

AUSTIN/TRAVIS COUNTY REENTRY REPORT CARD

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EXECUTIVE SUMMARY

Over the last four decades, the rate of incarceration in the United States more than quadrupled and the size of the population increased from 200,000 to 1.5 million.¹ Since very few prisoners serve life sentences, sentencing and incarceration policies have also led to the highest prison release rates in history. In 1977, roughly 10,000 prisoners were released in Texas. Over the next 35 years, that number increased more than eight-fold. Some form of community supervision is often part of the reintegration process for persons with criminal histories. Roughly 4.5% of the adult population in Texas (1 out of 22) was under some form of supervision within the state's criminal justice system in 2008.²

The rising rate of prison releases strains social service, health, and housing resources at the community level. In the U.S., 70 million Americans are living with a criminal background³, and 12 million individuals have a criminal record in Texas.⁴ The stigma of a criminal record creates a significant barrier to successful reintegration back into the community. In recognition of the magnitude of the reentry and reintegration challenge facing Travis County, the Austin/Travis County Reentry Roundtable (hereafter referred to as A/TCRRT) undertook the task of creating a Reentry Report Card with the goal of documenting the nature and extent of the reentry challenge in Travis County and to identify the nature of the needs associated with successful reintegration. To document the challenge of reentry in Travis County, this report draws upon data from a variety of sources including Travis County Probation, the Travis County Sheriff's Office, the Austin Police Department, and the Texas Department of Criminal Justice.

After providing a snapshot of the state of offender reentry and reintegration in Texas and Travis County, we highlight recent policy changes at the state and local levels that may impact reentry, and offer a series of policy and practice recommendations designed to yield more effective reintegration of persons with criminal backgrounds as well as enhanced public safety.

¹ http://www.nap.edu/catalog.php?record_id=18613

² Texas Department of Criminal Justice: Reentry Update. Presented by the Texas Dept. of Criminal Justice as a Legislative update, Sept. 2012. http://www.tdcj.state.tx.us/documents/rid/Reentry_Update_09_2012.pdf

³ "Ban the Box" Research Summary; 2014. Study conducted by the National Employment Law Project. Found online June 5, 2014: http://nelp.3cdn.net/5a46a52e15014e5a4b_23m6b0k40.pdf

⁴ Bureau of Justice Statistics: Found online: <https://www.ncjrs.gov/pdffiles1/bjs/grants/244563.pdf>. The 12 million criminal records in Texas are unique individuals, but do not necessarily represent Texas residents. The 12 million represent distinct individuals with a criminal record in Texas, whether current residents or not.

HIGHLIGHTS OF THE FINDINGS

The data reveals, in the U.S.:

- 623,000 are released from prison each year
- 850,000 are on parole and 4 million on probation
- An estimated 70 million individuals have a criminal record, which equates to 29% of the adult population in the U.S.⁵

The data reveals, in Texas:

- 74,000 released from prison each year
- 85,000 are on parole
- 162,000 are on felony probation
- 96,000 are on misdemeanor probation
- An estimated 12 million have a criminal record

The data reveals, in Travis County:

- 2,400 individuals are released from prison each year
- 2,800 individuals are on parole
- 16,441 individuals are on probation
- 53,768 bookings were processed through the Travis County Sheriff's Office central booking facility in 2013⁶

Spending on Criminal Justice:

- The FY2014 operating budget for the Texas Department of Criminal Justice totaled \$3.1 billion, which equates to more than \$21,000 per prisoner per year. By comparison, the federal poverty threshold for a single member household is \$11,670
- FY2014 TDCJ funding for probation: \$300 million
- FY2014 TDCJ funding for parole: \$165 million
- FY2015 Austin Police Department budget: \$369 million

⁵ "Ban the Box" Research Summary; 2014. Study conducted by the National Employment Law Project. Found online June 5, 2014: http://nelp.3cdn.net/5a46a52e15014e5a4b_23m6b0k40.pdf

⁶ Travis County Jail data was provided by Karen Maxwell with the Travis County Sheriff's department.

RECOMMENDATIONS

- 1) Invest in “proven” evidence-based programs that decrease crime and reduce recidivism.
- 2) Work to expand “ban the box” initiatives locally and statewide, including both public and private employers.
- 3) Encourage employers in Texas to follow the Equal Employment Opportunity Commission’s (EEOC) guidelines when considering the use of criminal records in employment decisions.⁷
- 4) Work with housing providers and policymakers to expand access to housing for individuals with criminal records.
- 5) Work to expand access to, and resources for, mental health services and substance abuse treatment.
- 6) Prohibit the bulk release or bulk sale and dissemination of mug shots and criminal history records.⁸
- 7) Adopt an automatic expunction of deferred adjudications and convictions after a waiting period.
- 8) Prohibit public access to all non-conviction criminal records.
- 9) Map reentry trends and service provision.

LIMITATIONS OF THE REPORT CARD

- The analyses in this report card are limited by the extent of data made available to the A/TCRRT by government agencies and partners.
- This report card provides a descriptive overview of prisoner reentry in Austin and Travis County. This descriptive information in this report limits the generalizations made from its findings only to the Austin and Travis County area.
- Crime data reported herein reflect official offense data reported to the police. Although this information provides a reliable measure of crime in Austin and Travis County, it neglects offenses unknown to law enforcement. On average, approximately 37% of victimizations are reported to the police.⁹
- Federal probation and Federal prison populations are not listed in this report.

⁷ http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

⁸ Gaebler, Helen (2013). *Criminal Records in the Digital Age. A Review of Current Practices and Recommendations for Reform in Texas*. William Wayne Justice Center for Public Interest Law: The University of Texas School of Law. http://www.utexas.edu/law/centers/publicinterest/research/criminalrecords_report.pdf

⁹ Truman J, Langton L, Planty M (2013) Criminal victimization, 2012. U.S. Department of Justice, Bureau of Justice Statistics, Washington, DC.

INTRODUCTION

The War on Drugs, decades of strict sentencing laws, the expansion of prosecutorial powers, the creation of a private prison complex, and tough parole rules have produced the highest incarceration rates in U.S. history. In a recent article published by the National Research Council (2014), it is reported that approximately 2.2 million individuals in the U.S. are incarcerated in prisons and jails. What that means is that the U.S. has the largest incarcerated population of any nation in the world.¹⁰ Of those 2.2 million, an estimated 1.9 million will return to society following incarceration.

Jails and prisons nationwide have an obligation to provide minimal standards of care for those incarcerated; what that standard is as it relates to reentry preparation for release is poorly defined.¹¹ In the narrowest sense, the responsibilities end at the time of release. This creates a division between prisons and the community that the offender is returning to and ignores the churning of the same persons between communities and prison.

Reducing the number of ex-offenders that return to jail or prison can have a long-term and positive impact on local communities. Reentry efforts contribute to community safety by reducing ex-offender's likelihood to re-offend. Beyond reducing recidivism, reentry also has a fiscal impact. Reducing the number of ex-offenders re-offending provides relief for already overburdened local and nationwide justice system.¹²

What is Reentry: Reentry is the transition of individuals from incarceration back into the community. Incarceration includes both prisons and jails, although much of the current emphasis on “reentry” in the policy, practitioner, and academic communities focuses on prison reentry. This report, however, takes a broad approach to the challenge of reentry, and defines reentry to include all persons who have served at least some time in incarceration.

What is Recidivism: Recidivism is defined as a “return to criminal or delinquent activity after previous criminal or delinquent involvement. Since all criminal or delinquent activity committed by an offender is not known, certain indicators of subsequent criminal and delinquent activity are used to calculate recidivism rates. Some of these indicators include re-arrest, conviction, probation or parole revocation, and recommitment to incarceration.”¹³

¹⁰ The growth of incarceration in the United States, 2014, National Research Council found in <http://csgjusticecenter.org/corrections/publications/the-growth-of-incarceration-in-the-united-states/>

¹¹ Jail Reentry Roundtable Initiative. Short-term strategies to improve re-entry of jail populations: Expanding and implementing the APIC model.

Found online: http://www.urban.org/projects/reentry-roundtable/upload/osher_UI_paper.pdf

¹² Meares, T.L. 2004. Mass incarceration: Who pays the price for criminal offending? *Criminology & Public Policy*. 2: 295-302.

¹³ Statewide Criminal Justice Recidivism and Revocation Rates, January 2013. Presented to the Legislative Budget Board, Submitted to the 83rd Texas Legislature.

REENTRY ISSUES

Hundreds of thousands of men and women are released from prison into communities across the United States each year, but many do not make a successful transition: more than two-thirds are arrested within three years and one-half are returned to prison, either for parole violations or new crimes.¹⁴ It is this cycling in and out of the criminal justice system that leads to the soaring costs of incarceration, increasing the negative impact to public safety, and feeding the crippling budgetary costs at the community level. Removing an offender from the community and returning them to the same community without an individualized reentry plan or intervention (other than incarceration) is not a model for behavioral change or long-term success. Reentry interventions commonly aim to provide resources that meet an ex-offender's housing, mental health, substance abuse and employment needs.

HOUSING

Securing housing is the most immediate challenge that offenders face upon release from prison, state jail, or county jail. There are immense barriers to securing safe and decent housing, including the lack of affordable housing, stringent admissions criteria for public and private housing, and lack of income. Of consequence, the characteristics and quality of an ex-offender's living arrangement and neighborhood of residence can often be strong predictors of whether or not they will recidivate. As the risk of homelessness increases so too does the risk of re-arrest and re-incarceration.¹⁵

MENTAL HEALTH

An estimated 500,000 Texans have been diagnosed with a serious mental illness and more than two million have substance abuse issues.¹⁶ Among the population of persons with criminal histories, the percentage of those with mental illness and substance abuse issues is much higher. Fifteen percent of men returning to the community from incarceration and 35% of women reported being diagnosed with a mental illness; however, this is considered to be a conservative estimate of the actual number of persons with mental illness returning to the community from incarceration.¹⁷ Over half of state prisoners and almost two-thirds of the jail population have had mental health issues in their lives. Hence, failure to provide adequate resources and treatment for mental illness presents a major barrier to the effective reintegration of the formerly incarcerated in Texas.¹⁸

¹⁴ <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>

¹⁵ Roman, C.G. & Travis, J. Where will I sleep tomorrow? Housing, homelessness, and the returning prisoner. *Housing Policy Debate*. 2: 389-418.

¹⁶ <https://www.sunset.texas.gov/public/uploads/files/reports/DSHS%20Hearing%20Material.pdf>

¹⁷ Mallik-Kane, K. & Visser, C.A. 2008. Health and prisoner reentry: How physical, mental, and substance abuse conditions shape the process of reintegration. Research Report 1-67.

¹⁸ <http://www.bjs.gov/content/pub/pdf/mhppji.pdf>

SUBSTANCE ABUSE

Those returning from incarceration with substance abuse issues are especially challenging to reintegrate because they face higher rates of homelessness, higher rates of criminal activity, and higher rates of recidivism resulting from actions to support their addiction. Despite all of the barriers such individuals face, there are still indicators for success such as early intervention, ongoing treatment, and gender appropriate treatment. According to Mallik-Kane and Visser (2008), men who participated in in-prison treatment services that were linked to community based services were “more likely than other men to participate in treatment services both during and after prison” (p. 54).¹⁹ This illustrates the long lasting impact early intervention and treatment services in prison can have on persons with criminal histories.

EMPLOYMENT

Research has shown that stable employment is an important predictor of reentry success.²⁰ It is also widely believed that program intervention soon after prison release can be critical to long-term, reentry outcomes.²¹ Vocational training while incarcerated has shown some indicators of success in securing post-release employment. Prisoners who worked while incarcerated are two times more likely to be hired upon release than those who did not participate in a work program, for high risk offenders.²²

Formal employment restrictions for ex-offenders pose a significant barrier to successful reentry. Texas currently has over 200 laws that restrict persons with criminal histories from finding jobs and over 1,900 separate licensing and statutory restrictions that bar or limit employment to persons with criminal histories.²³

¹⁹ Mallik-Kane, K. & Visser, C.A. 2008. Health and prisoner reentry: How physical, mental, and substance abuse conditions shape the process of reintegration. Research Report 1-67.

²⁰ Visser, C.A., Winterfield, L. & Coggeshall, M.B. 2005. Ex-offender employment programs and recidivism: A meta-analysis. *Journal of Experimental Criminology*. 3: 295-316.

²¹ Brazzell, D. et al. 2009. From the classroom to the community: Exploring the role of education during incarceration and reentry. *Urban Institute*.

²² Seiter, R.P. & Kadela, K.R. 2003. Prisoner reentry: What works, what does not and what is promising. *Crime & Delinquency*. 49: 360-388/

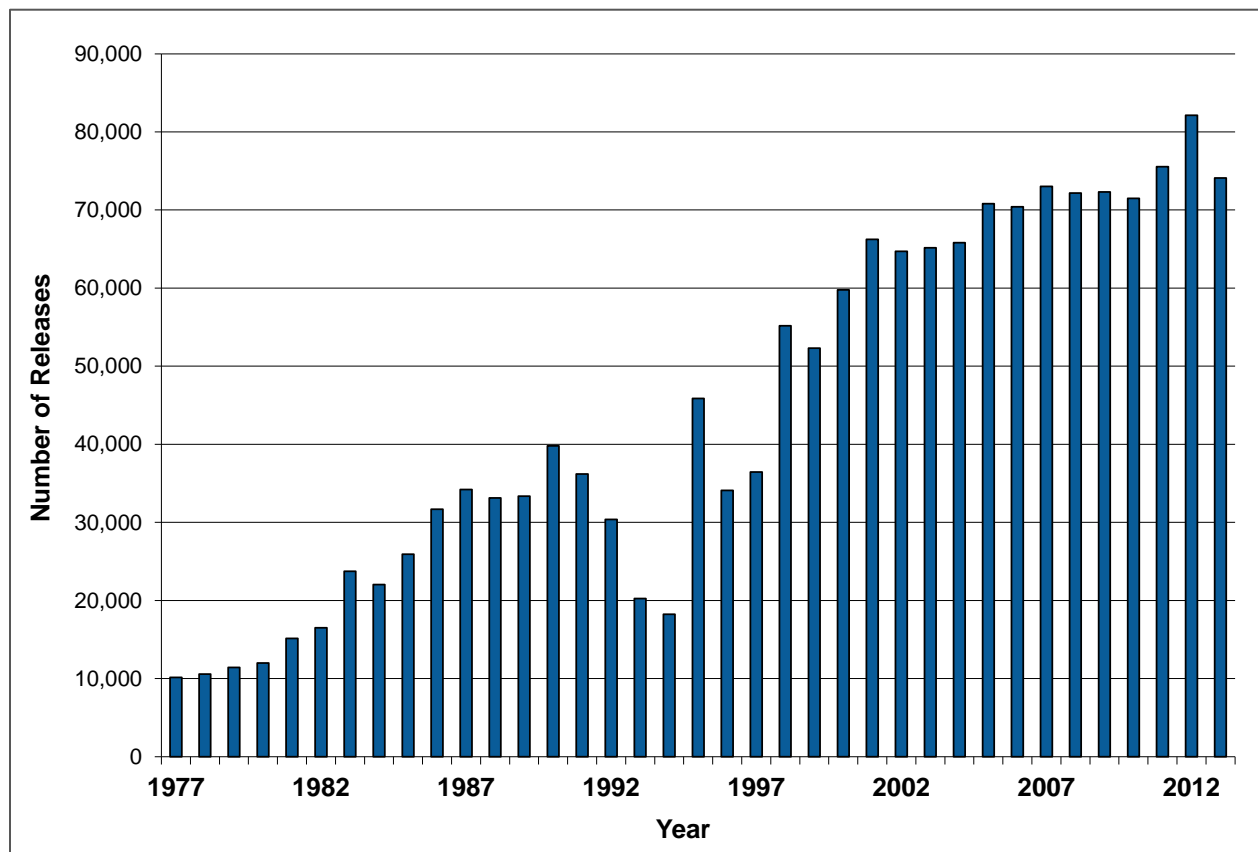
²³ <http://www.sll.texas.gov/library-resources/collections/statutory-restrictions-on-convicted-felons/>

A SNAPSHOT OF PRISONER REENTRY IN TRAVIS COUNTY

This section attempts to paint a portrait of prisoner reentry in Travis County in terms of release trends, demographic characteristic of persons with criminal records, geographic patterns of returning prisoners, crime rates and revocations. Additional consideration will be given to the topics of substance abuse, mental health, housing, employment and educational deficits. If we understand offenders' crimes and review their life circumstances, then we would be better equipped to design successful interventions into our reintegration programming.

According to the Bureau of Justice Statistics, 74,093 prisoners were released from state prison in Texas in 2013. Nationally, the number of prisoners released from state and federal prison peaked in 2008, with 734,144 releases. Due in part to the substantial decline in the number of prison releases in California—per California's Criminal Justice Realignment Act of 2011, which shifts the responsibility for managing low-level felons from the state to the counties—the number of prisoners released nationwide in 2013 totaled 623,337.

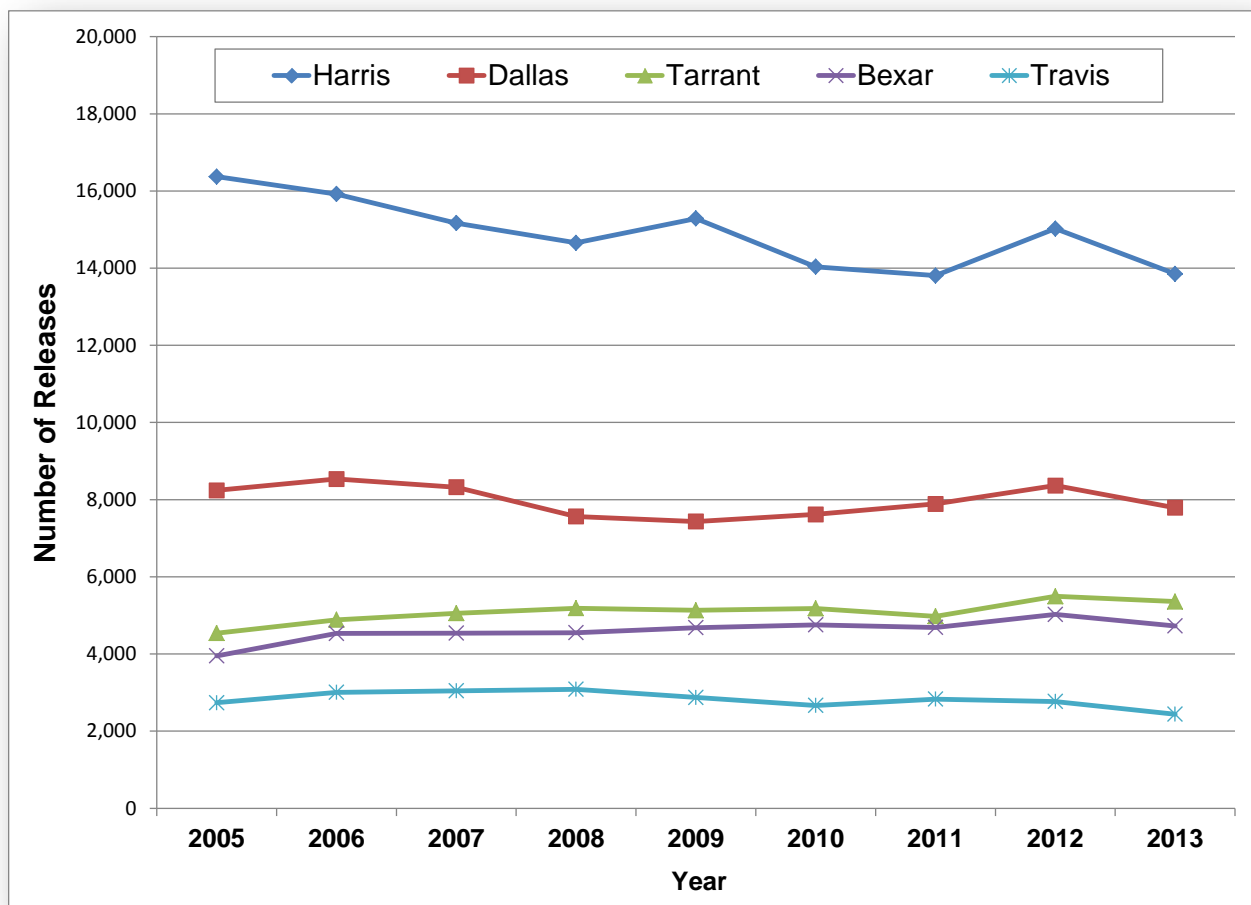
Figure 1. Texas Prison Releases, 1977-2013²⁴



²⁴ Source: Bureau of Justice Statistics, National Prisoner Statistics

Figure 2 depicts release trends in the five counties in the state with the greatest number of prison releases. We can see in this figure that Harris County (Houston) far outpaces other metropolitan counties in terms of the number of released prisoners, with approximately 14,000 in 2013. Approximately 20% of prison releases in Texas are of individuals convicted in Harris County. In 2013, TDCJ released roughly 2,400 individuals originally convicted in Travis County, which represents 3.4% of the total number of prisoners released in that year.

Figure 2. Texas Prison Releases by County, 2005-2013²⁵



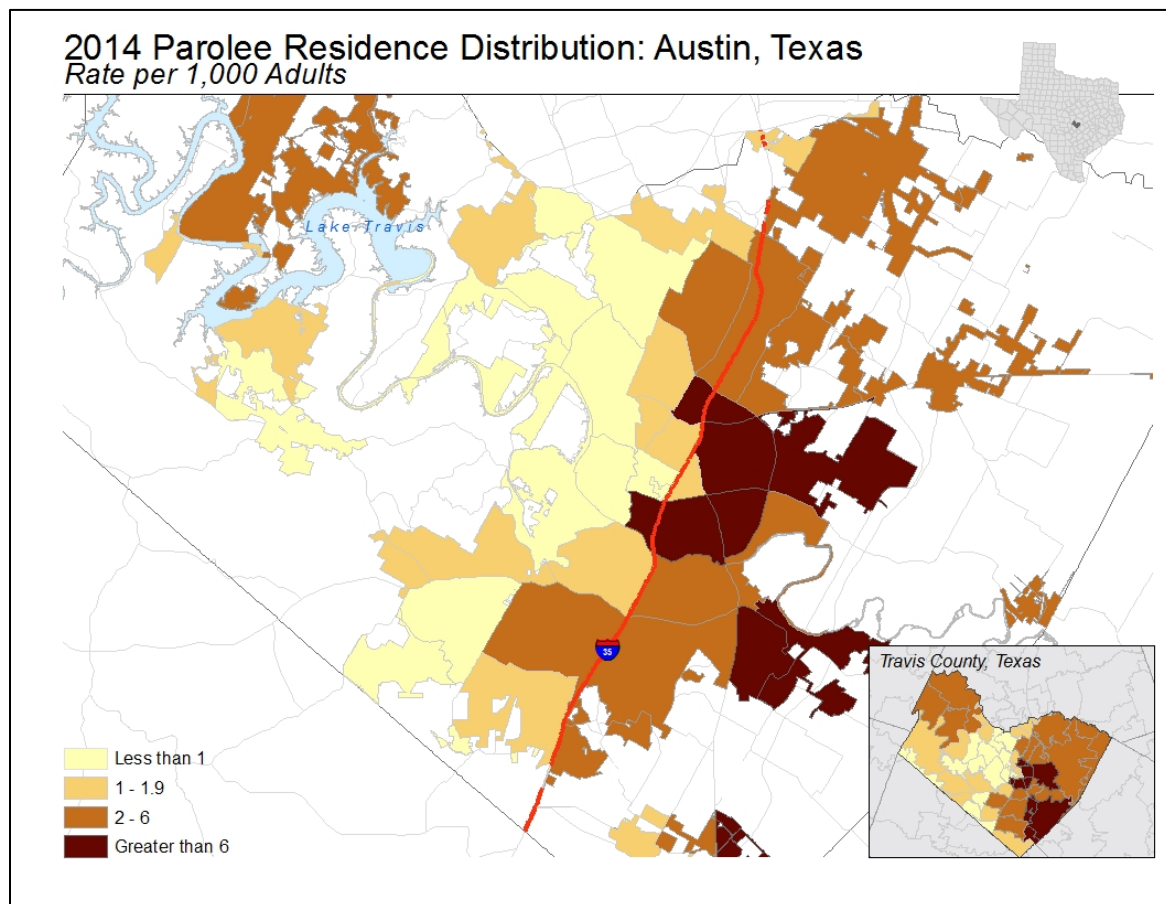
²⁵ These figures are drawn from the Texas Department of Criminal Justice's annual Statistical Report. For the 2013 report, see: http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2013.pdf. TDCJ reports the total number of releases by the county of conviction, which may not necessarily be the county in which a given individual returns upon his or her release from prison.

THE GEOGRAPHIC DISTRIBUTION OF RETURNING PRISONERS IN TRAVIS COUNTY

In Travis County, there are approximately 2,800 individuals on active parole on any given day. These parolees are unevenly spread across 41 ZIP codes. Just eight ZIP codes account for more than one-half of the parolees in Austin, with the greatest concentrations occurring in ZIP code 78723 (10%) and 78741 (8%).²⁶

Most neighborhoods in Austin have few parolees (fewer than 2 per 1,000 residents). Yet, there are a select few ZIP codes where active parolees make up a very sizeable proportion of the neighborhood residents. Figure 3 reveals that it is most certainly not the case that returning prisoners are evenly distributed across geographic space; rather, prisoner reentry is concentrated.

Figure 3. Parolee Resident Distribution in Austin, TX, 2014 (Rate per 1,000 Adults)²⁷



²⁶ Note: these numbers exclude parolees released to ZIP code 78617 (Del Valle), where the Austin Transitional Center halfway house is located.

²⁷ Source: Texas Department of Criminal Justice

ZIP codes with high concentrations of returning prisoners tend to be some of the most resource deprived sections of the county. For instance, according to the 2012 American Community Survey five-year estimates, in ZIP Code 78741 the unemployment rate was 9.1%, relative to the county (7.3%) and state (7.7%) during the same time period. As for poverty, 35.2% of families in 78741 were below the federal poverty level compared to 12.3% in Travis County and 13.5% in the state. In terms of education, 63.1% of residents aged 25 or more had a high school degree or higher compared to 86.9% in Travis County and 80.8% across the entire state.²⁸

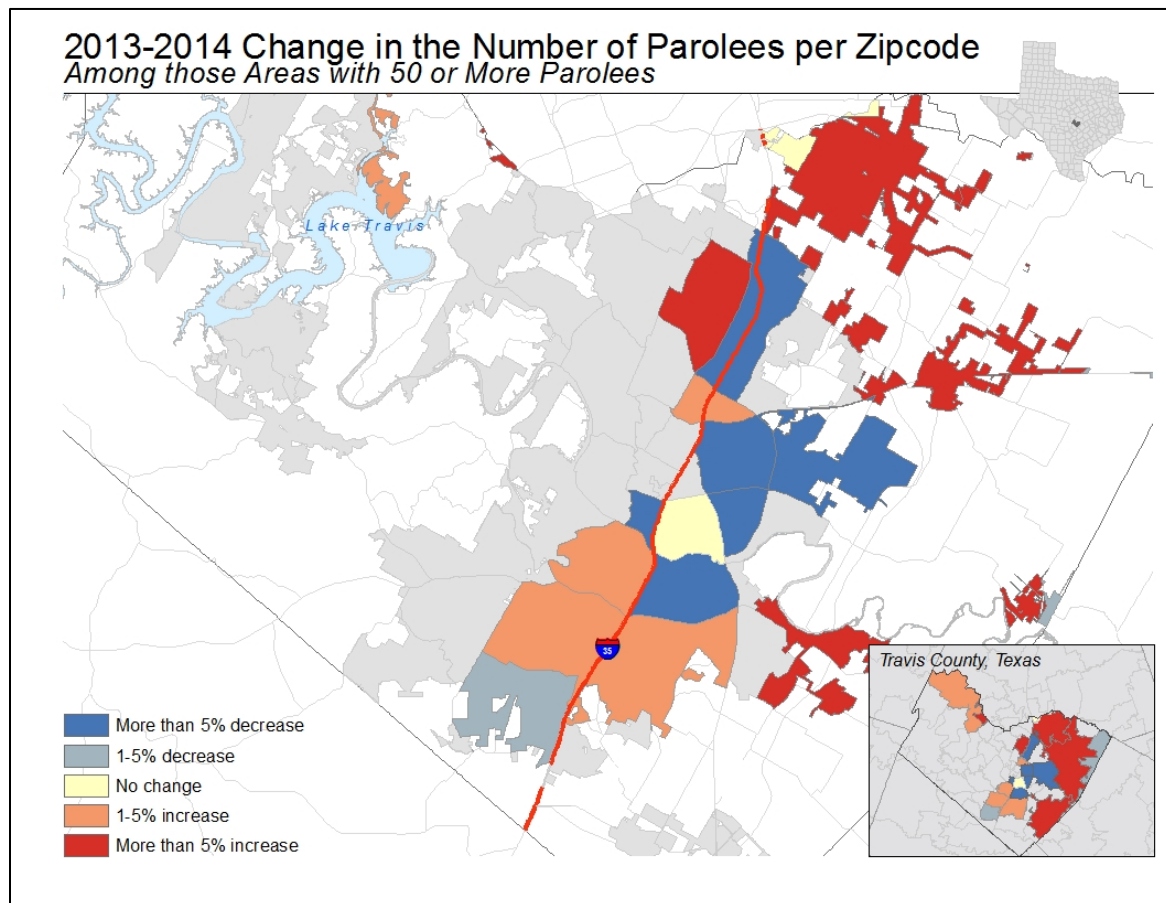
In contrast to Figure 3, Figure 4 on the next page shows the one-year change in the geographic distribution of parolees in Austin and Travis County (the inset map). Interestingly, comparing these two figures, it appears that many of the ZIP codes that have traditionally provided residence to many parolees actually saw declines in the number of parolees from 2013 to 2014. For instance, the number of active parolees in ZIP code 78723 declined from 242 to 220 between 2013 and 2014, representing a 9% decline in the number of parolees. In 78741, the number of parolees declined from 222 to 185 (16.7% decline). In contrast, the number of parolees in ZIP code 78653 (Manor) increased by 12% between 2013 and 2014, and the number of parolees increased by 10% in 78660 (Pflugerville).

In essence, it appears that residential patterns are moving east. Rather than locating on the east side of Austin, parolees are increasingly residing in communities on the east side of Travis County outside of Austin. Just as the Austin metropolitan area has seen an extreme suburbanization of poverty over the past decade, we are potentially seeing that the geographic distribution of parole is following the same course.²⁹ To the extent that returning prisoners are moving outside of the City of Austin, there are potentially major ramifications. For instance, with social services concentrated in central Austin, the migration of parolees to communities further away from the center of town means that it is more challenging for parolees to access services. Moreover, the burden of reintegrating former prisoners shifts relatively more to Travis County.

²⁸ <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

²⁹ See: <http://confrontingsuburbanpoverty.org/wp-content/uploads/metro-profiles/Austin-TX.pdf>

Figure 4. Change in the Number of Parolees per ZIP Code, 2013-2014 (Among those Areas with 50 or More Parolees)³⁰



³⁰ Source: Texas Department of Criminal Justice

TRAVIS COUNTY JAIL POPULATION

The table below provides a snapshot of the Travis County Jail population and how incarcerated individuals are released.³¹ Unfortunately, indicators of race, ethnicity, offense type, and age were not available at the time of the report. See Appendix A for definitions of terms.

Bookings	FY 2010	FY 2011	FY 2012	FY 2013
Total CBF Bookings	60,735	58,454	54,391	53,768
Male	47,536	45,324	41,683	41,104
Female	13,199	13,130	12,708	12,664

Individuals	FY 2010	FY 2011	FY 2012	FY 2013
Individuals Booked	44,068	42,831	40,817	40,496
Male	33,760	32,401	30,644	30,333
Female	10,308	10,430	10,173	10,163

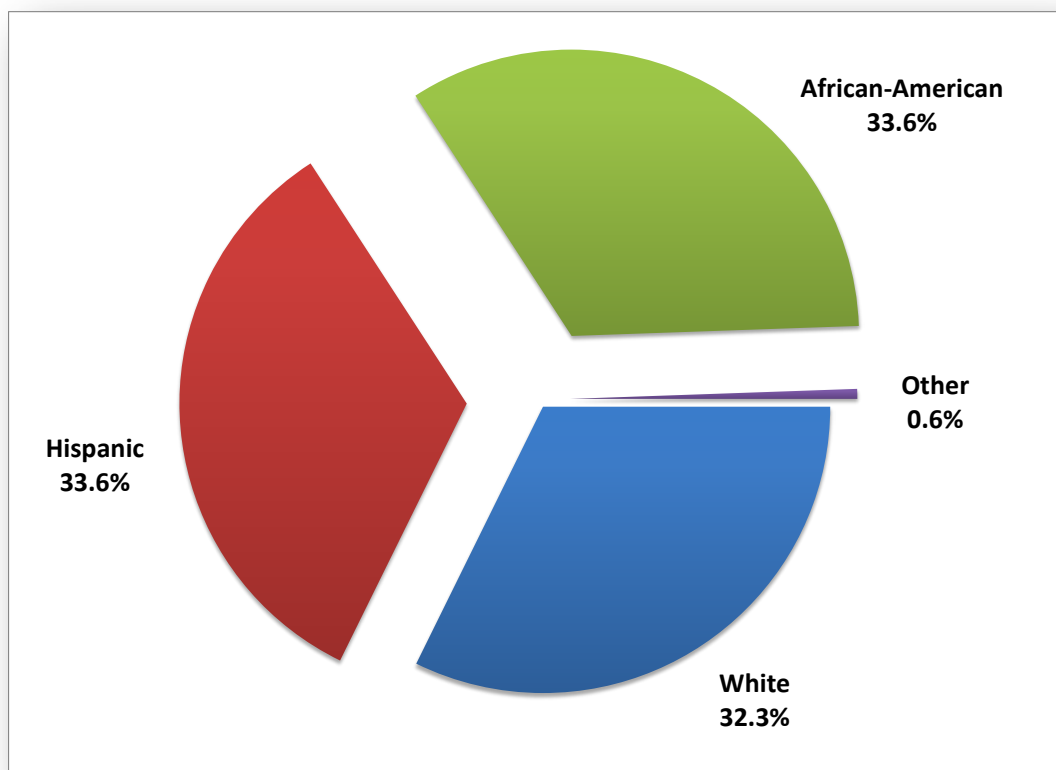
Releases	FY 2010	FY 2011	FY 2012	FY 2013
CBF/TCJ Releases	39,800	38,291	35,777	36,081
TCCC Releases Sent to Del Valle	22,240	21,804	20,608	19,036
Total releases for the following reasons:	62,040	60,095	56,385	55,117
Bonds	27,086	27,425	26,326	27,066
Completed Sentence	10,751	10,705	9,979	9,076
Other Agency	8,900	7,965	7,496	6,773
Probation/Parole	896	736	717	647
Other	14,317	13,264	11,867	11,555 ³²

³¹ The Travis County Sheriff's Office data was provided by Karen Maxwell, Senior Planner. Travis County Community Supervision and Corrections department data was provided by Sigrid Levi-Baum, Business System Consultant, Associate.

RACE AND ETHNICITY OF THE OFFENDER POPULATION IN TEXAS AND TRAVIS COUNTY

Figures 5 and 6 depict the racial and ethnic distribution of TDCJ prison releases statewide (Figure 5) and Travis County probationers (Figure 6). Whereas non-Hispanic Whites makeup approximately 45% of the general state population, they account for 32% of the persons released from TDCJ in FY2012.³³ Hispanics make-up 38% of the state population and almost the same percentage of TDCJ releases (33.6%). Where there is a substantial amount of disproportionality in the use of incarceration is with the African-American population. African-Americans account for 12% of the state population yet nearly 34% of TDCJ releases.

Figure 5. Race and Ethnicity of TDCJ Prison Releases Statewide, FY2012³⁴



In order to determine to what extent disproportionality in the use of incarceration is the product of race and ethnic differences in criminal offending, it is necessary to analyze the true volume of criminal offending across demographic groups. Because law enforcement only know about those

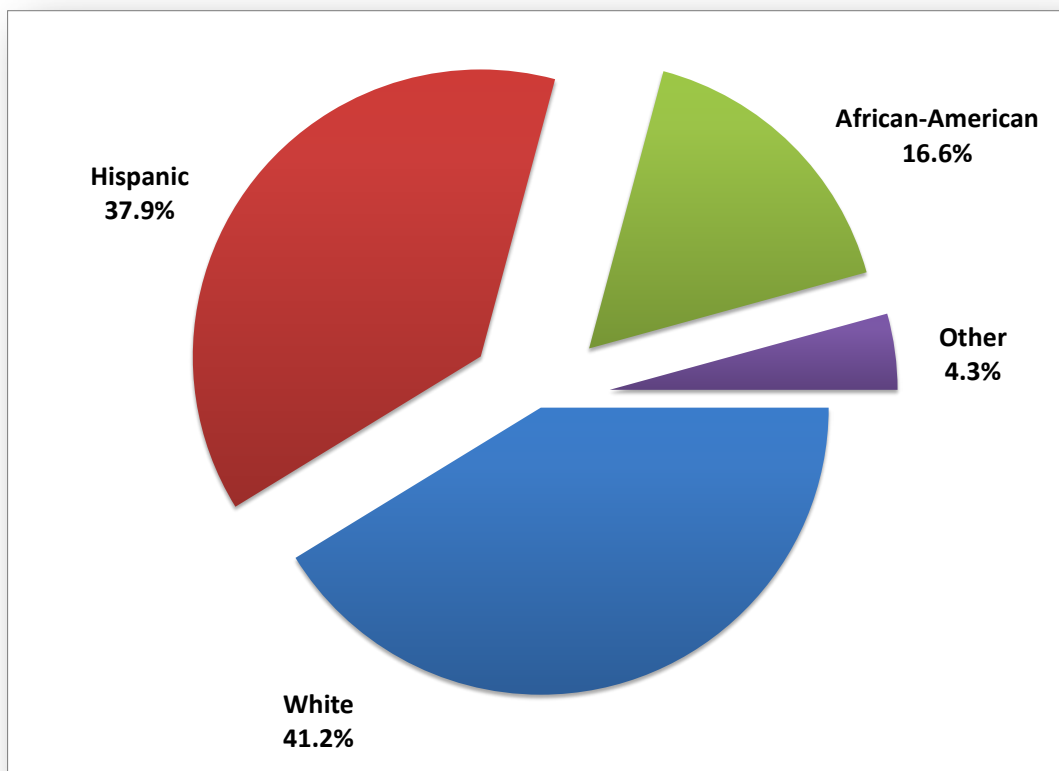
³³ For State of Texas population estimates, see: <http://quickfacts.census.gov/qfd/states/48000.html>.

³⁴ Source: Texas Department of Criminal Justice

crimes that are reported and those offenders who are arrested, confidential self-report surveys are necessary to describe true differences in offending across race and ethnicity.³⁵ In this regard, criminological research reveals that African-American males are significantly and substantially more likely to be arrested and sanctioned for a crime relative to White and Hispanic males even after accounting for any differences across race and ethnicity in the rate of criminal offending.³⁶

In terms of Travis County probationers, whereas non-Hispanic Whites makeup approximately 50% of the population of Travis County, they account for 41% of probationers.³⁷ Hispanics make-up 34% of the county population and slightly more of the probation population (37.9%). African-Americans account for 9% of the county population yet nearly 17% of probationers.

Figure 6. Race and Ethnicity of Travis County Probationers, FY2013³⁸



³⁵ The Community Advancement Network, as part of its Community Dashboard, has undertaken an important effort to document racial and ethnic disproportionality in criminal justice outcomes in Travis County. This work could advance even further with data from a rigorous self-report survey of criminal offending from a representative sample of residents of Travis County. See: <http://www.cancommunitydashboard.org/drilldowns/jail-bookings.php>.

³⁶ Kirk, D.S. 2008. The neighborhood context of racial and ethnic disparities in arrest. *Demography*. 45: 55-77.

³⁷ For Travis County population estimates, see: <http://quickfacts.census.gov/qfd/states/48/48453.html>.

³⁸ Travis County Community Supervision and Corrections department data was provided by Sigrid Levi-Baum, Business System Consultant, Associate.

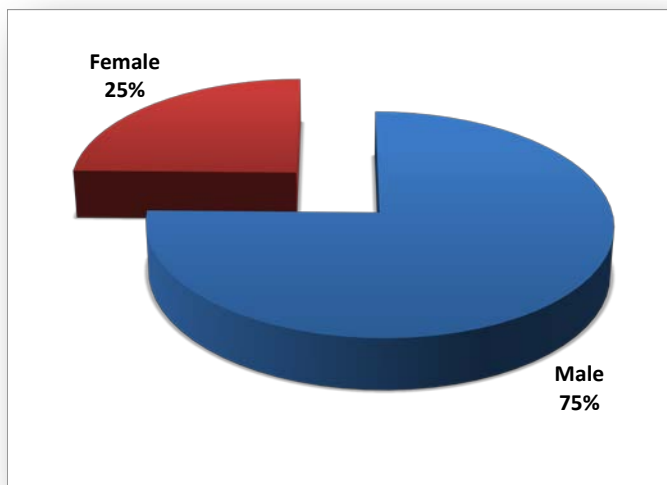
GENDER OF THE OFFENDER POPULATION IN TEXAS AND TRAVIS COUNTY

Figures 7 and 8 depict the gender distribution of TDCJ prison releases statewide (Figure 7) and Travis County probationers (Figure 8). Whereas males makeup roughly half of the statewide and Travis County population, they account for 85% of the TDCJ releases from prison and 75% of Travis County probationers.

Figure 7. Gender of TDCJ Prison Releases Statewide, FY2012³⁹



Figure 8. Gender of Travis County Probationers, FY2013⁴⁰



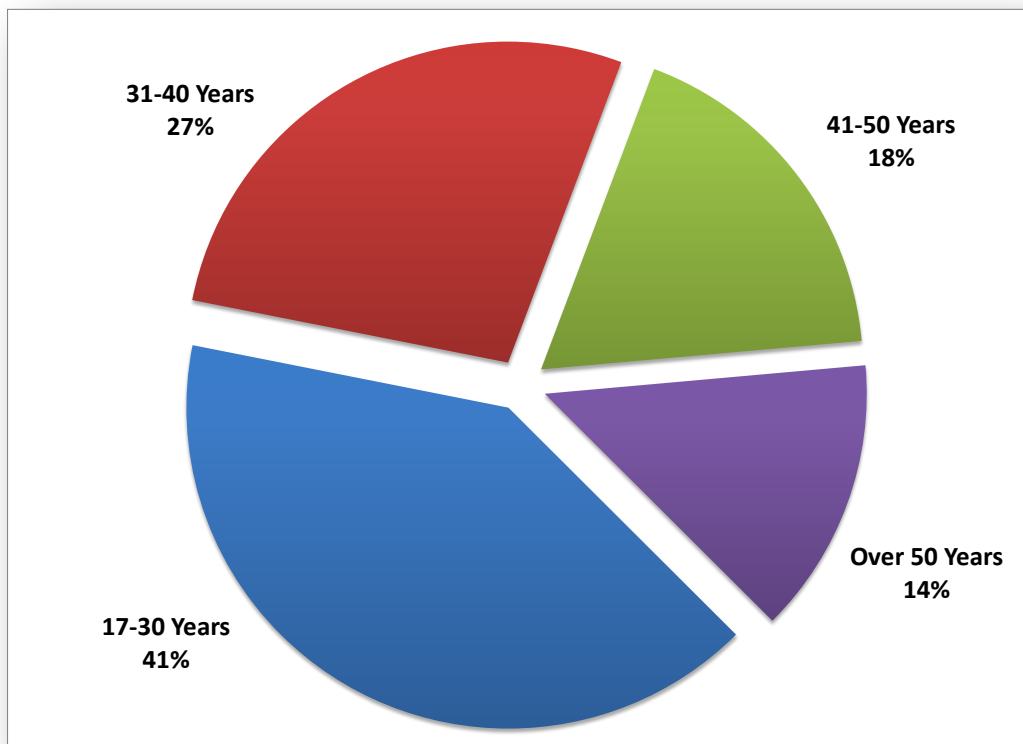
³⁹ Source: Texas Department of Criminal Justice

⁴⁰ Travis County Community Supervision and Corrections department data was provided by Sigrid Levi-Baum, Business System Consultant, Associate.

AGE DISTRIBUTION OF THE OFFENDER POPULATION IN TEXAS AND TRAVIS COUNTY

Nationwide criminal arrest data from the Federal Bureau of Investigation's Uniform Crime Reports reveals that almost 60% of arrests made involve arrestees age 30 or younger.⁴¹ Roughly another 20% of arrestees are between the ages of 31 and 40, with the remainder over 40. Roughly 35% of TDCJ prison releases are under the age of 30, and about 65% under the age of 40. Figure 9 presents the age distribution among probationers in Travis County.⁴² The older age distribution relative to the population of arrestees in the U.S. is due in part to the high volume of DWI and DUI offenders among probationers in Travis County, which oftentimes involves offenders outside of the 17-30 age range.

Figure 9. Age Distribution of Travis County Probationers, FY2013⁴³



⁴¹ <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/38tabledataoverviewpdf>

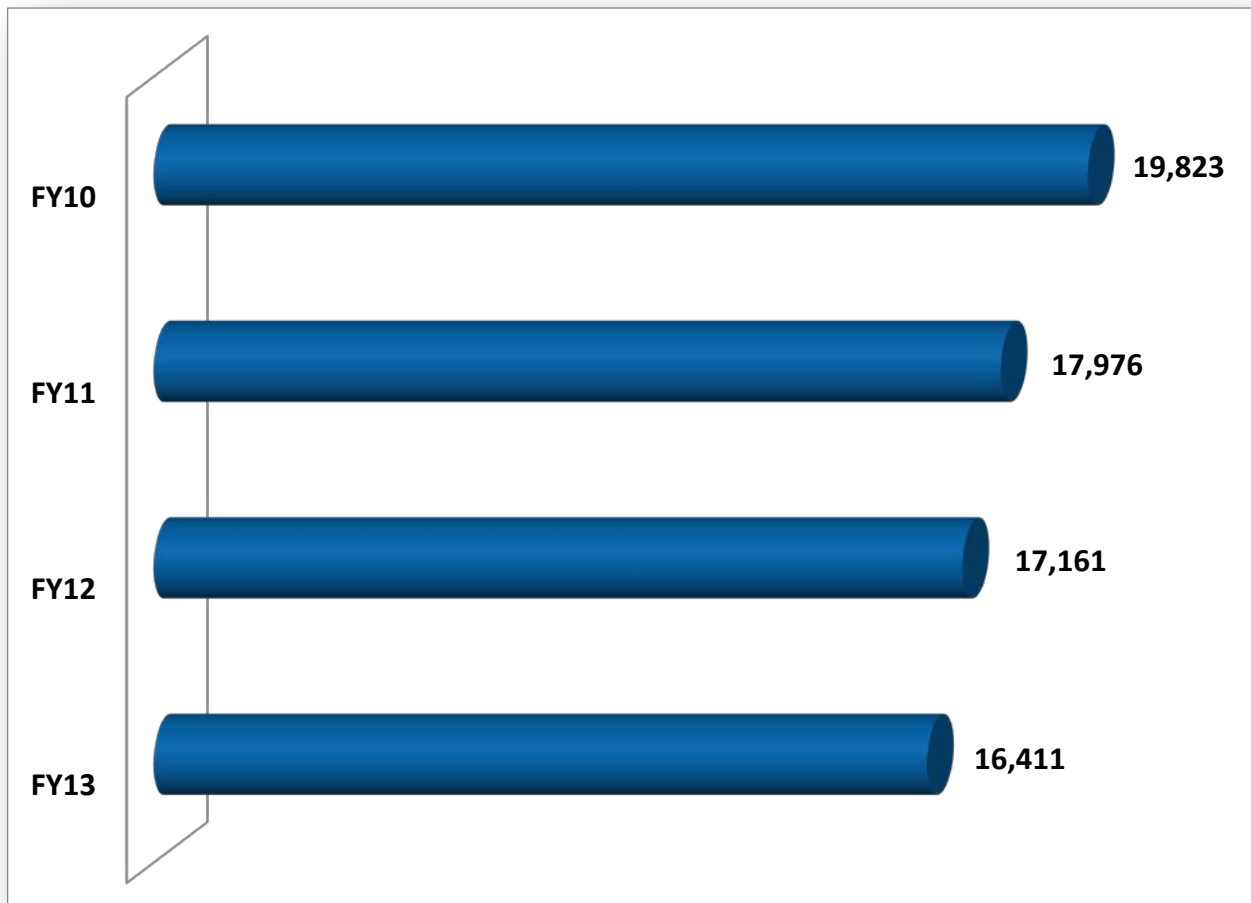
⁴² http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2012.pdf

⁴³ Travis County Community Supervision and Corrections department data was provided by Sigrid Levi-Baum, Business System Consultant, Associate.

TRENDS IN TRAVIS COUNTY PROBATION

The number of probationers in Travis County has declined substantially over the past four years, from 19,823 in FY2010 to 16,411 in FY2013 (representing a 17% decline). This decline in the number of probationers is likely due, in part, to declining crime in Austin as well as declines in probation revocations among active probationers.

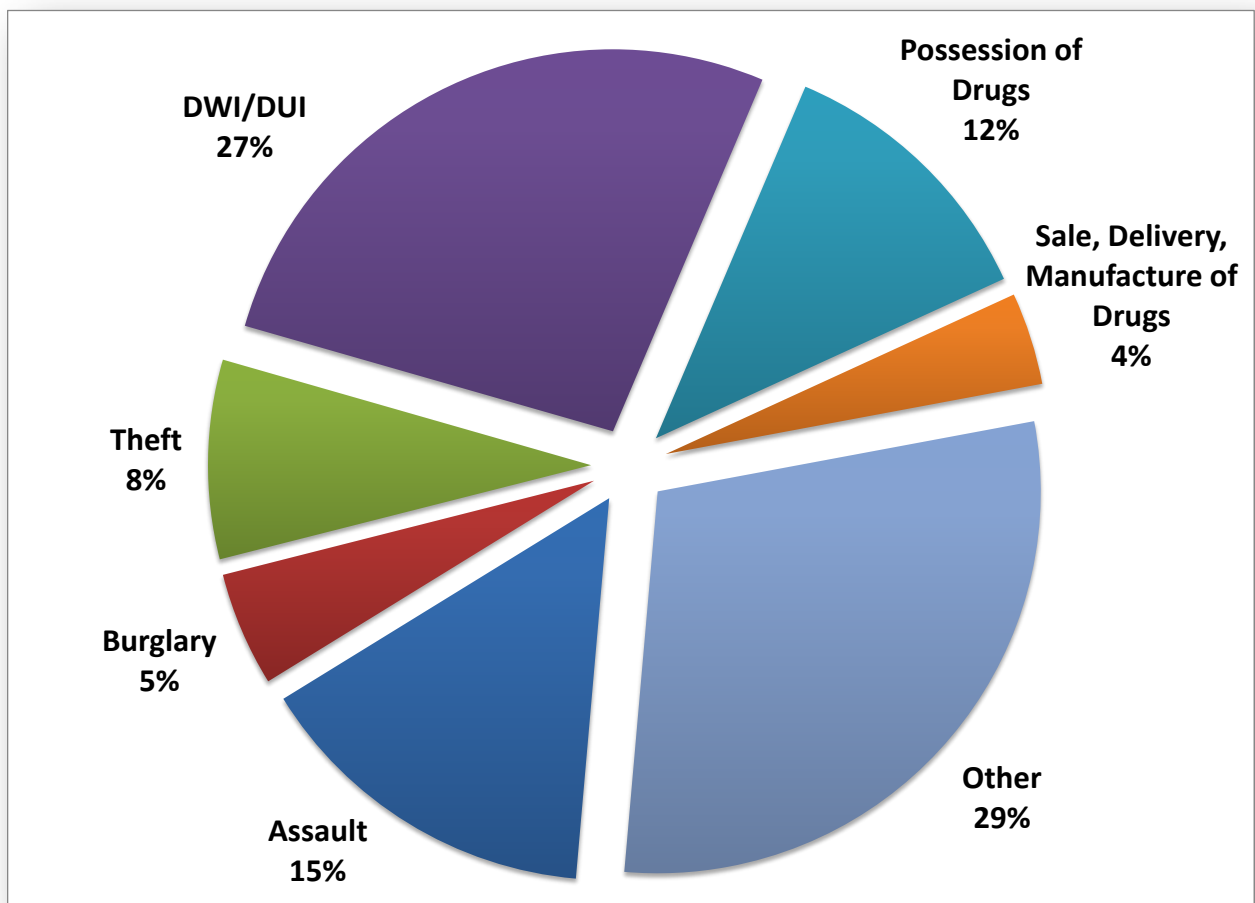
Figure 10. Trends in the Number of Probationers in Travis County at Year-End⁴⁴



⁴⁴ Travis County Community Supervision and Corrections department data was provided by Sigrid Levi-Baum, Business System Consultant, Associate.

As can be seen in Figure 11, individuals under criminal justice supervision for Driving While Intoxicated (DWI) or Driving under the Influence (DUI) account for the largest share of probationers in Travis County, totaling 27% of probationers. The next largest category is assault with 15%, followed by individuals on probation for the possession of drugs at 12%. In contrast to the offense distribution of probation, TDCJ reports that almost 34% of releases to parole are for drug offenses, with another 23% violent offenders and 24% property offenders.⁴⁵

Figure 11. Percentage of Travis County Probationers by Offense Category, FY2013



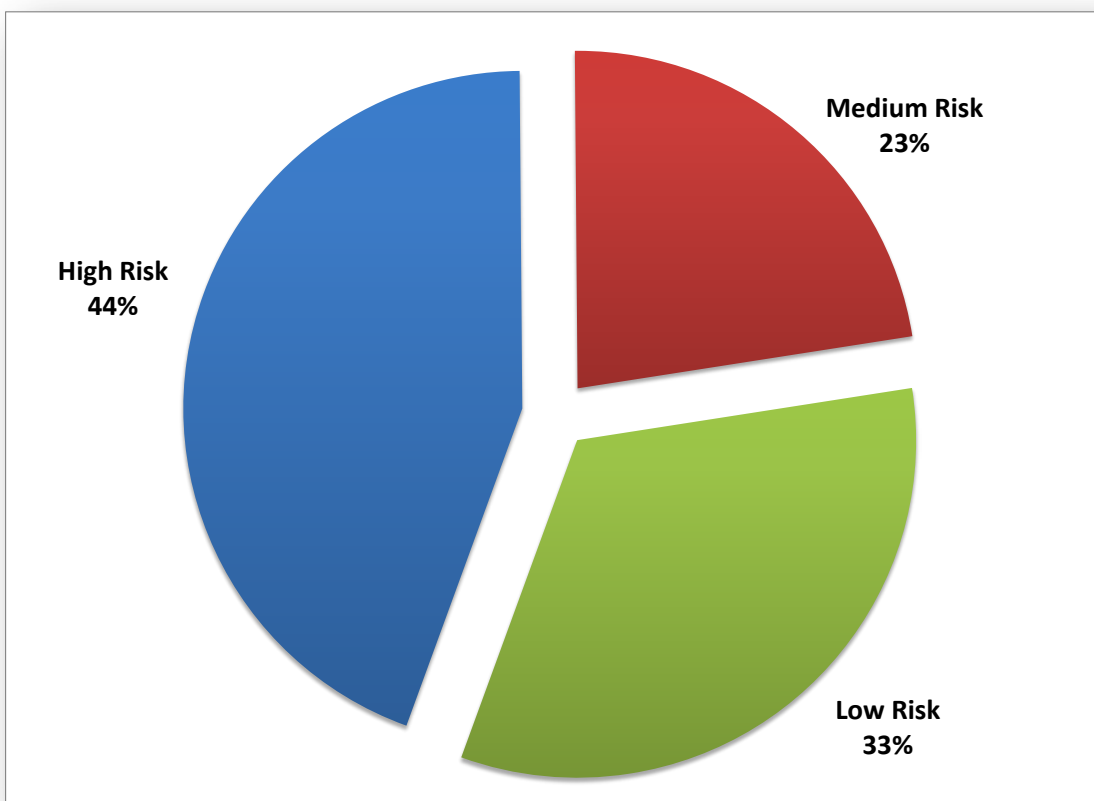
⁴⁵ http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2012.pdf

RISK ASSESSMENT AMONG TRAVIS COUNTY PROBATIONERS

Figure 12 describes the risk category for persons on Community Supervision in Travis County.⁴⁶ A risk assessment is completed to determine a client's risk of re-offending at probation intake, with a second interview done 6 months later to re-assess risk.

Changes in risk assessment scores may occur during the re-assessment due to changes in dynamic risk factors such as employment, living stability and alcohol or drug use. Probation officers use the risk assessment score to help determine what level of supervision the client should receive and what programs would be best for the client.

Figure 12. Initial Risk Assessment Classification, Travis County Probationers FY 2013⁴⁷



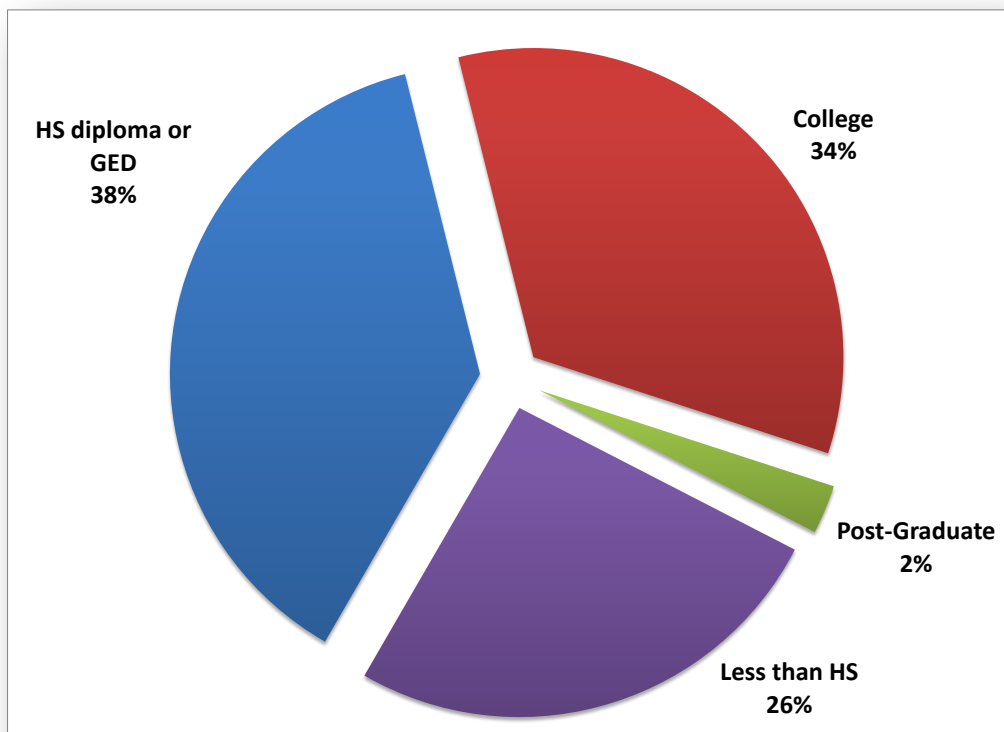
⁴⁶ Recommendation 2.2 from the 2012-2013 Sunset Review of TDCJ specified the creation and implementation of a system-wide risk and needs assessment tool for use for offenders in prison as well as those on probation and parole. Implementation of the Texas Risk Assessment System (TRAS) is in progress. The new tool will assess similar risk and need items to the tool that is presently in use.

⁴⁷ This figure does not include probationers who did not receive a risk assessment, which includes probationers who transferred to Travis County after intake and those who were not assessed at intake. Travis County Community Supervision and Corrections department data was provided by Sigrid Levi-Baum, Business System Consultant, Associate.

EDUCATION AND EMPLOYMENT OF TRAVIS COUNTY PROBATIONERS

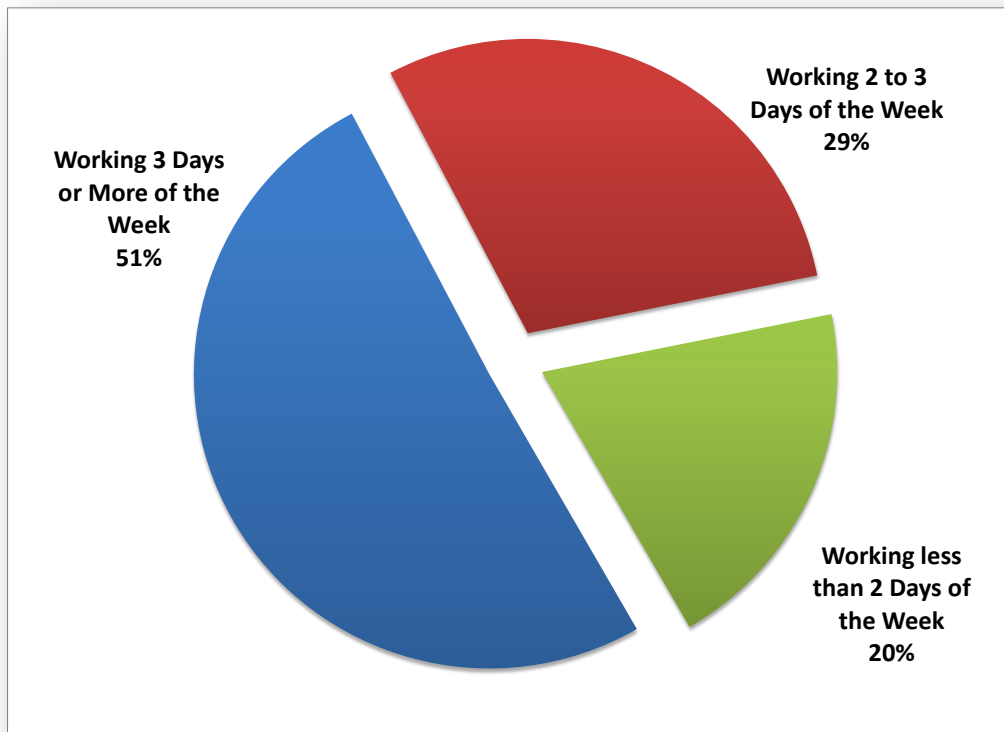
As can be seen in Figure 13, almost three-quarters of Travis County probationers have at least a high school diploma or GED. Thirty-four percent are college educated, with another two percent with post-graduate education. In Figure 14 on the next page, it can be seen that slightly more than half of probationers are working at least three days per week.

Figure 13. Level of Education, Travis County Probationers FY2013⁴⁸



⁴⁸ Travis County Community Supervision and Corrections department data was provided by Sigrid Levi-Baum, Business System Consultant, Associate.

Figure 14. Level of Employment, Travis County Probationers FY2013⁴⁹



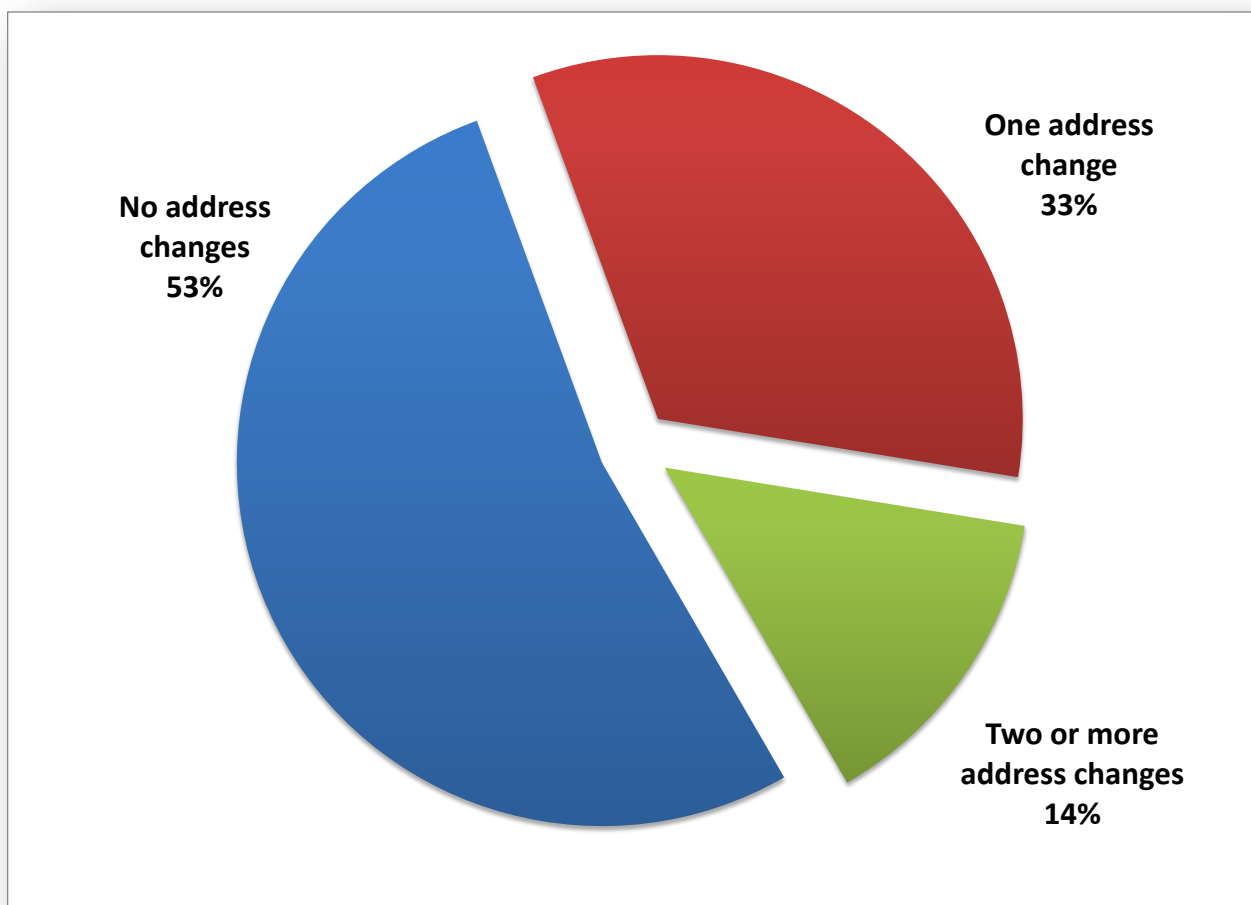
⁴⁹ Travis County Community Supervision and Corrections department data was provided by Sigrid Levi-Baum, Business System Consultant, Associate.

HOUSING STABILITY AMONG TRAVIS COUNTY PROBATIONERS

Research shows that housing stability is a key determinant of successful reintegration of persons with criminal histories.⁵⁰ Housing instability is a significant risk factor for recidivism.

Among Travis County probationers, more than half had no address changes in the preceding 12 months, with another one-third reporting one address change. Fourteen percent of probationers demonstrate some instability in residence with two or more changes in the preceding 12 months.

Figure 15. Residential Address Changes within the Past 12 Months, Travis County Probationers FY2013⁵¹



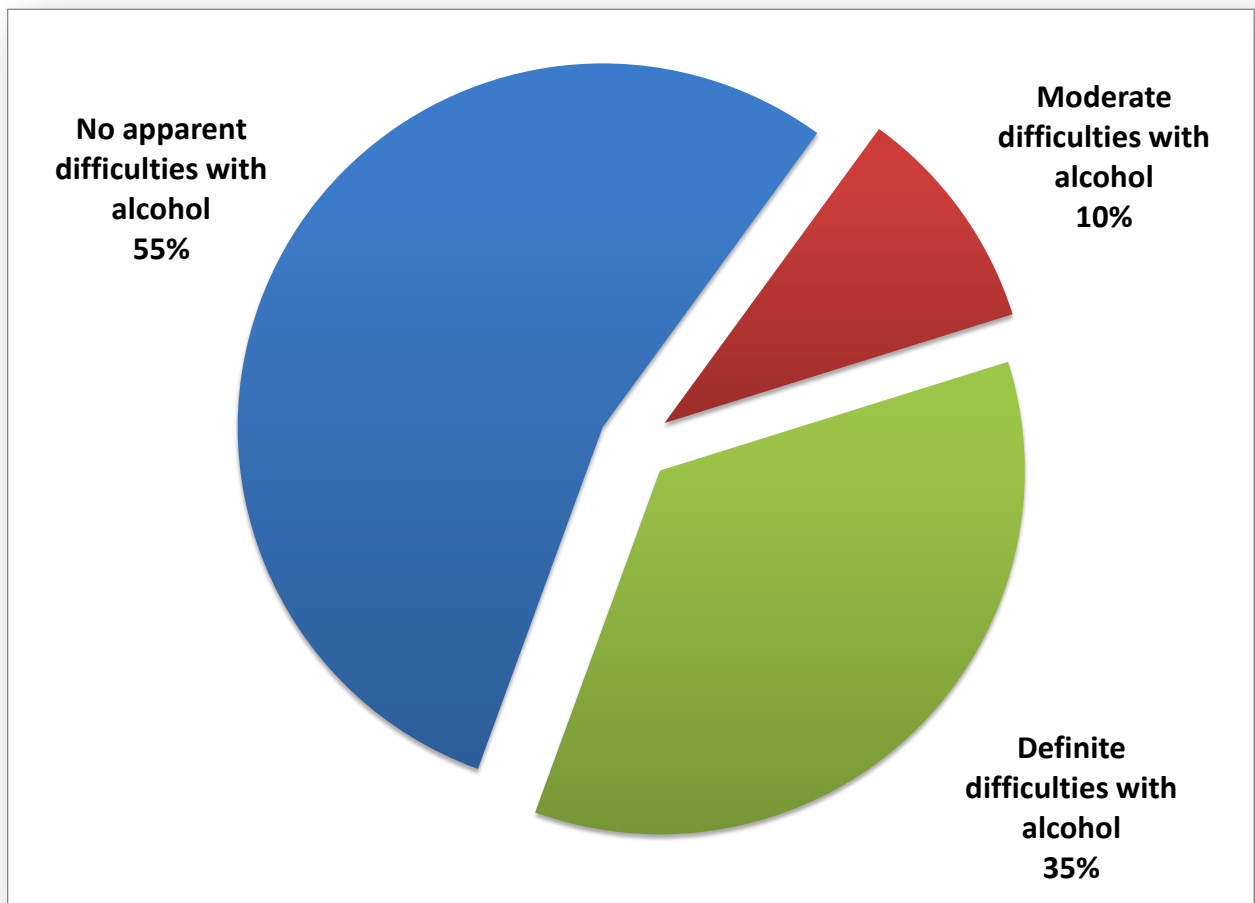
⁵⁰ Harding, D., J. Morenoff, and C. Herbert. 2013. Home is hard to find: Neighborhoods, institutions, and the residential trajectories of returning prisoners. *Annals of the American Academy of Political and Social Science*. 647: 214–236.

⁵¹ Travis County Community Supervision and Corrections department data was provided by Sigrid Levi-Baum, Business System Consultant, Associate.

SUBSTANCE USE AMONG TRAVIS COUNTY PROBATIONERS

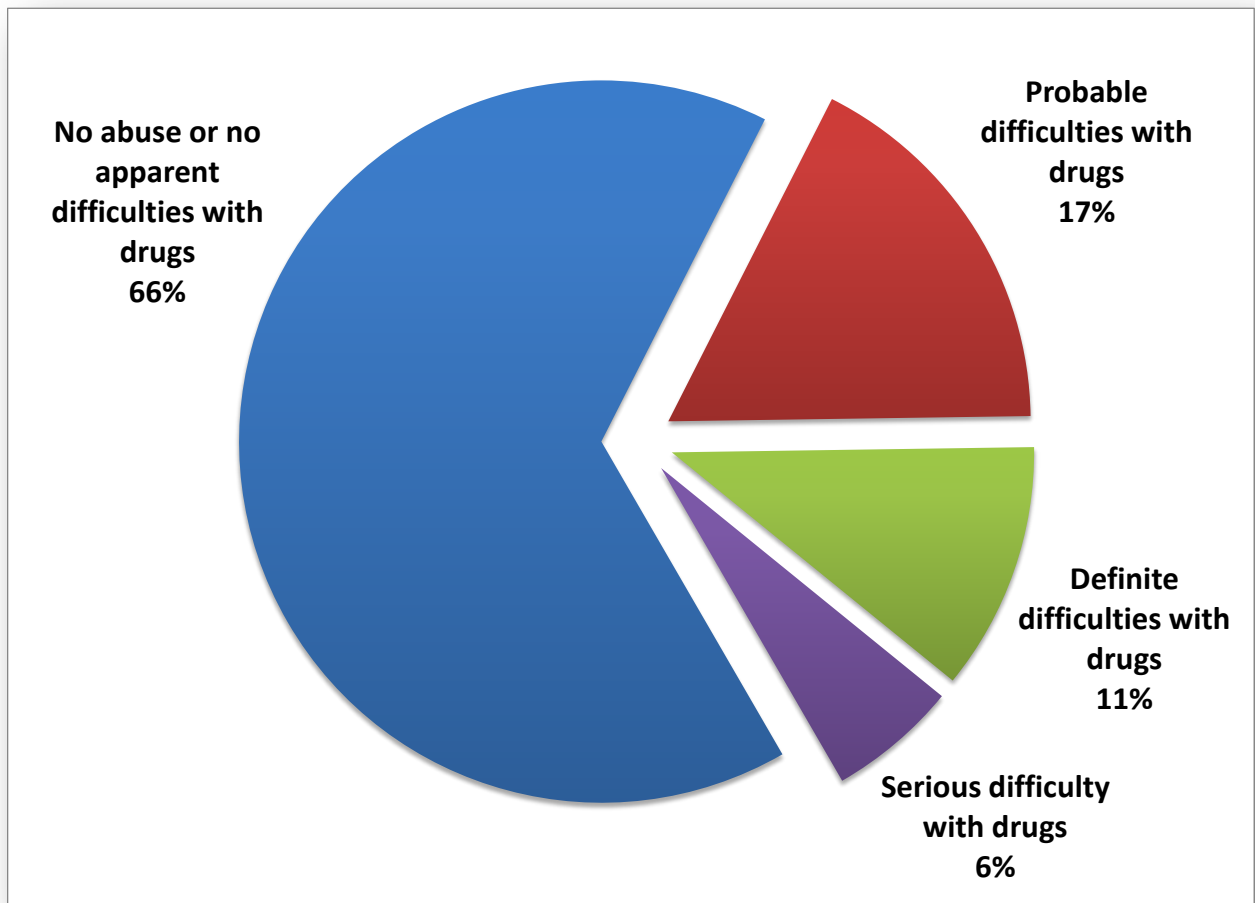
As can be seen in Figures 16 and 17, most Travis County probationers do not have an apparent difficulty with alcohol or drug abuse. However, roughly one-third of probationers do have definite difficulties with alcohol and a total of 17% of probationers have definite or serious difficulties with drugs.

Figure 16. Difficulties with Alcohol among Travis County Probationers, FY 2013⁵²



⁵² Travis County Community Supervision and Corrections department data was provided by Sigrid Levi-Baum, Business System Consultant, Associate.

Figure 17. Difficulties with Drug Use among Travis County Probationers, FY 2013⁵³



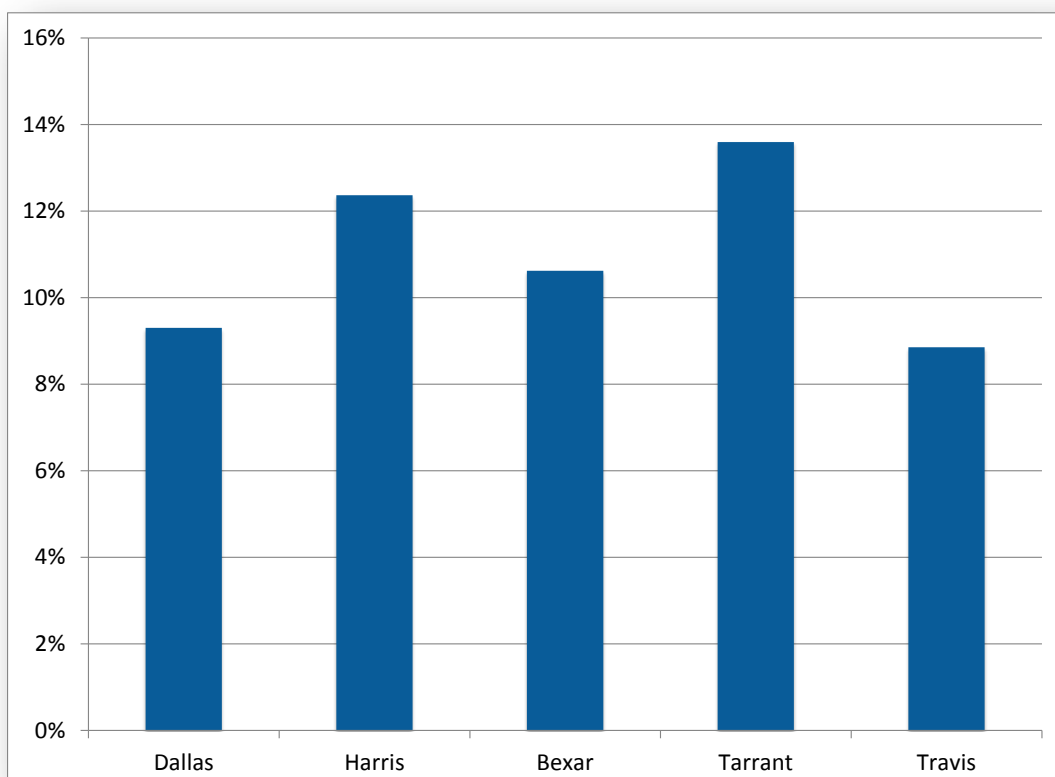
⁵³ Travis County Community Supervision and Corrections department data was provided by Sigrid Levi-Baum, Business System Consultant, Associate.

RECIDIVISM AND REVOCATION

The Legislative Budget Board reports that the three-year reincarceration rate in fiscal year 2012 for individuals released from Texas prisons was 22.6%, and 31.1% for individuals released from Texas state jails.⁵⁴ In comparison, the FY2008 reincarceration rates for state prison and jail releases were 27.2% and 32.8% respectively. Re-arrest rates in FY2012 were 47.2% for prison releases and 62.7% for state jail releases.

Locally, data on Travis County probationers reveals stable revocation rates over the past five years. As show in Figure 9, the revocation rate for felony probationers in Travis County in 2013 was 8.9%. In 2009, the revocation rate was 8.7%.

Figure 18. Revocation Rate for Felony Probationers, FY2013⁵⁵



⁵⁴http://www.lbb.state.tx.us/Public_Safety_Criminal_Justice/RecRev_Rates/Statewide%20Criminal%20Justice%20Recidivism%20and%20Revocation%20Rates2012.pdf

⁵⁵ This rate was computed as the number of felony probationers with their probation revoked in a given year divided by the number of felony probationers in the preceding year. See: http://tdcj.state.tx.us/documents/cjad/CJAD_Monitoring_of_DP_Reports_2013_Report_To_Governor.pdf

CRIME TRENDS AND PRISONER REENTRY

Decades of criminological research suggest that relatively few offenders contribute a very high volume of crime. The landmark study in this regard is Wolfgang, Figlio, and Sellin's (1972) *Delinquency in a Birth Cohort*. Wolfgang and colleagues examined the juvenile records of all boys born in Philadelphia in 1945.⁵⁶ They found that just over one-third of the cohort had an arrest record by age 18, yet a small percentage of the arrestees committed the bulk of the crimes. Six percent of the boys had five or more arrests by age 18, and they were responsible for 52% of all crimes committed by the cohort.

With Austin Police Department (APD) data archived on the Krimelabb website, the A/TCRRT undertook an analysis to determine if crime in Austin is the result of the behavior of relatively few high volume offenders.⁵⁷ This analysis focuses on one high crime section of Austin, ZIP code 78753 (which includes police reporting areas [PRAs] 240 and 250). This section of Austin, which is part of the Rundberg community, is located just north of Highway 183, south of Braker Lane, east of Lamar Boulevard, and west of Interstate 35. APD arrested almost 1,000 different individuals in PRAs 240 and 250 in 2012. Approximately 63% of adult offenders arrested in PRAs 240 and 250 in 2012 had at least one prior arrest between 2007 and 2012. Thirteen percent had more than 10 citywide arrests between 2007 and 2012, and 5% had more than 20 arrests. Those offenders arrested in PRAs 240 and 250 in 2012 were responsible for more than 5,000 arrests citywide between 2007 and 2012. A small proportion of the arrestees—just fewer than 10%—were responsible for slightly more than 50% of these arrests. These figures are consistent with the perceptions of many APD patrol officers in PRAs 240 and 250 (and many other locations in the city) that the vast majority of people arrested by APD are recidivists. Hence, without addressing the challenges of prisoner reentry and reintegration, APD cannot fully achieve its mission of keeping families and communities safe.

As illustrated in Figures 19 and 20, the violent and property crime rates have gone down dramatically in Austin since 2007. However, Figure 21 reveals that re-arrest rates have not similarly declined. Almost half of state prison releases in Texas are rearrested within three years, as are 63% of state jail releases. When comparing all of these trends side-by-side in Figure 22 we can see that the violent crime rate has declined by 20% relative to the 2007 level, and the property crime rate has declined 17%. The re-arrest rate for prisoners released from state jail between 2007 and 2011 remained flat.⁵⁸

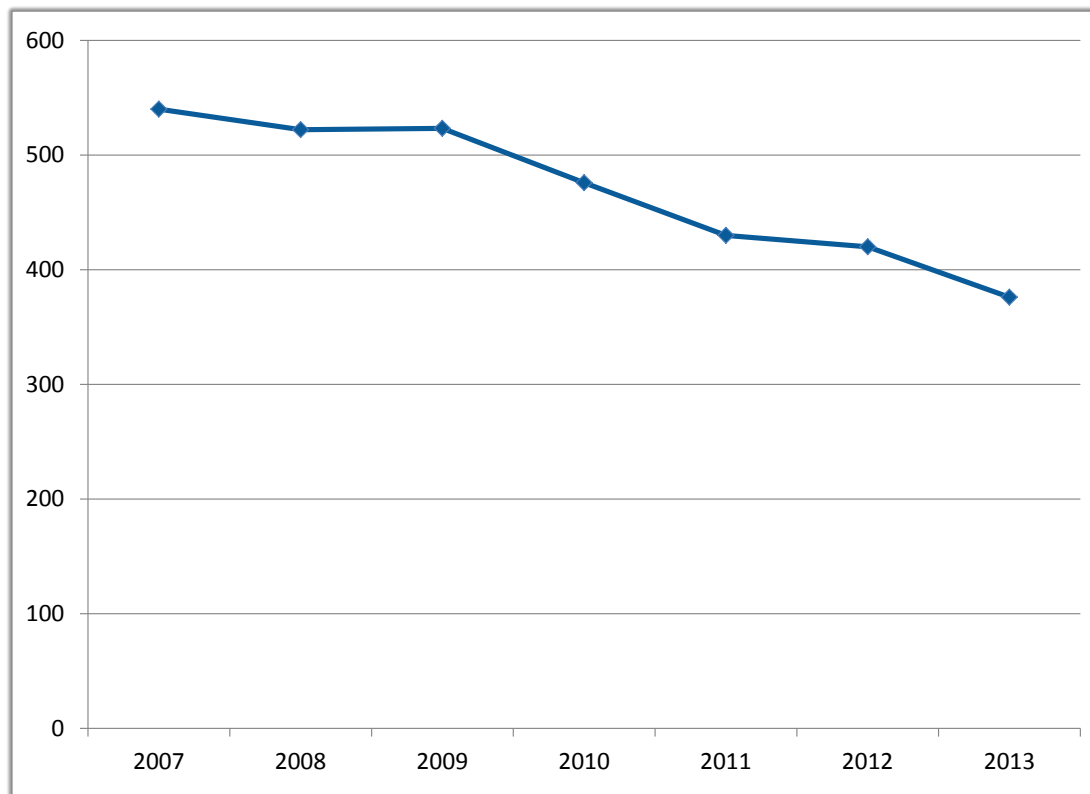
⁵⁶ Wolfgang, M.E., R.E. Figlio, and T. Sellin. 1982 *Delinquency in a Birth Cohort*. Chicago: Univ of Chicago Press.

⁵⁷ www.krimelabb.com

⁵⁸ Note: data on recidivism rates for 2012 and 2013 have not yet been published by the Texas Department of Criminal Justice or the Legislative Budget Board as of this publication date, so we restrict this comparison of crime rates and recidivism to the 2007 to 2011 time period.

One interpretation of these data is that spending on law enforcement in combination with other crime control strategies has been successful at preventing non-offenders and perhaps existing low-level offenders from engaging in criminal activity. However, spending on traditional crime control strategies has not noticeably reduced recidivism. People who cycle in and out of state jails and prisons commit a disproportionate amount of crime, and their rates of offending have not decreased despite considerable public investment in traditional strategies.

Figure 19. Violent Crime Rate (per 100,000 residents), City of Austin⁵⁹



⁵⁹ Source: Austin Police Department, Annual Crime and Traffic Reports

Figure 20. Property Crime Rate (per 100,000 residents), City of Austin⁶⁰

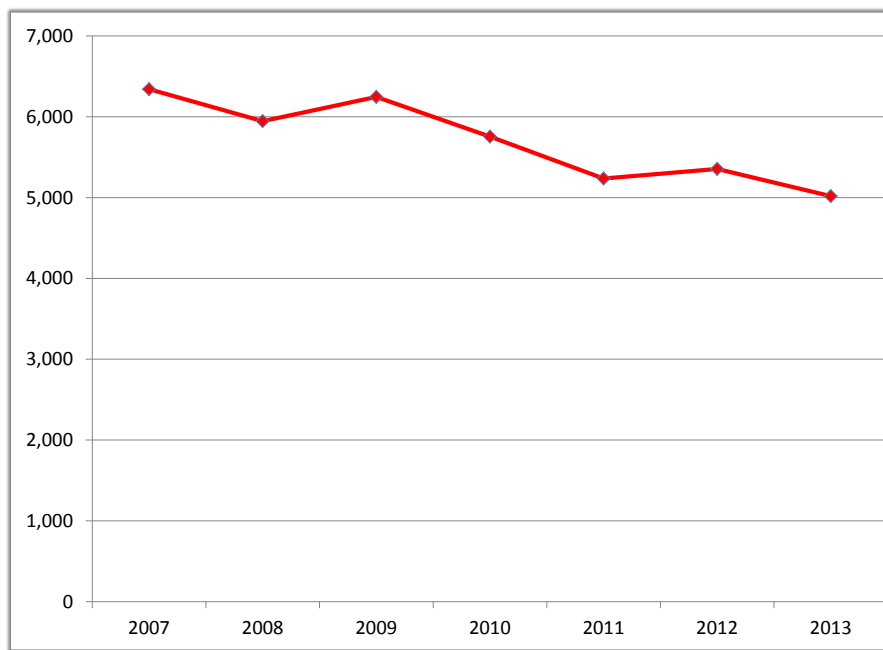


Figure 21. Rearrest Rate of Prison Releases, Texas⁶¹



⁶⁰ Source: Austin Police Department, Annual Crime and Traffic Reports

⁶¹ Source: Legislative Budget Board 2013 report on Statewide Criminal Justice Recidivism and Revocation Rates and City of Austin, 2012 Crime Stats

Figure 22. Comparison of Crime Trends in Austin with Rearrest Trends



Figure 3 highlighted the fact that returning prisoners tend to concentrate in relatively few ZIP codes in Austin, one of which is 78741. The case of ZIP code 78741 illustrates the limits of traditional law enforcement practices to lower crime in an area with a sizable prisoner reentry population. Whereas the rate and volume of crime in Austin has gone down a considerable amount over the past few years, that is not true in ZIP code 78741. According to crime count data by ZIP code posted on the APD website, the volume of index crimes in 78741 increased from 4,105 in 2008 to 4,413 in 2012, representing a nearly 8 percent increase in the volume of crime. Over the same period of time, the volume of crime in the rest of the city declined nearly 4 percent.⁶² Hence, some neighborhoods in Austin have not benefitted from the crime decline, and it may have to do with the challenges faced by those communities of attempting to reintegrate a substantial number of returning prisoners with very limited resources to do so.

In terms of resources, it is relevant to note that TDCJ spends approximately \$2.5 billion each year to incarcerate convicted felons.⁶³ Moreover, the fiscal year 2015 budget for the Austin Police Department totaled \$369 million.⁶⁴ In contrast, total funding *statewide* from TDCJ for probation in 2014 equaled \$298 million and for parole totaled \$165 million.⁶⁵ One interpretation

⁶² <http://www.austintexas.gov/page/crime-information-listed-zip-code#overlay-context=user>

⁶³ http://www.tdcj.state.tx.us/documents/finance/Agency_Operating_Budget_FY2014.pdf

⁶⁴ https://assets.austintexas.gov/budget/14-15/downloads/FY15_Proposed_Budget_Vol_1.pdf

⁶⁵ http://www.tdcj.state.tx.us/documents/finance/Agency_Operating_Budget_FY2014.pdf

of these figures is that a far greater percentage of taxpayer dollars is spent on funding agencies tasked with enforcing the law against criminal offenders and incarcerating those offenders than on agencies whose mission it is to reintegrate those offenders back into society. As the preceding discussion about repeat offenders and crime rates illustrates, attention to helping reintegrate former offenders back into society helps lower community crime and recidivism rates.

The Council of State Governments - Justice Center (CSG Justice Center), in conjunction with the Office of Community Oriented Policing Services (COPS), launched an initiative a few years ago to help law enforcement agencies plan and develop strategies for addressing the challenges of reentry and repeat offending.⁶⁶ Among the many examples of law enforcement's role in reentry included in this work are:

- Enhancing surveillance of recently released high-risk individuals
- Through community policing, working with the community in preparing for people returning to vulnerable neighborhoods
- Exchanging intelligence with public-safety partners involved in reentry
- The Boston Reentry Initiative⁶⁷ uses both a “carrot” and a “stick” approach to ex-prisoners. Individuals returning from correctional facilities are connected to services, but they are also held accountable for their actions.

⁶⁶ http://tools.reentrypolicy.org/law_enforcement_toolkit and http://www.corrections.com/system/assets/0000/1101/Law_Enforcement_Lessons_Learned.pdf

⁶⁷ <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=42>

OVERVIEW OF PRISONER REENTRY RELATED LEGISLATION AND POLICY CHANGES: STATE AND LOCAL

Policies that focus on the issue of reentry may enhance or limit a community's ability to provide the necessary resources to ex-offenders for successful reintegration. This section will provide an overview of current state and local policies influential to reentry efforts.

STATE POLICY

The regular session of the 83rd Texas Legislature convened on January 8, 2013, and adjourned on May 27, 2013. Three additional called sessions were held in May, June, and July of 2013. Highlighted to follow are five bills from the 83rd Legislature related to prisoner reentry.⁶⁸

HB 798

Author: Rep. Senfronia Thompson (D-Houston)

Sponsor: Senator Sylvia Garcia (D-Houston)

Previous Texas law allowed licensing agencies to deny an individual an occupational license for having been convicted of a Class C misdemeanor. However, these low-level offenses rarely result in jail time, and typically result in the issuance of a ticket and the imposition of a fine. This bill prohibits licensing authorities from denying licenses to people with Class C misdemeanors, except in cases where the applicant is seeking a license that authorizes him or her to carry a gun, and he or she has been previously convicted of a domestic violence offense.

HB 799

Author: Rep. Senfronia Thompson (D-Houston) and Rep. Borris Miles (D-Houston)

Sponsor: Senator John Whitmire (D-Houston)

This bill requires the Windham School District to continually assess the Texas job market and provide vocational programs that will help incarcerated persons build the skills presently in demand in the job market.

HB 1188

Author: Rep. Senfronia Thompson (D-Houston), Rep. Charles Perry (R-Lubbock), and Rep. Borris Miles (D-Houston)

Sponsor: Senator John Whitmire (D-Houston)

This bill states that a cause of action may not be brought against an employer, general contractor, premises owner, or other third party solely for negligently hiring or failing to adequately supervise an employee, based on evidence that the employee has been convicted of an offense,

⁶⁸ To review these bills as well as other bills from the 83rd Legislature relevant to criminal justice in general and prisoner reentry specifically, see the Texas Legislature Online at www.capitol.state.tx.us and the Texas Criminal Justice Coalition at <http://www.texascjc.org/sites/default/files/uploads/2013%20Legislative%20Wrap%20Up%20and%20Appreciation.pdf>.

except in the following cases: (1) the employer knew of the past crime and the conviction was for a serious aggravated or violent sexually related felony, or involved a crime committed in circumstances substantially similar to those required by the current job duties, or (2) the employee's current offense is fraud or misuse of funds, and he or she has previously been convicted of a similar crime.

HB 1659

Author: Rep. Senfronia Thompson (D-Houston)

Sponsor: Rep. Eddie Lucio, Jr. (D-Brownsville)

This bill is designed to limits barriers to occupational licensing for persons who have successfully completed deferred adjudication. It limits an occupational licensing agency from considering a person's deferred adjudication during a license suspension or revocation process, for crimes other than aggravated felonies, if five years have passed since the completion of deferred adjudication.

SB 1289

Author: Senator Tommy Williams (R-The Woodlands)

Sponsor: Rep. Dwayne Bohac (R-Houston)

This bill requires business entities that publish criminal histories to include accurate and complete information. The information is considered complete if it reflects notations of arrest and the filing and disposition of all criminal charges, as applicable; and it is considered accurate if it reflects the most recent information received by the entity from the Department of Public Safety, or was obtained from a law enforcement agency or criminal justice agency within 60 days of the date of publication.

The regular session of the 84th Texas Legislature convenes on January 13, 2015, and will end on June 1, 2015. Between legislative sessions, the Texas Lieutenant Governor and Speaker of the House of Representatives appoint Interim Committees to hold hearings and conduct in-depth studies of important issues that help guide the Texas Legislature's decisions in the forthcoming session. Highlighted to follow are seven interim charges studied by the Texas Legislature in advance of the 84th Legislature.⁶⁹

House Committee on Corrections

Study and review the correctional facilities and processes within Texas Department of Criminal Justice, Texas Board of Pardons and Paroles, and Texas Juvenile Justice Department with emphasis on efficiencies, effectiveness, and recidivism. Examine the existing programmatic approach per facility in the areas of the vocation, education, visitation, rehabilitation, health and

⁶⁹ For a current list of interim charges for the Texas House and Senate, see the following: <http://www.house.state.tx.us/media/pdf/interim-charges-83rd.pdf> and http://www.ltgov.state.tx.us/docs/DHD_Interim_Charges83_HED_CJ_SAF_040814.pdf

mental health services, parole supervision, and reentry initiatives. Evaluate opportunities for partnerships between facilities and private industries to offer education, job training, and potential employment for offenders during incarceration, parole, and final release.

Examine the association between co-occurring serious mental illness and substance use disorders and parole revocation among inmates from the Texas Department of Criminal Justice. Review current policies and procedures for incarcerating individuals with a dual mental health diagnosis in both state and county correctional facilities and examine potential remedies within the State's criminal justice system to ensure that the public is protected and that individuals with a mental health diagnosis receive a continuum of mental health services. *(Joint charge with the House Committee on Criminal Jurisprudence)*

House Committee on Criminal Jurisprudence

Study the effectiveness of deferred adjudication and orders for non-disclosure in spite of the many exceptions to the statute. Study extending the use of expunction of criminal records history and non-disclosures to certain qualified individuals with low-level, non-violent convictions. Examine the statutorily allowed but underused non-disclosure and expunction of criminal records, and the use of deferred adjudication.

Study the impact of SB 1289 (83R). Examine the sale of criminal histories that may be erroneous as well as the lasting impact that arrest records have on individuals who are arrested but not charged or convicted. Assess the need for revision of existing statutes and consider designating an agency responsible for regulating entities involved in the industry.

Examine the utilization of community supervision in state jail felonies and the effectiveness of the state jail in light of its original purpose.

Study the potential issues involving civil liability for interacting with ex-offenders. In particular, examine the implications of HB 1188 (83R) and the potential expansion of similar protections to landlords (also an interim charge of the House Committee on Judiciary and Civil Jurisprudence).

House Committee on Licensing and Administrative Procedures

Study appropriate methods to expand the right of individuals to challenge occupational licensing rules and regulations, and identify occupational licenses that may not be necessary for public safety or health.

LOCAL POLICY

Individuals reentering the community from the criminal justice system face significant challenges to reintegration back into society, including difficulty finding steady, stable employment. In an effort to open up more public job opportunities to persons with criminal records, in April 2008 Travis County became one of the first counties in the country to pass a “ban the box” policy. This policy removed the question about an applicant’s criminal history from county government job applications. In October 2008, the City of Austin followed suit, removing questions about criminal background from job applications.⁷⁰ As of this writing, 12 states and more than 60 cities and counties nationwide have adopted “ban the box” policies to reduce barriers to employment for individuals with criminal records.⁷¹ However, no other jurisdictions in Texas besides Travis County and the City of Austin have yet to enact ban the box policies.

All of the 12 states mentioned in the paragraph above have adopted “ban the box” policies that enacted bills specific to the hiring policies within the public sectors; 4 of those 12 states have adopted hiring policies that also apply to the private sector. Minnesota is one of four states to adopt fair hiring policies for those with criminal backgrounds in both the public-sector and private sector (those who employee 20 or more).⁷² Following the passing of the Minnesota “fair hiring procedures” (Bill 523), the retail based company Target announced that it would begin ban-the-box nationally.⁷³ Most recently, San Francisco passed an ordinance making them the ninth jurisdiction in the Nation to create policies that include both the public and private employer sectors. San Francisco’s “Fair Chance Ordinance” goes beyond just eliminating the criminal background box from the job applications it includes language that requires private employers, City Contractors and subcontractors operating in San Francisco to comply with the new hiring policies or face stiff fines/penalties. A criminal background check may still be conducted on the job applicant once a conditional offer has been made and the criminal background results must be given to the applicant at that final stage.⁷⁴ For more best hiring practices and online tool kits to address a state-wide ban-the-box campaign for Texas, please follow the references and links provided below.

⁷⁰ <http://www.nelp.org/page/-/SCLP/2011/CityandCountyHiringInitiatives.pdf?nocdn=1>

⁷¹ <http://www.nelp.org/page/content/banthebox/>

⁷² Minnesota State hiring practices law, found online: <https://www.revisor.mn.gov/statutes/?id=364>

⁷³ National Employment Law Project: *Resource guide for States*. Found online: http://nelp.3cdn.net/7a4a37fd1b0127eb0e_erm6vu7c0.pdf

⁷⁴ National Law Review. Found online: <http://www.natlawreview.com/article/california-corner-san-francisco-bans-box-private-employers>

RECOMMENDATIONS

1) Invest in “proven” programs that decrease crime and reduce recidivism.

There is an abundance of resources available nationwide for information about evidence-based practices for effective rehabilitation and reintegration of persons with criminal histories, including:

- What Works in Reentry Clearinghouse: <http://whatworks.csgjusticecenter.org/>
- Crime Solutions: www.crimesolutions.gov
- The Washington State Institute for Public Policy (WSIPP): <http://www.wsipp.wa.gov/BenefitCost?topicid=2>

For instance, cost-benefit analyses from the WSIPP reveals enormous benefits-to-cost for investment in reentry and rehabilitation programs, with savings from avoided criminal justice costs and victimization costs associated with lowering recidivism. However, there is great variation in the benefit-to-cost of different strategies:

- For every dollar spent on community-based employment training and job assistance programs, there is an average benefit of \$44.66
- Non-intensive drug treatment in prison: \$29.40
- Cognitive behavioral therapy for high to moderate-risk offenders: \$26.47
- Intensive drug treatment in prison: \$13.41
- Outpatient drug treatment in the community: \$9.42
- Policing: \$6.52
- Risk, need, and responsivity community supervision for high and moderate risk offenders: \$3.79 ⁷⁵

2) Work to expand “ban the box” initiatives locally and statewide, including both public and private employers.

Individuals reentering the community from the criminal justice system face significant challenges to reintegration back into society, including difficulty finding steady, stable employment. In response, 12 states and more than 60 cities and counties, including Travis County and the City of Austin, have adopted “ban the box” policies to reduce barriers to employment for individuals with criminal records.⁷⁶ This policy removes questions about a person’s criminal history from initial job applications and delays background checks until later in the hiring process after a person has been evaluated for a position based upon his or her qualifications. It is the recommendation of this workgroup that we begin a campaign to broaden the current City/County ban-the-box policy to include private

⁷⁵ Source: Washington State Institute for Public Policy (<http://www.wsipp.wa.gov/BenefitCost?topicid=2>)

⁷⁶ <http://www.nelp.org/page/content/banthebox/>

employers, City contracts, City Contractors and subcontractors. For specific language of a bill that would expand the current ban-the-box ordinance in our community, see the link below.⁷⁷

Benefits to Expanding Current Ban-the-Box Policy:

Costs:

- A recent 2011 study found that putting “100 formerly incarcerated persons back to work would increase their lifetime earnings by \$55 million, increase their income tax contributions by \$1.9 million, and boost sales tax revenues by \$770,000, all while saving more than \$2 million annually by keeping them out of the criminal justice system.”⁷⁸
- A study of women released from prisons in Texas found that 8-10 months post release that 18 percent of the respondents depended on public assistance. Additional studies found that close to one-fifth of households relying on Temporary Assistance for Needy Families (TANF) had been convicted of a felony or arrested. These numbers emphasize the need to put those with criminal backgrounds back to work so that they can support their families.⁷⁹

Public Safety:

- Employment was found to be the single most important influence on decreasing recidivism. Recent studies have found that those who were employed two years after release were twice as likely to not be rearrested as their unemployed counterparts.⁸⁰
- A three-year recidivism study found that “formerly incarcerated persons with one year of employment had a 16 percent recidivism rate over three years as compared to a 52.3 percent recidivism rate for all Department of Correction releases. Even just 30 days of employment lowered the three-year recidivism rate to 20 percent.”⁸¹

⁷⁷ National Employment Law Project. Found online: http://nelp.3cdn.net/6596c5821da18fcfe7_4qm6vg52s.pdf

⁷⁸ *Economic benefits of employing formerly incarcerated individuals in Philadelphia* (2011). Economy League of Great Philadelphia. Found online: <http://economyleague.org/files/exoffenders>

⁷⁹ La Vigne, N., Brooks, L., Shollenberger, T. (2010). *Women on the outside: Understanding the experiences of female prisoners returning to Houston, Texas*. Urban Institute. Found online: http://www.urban.org/uploadedpdf/411902_women_outside_houston.pdf

⁸⁰ Berg, M. and Huebner, B. (2011). *Reentry and the ties that bind: An examination of social ties, employment, and recidivism*. Justice Quarterly (28).

⁸¹ *Safer Foundation three-year recidivism study*, 2008. Found online: <http://saferfoundation.org/files/documents/safer%20recidivism%20study%202008%summary.pdf>

3) Encourage employers in Texas to follow the Equal Employment Opportunity Commission's (EEOC) guidelines when considering the use of criminal records in employment decisions.⁸²

As made clear by the EEOC, the oversight authority created in the Civil Rights Act of 1964, it is legal for employers to conduct criminal background checks and to use the information in hiring decisions. What may constitute a civil rights violation, according to EEOC guidelines, is if hiring policies that exclude persons with a criminal record are not based on some kind of business necessity. To determine whether an applicant for a job who has a criminal record can legally be excluded from consideration, the EEOC suggests that employers consider the nature of the criminal offense, the nature of the job that is being sought, and the time that has passed since the crime.

4) Work with housing providers and policymakers to expand access to housing for individuals with criminal records.

The most recent American Community Survey (2012) data reveal a rental vacancy rate of 8.5% in the State of Texas and just 4.5% in Travis County. It is challenging for any renter to find safe, decent, and affordable housing in Travis County, much less an individual with the stigma of a criminal record. These dynamics associated with the housing market likely contributed to the suburbanization of prisoner reentry that we observed in Figure 4. There are several potential strategies to help expand access to housing for individuals with criminal records:

- Raise awareness among landlords and property owners on best practices for screening applicants with criminal records, including consideration of the type of offense committed, the length of time since a person last committed a criminal offense, and demonstrated success with reintegration
- Increase the supply of affordable housing units
- Increase the supply of permanent supportive housing
- Increase the supply of public housing and housing vouchers, and align admissions criteria to match best practices for the screening of renters with criminal histories
- Limit landlord liability for renting to persons with criminal histories

5) Work to expand access to, and resources for, mental health services and substance abuse treatment.

More than half of state prisoners and almost two-thirds of the jail population have had mental health problems in their lives, with roughly one-quarter reporting a recent history of symptoms (within the previous 12 months).⁸³ A vast majority of prisoners with mental health problems also report dependence on, or abuse of, alcohol or drugs. Among returning prisoners with mental health problems, roughly 7 out of 10 also had substance

⁸² http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

⁸³ <http://www.bjs.gov/content/pub/pdf/mhppji.pdf>

abuse problems.⁸⁴ As noted in Recommendation #1, funds spent on mental health services and substance abuse treatment represent a cost-beneficial strategy for reducing recidivism and enhancing public safety, yet funding for these types of services is sorely lacking.

6) Prohibit the bulk release or bulk sale and dissemination of mug shots and criminal history records.⁸⁵

Once criminal records are released and disseminated widely, persons with criminal histories are severely hampered in their ability to find housing and lawful employment. Lack of housing and employment substantially raises the risk of recidivism, thereby undermining public safety. Prohibiting or regulating the bulk release of such information is worthwhile in order to reduce barriers to successful reintegration.

7) Adopt an automatic expunction of deferred adjudications and convictions after a waiting period.

Deferred adjudication, in principle, is designed to provide an opportunity for an individual to defer and potentially avoid a guilty plea upon successful completion of rehabilitation programming and community supervision. However, record expunction is not presently permitted for deferred adjudication offenses ranked as Class B misdemeanors or higher, so persons placed on deferred adjudication will still have a permanent criminal record even if they have successfully completed the conditions of their deferred adjudication. Proving the opportunity for full, automatic expunction following successful completion of deferred adjudication will help to remove some of the barriers to successful reintegration.

8) Prohibit public access to all non-conviction criminal records.

The Texas Department of Public Safety (DPS) limits the release of non-conviction information, restricting the general public's access to only conviction and deferred adjudication records. However, arrest records, including those not leading to a conviction, are readily available in the State of Texas through local court or law enforcement agencies. Hence, local jurisdictions readily release information that DPS refused to release. These stigmatizing records are then posted to numerous websites, including the Austin American-Statesman. Uniform statewide release policies are essential in order to truly to limit access to, and ultimately the use of, arrest information.

⁸⁴ Mallik-Kane, K. & Visser, C.A. 2008. Health and prisoner reentry: How physical, mental, and substance abuse conditions shape the process of reintegration. Research Report 1-67

⁸⁵ Gaebler, Helen (2013). *Criminal Records in the Digital Age. A Review of Current Practices and Recommendations for Reform in Texas*. William Wayne Justice Center for Public Interest Law: The University of Texas School of Law. http://www.utexas.edu/law/centers/publicinterest/research/criminalrecords_report.pdf

9) Map reentry trends and service provision.

The geographic patterns of prisoner reentry identified in Figures 3 and 4, particularly the suburbanization of prisoner reentry, suggests that reentry stakeholders must regularly map not only the location of returning prisoners but also reentry service providers. This will help demonstrate whether there is a spatial mismatch between the locations of service provision and the residential locations of returning prisoners. If there is a spatial mismatch, then this suggests that reentry stakeholders must work to expand services to locations where formerly incarcerated individuals are actually residing. The suburbanization of prisoner reentry depicted in Figure 4 also suggests that prisoner reentry is a regional issue, therefore necessitating a coordinated, regional strategy to help persons with criminal records successful reintegrate.

SUMMARY

Successful reentry and reintegration of formerly incarcerated persons requires a multi-sector approach that includes system-wide reforms that extend beyond isolated interventions. This approach requires the inclusion of key leaders from the following arenas: legislators and policymakers, local law enforcement, wardens, leaders in community supervision, major employers (and workforce solutions), housing leaders, faith-based leaders, researchers, and community leaders. The approach must begin with building capacity and broadening the communities that support the successful reintegration of this population. The A/TCRRT attempts to bring these leaders together but we need strong decision makers at the table who are willing to challenge outdated policies and adopt some of the innovative policies that are mentioned in this report that will create lasting change.

APPENDIX A: DEFINITIONS

Bonds: Last open charge of the booking record was released on bond, including bond forfeiture set aside.

Bookings: Refers to the number of bookings processed through the Travis County Sheriff's Office (TCSO) central booking facility each fiscal year.

Community Supervision – Placement of an offender under supervision for a specified length of time, as ordered by a court, with court-imposed rules and conditions. Community supervision (formerly called adult probation) may be ordered for misdemeanor or felony offenses and is generally imposed in lieu of a jail or prison sentence.

Completed Sentence: Last open charge of the booking record was released due to completion of sentence and/or payment of fines. This includes those completing with manual labor credits.

Other Agency (TCSO data): Subject was released to another custodial agency, including, but not limited to, State Jail, TDCJ-ID, extraditions and out-of-county transfers

Parole Revocations – Offenders returned to TDCJ after their parole has been revoked due to a new offense or for technical reasons.

- **New Offense** – Violation of supervision by the conviction of or pending charges of felony or misdemeanor offenses and possible technical violations.
- **Technical** – Violation of one or more conditions of release, not including commission of a new offense.

Prison Offenders – Offenders with capital, first, second, or third degree felony convictions.

Releases – Offenders leaving TDCJ due to the discharge of their sentence or to another form of supervision.

Releases to Parole Supervision – Includes releases via parole, discretionary mandatory supervision, and mandatory supervision.

State Jail Offenders – Offenders convicted of state jail felony offenses. An individual adjudged guilty of a state jail felony offense may be confined in a state jail facility for a term of no more than two years or less than 30 days. There is no parole or mandatory supervision release from state jail; however, a judge can grant early release for diligent participation in offender programs.

APPENDIX B: COMMITTEES OF THE A/TCRRT

The A/TCRRT was created in 2004. The vision of the A/TCRRT is: *A community that values and supports the successful reentry and integration of formerly incarcerated persons and individuals with criminal histories.* The mission is: *to be a robust collaborative to promote public safety through effective reentry and reintegration of formerly incarcerated persons and individuals with criminal histories.* The A/TCRRT is a volunteer organization, and membership is open to organizations and individuals who confirm their interest in supporting its mission and work. Members include governmental agencies, faith-based and community organizations, and other nongovernmental entities and individuals. The A/TCRRT is governed by the Planning Council, and undertakes its work largely through the following standing committees and issue areas:

Evidence-Based Practices Committee: The goal of the Evidence-Based Practices Committee is to promote the planning, implementation, and maintenance of evidence-based practices in Austin/Travis County through research, awareness, and training/education. The overarching objectives of the Committee are:

1. To offer training and educational opportunities on key components of evidence-based practice.
2. To provide information/technical assistance in the planning, implementation, and/or maintenance of evidence-based practice.

Support Systems Committee: The goal of the Support Systems Committee is to identify, support, and develop systems for successful offender reentry into families and communities. The overarching objectives of the Committee are:

1. To support families and children of persons involved in the criminal justice system, thus reducing the collateral impacts of incarceration.
2. To promote systems for resources and information accessible to reentry citizens, families, and practitioners.
3. To create opportunities that better prepare reentry citizens, families, and communities for successful reintegration.

XOffenders' Council: The goal of the XOffenders' Council is to train and encourage former offenders to engage in civic affairs which can foster new relationships that will aid in reducing barriers to achieve social justice as well as affirm their efforts and contributions to society. The Core Values of the Council are:

1. Reentry: This important first step sets a favorable tone for the rest of the person's life—so we help make it count.
2. Reintegration: Our focus is to encourage former offenders to strive for self-sufficiency and rehabilitation going forward.

3. Resources: We address employment, housing, health, substance abuse and other needs for getting a fresh start.
4. Responsibility: This is up to each of us but providing peer support takes a team effort. Getting people like you to join us is vital.
5. Reform: As we reform our personal lives, we are able to develop and advocate for improved legislation, policies and practices for others.

Housing: The goal of the Housing Committee is to strengthen partnerships with and between housing groups to reduce housing barriers for people with criminal histories. In 2010, in an effort to reduce fragmentation in housing planning for special populations, including the reentry population, the A/TCRRT merged its housing work with Ending Community Homelessness Coalition (ECHO).⁸⁶

⁸⁶ <http://austinecho.org/>