



INTERIM REPORT

to the 87th Texas Legislature



HOUSE COMMITTEE ON
CORRECTIONS



DECEMBER 2020

**HOUSE COMMITTEE ON CORRECTIONS
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2020**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
87TH TEXAS LEGISLATURE**

**JAMES WHITE
CHAIRMAN**

**COMMITTEE CLERK
ROEL BENAVIDES**



Committee On
Corrections

December 28, 2020

James White
Chairman

P.O. Box 2910
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The Honorable Dennis Bonnen
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on Corrections of the Eighty-sixth Legislature hereby submits its interim report for consideration by the Eighty-seventh Legislature.

Respectfully submitted,

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Preface and Introductory Comments

At the beginning of the 86th Legislature, the Honorable Dennis Bonnen, Speaker of the Texas House of Representatives, appointed nine members to the House Committee on Corrections. The committee membership included the following: James White, Chairman; Alma A. Allen, Vice Chair; Ernest Bailes, Rhett Andrews Bowers, Jay Dean, Christina Morales, Victoria Neave, Carl Sherman, Sr., and Phil Stephenson.

The Committee was given jurisdiction over all matters pertaining to:

- The incarceration and rehabilitation of convicted felons;
- The establishment and maintenance of programs that provide alternatives to incarceration; and
- The following state agencies: the Texas Department of Criminal Justice, the Special Prosecution Unit, the Board of Pardons and Paroles, the Texas Civil Commitment Office, and the Texas Correctional Office on Offenders with Medical or Mental Impairments.

The COVID-19 pandemic altered life as we know it. For example, this virus outbreak substantially affected the Corrections Committee's capability to meet and conduct interim hearings in-person. The inability to hold interim hearings prevented the Committee from having a robust conversation on the assigned interim charges that were issued in 2019. As a result, the Committee utilized Formal Requests for Information to gather information from state agencies, interested parties, and the general public to compile this report. The Committee is grateful for the resource materials, submitted documents, and ideas that these valued stakeholders contributed in preparation of this report. The documents are public information and can be found on the Texas House of Representative's website, under the Committees tab, clicking on "Formal Request for Information," and finding the Corrections responses. You can click [here](#) or visit <https://www.house.texas.gov/committees/committee/requests-for-information/>.

Many factors contribute to the behaviors of individuals which may one day result in their involvement with the criminal justice system. We have become aware of an array of preventive measures that fall outside the jurisdiction of this Committee that can help lower the incidence of violent and non-violent crimes and improve the lives of those who may struggle with the effects of abuse, lack of opportunities, neglect, and poverty. To that end, we commend the study and implementation of some of the following measures by other committees, non-governmental entities and non-profit entities that would include:

- Promotion of strong families;
- Implementation of family leave accommodations not coerced by government;
- Advancement of strong, pro-growth economic policies that will lead to more employment opportunities, increased wages, and economic liberty;

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- Creation of opportunities for high quality child care accommodations not coerced by government with better collaboration between private sector childcare-development-centers and local education agencies;
 - Implementation of robustly funded Early Childhood Intervention (ECI) programs;
 - Formation of thoughtful school-based discipline response without over-reliance on court proceedings;
 - Facilitation of strong early childhood education (Pre-K and Kindergarten);
 - Continuation of juvenile mental health efforts that focus on preventing and mitigating adverse childhood experiences (ACE's);
 - Utilization of thoughtful responses to prevent and overcome the effects on children who are trapped in the cycle of human trafficking;
 - Formulation of thoughtful bail and pre-trial procedures that comply with existing constitutional and statutory requirements;
 - Consideration of careful cite-and-release discretion that local jurisdictions already possess in regards to lower-level, non-violent offenses; and
 - Provision and reformation of the indigent defense system in order to meet constitutional standards.

Over time, intense and persistent collaborative efforts to implement these measures would lower the incidence of criminogenic behaviors and first-time criminal offenses. As a result, these efforts would contribute greatly to stronger communities and fewer persons separated from their families by long-term incarceration. While the outcomes might not be evident right away, positive effects will grow so that more people never encounter the criminal justice system and those who do will have better opportunities for self-improvement and release to return successfully to their families, the workforce, and self-responsible citizenry.

Overview of Texas Corrections System

Texas Department of Criminal Justice (TDCJ) presently maintains 91 state-operated units spread across 6 regions of the state, in addition to 10 privately-operated units (9 operated by Management and Training Corporation (MTC) and 1 operated by LaSalle Corrections) under contract with TDCJ.

Of these units, 85 are facilities for males, 13 are facilities for females, and 3 are co-gender facilities. There are 54 prisons, 7 private prisons, 9 transfer facilities, 13 state jail facilities, 2 private state jail facilities, 4 pre-release facilities, 3 psychiatric units, 2 medical units, 1 developmentally disabled unit, 1 geriatric facility, 1 multi-use facility, and 4 substance abuse felony punishment facilities (SAFP).

Demographic Highlights - September 1, 2020 TDCJ On Hand					
		Prison	State Jail	SAFP	Total
Total		117,380	2,327	1,412	121,119
Gender	Male	109,682	1,748	1,059	112,489
	Female	7,698	579	353	8,630
Race	Black	39,546	556	299	40,401
	White	38,121	1,172	740	40,033
	Hispanic	39,033	595	362	39,990
	Other and Unknown Race	680	4	11	695
Average Age (Years)		40.7	37.1	36.4	40.6
Offense	Violent Offense	75,248	36	326	75,610
	Property Offense	10,467	1,097	261	11,825
	Drug Offense	15,768	953	584	17,305
	Other Offense	15,897	241	241	16,379
Average IQ		90.19	91.13	91.55	90.22
Average Educational Achievement Score		7.97	7.98	8.29	7.97
Custody	Security Detention (1A - 3A)	4,697	N/A	N/A	4,697
	State Jail Detention (SR)	N/A	39	N/A	39
	Safekeeping (P1 - 7)	1,291	2	N/A	1,293

	G/J4	8,077	76	N/A	8,153
	G/J1 - 3 and OT	92,505	1,968	N/A	94,473
	G/J5	5,072	22	N/A	5,094
	Other Custody	5,738	220	1,412	7,370
Average Sentence Length (Years)		21.6	1.4	N/A	20.8

By state law, those who are released return to their legal county of residence (the one that correlates with the offense of record), absent exceptional reasons. For example, a populous county such as Harris County that sentences a large number of justice-involved individuals, will in correlation receive a large number of those who return to Harris County upon release.

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Interim Study Charges

1. Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 86th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure intended legislative outcome of all legislation, including the following:

- HB 374, which relates to meetings or visits between a defendant on community supervision and a supervision officer. Monitor community supervision and corrections department rules regarding the scheduling of meetings or visits with a defendant placed on community supervision. Examine the process by which community supervision and corrections departments implement newly adopted policies.
- HB 650 and HB 3227, which relate to the welfare of confined females within the Texas Department of Criminal Justice (TDCJ). 2 Monitor TDCJ rules regulating treatment of incarcerated women. Examine the process by which the department facilitates the educational, medical, and wellness needs of incarcerated pregnant women.
- HB 1191, which relates to an annual report concerning the number of inmates who have been in the conservatorship of a state agency responsible for providing child protective services. Monitor the TDCJ's collection of statistical information concerning the total number of inmates who have at any time been in the conservatorship of a state agency responsible for providing child protective services.
- SB 1147, which relates to conditions of community supervision for certain driving while intoxicated offenses. Monitor the implementation of the legislation and provide recommendations to improve access to treatment for defendants convicted of driving while intoxicated.

2. Examine gaps in services and assess efforts to connect justice-involved Veterans, senior citizens, and homeless populations to services while incarcerated and after release at both the local and state levels. Specifically, the committee should evaluate training and technical assistance provided by the Texas Veterans Commission to criminal justice agencies.

3. Examine the current parole revocation warrant ("blue warrant") procedure. Specifically, the committee should consider the monetary costs to the counties; using Risk Assessment Instruments and the Offense Severity Scale to evaluate static and dynamic factors associated with an offender's record in order to escalate high-risk revocation offenders to the Department of Public Safety for immediate detention; and creating an online list providing the number of outstanding "blue warrants" pending per county.

4. Evaluate funding provided to the TDCJ for the repair, maintenance, and upgrade of prison facilities. Determine areas of the facilities that are in most need of repair, maintenance Interim, or upgrade and examine the costs associated with such repairs, maintenance, or upgrades. Examine the Correctional Managed Health Care Committee's administration of Hepatitis C treatment and procedures. Review the Community Justice Assistance Division's current compliance practices and examine current funding formulas for adult probation departments. Study the TDCJ's ownership of real property not being used for prison facilities, including the amount of property owned and its highest and best use.

5. Monitor the State Auditor's review of agencies and programs under the Committee's jurisdiction. The Chair shall seek input and periodic briefings on completed audits for the 2019 and 2020 fiscal years and bring forth pertinent issues for full committee consideration.

Interim Charge #1: Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 86th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure intended legislative outcome of all legislation, including the following:

• HB 374, which relates to meetings or visits between a defendant on community supervision and a supervision officer. Monitor community supervision and corrections department rules regarding the scheduling of meetings or visits with a defendant placed on community supervision. Examine the process by which community supervision and corrections departments implement newly adopted policies.

• HB 650 and HB 3227, which relate to the welfare of confined females within the Texas Department of Criminal Justice (TDCJ). 2 Monitor TDCJ rules regulating treatment of incarcerated women. Examine the process by which the department facilitates the educational, medical, and wellness needs of incarcerated pregnant women.

• HB 1191, which relates to an annual report concerning the number of inmates who have been in the conservatorship of a state agency responsible for providing child protective services. Monitor the TDCJ's collection of statistical information concerning the total number of inmates who have at any time been in the conservatorship of a state agency responsible for providing child protective services.

• SB 1147, which relates to conditions of community supervision for certain driving while intoxicated offenses. Monitor the implementation of the legislation and provide recommendations to improve access to treatment for defendants convicted of driving while intoxicated.

The Committee submitted a Formal Request for Information on November 16, 2020 to evaluate Charge #1.

Legislation

During the 86th Legislative Session, the House Committee on Corrections heard numerous bills. As the Chair of the House Committee on Corrections, I am thankful for the collegial and thoughtful partnership of the Governor's Office. Additionally, I thank Governor Greg Abbott for his leadership in promoting public safety. These are the bills that Governor Abbott signed into law, as summarized by the Texas Legislative Council, along with commentary about the status of their implementation during the interim.

House Bill 374, Effective: 9-1-19

House Author: Allen et al.; **Senate Sponsor:** Miles

House Bill (HB) 374 amends Section 76.019, Texas Government Code, to require Community Supervision and Corrections Departments (CSCD) to adopt a policy no later than January 1, 2020, for Community Supervision Officers (CSO) to take into consideration an individual's work, treatment, or community service schedule when scheduling required meetings or visits. Additionally, the bill allows the defendant to report via videoconference technology if the department determines that an in-person visit is unnecessary.

Although many CSCDs previously had implemented these requirements as standard practice, the bill required all CSCDs officially to adopt these practices into their departmental policies and procedures.

As the administrator of CSCDs in Texas, the TDCJ Community Justice Assistance Division (CJAD) requested from each CSCD a copy of their policies and procedures specific to the implementation of HB 374, and received a response from all 122 CSCDs by the December 31, 2019 deadline.

Since March 2020, most CSCDs have further expanded their use of videoconferencing to supervise probationers due to health considerations and social distancing requirements required to mitigate the spread of COVID-19 during the pandemic.

House Bill 650, Effective: 9-1-19

House Author: White et al.; **Senate Sponsor:** Whitmire

House Bill (HB) 650 amends Chapter 493, Government Code, requiring correctional officer training related to pregnant inmates, and Chapter 501, Government Code requiring educational programming for pregnant inmates. This bill places limitations on cross-gender searches, and amends statute regarding use of restraints on a pregnant inmate. This bill requires TDCJ to provide feminine hygiene items to inmates free of charge; requires the agency to allow a female inmate to bond with a newborn for 72 hours postpartum; and places limitations on the use of restrictive housing and requires TDCJ to place pregnant inmates in bottom bunks. This bill also requires TDCJ to conduct trauma history screening at intake and to make referrals to medical and/or mental health services as needed.

To implement HB 650, TDCJ developed a tracking mechanism utilized to capture each pregnant inmate's information, which is continuously updated as new data is received. TDCJ provides relevant agency divisions with this list of all pregnant inmates and their respective projected due date to provide necessary services and educational opportunities. TDCJ created a notification email regarding newly identified pregnant inmates in order to facilitate the appropriate housing and bunk assignment. Also, a report is generated weekly to send notifications and/or reminders to applicable facility staff of each pregnant inmate's impending due date and release date to ensure adequate time to complete the required educational components.

To satisfy these new statutory training requirements, TDCJ's Training and Leader Development Division updated the Gender Specificity Training for correctional officers regarding the use of leg restraints, restraint belts, and transport chains on pregnant inmates in accordance with an updated agency policy. The agency's Correctional Institutions Division (CID) revised the "Use of Restraints on Pregnant, Blind, Visually Impaired, Deaf, Deaf-Blind, or Hard of Hearing Inmates" policy regarding the use of leg restraints, restraint belts, and transport chains on pregnant inmates. The training also includes information regarding the diet for pregnant inmates. Intermediate Sanction Facility (ISF) parole officers are now trained regarding pregnant clients. The agency's Private Facility Contract Monitoring/Oversight Division (PFCMOD) notified their contracted facilities of the bill requirements and policy changes.

To implement the provisions related to feminine hygiene items, TDCJ provided notice to all facility leadership to provide feminine hygiene items to female inmates free of charge and that these justice-involved women may request additional quantities. TDCJ updated the Unit Supply Procedures Manual Policy 16.03, "Personal Hygiene Items," to reflect this new policy direction.

The University of Texas Medical Branch (UTMB) updated policies to ensure female inmates are able to bond with their newborn child for 72 hours postpartum.

TDCJ added language to the Restrictive Housing Plan regarding confinement of pregnant inmates in restrictive housing for an extended period. TDCJ has issued instructions requiring bottom-bunk assignment to pregnant inmates.

To facilitate the required screening and medical referrals, the TDCJ's Classification and Records Office (CRO) within CID created a new policy, "Adverse Childhood Experience (ACE) Questionnaire Interview," that includes an attachment with ACE questions to be asked of each newly received justice-involved. The results are forwarded to medical who will assist in identifying the justice-involved at a higher risk of having medical/mental health problems.

Texas Government Code 501.0215 requires the TDCJ to develop and provide each pregnant justice-involved with educational programming related to pregnancy and parenting to include:

- appropriate prenatal care and hygiene,
- the effects of prenatal exposure to alcohol and drugs on a developing fetus,
- parenting skills, and
- medical and mental health applicable to children.

The TDCJ Rehabilitation Programs Division (RPD) updated peer education curriculum to meet all requirements of this section and performed training at each facility that houses the pregnant justice-involved to provide peer educators and security staff that oversee peer education programs with the materials and knowledge necessary to ensure proper delivery of the educational information. Peer education participation and completion is monitored through verification of recorded data.

HB 650 requires TDCJ to conduct a study of the effect of the department's visitation policies on the relationships between justice-involved or defendants and their children. This report will be submitted to state leadership and the Texas Legislature by December 31, 2020.

House Bill 812, Effective: 9-1-19

House Author: White; **Senate Sponsor:** Whitmire

House Bill 812 amends the Government Code to change the health care services fee certain justice-involved of the TDCJ must pay for a visit initiated by a justice-involved to a health care provider from \$100 for all visits until the first anniversary of the imposition of the fee to \$13.55 per visit and to prohibit a justice-involved from being required to pay more than \$100 during a state fiscal year.

House Bill 918, Effective: 1-1-20

House Author: White et al.; **Senate Sponsor:** Johnson et al.

House Bill 918 amends the Government Code to require the TDCJ, when a justice-involved who is determined to be able to work by TDCJ is discharged or released on parole, mandatory supervision, or conditional pardon and whose intended residence is in Texas, to provide the justice-involved with certain relevant documentation to assist the justice-involved in obtaining post-release employment. The bill also requires TDCJ to determine whether a justice-involved who is discharged or released on parole, mandatory supervision, or conditional pardon has a certified copy of the justice-involved's birth certificate and a copy of the justice-involved's social security card. If the justice-involved does not have such a document, TDCJ is required to submit a request for the issuance of the applicable document to the appropriate entity on behalf of the justice-involved.

House Bill 1191, Effective: 9-1-19

House Author: Johnson, Jarvis et al.; **Senate Sponsor:** Whitmire

House Bill (HB) 1191 amends Chapter 501.023 of the Texas Government Code regarding the TDCJ's submission of an annual report concerning the number of justice-involved who have been in the conservatorship of a state agency responsible for providing child protective services. The bill requires the submission of the report to each member of the Texas Legislature and for TDCJ to make this report available to the public on the TDCJ's website. The report also must include information disaggregated by age and the number of justice-involved who have not served a previous term of imprisonment.

During the intake process, unit classification and records staff asks the justice-involved if they ever have been under the conservatorship of the state. Justice-involved answers range from yes, no, unknown, or no answer at all. Staff enter these responses into the TDCJ Mainframe computer system for documentation and reporting. In 2020, TDCJ established a Memorandum of Understanding with the Texas Department of Family and Protective Services (DFPS) to receive data of individuals who were previously in DFPS conservatorship. These departments exchange this data quarterly in order to verify justice-involved responses. TDCJ uses this verified data in the annual report submitted to the Texas Legislature by December 31, 2020.

House Bill 1342, Effective: 9-1-19

House Author: Leach et al.; **Senate Sponsor:** Hinojosa

House Bill 1342 amends the Occupations Code to set out and revise provisions regarding the eligibility for certain occupational licenses for a convicted person. The bill removes as grounds for disqualification for an occupational license a conviction for an offense that does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the applicable license. Among other provisions, the bill requires a licensing authority to provide written notice and allow a person to submit relevant information to the authority before it denies the person a license. This legislation also provides the license applicant the opportunity for the licensing authority to examine applicant based on his/her prior conviction of an offense. The bill requires the state auditor, in collaboration with licensing authorities, to develop a best practices guide for an applicant with a prior conviction to use when applying for a license and to publish the guide on the state auditor's website. The bill also provides for the issuance of restricted licenses for air conditioning and refrigeration contractors and electricians as an alternative to denying, revoking, suspending, or refusing to issue or renew a license under certain circumstances.

House Bill 1343, Effective: 9-1-19

House Author: Leach; **Senate Sponsor:** Paxton et al.

If s/he has not filed an application for a protective order with regard to a victim of stalking or certain sexual, trafficking, or prostitution-related offenses, HB1343 amends the Code of Criminal Procedure to require the attorney representing the state, promptly to file the application following the justice-involved's conviction of or placement on deferred adjudication community supervision for the offense. However, this legislation prohibits the attorney from doing so if the victim is at least 18 years of age and requests that the attorney not file the application. The bill establishes that a justice-involved's conviction of or placement on deferred adjudication community supervision for such an offense constitutes reasonable grounds for purposes of the issuance of a protective order. The bill provides for the issuance of a protective order effective for the duration of the lives of the justice-involved and the victim if the justice-involved is convicted or placed on deferred adjudication for such an offense and if the justice-involved is required to register for life as a sex offender. HB 1343 amends the Penal Code to expand the conduct that constitutes the offense of improper contact with a victim. The bill provides for the enhancement to a state jail felony of an offense of violating certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, stalking, or trafficking case if it is shown at the trial of the offense that the defendant violated an order issued as a result

of an application filed with respect to stalking or certain sexual, trafficking, or prostitution-related offenses.

House Bill 1374, Effective: Immediately

House Author: Hernandez et al.; **Senate Sponsor:** Whitmire et al.

House Bill 1374 amends the Government Code to authorize the community justice assistance division of the Texas Department of Criminal Justice to award a grant to a community supervision and corrections department for the development and operation of a pretrial intervention program for defendants who are pregnant or the primary caretaker of a child.

House Bill 2502, Effective: 9-1-19

House Author: Moody et al.; **Senate Sponsor:** Watson et al.

House Bill 2502 amends the Code of Criminal Procedure to provide for a mandatory term of confinement of not less than 120 days for a defendant who is placed on community supervision for an offense involving a vehicle accident resulting in the death of a person.

House Bill 2623, Effective: 9-1-19

House Author: White; **Senate Sponsor:** Whitmire

House Bill 2623 amends the Family Code to include among the conditions under which a court may order a change of name for a person with a final felony conviction or who is required to register as a sex offender a person's request to change the person's name to the primary name used in the person's criminal history record information.

House Bill 2758, Effective: 9-1-19

House Author: Hernandez; **Senate Sponsor:** Huffman

House Bill 2758 amends the Code of Criminal Procedure and the Health and Safety Code to include certain trafficking and prostitution-related offenses among the offenses for which a defendant who is charged, adjudged guilty, or convicted is ineligible for deferred adjudication community supervision or judge-recommended or jury-recommended community supervision. The bill limits the eligibility of a defendant adjudged guilty of aggravated promotion of prostitution or compelling prostitution for judge-ordered community supervision to a victim of certain trafficking or prostitution-related offenses. Implementation of a provision of this bill is mandatory only if a specific appropriation is made for that purpose.

House Bill 3227, Effective: 9-1-19

House Author: Howard et al.; **Senate Sponsor:** Huffman

HB 3227 amends Texas Government Code by adding Section 501.026, which requires the TDCJ to develop and implement policies that increase and promote its incarcerated female inmates' access to programming, including educational, vocational, substance use treatment, rehabilitation, life skills training, and pre-release programs.

The agency created “Programming for Female Offenders” policy. This policy establishes the TDCJ Rehabilitation Programs Division (RPD) as the coordinating division for programming initiatives related to female inmates incarcerated within TDCJ; and requires TDCJ adequately to address gender-responsive programming, with any expansion of services also being supported adequately.

Consistent with the charge of the Texas Legislature, TDCJ has continued to increase access to programs for female justice-involved in TDCJ custody. TDCJ is establishing new rehabilitation programs based on justice-involved needs. The increasing needs of the female justice-involved population have led to program expansions in recent years such as new educational opportunities and the Strength Through Restoration, Independence, Vision, and Empowerment (STRIVE) Reentry Center.

TDCJ is continuing to explore innovative methods to promote and increase programming for female justice-involved, to include partnerships with community-based organizations, non-profit organizations, and volunteer groups.

TDCJ is preparing an annual written report that includes a description of departmental policies created, modified, or eliminated with regard to female programming. This report will be submitted to state leadership and the Texas Legislature by December 31, 2020.

House Bill 3529, Effective: Immediately

House Author: Gutierrez; **Senate Sponsor:** Menéndez

House Bill 3529 amends the Government Code to require the community justice assistance division of the Texas Department of Criminal Justice to collaborate with the judges in Bexar County who have jurisdiction over cases involving family violence to establish a family violence pretrial diversion pilot program for individuals who are charged with an offense involving family violence and who suffer from a substance abuse disorder or chemical dependency. The bill expires September 1, 2023.

House Bill 3582, Effective: 9-1-19

House Author: Murr et al.; **Senate Sponsor:** Menéndez et al.

House Bill 3582 amends the Code of Criminal Procedure, Government Code, and Penal Code to make a defendant charged with the offense of driving while intoxicated (DWI) with a child passenger ineligible for deferred adjudication community supervision. Subsequent to a DWI charge involving a child passenger, the state must install an ignition interlock device on the defendant’s motor vehicle as a condition release from custody. Among other provisions, the bill requires a judge granting deferred adjudication community supervision to a defendant for driving or boating while intoxicated to require the installation of an ignition interlock device on the defendant’s motor vehicle as a condition of community supervision, with certain exceptions.

House Bill 4754, Effective: Immediately
House Author: Lopez et al.; **Senate Sponsor:** Menéndez

House Bill 4754 requires the TDCJ to conduct a study relating to parole officer caseload administration. The bill requires TDCJ to prepare and submit a related report to the legislature not later than September 1, 2020.

Senate Bill 1147, Effective: 9-1-19
Senate Author: Buckingham et al.; **House Sponsor:** White

SB 1147 amends section 42A.402, Texas Code of Criminal Procedure. It permits a judge to require an evaluation by a licensed physician of a defendant who has displayed an alcohol dependency as a condition of community supervision and that a licensed physician may recommend medication-assisted treatment.

For implementation, the TDCJ Community Justice Assistance Division (CJAD) notified all Community Supervision and Corrections Departments (CSCDs) of this option as a condition of probation via webinar on August 12, 2019 and by email on August 16, 2019. TDCJ-CJAD followed up with a survey of CSCDs. Out of 122 CSCDs, 49 responded. In their response:

- 39 respondents (80 percent) indicated that evaluations as authorized by SB 1147 are not imposed as a condition of probation in their jurisdiction.
- 10 respondents (20 percent) indicated that their courts order the evaluations described above; of those 10, 4 respondents (40 percent) reported that the courts ordered the evaluations on the cases that meet certain criteria as set by the court and 6 respondents (60 percent) indicated that the condition is not consistently applied across eligible cases.

Senate Bill 1217, Effective: Immediately
Senate Author: Alvarado; **House Sponsor:** Morales

Senate Bill 1217 amends the Occupations Code to prohibit a licensing authority from considering an arrest that did not result in a person's conviction or placement on deferred adjudication community supervision for purposes of determining an applicant's eligibility for an occupational license.

Senate Bill 1531, Effective: 9-1-19
Senate Author: Hancock; **House Sponsor:** White

Senate Bill 1531 amends the Occupations Code to revise provisions governing the requirements for an electrician license and auctioneer license and governing the grounds on which the Texas Commission of Licensing and Regulation (TCLR) or the Texas Department of Licensing and Regulation (TDLR) may take certain actions related to a license to practice podiatry, midwifery, or dog or cat breeding. Among other provisions, the bill removes a person's conviction of a felony or a crime that involves moral turpitude from the grounds on which TCLR or TDLR may refuse to admit a person to an examination and to issue a license to practice podiatry and

removes a person's conviction of a misdemeanor involving moral turpitude or a felony from the grounds on which TCLR or the executive director of TDLR may discipline a licensed midwife, refuse to renew a midwife's license, or refuse to issue a license to an applicant.

Interim Charge #2: Examine gaps in services and assess efforts to connect justice-involved Veterans, senior citizens, and homeless populations to services while incarcerated and after release at both the local and state levels. Specifically, the committee should evaluate training and technical assistance provided by the Texas Veterans Commission to criminal justice agencies.

The Committee submitted a Formal Request for Information on November 16, 2020 to evaluate Charge #2.

TDCJ-Involved Veterans, Senior Citizens, & Homeless Populations

The Texas Department of Criminal Justice (TDCJ) works in collaboration with other state agencies and local resources to address the needs of Veterans, senior citizens, and homeless populations incarcerated in TDCJ. TDCJ assists these populations by identifying existing needs, delivering services while incarcerated, and making appropriate referrals for community resources when released back into society.

TDCJ-Involved Senior Needs

TDCJ considers justice-involved individuals 55 years of age or older as elderly. This segment of the incarcerated population experiences a myriad of challenges that are not common to a younger incarcerated cohort. Yet, they are able to take advantage of the many program opportunities available to all justice-involved. The population of incarcerated individuals have aged at a faster pace than that of the general population. In other words, the incarcerated justice-involved physiologically encounter the effects of aging sooner than most people. The number of elderly inmates is rising and expected to trend higher. As of October 31, 2020, there are 19,248 justice-involved over the age of 55. This is a 51 percent increase since 2010. Aging presents additional reentry barriers such as medical conditions, medication access, appropriate housing, family reunification, and a source of income, to name a few. TDCJ, BPP, local criminal justice trial officials, and most important, crime victims, should continue evaluating the justice-involved level criminal incapacitation relative and with respect to offense severity and sentencing.

Seniors - While Incarcerated

While incarcerated, TDCJ justice-involved live in the general population as long as they are independently able to perform the activities of daily living and keep up with the unit's schedule. Specialized housing is needed for the geriatric justice-involved who cannot live in the general population.

The justice-involved who begin to show signs of infirmity due to age, and cannot function well in general population, but do not need help with their activities of daily living can be moved into "sheltered housing". To help support the growing population of the elderly justice-involved, TDCJ and the Correctional Managed Health Care Committee, with funding support provided through the Legislature, have created additional "sheltered housing" beds at various units. These "sheltered housing" beds for the geriatric justice-involved allow for the concentrated and focused medical treatment, including intermittent long-term oxygen therapy.

Some aging justice-involved individuals move to a geriatric facility where they need operational and physical accommodations. Geriatric units provide ambulatory and outpatient medical services, supported by a telemedicine program and health care staff. Seniors who require geriatric care, consistent with assisted living or nursing home level care in the community, are placed in the medically appropriate level of care that meets their daily needs addressing medication, medical services, and dietary provisions.

Attending to a senior citizen's medical needs are necessary, but providing multidimensional opportunities for development are important as well. TDCJ offers incarcerated seniors programmatic opportunities such as faith-based dorms, life skills programs, education, substance abuse treatment, sex offender treatment, cognitive intervention, and post-secondary education programming. In addition, there are Reading Acceleration Programs (literacy programming) offered through the Chaplaincy Department, Peer Support Services, and specialized Peer-to-Peer support for those who need Americans with Disabilities Act (ADA) accommodations. Additionally, volunteers provide pet therapy programs on designated geriatric units.

Seniors - Reentering Society

In preparation to reenter society, TDCJ initiates case planning for the geriatric justice-involved. This process begins months prior to release.

The assigned case manager will evaluate post-release needs of the justice-involved to ensure continuity of care. The justice-involved's medical care and mental health providers inform the evaluation that identifies medical and health care needs upon release. If available, TDCJ may also engage family members in the pre-release planning process to address the senior justice-involved's unique circumstance.

Trained TDCJ reentry staff assist this geriatric population to apply for, or restart, Social Security and Medicare entitlements. After being released with a 30-day supply of prescribed medications, with entitlement coverage in place, the geriatric justice-involved will be able to access medical services and needed medications in the post-release environment.

While the ability to reside with family is optimal, in some instances it is not possible due to physical limitations, medical needs, or lack of family resources. TDCJ works to identify appropriate housing that will meet the needs of the geriatric justice-involved. For more able-bodied senior citizens, case managers work to locate a senior residence using TDCJ's resource guide and knowledge of local housing availability. However, in some cases, TDCJ may need to place the justice-involved in a skilled nursing facility. In that event, TDCJ Reentry and Integration Division (RID) staff will coordinate with TDCJ's Texas Correctional Office on Medical or Mental Impairments (TCOOMMI) to secure placement in an appropriate facility. TDCJ should partner with community-based re-entry organizations and expand effective evidenced-based housing options. One such approach is the Oxford-style housing. With this framework, TDCJ approves the post-released justice-involved to a small-group housing environment which features continued programming, peer counseling and proximity to medical, transportation, and employment opportunities.

For senior justice-involved individuals already released to supervision, TDCJ Parole Division (PD) staff coordinate with TCOOMMI on medical resources and skilled nursing placements. TDCJ-RID case managers also are available to assist senior clients with referrals if any need emerges since reentering society.

For the senior justice-involved who have a terminal illness or require long term care, but due to time remaining on their sentence are not scheduled for standard release, the Board of Pardons

and Paroles (BPP) may approve an early release through the Medically Recommended Intensive Supervision (MRIS) program. The BPP considers MRIS cases in accordance with Texas Administrative Code Title 37, Part 5, Chapter 145 (Board Rules). The Board Members and Parole Commissioners, acting in a parole panel, will review and make release decisions on cases referred to the Board by TCOOMMI.

The justice-involved considered are those identified by TCOOMMI as elderly or terminally ill, mentally ill, have an intellectual disability, or a physical disability, or persons who have a condition requiring long-term care, are in a persistent vegetative state, or persons with an organic brain syndrome with significant to total mobility impairment.

Eligible justice-involved must also meet other requirements. A justice-involved other than one sentenced to death or serving life without parole, except a justice-involved with an instant offense described in Section 42A.054, Code of Criminal Procedure, or a justice-involved with a reportable conviction or adjudication under Chapter 62 of the Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed by a physician.

TDCJ-Involved Homeless Needs

Individuals who have experienced homelessness and are incarcerated within TDCJ may face challenges upon release including employment, housing, medical, and other issues. During incarceration, TDCJ provides effective, evidence-based and evidence-informed treatment and programmatic services for justice-involved individuals. Upon supervised release, individuals are provided with opportunities to access resources and programmatic support. These opportunities help facilitate positive change in the lives of inmates, help them reenter society, and help the individual overcome obstacles that lead to homelessness.

Homeless - While Incarcerated

Upon arrival to TDCJ or when assigned to a new unit, Department staff administer various tests to the justice-involved in order to detect medical or mental health problems and to determine educational and intelligence levels by treatment professionals. These assessments help to create a justice-involved's Individualized Treatment Plan (ITP). If self-identified, the counselor will consider homelessness when creating the plan.

The ITP serves as the programmatic plan during a justice-involved's incarceration. The plan outlines programmatic activities and services for a justice-involved and prioritizes their participation in recommended programs based on the individual's needs, program availability and applicable parole or discharge date. While TDCJ treatment programs and access to health care resources are not solely for the justice-involved who have experienced homelessness, these opportunities will benefit them and prepare him or her for a successful integration back into society.

The ITP has a goal of reducing recidivism, removing barriers to reentry, and addressing the needs of the justice-involved to be successful, like addressing obstacles for a stable home. Opportunities include:

- Education
- Post-Secondary Education
- Vocational
- Mock Interviews
- Life Skills
- Substance Abuse Treatment
- State Jail Substance Abuse
- Sex Offender Treatment
- On-the-Job Training Certificates
- Faith-Based Dorms
- Cognitive Intervention
- Resume Writing
- Veteran Services

With employment being a key component to address homelessness, basic and vocational education opportunities are available through the Windham School District, along with on-the-job training opportunities to enhance the skills and learned during the educational courses. The justice-involved also are able to earn industrial certifications to further employability.

As the justice-involved begins to work toward the reentry planning phase, TDCJ re-entry specialist incorporate these programmatic components into the case plan and aid in reducing the risk of homelessness upon release.

Homeless - Reentering Society

TDCJ does not release a justice-involved to parole without a verified home plan. The TDCJ Parole Division (PD) assigns any justice-involved releasing to supervision who does not have an approved residence plan upon release to a residential reentry center or halfway house. TDCJ Reentry and Integration (RID) staff are available to assist a justice-involved with finding a more suitable residence. TDCJ compiles and maintains the Reentry Resource Guide with housing options included. It is available to the justice-involved in hard copy at multiple locations on each prison unit and on TDCJ's webpage for post-release access. TDCJ-RID staff are accessible for one-on-one review and assistance with housing.

TDCJ recognizes that a state identification card, as well as a birth certificate and a social security card, helps an individual combat homelessness, obtain employment, and secure a residence. TDCJ works to ensure a justice-involved has identification documents at the time of release. TDCJ-RID case managers screen and process documentation needs for all eligible justice-involved prior to release.

In addition to identification documents, upon release, the justice-involved receive resumes outlining work service completed while incarcerated, including any educational achievements earned, as well as copies of vocational or other job training certificates. For the justice-involved with specific vocational skills, the justice-involved information is uploaded to the TDCJ Website for Work web portal for potential employers to review and, if interested, offer employment.

TDCJ-RID staff focus on employment as a significant element of a successful transition to the community and provide employment assistance both before and after release. To capitalize on education and job and skills training received while in custody, TDCJ offers career expositions, employment preparation classes (to include soft skills training), and job fairs on a consistent basis to enhance the justice-involved's employability and obtainment of employment, often working in conjunction with the Texas Workforce Commission. By securing employment, the risk of losing a residence is reduced, thereby, providing a more stable environment for the justice-involved to finish their sentence or reintegrate in the community.

To further enhance strategies to address homelessness for those in the criminal justice system, the TDCJ participates in on-going collaborative workgroups and meetings with other agencies and entities to identify proven and emerging resources for those who have experienced homelessness. TDCJ should partner with community-based re-entry organizations and expand effective evidenced-based housing options. One such approach is the Oxford-style housing. With this framework, TDCJ approves the post-released justice-involved to a small-group housing environment which features continued programming, peer counseling and proximity to medical, transportation, and employment opportunities.

TDCJ-Involved Veteran Needs

TDCJ is responsible for the identification of a justice-involved's Veteran status and the coordination of activities on behalf of Veteran justice-involved and Veterans released to parole supervision. The TDCJ-RID collaborates with multiple Veteran organizations regarding reentry services. Each partner Veteran organization's expertise enhances the individualized services TDCJ provides to the Veteran population.

Veterans - While Incarcerated

TDCJ works to identify Veterans at the point of incarceration by verifying all justice-involved through the Veterans Affairs Veteran's Reentry Search Service (VRSS). Upon verification, the TDCJ provides all Veterans with an agency brochure and incarcerated Veterans literature outlining available services while incarcerated and beyond. Those services include:

- applying for the DD-214,
- compensation and pension, and
- information on education benefits such as the Hazlewood Act.

In coordination with the TDCJ Veterans Coordinator, case managers assist Veterans with completing Veteran forms and mailing them, at no cost, to the Texas Veterans Commission

(TVC) for review and then processing by the U.S. Veterans Administration (VA).

Veterans who have established benefits or when the VA awards benefits while incarcerated are eligible to receive up to 10 percent of their benefits directly to their TDCJ commissary accounts. Additionally, staff assist eligible family members in applying for apportionment to receive up to 90 percent of the Veteran's benefits while the Veteran is incarcerated.

TDCJ welcomes 55 volunteer-run Veteran programs on units statewide. On Veteran's Day, Memorial Day, and Armed Services birthdays there are special events at units for Veterans provided by volunteer organizations. In addition to these programs, TDCJ coordinates with the TVC and the Samaritan Center to facilitate a Veteran Reentry Dorm for state jail justice-involved individuals.

The TDCJ houses Veterans in a peer support living environment. Incarcerated Veterans may participate in the TDCJ provided substance abuse treatment, faith-based programming, cognitive intervention, educational, vocational, certification, and on- the-job training programs. Veterans also participate in the process of mock interviews and resume writing. Through employment initiatives with second chance employers and Veteran specific hiring strategies, the agency has increased the likelihood for incarcerated Veterans to secure employment prior to release.

TDCJ is opening an in-prison non-parole voted treatment program with peer housing dedicated to Veterans and will soon be opening more peer housing to facilitate enhanced programming models of care for this specialized population.

Veterans - Reentering Society

In preparation for release, TDCJ coordinates with the TVC to initiate first time and reinstatement applications for VA benefits and health care, in which TVC staff review and submit for processing. By initiating the justice-involved's Veteran benefits application prior to release, the Veteran can more quickly utilize these benefits post-release, upon approval.

To further assist the justice-involved in the Veteran benefits application process, TDCJ has allowed contracted medical providers to conduct the VA required Compensation & Pension exams at the Veteran's unit of assignment. If the process was initiated while the Veteran was incarcerated, but incomplete prior to release, TDCJ will assist in coordinating the exams post-release.

TDCJ coordinates with the VA's Health Care for Reentry Veterans (HCRV) program which links the Veteran justice-involved with HCRV providers. Through the program, the justice-involved can access services such as:

- outreach and pre-release assessments,
- referrals to medical, mental health, and social services,
- post-release employment services,
- short-term case management assistance, and
- Veteran housing opportunities.

Additionally, TDCJ staff will provide the Veteran with resources such as military Veteran peer support and continuity of care services.

As a supplement to the identification documents provided to all eligible releasing justice-involved Veterans, TDCJ-RID staff provide the returning Veteran with their DD-214 at the time of release.

The TDCJ has a solid foundation for a robust programmatic response for incarcerated Veterans. The United States Military instills a mission-oriented demeanor in our Veterans. Many Veterans are familiar with the five-paragraph operations order: Situation; Mission; Execution; Service/Support; and Command/Signal: This is a great framework for use by our case workers. Situation: The incarceration environment; Mission: successful rehabilitation in order to gain release and successfully reintegrate into free society; Execution: the plan; Service/Support: Identification of resources for rehabilitation and reintegration; Command/Signal: Whose in charge. Additionally, the TDCJ should explore and implement a programmatic approach for Veterans serving a sentence of probation and parole.

TVC Assistance to Criminal Justice Agencies

The Texas Veterans Commission, in collaboration with the Texas Coordinating Council for Veterans Services (TCCVS), submitted information that includes:

- Gaps in Services/Efforts to Connect JIV to Services
- Training & Technical Assistance to Criminal Justice Agencies
- Receiving Information from Incarcerated Veterans

The full 2020 TCCVS report may be found [here](#) or by visiting https://www.tvc.texas.gov/wp-content/uploads/2020/10/TCCVS-Final-Report_2020.pdf. The report details the unmet needs of Texas Veterans. The relevant portions are listed in this report.

Gaps in Services/Efforts to Connect Justice-Involved Veterans to Services

A. FROM MENTAL HEALTH WORKGROUP, TCCVS 2020

Unmet Veteran Need #3:

Law Enforcement Officers (LEO) need training on Veteran and military trauma to increase positive outcomes in police interactions, to assist in de-escalating situations, and to divert Veterans from the criminal justice system.

Recommendations:

- Encourage or require that Texas Commission on Law Enforcement (TCOLE) 4067, Trauma Affected Veterans, become a mandatory class for all TCOLE certified LEOs with 4 or more years of service to create a safer environment for both Veterans and LEO in Texas.
- The passing of the Sandra Bland Act (2017) requires all Texas LEOs to be trained in 40 hours of Crisis Intervention Training (CIT) as part of their basic peace officer course. To compliment this training, it is recommended that TCOLE 4067 become mandatory for all TCOLE certified officers with more than 4 years of experience.

Background: Texas has the 2nd largest number of Veterans in the country, the largest number of female Veterans, and approximately 10 percent of Veterans end up incarcerated, with more than 10 percent having some contact with law enforcement. As more Veterans return from duty with post-traumatic stress, traumatic brain injuries, and military sexual trauma, law enforcement officers (LEOs) need to be well-informed on Veteran and military trauma, the symptoms that may present in the community, and effective de-escalation techniques. Additionally, during the Spring and Summer of 2020, there has been a national acknowledgment of the need for greater emphasis on de-escalation efforts from LEOs related to the use of force alternatives. Currently, there is no national standard for training LEOs on the unique challenges that face trauma affected Veterans. However, the Texas Commission on Law Enforcement (TCOLE) has generated a course to specifically address this need, TCOLE 4067 (Trauma Affected Veterans). This class emphasizes de-escalation, understanding of military trauma and possible LEO trauma, as well as resources for access to care. The Lubbock Police Department has added the TCOLE 4067 training to their basic officer course and the Midland Police Department and Harris County Sheriff Offices are training all their officers. There are about 80,000 law enforcement officers in Texas, and for those who have received the TCOLE 4067 training, the response has been positive.

A survey was sent to all officers that had taken the course in 2017-18 to respond to 2 questions: 1) Do you think the TCOLE 4067 should be a mandatory course? 2) If yes, should it be added to the basic officers' course or mandatory within 2 years of obtaining TCOLE certification. Of the respondents to this survey: 91 percent of those who have taken the TCOLE 4067 training think the TCOLE 4067 Training should be mandatory. 9 percent of those who have taken the class do not think it should be mandatory. 23 percent of respondents think the training should be attached to basic officer training and 35 percent think it should be required within 2 years of becoming a TCOLE certified officer.

B) FROM CRIMINAL JUSTICE WORKGROUP, TCCVS 2020**Unmet Veteran Need #1:**

Increased access to Veterans' status for justice involved Veterans.

Recommendation:

Revise HB 875 from the 84th Legislative Session to be revised to indicate the information from the VA identification system shall be requested daily and be provided to the Veterans County service officer and the magistrate or governing court at law daily.

Background: Veterans are not being identified in a timely manner as required by HB 875. To improve outcomes, the Department of Public Safety (DPS) Texas Law Enforcement Telecommunication System (TLETS), and the Veterans Affairs Veterans Reentry Service System (VRSS) or other approved Veterans Affairs identification program should be connected and able to provide Veterans information to county jails for the purposes of continuity of care and Veterans benefits. Additionally, the verbiage in HB 875 could be revised to indicate the Veteran's information shall be requested at intake.

Unmet Veteran Need #2:

Currently there is no standard recidivism rate definition in Veterans Treatment Courts (VTC). Effectiveness for courts is generally based on recidivism and having a standard, uniform definition would make a stronger case for increasing funding.

Recommendation:

Texas should add a standard definition of recidivism in the Veterans Treatment Court Statute. The Texas Judicial Council (Council) should direct the Texas Office of Court Administration (OCA) to develop guidelines to establish a uniform recidivism rate definition for Veteran's treatment courts for adoption by the Council; and, require OCA to compile the recidivism data for a 10-year period.

Background: Office of Court Administration (OCA) creation of guidelines on a definition and collection of rates for a 10-year period would assist in providing training and technical assistance for courts that will be based in evidence-based practices.

Having multiple definitions of recidivism and not having a central collection spot may create confusion about how courts are performing and may affect the ability of state and local grantors to assess the effectiveness of the programs. Standard definitions and collections will give grantors a better ability to determine effectiveness of programs, give Court Evaluators a specific standard for comparison and give the State of Texas concrete evidence for increasing funding and support of Veterans Treatment Courts.

Unmet Veteran Need #3:

Incarcerated Veterans need access to Veteran specific mental health, substance use and peer support programming and services while in jail and upon release to the community.

Recommendation:

Recommend increased collaboration amongst state agencies and local Veterans support organizations, including volunteer and faith-based organizations, to provide support and funding for Veterans PODS/Dorms and county jails.

Background: Veterans Treatment Courts (VTC) offer Veterans programming and treatment for Veterans that qualify. Veterans that do not qualify for VTC may still need programming for substance abuse and or mental health issues. Emerging practices across the country indicate having access to either Veteran specific programming or Veteran specific pods/dorms in jails with programming can make Veterans more successful with reentry. Facilities that have access to the programming and pods/dorms reportedly have fewer

behavioral problems and incidents of violence by justice-involved Veterans. This may contribute to a less stressful, safer environment for correctional staff and promote community involvement with the Veterans and their families.

(<https://info.nicic.gov/jiv/sites/info.nicic.gov/jiv/files/Barracks-Behind-Bars-508.pdf>).

Additionally, connecting Veterans to services while incarcerated ensures a Veteran has immediate access to services upon reentry and there is no interruption in care and support. There are a few exemplary jail programs that could be used as models including the VALOR program in Colin County, the Fort Bend Veterans program and Montgomery County Veterans Pod.

Unmet Veteran Need #4:

Jailers may not be well trained in Veteran's needs.

Recommendation:

Have TCOLE 3917 revised to an online class and require for jailers with more than one year of experience.

Background: Jailers have a lack of training in Veteran's trauma, needs, benefits and services. A 4-hour online class could be required for advanced certificate holders and Jail Administrators. Texas jailers are required to complete:

1. Basic County Corrections
2. Mental Health Training for Jailers
3. About 9 percent of Veterans and service members who have served in Iraq and Afghanistan have been arrested since returning home.
<https://pubmed.ncbi.nlm.nih.gov/23025247/>
4. Veterans have distinct military cultural and mental health characteristics that are different from those who have not served. It is important for jailers to understand these characteristics to avoid the risk of non-compliant behavior and reduce the risk of injury to both jailers and Veterans.
5. According to the Veterans Administration, more than half of justice-involved Veterans have either mental health problems—namely PTSD, depression, or high anxiety—or substance-abuse disorders, most notably alcohol or cocaine addiction. Plus, Veterans who collide with the criminal justice system may be at higher risk for suicide.
<https://www.research.va.gov/currents/0918-VA-researcher-examines-Vets-who-collidewith-criminal-justice-system.cfm>

Training & Technical Assistance to Criminal Justice Agencies

A. TVC Trainings offered to Criminal Justice Agencies

- VMHD Trainings:
 - Sequential Intercept Model of Criminal Justice Involvement
 - Veteran Suicide Prevention
 - Counseling on Access to Lethal Means (CALM)
 - Ask about Suicide (ASK)
 - Trauma & Veteran Mental Health
 - How being Trauma Informed Improves Criminal Justice Outcomes

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- Trauma in the Criminal Justice System
 - Law Enforcement Trainings
 - TCOLE 4067 Trauma Affected Veterans
 - Jail Specific Trainings
 - TCOLE 3917 Justice Involved Veterans Jail Training
 - Self-Care and Resiliency
 - Peer Mentoring
 - Veteran Treatment Court Mentor Bootcamp Program
 - TVC Claims Trainings:
 - TVC's Claims Benefit Advisors for Incarcerated Veterans provide training to TDCJ on Veteran benefits

B. Examples of Criminal Justice Stakeholders Trained by TVC

- American Probation & Parole Association
- Community Justice Assistance Division, TDCJ
- Correctional Management Institute of Texas Mental Health
- Federal Corrections Institution: Bastrop Federal Prison
- Federal Corrections Institution: Big Spring Federal Prison
- Federal Corrections Institution: La Tuna Federal Prison
- Justice for Vets, NADCP
- Securus Technology Criminal Justice Conference
- Texas Association of Specialty Courts
- Texas Corrections Association
- Texas Commission on Civil Commitment
- Texas Criminal Defense Lawyers Association
- Texas Criminal Justice Department / Texas Council on Offenders with Mental Illness
- Texas Jail Association
- MVPN Peer Service Coordinator Conference
- National Association of Drug Court Professionals
- National Institute of Corrections
- Women in Criminal Justice Conference/Symposium

C. Examples of Technical Assistance Offered by TVC

- Ongoing technical assistance provided to jurisdictions across Texas in establishing and maintaining Veteran Treatment Courts
- Chair, Criminal Justice Workgroup of Texas Coordinating Council for Veterans Services (TCCVS)
- Coordinate training and mentoring for Texas Association of Specialty Courts
- Collaborate with the Specialty Court Division of the Office of the Governor
- Manage the National Institute of Corrections Justice Involved Veterans Committee
- Coordinate Veteran services for Texas Jail Association
- Develop and assist Veteran Inmate Groups
- Monthly coordination of Veteran reentry services from State Jails with TDCJ and MVPN
- Collaborate with Commission on Jail Standards about justice involved Veterans
- Provide Veteran Treatment Court information to Veterans Justice Outreach, VA
- Collaborate with Housing & Urban Development/VA Supportive Housing Program, VA

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- Coordinate suicide trainings with Texas Tech Veterans Resource Center
 - Serve on Veterans Treatment Court Panel on COVID with the National Institute of Corrections and American Probation and Parole Association
 - Ongoing technical assistance to MVPN Peer Service Coordinators
 - Ongoing technical assistance to Veteran Counselors Program
 - Respond directly to incarcerated Veterans and their families regarding JIV issues
 - Board, Association of Parole & Probation Association
 - Board, Texas Reentry Advisory Council
 - Board, One Community
 - Participate on committee to annually update TCOLE 4067 (Trauma Affected Veterans)
 - Develop and annually update TCOLE 3917 (Veterans for Jailers)
 - Contribute to Texas Suicide Prevention Council
 - Additionally, TVC's Claims Benefit Advisors for Incarcerated Veterans process all incarcerated Veterans claims across Texas and respond to inquiries from Veterans and their families.

Receiving Information from Justice-Involved Veterans

A. Jail Cards

“Jail cards” were developed as an answer to the bill (HB3311) telling the jails to run VRSS and inform the identified Veterans about what benefits might be available to them. Having each jail provide this information was deemed too onerous for the jails, so TVC decided to create the cards. The intention is that the jail will run VRSS at intake and hand the jail card to the justice-involved. The justice involved then fills out the card and it is mailed to TVC's VMHD. When VMHD receives the card, it is distributed to the appropriate person or department to coordinate and send the justice involved information and resources relevant to what they asked about. Over 1,000 individual pieces of correspondence from justice-involved Veterans was received and responded to in FY2020. Due to recent enhancements made to the jail cards, it is anticipated that VMHD will receive even more jail cards annually in the coming years.

B. Interagency Collaboration

In addition to jail cards, VMHD maintains ongoing interagency collaboration, consultation, referral sharing, and coordination with multiple stakeholders across Texas.

Examples of this include:

- Coordination with TDCJ regarding the monthly list of Veterans set to be released from state jail for the purposes of arranging reentry and continuity of care efforts.
- Referrals for justice-involved Veterans in need are shared with VMHD from stakeholders including:
 - Veteran Treatment Courts
 - Texas Jail Project
 - Individual Jails across Texas
 - Veterans Inmate Groups
 - Texas Inmate Families Association

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- Governor's Office of Specialty Courts
 - Directly from Legislators
 - VA
 - Military Veteran Peer Network

Interim Charge #3: Examine the current parole revocation warrant ("blue warrant") procedure. Specifically, the committee should consider the monetary costs to the counties; using Risk Assessment Instruments and the Offense Severity Scale to evaluate static and dynamic factors associated with an offender's record in order to escalate high-risk revocation offenders to the Department of Public Safety for immediate detention; and creating an online list providing the number of outstanding "blue warrants" pending per county.

The Committee submitted a Formal Request for Information on November 16, 2020 to evaluate Charge #3.

TDCJ Parole Division

At the end of Fiscal Year (FY) 2020, the Parole Division (PD) supervised 83,891 justice-involved released from the custody of the Texas Department of Criminal Justice (TDCJ), Texas Juvenile Justice Department (TJJJ), or county jail to serve the remainder of their sentence in the community. In addition, there were 2,101 justice-involved supervised in Texas from other states under the Interstate Compact Office.

There are 67 District Parole Offices (DPO) statewide covering 254 counties. The DPOs house approximately 1,440 parole officers who provide supervision services in the community.

The PD strives to enhance public safety and successful justice-involved reentry through effective supervision, programs, and services. Promoting positive justice-involved change contributes to the reduction in recidivism.

Services provided through parole supervision include employment assistance, housing, education, sex offender treatment, mental health services, and substance abuse treatment.

The PD works closely with the Board of Pardons and Paroles (BPP) to ensure that the justice-involved have the necessary special conditions in place prior to release from incarceration to assist them with successful reintegration into society.

The PD utilizes available resources to ensure justice-involved compliance with imposed special conditions and to address any identified issue that arises. In cases where interventions are not successful in gaining compliance with supervision requirements or where immediate action is required to protect public safety, the PD works with the BPP to address non-compliance through the revocation process.

Texas Board of Pardons and Paroles

The primary role of the Texas Board of Pardons and Paroles (BPP) is the discretionary release of eligible justice-involved sentenced to the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID) that includes:

- **Determining which justice-involved are due to be released on parole or discretionary and the conditions of parole and mandatory supervision.**

BPP decides which eligible justice-involved to release on parole or discretionary mandatory supervision, and under what conditions. BPP uses research-based Parole Guidelines to assess each justice-involved's likelihood for a successful parole against the risk to society.

- **Determining revocation of parole and mandatory supervision.**

BPP also decides whether to revoke parole if conditions are not met, using a graduated sanctions approach. Depending on the seriousness of the violation, the BPP may continue parole, impose additional conditions, place the justice-involved in an Intermediate Sanction Facility (ISF), or

use other alternatives to revoking parole and sending the justice-involved back to prison. BPP schedules and conducts the parole revocation hearing.

- **Recommending the resolution of clemency matters to the Governor.**

BPP recommends clemency matters, including pardons, to the Governor.

The BPP consists of seven Board Members appointed for 6-year terms by the Governor with the advice and consent of the Texas Senate. The Presiding Officer, currently David Gutierrez, reports directly to the Governor and serves as administrative head of the agency. The Presiding Officer hires 14 Parole Commissioners to assist the BPP in deciding parole release and revocation by serving as voting members on parole panels. BPP uses researched-based Parole Guidelines to assess each justice-involved's likelihood for a successful parole against the risk to society.

Risk Assessment: Parole Guidelines

The BPP has developed Parole Guidelines to aid in making release decisions on individuals the Parole Board is considering for Parole or Discretionary Mandatory Supervision. This risk instrument consists of several components: static factors, dynamic factors, and an offense severity class.

Static factors are those associated with the justice-involved's prior criminal record. They will not change over time. Dynamic factors reflect characteristics the justice-involved has demonstrated since being incarcerated and can change over time.

Static factors include:

- Age at first admission to a juvenile or adult correctional facility;
- History of supervisory release revocations for felony offenses;
- Prior incarcerations;
- Employment history; and
- Commitment offense.

Dynamic factors include:

- Current age;
- Whether the justice-involved is a confirmed security threat group (gang) member;
- Education, vocational, and certified on-the-job training programs completed during the present incarceration;
- Prison disciplinary conduct; and
- Current prison custody level.

Offense Severity Class

BPP has assigned an Offense Severity Ranking to every one of the felony offenses in the statute. Offense Severity Classes range from low, for non-violent crimes such as credit card abuse, to highest, for capital murder. If a justice-involved is incarcerated for more than 1 offense, the most serious active offense is assigned an Offense Severity Class.

The two components of the guidelines – Risk Assessment and Offense Severity – are merged into a matrix that creates the justice-involved's Parole Guidelines Score. Separate risk scales have been developed for male and female justice-involved. Parole Guidelines Scores range from one, for an individual with the poorest probability of success, up to seven, for a justice-involved with the greatest probability of success.

A Parole Guideline Score is not utilized in making revocation decisions.

Risk Assessment

The PD utilizes the Texas Risk Assessment System (TRAS) which is an evidence-based assessment tool adapted from the Ohio Risk Assessment System. The PD uses this tool to identify justice-involved risks and needs as they progress through the criminal justice system.

The following identifies the four types of tools applicable within the PD:

- **Re-entry Tool (RT)** - Assessment tool designed to use with justice-involved releasing from prison who have served more than 4 years of continuous incarceration;
- **Supplemental Re-entry Tool (SRT)** - Assessment tool designed to use with justice-involved releasing from prison who have served 4 years or less, but more than 6 months of continuous incarceration;
- **Community Supervision Screening Tool (CSST)** – Post-release screening tool used with justice-involved under supervision to identify justice-involved risk factors; and
- **Community Supervision Tool (CST)** - A full assessment tool designed to use with justice-involved under supervision to identify justice-involved risks and needs.

Using one of the above tools, the PD can assess and score the justice-involved's risk levels. Their risk and caseload determine the level of supervision. The PD has the following supervision levels:

Active Parole Population As of August 31, 2020	
Supervision/TRAS Level	TOTAL
L - Low	28,071
L/M - Low/Medium	21,063
M - Medium	10,904
M/H - Medium/High	142
H - High	16,920
VH - Very High	12
Not Classified	6,779
Total	83,891

Parole Revocation Warrant Procedures

The PD issues pre-revocation warrants (blue warrants) on supervised justice-involved for administrative violations and/or new criminal offenses.

When a parolee violates conditions of release or gets arrested, charged, indicted, or convicted for a new felony offense, the Parole Division issues a pre-revocation warrant dependent upon the severity of the violation.

The PD created the Violation Action Grid (VAG) to provide guidance to staff in determining the course of action that may be taken when a justice-involved is not complying with the rules and conditions of release. The VAG outlines recommendations that includes interventions, summons, and warrants and is based on caseload and risk level.

The VAG considers the severity of the violation, previous violations and the justice-involved's supervision level. Other than situations outlined in policy that require immediate warrant issuance, the PD utilizes an intervention process that applies interventions to bring them into compliance with supervision requirements prior to warrant issuance. The PD adopted this method from the National Institute of Justice as an effective method to increase compliance. Below is a brief description of administrative violations and intervention options:

-
- **Administrative Violations** are violations of the terms and conditions of release excluding new felony or misdemeanor offenses. Examples of administrative violations include, but are not limited to the following:
 - Justice-involved who has a special condition to participate in cognitive skills classes, substance abuse or sex offender treatment, or other programs; however, refuses to attend the class or program;
 - Justice-involved who is electronically monitored and required to follow a daily schedule or child safety zones; however, fails to comply;
 - Justice-involved who is required to live in an approved residence; however, moves without authorization;
 - Justice-involved who does not report, does not contact the parole officer, and cannot be located; or
 - Justice-involved who tests positive for use of drugs or alcohol on a urinalysis.

 - **Interventions** are corrective measures designed to address non-compliance and direct justice-involved toward future compliance with conditions of release. Parole officers utilize the intervention process to correct non-compliance with rules and conditions of release prior to requesting a warrant unless there is an immediate threat to public safety. Examples of interventions include, but are not limited to the following:
 - Case conference;
 - Written reprimand;
 - Treatment placement;
 - Increased reporting; or
 - Request the BPP to impose a special condition, (e.g. electronic monitoring, psychological evaluation, etc.).

Warrant Issuance Process

When interventions are not effective in correcting non-compliance, the parole officer initiates the warrant process:

- The parole officer completes a violation report identifying all administrative violations of rules and conditions of release and/or pending criminal charges.

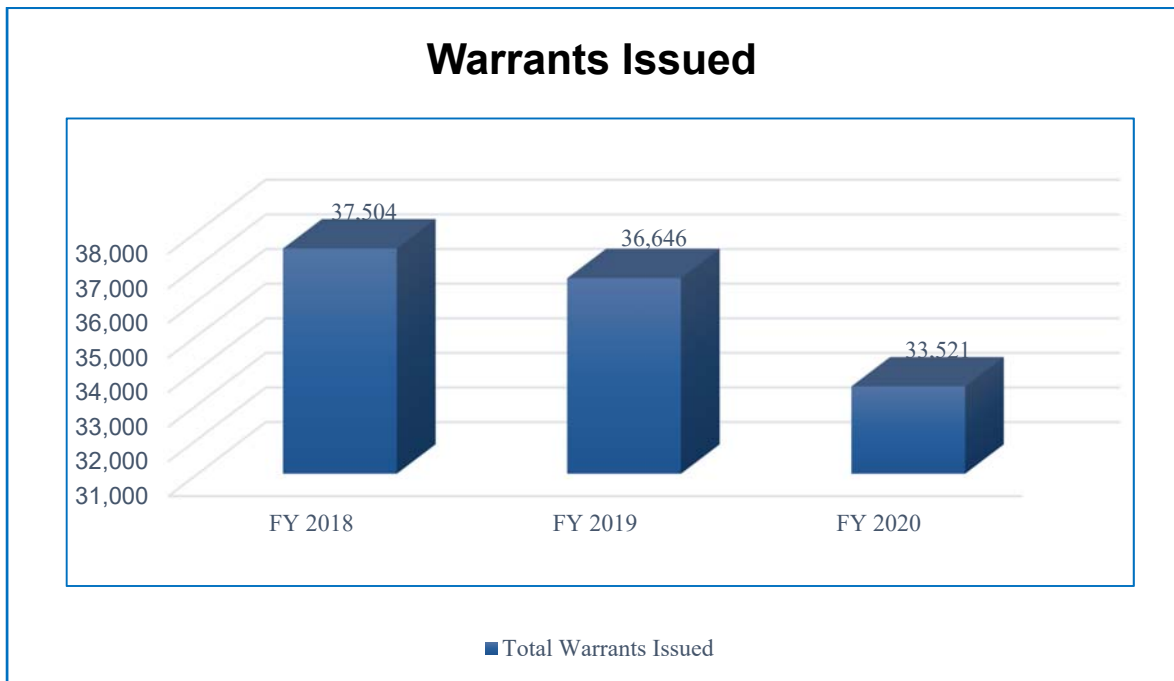
- The violation report routes through a review and approval process, which includes a unit supervisor and/or a parole supervisor, and a region warrant specialist who makes the final determination of warrant issuance, summons to a revocation hearing or impose alternate sanctions through the use of interventions.

- Texas Government Code 508.251 allows the PD to issue a summons in lieu of pre-revocation warrant for eligible justice-involved, which allows the PD to conduct pre-revocation hearings while the justice-involved remains in the community.

The PD may withdraw a warrant and take an alternative intervention any time prior to scheduling a revocation hearing based on additional information obtained during an investigation. When

sufficient information is obtained during the investigation to support the allegations, the justice-involved will continue through the revocation process. Those justice-involved with new criminal charges will proceed through the revocation process pending the adjudication of charges.

During Fiscal Year (FY) 2020, there were 33,521 new parole warrants published with Texas Law Enforcement Telecommunicating System (TLETS) in FY 2020, of which 8,030 warrants were due to new criminal charges. Additionally, there were 29,307 offenders apprehended on parole warrants and 29,216 parole warrant withdrawals. However, warrants executed and withdrawn are tracked based on the overall outstanding parole warrants published regardless of the origination year.



Warrant Notification

Parole Division has their issued warrants published in the National Crime Information Center and the Texas Crime Information Center. These two agencies' databases are available to all law enforcement nationwide. In addition, when the PD issues a warrant on a high risk justice-involved (Super Intensive Supervision Program or Sex Offender) a regional broadcast is sent through the TLETS notifying all law enforcement with a mnemonic within a specific region that issued warrant. The Texas Department of Public Safety establishes the regions. The justice-involved's last residence determines where the regional broadcast occurs. The PD works synergistically with the Office of the Inspector General and their fugitive apprehension program to identify and target parole absconders with a history of violent crimes.

Revocation Process

Upon arrest notification, the Parole Board initiates the revocation process. The Texas Government Code 508.282 establishes a time frame of 41 days to complete the revocation process, for those arrested on administrative violations and those with adjudicated law violations and which the sheriff has provided notification to the department. The time frames listed below are outlined in PD policy and reflect the procedures employed by the division and the BPP to process a justice-involved through the revocation process to meet the requirements of Government Code 508.282:

- The parole officer has 5 calendar days from arrest (warrant execution) to conduct a pre-revocation interview; at which time, the parole officer reads rights to the justice-involved and advises the justice-involved of the allegations. The parole officer advises eligible justice-involved parolees of their right to waive a revocation hearing at the time of pre-revocation interview. The PD can complete this revocation hearing virtually if the equipment is available in the jail in accordance with COVID-19 protocols.
- The parole officer has one calendar day from the date of the interview to request a revocation hearing date. If the justice-involved waives the hearing, the BPP receives the forwarded revocation information.
- The BPP schedules the revocation hearing within one business day of the request; the Board cannot schedule it no earlier than six calendar days and no later than fourteen calendar days from the request. This allows for the following to occur:
 - The justice-involved to identify any witnesses who need to be subpoenaed.
 - Appointment of an attorney, if needed.
 - Subpoena generation and delivery; and
 - The parole officer to provide a copy of all documents they are presenting at the revocation hearing to the justice-involved/attorney five calendar days prior to the hearing date.
- The BPP's hearing officer must submit the hearing report to the BPP analyst for their review and recommendation within four business days. The analyst submits the hearing report to the BPP Panel for voting. Again, the BPP allows for a virtual proceeding if the jail facility has the equipment and the jail operations are in accordance with COVID-19 protocols.

Upon rendering the final decision, the BPP requires the parole officer to notify the justice-involved of the results and complete the following within five business days:

- If BPP action decision is "Continue Supervision" the parole officer shall secure a residence and request to withdraw parole warrant.
- If BPP action decision is placement in a "Intermediate Sanction Facility" (ISF) or "Substance Abuse Felony Punishment Facility" (SAFP) the parole officer shall submit a

transfer packet to the Regional Intermediate Sanction Facility Coordinator to assist in unit transport arrangements.

- If BPP action decision is “Revoke,” the parole officer shall provide a copy of the Revocation Warrant to the holding facility.

Interim Charge #4: Evaluate funding provided to the TDCJ for the repair, maintenance, and upgrade of prison facilities. Determine areas of the facilities that are in most need of repair, maintenance Interim, or upgrade and examine the costs associated with such repairs, maintenance, or upgrades. Examine the Correctional Managed Health Care Committee's administration of Hepatitis C treatment and procedures. Review the Community Justice Assistance Division's current compliance practices and examine current funding formulas for adult probation departments. Study the TDCJ's ownership of real property not being used for prison facilities, including the amount of property owned and its highest and best use.

The Committee submitted a Formal Request for Information on November 16, 2020 to evaluate Charge #4.

TDCJ Repair, Maintenance, & Upgrades

The Texas Department of Criminal Justice (TDCJ) currently has 101 correctional facilities around the state. These facilities include 54 prison facilities, 4 pre-release facilities, 3 psychiatric facilities, 1 developmental disabilities program facility, 2 medical facilities, 9 transfer facilities, 13 state jail facilities, 1 geriatric facility, 4 substance abuse treatment facilities, 7 private prisons, 2 private state jails, and 1 multi-use facility.

TDCJ's state-operated facilities can be categorized into 3 groups: pre-1987, prototype, and other facilities. Pre-1987 facilities (23) include facilities that TDCJ had constructed as far back as 1849. These facilities are relatively unique in design. TDCJ constructed prototype facilities (26) during the 1990s and have two standard formats: 1,000 bed and 2,250 bed. Over the years, TDCJ has additional capacity with expansion dorms. The remaining category encompasses all other facility types (42), such as transfer, state jail, geriatric, and substance abuse treatment facilities.

TDCJ contracts with private organizations to operate 7 private prisons, 2 private state jails, and 1 multi-use treatment facility. Although operated by contractors, TDCJ constructed these prison and state jail facilities and currently owns these penal units (excluding the East Texas multi-use facility), and major repairs are the responsibility of TDCJ. TDCJ constructed these facilities in the early and mid-1990's, and range in capacity from 520 to over 1,000 beds. Most of these facilities are between 25 and 30 years old, and some are even over 100 years old.

The TDCJ identifies major repair and renovation projects through ongoing assessments by maintenance and unit staff. Based on need and funding availability, TDCJ continuously prioritizes the established projects. TDCJ existing maintenance personnel or outside vendors complete these projects depending on project scope and expertise.

Capital Expenditure Plan

In compliance with Article IX, Section 11.03, 2020-21 General Appropriations Act, TDCJ has submitted capital planning information relating to projects for the 2022-23 biennium to the Texas Bond Review Board for inclusion of the statewide capital expenditure plan. The TDCJ's capital expenditure plan for the 5-year period of 2022-2026 totals over \$653 million as depicted in the table below.

2022-23 Statewide Capital Expenditure Plan						
Project Category	Projects	2022/2023	Projects	2024/2025	Projects	2026+
Safety	34	82,630,000	25	56,110,000	107	169,550,000
Security	6	29,360,000	3	2,110,000	11	172,110,000
Infrastructure	12	28,630,000	12	33,700,000	18	29,150,000
Facility Repair	12	13,200,000	7	8,060,000	7	28,990,000
GRAND TOTAL	64	\$ 153,820,000	47	\$ 99,980,000	143	\$ 399,800,000 \$653.6M

254 projects are distributed across 94 units

The statewide capital expenditure plan groups projects by category. The agency has identified 64 projects for the 2022-23 biennium. These categories include:

- Safety category includes projects such as roof repair, emergency generators, electrical systems, fire alarms / fire suppression systems, asbestos abatement, and ADA compliance.
- Security projects include interior / perimeter fencing, cell doors / fronts, windows, intercom systems, perimeter / outside lighting, locking systems and controls, cell / dormitory lighting, or reinforcements.
- Infrastructure projects include water systems (ground storage, wells, and distribution lines) wastewater systems including sewer lines, utility connections, environmental remediation, roads, bridges, and parking lots.
- Facility repair category includes projects such as repairs to water heaters, walls, mechanical systems, and plumbing. An ongoing review of the priority and criticality of the specific agency needs drives individual project approval and design.

Funding History

Between the late 1980’s and the mid-1990’s, TDCJ received over \$2 billion in general obligation bonds for capacity construction. This “construction boom” period added over 70 facilities to physical plants, equivalent to over 100,000 beds. During this same period, TDCJ also received general obligation bonds for repair and renovation of older facilities. After the “construction boom”, TDCJ continued to receive approximately \$80 million per biennium until the 2012-13 biennium. In the FY 2016-17 biennium, the Legislature created the Deferred Maintenance Fund, from which TDCJ was appropriated \$60.0 million. The Legislature has appropriated TDCJ funding from the Economic Stabilization Fund for the FY 2018-19 biennium to the current biennium. The TDCJ is including in its Legislative Appropriations Request an exceptional item for the projects identified in the capital expenditure plan for the FY 2022-23 biennium.

Biennium	Requested	Appropriated	Funding Source
FY 2008-09 *	\$ 80.0	\$ 90.4	General Obligation Bonds
FY 2010-11	\$ 100.0	\$ 80.0	General Obligation Bonds
FY 2012-13	\$ 80.0	\$ 50.0	General Obligation Bonds
FY 2014-15	\$ 80.0	\$ 50.0	General Obligation Bonds
FY 2016-17	\$ 60.0	\$ 60.0	Deferred Maintenance Fund
FY 2018-19	\$ 95.8	\$ 42.0	Economic Stabilization Fund
FY 2020-21	\$ 146.1	\$ 54.0	Economic Stabilization Fund

* \$10.4 million appropriated for repairs to Hospital Galveston

Joint Oversight Committee on Government Facilities

First created by SB 2004, 84th Legislature, the Joint Oversight Committee on Government Facilities is comprised of 3 members of the Texas Senate and 3 members of the Texas House of Representatives and is tasked with reviewing deferred maintenance plans and receiving implementation updates. The TDCJ submits prioritized quarterly reports of identified maintenance projects to the Oversight Committee. As of 4th quarter 2020, the Oversight Committee reported 82 projects, obligating 79 percent of available funding for the 2020-21 biennium.

TDCJ continues to prioritize to meet the repair and renovation needs of its facilities using the funding that has been provided. Continued funding for this item is critical for TDCJ to meet its statutory obligation to confine and supervise adult felons.

TDCJ continues to closely monitor justice-involved population projections. Effective September 1, 2020, the agency closed the Jester I and Garza East facilities and idled Bradshaw State Jail. The Department takes into account a wide variety of factors into consideration when evaluating facility closures. These factors include the security level of the facility, type of bed (dorm/cell block housing), the staffing level, costs to operate and deferred maintenance needs.

The needs of TDCJ are great. The Department's demands are existential. TDCJ's expectations are etched from the Constitution. TDCJ has 12 units that are at least a 100 years old. This set of a dozen units has an estimated sum of \$222.7 million in deferred maintenance. That is roughly a third of the total deferred maintenance total of \$650 million for the entire state penal system! I have visited most of these units. Let's take Darrington for example. At 101 years old, this unit has the highest amount of deferred maintenance— \$69.7 million. When I visited this unit two years ago, I was informed that the basement level is flooded with water and if we ever attempted to drain the water we would have a substantial insect infestation that would require a herculean extermination effort. This session the Legislature must allow TDCJ the discretion and financial flexibility to rid the system of costly facilities and enter into build-to-lease relationships that only replace dilapidated units and result in fiscal savings that the Department can divert to frontline staff compensation increases and justice-involved health care.

Correctional Managed Healthcare Committee (CMHCC)

Authorized by Chapter 501, Subchapter E of the Texas Government Code in 1993, the Texas Legislature established the Correctional Managed Health Care Committee (CMHCC) to improve access to quality health care while containing costs by maximizing the use of the state's medical schools, securing efficiencies through improved intergovernmental collaboration, and using managed care tools.

Subsequently amended through refinement of its legislative authority and re-authorized by the 76th and 83rd Legislatures in response to Sunset reviews, the CMHCC has developed the structure for the correctional health care system now in place and a statewide provider network to provide medical services to the TDCJ justice-involved.

Organizationally, the CMHCC composition of 9 voting members and 1 non-voting member, is as follows:

- 1 member employed full-time by the TDCJ, and appointed by the TDCJ's executive director
- 1 member who is a physician and employed full-time by the University of Texas Medical Branch (UTMB) at Galveston, appointed by the president of the medical branch;
- 1 member who is a physician and employed full-time by the Texas Tech University Health Sciences Center (TTUHSC), appointed by the president of the university;
- 2 public members who are physicians, each of whom is employed full-time by a medical school other than UTMB or TTUHSC, appointed by the Governor;
- 2 members appointed by the Governor who are licensed mental health professionals;
- 2 members appointed by the Governor, who are not affiliated with TDCJ or with any contracting entity, at least one of whom is licensed to practice medicine in this state, and
- The state Medicaid director or a person employed full-time by the Health and Human Services Commission and appointed by the Medicaid director, is to serve as an ex-officio non-voting member.

The CMHCC coordinates the development of statewide policies for the delivery of correctional health care and serves as a representative forum for decision making in terms of overall health care policy. CMHCC representatives derive their empowerment by their respective organizations who they represent on health care matters and make decisions that are binding on their organizations. The shared communication, coordination, decision making, and dispute resolution roles performed by the committee are key elements to the ongoing success of the correctional health care partnership.

The correctional health care system represents an innovative and unique collaboration between the state's prison system and two of its leading health sciences centers. This health care partnership between the Texas Department of Criminal Justice (TDCJ), Texas Tech University Health Sciences Center (TTUHSC) and the University of Texas Medical Branch (UTMB) is operated under the guidance and direction of the CMHCC. The primary purpose of the CMHCC partnership is to ensure that TDCJ justice-involved have access to quality health care while managing cost.

Access to Quality Health Care at a TDCJ Unit

The Texas Department of Criminal Justice (TDCJ) contracts with the University of Texas Medical Branch (UTMB) and Texas Tech University Health Sciences Center (TTUHSC) for the provision of health care services at units across the state.

The health care provider responsibilities of UTMB and TTUHSC include recruiting and hiring

health care personnel to staff the prison medical departments, diagnosing prisoners' health and mental health challenges and providing treatment or making referrals to specialists. These services include unit primary care services, specialty care services, pharmaceuticals, community provider outpatient and ancillary services, and in-patient hospital services. Both UTMB and TTUHSC enter into subcontracts with community providers to provide locally based services when they determine such action is warranted.

Hepatitis C

The Correctional Managed Healthcare Committee (CMHCC) coordinates the development of statewide policies for the delivery of correctional health care to justice-involved confined in the Texas Department of Criminal Justice (TDCJ). The CMHCC has appointed various Joint Correctional Managed Health Care (CMHC) Policy and Procedure committees for the development of Hepatitis C policies including the CMHC Infection Control Committee and the CMHC Pharmacy and Therapeutics Committee. The following stakeholders comprise these Joint Committees: representatives from the TDCJ, representatives from The University of Texas Medical Branch at Galveston (UTMB), and representatives from the Texas Tech Health University Sciences Center (TTUHSC). In 2013, the CMHCC established a Joint Hepatitis C Working Group to provide guidance regarding Hepatitis C evaluation and treatment and procedures.

Hepatitis C is a significant health care problem with a high burden in the correctional setting. The joint agency medical directors approved the current version of *CMHCC Infection Control Policy B-14.13.3* in April 2019 to address this burden and provide guidance for the treatment of justice-involved within TDCJ custody who have been diagnosed with chronic Hepatitis C3. In addition to guidance set forth in *CMHCC Policy B-14.13.3*, the CMHC Pharmacy & Therapeutics Committee established the *Chronic Hepatitis C Evaluation and Treatment Pathway* and updated it earlier this year. The CMHCC Joint Hepatitis C Working Group continues to review and recommend evaluation and treatment protocols for justice-involved diagnosed with chronic Hepatitis C under the guidance established in *CMHCC Policy B-14.13.3* and the *Chronic Hepatitis C Evaluation and Treatment Pathway*.

Under this guidance, medical practitioners evaluate and screen justice-involved in TDCJ custody through a comprehensive screening during initial intake based on a broad set of known risk factors for Hepatitis C. After this initial screening, medical professionals may refer justice-involved for further testing and diagnosis. Justice-involved individuals, health care providers diagnose with a chronic Hepatitis C infection receive annual evaluations and further testing to determine if they are a candidate for possible treatment of Hepatitis C with direct acting antiviral medication (DAA). Treatment of chronic Hepatitis C has continued to evolve over the past several years with the introduction of DAA medication. The newer DAA medications are substantially more effective than older interferon-based regimens and much easier to tolerate. Accordingly, DAA medications have become the preferred form of medication for persons diagnosed with chronic Hepatitis C.

Approximately 1,250 justice-involved in TDCJ custody received treatment with DAA medications for chronic Hepatitis C in FY 2020. As of September 1, 2020, there are

approximately 10,000 justice-involved in TDCJ custody with a diagnosis of chronic Hepatitis C who have received treatment with DAA medications. Based on the recommendations of TDCJ's contracted healthcare providers, UTMB and TTUHSC, 300 justice-involved in TDCJ custody have been prioritized to begin treatment with DAA medications by the end of calendar year 2020.

The CMHCC members and Dr. Lannette Linthicum, Director of the TDCJ Health Services Division, and other officials from UTMB and TTUHSC are defendants in a class action lawsuit seeking treatment with DAA medication of justice-involved in TDCJ custody who have been diagnosed with chronic Hepatitis C. This lawsuit, *Roppolo, et al. v. Linthicum, et al.*, No. 2:19-CV-00262, is currently pending before the U.S. District Court for the Southern District of Texas, Corpus Christi Division. On September 2-3, 2020, the parties participated in mediation with former Texas Supreme Court Chief Justice Thomas Phillips serving as the mediator. The parties reached a settlement agreement in principle to continue providing treatment with DAA medication for at least 1,200 justice-involved in TDCJ custody per year who have a diagnosis of chronic Hepatitis C based on the guidance in CMHC Policy B-14.13.3, the Chronic Hepatitis C Evaluation and Treatment Pathway and the individual diagnosis of each justice-involved. Proposed protocols would prioritize treatment with DAA medication based on each justice-involved's individual diagnosis. The parties continue to negotiate the final terms of this settlement agreement.

Community Justice Assistance Division (CJAD)

The Texas Department of Criminal Justice's (TDCJ) Community Justice Assistance Division (CJAD) administers adult community supervision in Texas. Although the division does not work directly with the justice-involved, it distributes state aid to local community supervision and corrections departments (CSCDs). CJAD's role is to ensure that local probation departments are providing services in accordance with strategic plans and state standards.

Community supervision, better known as probation, is an alternative to incarceration with justice-involved individuals serving their sentences in the community. Community supervision involves a system of sanctions and rehabilitation program requirements for the convicted justice-involved.

In Texas, more than 2,900 certified community supervision officers statewide provide direct supervision to an average of 230,000 felons and 127,000 misdemeanants. Local courts supervise the justice-involved sentenced to community supervision. The CSCDs assist their local judges.

In lieu of incarceration, judges have the discretion to sentence justice-involved to community supervision with conditions imposed by the court for a specific period of time during which the court defer criminal proceedings without an adjudication of guilt or during which the court probates a sentence of imprisonment, confinement, and/or fine and the imposition of a sentence is suspended in whole or in part. Some justice-involved serve temporary terms of confinement in residential facilities. If or when not confined during the period of community supervision, probationers must report to their community supervision officers at intervals determined by the courts and based on their risk/needs assessment. Community supervision officers assess each

justice-involved's risk/needs using the Texas Risk Assessment System and then use the results to design an appropriate supervision plan. The plan includes the conditions stipulated by the courts when the justice-involved is sentenced.

The programs, services, and tools a CSCD uses to supervise and help rehabilitate justice-involved include but are not limited to:

- urinalysis testing
- community service restitution
- court residential treatment centers
- day reporting centers
- domestic violence programs
- education programs
- electronic monitoring
- employment programs
- intensive supervision probation
- intermediate sanction facilities
- pretrial services
- residential services
- restitution centers
- sex offender treatment
- specialized caseloads
- substance abuse treatment
- substance abuse treatment facilities
- surveillance supervision, and
- victim services

There are 123 CSCDs in Texas which are organized within judicial districts and serve 254 counties. CSCDs are organized by judicial districts and are under the direct authority of district and county-court-at-law judges, with the counties providing facilities, utilities, and equipment. Community supervision department employees work for the judicial district.

CSCD Funding

CJAD distributes funds to community supervision and correction departments (CSCDs). Although CSCDs receive funding from CJAD, they are not part of the division. The funds from CJAD, as appropriated by the Texas Legislature, provide about 62 percent of a CSCD's operating budget. Additionally, CSCDs receive funds by collecting court-ordered fees from the justice-involved, and through support of their local governments, they fund office space, equipment, and other operational necessities.

Local CSCDs determine and provide core services and programs in accordance with the minimum operational standards developed by CJAD and the measured success of those programs. A CSCD submits a Strategic Plan to CJAD outlining its existing programs and services. As required by statute, the Strategic Plan is subject to approval by the jurisdiction's board of

judges.

As mandated by the Texas Code of Criminal Procedure and approved by the Texas Board of Criminal Justice, TDCJ's CJAD develops minimum standards for core CSCD services. CJAD tracks performance, monitors and reviews CSCDs budgets, offers technical assistance and training, and provides both formula and competitive grant funding.

CJAD allocates funds over a 2-year period according to specific formulae and categories:

- Basic Supervision funds cover the basic operating costs of the CSCD in providing services to the justice-involved, such as employees' salaries, training, supplies, and other essentials. The amount of funding a CSCD receives is determined by the number of direct and pretrial felon and misdemeanant placements.
- CJAD bases funding for Community Corrections Program funds are based on the ratio of felons placed directly on community supervision and the population of the counties in the jurisdiction.
- CJADs awards Diversion Program grants to select CSCDs for literacy, substance abuse and similar programs that are effective alternatives to incarcerating the justice-involved.
- CJADs awards grants for the Treatment Alternatives to Incarceration Program (TAIP) grants to select CSCDs to offer substance abuse screening, assessment, referral and treatment to justice-involved who do not qualify for or cannot afford any other treatment.

CSCDs apply for grant funds from CJAD by submitting an application along with a strategic plan that outlines departmental goals and objectives. CJAD awards funding for diversion and treatment alternatives to incarceration programs based on how well the program will meet justice-involved needs, demonstrated program design, adherence to grant conditions, and performance measures.

Funding Facts & Figures

For every \$1.00 that the legislature appropriated to TDCJ for community supervision, the justice-involved contributed \$0.95 in support of victims, counties, CSCDs and the state.

- CSCDs collected \$190.8M in fees and restitution from the justice-involved in FY2019.
 - CSCDs used \$152.6M for probation operations
 - Probation departments collected \$38.2M for victims of crime
- \$248.0M state funding for FY2020:
 - \$68.7M for basic supervision of direct felons and misdemeanants
 - \$43.2M for community corrections programs
 - \$123.6M for grants to fund residential facilities and non-residential programs
 - \$1.75M for Battering Intervention and Prevention Programs (BIPP)
 - \$10.8M for Treatment Alternatives to Incarceration Programs (TAIP)

Funding Formulas for CSCDs

Basic Supervision: Government Code Chapter 509, Section 509.011(a) (2) and Appropriations Rider 45, combined, limit misdemeanor supervision funding to \$0.70 per day for a maximum of 182 days. Community Supervision Tracking System provides the offense data on the number of misdemeanants placed on community supervision from the previous calendar year's end of month counts.

Annual misdemeanor Basic Supervision funding for each CSCD is calculated as follows:

$$\text{Number of Misdemeanor Placements (CY 2019)} \times \$0.70 \times 182 \text{ Days}$$

Funding formulas allocate all of the remaining Basic Supervision funds to felony supervision based on the average number of felons under direct community supervision obtained from offense data, again based on the previous calendar year's end of month counts.

Annual felony Basic Supervision funding for each CSCD is calculated as follows:

$$\text{Average Direct Felons Supervised (CY 2019)} \times \text{Remaining Basic Supervision Funds}$$

Community Corrections: State statute, Government Code, Chapter 509, Section 509.011 (f), directs CJAD to base funding for the allocation of Community Corrections funds on 2 factors: 1) the percentage of the state's population residing in the counties served by the department, and 2) the percentage of all felony defendants in the state under direct community supervision by the department. Both factors have an assigned equal weight. The Texas Board of Criminal Justice (TBCJ) has the discretion to adopt a policy limiting the percentage of benefit or loss that a department may realized as a result of the formula.

The most recent data available for each variable is collected on an annual basis. For each variable, the CSCD's counts are expressed as a percentage of the total state counts. The percentages of each variable are averaged to obtain an overall allocation percentage for the CSCD. The overall allocation percentage is multiplied by the total available funds to obtain the Community Corrections funding allocation for the CSCD.

The TBCJ rule, pursuant to Government Code, Chapter 509, Section 509.011 (f), creates a fixed 5 percent decrease limit between fiscal years. If appropriations are inadequate to maintain all departments at the decrease limit, all allocations would be reduced proportionally relative to the previous fiscal year.

CSCD Compliance with CJAD Standards

State statute charges CJAD with the oversight of CSCD funds including:

- monitoring and reviewing budgets and budget adjustments
- developing budget instructions
- defining and analyzing financial reporting requirements
- reviewing independent CPA audits, and
- developing contract monitoring and financial audit guidelines

To assist with compliance management, CJAD develops and maintains the Financial Management Manual and the Contract Management Manual that outline applicable policies for local probation departments. A CSCD's non-compliance with state reporting requirements, financial directives and funding conditions will result in applicable sanctions including and up to funding reductions.

Additionally, there are certain statutory requirements that pertain to CJAD's current compliance practices and funding formulas. The following sections outline these requirements.

In accordance with Texas Government Code, Section 509.003, CJAD determines the core services community supervision and corrections departments (CSCDs) will provide. CJAD develops minimum standards for CSCD programs, facilities and equipment and develops methods for measuring the success of the programs. CJAD tracks the performance of CSCDs, monitors and reviews their budgets, offers technical help and training, and awards special state grants.

CJAD funding allocated to any CSCD or Batterers Intervention Prevention Program (BIPP) shall require separate budgets for each program. Budgets are authorized expenditures and program operations of a CSCD or BIPP based on reasonable revenue expectations and appropriations of the Texas Legislature. CSCDs may submit budget adjustments for approval to CJAD at any time during a fiscal year. CJAD requires that the CSCDs and BIPPs submit budgets biennially.

Additionally, CSCDs must report all revenue and expenditures related to the approved program budget. CJAD requires the fiscal officer for each CSCD or BIPP to prepare and submit a financial report every quarter for each CJAD funded program. Expenditures by CSCD or BIPP are subject to review, and any expenditure not supported by the appropriate documentation may be deemed unallowable. To supplement CJAD's review of CSCD fund utilization activity, a required independent audit process is in place to provide assurances that state funds released to CSCDs or BIPPs are accounted for properly. CSCDs are required to provide an independent CPA audit on all funds received. CJAD reviews submitted CSCD independent audits for compliance with the audit guidelines and compared with financial information from the CSCD or BIPP on file at CJAD and with financial information prepared by CJAD. Any findings that require resolution will go through a resolution process that includes notification of the unresolved issues and a request for clarification and action plans to resolve these issues. It is the responsibility of the CSCD or BIPP to implement any corrective action required by CJAD to strengthen accountability and internal controls to safeguard state funds. A CSCD's failure to implement the findings or comply with CJAD action plans can result in sanctions.

In addition to the compliance practices outlined above, the CJAD Field Services section audits, evaluates, and monitors CSCD programs, operations, and case management practices to ensure CSCD funded programs are operating per required grant conditions.

CSCD Funding Compliance Practices

For Diversion Programs, Community Corrections, and Treatment Alternatives to Incarceration Program (TAIP) funding, CSCDs return all unexpended balances by November 30th following

the close of the biennium.

Basic Supervision funds CSCD budgets for basic operations and include funds from both the state and locally generated revenue in the form of statutorily authorized reimbursement fees. For this reason, CJAD calculates the refund amount for Basic Supervision funds based on the percentage of state to total revenue. The resulting percentage is used to determine the amount of unexpended funds, if any, that is refunded to the state. The remaining balance of unexpended funds is categorized as locally generated revenue and added to the CSCD's Basic Supervision beginning fund balance for the following biennium.

In accordance with General Appropriations Act, 2020-21 Biennium, Article V, TDCJ, Rider 33, a review of Diversion Program and TAIP expenses are performed quarterly to verify if current allocation of funding represents actual program needs. Through a one-time grant funding process, de-obligated funds are reallocated to CSCDs with programmatic needs that exceed awarded grant funding.

Texas Government Code, Section 509.011(g) authorizes CJAD to withhold Basic Supervision and Community Corrections funds from CSCDs that have more than 6 months of operating funds in their fund balance at the end of a biennium. Excess reserve reduces the Basic Supervision funding of affected CSCDs.

CJAD uses the following methodology to determine the 6-month reserve in Basic Supervision funds:

Carryover into Current Biennium - (Total Prior Year Basic Supervision Expenditures/2)

Recommendation

Probation is an integral function of maintaining public safety, punishing wrongdoing, and facilitating rehabilitation. Our local probation departments supervise almost half of the justice-involved population on either felony or misdemeanor population. COVID-19 has had a pronounced effect on our probation departments. The COVID-19 infection mitigation strategy discourages aggregating groups of people inside buildings. Therefore, our local courts have not maintained normal caseloads and docket activity has decreased precipitously.

As stated above, the number of felony and misdemeanor justice-involved are a major determinant for funding probation departments. The more justice-involved that local judges sentence to probation will result in higher levels of CJAD funding. Conversely, decreasing levels of justice-involved sentenced corresponds with lower level of funding. The justice-involved serving on probation also pay fees that provide funding for probation departments.

Because our COVID-19 response significantly has decreased our local court activity, fewer court hearings and trials means that fewer justice-involved are sentenced to probation. This is having a devastating impact on the sustainment of our local probation departments. Moreover, due to the COVID-19 economic disruptions, many of our current probationers are either unemployed or underemployed. This means that many of our justice-involved probationers are faced with a choice: pay probation fees or pay your housing rent, car note, or feed your children. Our local

probation departments are sensitive to the challenges of our family members and neighbors serving a sentence of probation. Our local probation chiefs do not believe that probation is a pipeline to prison, but a pathway to personal responsibility and rehabilitation. Therefore, our probation departments are not revoking probation and sending people to prison for the inability to pay their fees. Probation departments are conducting virtual probation meetings in order to keep people healthy during this pandemic.

Therefore, the Legislature must maintain the sustainability of our local probation departments. Doing otherwise, our local judges will lose an effective tool to maintain public safety, make meaningful improvements in the lives of our fellow Texans, and keep Texas families intact. This will result in Texans paying more of their hard earned money for the incarceration of non-violent Texans, managing more children for longer periods of time in the child support system, and less safe communities.

TDCJ Real Property

TDCJ primarily supervises adult justice-involved individuals assigned to state supervision. The Department accomplishes this supervision through the operations of prisons, state jails, substance abuse facilities, and the parole system. TDCJ also provides funding and certain oversight of community supervision programs (previously known as adult probation). Texas constructed the first prison in 1849 and opened with three incarcerated justice-involved. As of November 30, 2020, TDCJ was responsible for supervising 121,876 incarcerated justice-involved in 101 facilities.

The TDCJ has 100 facilities located on 83 properties across the state, and contracts for 1 facility that is privately owned. The TDCJ properties contain over 124,000 acres on which the agency engages in diverse agricultural operations. Currently, TDCJ has an additional 5 facilities that have been idled or closed.

Real Property Review

The General Land Office (GLO) has the statutory responsibility to review the real property inventory of each state agency not less than every 4 years. The GLO produces a “Real Property Evaluation Report” that provides a review of the highest and best use of the property through analysis of salient real property factors. Providing recommendations, the GLO uses the following variables to prioritize the sale or lease properties: legal limitations, need for the property, market conditions and/or other factors influencing the value of the property. In the latest report, dated September 2020, the GLO includes TDCJ’s properties. The full report of the 83 properties is on the GLO website.

Closed/Idle Facilities

Over the last decade, TDCJ has experienced a decline in the justice-involved population. Due to this declining population, TDCJ has closed/idled 11 facilities. Six of these facilities have been sold through the GLO or private entities owned and operated some of these properties. TDCJ is not using the remaining five facilities currently to house any justice-involved. The 5 facilities

include the Bartlett State Jail, the Bradshaw State Jail, Jester I Unit, the Garza East Unit and the Ware Unit. The agency is currently working with the GLO regarding the sale of the Jester I Unit located in Sugar Land, Texas. Below is information for these 5 facilities:

Bartlett State Jail

Location: Bartlett, Texas

Capacity: 1,049

Closed: June 23, 2017

Ware Unit (Co-located with the Wallace Unit)

Location: Colorado City, Texas

Capacity: 916

Closed: August 21, 2017

Bradshaw State Jail

Location: Henderson, Texas

Capacity: 1,980

Closed: September 1, 2020

Jester I Unit (Co-located with Jester III, Jester IV and the Vance Units)

Location: Sugar Land, Texas

Capacity: 323

Closed: September 1, 2020

Garza East Unit (Co-located with Garza West)

Location: Beeville, Texas

Capacity: 1,978

Closed: September 1, 2020

TDCJ maintains these closed/idled facilities in a state of readiness, should there be a need to utilize them during emergencies, or to accommodate future increases in the justice-involved population. During the pandemic, TDCJ used the Jester I Unit to temporarily house the justice-involved recuperating from COVID-19.

TDCJ continues to monitor population trends and has identified the opportunity to close/idle an additional 1,100 bed facility to be named in the future. As the post-COVID population projection becomes clearer, the agency will evaluate if additional capacity reductions are prudent and if the sale of additional properties are warranted.

Bartlett State Jail

The Texas Department of Criminal Justice utilizes this site as a state prison facility. It is located in West Bartlett on Arnold Drive, also known as CR 342. The site is improved with 10 buildings, a greenhouse, 2 storage buildings, paved parking, security fencing and security lighting. The surrounding land uses include agricultural and residential development.

Wallace/Ware Units

TDCJ utilizes these sites as prison facilities and for agricultural production. The sites are composed of 3 parcels. Parcel A (435.4 acres) is located west of Colorado City and is un-zoned. Parcel B (33.38 acres) is located inside the city limits and is zoned part commercial and part residential. Parcel C (77.723 acres) is located outside of the city limits on the Colorado River and is un-zoned. The are improved parcels with 40 buildings, chain-link fencing, security lighting and concrete parking. The surrounding land uses include agricultural, industrial, commercial and residential development.

Bradshaw State Jail

TDCJ utilizes this site as a jail facility. It is located outside of the city limits of Henderson on West Loop 571 North. This improved site has 14 buildings, 4 recreational yards, chain-link fencing, security lighting and concrete parking. The surrounding land uses include agricultural and industrial development.

Jester I, III, IV, & Vance Units

TDCJ utilizes these sites as prison facilities and for agricultural production. Located west of Sugar Land on Harlem Road, these improved sites feature 136 buildings, concrete parking, security fencing and lighting. The surrounding land uses include agricultural and residential developments.

Garza East & Garza West Units

TDCJ utilizes the site for regional offices and correctional facilities. The site is located on State Highway 202 East, southeast of Beeville. The site is improved with 101 buildings, paved parking, chain link fencing and security lighting. The surrounding land uses include governmental, agricultural and residential development. The existing reversion clause calls for the return of the property to the federal government if not utilized as correctional facilities.

Interim Charge #5: Monitor the State Auditor's review of agencies and programs under the Committee's jurisdiction. The Chair shall seek input and periodic briefings on completed audits for the 2019 and 2020 fiscal years and bring forth pertinent issues for full committee consideration.

The Committee submitted a Formal Request for Information on November 16, 2020 to evaluate Charge #5.

Texas State Auditor's Office

The State Auditor's Office (SAO) is the independent auditor for Texas state government. The SAO operates with oversight from the Legislative Audit Committee, a 6-member permanent standing committee of the Texas Legislature, jointly chaired by the Lieutenant Governor and the Speaker of the House of Representatives.

The SAO is authorized, by Chapter 321, Texas Government Code, to perform audits, reviews, and investigations of any entity receiving state funds, including state agencies and higher education institutions. Audits are performed in accordance with generally accepted government auditing standards, which include standards issued by the American Institute of Certified Public Accountants.

Types of audits the SAO performs include financial statement opinion audits, financial audits, compliance audits, economy and efficiency audits, effectiveness audits, and other special audits. The SAO may also issue other types of informational reports not subjected to the same tests and conditions that would be performed in an audit. Investigations are performed whenever there is evidence of fraud or abuse of state resources.

Other SAO responsibilities include managing the State Classification Plan and providing support to state agency and higher education human resource offices, which is performed by the State Classification Team. In addition, the SAO coordinates and provides continuing educational opportunities for audit and accounting professionals.

The work and activities performed by the SAO are included in an annual audit plan, approved by the Legislative Audit Committee. This includes mandatory work, required by state statute, or discretionary work which is determined through an ongoing risk assessment process.

Applying for an Occupational License after Conviction or Deferred Adjudication

As required by Texas Occupations Code, Section 53.026, the State Auditor's Office, in collaboration with occupational licensing authorities, developed a guide to provide an overview of the occupational licensing application process for a person with a criminal conviction or deferred adjudication for a felony or misdemeanor offense. The guide presents the process outlined in Texas Occupations Code, Chapter 53, and is not intended to serve as legal advice.

The guide also includes answers to frequently asked questions, possible exceptions to the process outlined, and a list of occupational licensing authorities.

The full audit report can be accessed by clicking [here](#) or by visiting sao.texas.gov/reports/main/20-327.pdf.

Audit Report on Diversion Program Grants at TDCJ

The Texas Department of Criminal Justice's (TDCJ) Community Justice Assistance Division (CJAD) developed processes and methodologies for evaluating, scoring, and awarding Diversion Program grants to Community Supervision and Corrections Departments (Local Departments). For example, CJAD documented a scoring methodology and criteria that evaluators were required to use when scoring program grant applications. However, CJAD should strengthen its processes to ensure that:

- It maintains adequate support for evaluation scores.
- It uses complete and accurate justice-involved data to make funding decisions.
- Individuals involved in the grant evaluation and award process sign conflicts of interest disclosures.

CJAD monitored Local Departments' compliance with program and financial requirements of the Diversion Program. That monitoring included completing a risk assessment and conducting compliance reviews and requiring Local Departments to obtain financial opinion audits and submit quarterly financial reports. However, CJAD should strengthen its program and financial monitoring processes to help ensure Local Departments' compliance with grant requirements by verifying that the Local Departments have adequate plans in place to monitor vendors paid with Diversion Program funds. CJAD also should monitor vendor contracts in accordance with its policies and ensure that all Diversion Program funding recipients receive adequate financial monitoring.

The full audit report can be accessed by clicking [here](http://sao.texas.gov/reports/main/19-040.pdf) or by visiting sao.texas.gov/reports/main/19-040.pdf.

Audit Report on Correctional Managed Health Care at the University of Texas Medical Branch at Galveston and Texas Tech University Health Sciences Center

The 2 higher education institutions that contract with the Texas Department of Criminal Justice (TDCJ) to provide correctional managed health care services to the justice-involved had processes and controls in place to help ensure that medical claims were accurately processed. However, the University of Texas Medical Branch at Galveston (UTMB) should strengthen certain controls.

The University of Texas Medical Branch at Galveston

UTMB had processes and related controls to help ensure that its medical claims for the Correctional Managed Health Care program (Program) were adequately priced, allowable, and supported. UTMB also accurately calculated pharmaceutical costs and accurately reported Program expenditures to TDCJ as required. However, UTMB should strengthen its processes to ensure that other costs are allowable. In addition, UTMB had significant weaknesses in selected information technology controls that reduced its ability to safeguard its data, which contains sensitive and confidential information. Auditors communicated details about the identified weaknesses separately to UTMB's management in writing.

Texas Tech University Health Sciences Center (Health Sciences Center)

The Health Sciences Center had processes and controls to help ensure that Program funds were spent in accordance with contract requirements. In addition, it had adequate controls over the information systems it used to manage its Program.

The full audit report can be accessed by clicking [here](#) or by visiting sao.texas.gov/reports/main/21-004.pdf.