

Sunset Commission Meeting December 11, 2024

Decision Material

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

TEXAS CRIMINAL JUSTICE ENTITIES

Issue 1

A Changing Workforce and Inmate Population Make Multiple TDCJ Facilities Almost Impossible to Adequately Staff. (Page 23)

Change in Statute

Rec. 1.1 (Page 33)

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

Vice Chair Parker Proposed Modification

Modify Recommendation 1.1 by including as part of the long-term facilities and staffing plan a phased plan to close facilities with persistent staffing challenges. This modification would merge the planning from Recommendation 1.2 to close facilities with persistent staffing challenges into the overall long-term planning in Recommendation 1.1. All other requirements and considerations from Recommendation 1.2 would be included in Recommendation 1.1 as part of this modification.

Rec. 1.2 (Page 33)

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

Rec. 1.3 (Page 34)

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

Rec. 1.4 (Page 34)

Eliminate unit maximum capacities from statute.

Issue 2

TDCJ's Policies and Practices Contribute to and Inadequately Address Its Staffing Crisis. (Page 37)

Management Action

Rec. 2.1 (Page 51)

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.

Rec. 2.2 (Page 51)

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

Rec. 2.3 (Page 52)

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

Rec. 2.4 (Page 52)

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

Rec. 2.5 (Page 53)

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

Rec. 2.6 (Page 53)

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.

Rec. 2.7 (Page 53)

Direct TDCJ to update and standardize its telework policy.

Rec. 2.8 (Page 54)

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

Issue 3

Uncoordinated Strategic Planning and Outdated Data Systems and Practices Hinder TDCJ from Effectively Modernizing to Address Technology and Staffing Challenges. (Page 57)

Management Action

Rec. 3.1 (Page 69)

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

Rec. 3.2 (Page 70)

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

Rec. 3.3 (Page 70)

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

Senator Middleton Proposed Modification

Direct TDCJ to track and report key metrics and performance indicators related to transferring inmates from county jails to TDCJ facilities and certifying commitment documents. As part of this, direct TDCJ to track information on the number of and reasons why “pen packets” require corrective actions. TDCJ would also track the number of days it takes to review packets for certification and report on instances the agency goes beyond the statutorily required five days to certify the packets or request corrective action. TDCJ would regularly report this information on the public-facing dashboard as part of this recommendation, including its average intake time in days and time it takes counties to correct, and advise counties how to submit packets successfully. (Management action – nonstatutory)

Senator Sparks Proposed Modification

Direct TDCJ to include as part of the agency’s public-facing dashboard health and safety indicator information regarding the immigration status and other related statistical information of incarcerated individuals in TDCJ custody. (Management action – nonstatutory)

Representative Hull Proposed Modification

Direct TDCJ to include statistical information regarding parolees in the information that the agency will publish and develop a public-facing dashboard for as part of this recommendation. This information would include any data

regarding subsequent arrests, revocations, and dually supervised individuals who are on probation and parole. This information also would include statistical and general data relating to parole and mandatory supervision, including the names of releasees and data recorded relating to parole and mandatory supervision services, as contemplated in Section 508.313(b) of the Texas Government Code. (Management action – nonstatutory)

Rec. 3.4 (Page 71)

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

Rec. 3.5 (Page 71)

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

Senator Blanco Proposed Modification

As part of its planning to implement this recommendation, direct TDCJ to include considerations necessary to make additional common processes and information available on inmate tablets:

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

Rec. 3.6 (Page 71)

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

Senator Blanco Proposed Modification

As part of this recommendation, direct TDCJ, along with the Windham School District, to explore data sharing agreements with any Education Research Center established under Section 1.005 of the Texas Education Code. (Management action – nonstatutory)

Issue 4

The State Lacks Sufficient Oversight and Strategic Planning for Inmate Rehabilitation Programs. (Page 73)

Change in Statute

Rec. 4.1 (Page 85)

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

Rec. 4.2 (Page 86)

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

Rec. 4.3 (Page 87)

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

Rec. 4.4 (Page 87)

Require TDCJ to prioritize parole-voted program decisions.

Rec. 4.5 (Page 87)

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

Rec. 4.6 (Page 88)

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

Rec. 4.7 (Page 88)

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

Rec. 4.8 (Page 88)

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

Management Action

Rec. 4.9 (Page 88)

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

Rec. 4.10 (Page 89)

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

Rec. 4.11 (Page 89)

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

Change in Appropriation

Rec. 4.12 (Page 89)

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

Mr. Elswick Proposed Modification

Modify Sunset staff Recommendation 4.12, which would direct TDCJ to transfer administration and management of postsecondary correctional education to Windham, to express the will of the Sunset Commission that the Legislature consider allowing the use of funds for additional purposes. This change would specify Windham may use funds for costs of attendance including tuition, books, course materials, and fees, and for other direct costs that benefit students' postsecondary education such as information technology, program startups, and program enhancements.

Issue 5

Critical Statutory and Structural Deficiencies Strain an Already Overextended Parole System, Creating Unnecessary Barriers to Effective Supervision. (Page 93)

Change in Statute

Rec. 5.1 (Page 104)

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

Rec. 5.2 (Page 105)

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

Rec. 5.3 (Page 105)

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.

Rec. 5.4 (Page 106)

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

Management Action

Rec. 5.5 (Page 106)

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. (Page 109)

Change in Statute

Rec. 6.1 (Page 121)

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

Rec. 6.2 (Page 122)

Require BPP to provide training for MRIS voters.

Rec. 6.3 (Page 123)

Require BPP to establish a process in rule for assessments of an inmate's prognosis for MRIS cases.

Representative Hull Proposed Modification

In Recommendation 6.3, change the language of the second sentence to say: "Under this recommendation, if an inmate qualifies for MRIS due to medical factors, one or more health care practitioners would conduct a review and

provide MRIS voters a written report on the inmate's condition and medical evaluation that specifically describes how the inmate's illnesses and treatments will affect their cognitive and physical abilities and limitations."

Rec. 6.4 (Page 123)

Require BPP to establish in rule the factors considered in MRIS decisions.

Rec. 6.5 (Page 123)

Require BPP and TDCJ's Parole Division to create a special conditions working group consisting of voters and Parole Division staff representatives.

Management Action

Rec. 6.6 (Page 124)

Direct BPP to develop formal and detailed internal processes to address variations from parole guidelines.

Rec. 6.7 (Page 124)

Direct the agency to review its IPO interview procedures and take action to increase effectiveness and consistency.

Senator Blanco Proposed Modification

As part of this recommendation, should the Board of Pardons and Paroles (BPP) decide Institutional Parole Officer (IPO) interviews continue to be necessary, direct the agency to create a baseline list of standard questions to build from instead of scripted questions, work with TDCJ to make the standardized list of interview questions available to inmates and the public in its Parole in Texas report, and publish the questions to inmate tablets through the "FYI" application and in prison libraries. As part of this recommendation, also direct BPP to work with TDCJ to review the information provided to the public and inmates regarding the parole and clemency processes and ensure it is clear and accessible. (Management action – nonstatutory)

Rec. 6.8 (Page 124)

Direct the agency to review its case summary preparation processes and take action to address inefficiencies.

Rec. 6.9 (Page 125)

Direct BPP to work with TCOOMMI to establish a method to videoconference with an inmate who qualifies for MRIS due to a medical condition.

Rec. 6.10 (Page 125)

Direct BPP to identify and address barriers to completing noncapital clemency applications and post relevant guidance on its website.

Issue 7

The State Has a Continuing Need for the Texas Department of Criminal Justice.
(Page 129)

Change in Statute

Rec. 7.1 (Page 134)

Continue the Texas Department of Criminal Justice and Texas Board of Criminal Justice for 12 years.

Management Action

Rec. 7.2 (Page 134)

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. (Page 137)

Change in Statute

Rec. 8.1 (Page 140)

Update for the committee the standard across-the-board requirement regarding grounds for removal of a board member.

Rec. 8.2 (Page 140)

Update for TDCJ, BPP, and the committee the standard across-the-board requirement related to board member training.

Rec. 8.3 (Page 140)

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.

Rec. 8.4 (Page 140)

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.

Rec. 8.5 (Page 141)

Continue the Judicial Advisory Council and the TCOOMMI advisory committee.

Rec. 8.6 (Page 141)

Remove the Advisory Committee on Agriculture from statute.

Rec. 8.7 (Page 141)

Update TDCJ's statute to reflect the requirements of the person-first respectful language initiative.

Management Action

Rec. 8.8 (Page 141)

Direct Windham to adopt a rule review plan.

Proposed New Recommendations

Senator Middleton Proposed New Recommendation 1

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

Senator Paxton Proposed New Recommendation 2

Update Chapter 19 of the Texas Education Code with the following two changes:

- Reflect education practitioner norms by updating terminology, including replacing "inmate" with "student," "vocational training" with "career and technical education," and "GED" with "high school equivalency certificate."
- Facilitate Windham's new role of overseeing postsecondary education by authorizing data sharing with the Texas Higher Education Coordinating Board.

Senator Sparks Proposed New Recommendation 3

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

Senator Sparks Proposed New Recommendation 4

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

Senator Sparks Proposed New Recommendation 5

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