

# **Criminal Justice Policy Council**

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**Staff Report**



**Texas Sunset  
Advisory Commission**

**1996**

## TEXAS SUNSET ADVISORY COMMISSION

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In 1977, the Texas Legislature created the Sunset Advisory Commission to identify and eliminate waste, duplication, and inefficiency in government agencies. The 10-member Commission is a legislative body that reviews the policies and programs of more than 150 government agencies every 12 years. The Commission questions the need for each agency, looks for potential duplication of other public services or programs, and considers new and innovative changes to improve each agency's operations and activities. The Commission seeks public input through hearings on every agency under Sunset review and recommends actions on each agency to the full Legislature. In most cases, agencies under Sunset review are automatically abolished unless legislation is enacted to continue them.

**CRIMINAL JUSTICE POLICY COUNCIL**

**SUNSET STAFF REPORT**

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# **EXECUTIVE SUMMARY**

# Executive Summary



Texas' criminal justice system is expensive and expansive. State government spends more than \$6.8 billion each biennium to administer criminal justice and law enforcement programs. The Legislature created the Criminal Justice Policy Council to help the state invest this money wisely. The Policy Council provides objective information to the Legislature and Governor for use in making decisions on criminal justice issues. The Policy Council's prison population projections help determine the need for prison construction; its sentencing studies determine the impact of various punishment alternatives on available bed space; its recidivism studies provide information about the effectiveness of rehabilitation programs in prison; and its analysis of juvenile justice issues help policymakers devise plans to prevent youthful offenders from contributing to a new round of crowding in the adult system. By statute, the Policy Council is overseen by a 17-member Board, but this Board is not currently active. In reality, the agency is managed by an Executive Director who is employed by the Governor.

The Sunset staff looked at the research assignments made to the agency, the usefulness of the research information supplied by the Policy Council to the state leadership, and the functioning of the agency as a stand-alone research agency. The review focused primarily on the Policy Council's Board and the need to enhance the accountability of the agency.

## 1. Abolish the Criminal Justice Policy Council Board and Improve the Agency's Accountability.

The Policy Council Board has not met since 1985 and does not have a full membership today. Despite the lack of Board oversight, the agency has performed its research tasks with no adverse effect. Although the Board is not needed, the need for objective information in making criminal justice policy requires safeguards to maintain the quality of research and to promote accountability to the state leadership.

**Recommendation:** Eliminate the Policy Council's Board and require the Executive Director to consult the Governor, Lieutenant Governor, Speaker of the House, and House and Senate criminal justice committee Chairs when establishing research priorities. Also, grant the

Governor authority to appoint advisory committees to guide the Policy Council when needed.

## 2. Continue the Criminal Justice Policy Council for 12 years.

The Policy Council's functions in researching the state's criminal justice system continue to be needed. To provide for cost-effective solutions in the criminal justice system, the state needs an objective evaluation of programs and alternatives. The Policy Council has shown that it can perform this function well. As the agency's primary role is to advise the state leadership on criminal justice issues, no other state agency can maintain the degree of impartiality that an independent research agency can provide.

**Recommendation:** Continue the Criminal Justice Policy Council for 12 years.

## **Fiscal Impact Summary**

The recommendation to continue the Criminal Justice Policy Council would require its annual appropriations of approximately \$1.2 million to continue.

## **APPROACH AND RESULTS**

# Approach and Results



## Approach

The Criminal Justice Policy Council provides objective research information to the Governor and Legislature on criminal justice issues. State policymakers rely on the Policy Council for this information to guide state policies on such issues as the need for prison construction, criminal sentencing and its impact on prison population, and rehabilitation programs for inmates and their effectiveness in reducing recidivism. Much of the Policy Council's work since its creation has concerned prison overcrowding and improving the state's use of its limited bed space. In recent years, the Policy Council's duties have expanded to include assessing the state's juvenile justice and criminal history information systems.

The Policy Council operates as an independent agency, managed by an Executive Director chosen by the Governor and confirmed by the Senate. While its enabling statute created a 17-member Board to oversee the functions of the agency, this Board is not currently active. Instead, the agency receives its direction from legislative mandates for evaluation of different components of the criminal justice system.

In developing the approach to the review, Sunset staff evaluated the research functions of the Policy Council and its objectivity in providing research information to state policymakers. The review tried to identify ways to institutionalize approaches to research planning and evaluation techniques that exist at the Policy Council by virtue of its current Executive Director. To this end, the review sought to establish a mechanism to further insulate the agency from forces that could threaten the objectivity of its research. Because objective information is essential for policymakers to make decisions on criminal justice issues, the review focused on improving the accountability of the Policy Council to the state leadership.

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*The Sunset review sought to establish in law approaches that exist at the Policy Council by virtue of its current Executive Director.*

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## Review Activities

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In conducting the review the Sunset staff:

- Worked with the Policy Council staff;
- Worked with staff from the Legislative Budget Board and Governor's office;
- Interviewed users of the Policy Council's research and affected state agencies;
- Reviewed agency documents and reports, state statutes, legislative committee reports and previous legislation, and reports by the State Auditor's Office, and Legislative Budget Board; and
- Reviewed statutes of other state agencies headed by gubernatorial appointees.

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*Criminal justice research should be performed by an independent agency that does not have a stake in the results.*

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## Results

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The Sunset review began by asking whether the functions performed by the Policy Council are still needed. Because of the size and complexity of the state's criminal justice system, the state has a continuing need to plan for its future and to know if that system is operating efficiently and effectively. The Policy Council has the expertise to provide the objective analysis that is needed to guide the state's criminal justice policies. Further, the review found that the Policy Council, as an independent agency, is well positioned to perform this task. Because of the importance of objectivity in evaluating criminal justice issues, this analysis should be performed by an agency that does not have a stake in the results.

Once the determination was made to recommend continuing the Policy Council's function, the review focused on the agency's ability to carry out its mission free from outside, political influence. Staff identified two areas of inquiry: whether the agency's Board is still needed and how to improve the agency's accountability to the state leadership.

***The Policy Council's Board and the Agency's Accountability to the State Leadership*** - Sunset staff examined the role of the agency's Board and ways to improve accountability to the Governor and Legislature. The review found that the Policy Council's 17-member Board has not met since 1985, does not have a full membership, and has no statutorily-defined duties. The duties common to state agency boards — establishing policy, making rules, setting work priorities, and employing

the Executive Director — are all handled through other means. The agency has been able to conduct its research functions in the absence of an active Board with no apparent adverse effect.

Because the agency’s core mission — producing objective research on the criminal justice system — is best accomplished in an environment insulated from political influence, safeguards are needed to maintain the quality of research and promote greater accountability. For comparison, staff examined the functioning of other state agencies headed by Governor appointees that operate without boards or commissions. Issue 1 addresses the need for Policy Council’s Board and recommends ways to improve the agency’s accountability.

As a result of the Sunset review activities described above, the staff offers the following recommendations concerning the Criminal Justice Policy Council. These recommendations are discussed in detail in the issues presented in this report.

## Recommendations

1. Abolish the Criminal Justice Policy Council Board and Improve the Agency’s Accountability.
2. Continue the Criminal Justice Policy Council for 12 Years.

## Fiscal Impact

The recommendation to continue the Policy Council would require its annual appropriation of approximately \$1.2 million to continue. The recommendation to abolish the Policy Council Board has no fiscal impact.

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*Additional safeguards are needed to maintain the Policy Council's research quality and improve its accountability.*

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# ISSUES

# Issue 1



## Abolish the Criminal Justice Policy Council Board and Improve the Agency's Accountability.

### Background

The Criminal Justice Policy Council's Board is composed of 17 members. Board members have no established terms, but serve either at the pleasure of the appointing officer or as an ex officio member. The members include:

- the Governor, Lieutenant Governor, and Speaker of the House;
- four members of the Senate appointed by Lieutenant Governor, one of whom must be chair of Criminal Justice Committee;
- four members of the House appointed by the Speaker, one of whom must be chair of Criminal Jurisprudence Committee; and
- six members appointed by the Governor. The Governor's appointees must include the following:
  - a District Judge;
  - a District Attorney or criminal District Attorney;
  - a County Judge;
  - a County Sheriff; and
  - a County Commissioner.

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*The Policy Council's Executive Director is appointed by the Governor and confirmed by the Senate.*

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The Policy Council's Board is chaired by the Governor who also appoints the Executive Director, subject to Senate confirmation.

## Findings

- ▼ **The Board of the Criminal Justice Policy Council does not provide agency oversight functions common to state boards and commissions.**
  - ▶ The Criminal Justice Policy Council Board is not a policy body in the traditional sense. In fact, the role of the agency itself is not to create policies for the criminal justice system, but rather to provide policymakers with objective facts. In creating the Policy Council, the Legislature did not assign the agency a role in advocating policies because doing so could threaten its objectivity and independence. The role of advocating policies was assigned to a companion agency, the Criminal Justice Coordinating Council, which was later abolished when the state's criminal justice system was consolidated into the Texas Department of Criminal Justice. Generally, research agencies should not have a stake in the policies and programs they are responsible for evaluating.
  - ▶ The Criminal Justice Policy Council Board does not have rulemaking authority. The Legislature generally delegates rulemaking authority to boards to provide flexibility in implementing broad legislative directives and provide accountability for agency actions. However, because the Policy Council's mission is to produce objective research, the Board does not establish rules and has no need for this authority.
  - ▶ The Policy Council's Board does not direct the work effort of the agency — the Legislature directs the work of the agency through statute and Appropriations Bill rider. These directives are very specific as to the research projects the agency should undertake and they are routinely updated by the Legislature to accommodate its needs. The Executive Director also informally receives direction on the priority of research projects by consulting with the Governor and legislative leaders.
  - ▶ Finally, the Policy Council's Board is not responsible for employing the agency's Executive Director, who is selected by the Governor and confirmed by the Senate. In addition to the Policy Council, the Governor appoints the heads of only 10 state agencies. Seven of these agencies — Health and Human

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*The CJPC Board does not have the traditional role as a policy and oversight body.*

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Services Commission, Department of Insurance, Office of Public Insurance Counsel, Office of Public Utility Counsel, Fire Fighters' Pension Commissioner, Adjutant General's Department, and Office of State-Federal Relations — do not have boards or commissions.<sup>1</sup> The remaining agencies — Department of Commerce, Department of Housing and Community Affairs, and Texas Education Agency — have boards that serve limited functions specified in statute.<sup>2</sup> The Policy Council Board has no specific statutory functions.

▼ **The Criminal Justice Policy Council Board is not a functioning Board, having not met in 11 years.**

- ▶ Despite a requirement in the Policy Council's enabling statute for the Board to meet at least four times a year, the Board has met only twice in its 13-year existence — once in 1984 and once in 1985.
- ▶ The Policy Council Board has rarely had its full membership thus allowing it to effectively operate. Currently, only 11 of the Board's 17 positions are filled, and five of these are ex officio members.

▼ **The need for objective, reliable information in making criminal justice policy requires that safeguards be put in place to maintain the quality of criminal justice research and to promote accountability to the state leadership.**

- ▶ While the current Executive Director of the Policy Council has served under two Governors, safeguards are needed to ensure that this position continues to function as an impartial provider of facts for policymakers to use in overseeing the state's criminal justice system. The Legislature addressed this issue in 1987 when it amended the statute to prohibit the Executive Director from performing other jobs that may interfere with duties related to those of the Policy Council. The Legislature also has given the Policy Council Board the authority to appoint other advisory bodies to assist in accomplishing its duties, but the Board has not used this authority.

Other agencies with heads appointed directly by the Governor have additional methods to help the objectivity of their work. The Department of Commerce and the Department of Housing and Community Affairs have provisions for the Governor to appoint advisory bodies to provide assistance as needed on

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*Historically, the Board has not functioned, having met only twice in 13 years.*

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*Absent a Board, other safeguards are needed to ensure the Policy Council remains responsible to policymakers.*

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basic policy and technical matters before these agencies. These advisory bodies help maintain objectivity by providing a broader perspective for these agencies in performing their duties.

- ▶ While the Policy Council is favorably viewed by the state's criminal justice policymakers, safeguards are needed to assure that it remains responsive to the needs of these policymakers. Through the appointments process, the Executive Director of the Policy Council is accountable to the Governor and the Senate. The agency must also answer to the Legislature each biennium as part of the appropriations process.

Other agencies have additional safeguards to maintain responsiveness and accountability. The Director of the Office of State-Federal Relations is required to submit the agency's priorities and strategies to an Advisory Policy Board comprised of the Governor, Lieutenant Governor, and Speaker of the House, or their designees. In addition, the Executive Director of the Department of Commerce must consult with the Governor and others when conducting research into rural economic development services.

## Conclusion

The Board of the Criminal Justice Policy Council is no longer needed. All of the traditional agency oversight functions of state policy boards are handled through other means for the Policy Council or are simply not necessary. The Board has not met in 11 years and had rarely had a full membership enabling it to effectively operate. All of the functions assigned to this agency have been carried out in the absence of an active board. While the agency's core mission — to produce objective research on the criminal justice system — is best accomplished in an environment free from political influence, safeguards are needed to maintain the quality of research and promote greater accountability.

## Recommendation

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### Change in Statute

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- Eliminate the Board of the Criminal Justice Policy Council.
- Require the Executive Director of the Criminal Justice Policy Council, when formulating research priorities, to consult with the Governor, Lieutenant Governor, Speaker of the House, and the Chairs of the respective committees in the House and Senate having jurisdiction over criminal justice issues.
- Grant the Governor the authority to appoint advisory committees, if needed, to guide the Criminal Justice Policy Council.

This recommendation would remove the Board of the Criminal Justice Policy Council, but would leave the agency intact. The Governor would continue to employ the Executive Director. The requirement for the Executive Director to consult with the state leadership would formalize a process that currently takes place informally. Granting the Governor authority to appoint advisory committees replaces the current authority vested in the Board and ensures that the agency can continue to acquire input if needed.

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### Fiscal Impact

This recommendation would not have a fiscal impact to the state.

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<sup>1</sup> The Office of State-Federal Relations has an Advisory Board comprised of the state leadership.

<sup>2</sup> The Department of Housing and Community Affairs Board issues bonds, administers trust funds and may hold hearings on the Low Income Housing Plan. The Department of Commerce Board has authority to approve and issue bonds. The Texas Education Agency's Board is an elected board — the State Board of Education.



# Issue 2



## Continue the Criminal Justice Policy Council for 12 Years.

### Background

Texas' criminal justice system is expensive and expansive, and is continuing to undergo major change. State government spends about \$6.8 billion each biennium to administer adult and juvenile criminal justice and law enforcement programs, and Texas is in the final stages of completing a \$1.5 billion construction program that doubled the prison system's capacity in four years. To provide the research information necessary to manage such a system and to plan for its future, the Legislature, in 1983, created the Criminal Justice Policy Council. The Legislature formed the Policy Council as an agency independent from the operational criminal justice agencies to provide objective research information on criminal justice issues to the state leadership.

*The Policy Council was created to provide the state leadership with information to manage the state's criminal justice system.*

The Policy Council's enabling legislation charged it with a number of specific research tasks. These tasks, which are all related to the criminal justice system, include:

- conducting in-depth analysis,
- determining long-range needs and recommending policy priorities,
- identifying critical problems and recommending strategies,
- assessing the system's cost-effectiveness,
- recommending means to improve deterrent and rehabilitative capabilities, and
- advising and assisting the Legislature in developing proposed legislation.

Since the Policy Council's creation, the Legislature has added additional areas of research. These areas have mostly concerned the prison overcrowding crisis of the past decade. Major legislative additions to the Policy Council's research assignments include:

- developing inmate population projections and daily costs of prison operations,
- evaluating formulas that allocate prison beds to local jurisdictions,
- producing a study of sentencing patterns for the Punishment Standards Commission,
- evaluating the Criminal Justice Information System,
- monitoring inmate release patterns and Board of Pardons and Parole use of parole guidelines, and
- evaluating juvenile corrections programs.

The Legislature has also granted the Policy Council the authority to accept gifts and grants. The Policy Council uses this authority to accept and distribute grants as a means of assisting other agencies and local governments in improving systems for collecting and reporting criminal justice information.

In a Sunset review, continuation of an agency and its functions depends on certain conditions being met, as required by the Sunset Act. First, a current and continuing need should exist for the state to provide the functions or services. In addition, the functions should not duplicate those currently provided by any other agency. Finally, the potential benefits of maintaining a separate agency must outweigh any advantages of transferring the agency's functions or services to another agency. The evaluation of the need to continue the Criminal Justice Policy Council and its functions led to the findings discussed in the following material.

## Findings

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*The Policy Council serves as an objective source of information for criminal justice policy decisions.*

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- ▼ **The main function of the Criminal Justice Policy Council — to conduct research on the criminal justice system — continues to be needed.**
  - ▶ The size and scope of Texas' criminal justice system requires a special effort to assure that state policymakers get the information they need to guide criminal justice policy. The Policy Council serves as an objective source of information that the Legislature and Governor use in making decisions on issues such as the construction of additional state prisons or jails, the need for programs to reduce inmate recidivism, ways to improve criminal justice information systems, and strategies

for dealing with juvenile offenders. The Policy Council's efforts in each of these areas are discussed below.

- ▶ Accurate projections on the state's inmate population are critical to ensure that the state builds the correct number of prison and state jail beds to avoid both overcrowding and costly overbuilding. The Policy Council has helped the state's policymakers plan for the criminal justice system by projecting prison populations and the impact of sentencing practices on prison population. During the Legislature's efforts to solve the prison overcrowding problem, the Policy Council projected the number of incoming prisoners and the rate of inmate release. These projections allowed the Legislature to craft a prison system expansion and sentencing reform program that eliminated overcrowding. The Policy Council's ongoing efforts in this area help to ensure that prison construction and operating funds continue to be used cost-effectively.
- ▶ In an effort to reduce crime rates, the Legislature has been investing in institutional-based programs, such as for substance abuse treatment, designed to reduce inmate recidivism. To ensure that these funds are spent only on effective programs, the Policy Council collects information about the criminal behavior of program graduates and compares the results with a control group of inmates who did not participate in the program. By following up on these individuals after one, two, and three years, the Policy Council assesses the impact of the programs in reducing recidivism, calculates the cost-effectiveness of the program, and makes suggestions for improvements.
- ▶ The collection of accurate information about criminals and their crimes is an essential function for state government. This criminal justice information is widely used by police, prosecutors, judges, and Parole Board members when making decisions about arresting, prosecuting, sentencing, and paroling individuals. Because the information maintained by state agencies is composed of different pieces of information submitted by many different state and local agencies, the overall coordination of this function is important.

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*Prison population projections, long provided by the Policy Council, have helped the Legislature eliminate prison overcrowding.*

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The Policy Council performs two duties related to coordinating criminal justice information. First, the Legislature has assigned the Policy Council a role in auditing the Criminal Justice Information System. This is the state's main criminal justice information management system and is jointly maintained by the Department of Public Safety and the Texas Department of Criminal Justice. Second, the Policy Council provides technical assistance to local law enforcement agencies, courts and prosecutors in improving their use and submission of criminal justice information.

- ◆ In response to the rising crime rate among juveniles, particularly for violent crimes, the Legislature has directed the Policy Council to evaluate the effectiveness of recent reforms in reducing juvenile crimes and recidivism. Specifically, the Policy Council is responsible for evaluating the system of progressive sanctions for offenses adopted by the Legislature in 1995 as part of the juvenile justice reforms. The Policy Council also assists the Department of Protective and Regulatory Services with the evaluation of Community Youth Development Grants, which fund local efforts to prevent delinquency without the need for incarceration. Through these activities, the Policy Council provides information that can help assure that youthful offenders do not contribute to renewed overcrowding in the adult prison system.
- ▼ **Abolishing the Criminal Justice Policy Council would have a negative fiscal impact for the state.**
  - ◆ The Policy Council has recommended actions that resulted in savings of money spent on criminal justice programs. An example of the Policy Council's efforts in this area is the Correctional Substance Abuse Treatment initiative. The Policy Council's evaluation of this initiative showed that while the program was effective, planned expansion would reduce its effectiveness. The Legislature's 1995 decision to delay expansion allowed the state to save tax dollars and maintain the program's performance. The Policy Council estimates that this decision saved the state several million dollars.
  - ◆ The Policy Council has assisted the state with funding criminal justice programs through its efforts to obtain federal funds. An example of a major grant received by the agency is a \$5 million grant from the U.S. Department of Justice to

improve the criminal history reporting by Texas counties. While political subdivisions of the state may have still qualified individually for these grant funds, the total amount to be received by the state is larger due to the efforts of the Policy Council.

- ▼ **An independent agency is necessary to provide state policymakers with objective information about the criminal justice system.**
  - ▶ The review examined whether any benefits would result from combining the functions of the Policy Council with other operational criminal justice agencies. While other state agencies, including the Department of Public Safety, Texas Department of Criminal Justice, and Texas Youth Commission, conduct research on parts of the criminal justice system, none had the statutory mission to develop comprehensive analyses of the system as a whole. As a result, none of these agencies has developed the needed expertise to conduct this policy research.
  - ▶ Although the Policy Council could be attached to a larger criminal justice agency, the independence of its operations is important to its research and credibility. To be credible, research needs to be performed by an agency that is not a stakeholder in the results of the research. Information provided by these agencies that are responsible for implementing the state's criminal justice policies is not viewed with the same credibility that is provided by an independent research agency because of the inherent conflict of interest in presenting and interpreting that information. Having an independent agency evaluate the performance of agencies responsible for implementing policies ensures the needed objectivity in this process.

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*An independent agency is necessary to ensure that information provided for decisions remains objective.*

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## Conclusion

The functions currently assigned to the Policy Council continue to be needed. The state needs to research alternatives in the criminal justice system to provide for the most cost-effective solutions possible and the Policy Council has proven that it performs this function well. As the agency's primary role is to advise the state leadership on criminal justice policy, no other state agency can maintain the degree of impartiality that an independent research agency can provide.

## Recommendation

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### Change in Statute

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- Continue the Criminal Justice Policy Council for 12 years.

This recommendation would continue the Policy Council for the usual 12 years with a new Sunset date of September 1, 2009.

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### Fiscal Impact

If the Legislature continues the current functions of the Criminal Justice Policy Council, using the existing organizational structure, the Policy Council's annual appropriation of about \$1.2 million in fiscal year 1996 would continue to be required for the operation of the agency.

**ACROSS-THE-BOARD RECOMMENDATIONS**

<b>Criminal Justice Policy Council</b>	
<b>Recommendations</b>	<b>Across-the-Board Provisions</b>
	<b>A. GENERAL</b>
Modify	1. Require at least one-third public membership on state agency policymaking bodies.
Modify	2. Require specific provisions relating to conflicts of interest.
Modify	3. Require that appointment to the policymaking body be made without regard to the appointee's race, color, disability, sex, religion, age, or national origin.
Not Applicable	4. Provide for the Governor to designate the presiding officer of a state agency's policymaking body.
Modify	5. Specify grounds for removal of a member of the policymaking body.
Modify	6. Require that information on standards of conduct be provided to members of policymaking bodies and agency employees.
Not Applicable	7. Require training for members of policymaking bodies.
Not Applicable	8. Require the agency's policymaking body to develop and implement policies that clearly separate the functions of the policymaking body and the agency staff.
Not Applicable	9. Provide for public testimony at meetings of the policymaking body.
Modify	10. Provide for notification and information to the public concerning agency activities.
Not Applicable	11. Require the agency to comply with the state's open meetings law and administrative procedures law.
Apply	12. Require development of an accessibility plan and compliance with state and federal accessibility laws.
Apply	13. Require that all agency funds be placed in the treasury to ensure legislative review of agency expenditures through the appropriations process.
Apply	14. Require information to be maintained on complaints.
Apply	15. Require agencies to prepare an annual financial report that meets the reporting requirements in the appropriations act.
Apply	16. Require development of an equal employment opportunity policy.
Apply	17. Require the agency to establish career ladders.
Apply	18. Require a system of merit pay based on documented employee performance.

<b>Criminal Justice Policy Council</b>	
<b>Recommendations</b>	<b>Across-the-Board Provisions</b>
	<b>B. LICENSING</b>
Not Applicable	1. Require standard time frames for licensees who are delinquent in renewal of licenses.
Not Applicable	2. Provide for timely notice to a person taking an examination of the results of the examination and an analysis, on request, to individuals failing the examination.
Not Applicable	3. Authorize agencies to establish a procedure for licensing applicants who hold a license issued by another state.
Not Applicable	4. Authorize agencies to issue provisional licenses to license applicants who hold a current license in another state.
Not Applicable	5. Authorize the staggered renewal of licenses.
Not Applicable	6. Authorize agencies to use a full range of penalties.
Not Applicable	7. Specify disciplinary hearing requirements.
Not Applicable	8. Revise restrictive rules or statutes to allow advertising and competitive bidding practices that are not deceptive or misleading.
Not Applicable	9. Require the policymaking body to adopt a system of continuing education.

# **BACKGROUND**

# Background

## Agency History

The Legislature created the Criminal Justice Policy Council in 1983 to identify criminal justice problems and advise the Legislature in developing strategies to solve those problems.

Since the Policy Council's creation, the Legislature has added additional areas of research to the Policy Council's duties. These areas relate to the agency's core mission of analyzing key criminal justice policy problems and recommending changes. Because of the prison overcrowding problems of the past decade, most of the legislative changes have been related to improving the state's use of its limited bed space. However, in recent years the Legislature's attention has turned to problems in juvenile justice and criminal history information systems and the Policy Council's recent mandates reflects this shift. The textbox, *Legislative Mandates for Policy Council Research*, details the agency's added research responsibilities.

### Legislative Mandates for Policy Council Research

**1987** - Policy Council directed to develop prison population projections and daily operational costs to help state calculate the cost of meeting court mandates on prison overcrowding.

**1989** - Directed to evaluate formulas allocating prison beds to local jurisdictions because of complaints from county officials of hardships caused by the inability of counties to send inmates to state prisons due to overcrowding.

**1991** - Directed to conduct sentencing study for Punishment Standards Commission to help make sentences more accurately reflect the time served by prisoners.

**1991** - Directed to propose improvements to the Criminal Justice Information System as a means of increasing the information base of the criminal justice system.

**1993** - Directed to monitor inmate release patterns and Board of Pardons and Parole use of parole guidelines.

**1995** - Directed to evaluate juvenile corrections programs to identify impact on juvenile recidivism.

## Policymaking Structure

The Criminal Justice Policy Council Board is composed of 17 members who serve at the pleasure of the appointing officer. These members include:

- the Governor, Lieutenant Governor, and Speaker of the House;
- four members of the Senate appointed by Lieutenant Governor, one of whom must be chair of Criminal Justice Committee;
- four members of the House appointed by the Speaker, one of whom must be chair of Criminal Jurisprudence Committee; and

- six members appointed by the Governor. The Governor's appointees must include:
  - one District Judge;
  - one District Attorney or criminal District Attorney;
  - one County Judge;
  - one County Sheriff; and
  - one County Commissioner.

The Governor chairs the Policy Council's Board. The Board is not currently active, as its last meeting took place in 1985. In addition, of the Policy Council's 17 board member positions, only 11 are currently filled and five of these are ex officio positions.

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*The Legislature directs the Policy Council's research through legislation.*

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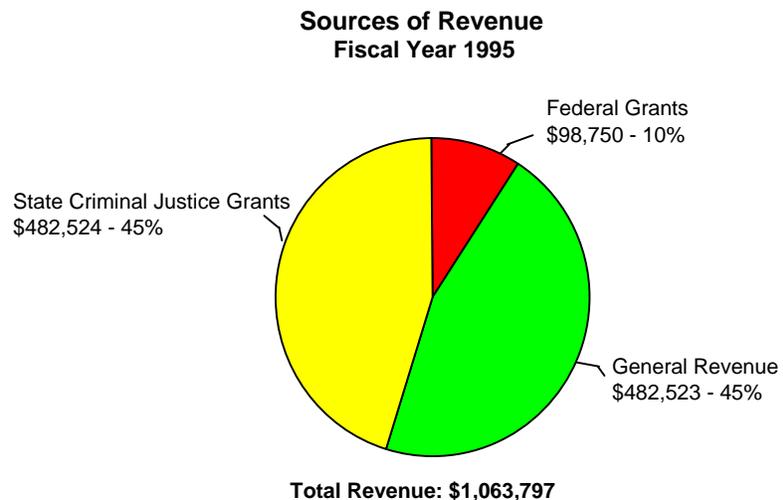
The Executive Director of the Policy Council is appointed by Governor subject to Senate confirmation. In addition, the Executive Director serves at the pleasure of the Governor and may not perform other duties that conflict with Policy Council duties. In the absence of a functioning Board, the Executive Director seeks direction from the Governor, The Lieutenant Governor, and the Speaker of the House. Direction is also provided by the Legislature through passage of legislation directing the research and duties described earlier.

## Funding and Organization

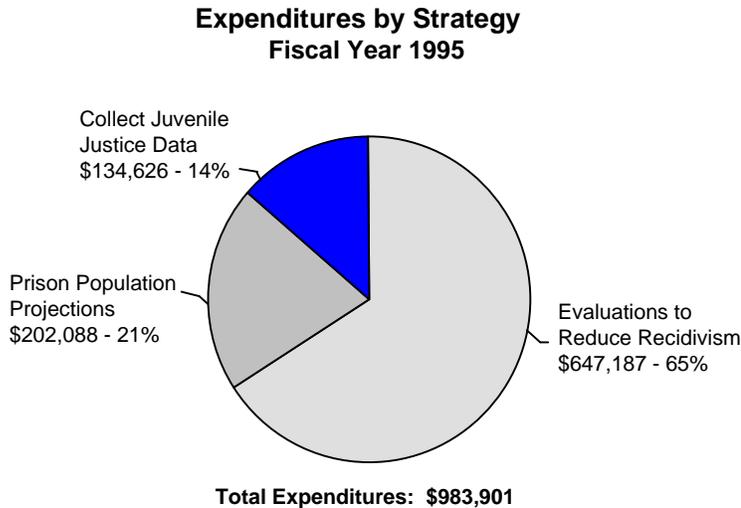
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### *FUNDING*

The Policy Council is funded by a mix of General Revenue Funds as well as state and federal grants. In fiscal year 1995, these funds totaled \$1.1 million. The chart, *Sources of Revenue — Fiscal Year 1995*, shows the amount of the Policy Council's revenue.



The Policy Council has identified a single goal in its strategic plan — to develop means to promote a more effective and cohesive criminal justice system. In fiscal year 1995, the agency implemented this goal through three strategies with a budget of about \$1 million. The chart, *Expenditures by Strategy — Fiscal Year 1995*, details the percentage of the agency’s total expenditures for each strategy.




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*The Policy Council's goal is to promote a more effective and cohesive criminal justice system.*

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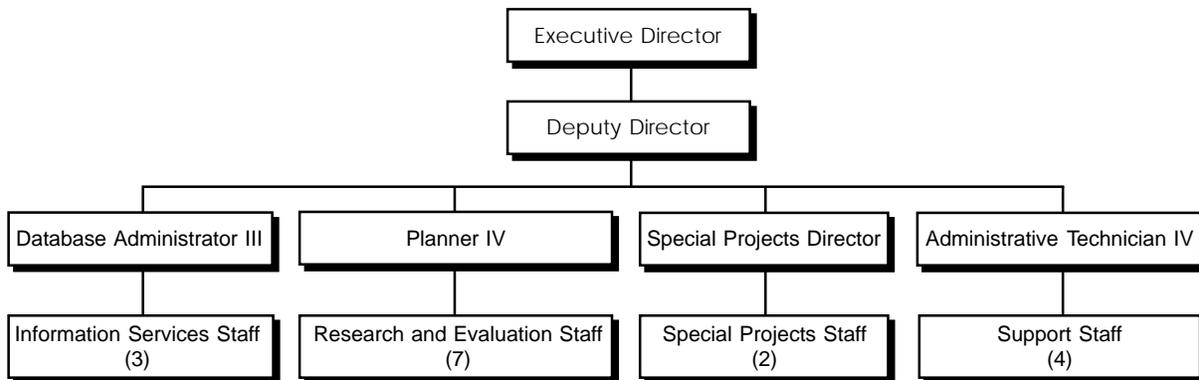
The Legislature has established a statewide goal of 30 percent of all agency contracts to be made with Historically Underutilized Businesses (HUBs). The Legislature also requires the Sunset Commission, in its reviews, to consider agencies’ compliance with laws and rules regarding HUB use. The chart, *Purchases from HUBs — Fiscal Year 1995*, shows the Policy Council’s total amount of goods and services contracted in 1995 as well as its amount of HUB participation.

<b>Purchases from HUBs Fiscal Year 1995</b>	
Total Purchases of goods and services	\$137,118
Total Spent with Certified HUBs	\$38,858
Percent Spent with Certified HUBs	28.3%
Statewide Average	15.9%
State Goal	30%

**ORGANIZATION**

The Policy Council had a staff of 22 employees in fiscal year 1995. All of the agency’s employees work at its headquarters in Austin. The organizational structure of the agency’s divisions is illustrated in the chart, *Criminal Justice Policy Council Organizational Chart*.

**Criminal Justice Policy Council  
Organizational Chart**



A comparison of the Policy Council’s workforce composition to the state’s minority workforce goals is shown in the chart, *Criminal Justice Policy Council Equal Employment Opportunity Statistics—Fiscal Year 1995*.

Equal Employment Opportunity Statistics Fiscal Year 1995							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	State Goal	Agency	State Goal	Agency	State Goal
Officials/Administration	2	0	5%	50%	8%	0	26%
Professional	13	0	7%	8%	7%	38%	44%
Technical	2	0	13%	0	14%	33%	41%
Protective Services	NA	0	13%	0	18%	0	15%
Para-Professionals	NA	0	25%	0	30%	0	55%
Administrative Support	5	20%	16%	20%	17%	60%	84%
Skilled Craft	NA	0	11%	0	20%	0	8%
Service/Maintenance	NA	0	19%	0	32%	0	27%

## Agency Operations

The Criminal Justice Policy Council has adopted three strategies to address its goal to develop means to promote a more effective and cohesive state criminal justice system. These strategies are to evaluate criminal justice programs that seek to reduce recidivism, develop adult and juvenile correctional population projections, and conduct sentencing studies. The Legislature has also assigned two work areas through Appropriations Act rider: evaluate juvenile corrections programs and audit the completeness of records in the criminal justice information system. In addition, the Policy Council has the authority to accept gifts and grants, which it uses to distribute funds to assist other agencies and local governments to improve criminal justice information systems. The Policy Council's operations in pursuit of these strategies and assignments are described in the following material.

### ***EVALUATION OF CRIMINAL JUSTICE PROGRAMS TO REDUCE RECIDIVISM***

As the state has created programs to reduce the number of inmates who commit new offenses, the Legislature has charged the Policy Council with evaluating the effectiveness of these programs. In 1991, the Policy Council fulfilled its legislative mandate in this area by studying two major criminal justice programs: the Correctional Substance Abuse Treatment Initiative and the State Jails program.

The Correctional Substance Abuse Treatment Initiative is an effort by the Texas Department of Criminal Justice (TDCJ) to reduce recidivism by treating offenders who have drug and alcohol addictions. The substance abuse initiative consists of two separate programs. The In-Prison Therapeutic Communities (IPTC) is a long-term chemical dependency treatment program for state prison inmates before reentry into society. Substance Abuse Felony Punishment (SAFP) facilities provides treatment to non-violent, felony offenders as a condition of parole. The Policy Council evaluates the effectiveness of these programs by tracking comparison groups of offenders — those who went through one of the programs and those who did not. By following up on these individuals after one, two, and three years, the Policy Council can assess the success or failure of the programs in reducing

<b>Recent Criminal Justice Policy Council Reports Related to Recidivism</b>	
<i>Evaluation of the Texas Correctional Substance Abuse Treatment Initiative: Progress Report</i>	July 1996
<i>Recidivism of Offenders in Community Corrections: The Record so Far</i>	May 1996
<i>Recidivism as a Performance Measure: The Record so Far</i>	January 1996
<i>Treatment Alternatives to Incarceration Program, An Analysis of Retention in Treatment and Outcome Evaluation</i>	March 1995
<i>The Texas Treatment Initiative - Overview and Recommendations from the Criminal Justice Policy Council Program Evaluations</i>	March 1995
<i>Projected Demand for Substance Abuse Felony Punishment Facility Beds</i>	September 1994
<i>A Briefing on State Jail Felon Dynamics</i>	September 1994

recidivism and calculate its cost-effectiveness. The Policy Council released a study of the treatment initiative in March 1995 and is continuing to study the initiative and will make recommendations for legislative action during the 75th Legislature.

The Policy Council also evaluates recidivism in the state jail program. The Legislature created state jails in 1993 as an alternative to prison for nonviolent felony offenders. To determine the effectiveness of state jails, the Policy Council is calculating the recidivism rate of state jail felons compared with similar offenders who committed their crimes before the creation of the state jail program. The Policy Council has released several preliminary studies of this program and is planning to release a more detailed study during the upcoming legislative session.

### ***DEVELOPMENT OF PRISON POPULATION PROJECTIONS***

The Policy Council plays critical roles in the administration of Texas' criminal justice system by projecting future prison inmate populations and by monitoring the Board of Pardons and Parole (BPP) use of parole guidelines. To project prison populations, the agency monitors the current number of prisoners, availability of bed space, rate of incoming inmates, and rate of inmate release. To handle the complex data needed to make these projections, the Policy Council has devised a computer simulation program referred to as the JUSTICE model. The benefits of the Policy Council's efforts in monitoring the prison population are to more cost-effectively use state and county correctional space, and provide

information to the Legislature on the impact of proposed legislation on the correctional system.

The Legislature has also required the Policy Council to monitor BPP's use of parole guidelines. These guidelines were developed in 1985 and were intended to serve as a means of reducing voting disparity among Parole Board members and to ensure that comparable time is served by inmates with similar crimes and circumstances. The Policy Council's role is to evaluate the BPP parole decision process to determine if the guidelines are being used and to recommend ways to improve their use.

#### **Recent Criminal Justice Policy Council Reports Related to Prison Population Projections**

<i>Projection of Correctional Populations in Texas Fiscal Years 1997 - 2002</i>	September 1996
<i>Evaluation of the Use of Parole Guidelines by the Texas Board of Pardons and Parole</i>	July 1996
<i>Projection of Correctional Populations in Texas: Preliminary 1996 Revisions</i>	March 1996
<i>Projection of Female Correctional Populations in Texas FY 1996 - 2000</i>	October 1995
<i>Projection of Correctional Populations in Texas FY 1996 - 2000</i>	September 1995
<i>Criminal Alien Project for the State of Texas</i>	September 1995
<i>Felony Cohort Project: Methodology and Overview</i>	August 1995
<i>CSSB 15 Projection of Paper Ready Jail Backlog FY 1995 - 2000</i>	May 1995

## SENTENCING STUDIES

In 1991, the Legislature created the Punishment Standards Commission to reform the Penal Code and sentencing laws. This effort grew largely from a lawsuit filed by Texas counties seeking compensation for housing state prison inmates. Proponents of sentencing reform argued that the state could both reduce the need for prison space and increase the time served in prison for the worst offenders. The Legislature required the Policy Council to develop research information on which the reforms could be based. This study aided the Legislature in producing the 1993 revision of the Penal Code. The agency continues to collect sentencing data to evaluate the reforms and the effect of proposed sentencing changes and to study the relationship between time served by inmates and crime rate and recidivism rates.

### Recent Criminal Justice Policy Council Reports Related to Sentencing Studies

<i>Abolishing Parole for Offenders Sentenced to Prison for Violent Offenses: Impact Analysis</i>	March 1996
<i>Projected Impact of SB 15 Under Different Policy Assumptions; Summary Report</i>	October 1995
<i>Offenders Sentenced Under Federal Sentencing Guidelines in Texas 1989 - 1993</i>	September 1995

## EVALUATION OF JUVENILE CORRECTIONS PROGRAM

The Legislature has given the Policy Council a role in researching juvenile crime and authorized it to perform functions to promote an effective and cohesive juvenile justice system. While the crime rate among adults has been dropping in recent years, the crime rate among juveniles has been rising, particularly for violent crimes. In response to the rising juvenile crime rate and concerns that youthful offenders could contribute to renewed overcrowding in the adult system, the Legislature adopted a number of juvenile justice reforms in 1995. The backbone of the reforms is the institution of a system of progressive sanctions for offenses. As the acceptance of this system by Texas counties is voluntary, the Policy Council has been given a role in comparing the counties that adopt the system with counties that do not adopt, and calculating the effectiveness of the program in reducing recidivism.

### Recent Criminal Justice Policy Council Reports Related to Juvenile Justice

<i>The Changing Profile of the Texas Youth Commission Population</i>	September 1996
<i>Top Priority: Preparing the Juvenile Justice System for the Twenty-First Century</i>	March 1996
<i>Juvenile Processing in Dallas County</i>	January 1996

In addition to its role in the progressive sanctions program, the Policy Council performs several other juvenile justice functions. These functions include aiding the Department of Protective and Regulatory Services in the evaluation of the Community Youth Development Grants, projecting juvenile correction populations, and analyzing juvenile offender demographics.

### ***EXAMINATION OF CRIMINAL JUSTICE INFORMATION***

Through its legislative authority to coordinate an evaluation of criminal justice information and its authority to accept and distribute grants, the Policy Council helps coordinate and audit federal, state, and local government efforts to improve criminal records.

These criminal records are used by law enforcement agencies to track criminals and their

crimes. Texas' central

repository for records of arrests and convictions is the Computerized Criminal History (CCH) records maintained by the Department of Public Safety, which compiles the records from information submitted by local police departments and county sheriff offices. Texas' central repository for information about prisoners, parolees, and probationers is the Corrections Tracking System (CTS) maintained by TDCJ.

<b>Recent Criminal Justice Policy Council Reports Related to Criminal History Information Systems</b>
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<i>Accuracy and Completeness of Texas Criminal History Records</i>
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September 1996
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An Appropriations Bill rider directed the Policy Council to conduct an audit of the Criminal Justice Information System (CJIS). CJIS is a joint-project between DPS and TDCJ to link the criminal history records with the corrections database. The link will allow law enforcement officials to access a complete criminal history on offenders — arrests, convictions, time served in prison, and parole or probation status. The Policy Council's audit is to determine the completeness and correctness of records in the system, and to develop recommendations for improvement to the system. This audit was completed in September 1996.

In addition to its research tasks assigned in statute and Appropriations Bill rider, the Legislature has granted the Policy Council authority to accept gifts and grants. Under this authority, the Policy Council distributes grants to other agencies and local governments to improve criminal justice information systems. In 1996, the agency was awarded a \$5 million grant from the U.S. Department of Justice's National Criminal History Improvement Program. The Policy Council is responsible for distributing these funds to the counties for the installation of equipment to electronically submit criminal history information to DPS. This information includes court disposition and fingerprint information. The grant funds will be transferred to the Policy Council in fiscal year 1997. The result of increased ability to submit information electronically will be to reduce the cost of data entry for both counties and DPS, improve the accuracy and completeness of the information, and increase the speed of which the information can be added to central database.

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