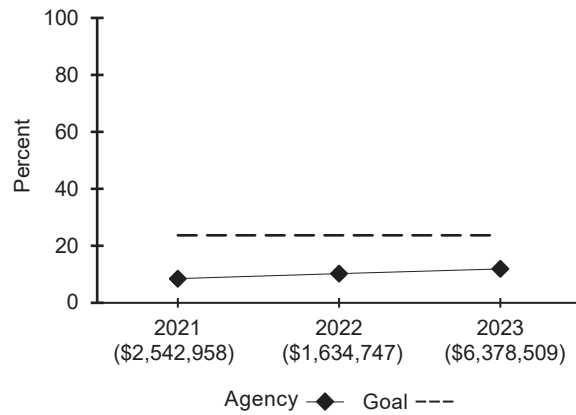
## Appendix A

### Special Trade



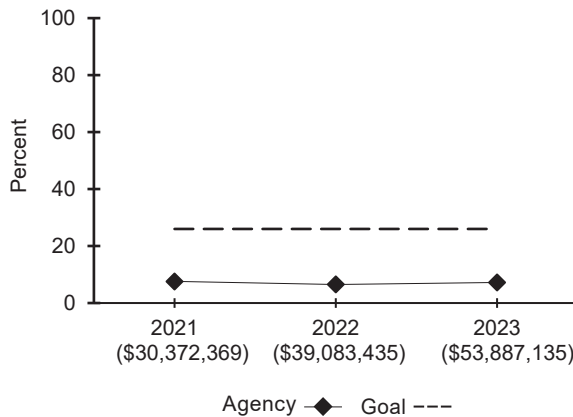
The agency met or nearly met the statewide goal for HUB spending in special trade in fiscal years 2021 and 2022 and exceeded the goal in fiscal year 2023.

### Professional Services



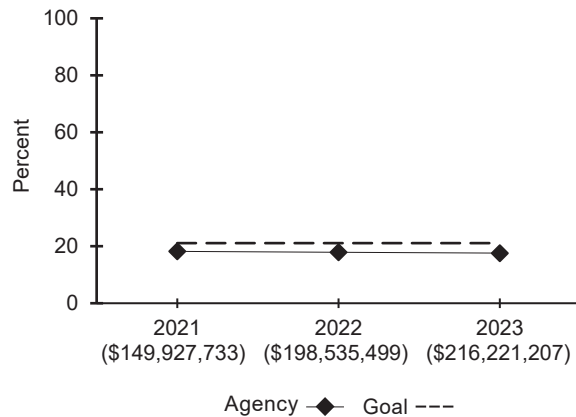
The agency failed to meet the statewide goal for HUB spending in professional services in each of the last three fiscal years.

### Other Services



The agency failed to meet the statewide goal for HUB spending in other services in each of the last three fiscal years.

### Commodities



The agency fell just short of the statewide goal for HUB spending in commodities in each of the last three fiscal years.

<sup>1</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 325.011(9)(B), Texas Government Code.

<sup>2</sup> Chapter 2161, Texas Government Code.

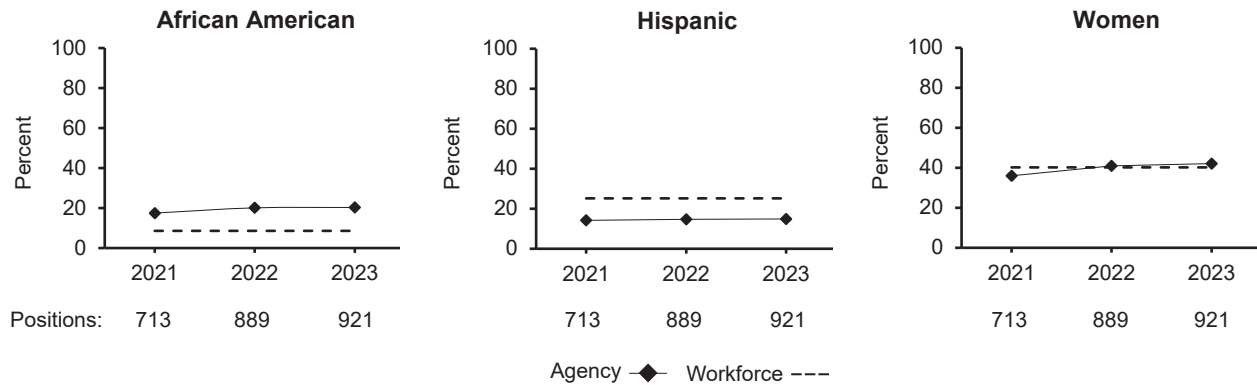
# APPENDIX B

## Texas Department of Criminal Justice Equal Employment Opportunity Statistics, FYs 2021-23

In accordance with the requirements of the Sunset Act, the following material shows trend information for the employment of minorities and women in all applicable categories by the Texas Department of Criminal Justice.<sup>1</sup> The agency maintains and reports this information under guidelines established by the Texas Workforce Commission.<sup>2</sup> In the charts, the dashed lines represent the percentages of the statewide civilian workforce for African Americans, Hispanics, and women in each job category.<sup>3</sup> These percentages provide a yardstick for measuring agencies' performance in employing persons in each of these groups. The diamond lines represent the agency's actual employment percentages in each job category from fiscal years 2021-23.

The agency met or exceeded the statewide percentages for African Americans and fell below the statewide percentage for Hispanics in every year in each category over the last three fiscal years. The agency exceeded the statewide civilian percentages for women in every year in three categories, fell below in fiscal year 2021 in two categories, and fell below in fiscal year 2022 in one category. The agency did not have any employees in the protective services category.

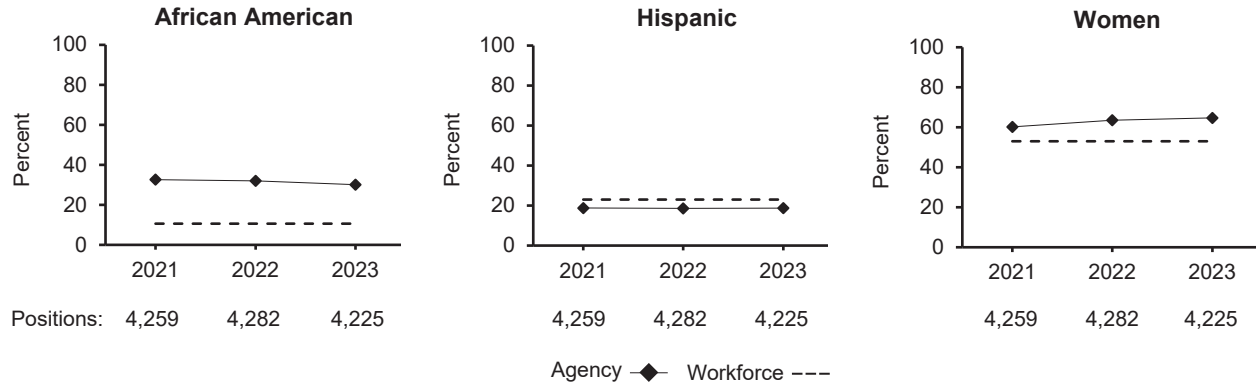
### Administration



In each of the last three fiscal years, the agency exceeded the statewide civilian workforce percentages for African Americans but failed to meet the percentages for Hispanics. The agency met or slightly exceeded the percentages for women in fiscal years 2022 and 2023 but fell just short in fiscal year 2021.

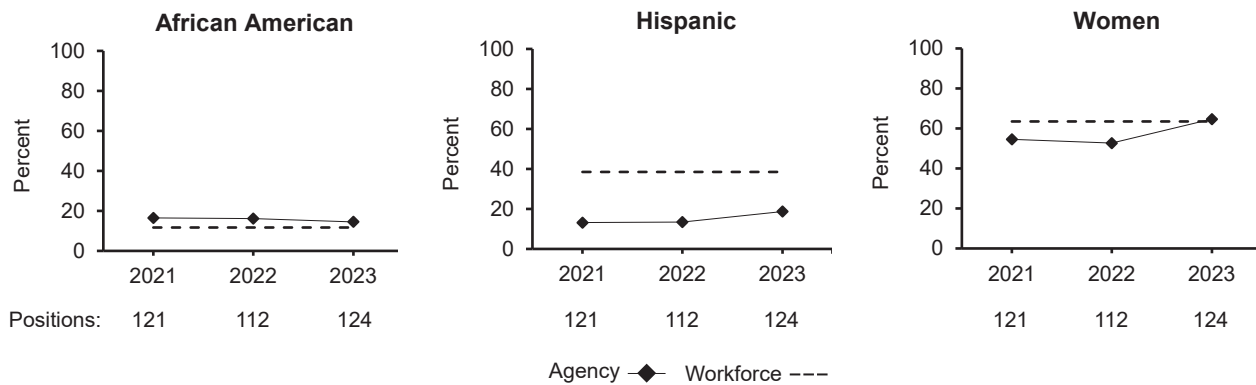
## Appendix B

### Professional



In each of the last three fiscal years, the agency exceeded the statewide civilian workforce percentages for African Americans and women but fell just short of the percentages for Hispanics.

### Technical

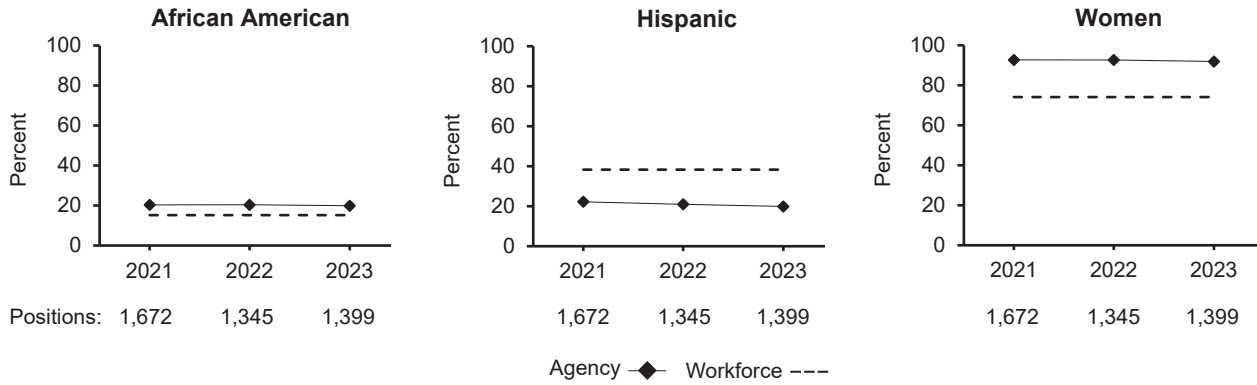


In each of the last three fiscal years, the agency exceeded the statewide civilian workforce percentages for African Americans but failed to meet the percentages for Hispanics. The agency met the percentages for women in fiscal year 2023 but failed to meet the percentages in fiscal years 2021 and 2022.



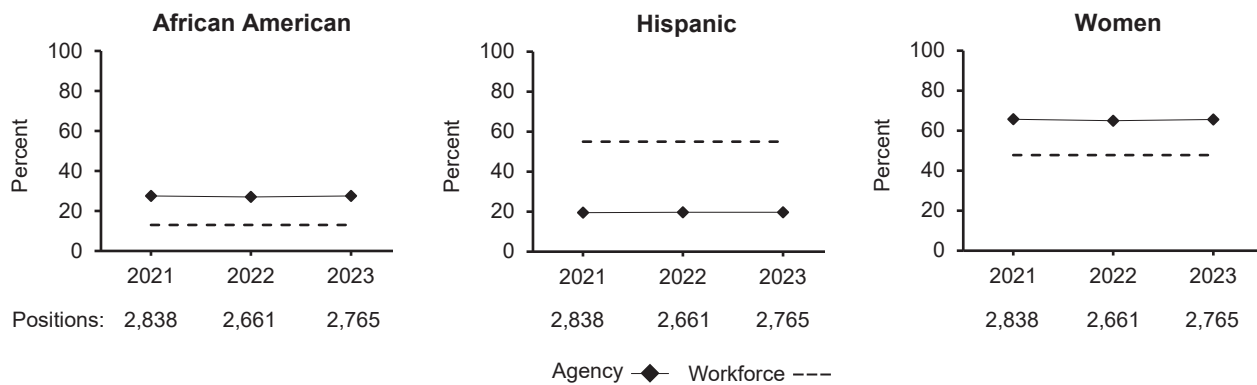
## Appendix B

### Administrative Support



In each of the last three fiscal years, the agency exceeded the statewide civilian workforce percentages for African Americans and women but failed to meet the percentages for Hispanics.

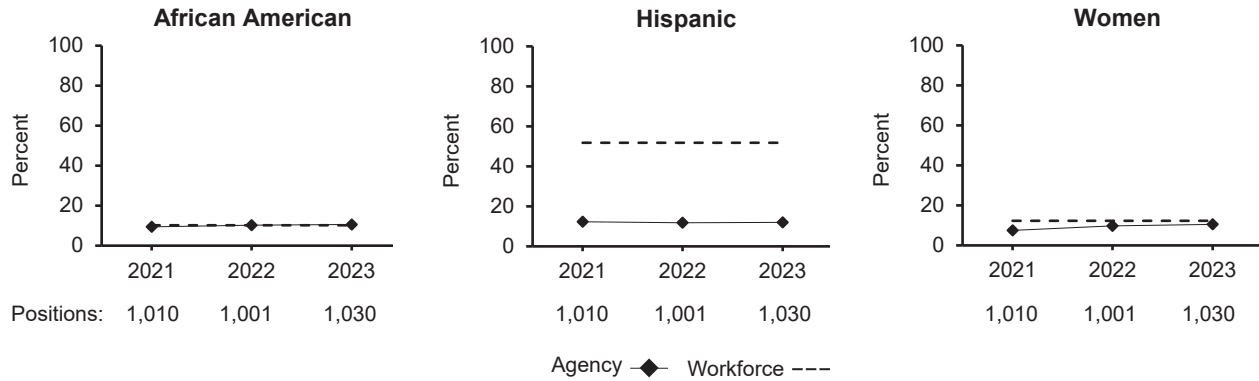
### Service/Maintenance



In each of the last three fiscal years, the agency exceeded the statewide civilian workforce percentages for African Americans and women but failed to meet the percentages for Hispanics.

## Appendix B

### Skilled Craft



In each of the last three fiscal years, the agency met or nearly met the statewide civilian workforce percentages for African Americans, fell just short of the percentages for women, and failed to meet the percentages for Hispanics.

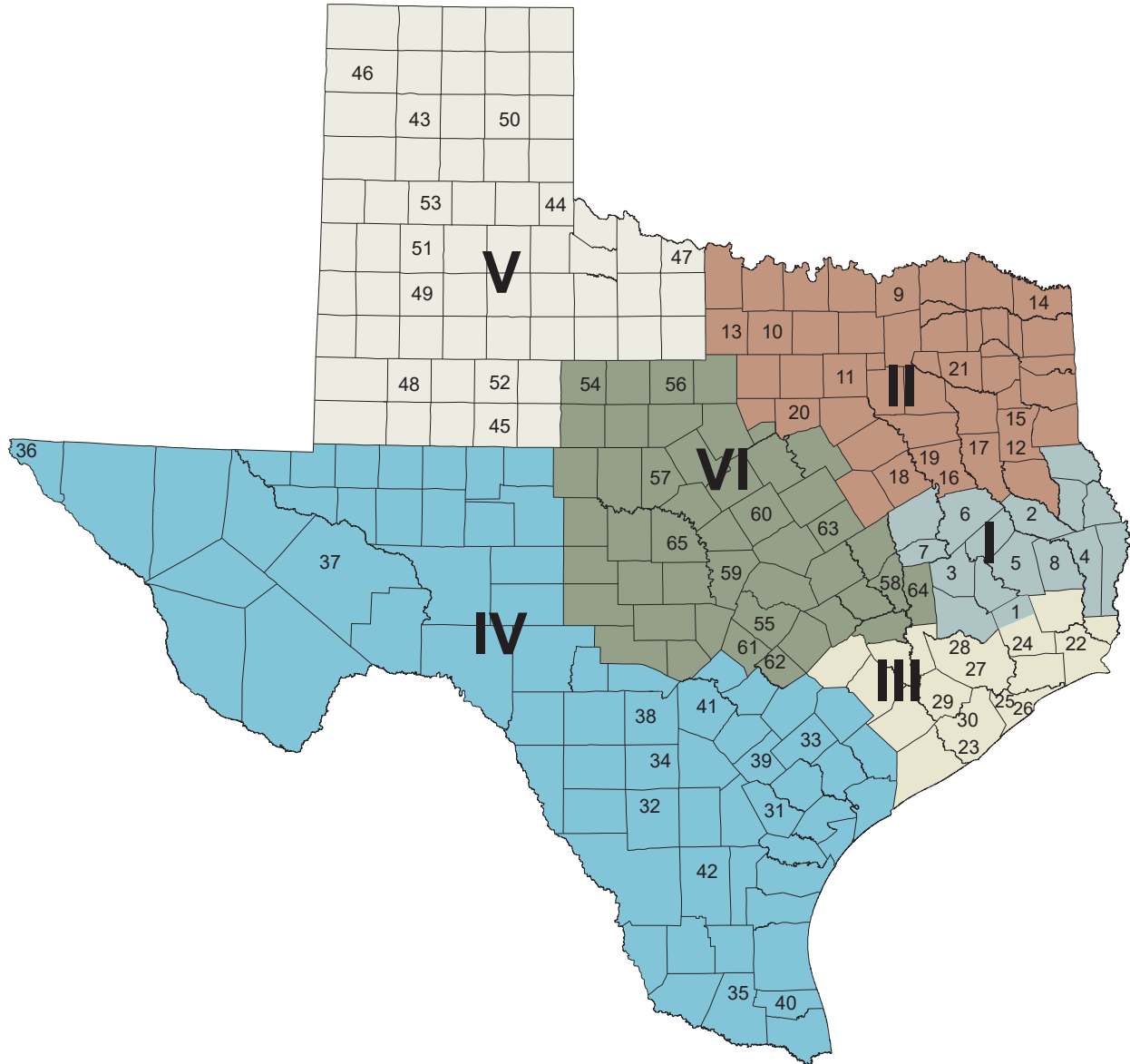
<sup>1</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 325.011(9)(A), Texas Government Code.

<sup>2</sup> Section 21.501, Texas Labor Code.

<sup>3</sup> Based on the most recent statewide civilian workforce percentages published by the Texas Workforce Commission.

# APPENDIX C | TDCJ Facilities Map

This map shows each community with at least one TDCJ facility, and the text below lists each facility by the community in which the facility is located.



## Appendix C

<b>Region I</b>	<b>Region II</b>	<b>Region III</b>
<p><b>1. Cleveland</b> Bell Pre-Release Facility</p> <p><b>2. Diboll</b> Diboll Pre-Release Facility Duncan Unit</p> <p><b>3. Huntsville</b> Byrd Unit Ellis Unit Estelle Unit Goree Unit Holliday Unit Huntsville Unit Wynne Unit</p> <p><b>4. Jasper</b> Goodman Unit</p> <p><b>5. Livingston</b> Polunsky Unit</p> <p><b>6. Lovelady</b> Wainwright Unit</p> <p><b>7. Midway</b> Ferguson Unit</p> <p><b>8. Woodville</b> Lewis Unit</p>	<p><b>9. Bonham</b> Cole State Jail C. Moore Unit</p> <p><b>10. Bridgeport</b> Bridgeport Unit (PF)</p> <p><b>11. Dallas</b> Hutchins State Jail</p> <p><b>12. Henderson</b> Bradshaw State Jail (PF) East Texas Multi-Use Facility (Co-Gender) (PF)</p> <p><b>13. Jacksboro</b> Lindsey State Jail (PF)</p> <p><b>14. New Boston</b> Telford Unit</p> <p><b>15. Overton</b> B. Moore Unit (PF)</p> <p><b>16. Palestine</b> Powledge Unit</p> <p><b>17. Rusk</b> Hodge Developmental Disabilities Program Unit Skyview Psychiatric Facility (Co- Gender)</p> <p><b>18. Teague</b> Boyd Unit</p> <p><b>19. Tennessee Colony</b> Beto Unit Coffield Unit Michael Unit</p> <p><b>20. Venus</b> Estes Pre-Release Facility</p> <p><b>21. Winnsboro</b> Johnston Substance Abuse Felony Punishment Facility</p>	<p><b>22. Beaumont</b> Gist State Jail LeBlanc Pre-Release Facility Stiles Unit</p> <p><b>23. Brazoria</b> Clemens Unit</p> <p><b>24. Dayton</b> Henley State Jail (Female) Hightower Unit Plane State Jail / Santa Maria Baby Bonding Program (Female)</p> <p><b>25. Dickinson</b> Young Medical Facility (Female)</p> <p><b>26. Galveston</b> Hospital Galveston Medical Facility (Co-Gender)</p> <p><b>27. Houston</b> Kegans Intermediate Sanction Facility</p> <p><b>28. Humble</b> Lychner State Jail</p> <p><b>29. Richmond</b> Jester III Unit Scott Psychiatric Facility Vance Unit</p> <p><b>30. Rosharon</b> Memorial Unit Ramsey Unit Stringfellow Unit Terrell Unit</p>

(PF) Private Facility

## Appendix C

<b>Region IV</b>	<b>Region V</b>	<b>Region VI</b>
<p><b>31. Beeville</b> Garza East Unit Garza West Unit McConnell Unit</p> <p><b>32. Cotulla</b> Cotulla Unit</p> <p><b>33. Cuero</b> Stevenson Unit</p> <p><b>34. Dilley</b> Briscoe Unit</p> <p><b>35. Edinburg</b> Lopez State Jail Segovia Pre-Release Facility</p> <p><b>36. El Paso</b> Sanchez State Jail</p> <p><b>37. Fort Stockton</b> Fort Stockton Unit Lynaugh Unit</p> <p><b>38. Hondo</b> Ney Unit Torres Unit</p> <p><b>39. Kenedy</b> Connally Unit</p> <p><b>40. Raymondville</b> Willacy County State Jail (PF)</p> <p><b>41. San Antonio</b> Dominguez State Jail</p> <p><b>42. San Diego</b> Glossbrenner Substance Abuse Felony Punishment Facility</p>	<p><b>43. Amarillo</b> Clements Unit</p> <p><b>44. Childress</b> Roach Unit</p> <p><b>45. Colorado City</b> Wallace Unit / San Angelo Work Camp</p> <p><b>46. Dalhart</b> Dalhart Unit</p> <p><b>47. Iowa Park</b> Allred Unit</p> <p><b>48. Lamesa</b> Smith Unit</p> <p><b>49. Lubbock</b> Montford Psychiatric Facility Western Regional Medical Facility</p> <p><b>50. Pampa</b> Baten Intermediate Sanction Facility Jordan Unit</p> <p><b>51. Plainview</b> Formby State Jail Wheeler State Jail</p> <p><b>52. Snyder</b> Daniel Unit</p> <p><b>53. Tulia</b> Mechler Unit</p>	<p><b>54. Abilene</b> Middleton Unit Robertson Unit</p> <p><b>55. Austin</b> Travis County State Jail</p> <p><b>56. Breckenridge</b> Sayle Substance Abuse Felony Punishment Facility</p> <p><b>57. Brownwood</b> Havins Pre-Release Facility</p> <p><b>58. Bryan</b> Hamilton Pre-Release Facility</p> <p><b>59. Burnet</b> Halbert Substance Abuse Felony Punishment Facility (Female)</p> <p><b>60. Gatesville</b> Crain Unit (Female) Hilltop Unit (Female) Hughes Unit Murray Unit (Female) O'Daniel Unit (Female) Woodman State Jail (Female)</p> <p><b>61. Kyle</b> Kyle Unit (PF)</p> <p><b>62. Lockhart</b> Coleman Unit (PF) (Female)</p> <p><b>63. Marlin</b> Hobby Unit (Female) Marlin Unit (Female)</p> <p><b>64. Navasota</b> Luther Unit Pack Unit</p> <p><b>65. San Saba</b> San Saba Unit</p>

(PF) Private Facility



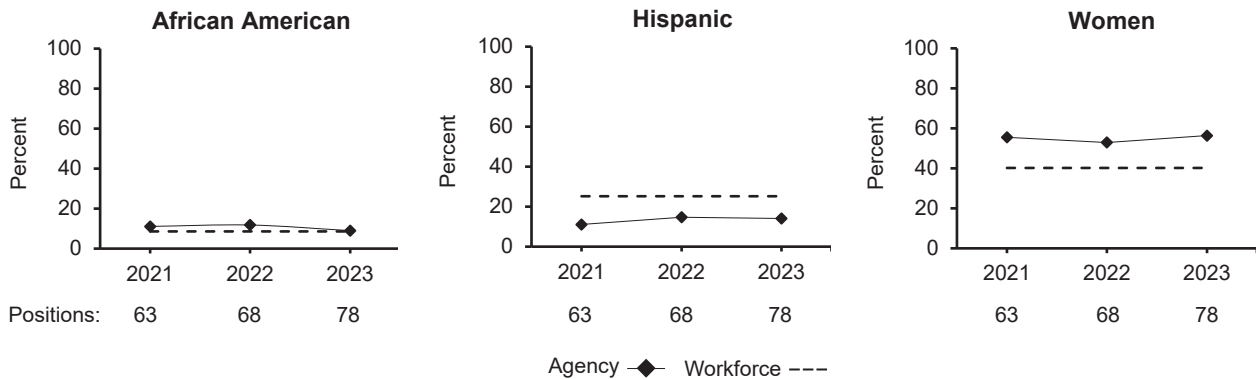
# APPENDIX D

## Windham School District Equal Employment Opportunity Statistics, FYs 2021-23

In accordance with the requirements of the Sunset Act, the following material shows trend information for the employment of minorities and women in all applicable categories by the Windham School District.<sup>1</sup> The agency maintains and reports this information under guidelines established by the Texas Workforce Commission.<sup>2</sup> In the charts, the dashed lines represent the percentages of the statewide civilian workforce for African Americans, Hispanics, and women in each job category.<sup>3</sup> These percentages provide a yardstick for measuring the agency’s performance in employing persons in each of these groups. The diamond lines represent the agency’s actual employment percentages in each job category from fiscal years 2021-23.

In the last three fiscal years, the agency did not meet the statewide civilian percentages for Hispanics in any category or year. However, the agency met or exceeded statewide civilian percentages for African Americans and women in each year in all categories except technical and skilled craft. The agency did not have any employees in the protective services category, and the service/maintenance category had too few employees to conduct a meaningful comparison to the overall civilian workforce.

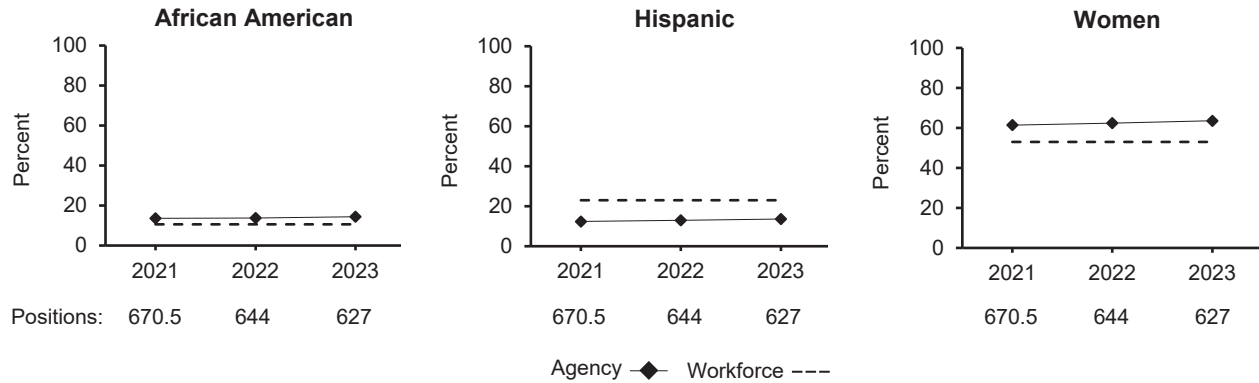
### Administration



In each of the last three fiscal years, the agency exceeded the statewide civilian workforce percentages for African Americans and women but failed to meet the percentages for Hispanics.

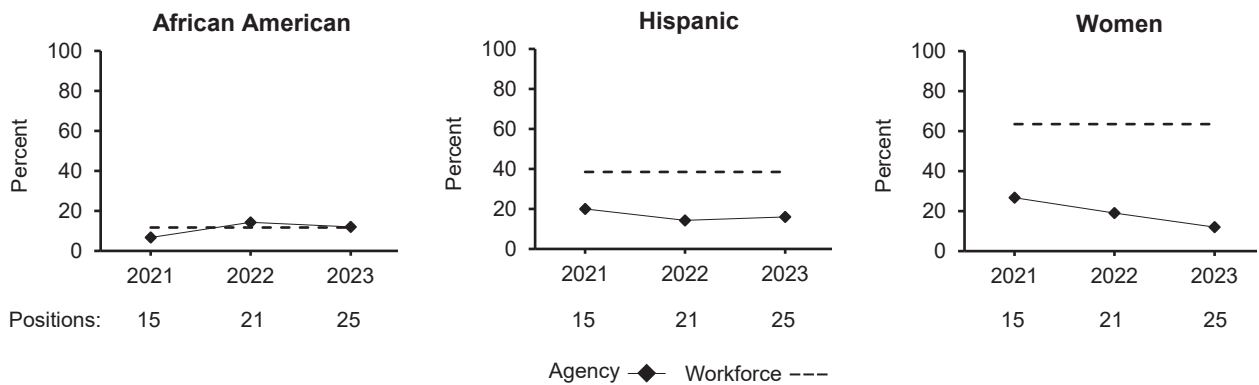
## Appendix D

### Professional



In each of the last three fiscal years, the agency exceeded the statewide civilian workforce percentages for African Americans and women but failed to meet the percentages for Hispanics.

### Technical

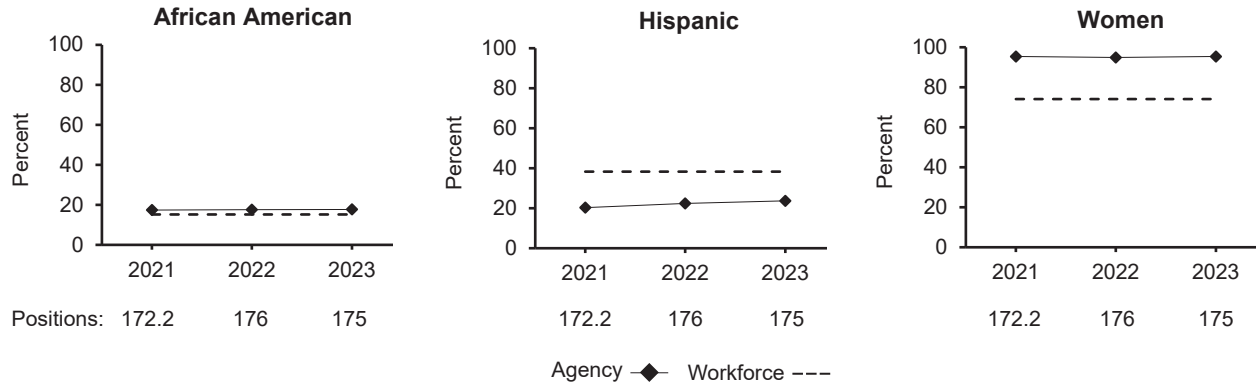


In each of the last three fiscal years, the agency failed to meet the statewide civilian workforce percentages for Hispanics and women. The agency exceeded the percentages for African Americans in fiscal years 2022 and 2023 but failed to meet the percentage in fiscal year 2021.



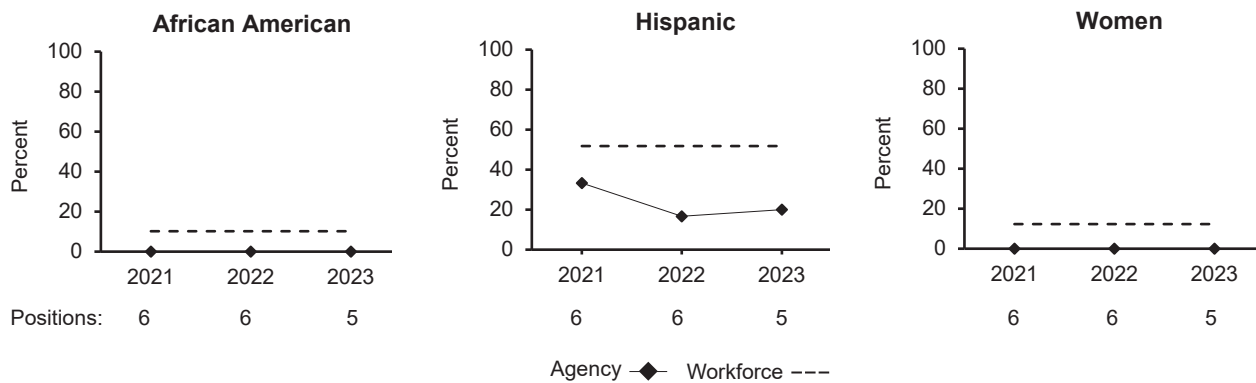
## Appendix D

### Administrative Support



In each of the last three fiscal years, the agency exceeded the statewide civilian workforce percentages for African Americans and women but failed to meet the percentages for Hispanics.

### Skilled Craft



The agency failed to meet the statewide civilian workforce percentages for all three reported groups in each of the last three fiscal years. However, the agency had few employees in this category.

<sup>1</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 325.011(9)(A), Texas Government Code.  
<sup>2</sup> Section 21.501, Texas Labor Code.  
<sup>3</sup> Based on the most recent statewide civilian workforce percentages published by the Texas Workforce Commission.



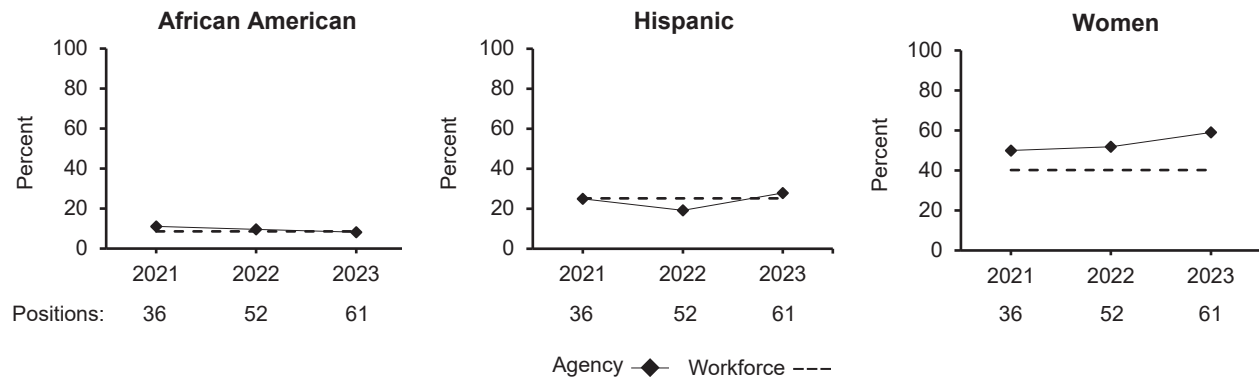
# APPENDIX E

## Board of Pardons and Paroles Equal Employment Opportunity Statistics, FYs 2021-23

In accordance with the requirements of the Sunset Act, the following material shows trend information for the employment of minorities and women in all applicable categories by the Board of Pardons and Paroles.<sup>1</sup> The agency maintains and reports this information under guidelines established by the Texas Workforce Commission.<sup>2</sup> In the charts, the dashed lines represent the percentages of the statewide civilian workforce for African Americans, Hispanics, and women in each job category.<sup>3</sup> These percentages provide a yardstick for measuring the agency’s performance in employing persons in each of these groups. The diamond lines represent the agency’s actual employment percentages in each job category from fiscal years 2021-23.

In each of the last three fiscal years, the agency met or nearly met the statewide civilian workforce percentages for Hispanics in the administration and professional job categories but failed to meet the percentages in the technical, administrative support, and service/maintenance job categories. The agency met or exceeded statewide civilian percentages for women in all categories and fiscal years except for technical in 2021 and 2022. The agency also met or nearly met the statewide civilian percentages for African Americans in most fiscal years for all job categories except for technical and administrative support. The agency did not have any employees in the skilled craft or protective services categories.

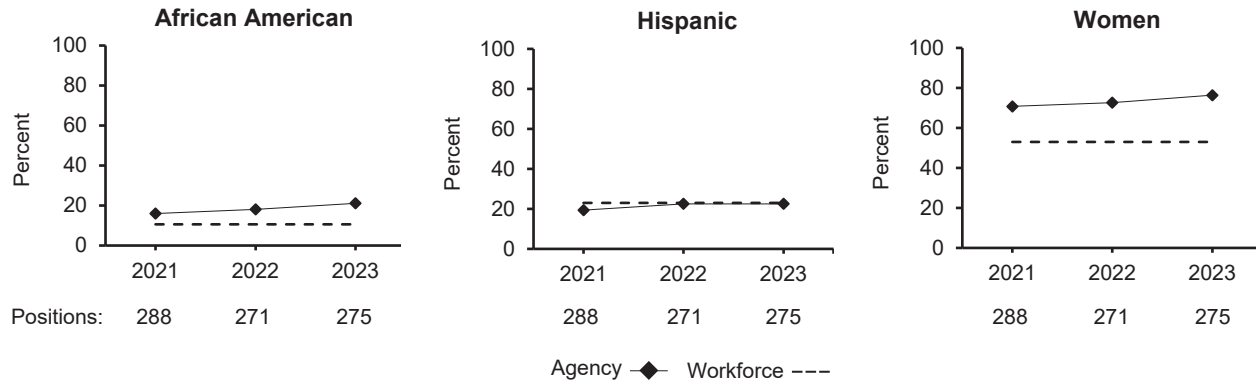
### Administration



The agency met or exceeded the statewide civilian workforce percentages for African Americans in fiscal years 2021 and 2022 but fell just short in 2023. The agency exceeded the statewide civilian workforce percentages for women in each of the last three fiscal years. The agency exceeded the percentage for Hispanics in fiscal year 2023 but fell just short in fiscal years 2021 and 2022.

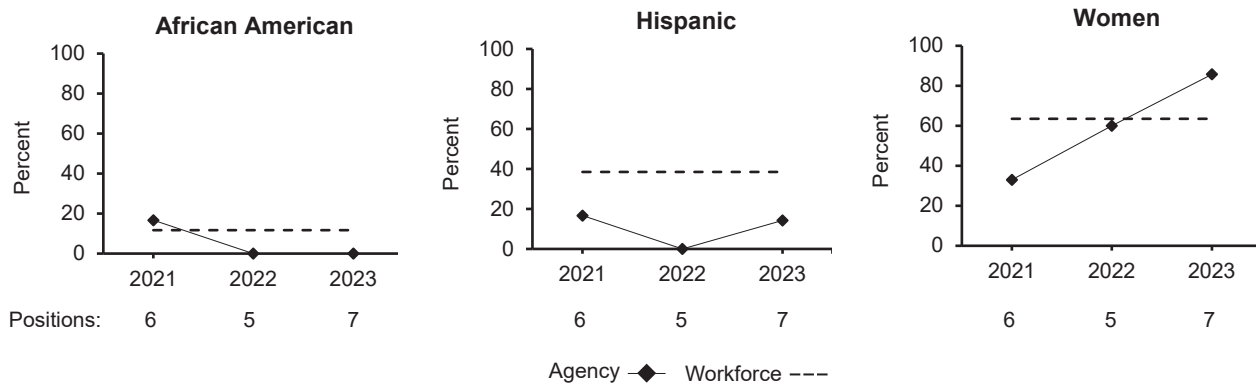
## Appendix E

### Professional



The agency exceeded the statewide civilian workforce percentages for African Americans and women in each of the last three fiscal years. The agency nearly met the percentages for Hispanics in each of the last three fiscal years.

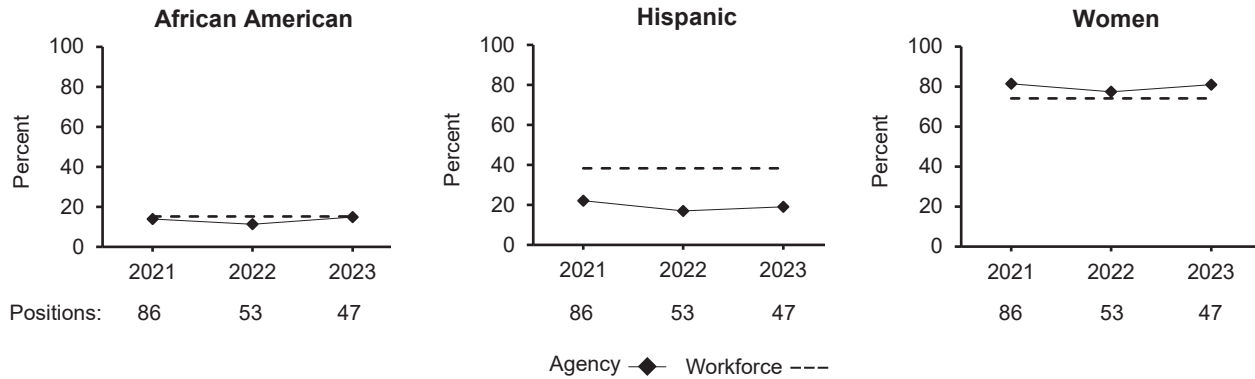
### Technical



The agency failed to meet the statewide civilian workforce percentages for Hispanics in each of the last three fiscal years. The agency exceeded the percentage for African Americans in fiscal year 2021 but failed to meet the percentages in fiscal years 2022 and 2023. The agency failed to meet or fell just short of the percentages for women in fiscal years 2021 and 2022 but exceeded the percentage in fiscal year 2023.

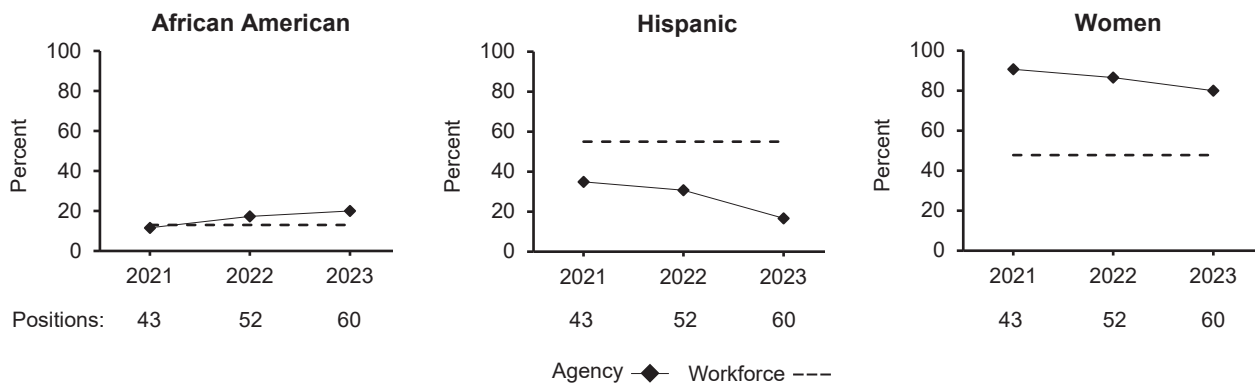
## Appendix E

### Administrative Support



In each of the last three fiscal years, the agency exceeded the statewide civilian workforce percentages for women but failed to meet or fell just short of the percentages for African Americans and Hispanics.

### Service/Maintenance



In each of the last three fiscal years, the agency exceeded the statewide civilian workforce percentages for women but failed to meet the percentages for Hispanics. The agency exceeded the percentages for African Americans in fiscal years 2022 and 2023 but fell just short in fiscal year 2021.

<sup>1</sup> All citations to Texas statutes are as they appear on <http://www.statutes.legis.texas.gov/>. Section 325.011(9)(A), Texas Government Code.

<sup>2</sup> Section 21.501, Texas Labor Code.

<sup>3</sup> Based on the most recent statewide civilian workforce percentages published by the Texas Workforce Commission.



# APPENDIX F | TDCJ Facility Types

Type	Description	Number*
Prison	Houses inmates convicted of capital, first-, second-, and third-degree felonies, which are typically high-level drug and property offenses and violent crimes. Sentences range from two years to life and include death row.	62 State
State Jail	Houses inmates convicted of state jail felonies, which are usually drug and property offenses. Sentences range from 75 days to two years. State jails also house lower-security prison inmates.	13 State 3 Private
Substance Abuse Felony Punishment Facility (SAFP)	Provides an intensive therapeutic community program for individuals with substance abuse problems. Individuals are usually placed in these facilities as a condition of community supervision or as a modification of parole.	8 State 2 Private
Pre-Release Facility	Provides an intensive treatment program for inmates in a therapeutic community setting. Inmates within seven months of release are eligible to receive pre-release services.	7 State
Intermediate Sanctions Facility (ISF)	Provides an alternative to incarceration for individuals who violate the conditions of community supervision or parole. Individuals housed in these facilities receive cognitive or substance abuse treatment.	4 State 2 Private
Psychiatric Facility	Provides inpatient mental health treatment for inmates.	3 State
Medical Facility	Provides inpatient hospital care, acute care, and specialty clinics for inmates.	2 State
Developmental Disability Program Facility	Provides housing for inmates in the Developmental Disability Program, which provides specific housing and programming for inmates with intellectual disabilities or impaired adaptive functioning.	1 State
Multi-Use	Provides several housing types in one facility, including SAFP, ISF, and a DWI treatment program.	1 Private

\* Number as of May 2024. The total number of facilities listed here is larger than the number of facilities listed in the TDCJ Agency At A Glance because some facilities encompass multiple confinement types (e.g., a state jail might have an ISF as well).





# APPENDIX G | Select Federal Litigation History

Certain cases in federal court established precedent regarding inmate welfare that inform many of the Texas Department of Criminal Justice's (TDCJ) current processes around capacity management, health care, inmate safety, and inmate welfare. While oversight of TDCJ by the federal courts ended in 2003, much of the agency's structure and operations today still reflect the reforms established by the following cases:

- **Estelle v. Ruiz, 503 F. Supp. 1265 (S.D. Tex. 1980).** In 1972, a TDCJ inmate filed a class action lawsuit against the agency, initiating a decades-long reformation of Texas prisons under the supervision of the federal courts.<sup>1</sup> The courts ruled that TDCJ had violated the 8th Amendment protection against cruel and unusual punishment through overcrowding, inadequate security, unsafe working conditions, inadequate health care, and overly severe and arbitrary disciplinary procedures. In the resulting settlement, TDCJ agreed to limit the inmate population to below 96 percent of online capacity, separate high-security inmates from lower-security inmates, improve medical treatment, and hire more guards.<sup>2</sup>
- **Estelle v. Gamble, 429 US 97 (1976).** In 1976, a TDCJ inmate alleged improper medical care for an injury sustained during a prison work assignment. In response, the U.S. Supreme Court ruled that deliberate indifference to serious medical needs of prisoners constitutes cruel and unusual punishment as outlined by the 8th amendment, although this inmate's claims did not rise to that level.<sup>3</sup>
- **United States v. DeCologero, 821 F.2d 39 (1st Cir. 1987).** In 1987, an inmate of the Federal Bureau of Investigations alleged improper medical care while he was in custody. The U.S. Court of Appeals confirmed inmates have a right to adequate medical care, which it defined as "reasonably commensurate with modern medical science and of a quality acceptable within prudent professional standards," but ruled that inmates cannot insist they receive "the most sophisticated care that money can buy."<sup>4</sup>

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<sup>1</sup> The Texas Politics Project, "Cruel and Unusual Punishment: Ruiz," accessed online August 28, 2024, [https://texaspolitics.utexas.edu/archive/html/just/features/0505\\_01/ruiz.html](https://texaspolitics.utexas.edu/archive/html/just/features/0505_01/ruiz.html).

<sup>2</sup> Ibid.

<sup>3</sup> Justia U.S. Supreme Court Center, "Estelle v. Gamble, 429 U.S. 97 (1976)," accessed online August 28, 2024, <https://supreme.justia.com/cases/federal/us/429/97/>.

<sup>4</sup> Casetext, "U.S. v. DeCologero," accessed online August 28, 2024, <https://casetext.com/case/us-v-decologero-5>.



# APPENDIX H

## Sunset Model for Evaluating Facilities for Closure

### Summary

As referenced in Recommendation 1.2 of Issue 1, Sunset staff created a model as an example of how the Texas Department of Criminal Justice (TDCJ) could create a methodology to inform facility closure decisions. This model started with a short-list of the hardest-to-staff facilities within TDCJ by selecting all facilities that, in fiscal year 2023, either experienced a vacancy rate above 40 percent or received staff from the hotel or Uber staff transport models discussed in Issue 1. Sunset staff then evaluated these facilities using a series of metrics that provide insight into each facility's staffing challenges, capacity and type of capacity, available labor pool from which to hire, and cost to operate. Based on these factors, each facility was given a score, with the highest total scores indicating facilities that are the most difficult to operate in terms of cost and staffing and therefore the best facilities to close to improve the agency's operational efficiency as it wrestles with the staffing and capacity challenges highlighted throughout this report.

### Methodology

The text below describes each metric, why that metric is important, and how the score was determined. The model uses a score for each facility between zero and three for each metric. Wherever possible, Sunset staff used quartiles to group the data to determine scores. When the data could not be appropriately grouped with quartiles, Sunset staff used alternate grouping methods to determine scores. The higher a facility's total score, the higher it would be rated as a potential candidate for closure. Given that this tool is an example, Sunset staff deidentified the facilities to allow TDCJ the discretion to conduct its own analysis and draw its own conclusions.

- **Current operating capacity.**<sup>1</sup> This metric reflects the total number of beds available to house inmates. Each time the agency closes a facility, it likely would replace that operational capacity elsewhere in the system. Therefore, facilities with less operational capacity earned a higher score.
- **Vacancy rate.** This metric reflects the average vacancy rate for correctional staff in fiscal year 2023. As discussed extensively throughout the report, high vacancy rates among correctional staff lead to high costs to the state, operational challenges, and potential risks for public safety. Therefore, facilities with higher correctional staff vacancy rates earned a higher score.
- **Cool beds.** This metric reflects the total number of "cool beds," or beds with air conditioning. The agency is engaged in a systematic effort to increase the number of available cool beds at its disposal, and closing facilities with a large number of cool beds would work against this initiative. Therefore, facilities with fewer or no cool beds earned a higher score.
- **Idled capacity.** This metric reflects the number of idled beds. The agency idles beds in facilities it has determined are difficult to staff. Therefore, facilities with more idled capacity earned a higher score.
- **Percent of population without a HS diploma.**<sup>2</sup> This metric reflects the percentage of adults over the age of 25 without a high school diploma or equivalent achievement in the county where a facility is located. TDCJ requires applicants for CO positions to have a high school credential attainment.<sup>3</sup> Therefore, facilities in counties with a higher percentage of adults without a high school credential attainment received a higher score.

## Appendix H

- **Difference between MHI and CO II midrange salary.**<sup>4</sup> This metric reflects the difference between the median household income in the county where a facility is located and the midrange salary for CO IIs, which is the initial starting role for every new CO once training is complete. The difference between the median household income and the CO II midrange salary points towards the agency's ability to offer a competitive salary in the area in which the facility is located. Therefore, facilities in counties with a larger difference received a higher score.
- **Unemployment rate.**<sup>5</sup> This metric reflects the unemployment rate in the county where a facility is located. A larger unemployment rate indicates a larger available labor pool from which to hire correctional staff. Therefore, facilities in counties with lower unemployment rates received a higher score.
- **Population change.**<sup>6</sup> This metric reflects the percentage change in population in the county where a facility is located over a 10-year period. A declining population indicates a shrinking available labor pool from which to hire correctional staff. Therefore, facilities in counties with larger population decreases received a higher score.
- **Deferred maintenance costs.** This metric reflects the total cost of deferred maintenance needs identified by the agency for fiscal year 2024 and the future needs the agency has projected. More costly maintenance needs indicate that a facility will be more expensive to maintain into the future. Therefore, facilities with more expensive deferred maintenance needs received a higher score.
- **Average staff received via hotel model.** This metric reflects the average number of COs received each month in calendar year 2023 through the hotel model. As discussed in Issue 1, transporting COs to hard-to-staff units is operationally and financially inefficient. Therefore, facilities that received more staff through the hotel model received a higher score.
- **Average staff received via Uber model.** This metric reflects the average number of COs received each month in calendar year 2023 through the Uber model. As discussed in Issue 1, transporting COs to hard-to-staff facilities is operationally and financially inefficient. Therefore, facilities that received more staff through the Uber model received a higher score.
- **Max security.** This metric reflects whether TDCJ classifies a facility as maximum security. Maximum-security facilities tend to have more extensive security infrastructure to house a higher proportion of high custody level inmates, conditions which would be expensive to replicate elsewhere in the system. Therefore, facilities without maximum-security designations received a higher score.

## Conclusions

By using the Sunset evaluation model, facilities A and B are the best candidates for closure based on their small capacity, a small local labor pool, utilization of the staff transport models, and absence of maximum security-level infrastructure. That being said, this model is intended just as an example of the type of analysis TDCJ should conduct when evaluating the future viability of operating its hard-to-staff facilities. The agency should consider these factors as well as any others it deems relevant, and it should use its expertise to determine how to weight any scores as necessary.

### Appendix H

Unit	Current Operating Capacity	Vacancy Rates	Cool Beds	Idled Capacity	Percent of Population Without HS Diploma	Difference Between MHI and CO II Midrange Salary	Unemployment Rate	Population Change	Deferred Maintenance Cost	Average Staff Received Hotel Model	Average Staff Received Uber Model	Max Security	Raw Score
A	3	3	2	1	3	2	3	2	1	2	0	3	25
B	3	3	2	2	1	3	3	3	1	1	0	3	25
C	3	3	2	0	2	0	2	3	1	0	2	3	21
D	0	3	0	2	3	0	3	2	2	3	2	0	20
E	0	3	2	0	1	2	2	2	3	0	3	0	18
F	1	0	2	1	1	2	3	2	3	0	3	0	18
G	1	3	0	2	0	2	3	1	3	2	0	0	17
H	3	1	2	2	1	2	1	1	1	0	0	3	17
I	1	2	2	0	2	1	3	3	3	0	0	0	17
J	2	2	2	0	3	3	0	2	3	0	0	0	17
K	3	2	2	1	1	0	3	2	0	0	0	3	17
L	3	0	2	0	3	1	3	1	0	1	0	3	17
M	3	2	2	0	0	3	3	0	0	0	0	3	16
N	3	1	0	0	2	1	0	3	0	0	0	3	15
O	2	2	0	2	3	0	1	3	0	2	0	0	15
P	1	0	0	0	2	1	3	3	1	0	2	0	13
Q	0	0	1	0	1	2	2	2	2	0	3	0	13
R	3	2	0	0	2	0	0	3	0	0	0	3	13
S	1	1	0	1	0	1	2	1	2	3	1	0	13
T	2	1	0	2	0	3	1	0	1	0	0	3	13
U	3	3	0	0	0	3	3	0	0	0	0	3	13
V	1	0	0	0	1	1	1	0	2	2	3	0	11
W	2	3	2	0	1	0	0	0	3	0	0	0	11
X	0	1	0	0	3	2	1	2	2	0	0	0	11
Y	0	1	0	0	0	3	1	0	3	0	0	0	8
Z	0	0	0	0	2	1	0	0	2	0	2	0	7
AA	0	0	0	0	2	0	0	2	2	1	0	0	7

## Appendix H

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<sup>1</sup> Texas Department of Criminal Justice (TDCJ), “Unit Directory,” accessed online August 31, 2024, [https://www.tdcj.texas.gov/unit\\_directory/index.html](https://www.tdcj.texas.gov/unit_directory/index.html).

<sup>2</sup> U.S. Census Bureau, “QuickFacts,” accessed online August 31, 2024, <https://www.census.gov/quickfacts/>.

<sup>3</sup> TDCJ, “TDCJ Correctional Officer Eligibility Criteria,” accessed online September 3, 2024, <https://www.tdcj.texas.gov/divisions/hr/coinfo/emp-co.html>.

<sup>4</sup> U.S. Census Bureau, “QuickFacts,” accessed online August 31, 2024, <https://www.census.gov/quickfacts/>; Texas State Auditor’s Office, “Salary Schedule A – Annual Salary Rates: Effective July 1, 2023 to August 31, 2023,” accessed online August 31, 2024, <https://hr.sao.texas.gov/CompensationSystem/SchedulePartial?scheduleType=2023A>; Texas State Auditor’s Office, “State Classification Job Description – Correctional Officer,” accessed online August 31, 2024, <https://hr.sao.texas.gov/Compensation/JobDescriptions/R4502.pdf>.

<sup>5</sup> Texas Labor Market Information, “Local Area Unemployment Statistics (LAUS) – County LAUS,” accessed online August 31, 2024, <https://texaslmi.com/Home/PopularDownloads>.

<sup>6</sup> U.S. Census Bureau, “QuickFacts,” accessed online August 31, 2024, <https://www.census.gov/quickfacts/>.

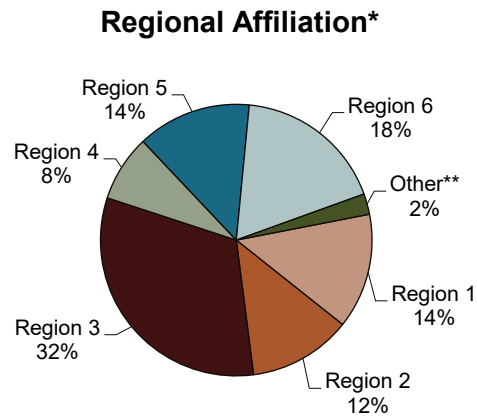
# APPENDIX I | Survey Methodology

Sunset staff conducted four surveys during the review, including three of Texas Department of Criminal Justice (TDCJ) staff to better understand employee experiences. A data scientist with a doctorate in criminology and justice policy developed the surveys using validated survey questions where possible.

Over three weeks in May 2024, Sunset surveyed correctional staff, parole staff, and all other TDCJ employees, as well as staff of Community Supervision and Corrections Departments (CSCD), who are not TDCJ employees. Respondents comprised a representative sample of TDCJ and CSCD staff. Brief profiles on the respondents to each survey are below.

## Correctional Staff Survey Respondents

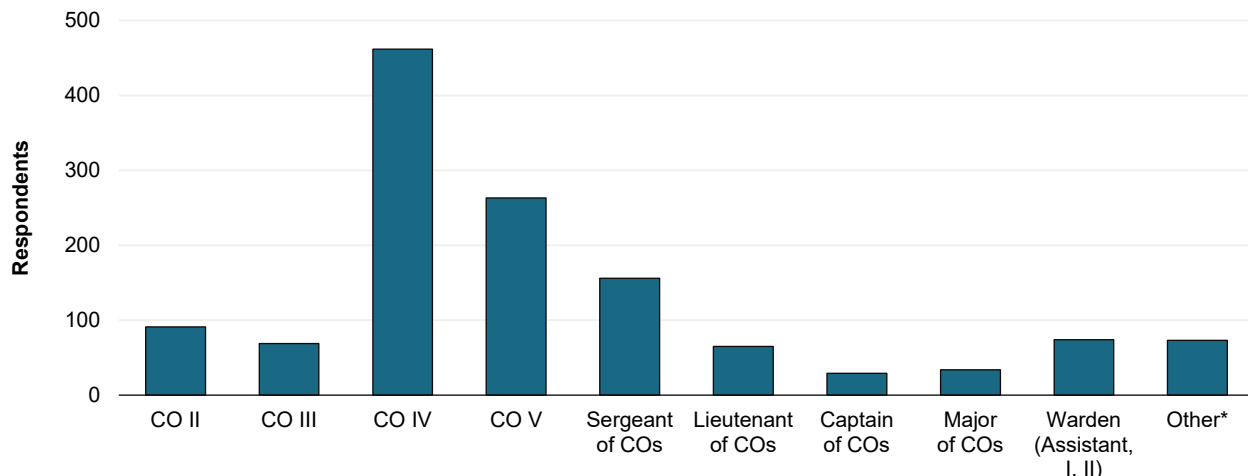
A total of 1,515 correctional staff completed the survey. Since correctional officers (COs) do not have TDCJ email addresses, Sunset distributed the survey using personal email addresses TDCJ provided, and additionally engaged a professional correctional employees association to share the survey with its members. The following charts summarize results from the optional demographic questions.



\* TDCJ organizes its facilities across six regions.

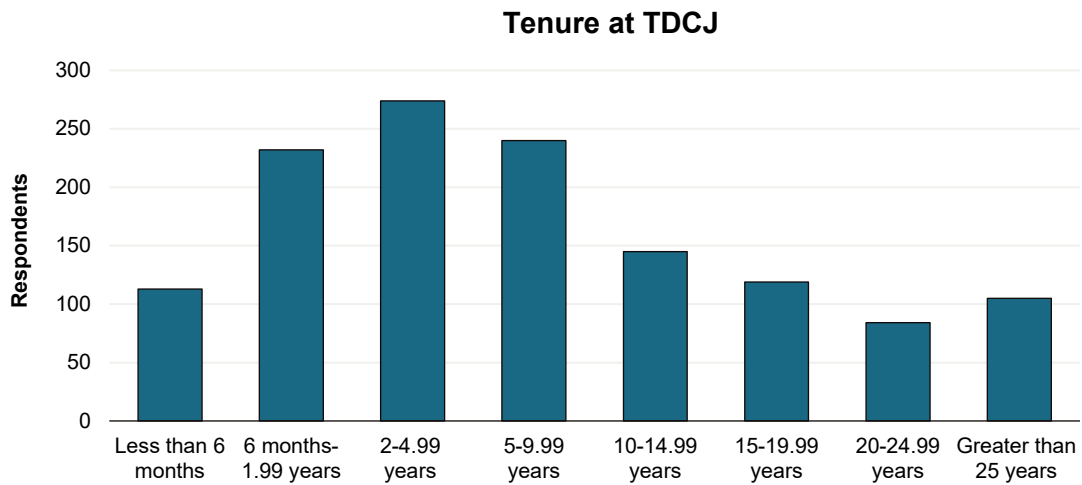
\*\* Other includes Mobile Correctional Officer Team staff, multi-use facility staff, and employees who were either unsure of their region or opted not to share it.

## Job Classification



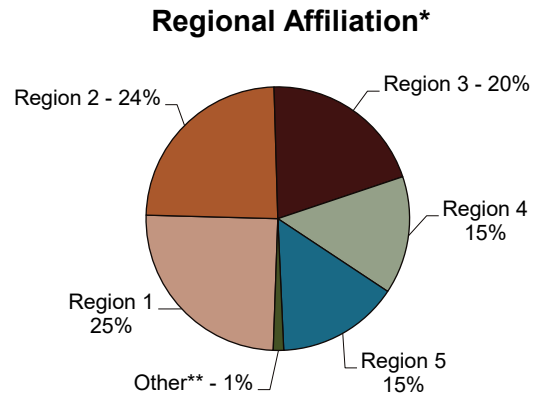
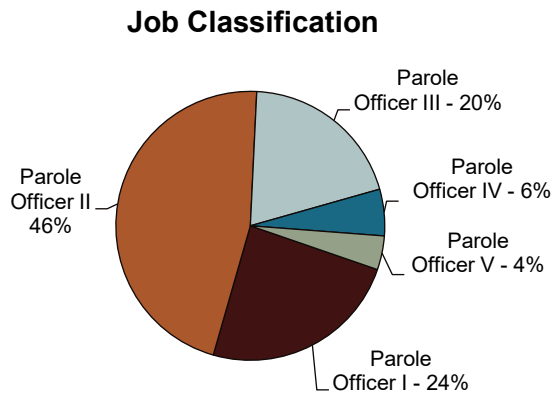
\* Other includes CO Is and administrative staff members who oversee unit-based laundry, food, and supply operations.

## Appendix I



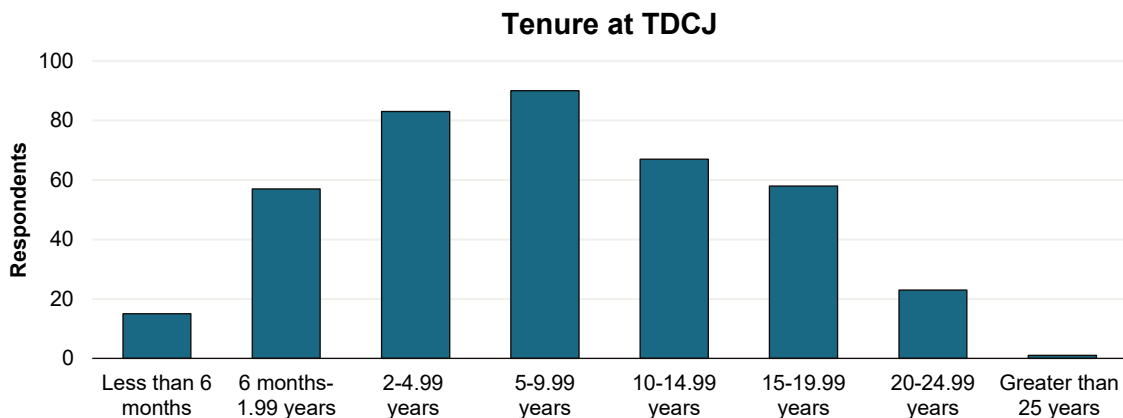
## Parole Staff Survey Respondents

A total of 404 parole staff completed the survey, which Sunset distributed using TDCJ email addresses. The charts below summarize results from the optional demographic questions.



\* TDCJ organizes its PO offices across five regions.

\*\* Other includes employees who were either unsure of their region or opted not to share it.

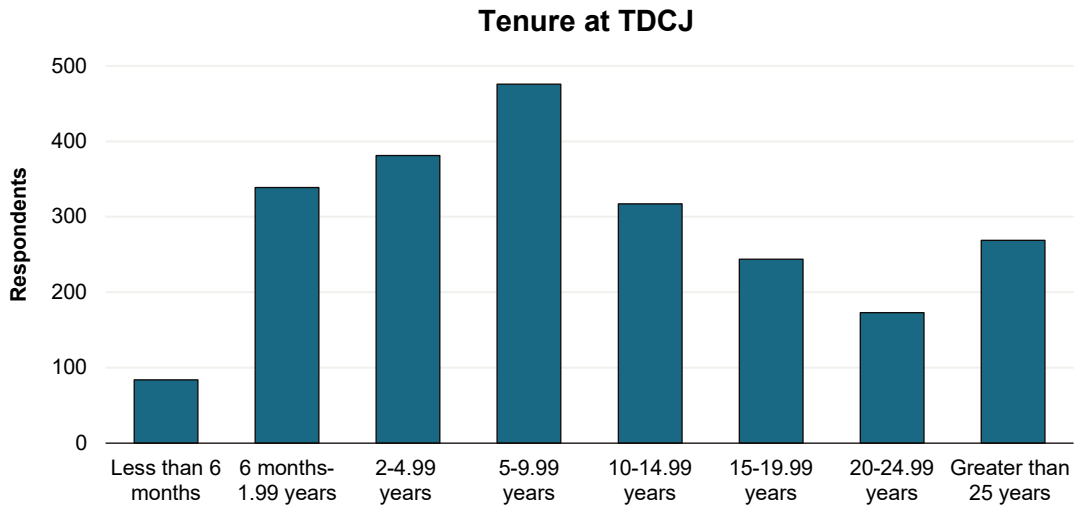




## Appendix I

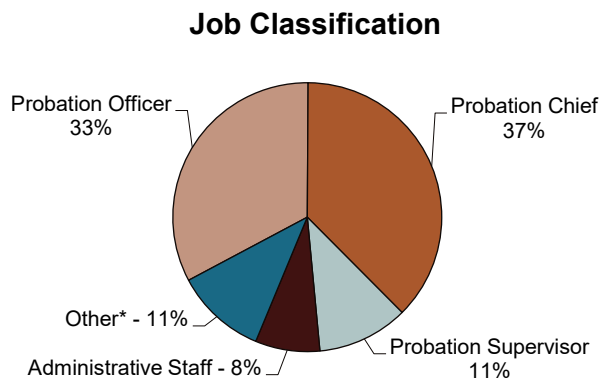
### All Other TDCJ Staff Survey Respondents

A total of 2,649 TDCJ staff completed the survey, which Sunset distributed using TDCJ email addresses. The chart below summarizes results from the optional demographic questions.



### CSCD Staff Survey Respondents

A total of 239 CSCD staff completed the survey, which Sunset distributed using email addresses TDCJ provided. The chart below summarizes results from the optional demographic questions.



\* Other includes community supervision directors, informational technology officers, and support staff.



# APPENDIX J

## Rehabilitation Program Evaluations

TDCJ's biennial rehabilitation program evaluations assess program outcomes by comparing two- and three-year recidivism rates of program participants released three years prior against recidivism rates of comparison groups selected based on their similarity to the program completers. Program figures can be interpreted as follows:

- Negative figures indicate program participation reduced recidivism, meaning these programs were effective.
- Neutral figures, highlighted in pink, indicate program participation had no effect on recidivism, meaning these programs were not effective but were also not harmful.
- Positive figures, highlighted in red, indicate program participation increased recidivism, meaning these programs were ineffective and potentially harmful.

Rehabilitation Program	FY 13 Recidivism Effects		FY 15 Recidivism Effects		FY 17 Recidivism Effects		FY 19 Recidivism Effects		FY 21 Recidivism Effects		FY 23 Recidivism Effects	
	2-Year	3-Year	2-Year	3-Year	2-Year	3-Year	2-Year	3-Year	2-Year	3-Year	2-Year	3-Year
DWI	-2.18%	-4.57%	-1.83%	-3.68%	-6.52%	-5.29%	-4.73%	-5.85%	-6.56%	-7.32%	-3.67%	-5.58%
Female Cognitive Pre-Release Program (FCPRP)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-3.55%	-10.13%	0.00%	-1.83%
Innerchange Freedom Initiative (IFI)*	0.88%	-3.54%	-2.08%	-4.17%	-5.64%	-11.03%	-5.95%	-8.87%	0.00%	0.57%	N/A	N/A
In-Prison Therapeutic Community (IPTC) with Aftercare	-6.70%	-8.25%	-6.00%	-8.31%	-4.44%	-2.55%	-3.91%	-4.30%	-5.74%	-4.48%	-1.57%	-4.38%
Pre-Release Substance Abuse Program (PRSAP)	0.52%	0.37%	2.64%	2.71%	2.45%	3.55%	1.57%	2.46%	0.41%	1.50%	2.40%	0.54%
Pre-Release Therapeutic Community (PRTC)	0.40%	0.22%	-2.89%	-4.19%	2.32%	5.53%	-1.00%	-1.82%	-0.49%	1.78%	-0.59%	-2.24%
Prison Fellowship Academy (PEA)*	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-3.77%	-6.60%
Pre-Release Therapeutic Community (PRTC) - Cognitive	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-3.25%	-4.97%	-2.32%	-4.65%

### Appendix J

Rehabilitation Program	FY 13 Recidivism Effects		FY 15 Recidivism Effects		FY 17 Recidivism Effects		FY 19 Recidivism Effects		FY 21 Recidivism Effects		FY 23 Recidivism Effects	
	2-Year	3-Year	2-Year	3-Year	2-Year	3-Year	2-Year	3-Year	2-Year	3-Year	2-Year	3-Year
Substance Abuse Felony Punishment with Aftercare (Combined Parole and Probation)	-15.50%	-16.67%	-17.40%	-17.39%	-9.34%	-8.04%	-8.88%	-10.42%	-13.83%	-13.24%	N/A	N/A
Substance Abuse Felony Punishment - Parole with Aftercare	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-2.92%	-5.11%
Substance Abuse Felony Punishment - Probation with Aftercare	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3.77%	5.02%
Serious and Violent Offender Reentry Initiative (SVORI)	8.07%	1.48%	2.98%	-2.18%	-3.57%	-4.05%	-0.77%	0.71%	4.66%	11.34%	8.44%	3.61%
Sex Offender Education Program (SOEP)	-3.00%	-5.32%	0.23%	-0.20%	0.02%	-1.41%	-2.16%	-2.60%	-2.94%	-4.49%	0.00%	-1.66%
Sex Offender Treatment Program, 9 months (SOTP-9)	N/A	N/A	N/A	N/A	1.31%	2.33%	-0.42%	-1.07%	-1.17%	-1.41%	-0.12%	-2.12%
Sex Offender Treatment Program, 18 months (SOTP-18)	-1.92%	-4.17%	1.33%	2.67%	-2.99%	-3.03%	-1.49%	-0.14%	3.12%	0.00%	0.00%	0.00%

\* Innerchange Freedom Initiative is now known as the Prison Fellowship Academy.

# APPENDIX K

## BPP Parole Guidelines Matrix and Factors

The matrix, available on the agency's website, assigns a parole guideline level to each combination of risk level and offense severity:

Offense Severity	Male Risk Level				Female Risk Level		
	Highest (10+)	High (7-9)	Moderate (4-6)	Low (3 or less)	High (10+)	Moderate (6-9)	Low (5 or less)
Highest	1	2	2	3	2	2	3
High	2	3	4	4	3	4	4
Moderate	2	3	5	6	3	5	6
Low	3	4	6	7	4	6	7

The board determines and posts to the agency's website offense severity rankings and calculates risk level by totaling the number of points for each of the following factors:

Type	Factor	Points	
Static	Age at First Commitment	26 years or older	0
		18 to 25 years	1
		17 years or younger	2
Static	History of Revocations	No revocations	0
		Had one revocation	1
		Had more than one revocation	2
Static	Other Incarcerations	None	0
		One to two	1
		Three or more	2
Static	Employment History	Employed six months prior to prison	0
		None or less than six months	1
Static	Commitment Offense	All others	0
		All property-related offenses	2
Dynamic	Current Age	Males 57+	-2
		Males 49-56	0
		Males 29-48	1
		Males 22-28	2
		Males 21 and younger	3
		Females 50+	-2
		Females 37-49	0
Females 36 and younger	1		
Dynamic	Security Threat Group	Not a member	0
		Member	3

## **Appendix K**

<b>Type</b>	<b>Factor</b>		<b>Points</b>
Dynamic	Completed Education or Job Training During Incarceration	Completed	-1
		Did not complete	0
Dynamic	Disciplinary Conduct	Goodtime awarded	0
		Demoted in class below entry status OR lost goodtime in last 18 months OR zero balance of goodtime	1
Dynamic	Current Custody Level	G1 - G3 and P1 - P3	0
		G4 - G5, P4 - P5, Administrative Segregation, all others	1

# APPENDIX L

## Texas Criminal Justice Entities Reporting Requirements

### Texas Department of Criminal Justice

Report Title	Legal Authority	Description	Recipient	Sunset Evaluation
1. AIDS and HIV Report	Section 501.054(h), Texas Government Code	Reports on the implementation of and participation in AIDS and HIV testing programs.	Legislature	Continue and modify due date to December 1 of even-numbered years
2. Assessment of Unit Design and Security Systems	Section 494.011, Texas Government Code	Reports on an assessment of long-term administrative segregation and maximum security needs.	Legislative Criminal Justice Board	Abolish – this board no longer exists
3. Child Protective Services Conservatorship Report	Section 501.023(b), Texas Government Code	Reports on a summary of information of inmates who have been in the conservatorship of the state's child protective services system.	Governor, Lieutenant Governor, and Legislature	Continue
4. Correctional Managed Health Care Report	Section 501.1471, Texas Government Code	Reports on correctional health care expenditures, data, and other information.	Governor and Legislative Budget Board	Continue
5. Equal Opportunity Employment Policy	Section 493.007(d), Texas Government Code	Reports on the implementation of an equal employment opportunity policy.	Governor and Commission on Human Rights	Continue
6. Evaluation of the Reentry and Reintegration Plan	Section 501.092(i), Texas Government Code	Reports on the effectiveness of reentry and reintegration services provided to inmates.	Lieutenant Governor, Speaker of the House, and the House and Senate committees of primary jurisdiction	Continue and modify due date to December 1 of even-numbered years
7. Family Violence Pretrial Diversion Pilot Program	Section 509.018(d), Texas Government Code	Reports on a summary of the status and results of the pilot program, an analysis of its effectiveness and funding, and any recommendations from the agency for improvements.	Governor, Lieutenant Governor, Speaker of the House, and Legislature	Continue
8. HUB Report	Section 493.012(b), Texas Government Code	Reports on the level of historically underutilized business participation in board and agency contracts.	Governor and Legislature	Continue
9. Management-Employee Meetings Report	Section 493.027(b), Texas Government Code	Reports on the results of meetings with organizations that represent TDCJ employees in disciplinary or grievance matters.	Criminal Justice Legislative Oversight Committee	Continue
10. Parole Caseload Report	Section 508.1142(b), Texas Government Code	Reports on situations when TDCJ is unable to meet statutory caseload guidelines for parole officers and the amount of money necessary to meet the guidelines.	Legislative Budget Board	Continue and modify as explained in Issue 5 of this staff report

## Appendix L

Report Title	Legal Authority	Description	Recipient	Sunset Evaluation
11. Parole Division Salary Payment Report	Section 508.114(a), Texas Government Code	Reports on proportional salary payments for parole officers or supervisors who also serve as a community supervision and corrections department officer.	Governor and Legislature	Continue
12. Reentry and Integration Division and Parole Division - Joint Report	Section 501.103, Texas Government Code	Reports on several key metrics and outcome measures covering the two divisions' activities.	Governor, Lieutenant Governor, Speaker of the House, the House and Senate committees of primary jurisdiction, and Reentry Task Force	Continue
13. Report on Program Policies and Female Offenders	Section 501.027(b), Texas Government Code	Reports on policies that increase and promote female inmates' access to programming.	Governor, Lieutenant Governor, Speaker of the House, the House and Senate committees of primary jurisdiction, and Reentry Task Force	Continue
14. Safe Prisons and Prison Rape Elimination Act Program	Section 501.176, Texas Government Code	Reports on investigation and monitoring activities and statistics related to sexual assault.	Governor, Lieutenant Governor, Speaker of the House, the House and Senate committees of primary jurisdiction, Board of Criminal Justice, TDCJ Executive Director, State Auditor, and Comptroller	Continue
15. Services to Wrongfully Imprisoned Persons	Section 614.021(c), Texas Health and Safety Code	Reports on services provided to assist wrongfully imprisoned persons discharged from TDCJ in accessing services.	Legislature	Abolish – instead include the same information in the Biennial TCOOMMI Report required under Section 614.009, Texas Health and Safety Code
16. Sex Offender Recidivism Report	Section 501.062(c), Texas Government Code	Reports on recidivism rate comparisons for sex offenders who have undergone an orchiectomy and those who have not.	Legislature	Abolish – TDCJ reported 2004 was the last time an offender received this procedure
17. Biennial Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) Report	Section 614.009, Texas Health and Safety Code	Reports on TCOOMMI's activities, including program evaluations, during the biennium preceding the report.	Governor, Lieutenant Governor, Speaker of the House, and Board of Criminal Justice	Continue and modify due date to December 1 of even-numbered years



## Appendix L

### Correctional Managed Health Care Committee

Report Title	Legal Authority	Description	Recipient	Sunset Evaluation
1. Student Loan Repayment Assistance	Section 501.156(d), Texas Government Code	Reports on any funds used by the committee for its statutorily authorized repayment assistance program.	Governor and Legislative Budget Board	Continue

### Windham School District

Report Title	Legal Authority	Description	Recipient	Sunset Evaluation
1. Program Evaluation Report	Section 19.0041, Texas Education Code	Reports on several metrics covering data collected for each person who participates in Windham programs.	Governor, Legislature, and Windham Board of Trustees	Continue
2. Annual Strategic Plan Report	Section 19.010, Texas Education Code	Reports on district activities under its strategic plan, including the mission, goals, and programmatic activity.	Governor, Lieutenant Governor, Speaker of the House, Windham Board of Trustees, and Texas Education Agency	Continue

### Board of Pardons and Paroles

Report Title	Legal Authority	Description	Recipient	Sunset Evaluation
1. Board and Parole Commissioner Activity Report	Section 508.036(a)(5), Texas Government Code	Reports on activities of the board and parole commissioners, release decisions, and the use of parole guidelines.	Governor and Legislature	Continue
2. Parole Guidelines Report	Section 508.1445, Texas Government Code	Reports on the application and use of parole guidelines.	Lieutenant Governor, Speaker of the House, the House and Senate committees of primary jurisdiction, and the Criminal Justice Legislative Oversight Committee	Continue



# APPENDIX M | Staff Review Activities

During the review of the Texas Department of Criminal Justice (TDCJ), Correctional Managed Health Care Committee, Windham School District, and Board of Pardons and Paroles (BPP), Sunset staff engaged in the following activities that are standard to all Sunset reviews. Sunset staff worked extensively with agency personnel; attended board and committee meetings; interviewed board and committee members; met with staff from key legislative offices; conducted interviews and solicited written comments from interest groups and the public; reviewed agency documents and reports, state statutes, legislative reports, previous legislation, and literature; researched the organization and functions of similar state agencies in other states; and performed background and comparative research.

In addition, Sunset staff performed the following activities unique to these agencies.

- Visited several types of TDCJ facilities, including prisons, state jails, an intake unit, sheltered housing, a parole office, a residential reentry center, and a Substance Abuse Felony Punishment Facility.
- Visited facilities providing medical care to inmates, including the Texas Tech University Health Sciences Center operation at the Western Region Medical Facility in Lubbock and the University of Texas Medical Branch prison hospital in Galveston.
- Surveyed current TDCJ staff and Community Supervision and Corrections Department (CSCD) directors and spoke extensively with current and former TDCJ staff and CSCD directors.
- Toured Windham classes and observed focus groups of teachers and principals.
- Observed rehabilitation programming classes operated by both TDCJ and private contractors.
- Attended a Texas Correctional Office on Offenders with Medical or Mental Impairments Advisory Committee meeting and a Reentry Task Force meeting.
- Observed parole revocation hearings, institutional parole officer interviews, and voting performed by BPP board members and parole commissioners.
- Participated in a ride-along with a parole officer.
- Attended Judicial Advisory Council and Probation Advisory Committee meetings.
- Attended a TDCJ-sponsored community engagement summit and several stakeholder engagement meetings.



Sunset Staff Review of the  
*Texas Department of Criminal Justice*  
*Correctional Managed Health Care Committee*  
*Windham School District*  
*Board of Pardons and Paroles*

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REPORT PREPARED BY

---

Darren McDivitt, *Project Manager*

Tejas Bommakanti

Will Bucknall

Jamie Kim

Sadie Smeck

Katherina Wierschke

Janet Wood

Erick Fajardo, *Project Supervisor*

---

Eric Beverly  
*Executive Director*

*Sunset Advisory Commission*

**Location**

Robert E. Johnson Bldg., 6th Floor  
1501 North Congress Avenue  
Austin, TX 78701

**Mail**

PO Box 13066  
Austin, TX 78711

**Website**

[www.sunset.texas.gov](http://www.sunset.texas.gov)

**Email**

[sunset@sunset.texas.gov](mailto:sunset@sunset.texas.gov)

**Phone**

(512) 463-1300