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Proposal to Reduce Recidivism Rates in Texas - 2010 Update

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Preface

In 2003, the Earl Carl Institute launched research programs to advocate for the reduction of recidivism through enhanced educational programs for prison inmates. The Institute's focus continues to be the enhancement of the quality of life for all Americans and not solely for the provision of services to prison inmates. However, our research of 2003 and current updates strongly support redirecting some of the large sums of money that has been poured into imprisoning Americans toward educating them.

In 2009, the National Association for the Advancement of Colored People (NAACP) adopted a resolution calling upon their branches to actively educate their members to the socio-economic benefits of providing higher education opportunities to prisoners. The resolution also called upon the United States Congress to restore prisoners' Pell Grant eligibility by repealing PL 110-315 of the Higher Education Reauthorization Act 2008.

Our research shows that educating prisoners is a prudent use of funds, as it will help deter persons from repeating criminal offenses that lead to recidivism. We anticipate following this updated report with a report that addresses various methods of financing prisoner education.

The Institute further takes the position that the courts, through various means, play an essential role in the advancement of educating prisoners and others entangled in the judicial system. These means include making education attainment a condition of probation and parole in appropriate cases.

From its earliest days, our nation has recognized the need for higher education to advance the nation's interests and development.[1] From the Pilgrims' focus on higher education as a means to expand the nation's power to United States President Barack Obama's urging of Americans to return to school to get higher education as a means to stabilizing and recovering the nation's economy, our country has acknowledged the importance of higher education.[2] Denying academic attainment to prisoners is archaic and self-defeating.

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[1] Dhatt, Jennifer K., The Economics of Higher Education throughout American History, econ.duke.edu/dje/2002/dhatt.pdf, April 15, 2002

[2] The White House, http://www.whitehouse.gov/issues/education, last visited 2-10-10 stating "President Obama is committed to ensuring that America will regain its lost ground and have the highest proportion of students graduating from college in the world by 2020. The President believes that regardless of educational path after high school, all Americans should be prepared to enroll in at least one year of higher education or job training to better prepare our workforce for a 21st century economy."

Over 9.8 million people are incarcerated throughout the world, with over 30% held in the Unites States. The U.S. has the highest prison population rate of 756 per 100,000 of its national population followed by Russia (629 per 100,000).[3]

The Earl Carl Institute takes the position in this 2010 report, that America can reduce recidivism through education. This report updates our 2003 report. It was funded in part with a grant from the ORISKA Foundation.

Marcia Johnson

Introduction

While it took fifty years, between 1930 and 1980, for the federal and state prison population to double, it took only sixteen years, from 1980 to 1996, for America's prison population to almost triple.[4] The policy of state and federal criminal justice systems, within the past two decades, has been to imprison more offenders for longer periods of time. Admissions to the prison state and federal prison system have increased 3.1% in years 2000-2006.[5] This strategy has failed in two significant aspects: preparing offenders for reintegration back into society and reducing recidivism.

In Texas, more than 50% of people in prison are non-violent offenders.[6] One of the tragedies of the Texas penal system is that while many inmates enter as petty offenders, but they become "hardened" by the penal system. Because of the bad habits and behaviors learned in prison, they become major criminal offenders once re-entered into society. The Texas Department of Criminal Justice has an obligation to help solve this problem. Fulfilling that obligation can start with expanding its secondary and college level academic programs and instituting advanced education and training programs in prison. The next section demonstrates the impact instituting advanced education and training programs has in increasing an inmate's

[3] Roy Walmsley, World Prison Population List, 8th ed., King's College London International Centre for Prison Studies, http://www.kcl.ac.uk/depsta/law/research/icps/downloads/wppl-8th_41.pdf, 2009, last visited 2-10-10.

[4] AP STUDY GUIDE, AMERICAN PRISONS AND PRISONERS STUDY GUIDE, HISTORY AND EVOLUTION OF CORRECTIONS 17, *available at* http://www.tamucc.edu/~crijweb/apstudguide.html (last visited July 20, 2009).

[5] William J. Sabol. & Heather Courture, *Prison Inmates at Midyear 2007* NCJ 221944, BUREAU OF JUSTICE STATISTICS 4 (June 2008), *available at* http://www.ojp.usdoj.gov/bjs/pub/pdf/pim07.pdf (last visited July 20, 2009).

[6] *Statistical Report of Fiscal Year 2007*, TEX. DEP'T OF CRIMINAL JUSTICE 1, (July 2008), *available at* http://www.tdcj.state.tx.us/publications/executive/fiscal%20year%202007%20statistical%20report.pdf (last visited July 20, 2009).

chances of successful reintegration into society. The effect will be to lower, in substantial numbers, the recidivism rate. This position paper is designed to state the Institute's official position on educating prisoners and to show the significant economic and other benefits of prisoner education.

The public interest in decreasing the recidivism rate is significant and urgent. The Earl Carl Institute formally takes the position that the single most effective solution to reducing recidivism rates is education in the prison system. While other measures, such as drug treatment and rehabilitation are also important in achieving this goal, the effect of education is compelling.[7]

I. The Effect of Educating Prisoners

National statistics show that on release from prison 67.5% of offenders will return to some facet of the criminal justice system.[8] However, if the inmate who is released has a high school education, his risk of returning to prison is reduced to 24%; if the inmate has two years of college, the recidivism rate drops to 10%; at four years of college the rate drops to 5.6%; and post graduate degree holders had a 0% recidivism rate.[9]

A. Potential taxpayer savings

The Texas Department of Criminal Justice incarcerates over 150,000 people.[10] In 2001, The Legislative Board reported a three-year recidivism rate of 28.3% for persons who actually return to prison.[11] In an outcome study conducted by the Windham School District, it was reported that inmates who earned a GED while incarcerated recidivated 11.6 percent less than

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[7] According to the Open Society Institute Criminal Justice Initiative, if an inmate has a high school education, his risk of returning to prison is reduced to 24%; if the inmate has two years of college, the recidivism rate drops 10%; at four years of college the rate drops to 5.6%; and post graduate degree holders had a 0% recidivism rate. Open Society Institute, Criminal Justice Initiative, Research Brief Occasional Paper Series No.2, Education as Crime Prevention 5, (September 1997) available at http://www.soros.org/initiatives/usprograms/focus/justice/articles_publications/publications/edbrief_19970901 , (last visited July 20, 2009)

[8] *Recidivism of Prisoners Released in 1994* NCJ 193427, BUREAU OF JUSTICE STATISTICS: SPECIAL REP 1, (June 2002), *available at* http://www.ojp.usdoj.gov/bjs/pub/pdf/rpr94.pdf (last visited July 20, 2009).

[9] Open Society Institute, Criminal Justice Initiative, Research Brief Occasional Paper Series No.2, Education as Crime Prevention 5, (September 1997), available at http://www.soros.org/initiatives/usprograms/focus/justice/articles_publications/publications/edbrief_19970901 , (last visited July 20, 2009)

[10] *Statistical Report of Fiscal Year 2007*, *supra* note 3, at 1.

[11] *"Statewide Criminal Justice Recidivism and Revocation Rates"*, LEGISLATIVE BUDGET BOARD, THE STATE OF TEX 6, (January 2005), *available at* http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Recidivism_Report_2005.pdf (last visited August 5, 2009).

those who did not earn a GED.[12] Windham also reported that inmates who completed a vocational course recidivated at 10.8 percent less than those who did not.[13] Among the conclusions of this study was a projected savings of 6.6 million dollars for every one percent reduction in recidivism.[14] Furthermore, these cost savings neither include the money that would be saved from the direct cost (employment wage loss, health care, pain and suffering) of recidivism crimes on the citizens of Texas nor the physical or the emotional cost to the victims of these repeat offenders.

Currently, less than 1% of inmates in Texas are discharged with an Associate Degree or above. During the 2007-2008 school year, the Windham School District awarded the following number of degrees:[15]

- ✓ Associate Degrees 509
- ✓ Bachelor Degrees 56
- ✓ Master's Degree 15

II. Educating Texas Offenders has a Significant Impact on Recidivism

In 1969, the Texas Legislature established the prison school district known as the Windham School District that operates within the Texas prison system.[16] In 2000, the Criminal Justice Policy Council ("Council") began evaluating the school district.[17] After conducting their evaluation, the Council issued its report. The report tracked 25,980 inmates released between September 1996 and May 1998.[18] According to the study, only sixteen percent of the participants were reincarcerated.[19] An overwhelming eighty-four percent did not recidivate during this

[12] *Three Year Outcome Study of the Relationship Between Participation in Windham School System Programs and Reduced Levels of Recidivism* TR94-001, WINDHAM SCHOOL DIST., TEX. DEP'T OF CRIMINAL JUSTICE 1, (June 1994).

[13] *Id.* at 3.

[14] *Id.* at 4.

[15] *Annual Performance Report 2007-2008*, WINDHAM SCHOOL DIST., TEX. DEP'T OF CRIMINAL JUSTICE 1, *available at* http://www.windhamschooldistrict.org/PDF/APR.pdf (last visited July 20, 2009).

[16] *Id*. at 1.

[17] *Impact of Educational Achievement of Inmates in the Windham School Dist. on Recidivism*, CRIMINAL JUSTICE POLICY COUNCIL i, (August 2000), *available at* http://reentrypolicy.org/publications?states=TX&keyword (follow "Impact of Educational Achievement of Inmates in the Windham School Dist. on Recidivism" hyperlink) (last visited July 20, 2009).

[18] *Id.* at 3.

[19] *Id.* at 8.

period.[20] Relying in part on this study, the Council concluded that prison education had a positive impact in reducing re-incarceration for inmates who made improvements in their educational level.[21] In addition, they maintained that the higher the educational level[22] the greater the potential to find employment and attain higher wages, thereby reducing prisoners' dependence on lawlessness.[23]

Not only does educating inmates significantly reduce recidivism, but also it has a substantial impact on the prison environment and the urban community[24]. One inmate's testimony from a report entitled *Inmate Education: The Virginia Model*[25] reflected this premise:

> The majority of the guys locked up are going to get their freedom one day. So what you put into the guy's head when he's locked up, and the way you treat him when he's locked up, that's the same thing society is going to get back at them when he comes back on the streets. If you treat him like an animal the whole time he's locked up, you'll get that same animal back on the streets. But if you educate this man, give him some positive reinforcement so he'll have something to offer society when he comes back on the street, that's what you are going to get.[26]

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[20] *Id.*

[21] *Id.* at 16-19.

[22]The report by the Justice Policy Council did not differentiate between educational achievement before incarceration and education achieved in prison.

[23] *Id.* at 33.

[24]A Texas Department of Criminal Justice 2007 report states that 37 percent of TDCJ inmates were Black, 32 percent were White, and 30 percent Hispanics; 50 percent of which were classified as non-violent. Harris County led the state in the number of inmates serving time in a Texas prison with almost 29,828 inmates or 20% of the total prison population. The Justice Policy Institute reported that during the last two decades of the twentieth century the black male prison population increased at a rate four times higher than the increase in black male college students.

[25]Southside Virginia Community College operates the largest inmate education program in Virginia, offering associate degree programs and academic support at three correctional centers and planning programs at two others.

[26] Dennis Gendron & John Cavan, *Inmate Education: The Virginia Model*, SOUTHSIDE VA. COMM. COLLEGE 5 (April 1988), *available at* http://www.eric.ed.gov/ERICDocs/data/ericdocs2sql/content_storage_01/0000019b/80/1d/ab/f5.pdf (last visited August 3, 2009).

This testimony paints a stark picture when considering that in 2008, just over 72,000[27] inmates reentered their old neighborhoods all across Texas.[28]

III. The United States- Leading Nation Imprisoning Its People

The 2000 United States Census reports that there are almost 285,000,000 people living in the United States.[29] Of that number about 195,000,000 are White, about 34,000,000 are Black, and about 35,000,000 are Hispanic.[30] Over 2,299,116 of these Americans are either in jail or incarcerated in some type of correctional institution.[31] Another 4,550,107 are under some criminal justice supervision including probation, parole and halfway houses.[32] An estimated 58% of those incarcerated are people of color.[33] Incarceration rates in the United States are more than five times the rates of other countries including Canada, England, France, Switzerland, Holland, Sweden and Finland. [34] Imprisonment of African-American men in the United States exceeds the imprisonment rate for Black South African men in the final years of apartheid.[35]

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[27] There is no data available to determine how many prisoners who were released from prison in 2008 received some kind of education while incarcerated.

[28] Jamie Watson & Amy L. Solomon et. al., *A Portrait of Prisoner Reentry in Texas*, URBAN INSTITUTE JUSTICE POLICY CENTER ix, (March 2004), *available at* http://www.urban.org/UploadedPDF/410972_TX_reentry.pdf (last visited August 3, 2009).

[29] *Profile of General Demographic Characteristics 2000*, Table DP-1 Census 2000, U.S. CENSUS BUREAU 1, *available at* http://censtats.census.gov/data/US/01000.pdf (last visited July 22, 2009).

[30] *Id.*

[31] Sabol & Courture, *supra* note 2, at 6.

[32] Laren E. Glaze & Thomas P. Bonczar, *Probation and Parole in the United States, 2007 Statistical Tables*, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE 1, (December 2008), *available at* http://www.ojp.usdoj.gov/bjs/pub/pdf/ppus07st.pdf, (last visited July 20, 2009). *See also* http://www.ojp.usdoj.gov/bjs/glance/tables/corr2tab.htm.

[33] Sabol & Courture, *supra* note 2, at 7.

[34] Paul Street, *Race, Prison, and Poverty, The Race to Incarcerate in the Age of Correctional Keynesianism*, Z MAGAZINE 1, (May 2001), *available at* http://www.thirdworldtraveler.com/Prison_System/Race_Prison_Poverty.html (last visited July 22, 2009).

[35] Peter Wagner, *"The Prison Index:Taking the Pulse of the Crime Control Industry", Section IV: Global Comparisons* WESTERN PRISON PROJECT, PRISON POLICY INITIATIVE 1, *available at* http://www.prisonpolicy.org/prisonindex/us_southafrica.html (last visited August 17, 2009).

The United States Department of Justice reported that in 2007, for every 100,000 Black men in the United States, 4,618 were incarcerated, while for White and Hispanic males, the total incarcerated for every 100,000 was 773 and 1,747, respectively.[36]

A. National Recidivism Rates

In 1994, the Bureau of Justice tracked re-conviction and re-incarceration of 272,111 prisoners released in that year.[37] The prisoners represented two-thirds of all prisoners released in the United States in 1994.[38] Four measures of recidivism rates of prisoners were used: re-arrest, reconviction, re-sentencing, and return with or without a new sentence.[39] The study indicated that within three years of their release from prison, 67.5% were arrested for a new offense, 46.9% were convicted on a new criminal charge, 25.4% were sentenced to another prison term for the new crime, and 51.8% were re-incarcerated either to serve time for the new offense or for violating restrictions on their release.[40] Within the first year of their release, 44.1 %of the prisoners had been re-arrested.[41]

IV. The Texas Prison Profile

As of 2007, Texas is second in the nation for imprisoning its citizens.[42] A comparison of Texas and New York's prison populations by the Justice Policy Institute[43] found that:

1. Though Texas and New York had similar state populations, in terms of total population, during the 1990s, Texas' prison system was the fastest growing prison population in the country while New York's was the third slowest growing prison population.[44]

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[36] Sabol & Courture, *supra* note 2, at 7.

[37] *Recidivism of Prisoners Released in 1994*, *supra* note 4, at 1.

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] *Id.* at 3.

[42] Sabol & Courture, *supra* note 2, at 13.

[43] The Justice Policy Institute is a public policy organization promoting effective solutions to social problems, and dedicated to ending society's reliance on incarceration. They promote alternatives to incarceration through timely and targeted policy briefs, reports, and research projects, and media advocacy.

[44] *Texas Tough? An Analysis of Incarceration and Crime Trends in the Lone Star State*, JUSTICE POLICY INSTITUTE 9, (October 2000), *available at* http://www.cjcj.org/files/texas.pdf (last visited July 22, 2009).

2. Texas added more prisoners to its prison system during this decade than New York's entire prison population.[45]

3. Texas added five times as many prisoners as New York did.[46]

On the other hand, despite Texas' aggressive imprisonment policies, the decline in the crime rate in New York was 26% greater than the drop in crime in Texas.[47] Furthermore, between 1991 and 2001, Texas' incarceration rate rose by 139.4%, and its crime rate dropped by 34.1%. Despite the fact that Texas's incarceration rate rose at a rate 5 times greater than Florida's (27%), Florida's crime rate dropped to a level the nearly approximated the decline in Texas' (34.8%). Texas' incarceration rate grew at 3 times the rate of California's (42.5%), but California experienced a crime rate drop that was 24% greater than that of Texas[48]. Thus, the expansion of the Texas prison system and widespread incarceration of its citizens is costly and ineffective at reducing crime rates. The disparity may be attributed in part to criminal activity by released inmates since as imprisonment rates escalate, recidivism rates also increase[49].

The impact on Houston is also evident. As of 2007, the Texas prison system extracts about 20% of its prison population from the Harris County area and releases approximately 10% of prisoners back into the County.[50]

As of January 2008, Texas prisons had a capacity of 157,566 beds.[51] The maximum design capacity for Texas prisons in 1990 was 49,000.[52] After completion of a state authorized $2.3 billion expansion plan, the design capacity increased to 150,000 beds in 1995.[53]

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[45] *Id.*

[46] *Id.*

[47] *Id.* at 10.

[48] Texas Tough Three Years Later, JUSTICE POLICY INSTITUTE 9, (April 2003), available at http://www.justicepolicy.org/images/upload/03-04_REP_TXTexasTough3YearsLater_AC.pdf

[49] Mark Wilson, *College Education in Prisons* ,3rd Annual Conference in World History and Economics, Appalachian State University (April 2008), available at www.history.appstate.edu/ConferencePapers/mwilsonpaper.pdf

[50] *Statistical Report of Fiscal Year 2007*, *supra* note 3, at 13, 34.

[51] *Updated Adult Incarceration Population Projections, Fiscal Years 2008-2012*, LEGISLATIVE BUDGET BOARD, THE STATE OF TEX. 1, (January 2008), *available at* http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Adult_Incarceration_Pop_Projections_0208.pdf (last visited July 27, 2009).

[52] *Id.*

According to reports by the Texas Department of Criminal Justice ("TDCJ"), there were 152,661 persons incarcerated within Texas prisons at the end of the department's 2007 fiscal year.[54] By 2000, Texas spending on colleges and universities grew by 47 percent, compared with a 346 percent increase on corrections.[55] The more money Texas spends on funding prisons, the less money is available to fund education in colleges and universities.

V. Education: A Preventive Measure That Significantly Impacts Recidivism Rates

Today, prison inmates are released with little hope for reintegration into society. Upon reintegration, they return to their communities unskilled and uneducated only to compete in an even more advanced technological society. For this reason, a majority of those offenders who are released find themselves back in prison because they have been successful at neither finding gainful employment nor continuing their interrupted social lives.

In 2008, Congress sought to address prison reentry problems by passing the Second Chance Act.[56] The Second Chance Act, in pertinent part, provides grants for programs that seek improvements in education at state, tribal, and local prisons, jails and juvenile facilities.[57] These programs are comprehensive programs that are designed, in part, to curb recidivism. The Second Chance Act speaks directly to the need for post secondary education in our prison systems as it has the potential to enhance both employment opportunities and an individual's ability to function in society. This act authorizes funding for reentry of inmates into society and recognizes that many prisoners are released and returned to their old neighborhoods, which in turn, leads them back into prison.[58]

VI. Distance Education

Distance education offers a significant decrease in cost when compared to traditional university education. It permits students to be educated remotely and earn a degree. This method is particularly appealing to the prison system, because it eliminates the need to transfer inmates

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[53] *New Demands on Texas Prison Space Revive Debate over Correctional Strategies,* HOUSE RESEARCH ORG., TEX. H. OF REP. 1, (November 5, 1997), *available at* http://www.hro.house.state.tx.us/focus/prisons.pdf (last visited July 27, 2009).

[54] *Statistical Report of Fiscal Year 2007*, *supra* note 3, at 1.

[55] Micheal Hedges, *"Financially, schools behind bars ;Texas hikes funding for prisons faster than for education"*, HOU. CHRON. Aug 28, 2002 at A25, *available at* http://www.chron.com/CDA/archives/archive.mpl?id=2002_3576577 (last visited August 17, 2009).

[56] Second Chance Act of 2007, Pub. L. No. 110-199, 122 Stat. 657 (2008).

[57] *Id*.

[58] *Id.* at 658-659.

or faculty members to visit onsite. This significantly decreases the cost associated with instruction. Although there might be significant initial investment costs associated with distance education, it pales in comparison to the e cost of eliminating the potential security risk that is associated with instructors teaching from inside the prisons. Furthermore, distance education allows for efficiency in the delivery of education. Typically, the cost of prison education encompasses the expense to educate one classroom and one instructor; distance education enables one instructor to teach multiple classrooms at the same time. Streamlining the process in this way significantly reduces the cost of obtaining instructors to come into the prisons and expands the amount of prisoners reached through education.

There are several technologies that may be used to implement distance education. These include the use of the World Wide Web, Intranets, video conferencing, or instructional television. For security reasons, videoconferencing, intranet or instructional television would be most appropriate for the Texas Department of Criminal Justice, because these types of technology restrict access to the use of the World Wide Web. According to the Texas Higher Education Coordinating Board, there are currently 35 colleges and universities providing distance education courses through their electronic campus system, yet none of these is being utilized to bring higher learning into the prison classroom. [59] Distance education offers the Texas Department of Criminal Justice a unique opportunity to rapidly expand higher education programs throughout the prison system.

A. Types of Distance Learning Technology

There are many types of video conferencing equipment brands available for creating successful virtual classrooms. In fact, the Windham School District already uses this type of technology to bring life skills training to inmates in some of its prisons.[60] This same or similar technology could easily be employed for academic programming.[61]

B. Security Issues

Security concerns include inmates' access to the Internet and email, physical location of distance learning equipment, and supervision of inmates while in distance learning classrooms.[62] Currently, inmates are not allowed access to the Internet due to concerns relating to the integrity

[59] Texas Distance Education – Participating Institutions, *available at* http://www.txelectroniccampus.org/listInst.aspx.

[60] Interview with Debbie Roberts, Superintendant, Windham School District, in Huntsville, Tex. (July 29, 2009).

[61] Telephone Interview with Rick Lox, Audio Visual Production Specialist, Distance Learning Department, Tex. A&M Univ. Health Science Center (June 23, 3009).

[62] Interview with Debbie Roberts, *supra* note 51.

of prison security, contact with the public at large, and unwanted contact with victims.[63] Consequently, traditional distance learning technology will require highly secure measures that restrict internet access.

C. Funding Prison Education

Funding shortages present the most challenging obstacle to offering distance learning within the prison system.[64] Since many of the facilities are old and not equipped with the band-width necessary to support the network connections needed for operating distance learning classrooms,[65] new wiring would need to be installed in most facilities in order to offer distance learning at each chosen site. Although the Windham School District is funded by state agencies and some federal grants, budget cuts in 1995 and 2003 are stretching its limits.[66] Consequently, financial responsibility for establishing new programs and creating access to new technology rests solely on the organizations and universities wishing to implement these programs.[67]

Logistical issues also present financial challenges. While distance learning alleviates the need to have a professor on-site, a proctor is still required to be present in the classroom during the inmates' scheduled class time.[68] Each separate class also requires time and resources from TDCJ in the form of prison guards who would be required to supervise inmates during their classes as well as transporting them to and from the classroom.[69]

Fortunately, outside organizations can be called upon to assist in overcoming some of the potential obstacles. For instance, the Houston Rotary used its resources to develop teleconferencing abilities in three Texas prison units: Plane State Jail, Keegan State Jail, and Ramsey Unit.[70] However, Plane State Jail has the ability to utilize distance education but is presently without access to either a community college or a four-year university.[71]

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[63] *Id.*

[64] Earl Carl Institute, *Funding Prison Education* (forthcoming Fall 2009); *also* Interview with Bob Evans, Director, Div. of Continuing Education, Windham School District, in Huntsville, Tex. (July 29, 2009).

[65] Interview with Debbie Roberts, *supra* note 51.

[66] *Annual Performance Report 2007-2008, supra* note 11, at 15.

[67] *Id.*

[68] *Id.*

[69] *Id.*

[70] *Id.*

[71] Interview with Bob Evans, *supra* note 55.

In addition, another way the Windham School District copes with the financial challenge is to strategize by transferring inmates to select units in order to maximize class sizes and better utilize guard resources.[72] Windham also revealed that some universities offer internal scholarships and grants to qualified inmates or offered discount tuition plans for their prison education programs.[73]

D. Potential for Distance Learning Opportunities

In 2007-2008, 37 prison units in Texas offered college courses.[74] Of those 37 units, only four offered four-year degree plans.[75] Each of these units is presently served by a community college or four-year institution within its territory. Classes are taught on-site at the prison unit by professors employed by the college or university represented. There are approximately 58,552 inmates housed within these units.[76] Only 8,205 of these inmates, however, were able to participate in Windham's continuing education program in 2007-2008.[77]

With TDCJ's population exceeding 150,000, approximately 100,000 inmates have no access to college classes.[78] In 2008, fifty-eight percent of the total inmates in Texas prison inmates had a GED or high school equivalent[79]. The numbers support the need for a serious comprehensive program including, distance learning (virtual classrooms) to be implemented within the prison system.

Conclusion

Educating prisoners to reduce recidivism is the most efficient way to spend taxpayer dollars because it benefits everyone from individual prisoners, to taxpayers, to legislators, to the justice system and society in general. Individual prisoners who have an education are less likely to recidivate and are more likely to become productive members of society[80]. Taxpayers benefit

[72] *Id.*

[73] *Id.*

[74] *Annual Performance Report 2007-2008, supra* note 11, at 11.

[75] *Id.* at 17.

[76] Prison Unit Data from the Tex. Dep't of Criminal Justice on Unit Population (June 14, 2009) (on file with author).

[77] *Annual Performance Report 2007-2008 supra* note 11, at 10.

[78] *Statistical Report of Fiscal Year 2007, supra* note 3, at 1.

[79] *Statistical Report of Fiscal Year 2008,* TEX. DEP'T OF CRIMINAL JUSTICE 1, available at http://www.tdcj.state.tx.us/publications/executive/FY08%20Stat%20Report.pdf

[80] Open Society Institute, supra note 5 at 15.

by having their tax dollars applied to more productive activities like schools, infrastructure, environment, and health. The Legislature benefit because the program creates a more cost-effective government while also protecting the public from criminal activity by repeat offenders. The justice system benefits because by fulfilling its mandate to punish the guilty while helping to insure that when an inmate is released (s)he poses little or no danger to society, with minimal chance to return to prison. It is clear that it is in the best interest of all citizens that we ensure that everything is done to minimize the cost and maximize the return on invested taxpayer dollars.

The Earl Carl Institute supports the passage of state legislation to ensure all prison inmates have access to higher education. It also supports the reinstatement of Pell Grants at the federal level. Currently there are 35 Colleges and Universities in Texas offering courses through Distance Education.[81] These courses can be offered to inmates with little additional cost related to enhanced security measures.

Consequently, the institute establishes the following goals as the prisoner component of its education agenda:

1. The State of Texas should expand its prisoner education program to provide greater access to academic education to more Texas inmates. The academic education must include higher education for obtaining bachelors, masters and doctorate degrees.

2. The State of Texas should incorporate distance learning as a major component of its prisoner education program.

3. Financing vehicles need to be identified and put in place to ensure program operations.

4. Program participants will be required to pay for their education either at the time of enrollment or after release from prison.

[81] See Appendix 1.

Appendix 1

Texas Institutions with College Courses	Texas Institutions with Degree Programs
Alvin Community College	Amberton University
Amberton University	Dallas Baptist University
Brazosport College	Dallas TeleCollege
Collin College, Collin County Community College District	Lamar University
Dallas Baptist University	Midwestern State University
Dallas TeleCollege	Odessa College
Frank Phillips College	Palo Alto College
Kilgore College	Prairie View A&M University
Lamar University	Stephen F. Austin State University
Midwestern State University	Tarleton State University
Northeast Texas Community College	Texas A&M University, College Station
Palo Alto College	Texas A&M University, Commerce
Panola College	Texas Womans University
Prairie View A&M University	University of Houston, Victoria
St. Philip's College	University of Texas, Dallas
Stephen F. Austin State University	University of Texas, El Paso
Tarleton State University	University of Texas, Health Science Center at Houston
Texas A&M University, College Station	Wayland Baptist University
Texas A&M University, Commerce	West Texas A & M University
Texas A&M University, Texarkana	
The University of Texas at Brownsville and Texas Southmost College	
University of Houston, Victoria	
University of North Texas	
University of Texas, Arlington	
University of Texas, Dallas	
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Marcia Johnson is the founder of the Earl Carl Institute. Professor Johnson has been on the law school faculty at Thurgood Marshall School of Law since 1991. She served as the school's interim associate dean in 1998 and interim dean in 1999. A graduate of the University of Florida undergraduate and law schools, Johnson teaches real estate transactions in addition to her responsibilities with the institute. Johnson has serves on numerous boards and organizations.

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