

Thurgood Marshall School of Law

Proposal To Reduce Recidivism Rates In Texas

A Position Paper

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EARL CARL INSTITUTE
for Legal and Social Policy, Inc.

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Introduction:

It took fifty years between 1930 and 1980 for the federal and state prison population to double but it took only twelve years from 1980 to 1992 for America's prison population to triple. The policy of state and federal criminal justice systems, within the past two decades has been to imprison more offenders and for longer periods of time. Although this strategy appears to have aided in the reduction of crime rates across the board, it has failed in two significant aspects: preparing offenders for reintegration back into society and reducing recidivism.

The majority of the people who are incarcerated are behind bars for non-violent offenses. In fact, less than 1/3 of the offenders imprisoned within state correctional institutions are violent offenders. In Texas, more than 3/4 of people in prison are non-violent offenders. One of the tragedies of the Texas penal system is that many inmates go in as petty offenders but are hardened by the system and on re-entering society they become major criminal offenders.

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 that increase an inmate's 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 compelling economic and other benefits of prisoner education.

I. The Effect of Educating Prisoners

Statistics show that on release from prison 60% will return to some facet of the criminal justice system for violating the law. 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.

In Texas, between one-third and one-half of all ex-convicts are caught committing new crimes within three years of their release. According to a recent study, Texas is second only to California in leading the nation in imprisoning its citizens. Texas has the second largest incarcerated population in the United States. One out of every four adult black men in Texas is under some form of criminal justice supervision and the incarceration rate of African Americans in Texas is about seven times higher than that of whites. However, neither imprisonment nor threat of imprisonment has proved to be an effective deterrent of crime. A comparison of Texas and New York's prison populations by the Justice Policy Institute found that:

1. While Texas and New York had similar state populations during the 1990s; Texas had the fastest growing prison system in the country while New York had the third slowest growing prison population.
2. Texas added more prisoners to its prison system during this decade than New York's entire prison population.

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

Yet despite Texas' aggressive imprisonment policies, the crime rate in New York declined by 26% more than the drop in Texas. In the one year period between 1998-1999, the average *decrease* in crime in U.S. cities with a population over 500,000 was 6% while similar Texas cities experienced a 2.3% *increase* in crime. Statistics indicate that 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.

The impact on Houston is also evident. The Texas prison system extracts about 23% of its prison population from the Greater Houston area and releases a similar number of prisoners to the Greater Houston area.

The Institute's and the citizens' of Houston interests in decreasing the recidivism rate are significant and urgent. The Institute formally takes the position that the single most effective solution to reducing the recidivism rates is education in the prison system. While other measures, such as drug treatment and rehabilitation are very important in winning the war on crime, the effect of education is compelling.

II. 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. Of that number about 195,000,000 are White, about 34,000,000 are Black, and about 35,000,000 are Hispanic. Over 2,000,000 of these Americans are either in jail or incarcerated in some type of correctional institution. Another 8,000,000 are under some criminal justice supervision including probation, parole and halfway houses. At least 70% of those incarcerated are people of color. 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 and imprisonment of African-American men in the United States exceeds the imprisonment rate for Black South African men by more than 4 times.

The United States Department of Justice reported that in 2000, for every 100,000 Black men in the United States, 4,848 were incarcerated while for White and Hispanic males, the total incarcerated for every 100,000 was 705 and 1,668, respectively.

III. The Texas Prison Profile

In 1990, Texas operated 43 public and private adult correctional facilities. A decade later, that number almost tripled to 127. Texas added 109,975 beds during this ten-year period. The maximum design capacity for Texas prisons in 1990 was 49,000. After completion of a state authorized \$1.5 billion dollar construction plan, the design capacity increased to 150,000 beds by 1995; thereby nearly tripling Texas prison capacity between 1990 and 1995.

According to reports by the Texas Department of Criminal Justice ("TDCJ"), there were 144,981 persons incarcerated within Texas prisons at the end of the department's 2001 fiscal year. There were 669,858 persons in prison or under TDCJ supervision. The report also

indicates that there were 42 percent Black offenders, 31 percent White offenders, and 27 percent Hispanics serving prison time; 79 percent were classified as non-violent. Harris County led the state in the number of inmates serving time in a Texas prison with almost 40,000 inmates 70%.

In 2000 there were 66,300 African-American men in Texas state prisons, and only 40,872 in Texas colleges and universities. The Houston Chronicle has reported that over the past two decades the black male prison population increased four times higher than the increase in black male college students. By 2000, Texas spending on colleges and universities grew by 47 percent, compared with a 346 percent increase on corrections.

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

Today prison inmates are released with little hope for reintegration into society. They will go back to their communities unskilled, and uneducated to compete in an ever advanced technological society. For this reason, a majority of those offenders who are released find themselves back in prison because they have not been successful at finding gainful employment nor with picking up with their interrupted social lives. Post-secondary education has the potential to enhance both employment opportunities and an individual's ability to function socially in society.

A. National Recidivism Rates

In 1994, the Bureau of Justice tracked reconviction and re-incarceration of 272,111 prisoners released in that year. The prisoners represented one third of all prisoners released in the United States in 1994. Four measures of recidivism rates of prisoners were used: re-arrest, reconviction, re-sentencing, and return with or without a new sentence. The study indicated that within 3 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. Within the first year of their release 44.1 percent had been re-arrested.

B. Educating Texas Offenders has a Significant Impact on Recidivism

In 1986, the State of Texas established the prison school district known as the Windham School District that operates within the Texas prison system. In 2000, the Criminal Justice Policy Council ("Council") began evaluating the school district. After conducting their evaluation, the Council issued its report. The report tracked 25,980 inmates released between September 1996 and May 1998. According to the study, only sixteen percent of the participants were re-incarcerated. An overwhelming eighty-four percent did not recidivate during this period. 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. In addition, they maintained that the higher the educational level the greater the potential to find

employment and attain higher wages thereby reducing their dependence on lawlessness. Not only does educating inmates significantly reduce recidivism, but corrections officials also report that it has a substantial impact on the prison environment. "Educational programs help to provide structure and lessen the need for supervision". One warden commented that educating inmates helps to keep the prisons running smoothly. "Often, educated prisoners teach and tutor other inmates."

C. Higher Education in Texas Prisons

Potential taxpayer savings:

The Houston Chronicle reported in their December 8, 2002 edition that the Texas Prison System incarcerates over 140,000 people. It also reported a three-year recidivism rate of 30.7% for persons who actually return to prison. Using these figures, the expansion of the TDCJ education programs could save Texas taxpayers almost \$42,000,000 a year. Using the national recidivism rate of 60%, the potential savings to taxpayers almost doubles to about \$95,000,000.

Furthermore, these cost savings do not include the money that would also be saved from 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 only 1% of inmates are discharged with an Associate Degree or above:

Degrees Awarded 2000-2001

Associate Degrees	373
Bachelor Degrees	61
Master's Degree	6

Distance Education:

New technology is being introduced into education at a rapid rate. One form of this technology is distance education which is bringing the university classroom to the student. Distance education offers a significant decrease in cost when compared to traditional university education. The ability of students to be educated at a remote site and earn a degree could be particularly appealing to the prison system, since there would be no need to transfer inmates or for faculty members to visit on site. This should significantly decrease the cost associated with instruction. Although there might be significant initial investment costs associated with distance education, this cost over the long run will be significantly less than transportation and security costs associated with the transportation of inmates to college campuses.

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, as it restricts access to the electronic classroom. According to the Texas Higher Education Coordinating Board there are currently 40 colleges and universities providing distance education courses through their electronic campus system. Distance education offers the Texas Department of Criminal Justice a unique opportunity to rapidly expand higher education programs throughout the prison system.

Conclusion:

Texas is leading the nation in the number of its citizens under some type of criminal justice supervision costing the taxpayer billions of dollars. With an ever-tighter state budget and with a need to expand educational opportunity, improve the general infrastructure and balance the state budget, it is imperative that we eliminate the revolving prison door.

It is time we turn the juggernaut of prison spending around and return individuals who have served their prison sentence to productive taxpaying individuals. We must stop the revolving cycle of crime-prison-crime-prison. It is clear that education is the most cost-effective way to break this vicious cycle, which negatively impacts the state's economy. Bringing individuals back into society as positive contributors to society is a win all around.

The taxpayer wins by paying fewer taxes or having the tax dollars applied to more productive activities like schools, roads, environment and health.

The Legislature wins because the program creates a more cost-effective government while also protecting the public from criminal activity by repeat offenders. Facilities built to house inmates could be converted to nursing home facilities to care for an ageing population, drug rehabilitation facility, or an economic empowerment training facility to develop new skills for a diversified work force.

The Justice system wins because by fulfilling its mandate to punish the guilty while helping to insure that when an inmate is released he poses little or no danger to society, with minimal chance to return to prison. The individual will have a one-way ticket not a round-trip ticket.

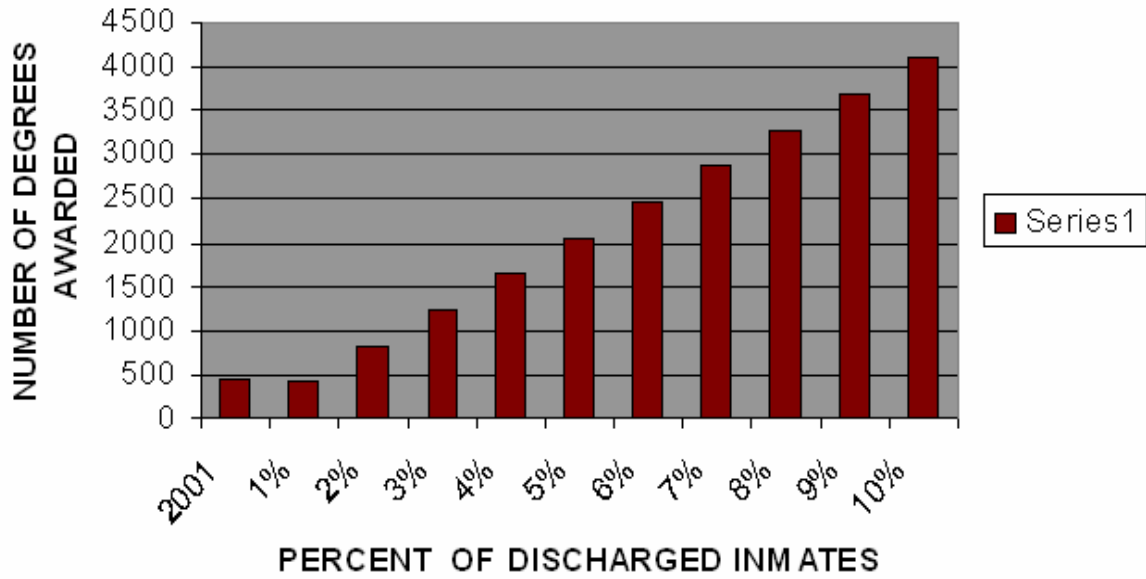
It is clear that it is in the best interest of all citizens that we ensure that everything is done to minimize the cost and maximize the return on invested taxpayer dollars.

The Institute supports the passage of state legislation to ensure all prison inmates have access to higher education. We also support the reinstatement of Pell Grants at the Federal level. Currently there are 40 Colleges and Universities in Texas offering courses through Distance Education. The number and diversity of these educational programs can only expand. These courses can be offered to inmates with little additional cost as is related to on-campus education.

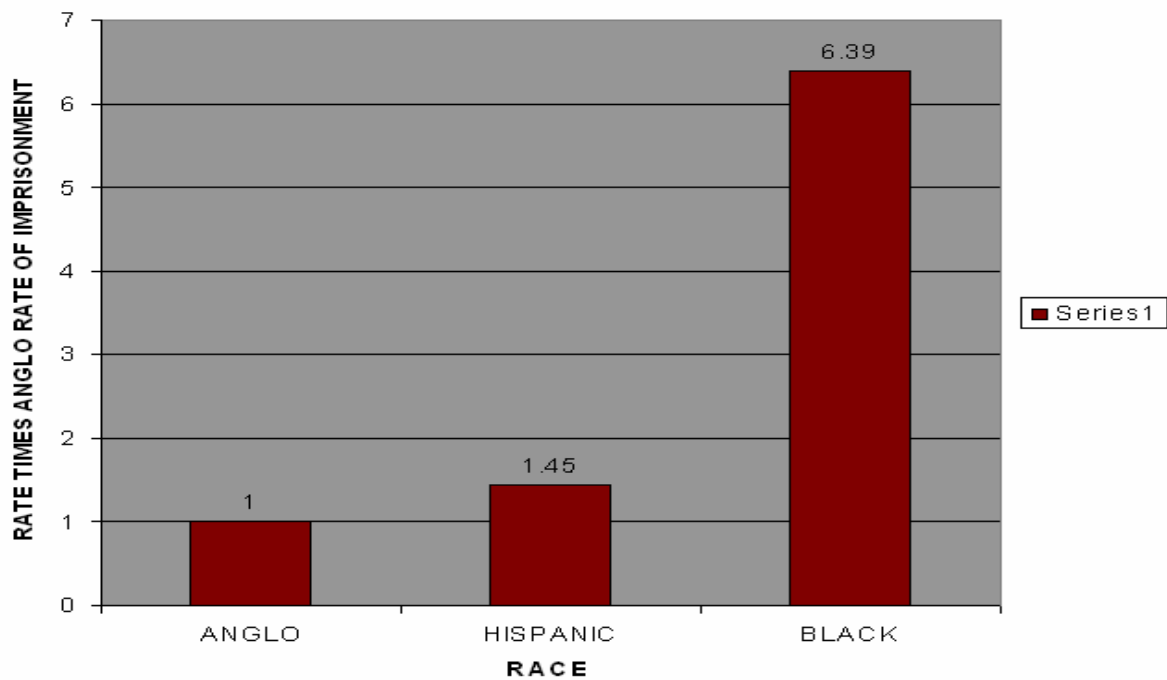
Consequently, the institute establishes the following goals as the prisoner component of its education agenda:

1. The State of Texas should expand its prisoner education program to provide greater access to academic education to more Texas inmates.
2. The State of Texas should increase its goal from 1% to 5% of Degree holders at discharge by 2005 and to increase to 10% by 2010.
3. The State of Texas should incorporate distance learning as a major component of its prisoner education program.
4. Program participants will be required to pay for their education either at the time of enrollment or after release from prison.

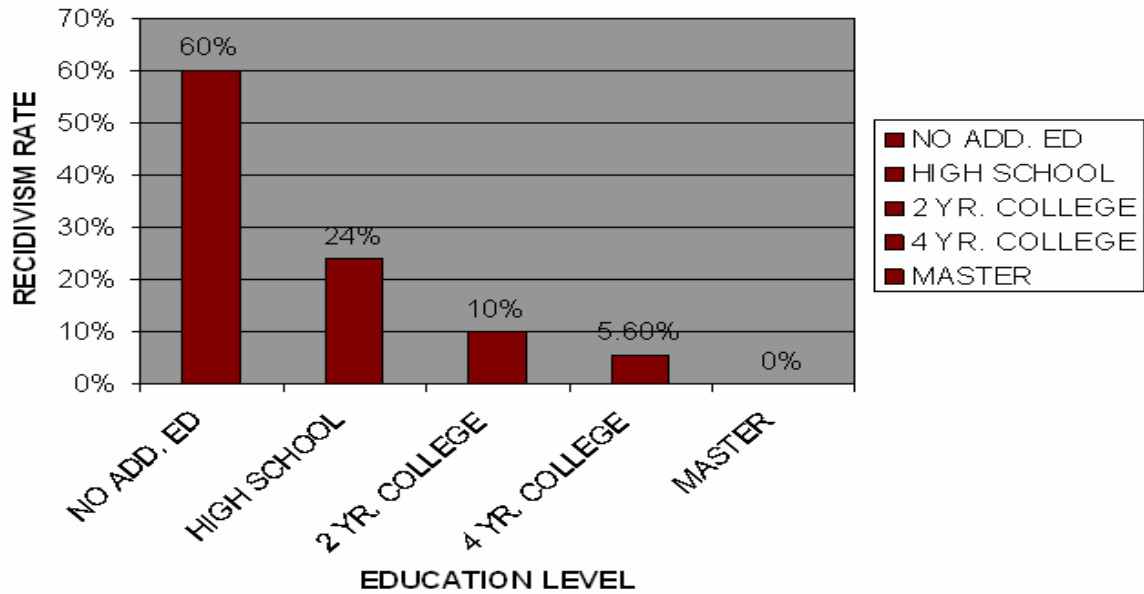
POTENTIAL DEGREES AWARDED BASED ON 41,000 DISCHARGES PER YEAR



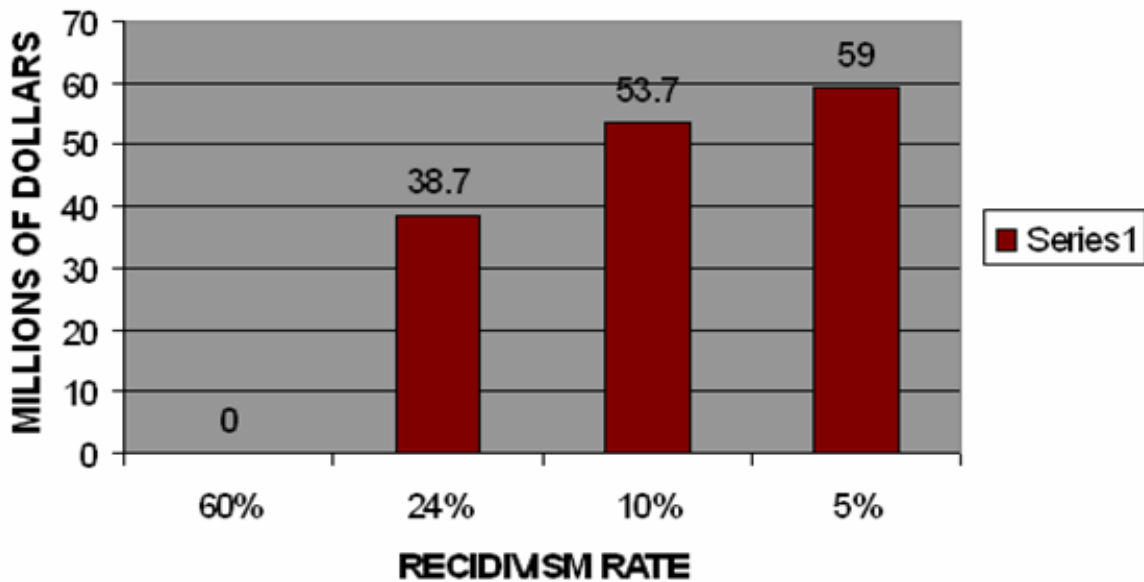
RATE OF IMPRISONMENT USING ANGLOS AS REFERENCE



RATES OF RECIDIVISM VS LEVEL OF EDUCATION



DOLLAR SAVINGS PER 1,000 INMATES VS CHANGE IN RECIDIVISM RATE OVER 4 YEARS



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This report was prepared by Institute Scholar, JaPaula Kemp and Institute Director Marcia Johnson, Professor of Law.

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