

EXECUTIVE SUMMARY OF SUNSET STAFF REPORT

Texas Criminal Justice Entities

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

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

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

The Sunset review also found TDCJ to be in significant need of modernization, as decades-old technology and paper-based and manual processes limit the agency's ability to effectively and efficiently leverage its \$3.9 billion annual budget. But the lack of modernization is not limited to technology. Without better strategic planning and data practices, the agency will continue to reactively lurch from emergency to emergency. Additionally, TDCJ's approach to rehabilitation programs, many of which inform BPP's determination of the potential for an inmate to safely reenter the community, suffer from deficiencies that undermine the Legislature's significant investment in these programs. To overcome these deficiencies, this review recommends requiring enhanced rehabilitation planning and evaluation to better ensure beneficial program outcomes rather than simply encouraging participation regardless of efficacy.

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

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

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

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

Sunset Staff Issues and Recommendations

ISSUE 1

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

TDCJ is forced to rely on inefficient and costly staffing models and policies just to maintain operations at its facilities due to staffing shortages. In the last five years, these staffing shortages have reduced TDCJ's number of usable beds by the thousands, resulting in TDCJ idling buildings and entire facilities. At the same time, the number of inmates with special needs is increasing, and the latest inmate population projections indicate the total inmate population will soon outgrow the agency's bed capacity. Given these challenges, the state needs new planning processes to continue to safely and sustainably house its inmates.

Key Recommendations

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

ISSUE 2

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

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

Key Recommendations

- Direct TDCJ to consolidate and expand its existing workforce retention and support functions under one department to better support employees and systematically identify root causes of turnover.
- Direct TDCJ to conduct job task analyses for key roles, clarify task prioritization, and tailor evaluations, hiring objectives, and training materials as needed.
- Direct TDCJ to provide additional guidance in policy on the appropriate use of disciplinary and corrective actions for both subordinates and supervisors.

- Direct TDCJ to revise and expand the scope of its performance evaluation process.
- Direct TDCJ to strengthen policies and processes for employees to seek out, participate in, and track trainings as a path to advancement within the agency.

ISSUE 3

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

TDCJ is in significant need of targeted strategic planning and modernization, but a reactive and unfocused approach to modernization has resulted in incomplete reforms. Furthermore, TDCJ's existing data systems and practices are siloed, inefficient, and too frequently paper-based, which requires manual data entry, resulting in gaps and errors in data as well as wasted valuable staff time. Establishing a systematic accounting of the agency's modernization needs, improving coordination between the agency's divisions leading modernization initiatives, and standardizing a prioritization process for such efforts would position the agency to be better prepared to respond to its current and future challenges.

Key Recommendations

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

ISSUE 4

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

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

Key Recommendations

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

ISSUE 5

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

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

Key Recommendations

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

ISSUE 6

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

BPP's main responsibilities are to make release and release revocation decisions, impose conditions on releasees, and make clemency recommendations. While discretion is inherent to these decisions, partial noncompliance with statute governing parole guidelines poses a potential risk to public safety, increases costs for the state, and raises questions about inconsistent outcomes across regions. The agency

also could better collect and analyze data to inform its own processes, ensuring parole voters have the information necessary to best make decisions about which inmates are well suited to release. Finally, the review found several areas for improvement in the agency's Medically Recommended Intensive Supervision (MRIS) process.

Key Recommendations

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

ISSUE 7

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

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

Key Recommendations

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

ISSUE 8

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

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

Key Recommendations

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

Fiscal Implication Summary

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

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

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

Texas Department of Criminal Justice

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

