

# Statewide Criminal Justice Recidivism and Revocation Rates



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**STATEWIDE CRIMINAL JUSTICE RECIDIVISM AND REVOCATION RATES**



**LEGISLATIVE BUDGET BOARD  
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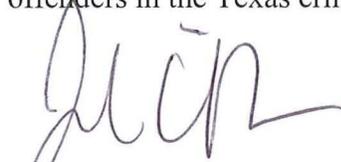
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## STATEWIDE CRIMINAL JUSTICE RECIDIVISM AND REVOCATION RATES

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One responsibility of the Criminal Justice Data Analysis Team of the Legislative Budget Board (LBB) is to calculate recidivism rates for adult and juvenile correctional populations. This report summarizes the analysis of reincarceration rates for adult offenders who were released from prisons, state jails, Substance Abuse Felony Punishment Facilities, In-Prison Therapeutic Community program, and Intermediate Sanction Facilities in fiscal years 2006 and 2007; and rearrest rates for adult offenders released from prisons and state jails in fiscal years 2005 and 2006. In addition, this report summarizes reincarceration rates for juveniles released from the Texas Youth Commission (TYC) and incarceration rates for those supervised by juvenile probation departments in fiscal years 2006 and 2007, and it presents rearrest rates for the fiscal years 2005 and 2006 juvenile cohorts. Also included is a review of recidivism information for other areas of the adult criminal and juvenile justice systems.

The purpose of this report is to highlight what is known about the success and failure of offenders in the Texas criminal and juvenile justice systems in recent years.



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## **INTRODUCTION**

## INTRODUCTION

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The purpose of this report is to summarize recidivism data that are currently known about Texas adult criminal and juvenile justice populations. In general terms, recidivism is defined as a return to criminal activity after previous criminal involvement. Since all criminal activity committed by an offender is not known, certain indicators of subsequent criminal activity are used to calculate recidivism rates. Some of these indicators include rearrest, conviction, probation or parole revocation, and recommitment to incarceration. Definitions of terms used throughout this report can be found in the glossary.

To calculate a recidivism rate, a group of individuals exposed to a treatment or sanction are followed over a period of time. The number in the group who “fail” within the specified time period divided by the total number in the group is used to determine the recidivism rate. Typical groups of offenders for which recidivism rates may be calculated are offenders placed on community supervision (formerly called adult probation), offenders placed on parole supervision, and offenders discharged from prison. The typical follow-up period for offenders in the criminal justice system is three years. This is the period of time in which the largest percentage of offenders who are likely to recidivate do so.

For this report, the Criminal Justice Data Analysis Team within the Legislative Budget Board (LBB) analyzed data on adult offenders released from Texas prisons, state jails, Substance Abuse Felony Punishment Facilities (SAFPFs), In-Prison Therapeutic Community (IPTC) program, and Intermediate Sanction Facilities (ISFs) during fiscal years 2006 and 2007. Each offender in the 2006 and 2007 release cohorts was followed for a three-year period. Any offender who was reincarcerated in either a state jail or prison facility at least once during the three-year follow-up period was considered a recidivist.

A three-year rearrest rate was computed for the fiscal years 2005 and 2006 prison release cohorts, and state jail release cohorts. Any offender who was rearrested for at least a Class B Misdemeanor within the three-year follow-up period was considered a recidivist. Rearrest follow-up for the 2007 release cohorts was delayed to ensure complete three-year information would be available. As data become available, rearrest statistics will be expanded to include additional populations as appropriate.

Revocation rates for adult felony community supervision and active parole were calculated to determine the number of probationers and parolees who had their supervision revoked, and were subsequently sentenced to imprisonment or confinement.

For Juveniles, a three-year reincarceration rate for cohorts released from the Texas Youth Commission (TYC) in fiscal years 2006 and 2007 was calculated, as well as a three-year incarceration rate for those supervised by juvenile probation departments during this time. Also, a three-year rearrest rate was computed for the fiscal years 2005 and 2006 juvenile cohorts. Further, revocation rates for active TYC parolees and active felony juveniles supervised by juvenile probation departments were calculated.

## **INTRODUCTION**

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The LBB has been working with the various state agencies for the past seven years in order to improve its repository of individual offender data. Significant enhancements have been made to the data available on both the adult criminal and juvenile justice populations. As data become available, analyses contained within this report will become more comprehensive.

In particular, efforts have been undertaken to improve the information available on the offenders under supervision in the community. After April 2010, the Texas Department of Criminal Justice – Community Justice Assistance Division (CJAD) transitioned from compiling aggregate population data from counties through the Monthly Community Supervision and Corrections Report (MCSCR) to generating monthly population reports based on detailed case-based data collected through the Community Supervision Tracking System / Intermediate System (CSTS Intermediate System). To account for the gaps in information, the LBB conducted various projects to address the information needs of the Legislature. In various sections of this report, there are references to additional publications that review cohorts of offenders, as well as qualitative information resources.

Please note, percentages presented in this report do not always add to 100% due to rounding.

## REPORT HIGHLIGHTS

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### Community Supervision

- The number of adults under felony direct community supervision (adult probation) increased every fiscal year from 2005 through 2010; whereas the number of direct supervision felons revoked decreased slightly during this time. The average felony community supervision revocation rate decreased from 16.4 percent in fiscal year 2005 to 14.7 percent in fiscal year 2010.

### Substance Abuse Felony Punishment Facility

- The fiscal year 2007 Substance Abuse Felony Punishment Facility (SAFPF) release cohort had a three-year reincarceration rate of 40.3 percent. This rate is slightly higher than that of the fiscal year 2006 SAFPF release cohort (39.6 percent). The average time out of custody before reincarceration (time-to-failure) was 16 months for both cohorts.

### In-Prison Therapeutic Community

- The fiscal year 2007 In-Prison Therapeutic Community (IPTC) release cohort had a three-year reincarceration rate of 24.7 percent, and an average time-to-failure before reincarceration of 22 months. The fiscal year 2006 IPTC release cohort had a slightly lower three-year reincarceration rate (24.1 percent), and a shorter average time-to-failure (21 months).

### State Jail

- The fiscal year 2007 state jail release cohort had a 31.9 percent three-year reincarceration rate. This rate is slightly lower than that of the fiscal year 2006 state jail release cohort (32.5 percent). The average time-to-failure before reincarceration was 17 months for both cohorts. The reincarceration rate of state jail releases has steadily decreased since fiscal year 2003 (34.4 percent).
- The fiscal years 2005 and 2006 state jail release cohorts had three-year rearrest rates of 64.3 percent and 64.2 percent (respectively), and an average time-to-failure before rearrest of 11 months for both cohorts. These state jail rearrest rates are higher than that of the fiscal years 2003 release cohort (47.1 percent), and the fiscal years 2004 release cohort (62.7 percent).

### Prison

- Prison release cohorts had three-year reincarceration rates of 26.0 percent (fiscal year 2006 cohort), and 24.3 percent (fiscal year 2007 cohort). The average time-to-failure before reincarceration was 19 months for both cohorts. The reincarceration rate of prison releases has steadily decreased from the 28.5 percent level in fiscal year 2002.
- The fiscal years 2005 and 2006 prison release cohorts had three-year rearrest rates of 49.1 percent and 48.8 percent (respectively), and an average time-to-failure before rearrest of 14 months for both cohorts. The prison rearrest rate has increased from the 46.2 percent level in fiscal year 2002.

## REPORT HIGHLIGHTS

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### Parole

- The average active adult parole revocation rate decreased every fiscal year since 2004. The rate decreased from 14.8 percent in fiscal year 2004 to 8.2 percent in fiscal year 2010.

### Intermediate Sanction Facility

- The fiscal year 2007 Intermediate Sanction Facility (ISF) release cohort had a three-year reincarceration rate of 40.1 percent, and an average time-to-failure before reincarceration was 16 months. The fiscal year 2006 ISF release cohort had a higher three-year reincarceration rate (42.9 percent), and a shorter average time-to-failure (15 months).

### Juvenile Probation

- In recent years, juvenile courts have sent fewer juveniles to the Texas Youth Commission as a result of legislation passed by the Eightieth Legislature, 2007, and the Eighty-first Legislature, 2009. Juvenile probation departments (JPDs) have, as a result, served a greater number of youth with more serious delinquent backgrounds. All juveniles included in the recidivism analysis were served by JPDs prior to this shift, however, and few juveniles included in the revocation analysis (those supervised in the last portion of fiscal year 2007 and thereafter) were served after this shift.
- The three-year incarceration rate was 2.7 percent for juveniles beginning deferred prosecution supervision in fiscal year 2007, 13.4 percent for juveniles beginning adjudicated probation supervision in fiscal year 2007, and 27.5 percent for juveniles leaving secure residential placement facilities in fiscal year 2007.
- The three-year rearrest/rereferral rate was 51.2 percent for juveniles beginning deferred prosecution supervision in fiscal year 2007, 66.0 percent for juveniles beginning adjudicated probation supervision in fiscal year 2007, and 75.6 percent for juveniles leaving secure residential placement facilities in fiscal year 2007.
- The revocation rate for juveniles beginning deferred prosecution supervision for felony offenses has remained relatively small and stable for the last six fiscal years, ranging from a low of 0.05 percent in fiscal year 2008 and a high of 0.2 percent in fiscal years 2005 and 2008. In fiscal year 2010, the revocation rate was 0.2 percent.
- The revocation rate for juveniles beginning deferred prosecution supervision for felony offenses has fallen consistently each year since fiscal year 2005. In fiscal year 2010, the revocation rate was 3.2 percent.

### Juvenile Correctional Institutions

- Most Texas Youth Commission (TYC) cohorts included in this study were held in TYC custody prior to the significant changes made to TYC's authority by the Eightieth Legislature, 2007, and prior to the programmatic changes that followed. All juveniles included in the recidivism analysis were served by TYC prior to this shift, however, and few juveniles included in the revocation analysis (those committed to TYC on or after June 8, 2007, and beginning parole supervision thereafter) were served after this shift.

## **REPORT HIGHLIGHTS**

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- The three-year reincarceration rate was 41.2 percent for the fiscal year 2006 cohort and 35.7 percent for the fiscal year 2007 cohort.
- The three-year rearrest rate was 76.4 percent for the fiscal year 2005 cohort and 73.6 percent for the fiscal year 2006 cohort.
- The average time to rearrest was 13 months for the fiscal year 2005 and 2006 cohorts. The average time to reincarceration was 15 months for the fiscal year 2006 cohort and 14 months for the fiscal year 2007 cohort.
- The parole revocation rate has remained relatively stable over the last decade, ranging from a low of 13.7 percent in fiscal year 2007 to a high of 18.9 percent in fiscal year 2005. In fiscal year 2010, the revocation rate was 14.3 percent.

## **ADULT CORRECTIONAL RECIDIVISM RATES**

## COMMUNITY SUPERVISION

## DESCRIPTION

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The Texas Department of Criminal Justice – Community Justice Assistance Division (CJAD) provides funding and oversight of community supervision in Texas (formerly called adult probation). Offenders on community supervision serve their sentence in the community, rather than in jail or prison. CJAD does not work directly with offenders. Instead, it works with the Community Supervision and Corrections Departments (CSCDs) that supervise and rehabilitate the offenders. There are 122 CSCDs in Texas, organized within judicial districts, serving all 254 counties. CSCDs monitor offenders who are sentenced to community supervision by local courts.

Because the case-based statewide tracking system for adult offenders under community supervision (CSTS Intermediate System) did not become fully operational until January 2008, statewide community supervision revocation rates are the best indicator available of community supervision outcomes. Prior to generating detailed case-based monthly population reports through the CSTS Intermediate System in 2010, CSCDs submitted aggregate revocation data to CJAD on a monthly basis. To account for the gaps in information, the Legislative Budget Board (LBB) conducted various projects to address the information needs of the Legislature. Following is a list of reports published as a result of these projects. They can be obtained from the LBB website at <http://www.lbb.state.tx.us/>.

*Texas Community Supervision Revocation Project: A Profile of Revoked Felons during September 2005.* Legislative Budget Board, September 2006.

Establishes a baseline profile of felony probation revocations during September 2005 from the five largest Community Supervision and Corrections Departments (CSCDs) in Texas (i.e., Bexar, Dallas, Harris, Tarrant, and Travis counties). The time period is important because it is prior to significant appropriation increases by the Seventy-ninth Legislature, as well as subsequent funding appropriations by the Eightieth and Eighty-first Legislatures, intended to enhance community supervision alternatives to incarcerations (e.g., residential treatment beds, out-patient substance abuse services, caseload reductions).

*Texas Community Supervision Revocation Project: Fiscal Year 2006 Follow-up Study.* Legislative Budget Board, January 2007.

Documents the preliminary impact of the additional community supervision funding, and the process changes that occurred in the five selected CSCDs during fiscal year 2006.

*Texas Community Supervision Revocation Project: A Comparison of Revoked Felons during September 2005 and September 2007.* Legislative Budget Board, August 2008.

Addresses the potential impact of the additional community supervision funds provided during the Seventy-ninth Legislative Session and the shifts in local policies and practices, by capturing information on all felons revoked during September 2007 from the selected CSCDs and comparing the findings with the 2005 cohort.

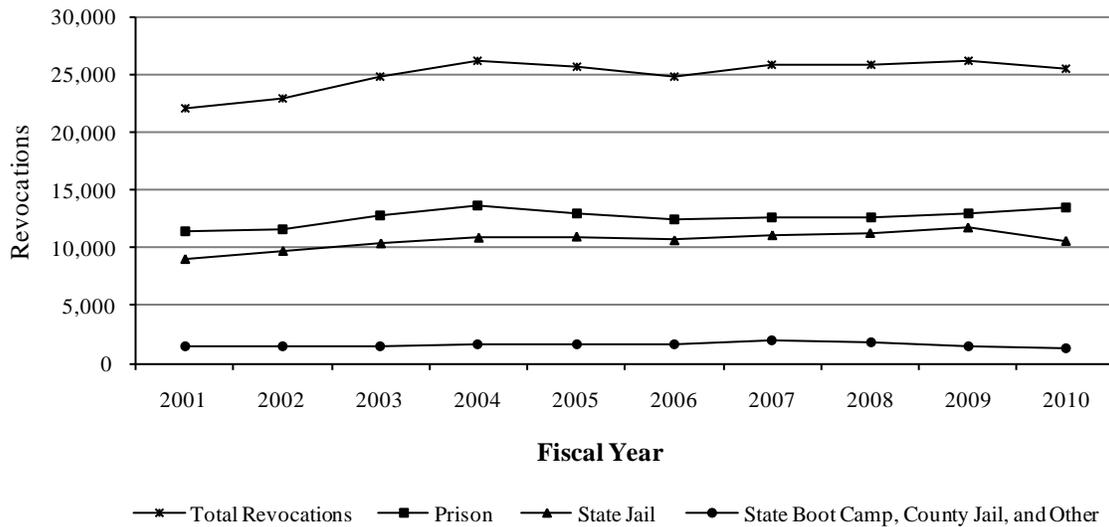
This section of the report provides recidivism information for offenders placed on felony community supervision who were subsequently revoked and sentenced to prison, state jail, county jail, state boot camp, or other revocations.

## FELONY COMMUNITY SUPERVISION – REVOCATIONS

### Revocations

An offender under felony community supervision (adult probation) may be revoked and sentenced to imprisonment or confinement for violating conditions of community supervision. An offender can be revoked for committing a new offense or for technical violations. A technical violation is any violation of conditions other than committing a subsequent new offense (e.g., positive urinalysis, failure to pay fees).

**Figure 1: Felony Community Supervision Revocations to Prison, State Jail, County Jail, State Boot Camp, and Other Revocations, Fiscal Years 2001–2010**



Sources: Legislative Budget Board; Texas Department of Criminal Justice – Community Justice Assistance Division (CJAD), *Monthly Community Supervision and Corrections Report (MCSCR)*, *Community Supervision Tracking System / Intermediate System (CSTS Intermediate System)*. Note: During fiscal year 2010, CJAD transitioned from compiling aggregate population data from counties through the MCSCR to generating monthly population reports based on detailed case-based data collected through the CSTS Intermediate System. Community supervision data through fiscal year 2009 are based on population counts reported to the MCSCR, and fiscal year 2010 data are based on monthly reports generated from the CSTS Intermediate System.

- The majority of revoked direct supervision felons are sentenced to prison or state jail (94.2 percent in fiscal year 2009 and 95.1 percent in fiscal year 2010).
- From fiscal year 2001 to 2005, approximately 54.7 percent of the felony community supervision revocations were for technical violations, and the remaining 45.3 percent involved probationers who had a subsequent new offense conviction or arrest as the primary reason for revocation. Since fiscal year 2006, approximately one-half of the felony revocations have been for technical violations (49.5 percent), and the other half for subsequent new offense convictions or arrests (50.5 percent).
- Felony community supervision revocations account for approximately one-third of prison admissions annually. For example, in fiscal year 2010, there were 42,858 prison admissions and 13,579 of them (31.7 percent) were felony community supervision revocations.

## FELONY COMMUNITY SUPERVISION – REVOCATIONS

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### *Revocation Rates*

To compute the average felony community supervision revocation rate, the number of felony revocations during a given year is divided by the average felony direct supervision population for that same year. The table below summarizes the average felony revocation rates for the last ten fiscal years. Felony community supervision revocations include revocations to prison, state jail, county jail, state boot camp, and other revocations.

**Table 1: Average Felony Community Supervision Revocation Rates, Fiscal Years 2001–2010**

<b>FISCAL YEAR</b>	<b>AVERAGE FELONY DIRECT SUPERVISION POPULATION</b>	<b>FELONY REVOCATIONS</b>	<b>REVOCATION RATE</b>
2001	160,457	22,164	13.8%
2002	159,352	22,876	14.4%
2003	158,075	24,838	15.7%
2004	157,216	26,249	16.7%
2005	157,323	25,741	16.4%
2006	158,479	24,921	15.7%
2007	161,999	25,830	15.9%
2008	168,788	25,782	15.3%
2009	172,514	26,194	15.2%
2010	172,893	25,456	14.7%

Sources: Legislative Budget Board; Texas Department of Criminal Justice – Community Justice Assistance Division (CJAD), *Monthly Community Supervision and Corrections Report (MCSCR)*, *Community Supervision Tracking System / Intermediate System (CSTS Intermediate System)*. Note: During fiscal year 2010, CJAD transitioned from compiling aggregate population data from counties through the MCSCR to generating monthly population reports based on detailed case-based data collected through the CSTS Intermediate System. Community supervision data through fiscal year 2009 are based on population counts reported to the MCSCR, and fiscal year 2010 data are based on monthly reports generated from the CSTS Intermediate System.

- The average number of felons under direct supervision increased sharply between fiscal year 2006 and 2009, and especially so in fiscal year 2008.
- The average felony community supervision revocation rate has decreased every fiscal year since 2007.

## **CORRECTIONAL INSTITUTIONS**

## DESCRIPTION

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The Texas Department of Criminal Justice – Correctional Institutions Division (CID) oversees state prisons, state jails, pre-release facilities, psychiatric facilities, a Mentally Retarded Offender Program (MROP) facility, medical facilities, transfer facilities, a geriatric facility, and Substance Abuse Felony Punishment Facilities (SAFPF).

**Substance Abuse Felony Punishment Facility:** A Substance Abuse Felony Punishment Facility (SAFPF) is a facility that provides an intensive six-month therapeutic community program for offenders who are sentenced by a judge as a condition of community supervision or as a modification of parole/community supervision.

**In-Prison Therapeutic Community:** An In-Prison Therapeutic Community (IPTC) is a therapeutic community program that provides six months of treatment for offenders who are within six months of parole release and who are identified as needing substance abuse treatment. Placement in the program is subject to approval from the Board of Pardons and Paroles (BPP). Programming is similar to that of the SAFPF program.

**State Jail:** A state jail is a facility that houses offenders who receive conviction sentences of two years or less. State jail sentences cannot exceed two years for one offense, but a repeat offender may receive overlapping state jail sentences not to exceed three years. State jail offenders are usually convicted of property and low-level controlled substance offenses. The offenders must serve their entire sentence and do not receive good conduct credit. They are released by discharge. State jails also temporarily house prison-transfer offenders (who are not included in this analysis).

**Prison:** A prison is a facility that houses offenders who receive capital, first-degree, second-degree, or third-degree felony sentences. For the purpose of this report, all classes and custodies of inmates are included with the exception of death row, shock probation, state boot camp, and SAFPF offenders. Prison offenders may be released from prison under parole supervision, discretionary mandatory supervision, mandatory supervision, or discharged.

This section of the report provides various recidivism information for offenders released from SAFPFs, IPTC program, state jails, and prisons.

## SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY – REINCARCERATION

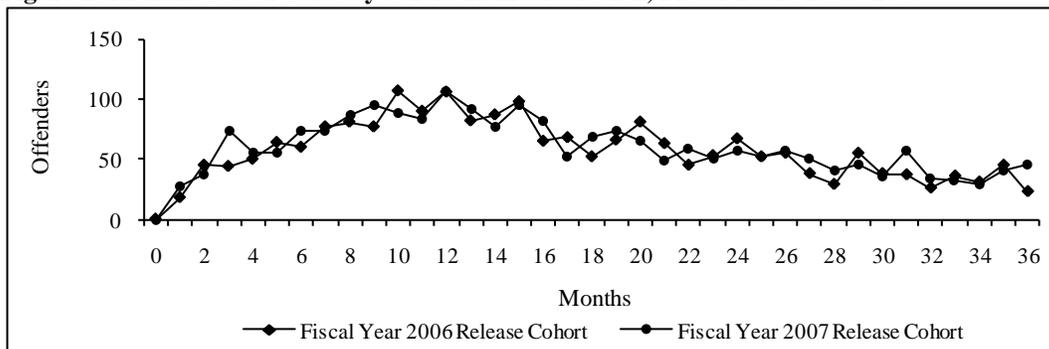
### Reincarceration Rates

Offenders released from a Substance Abuse Felony Punishment Facility (SAFPF) during fiscal years 2006 and 2007 were monitored to determine the percentage reincarcerated within three years of release.<sup>1</sup> Each offender who returned to state jail or prison at least once during the three-year follow-up was considered a recidivist.<sup>2</sup> An offender's return could occur during the first, second, or third year following the release. Returns to SAFPFs are not included in the analysis. For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the recidivism rate. The table and figure below highlight reincarceration rates for each release cohort, and the amount of time out of custody before reincarceration (time-to-failure).

**Table 2: Reincarceration Rate for Fiscal Years 2006–2007 Substance Abuse Felony Punishment Facility Release Cohorts**

FAILURE PERIOD	FY 2006 COHORT N = 5,329		FY 2007 COHORT N = 5,464	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	819	15.4%	858	15.7%
Year 2	827	15.5%	821	15.0%
Year 3	465	8.7%	522	9.6%
<b>Total</b>	<b>2,111</b>		<b>2,201</b>	
<b>Reincarceration Rate</b>		<b>39.6%</b>		<b>40.3%</b>

**Figure 2: Months Out of Custody before Reincarceration, Fiscal Years 2006–2007**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average time out of custody before reincarceration was 16 months for both cohorts.
- Of the fiscal years 2006 and 2007 SAFPF release cohorts, approximately 15.5 percent recidivated within the first year of release (15.4 percent in the 2006 cohort and 15.7 percent in the 2007 cohort). On average, 30.8 percent recidivated by the second year.

<sup>1</sup> An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

<sup>2</sup> Fiscal year 2006 is the first year of prison admission data (i.e., the measure of reincarceration) that identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of the release (i.e., the revocation was rejected). While not permanent revocations, these were counted as admissions. Of the fiscal years 2006 and 2007 release cohorts, 7 and 4 offenders (respectively) had an admission that fell into these categories.

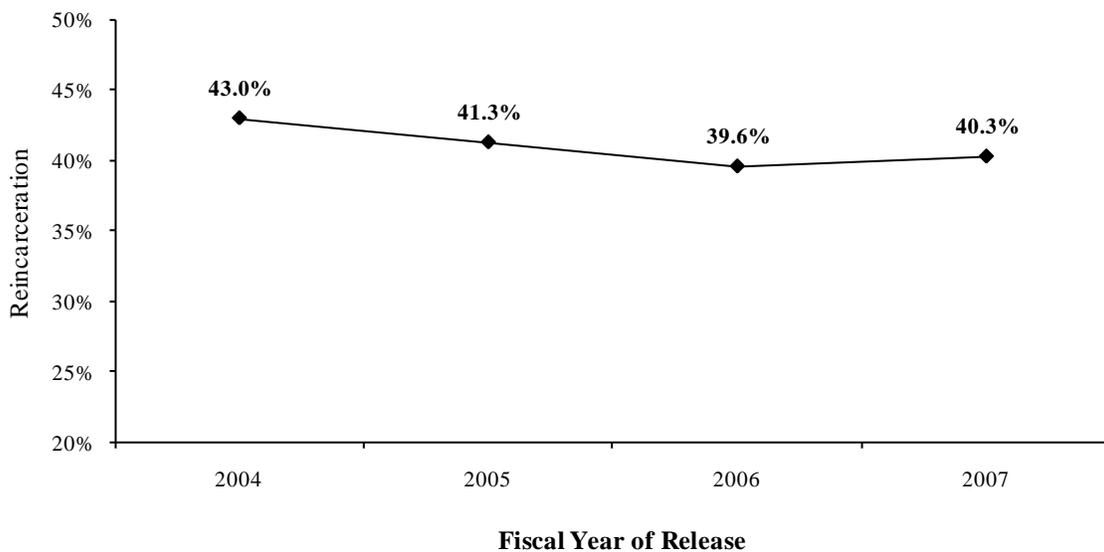
## SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY – REINCARCERATION

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### *A Comparison of Fiscal Years 2004–2007*

The following figure plots the three-year reincarceration rate for four separate Substance Abuse Felony Punishment Facility (SAFPF) release cohorts. Cohorts include all offenders released from a Texas SAFPF under parole and community supervision (adult probation). The 2007 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 3: Percent of Offenders Released from a Substance Abuse Felony Punishment Facility and Reincarcerated within Three Years, Fiscal Years 2004–2007**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The SAFPF reincarceration rate has decreased by 6.3 percent since it was first calculated for the fiscal year 2004 release cohort.
- SAFPF offenders are released under community supervision (89.0 percent in the 2006 cohort and 88.7 percent in the 2007 cohort), or under parole supervision (11.0 percent in the 2006 cohort and 11.3 percent in the 2007 cohort).
- The most prevalent offense for which offenders were reincarcerated was drug-related (35.9 percent for the 2006 cohort and 34.4 percent for the 2007 cohort).
- See Appendix B for a comparison of months out of custody before reincarceration for SAFPF, IPTC, state jail, prison, and ISF reincarcerated offenders.

## SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY – REINCARCERATION

### *A Profile of Recidivists*

**Table 3: Share of Substance Abuse Felony Punishment Facility Release Cohort and Reincarcerated Offenders with Select Characteristics by Fiscal Year Release**

OFFENDER CHARACTERISTICS	FY 2006 RELEASES		FY 2007 RELEASES	
	COHORT N = 5,329	RECIDIVISTS (reincarceration) N = 2,111	COHORT N = 5,464	RECIDIVISTS (reincarceration) N = 2,201
<b>GENDER</b>				
Female	20.7%	19.2%	19.5%	15.2%
Male	79.3%	80.8%	80.5%	84.8%
<b>RACE/ETHNICITY</b>				
African American	22.3%	24.8%	23.3%	25.8%
Hispanic	28.5%	28.2%	28.5%	29.4%
White	48.6%	46.4%	47.7%	44.5%
Other	0.5%	0.6%	0.4%	0.3%
<b>AGE AT RELEASE</b>				
<= 24	28.2%	32.9%	27.2%	35.0%
25 - 29	17.9%	19.3%	19.2%	20.5%
30 - 34	12.4%	11.4%	12.2%	10.7%
35 - 39	13.1%	13.3%	12.4%	12.4%
40 - 44	12.1%	10.3%	11.9%	10.2%
45+	16.3%	12.8%	17.0%	11.3%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	18.2%	18.9%	19.1%	21.4%
Property	24.8%	30.2%	24.8%	30.2%
Drug	38.8%	36.0%	40.0%	35.7%
Other	15.7%	12.9%	16.0%	12.7%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- Statistical analysis revealed significant differences between the 2006 and 2007 cohorts of recidivists based on gender. In the fiscal year 2007 cohort of recidivists, the share of female offenders (15.2 percent) was significantly smaller than that of the 2006 cohort (19.2 percent).
- The average age of the 2007 SAFPF release cohort was 33 years, and the average age of recidivists was 31 years.
- See Glossary for examples of offense types.

## SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY – REINCARCERATION

### *Reincarceration Rates for Select Offender Characteristics*

**Table 4: Reincarceration Rates for Select Offender Characteristics by Fiscal Year Release Cohort**

OFFENDER CHARACTERISTICS	REINCARCERATION RATE FY 2006 RELEASES N = 2,111	REINCARCERATION RATE FY 2007 RELEASES N = 2,201
Overall Reincarceration Rate	39.6%	40.3%
<b>GENDER</b>		
Female	36.8%	31.4%
Male	40.3%	42.4%
<b>RACE/ETHNICITY</b>		
African American	44.0%	44.5%
Hispanic	39.1%	41.5%
White	37.9%	37.6%
Other	42.9%	29.2%
<b>AGE AT RELEASE</b>		
<= 24	46.3%	51.7%
25 - 29	42.8%	42.9%
30 - 34	36.4%	35.3%
35 - 39	40.3%	40.1%
40 - 44	33.5%	34.5%
45+	31.1%	26.7%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	41.2%	45.1%
Property	48.2%	49.0%
Drug	36.8%	36.0%
Other	32.6%	32.0%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The recidivism rate for each category is calculated by dividing the number of individuals returning to state jail or prison by the number of releases. For example, in fiscal year 2007, 1,488 offenders 24 years of age and younger were released from a SAFPF. Of these released offenders, 770 returned to state jail or prison within three years of their release. Dividing 770 by 1,488 yields a recidivism rate of 51.7 percent for the 24-years-and-younger age group in the fiscal year 2007 release cohort.
- Among age groups, offenders 24 years of age and younger had the greatest increase in recidivism rates from the 2006 cohort to the 2007 cohort (11.8 percent); whereas offenders 45 years of age and older had the greatest decrease (14.2 percent).
- In the fiscal years 2006 and 2007 cohorts, property and violent offense offenders returned at a higher rate than the offenders initially incarcerated for drug or other offenses. In the 2007 cohort, the predominant property offense among recidivists was burglary (e.g., burglary of building or habitation), and the predominant violent offense was assault/terroristic threat (e.g., aggravated assault, stalking).

## IN-PRISON THERAPEUTIC COMMUNITY – REINCARCERATION

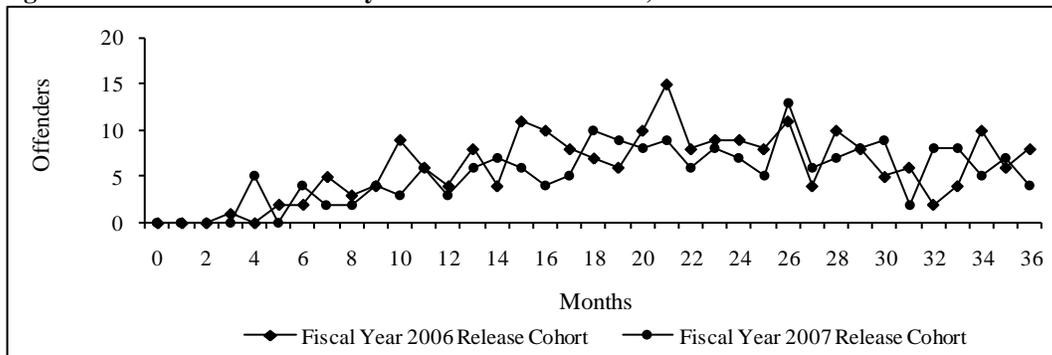
### Reincarceration Rates

Offenders released from an In-Prison Therapeutic Community (IPTC) program during fiscal years 2006 and 2007 were monitored to determine the percentage reincarcerated within three years of release.<sup>3</sup> Each offender who returned to state jail or prison at least once during the three-year follow-up was considered a recidivist.<sup>4</sup> For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the recidivism rate.

**Table 5: Reincarceration Rate for Fiscal Years 2006–2007 In-Prison Therapeutic Community Release Cohorts**

FAILURE PERIOD	FY 2006 COHORT N = 924		FY 2007 COHORT N = 794	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	36	3.9%	29	3.7%
Year 2	105	11.4%	85	10.7%
Year 3	82	8.9%	82	10.3%
<b>Total</b>	<b>223</b>		<b>196</b>	
<b>Reincarceration Rate</b>		<b>24.1%</b>		<b>24.7%</b>

**Figure 4: Months Out of Custody before Reincarceration, Fiscal Years 2006–2007**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average time out of custody before reincarceration was 21 months for the fiscal year 2006 cohort and 22 months for the fiscal year 2007 cohort.
- Of the fiscal years 2006 and 2007 IPTC release cohorts, approximately 3.8 percent recidivated within the first year of release (3.9 percent in the 2006 cohort and 3.7 percent in the 2007 cohort). On average, 14.8 percent recidivated by the second year.

<sup>3</sup> An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

<sup>4</sup> Fiscal year 2006 is the first year of prison admission data (i.e., the measure of reincarceration) that identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of the release (i.e., the revocation was rejected). While not permanent revocations, these were counted as admissions. Of the fiscal years 2006 and 2007 release cohorts, 2 and 8 offenders (respectively) had an admission that fell into these categories.

## IN-PRISON THERAPEUTIC COMMUNITY – REINCARCERATION

### *A Profile of Recidivists*

**Table 6: Share of In-Prison Therapeutic Community Release Cohort and Reincarcerated Offenders with Select Characteristics by Fiscal Year Release**

OFFENDER CHARACTERISTICS	FY 2006 RELEASES		FY 2007 RELEASES	
	COHORT N = 924	RECIDIVISTS (reincarceration) N = 223	COHORT N = 794	RECIDIVISTS (reincarceration) N = 196
<b>GENDER</b>				
Female	32.8%	25.1%	21.5%	18.4%
Male	67.2%	74.9%	78.5%	81.6%
<b>RACE/ETHNICITY</b>				
African American	38.6%	42.6%	35.9%	38.3%
Hispanic	20.7%	17.9%	22.0%	19.4%
White	40.4%	39.0%	41.8%	42.3%
Other	0.3%	0.4%	0.3%	0.0%
<b>AGE AT RELEASE</b>				
<= 24	5.2%	4.5%	7.9%	11.2%
25 - 29	10.8%	9.9%	11.7%	13.8%
30 - 34	13.0%	16.6%	14.4%	14.8%
35 - 39	18.9%	24.7%	15.7%	23.0%
40 - 44	20.5%	19.3%	17.4%	16.8%
45+	31.6%	25.1%	32.9%	20.4%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	10.6%	11.7%	8.7%	9.2%
Property	22.6%	32.3%	23.0%	26.0%
Drug	52.5%	41.3%	54.2%	51.5%
Other	14.3%	14.8%	14.1%	13.3%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- IPTC offenders are released under parole supervision (99.7 percent in the 2006 cohort and 99.9 percent in the 2007 cohort), discretionary mandatory supervision, or mandatory supervision.
- Using statistical analysis, no significant differences were found between the 2006 and 2007 cohorts of recidivists based on the criteria above.
- The average age of the 2007 IPTC release cohort was 39 years, and the average age of recidivists was 36 years. On average, the IPTC recidivists were an older population compared to the SAFPF (31 years) and prison recidivists (34 years).

## IN-PRISON THERAPEUTIC COMMUNITY – REINCARCERATION

### *Reincarceration Rates for Select Offender Characteristics*

**Table 7: Reincarceration Rates for Select Offender Characteristics by Fiscal Year Release Cohort**

OFFENDER CHARACTERISTICS	REINCARCERATION RATE	REINCARCERATION RATE
	FY 2006 RELEASES N = 223	FY 2007 RELEASES N = 196
Overall Reincarceration Rate	24.1%	24.7%
<b>GENDER</b>		
Female	18.5%	21.1%
Male	26.9%	25.7%
<b>RACE/ETHNICITY</b>		
African American	26.6%	26.3%
Hispanic	20.9%	21.7%
White	23.3%	25.0%
Other	33.3%	0.0%
<b>AGE AT RELEASE</b>		
<= 24	20.8%	34.9%
25 - 29	22.0%	29.0%
30 - 34	30.8%	25.4%
35 - 39	31.4%	36.0%
40 - 44	22.8%	23.9%
45+	19.2%	15.3%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	26.5%	26.1%
Property	34.4%	27.9%
Drug	19.0%	23.5%
Other	25.0%	23.2%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- Among age groups, the 24-years-and-younger age group had the greatest increase in recidivism rates from the 2006 cohort to the 2007 cohort (67.6 percent), followed by the 25–29 group (32.0 percent). In contrast, the 45-years-and-older age group had the greatest decrease in recidivism (20.1 percent).
- Property and violent offense offenders had the highest recidivism rates for both cohorts, respectively. In the 2007 cohort, the predominant property offense among recidivists was burglary (e.g., burglary of building or habitation), and the predominant violent offense was robbery (e.g., aggravated and strong-arm robbery).
- The most prevalent offense for which offenders were reincarcerated was drug-related (45.7 percent for the 2006 cohort and 51.5 percent for the 2007 cohort).

## STATE JAIL – REINCARCERATION

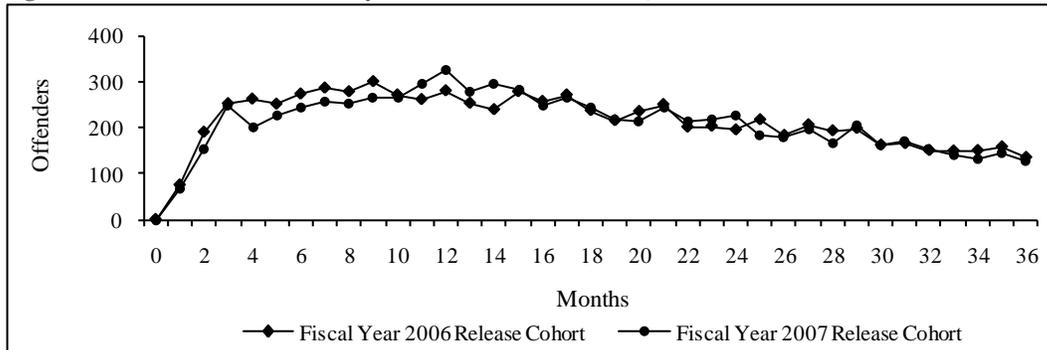
### *Reincarceration Rates*

Offenders released from state jail during fiscal years 2006 and 2007 were monitored to determine the percentage reincarcerated within three years of release.<sup>5</sup> Each offender who returned to state jail or prison at least once during the three-year follow-up was considered a recidivist.<sup>6</sup> For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the recidivism rate.

**Table 8: Reincarceration Rate for Fiscal Years 2006–2007 State Jail Release Cohorts**

FAILURE PERIOD	FY 2006 COHORT N = 24,218		FY 2007 COHORT N = 24,213	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	2,979	12.3%	2,803	11.6%
Year 2	2,834	11.7%	2,950	12.2%
Year 3	2,066	8.5%	1,964	8.1%
<b>Total</b>	<b>7,879</b>		<b>7,717</b>	
<b>Reincarceration Rate</b>		<b>32.5%</b>		<b>31.9%</b>

**Figure 5: Months Out of Custody before Reincarceration, Fiscal Years 2006–2007**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average time out of custody before reincarceration was 17 months for both cohorts.
- Of the fiscal years 2006 and 2007 state jail release cohorts, approximately 11.9 percent recidivated within the first year of release (12.3 percent in the 2006 cohort and 11.6 percent in the 2007 cohort). On average, 23.9 percent recidivated by the second year.

<sup>5</sup> An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

<sup>6</sup> Fiscal year 2006 is the first year of prison admission data (i.e., the measure of reincarceration) that identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of the release (i.e., the revocation was rejected). While not permanent revocations, these were counted as admissions. Of the fiscal years 2006 and 2007 release cohorts, 12 offenders (respectively) had an admission that fell into these categories.

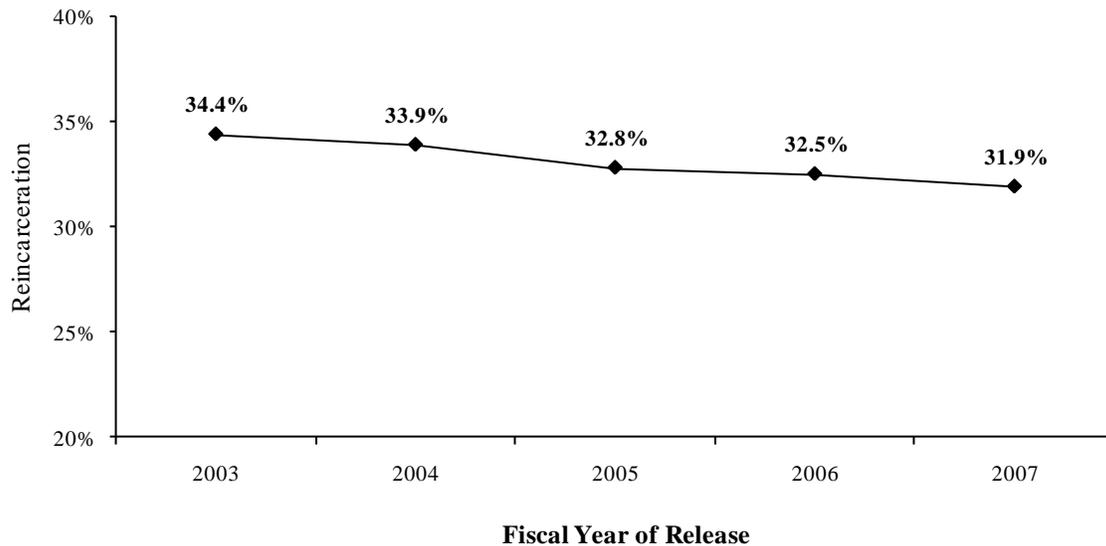
## STATE JAIL – REINCARCERATION

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### *A Comparison of Fiscal Years 2003–2007*

The following figure plots the three-year reincarceration rate for five separate state jail release cohorts. Cohorts include all offenders discharged from a Texas state jail. The 2007 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 6: Percent of Offenders Released from State Jail and Reincarcerated within Three Years, Fiscal Years 2003–2007**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The state jail reincarceration rate has decreased by 7.3 percent since it was first calculated for the fiscal year 2003 release cohort.
- State jail offenders are released by discharge and typically do not leave state jail under any form of supervision (i.e., do not leave on parole supervision).
- The most prevalent offenses for which offenders were reincarcerated were drug-related for the 2006 cohort (38.1 percent) and property offenses for the 2007 cohort (39.6 percent).

## STATE JAIL – REINCARCERATION

### *A Profile of Recidivists*

**Table 9: Share of State Jail Release Cohort and Reincarcerated Offenders with Select Characteristics by Fiscal Year Release**

OFFENDER CHARACTERISTICS	FY 2006 RELEASES		FY 2007 RELEASES	
	COHORT N = 24,218	RECIDIVISTS (reincarceration) N = 7,879	COHORT N = 24,213	RECIDIVISTS (reincarceration) N = 7,717
<b>GENDER</b>				
Female	23.4%	20.2%	22.4%	18.8%
Male	76.6%	79.8%	77.6%	81.2%
<b>RACE/ETHNICITY</b>				
African American	40.4%	48.0%	39.2%	46.3%
Hispanic	25.6%	23.1%	26.5%	23.7%
White	33.5%	28.6%	33.8%	29.4%
Other	0.6%	0.4%	0.5%	0.5%
<b>AGE AT RELEASE</b>				
<= 24	24.1%	26.2%	23.6%	25.1%
25 - 29	19.1%	18.5%	19.7%	19.6%
30 - 34	14.7%	14.7%	14.1%	13.9%
35 - 39	14.2%	15.4%	14.0%	14.5%
40 - 44	12.9%	13.1%	12.8%	13.1%
45+	14.9%	12.0%	15.9%	13.8%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	1.0%	0.7%	1.1%	0.6%
Property	43.2%	44.6%	44.1%	48.0%
Drug	44.0%	43.4%	42.4%	39.2%
Other	11.8%	11.3%	12.4%	12.2%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- Statistical analysis revealed significant differences between the 2006 and 2007 cohorts of recidivists based on gender, age at release, and offense of initial sentence. In the fiscal year 2007 cohort of recidivists, the shares of female offenders, the youngest age group, and drug offenders were significantly smaller than those of the 2006 cohort. In contrast, property offenders and the 45-years-and-older age group had significantly larger shares among recidivists in the 2007 cohort.
- The average age of the 2007 state jail release cohort and recidivists was 33 years.
- See Appendix C for a profile comparison of state jail and prison reincarcerated offenders.

## STATE JAIL – REINCARCERATION

### *Reincarceration Rates for Select Offender Characteristics*

**Table 10: Reincarceration Rates for Select Offender Characteristics by Fiscal Year Release Cohort**

OFFENDER CHARACTERISTICS	REINCARCERATION RATE	REINCARCERATION RATE
	FY 2006 RELEASES N = 7,879	FY 2007 RELEASES N = 7,717
Overall Reincarceration Rate	32.5%	31.9%
<b>GENDER</b>		
Female	28.1%	26.7%
Male	33.9%	33.4%
<b>RACE/ETHNICITY</b>		
African American	38.7%	37.7%
Hispanic	29.4%	28.5%
White	27.8%	27.7%
Other	21.2%	33.1%
<b>AGE AT RELEASE</b>		
<= 24	35.4%	33.9%
25 - 29	31.5%	31.8%
30 - 34	32.4%	31.4%
35 - 39	35.3%	33.0%
40 - 44	33.2%	32.6%
45+	26.2%	27.7%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	22.0%	18.6%
Property	33.6%	34.6%
Drug	32.1%	29.5%
Other	31.2%	31.3%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- Among age groups, offenders 45 years of age and older had the greatest increase in recidivism rates from the 2006 cohort to the 2007 cohort (5.9 percent). In contrast, offenders between 35 and 39 years of age had the greatest decrease in recidivism (6.4 percent).
- Property and other offense offenders had the highest recidivism rates in the 2007 cohort; whereas in the 2006 cohort, property and drug offenders had the highest recidivism rates. In the 2007 cohort, the prevailing property offense among recidivists was larceny (e.g., larceny/theft, tampering), and the prevailing other offense was escape (e.g., evading arrest or detention, permitting/facilitating escape).

## STATE JAIL – REARREST

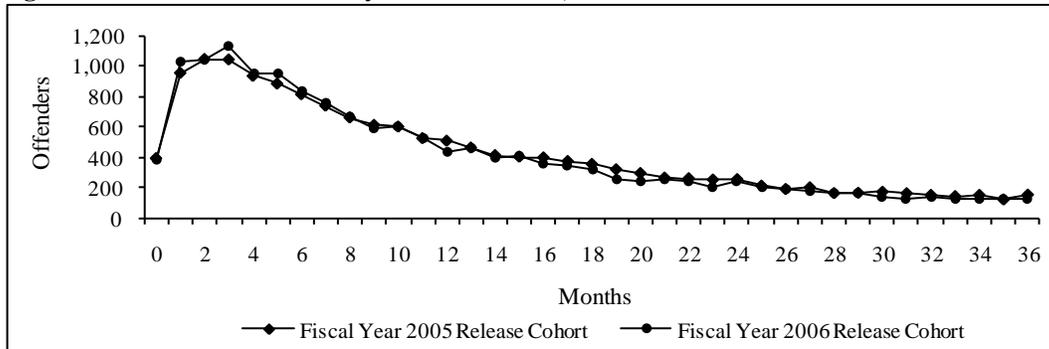
### Rearrest Rates

Offenders released from state jail during fiscal years 2005 and 2006 were monitored to determine the percentage rearrested for at least a Class B Misdemeanor within three years of release.<sup>7</sup> Class C Misdemeanors (which include traffic offenses) typically do not result in confinement and are, thereby, excluded from the analysis. Each offender who was rearrested at least once during the three-year follow-up was considered a recidivist. For any offender who had more than one subsequent arrest during the three-year follow-up period, only the first and most serious arrest, in terms of offense level, was counted in the calculation of the recidivism rate.

**Table 11: Rearrest Rate for Fiscal Years 2005–2006 State Jail Release Cohorts**

FAILURE PERIOD	FY 2005 COHORT N = 24,599		FY 2006 COHORT N = 24,218	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	9,742	39.6%	9,962	41.1%
Year 2	4,078	16.6%	3,758	15.5%
Year 3	2,008	8.2%	1,829	7.6%
<b>Total</b>	<b>15,828</b>		<b>15,549</b>	
<b>Rearrest Rate</b>		<b>64.3%</b>		<b>64.2%</b>

**Figure 7: Months Out of Custody before Rearrest, Fiscal Years 2005–2006**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average time out of custody before rearrest was 11 months for both release cohorts.
- Of the fiscal years 2005 and 2006 state jail release cohorts, approximately 40.4 percent recidivated within the first year of release (39.6 percent in the 2005 cohort and 41.1 percent in the 2006 cohort). On average, 56.4 percent recidivated by the second year.
- See Appendix B for a comparison of months out of custody before rearrest for state jail and prison rearrested offenders.

<sup>7</sup> An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

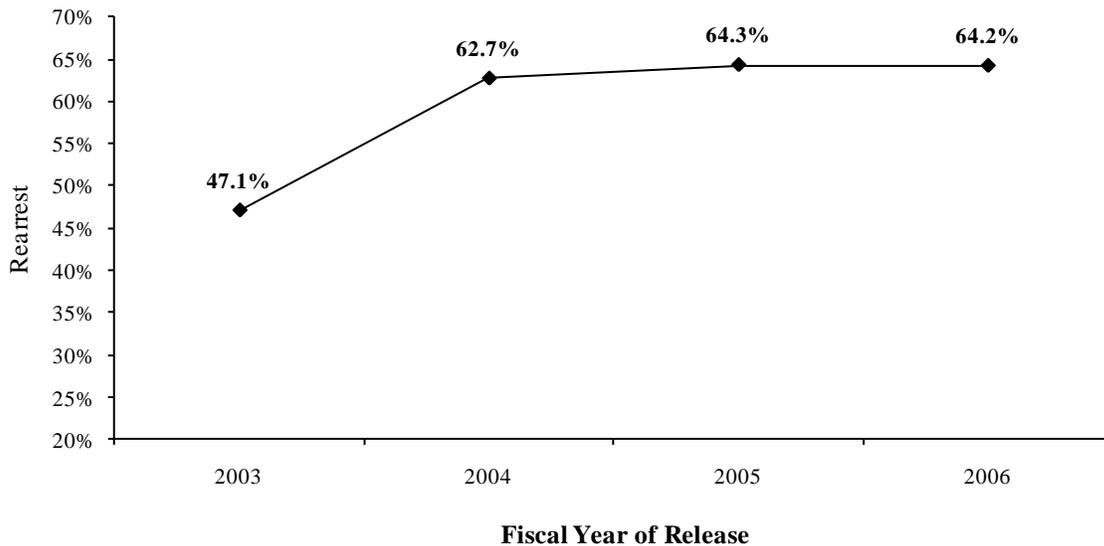
## STATE JAIL – REARREST

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### *A Comparison of Fiscal Years 2003–2006*

The following figure plots the three-year rearrest rate for four separate state jail release cohorts. Cohorts include all offenders discharged from a Texas state jail. The 2006 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 8: Percent of Offenders Released from State Jail and Rearrested within Three Years, Fiscal Years 2003–2006**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The state jail rearrest rate has increased by 36.3 percent since it was first calculated for the fiscal year 2003 release cohort. Following a sharp increase from fiscal year 2003 to 2004 (33.1 percent), the rate at which state jail offenders are rearrested has remained relatively steady.
- On June 30, 2003, programming provided within state jail facilities ended primarily due to funding constraints. Offenders released during fiscal years 2004, 2005, and 2006 would not have had access to this programming prior to their release.
- Of the rearrested offenders, 52.9 percent (in the 2005 cohort) and 53.1 percent (in the 2006 cohort) were rearrested for a felony offense.
- See Appendix C for a profile comparison of state jail and prison rearrested offenders.

## STATE JAIL – REARREST

### *A Profile of Recidivists*

**Table 12: Share of State Jail Release Cohort and Rearrested Offenders with Select Characteristics by Fiscal Year Release**

OFFENDER CHARACTERISTICS	FY 2005 RELEASES		FY 2006 RELEASES	
	COHORT N = 24,599	RECIDIVISTS (rearrest) N = 15,828	COHORT N = 24,218	RECIDIVISTS (rearrest) N = 15,549
<b>GENDER</b>				
Female	23.5%	21.8%	23.4%	21.6%
Male	76.5%	78.2%	76.6%	78.4%
<b>RACE/ETHNICITY</b>				
African American	42.0%	44.9%	40.4%	44.0%
Hispanic	23.8%	22.4%	25.6%	24.2%
White	33.6%	32.1%	33.5%	31.4%
Other	0.6%	0.6%	0.6%	0.4%
<b>AGE AT RELEASE</b>				
<= 24	26.1%	29.0%	24.1%	26.7%
25 - 29	18.0%	18.3%	19.1%	19.3%
30 - 34	14.3%	14.1%	14.7%	14.6%
35 - 39	14.1%	14.2%	14.2%	14.1%
40 - 44	13.4%	12.8%	12.9%	12.7%
45+	14.1%	11.6%	14.9%	12.5%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	0.9%	0.7%	1.0%	0.8%
Property	43.4%	44.0%	43.2%	43.8%
Drug	44.2%	43.8%	44.0%	43.9%
Other	11.5%	11.5%	11.8%	11.5%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- Statistical analysis revealed significant differences between the 2005 and 2006 cohorts of recidivists based on race/ethnicity and age at release. In the fiscal year 2006 cohort of recidivists, the shares of Other race/ethnicity offenders and the youngest age group were significantly smaller than those of the 2005 cohort. In contrast, Hispanic offenders and the oldest age group had significantly larger shares among recidivists in the 2006 cohort.
- The average age of the 2006 state jail release cohort was 33 years, and the average age of recidivists was 32 years.

## STATE JAIL – REARREST

### *Rearrest Rates for Select Offender Characteristics*

**Table 13: Rearrest Rates for Select Offender Characteristics by Fiscal Year Release Cohort**

<b>OFFENDER CHARACTERISTICS</b>	<b>REARREST RATE FY 2005 RELEASES N = 15,828</b>	<b>REARREST RATE FY 2006 RELEASES N = 15,549</b>
Overall Rearrest Rate	64.3%	64.2%
<b>GENDER</b>		
Female	59.6%	59.4%
Male	65.8%	65.7%
<b>RACE/ETHNICITY</b>		
African American	68.8%	70.0%
Hispanic	60.5%	60.9%
White	61.6%	60.1%
Other	60.7%	47.4%
<b>AGE AT RELEASE</b>		
<= 24	71.5%	71.0%
25 - 29	65.6%	65.1%
30 - 34	63.3%	63.5%
35 - 39	64.7%	63.9%
40 - 44	61.6%	63.4%
45+	52.9%	53.8%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	50.9%	52.3%
Property	65.2%	65.0%
Drug	63.7%	64.1%
Other	64.5%	62.6%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- Among age groups, offenders 40 to 44 years of age had the greatest increase in recidivism rates from the 2005 cohort to the 2006 cohort (2.9 percent). In contrast, offenders between 35 and 39 years of age had the greatest decrease in recidivism (1.3 percent).
- Property and drug offenders had the highest recidivism rates in the 2006 cohort; whereas in the 2005 cohort, property and other offense offenders had the highest recidivism rates. In the 2006 cohort, the most prevalent property offense among recidivists was larceny (e.g., larceny/theft, tampering), and the most prevalent drug offense was possession (e.g., possession of dangerous drug for purpose of selling, contraband).

## STATE JAIL – REARREST

### *Offender Characteristics by Rearrest and Reincarceration, Fiscal Year 2005*

The table below provides a profile of rearrested fiscal year 2005 state jail releases by reincarceration outcome. Of all the rearrested offenders (15,828 offenders), 47.5 percent were reincarcerated following their rearrest.

**Table 14: Share of Rearrested Fiscal Year 2005 State Jail Release Cohort with Select Offender Characteristics by Reincarceration Outcome**

OFFENDER CHARACTERISTICS	FY 2005 STATE JAIL REARRESTS	
	REINCARCERATION* N = 7,515	NO REINCARCERATION N = 8,111
<b>GENDER</b>		
Female	21.4%	22.2%
Male	78.6%	77.8%
<b>RACE/ETHNICITY</b>		
African American	49.6%	40.6%
Hispanic	20.4%	24.3%
White	29.5%	34.6%
Other	0.6%	0.5%
<b>AGE AT RELEASE</b>		
<= 24	28.0%	30.0%
25 - 29	17.8%	18.8%
30 - 34	14.3%	13.8%
35 - 39	14.7%	13.7%
40 - 44	13.7%	11.9%
45+	11.6%	11.7%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	0.5%	0.9%
Property	45.4%	42.6%
Drug	43.2%	44.5%
Other	11.0%	12.0%
<b>ARREST OFFENSE LEVEL</b>		
Capital Felony	0.04%	0.01%
First Degree Felony	4.1%	1.9%
Second Degree Felony	7.9%	5.2%
Third Degree Felony	9.5%	6.6%
State Jail Felony	44.4%	20.9%
Felony - Unknown Degree	4.2%	2.1%
Class A Misdemeanor	9.5%	21.0%
Class B Misdemeanor	17.4%	35.4%
Misdemeanor - Unknown Class	3.1%	6.9%

\* Reincarceration percentages reflect the number of offenders whose rearrest occurred prior to their reincarceration. Offenders whose rearrest occurred after their reincarceration were excluded (202 offenders). The average time from rearrest to reincarceration was 8.8 months.

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The rearrest-and-reincarceration group was 1.9 times more likely to be rearrested for a felony offense (70.0 percent) than the rearrest-no-reincarceration group (36.8 percent).

## STATE JAIL – REARREST

### *Offender Characteristics by Rearrest and Reincarceration, Fiscal Year 2006*

The table below provides a profile of rearrested fiscal year 2006 state jail releases by reincarceration outcome. Of all the rearrested offenders (15,549 offenders), 47.3 percent were reincarcerated following their rearrest.

**Table 15: Share of Rearrested Fiscal Year 2006 State Jail Release Cohort with Select Offender Characteristics by Reincarceration Outcome**

OFFENDER CHARACTERISTICS	FY 2006 STATE JAIL REARRESTS	
	REINCARCERATION* N = 7,351	NO REINCARCERATION N = 8,011
<b>GENDER</b>		
Female	20.3%	22.9%
Male	79.7%	77.1%
<b>RACE/ETHNICITY</b>		
African American	48.2%	40.0%
Hispanic	23.5%	25.1%
White	28.0%	34.4%
Other	0.3%	0.5%
<b>AGE AT RELEASE</b>		
<= 24	26.2%	27.2%
25 - 29	18.5%	20.1%
30 - 34	14.4%	14.6%
35 - 39	15.5%	12.9%
40 - 44	13.3%	12.2%
45+	12.1%	13.0%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	0.6%	1.0%
Property	44.3%	43.1%
Drug	43.8%	44.2%
Other	11.3%	11.7%
<b>ARREST OFFENSE LEVEL</b>		
Capital Felony	0.1%	0.04%
First Degree Felony	3.9%	2.3%
Second Degree Felony	7.9%	5.0%
Third Degree Felony	9.7%	7.2%
State Jail Felony	42.7%	21.7%
Felony - Unknown Degree	4.2%	2.6%
Class A Misdemeanor	10.2%	20.8%
Class B Misdemeanor	17.7%	33.2%
Misdemeanor - Unknown Class	3.6%	7.2%

\* Reincarceration percentages reflect the number of offenders whose rearrest occurred prior to their reincarceration. Offenders whose rearrest occurred after their reincarceration were excluded (187 offenders). The average time from rearrest to reincarceration was 9.5 months.

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The rearrest-and-reincarceration group was 1.8 times more likely to be rearrested for a felony offense (68.5 percent) than the rearrest-no-reincarceration group (38.8 percent).

## PRISON – REINCARCERATION

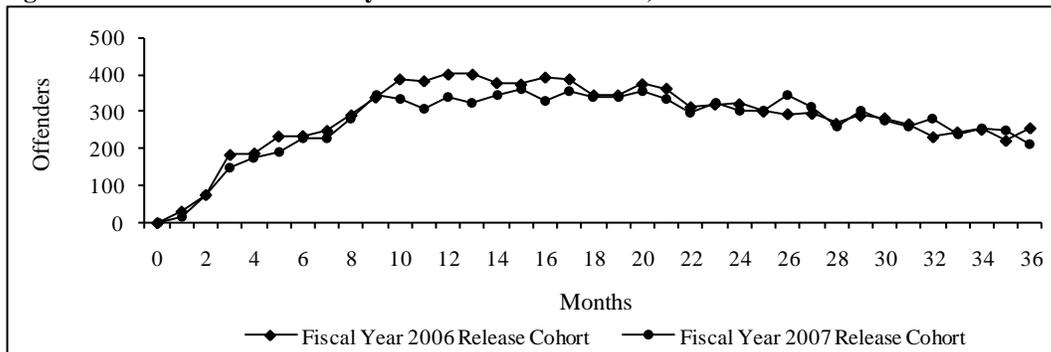
### *Reincarceration Rates*

Offenders released from prison during fiscal years 2006 and 2007 were monitored to determine the percentage reincarcerated within three years of release.<sup>8</sup> Each offender who returned to state jail or prison at least once during the three-year follow-up was considered a recidivist.<sup>9</sup> For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the recidivism rate.

**Table 16: Reincarceration Rate for Fiscal Years 2006–2007 Prison Release Cohorts**

FAILURE PERIOD	FY 2006 COHORT N = 40,438		FY 2007 COHORT N = 41,051	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	2,999	7.4%	2,670	6.5%
Year 2	4,316	10.7%	3,998	9.7%
Year 3	3,205	7.9%	3,304	8.0%
<b>Total</b>	<b>10,520</b>		<b>9,972</b>	
<b>Reincarceration Rate</b>		<b>26.0%</b>		<b>24.3%</b>

**Figure 9: Months Out of Custody before Reincarceration, Fiscal Years 2006–2007**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average time out of custody before reincarceration was 19 months for both cohorts.
- Of the fiscal years 2006 and 2007 prison release cohorts, approximately 7.0 percent recidivated within the first year of release (7.4 percent in the 2006 cohort and 6.5 percent in the 2007 cohort). On average, 17.2 percent recidivated by the second year.

<sup>8</sup> Included in the study are offenders discharged, as well as those released under parole supervision, discretionary mandatory supervision and mandatory supervision. Shock probation and state boot camp releases are not included. An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

<sup>9</sup> Fiscal year 2006 is the first year of prison admission data (i.e., the measure of reincarceration) that identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of the release (i.e., the revocation was rejected). While not permanent revocations, these were counted as admissions. Of the fiscal years 2006 and 2007 release cohorts, 495 and 460 offenders (respectively) had an admission that fell into these categories.

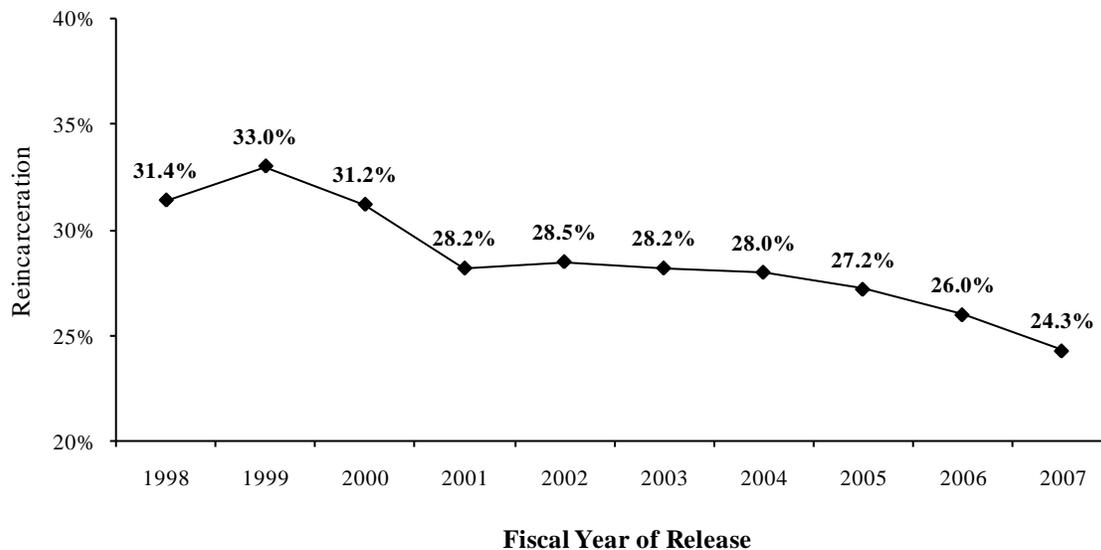
## PRISON – REINCARCERATION

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### *A Comparison of Fiscal Years 1998–2007*

The following figure plots the three-year reincarceration rate for ten separate prison release cohorts. Cohorts include all offenders discharged from a Texas prison and those released under parole supervision, discretionary mandatory supervision, and mandatory supervision. Shock probation and state boot camp releases are excluded from the analysis. The 2007 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 10: Percent of Offenders Released from Prison and Reincarcerated within Three Years, Fiscal Years 1998–2007**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Criminal Justice Policy Council.

- Of the fiscal year 2007 prison release cohort, 78.3 percent were placed on parole supervision, discretionary mandatory supervision, or mandatory supervision. The remaining 21.7 percent were released by discharge.
- Parole revocation and return policies during the three-year follow-up period affect the reincarceration rate of offenders under parole supervision. The use of Intermediate Sanction Facilities (ISFs) for parole violators in lieu of revocation to prison is one such parole policies that can lower the reincarceration rate.
- The most prevalent offense for which offenders were reincarcerated was drug-related (35.2 percent for the 2006 cohort and 35.1 percent for the 2007 cohort).
- See Appendix A for a comparison of Texas and other states recidivism rates.

## PRISON – REINCARCERATION

### *A Profile of Recidivists*

**Table 17: Share of Prison Release Cohort and Recarcerated Offenders with Select Characteristics by Fiscal Year Release**

OFFENDER CHARACTERISTICS	FY 2006 RELEASES		FY 2007 RELEASES	
	COHORT N = 40,438	RECIDIVISTS (reincarceration) N = 10,520	COHORT N = 41,051	RECIDIVISTS (reincarceration) N = 9,972
<b>GENDER</b>				
Female	9.9%	7.1%	10.0%	7.4%
Male	90.1%	92.9%	90.0%	92.6%
<b>RACE/ETHNICITY</b>				
African American	35.1%	41.1%	34.2%	40.5%
Hispanic	29.8%	24.6%	32.4%	27.1%
White	34.5%	33.9%	32.9%	32.1%
Other	0.5%	0.4%	0.5%	0.3%
<b>AGE AT RELEASE</b>				
<= 24	14.7%	18.3%	14.6%	18.7%
25 - 29	18.5%	19.5%	18.7%	20.7%
30 - 34	15.3%	14.8%	14.8%	15.0%
35 - 39	15.0%	16.3%	14.6%	14.8%
40 - 44	14.5%	14.5%	13.8%	13.7%
45+	21.9%	16.6%	23.5%	17.1%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	26.1%	20.9%	25.9%	21.6%
Property	22.6%	29.7%	21.6%	28.7%
Drug	32.0%	31.6%	31.7%	31.4%
Other	19.2%	17.8%	20.8%	18.4%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- Statistical analysis revealed significant differences between the 2006 and 2007 cohorts of recidivists based on race/ethnicity and age at release. In the fiscal year 2007 cohort of recidivists, White and Other race/ethnicity offenders, as well as those between 35 and 44 years of age, had significantly smaller shares than in the 2006 cohort. In contrast, the shares of Hispanic offenders and the 25–29 age group were significantly larger in the 2007 cohort of recidivists.
- The average age of the 2007 prison release cohort was 36 years, and the average age of recidivists was 34 years. Compared to the state jail cohort of recidivists, the prison recidivists were slightly older (the average age of the state jail recidivists was 33 years).

## PRISON – REINCARCERATION

### *Reincarceration Rates for Select Offender Characteristics*

**Table 18: Reincarceration Rates for Select Offender Characteristics by Fiscal Year Release Cohort**

OFFENDER CHARACTERISTICS	REINCARCERATION RATE	REINCARCERATION RATE
	FY 2006 RELEASES N = 10,520	FY 2007 RELEASES N = 9,972
Overall Reincarceration Rate	26.0%	24.3%
<b>GENDER</b>		
Female	18.6%	17.9%
Male	26.8%	25.0%
<b>RACE/ETHNICITY</b>		
African American	30.4%	28.7%
Hispanic	21.5%	20.3%
White	25.5%	23.7%
Other	18.6%	14.0%
<b>AGE AT RELEASE</b>		
<= 24	32.3%	31.1%
25 - 29	27.4%	26.9%
30 - 34	25.2%	24.6%
35 - 39	28.3%	24.6%
40 - 44	25.9%	24.2%
45+	19.7%	17.6%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	20.8%	20.2%
Property	34.1%	32.2%
Drug	25.6%	24.0%
Other	24.1%	21.5%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- While the recidivism rate decreased from the 2006 cohort to the 2007 cohort among all age groups, the 35–39 age group had the greatest decrease in recidivism (13.1 percent), closely followed by the 45-years-and-older group (10.5 percent).
- Property and drug offenders had the highest recidivism rates for both cohorts, respectively. In the 2007 cohort, the prevailing property offense among recidivists was burglary (e.g., burglary of building or habitation), and the prevailing drug offense was possession (e.g., possession of dangerous drug for purpose of selling, contraband).

## PRISON – REARREST

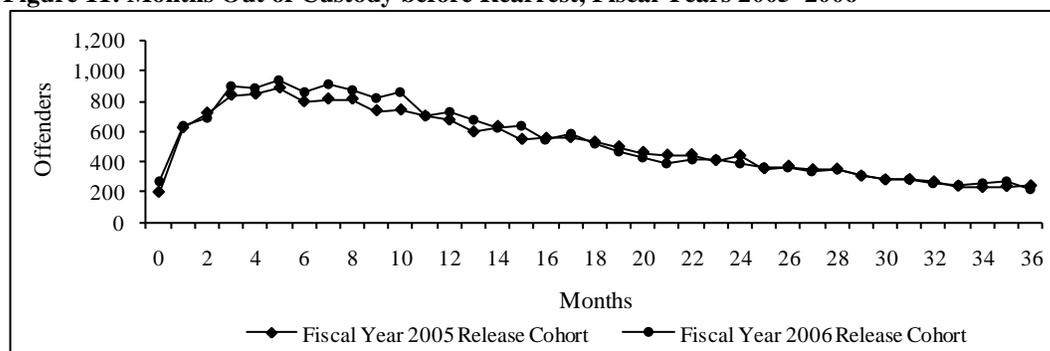
### Rearrest Rates

Offenders released from prison during fiscal years 2005 and 2006 were monitored to determine the percentage rearrested for at least a Class B Misdemeanor within three years of release.<sup>10</sup> Class C Misdemeanors (which include traffic offenses) typically do not result in confinement and are, thereby, excluded from the analysis. Each offender who was rearrested at least once during the three-year follow-up was considered a recidivist. For any offender who had more than one subsequent arrest during the three-year follow-up period, only the first and most serious arrest, in terms of offense level, was counted in the calculation of the recidivism rate.

**Table 19: Rearrest Rate for Fiscal Years 2005–2006 Prison Release Cohorts**

FAILURE PERIOD	FY 2005 COHORT N = 38,559		FY 2006 COHORT N = 40,438	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	9,357	24.3%	10,079	24.9%
Year 2	6,088	15.8%	6,101	15.1%
Year 3	3,480	9.0%	3,545	8.8%
<b>Total</b>	<b>18,925</b>		<b>19,725</b>	
<b>Rearrest Rate</b>		<b>49.1%</b>		<b>48.8%</b>

**Figure 11: Months Out of Custody before Rearrest, Fiscal Years 2005–2006**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The average time out of custody before rearrest was 14 months for both release cohorts.
- Of the fiscal years 2005 and 2006 prison release cohorts, approximately 24.6 percent recidivated within the first year of release (24.3 percent in the 2005 cohort and 24.9 percent in the 2006 cohort). On average, 40.0 percent recidivated by the second year.

<sup>10</sup> Included in the study are offenders discharged, as well as those released under parole supervision, discretionary mandatory supervision and mandatory supervision. Shock probation and state boot camp releases are not included. An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

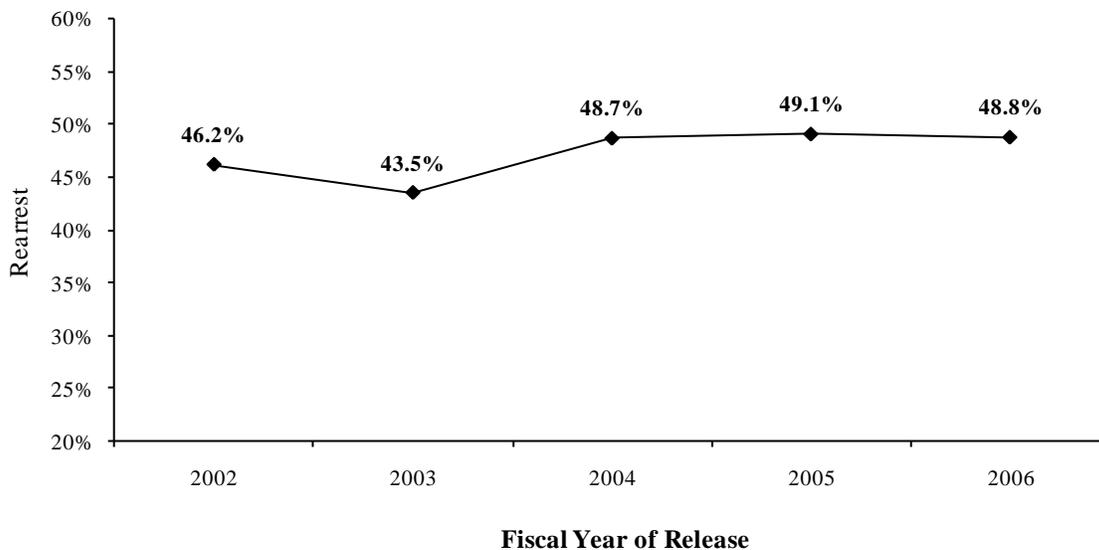
## PRISON – REARREST

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### *A Comparison of Fiscal Years 2002–2006*

The following figure plots the three-year rearrest rate for five separate prison release cohorts. Cohorts include all offenders discharged from a Texas prison and those released under parole supervision, discretionary mandatory supervision, and mandatory supervision. Shock probation and state boot camp releases are excluded from the analysis. The 2006 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 12: Percent of Offenders Released from Prison and Rearrested within Three Years, Fiscal Years 2002–2006**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The prison rearrest rate increased by 5.6 percent since it was first calculated for the fiscal year 2002 release cohort, with slight variation between 2004 and 2006.
- Of the fiscal year 2006 prison release cohort, 80.3 percent were placed on parole supervision, discretionary mandatory supervision, or mandatory supervision. The remaining 19.7 percent were released by discharge.
- Of the rearrested offenders, 51.1 percent (in the 2005 cohort) and 51.9 percent (in the 2006 cohort) were rearrested for a felony offense.

## PRISON – REARREST

### *A Profile of Recidivists*

**Table 20: Share of Prison Release Cohort and Rearrested Offenders with Select Characteristics by Fiscal Year Release**

OFFENDER CHARACTERISTICS	FY 2005 RELEASES		FY 2006 RELEASES	
	COHORT N = 38,559	RECIDIVISTS (rearrest) N = 18,925	COHORT N = 40,438	RECIDIVISTS (rearrest) N = 19,725
<b>GENDER</b>				
Female	9.9%	9.0%	9.9%	8.7%
Male	90.1%	91.0%	90.1%	91.3%
<b>RACE/ETHNICITY</b>				
African American	36.3%	41.0%	35.1%	40.5%
Hispanic	16.8%	13.7%	29.8%	26.5%
White	46.0%	44.5%	34.5%	32.6%
Other	0.9%	0.8%	0.5%	0.3%
<b>AGE AT RELEASE</b>				
<= 24	15.7%	20.9%	14.7%	19.7%
25 - 29	18.0%	20.5%	18.5%	21.5%
30 - 34	15.8%	16.1%	15.3%	15.5%
35 - 39	15.5%	15.8%	15.0%	15.4%
40 - 44	14.6%	13.4%	14.5%	13.2%
45+	20.3%	13.3%	21.9%	14.7%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	26.0%	23.9%	26.1%	23.8%
Property	23.6%	28.1%	22.6%	26.5%
Drug	30.9%	31.0%	32.0%	32.5%
Other	19.5%	17.0%	19.2%	17.2%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- Statistical analysis revealed significant differences between the 2005 and 2006 cohorts of recidivists based on race/ethnicity, age at release, and offense of initial sentence. In the 2006 cohort of recidivists, the shares of White and Other race/ethnicity offenders, as well as property offenders, were significantly smaller than those of the 2005 cohort. In contrast, Hispanic offenders, the oldest age group, and drug offenders had significantly larger shares among recidivists in the 2006 cohort.
- The average age of the 2006 prison release cohort was 36 years, and the average age of recidivists was 34 years. Compared to the state jail cohort of recidivists, the prison recidivists were slightly older (the average age of the state jail recidivists was 32 years).

## PRISON – REARREST

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### *Rearrest Rates for Select Offender Characteristics*

**Table 21: Rearrest Rates for Select Offender Characteristics by Fiscal Year Release Cohort**

<b>OFFENDER CHARACTERISTICS</b>	<b>REARREST RATE FY 2005 RELEASES N = 18,925</b>	<b>REARREST RATE FY 2006 RELEASES N = 19,725</b>
Overall Rearrest Rate	49.1%	48.8%
<b>GENDER</b>		
Female	44.9%	42.8%
Male	49.5%	49.4%
<b>RACE/ETHNICITY</b>		
African American	55.5%	56.2%
Hispanic	39.9%	43.4%
White	47.5%	46.1%
Other	44.0%	33.8%
<b>AGE AT RELEASE</b>		
<= 24	65.2%	65.5%
25 - 29	55.7%	56.6%
30 - 34	50.0%	49.4%
35 - 39	49.9%	50.0%
40 - 44	45.1%	44.2%
45+	32.2%	32.7%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	45.1%	44.4%
Property	58.4%	57.2%
Drug	49.2%	49.5%
Other	42.7%	43.6%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- Among age groups, offenders 25 to 29 years of age had the greatest increase in recidivism rates from the 2005 cohort to the 2006 cohort (1.7 percent); whereas 40 to 44 years old offenders had the greatest decrease (2.0 percent).
- Property and drug offenders had the highest recidivism rates for both cohorts, respectively. In the 2006 cohort, the predominant property offense among recidivists was burglary (e.g., burglary of building or habitation), and the predominant drug offense was possession (e.g., possession of dangerous drug for purpose of selling, contraband).

## PRISON – REARREST

### *Offender Characteristics by Rearrest and Reincarceration, Fiscal Year 2005*

The table below provides a profile of rearrested fiscal year 2005 prison releases by reincarceration outcome. Of all the rearrested offenders (18,925 offenders), 44.9 percent were reincarcerated following their rearrest.

**Table 22: Share of Rearrested Fiscal Year 2005 Prison Release Cohort with Select Offender Characteristics by Reincarceration Outcome**

OFFENDER CHARACTERISTICS	FY 2005 PRISON REARRESTS	
	REINCARCERATION* N = 8,502	NO REINCARCERATION N = 10,021
<b>GENDER</b>		
Female	7.9%	10.0%
Male	92.1%	90.0%
<b>RACE/ETHNICITY</b>		
African American	43.8%	38.8%
Hispanic	13.7%	13.8%
White	41.8%	46.6%
Other	0.7%	0.9%
<b>AGE AT RELEASE</b>		
<= 24	21.3%	20.7%
25 - 29	19.5%	21.5%
30 - 34	16.3%	16.0%
35 - 39	16.5%	15.0%
40 - 44	12.9%	13.8%
45+	13.5%	13.1%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	21.4%	26.2%
Property	31.1%	25.2%
Drug	31.0%	31.1%
Other	16.4%	17.5%
<b>RELEASE TYPE</b>		
Discharge	21.2%	23.6%
Parole	36.9%	37.0%
Discretionary Mandatory Supervision	28.7%	28.5%
Mandatory Supervision	13.1%	11.0%
<b>ARREST OFFENSE LEVEL</b>		
Capital Felony	0.1%	0.1%
First Degree Felony	6.5%	2.9%
Second Degree Felony	11.6%	6.9%
Third Degree Felony	16.6%	10.5%
State Jail Felony	28.0%	14.5%
Felony - Unknown Degree	4.8%	2.1%
Class A Misdemeanor	13.0%	23.1%
Class B Misdemeanor	16.2%	33.6%
Misdemeanor - Unknown Class	3.3%	6.3%

\* Reincarceration percentages reflect the number of offenders whose rearrest occurred prior to their reincarceration. Offenders whose rearrest occurred after their reincarceration were excluded (402 offenders). The average time from rearrest to reincarceration was 9.1 months.

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The rearrest-and-reincarceration group was 1.8 times more likely to be rearrested for a felony offense (67.6 percent) than the rearrest-no-reincarceration group (37.0 percent).

## PRISON – REARREST

### *Offender Characteristics by Rearrest and Reincarceration, Fiscal Year 2006*

The table below provides a profile of rearrested fiscal year 2006 prison releases by reincarceration outcome. Of all the rearrested offenders (19,725 offenders), 44.2 percent were reincarcerated following their rearrest.

**Table 23: Share of Rearrested Fiscal Year 2006 Prison Release Cohort with Select Offender Characteristics by Reincarceration Outcome**

OFFENDER CHARACTERISTICS	FY 2006 PRISON REARRESTS	
	REINCARCERATION* N = 8,709	NO REINCARCERATION N = 10,652
<b>GENDER</b>		
Female	7.4%	9.9%
Male	92.6%	90.1%
<b>RACE/ETHNICITY</b>		
African American	42.6%	39.0%
Hispanic	24.8%	28.1%
White	32.4%	32.6%
Other	0.3%	0.4%
<b>AGE AT RELEASE</b>		
<= 24	19.7%	19.8%
25 - 29	20.7%	22.2%
30 - 34	15.1%	15.9%
35 - 39	16.6%	14.4%
40 - 44	13.5%	12.9%
45+	14.4%	14.9%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	20.3%	26.8%
Property	29.6%	23.7%
Drug	32.9%	32.4%
Other	17.2%	17.1%
<b>RELEASE TYPE</b>		
Discharge	19.8%	23.9%
Parole	39.6%	39.9%
Discretionary Mandatory Supervision	32.2%	29.0%
Mandatory Supervision	8.4%	7.2%
<b>ARREST OFFENSE LEVEL</b>		
Capital Felony	0.1%	0.05%
First Degree Felony	6.7%	3.6%
Second Degree Felony	12.0%	7.0%
Third Degree Felony	17.5%	10.4%
State Jail Felony	28.2%	14.7%
Felony - Unknown Degree	4.6%	2.2%
Class A Misdemeanor	12.3%	23.3%
Class B Misdemeanor	15.3%	33.4%
Misdemeanor - Unknown Class	3.4%	5.3%

\* Reincarceration percentages reflect the number of offenders whose rearrest occurred prior to their reincarceration. Offenders whose rearrest occurred after their reincarceration were excluded (364 offenders). The average time from rearrest to reincarceration was 9.3 months.

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Department of Public Safety.

- The rearrest-and-reincarceration group was 1.8 times more likely to be rearrested for a felony offense (69.1 percent) than the rearrest-no-reincarceration group (38.0 percent).

**PAROLE**

## **DESCRIPTION**

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The Texas Department of Criminal Justice – Parole Division (PD) supervises offenders released from prison, by a Board of Pardons and Paroles (BPP) decision, who are serving the remainder of their sentence under supervision in the community. Offenders released on parole and mandatory supervision must abide by certain rules while in the community and are subject to revocation or other sanctions for violations of release conditions. Examples of release conditions include: reporting to a supervising parole officer; obeying all municipal, county, state, and federal laws; and obtaining the parole officer's written permission before changing residence. Offenders also agree to abide by all rules of parole and laws relating to the revocation of parole and mandatory supervision, including appearing at any required hearings or proceedings.

Offenders who violate conditions of their parole may be brought before a parole panel as part of the revocation process. The parole panel may opt to not revoke parole and, thereby, allow the offenders to continue on supervision often with modifications of their release conditions. The panel may also revoke the offenders' supervision and return them to prison. One other option available to the parole panel is to place the offenders into Intermediate Sanction Facilities (ISFs). An ISF is a short-term, fully secured detention facility used for offenders who violate conditions of their parole or mandatory supervision. ISFs are used as an alternative to revoking the offenders' supervision and sending them to prison.

This section of the report provides recidivism information for parolees who were revoked and sent back to prison, and for those offenders who were released from an ISF and subsequently revoked and sentenced to prison or state jail.

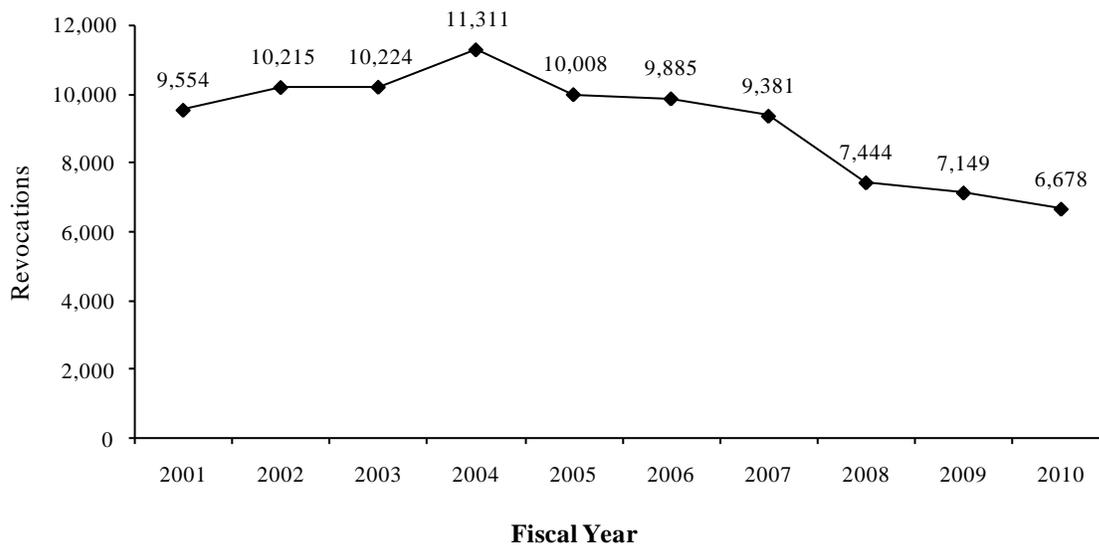
## ACTIVE PAROLE – REVOCATIONS

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### *Revocations*

An offender under parole or mandatory supervision may be revoked and sent back to prison by the Texas Board of Pardons and Paroles (BPP). An offender can be revoked for committing a new offense or for technical violations. A technical violation occurs when an offender violates the terms of release conditions established by the BPP (e.g., positive urinalysis, failure to report).

**Figure 13: Parole Revocation Admissions to Prison, Fiscal Years 2001–2010**



Sources: Legislative Budget Board; Texas Department of Criminal Justice, *Statistical Report*.

- Of the 42,858 prison admissions in fiscal year 2010, 6,678 were revoked parolees (15.6 percent). In fiscal year 2009, there were 42,087 prison admissions and 7,149 of them were parole revocations (17.0 percent).
- Included in the parole revocation admissions to prison are offenders under parole supervision (68.8 percent in 2010), discretionary mandatory supervision (21.1 percent in 2010), and mandatory supervision (10.1 percent in 2010).

## ACTIVE PAROLE – REVOCATIONS

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### *Revocation Rates*

To compute the average active parole revocation rate, the number of revocation admissions to prison during a given year is divided by the average active parole population for that same year. The table below summarizes the average active parole revocation rates since fiscal year 2001.

**Table 24: Average Active Parole Revocation Rates, Fiscal Years 2001–2010**

<b>FISCAL YEAR</b>	<b>AVERAGE ACTIVE PAROLE POPULATION</b>	<b>PAROLE REVOCATION ADMISSIONS TO PRISON</b>	<b>REVOCATION RATE</b>
2001	78,215	9,554	12.2%
2002	79,740	10,215	12.8%
2003	76,727	10,224	13.3%
2004	76,669	11,311	14.8%
2005	76,540	10,008	13.1%
2006	76,696	9,885	12.9%
2007	76,601	9,381	12.2%
2008	77,964	7,444	9.5%
2009	78,945	7,149	9.1%
2010	81,220	6,678	8.2%

Sources: Legislative Budget Board; Texas Department of Criminal Justice, *Statistical Report, Parole Supervision Population Report*.

- The average active parole population increased by 2,275 parolees from fiscal year 2009 to 2010 (2.9 percent increase).
- Of the 6,678 adult parolees revoked in fiscal year 2010, 5,616 (84.1 percent) were returned to prison for conviction of a new offense. Technical violators comprised 15.8 percent of the revoked parolees.
- The rate at which the parole supervision population is revoked and returned to prison has decreased every fiscal year since 2004, and it fell substantially in fiscal year 2008 (22.0 percent decrease from the fiscal year 2007 level).

## ACTIVE PAROLE – REVOCATIONS

### *A Profile of Revoked Parolees*

**Table 25: Share of Revoked Adult Parolees with Select Characteristics, Fiscal Years 2009–2010**

<b>OFFENDER CHARACTERISTICS</b>	<b>FY 2009 REVOCATIONS N = 7,149</b>	<b>FY 2010 REVOCATIONS N = 6,678</b>
<b>GENDER</b>		
Female	5.9%	6.3%
Male	94.1%	93.7%
<b>RACE/ETHNICITY</b>		
African American	41.6%	39.4%
Hispanic	25.5%	26.2%
White	32.6%	34.1%
Other	0.3%	0.3%
<b>AGE AT REVOCATION</b>		
<= 24	7.9%	7.8%
25 - 29	13.8%	14.2%
30 - 34	12.3%	14.6%
35 - 39	14.9%	12.1%
40 - 44	16.8%	15.8%
45+	34.2%	35.4%
<b>REVOCATION OFFENSE</b>		
Violent	16.7%	16.2%
Property	30.7%	30.1%
Drug	36.5%	36.7%
Other	16.1%	17.1%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- Statistical analysis revealed significant differences between the 2009 and 2010 parole revocation populations based on age. In fiscal year 2010, the share of the 35–39 age group within the revoked population was significantly smaller than in 2009. In contrast, the 30–34 age group had a significantly larger share in 2010.
- The average age of the fiscal years 2009 and 2010 revoked parolees was 40 years, respectively. Offenders 45 years of age and older had the largest representation among the revoked parolees.
- In fiscal years 2009 and 2010, drug and property offenders comprised the majority of the revoked parolees, respectively. In fiscal year 2010, the predominant drug offense within the revoked population was possession (e.g., possession of dangerous drug for purpose of selling, contraband), and the predominant property offense was burglary (e.g., burglary of building or habitation).

## INTERMEDIATE SANCTION FACILITY – REINCARCERATION

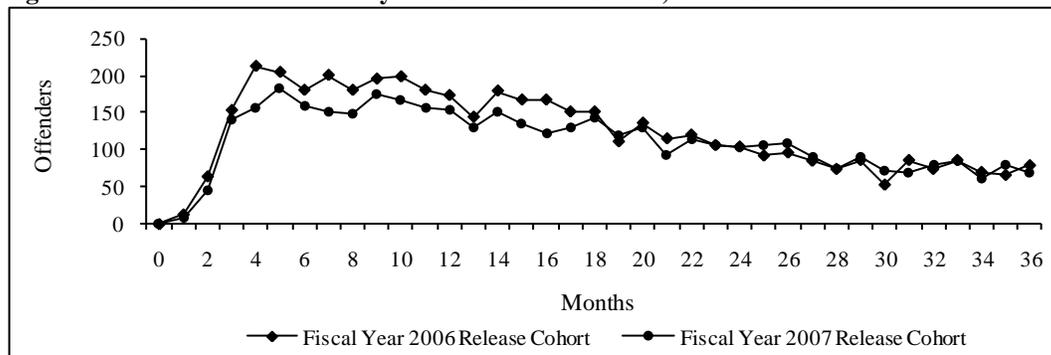
### *Reincarceration Rates*

Offenders released from an Intermediate Sanction Facility (ISF) during fiscal years 2006 and 2007 were monitored to determine the percentage reincarcerated within three years of release.<sup>11</sup> Each offender who returned to state jail or prison at least once during the three-year follow-up was considered a recidivist.<sup>12</sup> Returns to ISFs are not included in the analysis. For any offender who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the recidivism rate.

**Table 26: Reincarceration Rate for Fiscal Years 2006–2007 Intermediate Sanction Facility Release Cohorts**

FAILURE PERIOD	FY 2006 COHORT N = 10,594		FY 2007 COHORT N = 10,221	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	1,952	18.4%	1,639	16.0%
Year 2	1,651	15.6%	1,479	14.5%
Year 3	947	8.9%	983	9.6%
<b>Total</b>	<b>4,550</b>		<b>4,101</b>	
<b>Reincarceration Rate</b>		<b>42.9%</b>		<b>40.1%</b>

**Figure 14: Months Out of Custody before Reincarceration, Fiscal Years 2006–2007**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The average time out of custody before reincarceration was 15 months for the fiscal year 2006 cohort and 16 months for the fiscal year 2007 cohort.
- Of the fiscal years 2006 and 2007 ISF release cohorts, approximately 17.3 percent recidivated within the first year of release (18.4 percent in the 2006 cohort and 16.0 percent in the 2007 cohort). On average, 32.3 percent recidivated by the second year.

<sup>11</sup> An offender's first release during the fiscal year was used as the study case. By excluding duplicates, the number of records was reduced and, therefore, would not match release statistics previously published by the Texas Department of Criminal Justice.

<sup>12</sup> Fiscal year 2006 is the first year of prison admission data (i.e., the measure of reincarceration) that identifies parole, discretionary mandatory supervision, and mandatory supervision revocations that resulted in a reinstatement of the release (i.e., the revocation was rejected). While not permanent revocations, these were counted as admissions. Of the fiscal years 2006 and 2007 release cohorts, 103 and 117 offenders (respectively) had an admission that fell into these categories.

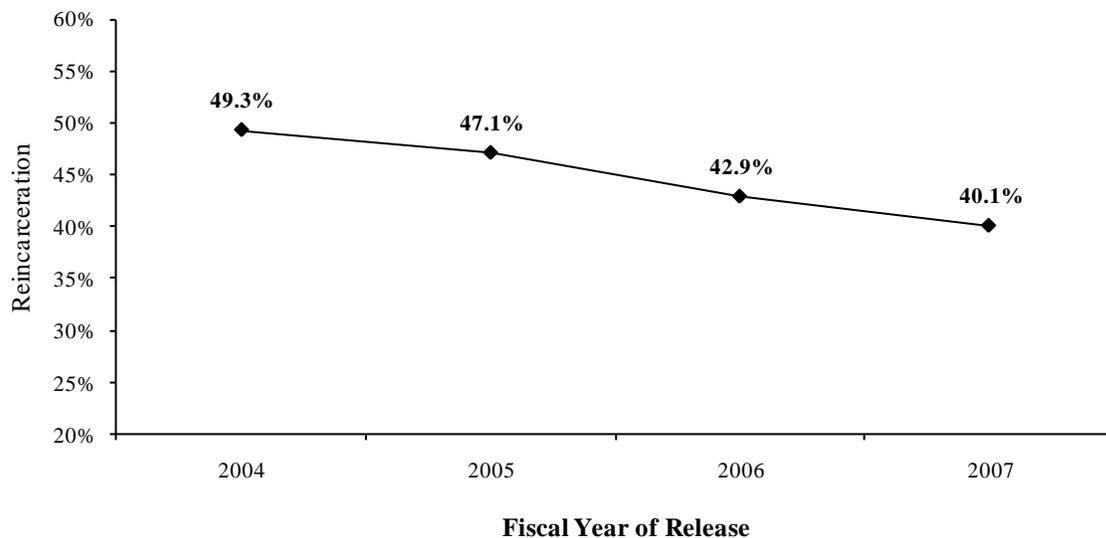
## INTERMEDIATE SANCTION FACILITY – REINCARCERATION

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### *A Comparison of Fiscal Years 2004–2007*

The following figure plots the three-year reincarceration rate for four separate Intermediate Sanction Facility (ISF) release cohorts. Cohorts include all offenders released from a Texas ISF. The 2007 release cohort is the most recent group for which complete three-year follow-up data are available.

**Figure 15: Percent of Offenders Released from an Intermediate Sanction Facility and Reincarcerated within Three Years, Fiscal Years 2004–2007**



Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The ISF reincarceration rate has decreased by 18.7 percent since it was first calculated for the fiscal year 2004 release cohort.
- ISF offenders are released under parole supervision.
- The most prevalent offense for which offenders were reincarcerated was property-related (38.5 percent for both cohorts).

## INTERMEDIATE SANCTION FACILITY – REINCARCERATION

### *A Profile of Recidivists*

**Table 27: Share of Intermediate Sanction Facility Release Cohort and Reincarcerated Offenders with Select Offender Characteristics by Fiscal Year Release**

OFFENDER CHARACTERISTICS	FY 2006 RELEASES		FY 2007 RELEASES	
	COHORT N = 10,594	RECIDIVISTS (reincarceration) N = 4,550	COHORT N = 10,221	RECIDIVISTS (reincarceration) N = 4,101
<b>GENDER</b>				
Female	9.7%	7.8%	9.4%	7.6%
Male	90.3%	92.2%	90.6%	92.4%
<b>RACE/ETHNICITY</b>				
African American	44.9%	47.2%	44.8%	47.5%
Hispanic	8.1%	7.3%	17.3%	16.6%
White	46.5%	45.0%	37.5%	35.6%
Other	0.5%	0.5%	0.4%	0.2%
<b>AGE AT RELEASE</b>				
<= 24	8.0%	8.5%	9.0%	9.9%
25 - 29	11.5%	10.6%	12.6%	12.7%
30 - 34	12.4%	11.7%	11.1%	10.5%
35 - 39	17.7%	19.4%	15.4%	16.6%
40 - 44	19.2%	20.2%	18.6%	19.2%
45+	31.3%	29.6%	33.2%	31.1%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	16.1%	16.2%	16.6%	16.0%
Property	36.7%	40.0%	34.8%	38.6%
Drug	35.7%	33.6%	36.9%	34.4%
Other	11.4%	10.2%	11.8%	11.0%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- Statistical analysis revealed significant differences between the 2006 and 2007 cohorts of recidivists based on race/ethnicity and age at release. In the fiscal year 2007 cohort of recidivists, White and Other race/ethnicity offenders, as well as those between 30 and 39 years of age, had significantly smaller shares than in the 2006 cohort. In contrast, the shares of Hispanic offenders and the 25–29 age group were significantly larger in the 2007 cohort of recidivists.
- The average age of the 2007 ISF release cohort and recidivists was 39 years. On average, the ISF recidivists were an older population compared to the SAFPF (31 years), IPTC (36 years), state jail (33 years), and prison recidivists (34 years).

## INTERMEDIATE SANCTION FACILITY – REINCARCERATION

### *Reincarceration Rates for Select Offender Characteristics*

**Table 28: Reincarceration Rates for Select Offender Characteristics by Fiscal Year Release Cohort**

OFFENDER CHARACTERISTICS	REINCARCERATION RATE	REINCARCERATION RATE
	FY 2006 RELEASES N = 4,550	FY 2007 RELEASES N = 4,101
Overall Reincarceration Rate	42.9%	40.1%
<b>GENDER</b>		
Female	34.6%	32.3%
Male	43.9%	40.9%
<b>RACE/ETHNICITY</b>		
African American	45.2%	42.6%
Hispanic	38.9%	38.5%
White	41.5%	38.2%
Other	43.9%	16.3%
<b>AGE AT RELEASE</b>		
<= 24	45.8%	44.2%
25 - 29	39.6%	40.3%
30 - 34	40.7%	37.9%
35 - 39	47.2%	43.1%
40 - 44	45.2%	41.5%
45+	40.6%	37.6%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	43.1%	38.6%
Property	46.8%	44.5%
Drug	40.4%	37.5%
Other	38.5%	37.5%

Sources: Legislative Budget Board; Texas Department of Criminal Justice.

- The recidivism rate decreased from the 2006 cohort to the 2007 cohort among all age groups except the 25–29 group (which increased by 1.8 percent). Offenders between 35 and 39 years of age had the greatest decrease in recidivism (8.8 percent).
- Property and violent offense offenders had the highest rates of return for both cohorts, respectively. In the 2007 cohort, the predominant property offense among recidivists was burglary (e.g., burglary of building or habitation), and the predominant violent offense was robbery (e.g., aggravated and strong-arm robbery).

## **JUVENILE CORRECTIONAL RECIDIVISM RATES**

## **JUVENILE PROBATION**

## DESCRIPTION

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The Texas Juvenile Probation Commission's (TJPC) stated mission is to work in partnership with local juvenile boards and juvenile probation departments (JPDs) to support and enhance juvenile probation services throughout the state. TJPC fulfills this mission by providing funding, technical assistance, and training; establishing and enforcing standards; collecting, analyzing, and disseminating information; and facilitating communications between state and local entities.

With TJPC's guidance and support, county JPDs work directly with juveniles. In Texas, 165 local JPDs serve 254 counties. To fall within a JPD's jurisdiction, a juvenile must have committed an offense on or after his/her 10<sup>th</sup> birthday but before his/her 17<sup>th</sup> birthday. Jurisdiction ends, however, on or before the juvenile's 18th birthday. In a given year, approximately half of the cases disposed by JPDs result in the department supervising the juvenile under one of two supervision types:

- *Deferred Prosecution Supervision* – Deferred prosecution supervision is a voluntary supervision program agreed upon by a juvenile and his/her caregiver(s) after probable cause that the juvenile committed the offense(s) has been found. The supervision term lasts between three and six months and may be extended for up to an additional six months by the juvenile court. The case is dismissed if the juvenile successfully completes the supervision terms. If the juvenile does not successfully complete supervision, the department may attempt to adjudicate the case and place the juvenile on adjudicated probation supervision.
- *Adjudicated Probation Supervision* – A juvenile court may place a juvenile on adjudicated probation supervision for a specified period of time after finding that the juvenile did commit the alleged petitioned offense(s). While supervised, a juvenile may reside at home or be placed in a secure or non-secure residential facility.

Both forms of supervision include JPD and court-imposed conditions and supervision requirements, such as regular visits with the juvenile probation officer, curfew requirements, and drug testing. In addition to supervision, many juveniles receive a wide variety of services, such as mental health counseling, sex offender therapy, and substance abuse treatment.

In recent years, juvenile courts have committed fewer juveniles to the Texas Youth Commission (TYC), in part, due to legislative changes. The Eightieth Legislature, 2007, prohibited juvenile courts from committing misdemeanants to TYC. The Eighty-first Legislature, 2009, provided pass-through funding to TJPC for local JPDs to enhance or develop programs in order to divert juveniles from commitment to TYC. As a result, JPDs have served more juveniles with serious delinquent backgrounds. All juveniles included in the recidivism analysis were served by JPDs prior to this shift, however, and few juveniles included in the revocation analysis (those supervised in the last portion of fiscal year 2007 and thereafter) were served after this shift.

This section of the report provides recidivism information on the juvenile probation population. TJPC calculated the recidivism and revocation statistics based on TJPC data as well as individual-level data provided by the Texas Department of Criminal Justice (TDCJ) and the Texas Department of Public Safety (DPS).

## JUVENILE PROBATION – INCARCERATION

### *Incarceration Rates*

The following table presents incarceration rates for juveniles beginning deferred prosecution, beginning adjudication probation supervision, and exiting secure residential facilities in fiscal year 2007.<sup>13</sup> These juveniles were monitored to determine the percentage incarcerated at least once during the three-years after beginning supervision or exiting a secure residential placement facility. Juveniles may be incarcerated in TYC or in a TDCJ prison or state jail. For any juvenile who had more than one incarceration during the three-year follow-up period, only the first incarceration was counted in the incarceration rate calculation.

**Table 29: Incarceration Rate for Fiscal Year 2007 Deferred Prosecution, Adjudicated Probation, and Secure Residential Placement Cohorts**

FAILURE PERIOD	STARTING DEFERRED PROSECUTION N = 20,518		STARTING ADJUDICATED PROBATION N = 20,380		EXITING SECURE PLACEMENT N = 3,365	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	58	0.3%	897	4.4%	376	11.2%
Year 2	192	0.9%	907	4.5%	285	8.5%
Year 3	294	1.4%	922	4.5%	265	7.9%
<b>Total</b>	<b>544</b>		<b>2,726</b>		<b>926</b>	
<b>Incarceration Rate</b>		<b>2.7%</b>		<b>13.4%</b>		<b>27.5%</b>

Sources: Legislative Budget Board; Texas Juvenile Probation Commission; Texas Department of Criminal Justice.

- The cohort included in this analysis represents a diverse set of juveniles with varying levels of community-based supervision, offense severity (from status to misdemeanor to felony offenses), and offense history. These rates are therefore not comparable to those of other juvenile cohorts presented in this report.
- The percentage of deferred prosecution supervisees who are incarcerated slightly increases with each passing year. The reverse is true for juveniles leaving secure residential placement: more secure placement releases are incarcerated in the first year of release than the second and third years following release. For probationers, a similar share incarcerated in each of the three years after beginning supervision.

<sup>13</sup> A juvenile's first supervision start date or his/her first exit from secure residential placement during the fiscal year was used as the study case. To be included in the analysis, a juvenile must have either (1) matched to a DPS criminal history record and had a valid state identifier number or (2) been placed on supervision for an offense not reported to DPS or for which they were not referred to juvenile probation by law enforcement. Thirteen percent of juveniles beginning supervision in fiscal year 2007 (6,240 of 47,138 juveniles) could not be matched to DPS records and so were excluded from the recidivism analysis. Juveniles were also excluded from the analysis if their first disposition in the fiscal year was commitment to TYC or certification as an adult.

## JUVENILE PROBATION – RESIDENTIAL PLACEMENT

### *Residential Placement Rates*

A juvenile court may place a juvenile in a residential facility for a new offense, including offenses of severity less than a class B misdemeanor, or for technical violations of supervision conditions. Treatment needs and other considerations may also factor into this decision. The following table summarizes the number of juveniles beginning deferred prosecution or adjudicated probation supervision in fiscal year 2007 who were placed into residential facilities at least once during the three years following their supervision start date.<sup>14</sup> Residential placement facilities are either administered or contracted by county juvenile probation departments. For any juvenile with more than one placement during the three-year follow-up period, only the first placement was counted in the placement rate calculation.

**Table 30: Residential Placement Rate for Fiscal Year 2007 Juveniles Beginning Deferred Prosecution and Adjudicated Probation Cohorts**

PLACEMENT PERIOD	DEFERRED PROSECUTION N = 20,518		ADJUDICATED PROBATION N = 20,380	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	439	2.1%	2,503	12.3%
Year 2	543	2.6%	869	4.3%
Year 3	305	1.5%	275	1.3%
<b>Total</b>	<b>1,287</b>		<b>3,647</b>	
<b>Residential Placement Rate</b>		<b>6.3%</b>		<b>17.9%</b>

Sources: Legislative Budget Board; Texas Juvenile Probation Commission.

- A smaller share of juveniles on deferred prosecution supervision (6.3 percent) are placed in a residential facility within three years of beginning supervision compared to juveniles on adjudicated probation supervision (17.9 percent).
- Of adjudicated probationers placed in a residential facility within three years of beginning supervision, most are placed in a facility within the first year after beginning supervision.

<sup>14</sup> A juvenile's first supervision start date or his/her first exit from secure residential placement during the fiscal year was used as the study case. To be included in the analysis, a juvenile must have either (1) matched to a DPS criminal history record and had a valid state identifier number or (2) been placed on supervision for an offense not reported to DPS or for which they were not referred to juvenile probation by law enforcement. Thirteen percent of juveniles beginning supervision in fiscal year 2007 (6,240 of 47,138 juveniles) could not be matched to DPS records and so were excluded from the recidivism analysis. Juveniles were also excluded from the analysis if their first disposition in the fiscal year was commitment to TYC or certification as an adult.

## JUVENILE PROBATION – REARREST

### *Rearrest/Rereferral Rates*

A juvenile may be arrested and/or referred to a JPD for committing a new offense or a technical violation of probation. In this section of the report, a rearrest and a rereferral are referred to as a rearrest. The following table summarizes rearrest information for juveniles beginning deferred prosecution or adjudicated probation supervision and those exiting secure residential facilities in fiscal year 2007.<sup>15</sup> Class C Misdemeanor, status offenses, and technical violations of supervision conditions are low-level offenses and, as a result, are not included in this analysis.<sup>16</sup> Each juvenile who was rearrested at least once during the three-year follow-up was considered a recidivist. For any juvenile who had more than one arrest during the three-year follow-up period, only the first arrest was counted in the calculation of the recidivism rate and the most serious offense for that first arrest was used in the offense severity analysis.

**Table 31: Rearrest Rate for Fiscal Year 2007 Deferred Prosecution, Adjudicated Probation, and Secure Residential Placement Cohorts**

FAILURE PERIOD	STARTING DEFERRED PROSECUTION N = 20,518		STARTING ADJUDICATED PROBATION N = 20,380		EXITING SECURE PLACEMENT N = 3,365	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	5,509	26.8%	7,349	36.1%	1,410	41.9%
Year 2	3,077	15.0%	3,843	18.9%	770	22.9%
Year 3	1,913	9.3%	2,257	11.1%	364	10.8%
<b>Total</b>	<b>10,499</b>		<b>13,449</b>		<b>2,544</b>	
<b>Rearrest Rate</b>		<b>51.2%</b>		<b>66.0%</b>		<b>75.6%</b>

Sources: Legislative Budget Board; Texas Juvenile Probation Commission; Texas Department of Public Safety.

- The cohort included in this analysis represents a diverse set of juveniles with varying levels of community-based supervision, offense severity (from status to misdemeanor to felony offenses), and offense history. These rates are therefore not comparable to those of other juvenile cohorts presented in this report.
- A majority of juveniles within each cohort is rearrested within the three-year follow-up period. Deferred prosecution supervisees have the smallest percentage of recidivists and residential placement releases have the largest percentage.
- Among rearrested juveniles in each of the three cohorts, most are rearrested within the first year of the follow-up period.
- Misdemeanor drug offense was the most common offense type for recidivists (17.5 percent) followed by misdemeanor theft (12.3 percent) and then by misdemeanor assault (10.3 percent).

<sup>15</sup> A juvenile's first supervision start date or his/her first exit from secure residential placement during the fiscal year was used as the study case. To be included in the analysis, a juvenile must have either (1) matched to a DPS criminal history record and had a valid state identifier number or (2) been placed on supervision for an offense not reported to DPS or for which they were not referred to juvenile probation by law enforcement. Thirteen percent of juveniles beginning supervision in fiscal year 2007 (6,240 of 47,138 juveniles) could not be matched to DPS records and so were excluded from the recidivism analysis. Juveniles were also excluded from the analysis if their first disposition in the fiscal year was commitment to TYC or certification as an adult.

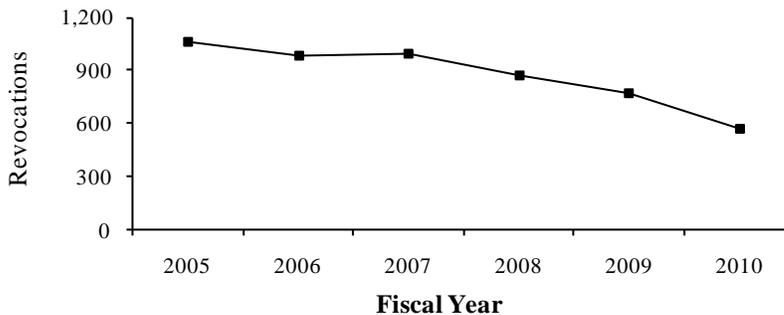
<sup>16</sup> Status offenses include such offenses as truancy and runaway. Class C Misdemeanors include such offenses as traffic violations and loitering. They typically do not result in confinement unless as a violation of supervision terms.

## JUVENILE PROBATION – REVOCATIONS

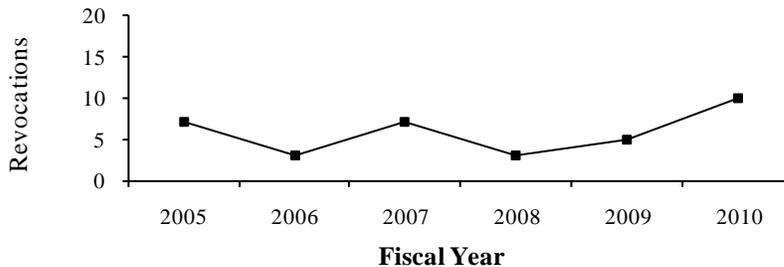
### Revocations

Revocation is defined in this analysis as the termination of active deferred prosecution or adjudicated probation supervision and commitment to TYC in response to the juvenile committing a new offense or technical violation of supervision conditions (e.g., failure to report to a juvenile probation officer).<sup>17</sup> The figure below provides the total number of revocations for juveniles under active supervision for a felony offense.

**Figure 16: Active Felony Adjudicated Probation Supervision Revocations, Fiscal Years 2005–2010**



**Figure 17: Active Felony Deferred Prosecution Supervision for Revocations, Fiscal Years 2005–2010**



Sources: Legislative Budget Board; Texas Juvenile Probation Commission.

- Over the last six fiscal years, juveniles supervised under adjudicated probation for felony offenses accounted for nearly all revocations (between 98.3 and 99.7 percent).
- Between fiscal years 2005 and 2009, the number of revoked supervisions among juveniles under adjudicated probation supervision for felony offenses decreased 45.9 percent (from 1,061 to 574) while the total number of juveniles under adjudicated probation supervision for felony offenses decreased 5.3 percent (from 18,908 to 17,913).
- During the last six fiscal years, the number of revoked supervisions among juveniles under deferred prosecution supervision for felony offenses remained small, ranging from 3 to 10 per year while the total number of juveniles supervised for felony offenses under deferred prosecution increased 25.8 percent (from 4,535 to 5,705).

<sup>17</sup> A juvenile is not considered under active supervision if the juvenile probation officer does not know the juvenile's whereabouts for the entire fiscal year; since the juvenile was never located during the time period examined, revocation would not have been possible (43 cases in 2010). Juveniles are considered to be under supervision for a felony if, at the time of disposition, the juvenile has an open supervision associated with at least one felony offense.

## JUVENILE PROBATION – REVOCATIONS

### *Revocation Rates*

To compute revocation rates, the number of juveniles whose supervision was revoked (as defined in this analysis) during a given fiscal year is divided by the total number of juveniles on active supervision for felony offenses during the same time period. The table below summarizes active deferred prosecution and adjudicated probation supervision revocation rates since fiscal year 2005.

**Table 32: Active Felony Adjudicated Probation and Deferred Prosecution Supervision Revocation Rates, Fiscal Years 2005–2010**

FISCAL YEAR	NUMBER OF JUVENILES UNDER ACTIVE SUPERVISION FOR FELONY OFFENSES	REVOCATIONS TO TYC	REVOCATION RATE
<b>ADJUDICATED PROBATION</b>			
2005	18,908	1,061	5.6%
2006	19,047	979	5.1%
2007	22,114	990	4.5%
2008	21,901	873	4.0%
2009	20,191	775	3.8%
2010	17,913	574	3.2%
<b>DEFERRED PROSECUTION</b>			
2005	4,535	7	0.2%
2006	4,994	3	0.1%
2007	5,619	7	0.1%
2008	6,197	3	0.05%
2009	6,125	5	0.1%
2010	5,705	10	0.2%

Sources: Legislative Budget Board; Texas Juvenile Probation Commission.

- The felony adjudicated probation revocation rate decreased consistently each year since fiscal year 2005.
- The felony deferred prosecution revocation rate has remained relatively low and stable for the last six fiscal years, ranging from a low of 0.05 percent in fiscal year 2008 and a high of 0.2 percent in fiscal years 2005 and 2010.

## JUVENILE PROBATION – REVOCATIONS

### *A Profile of Juveniles with Revoked Supervisions*

**Table 33: Share of Active Felony Deferred Prosecution and Adjudicated Probation Supervision Cohorts and Revoked Supervisees with Select Juvenile Characteristics, Fiscal Year 2010**

CHARACTERISTICS	DEFERRED PROSECUTION		ADJUDICATED PROBATION	
	COHORT N = 5,704	REVOCATIONS N = 10	COHORT 17,914	REVOCATIONS N = 574
<b>GENDER</b>				
Female	20.2%	30.0%	12.6%	5.9%
Male	79.8%	70.0%	87.4%	94.1%
<b>RACE/ETHNICITY</b>				
African American	18.1%	60.0%	25.0%	36.8%
Hispanic	46.7%	20.0%	47.0%	38.0%
White	34.0%	10.0%	27.0%	24.6%
Other	1.2%	10.0%	1.0%	0.7%
<b>AGE AT RELEASE</b>				
10	1.6%	0.0%	0.4%	0.2%
11	3.6%	0.0%	1.5%	0.7%
12	6.8%	0.0%	4.1%	2.3%
13	12.6%	20.0%	9.6%	8.7%
14	18.8%	0.0%	18.0%	23.3%
15	23.5%	20.0%	26.4%	39.0%
16	25.9%	60.0%	31.0%	25.4%
17	7.2%	0.0%	9.0%	0.3%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	20.4%	30.0%	33.8%	32.8%
Property	27.8%	70.0%	34.4%	44.1%
Drug	17.3%	0.0%	9.9%	7.1%
Other	34.5%	0.0%	21.9%	16.0%

Sources: Legislative Budget Board; Texas Juvenile Probation Commission.

- Given the small number of deferred prosecution revocations in fiscal year 2010, the characteristics of these juveniles may not be reflective of the characteristics of juveniles within this population generally.
- Juveniles ages 15 to 17 comprised the majority of revoked adjudicated probationers in fiscal year 2010 (87.7 percent).
- Juveniles sentenced at the start of their supervision for a property offense comprised the largest share (44.1 percent) of revoked adjudicated probationers in fiscal year 2010. Juveniles initially disposed for violent offenses made up the second largest share (32.8 percent).

## **JUVENILE CORRECTIONAL INSTITUTIONS**

## **DESCRIPTION**

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The Texas Youth Commission (TYC) administers the correctional institution component of the juvenile justice system. In so doing, TYC provides for the care, custody, rehabilitation, and reestablishment of confined juveniles back into society.

Local juvenile judges and juries may commit juveniles to TYC for offenses committed on or after their 10<sup>th</sup> birthday but before their 17<sup>th</sup> birthday. Prior to June 8, 2007, judges and juries could have committed a juvenile to TYC for committing a felony or certain misdemeanor offenses but after June 8, 2007, only juveniles adjudicated for felony offenses are eligible for commitment to TYC.

Once at TYC, juveniles may reside in a secure and/or non-secure residential facility. For juveniles committed to TYC through determinate sentences, juvenile courts and statute determine the minimum length of stay in residential facilities. For all other juveniles, TYC policy and a release review panel determine the minimum length of stay based on the severity of the juvenile's committing offense and an assessment of their risk to public safety. After completing the required minimum stay in a residential program, TYC may release the juvenile to aftercare (i.e., parole). While in a non-secure residential program or in parole, juveniles who commit a major rule violation or a new offense may return to a secure facility.

As of June 8, 2007, TYC's authority over juveniles in their custody ends when the juvenile turns 19 years of age or until his/her 21st birthday if the juvenile was committed to TYC for a determinate sentence prior to June 8, 2007. Juveniles who have not already been released by the required age are automatically released from TYC custody on their 19th or 21st birthday, according to the applicable statute. TYC may release juveniles to the community or, for juveniles with determinate sentences, transfer them to the custody of the Texas Department of Criminal Justice (TDCJ) with the approval of the juvenile court that committed the juveniles to TYC.

Notably, few of the juveniles included in this analysis were held in TYC after the above-referenced change in TYC's authority. All juveniles included in the recidivism analysis were served by TYC prior to this shift, however, and few juveniles included in the revocation analysis (those committed to TYC after June 8, 2007, and beginning parole supervision thereafter) were served after this shift.

TYC has incrementally implemented this change and all other significant reforms mandated by the Eightieth Legislature, 2007. These reforms may affect the recidivism rates of TYC juveniles who will be included in the analysis of future reports.

This section of the report provides recidivism information on juveniles released from secure TYC or TYC-contracted residential facilities to a non-secure residential program, parole, or full release from TYC custody. The Legislative Budget Board calculated the recidivism and revocation statistics based on individual-level data provided by TYC, TDCJ, and the Texas Department of Public Safety (DPS).

## TEXAS YOUTH COMMISSION – REINCARCERATION

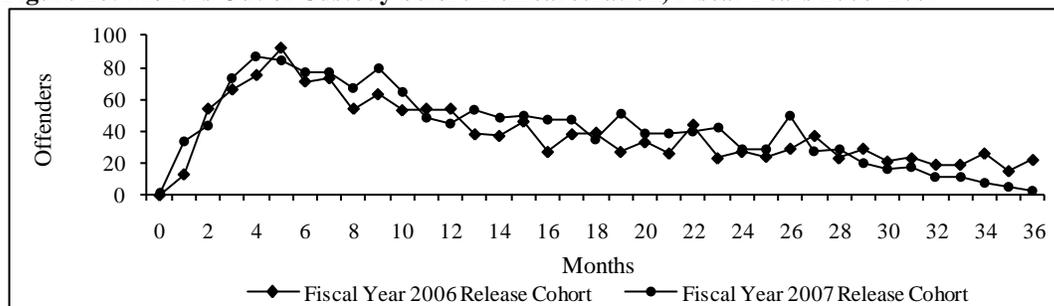
### *Reincarceration Rates*

Juveniles released from secure residential facilities during fiscal years 2006 and 2007 were monitored to determine the percentage reincarcerated within three years of release.<sup>18</sup> Each juvenile who returned to a secure TYC or TYC-contracted facility or in a TDCJ prison or state jail at least once during the three-year follow-up was considered a recidivist. For any juvenile who had more than one subsequent incarceration during the three-year follow-up period, only the first incarceration was counted in the calculation of the recidivism rate. The table below summarizes the re-incarceration rates for each cohort, and the figure below depicts the amount of time out of custody (failure period) prior to reincarceration.

**Table 34: Reincarceration Rate for Fiscal Years 2006–2007 Texas Youth Commission Release Cohorts**

FAILURE PERIOD	FY 2006 COHORT N = 3,428		FY 2007 COHORT N = 4,256	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	722	21.1%	780	18.3%
Year 2	405	11.8%	518	12.2%
Year 3	287	8.4%	223	5.2%
<b>Total</b>	<b>1,414</b>		<b>1,521</b>	
<b>Reincarceration Rate</b>		<b>41.2%</b>		<b>35.7%</b>

**Figure 18: Months Out of Custody before Reincarceration, Fiscal Years 2006–2007**



Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Youth Commission.

- The average time out of custody before reincarceration was 14 months for the fiscal year 2007 cohort of juveniles who recidivated and 15 months for the fiscal year 2006 cohort of juveniles who recidivated.
- Of the fiscal years 2006 and 2007 TYC release cohorts, 19.5 percent were reincarcerated within the first year of release (21.1 percent in the 2006 cohort and 18.3 percent in the 2007 cohort). By the second year of release, 31.6 percent were reincarcerated.

<sup>18</sup> A juvenile's first release during the fiscal year was used as the study case. Determinately sentenced youth transferred from TYC directly to a TDCJ prison or state jail are excluded from the cohort. Also excluded from the cohort are juveniles whose commitment to TYC was overturned as well as those who were released and reincarcerated within the same day. Excluded from the recidivism count are juveniles who return to TYC for a revocation hearing but are not subsequently revoked.

## TEXAS YOUTH COMMISSION – REINCARCERATION

### *A Profile of Recidivists*

**Table 35: Share of Texas Youth Commission Release Cohort and Reincarcerated Juveniles with Select Characteristics by Fiscal Year Release**

CHARACTERISTICS	FY 2006 RELEASES		FY 2007 RELEASES	
	COHORT N = 3,428	RECIDIVISTS (reincarceration) N = 1,414	COHORT N = 4,256	RECIDIVISTS (reincarceration) N = 1,521
<b>GENDER</b>				
Female	10.0%	4.2%	10.1%	4.5%
Male	90.0%	95.8%	89.9%	95.5%
<b>RACE/ETHNICITY</b>				
African American	31.4%	37.8%	34.2%	41.5%
Hispanic	44.3%	41.2%	41.6%	39.0%
White	23.5%	20.2%	23.4%	19.0%
Other	0.9%	0.8%	0.8%	0.5%
<b>AGE AT RELEASE</b>				
12	0.1%	0.0%	0.02%	0.0%
13	0.4%	0.6%	0.5%	0.7%
14	1.7%	2.8%	1.8%	3.1%
15	7.1%	10.8%	9.9%	15.1%
16	20.4%	20.9%	21.8%	25.0%
17	34.0%	32.4%	33.1%	31.8%
18	19.0%	17.3%	18.9%	13.7%
19	8.8%	8.6%	8.1%	6.0%
20	8.5%	6.6%	5.9%	4.5%
21	0.1%	0.1%	--	--
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	31.8%	28.8%	32.8%	26.8%
Property	43.4%	47.1%	40.6%	47.1%
Drug	9.5%	9.3%	9.8%	9.5%
Other	15.3%	14.8%	16.8%	16.6%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Youth Commission.

- Statistical analysis revealed significant differences between the 2006 and 2007 cohorts of recidivists based on age. In the fiscal year 2006 cohort of recidivists, the share of juveniles 17 years of age and older (65.0 percent) was greater than that of the 2007 cohort (56.0 percent).
- At release, the average age of the 2007 cohort was 17 years, and the average age of recidivists was 16 years. At release, the average age of the 2006 release cohort was 17 years, and the average age of recidivists was 17 years.
- See Glossary for examples of offense types.

## TEXAS YOUTH COMMISSION – REINCARCERATION

### *Reincarceration Rates for Select Juvenile Characteristics*

**Table 36: Reincarceration Rates for Select Juvenile Characteristics by Fiscal Year Release Cohort**

CHARACTERISTICS	REINCARCERATION RATE	REINCARCERATION RATE
	FY 2006 RELEASES N = 1,414	FY 2007 RELEASES N = 1,521
Overall Reincarceration Rate	41.2%	35.7%
<b>GENDER</b>		
Female	17.5%	15.8%
Male	43.9%	38.0%
<b>AGE AT RELEASE</b>		
12	0.0%	0.0%
13	61.5%	52.4%
14	67.2%	61.0%
15	62.4%	54.6%
16	42.2%	41.1%
17	39.3%	34.3%
18	37.6%	26.0%
19	39.9%	26.3%
20	32.1%	27.1%
21	100.0%	--
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	37.3%	29.1%
Property	44.8%	41.5%
Drug	40.6%	34.7%
Other	39.8%	35.3%

Sources: Legislative Budget Board; Texas Department of Criminal Justice; Texas Youth Commission.

- The recidivism rate for each category is calculated by dividing the number of individuals returning to a secure TYC facility or going to TDCJ prison or state jail by the number of releases. For example, in fiscal year 2006, 343 female juveniles were released from a secure TYC facility. Of these released juveniles, 60 returned to a secure TYC facility or went to a TDCJ prison or state jail within three years of their release. Dividing 60 by 343 yields a 17.5 recidivism rate for female juveniles in the fiscal year 2006 release cohort.
- Female juveniles had lower recidivism rates than male juveniles in both fiscal year cohorts.
- Juveniles between 13 and 16 years of age had the highest reincarceration rates of the 2006 and 2007 cohorts with the exception of the two juveniles in the fiscal year 2006 cohort who were 21 years of age and who had a 100.0 percent reincarceration rate.
- In both cohorts, juveniles initially committed to TYC for a property offense had the highest reincarceration rates and those initially committed for a violent offense had the lowest reincarceration rates.

## TEXAS YOUTH COMMISSION – REARREST

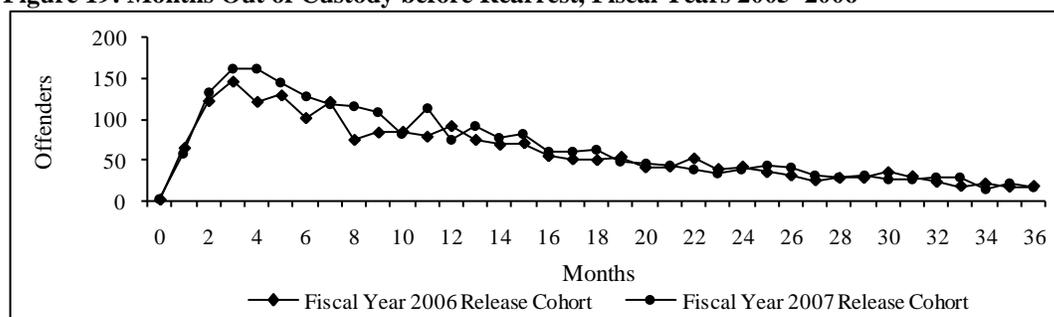
### Rearrest Rates

Juveniles released from secure residential facilities during fiscal years 2005 and 2006 were monitored to determine the percentage rearrested for a new offense of at least a Class B Misdemeanor within three years of release.<sup>19</sup> Class C Misdemeanor offenses, status offenses, and technical violations of supervision conditions are low-level offenses and, as a result, are not included in this analysis.<sup>20</sup> Each juvenile who was arrested at least once during the three-year follow-up was considered a recidivist. For any juvenile who had more than one arrest during the three-year follow-up period, only the first arrest was counted in the calculation of the recidivism rate and only the most serious offense for that first arrest was used in the offense severity analysis.

**Table 37: Rearrest Rate for Fiscal Years 2005–2006 Texas Youth Commission Release Cohorts**

FAILURE PERIOD	FY 2005 COHORT N = 2,849		FY 2006 COHORT N = 3,304	
	NUMBER	PERCENT	NUMBER	PERCENT
Year 1	1,227	43.1%	1,407	42.6%
Year 2	641	22.5%	684	20.7%
Year 3	309	10.8%	342	10.4%
<b>Total</b>	<b>2,177</b>		<b>2,433</b>	
<b>Rearrest Rate</b>		<b>76.4%</b>		<b>73.6%</b>

**Figure 19: Months Out of Custody before Rearrest, Fiscal Years 2005–2006**



Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Youth Commission.

- The average time out of custody before rearrest was 13 months for both cohorts.
- Of the fiscal years 2005 and 2006 TYC release cohorts, 42.8 percent were rearrested within the first year of release (43.1 percent in the 2005 cohort and 42.6 percent in the 2006 cohort). By the second year of release, 64.3 percent were rearrested.

<sup>19</sup> A juvenile's first release during the fiscal year was used as the study case. Determinately sentenced youth transferred from TYC directly to a TDCJ prison or state jail are excluded from the cohort. Also excluded from the cohort are juveniles whose commitment to TYC was overturned as well as those who were released and reincarcerated within the same day. Juveniles not found in DPS Safety arrest records are excluded from the sample analyzed; 357 juveniles are excluded from the fiscal year 2005 release cohort and 124 juveniles are excluded from the fiscal year 2006 release cohort.

<sup>20</sup> Status offenses include such offenses as truancy and runaway. Class C Misdemeanors include such offenses as traffic violations and loitering. They typically do not result in confinement unless as a violation of supervision terms.

## TEXAS YOUTH COMMISSION – REARREST

### *A Profile of Recidivists*

**Table 38: Share of Texas Youth Commission Release Cohort and Rearrested Juveniles with Select Juvenile Characteristics by Fiscal Year Release**

CHARACTERISTICS	FY 2005 RELEASES		FY 2006 RELEASES	
	COHORT N = 2,849	RECIDIVISTS (rearrest) N = 2,177	COHORT N = 3,304	RECIDIVISTS (rearrest) N = 2,433
<b>GENDER</b>				
Female	9.8%	6.2%	10.0%	6.5%
Male	90.2%	93.8%	90.0%	93.5%
<b>RACE/ETHNICITY</b>				
African American	31.3%	33.8%	30.8%	33.7%
Hispanic	44.1%	43.7%	44.8%	45.1%
White	24.0%	22.1%	23.5%	20.4%
Other	0.6%	0.4%	0.9%	0.8%
<b>AGE AT RELEASE</b>				
12	0.1%	0.05%	0.1%	0.04%
13	0.2%	0.2%	0.4%	0.3%
14	1.9%	1.8%	1.8%	1.6%
15	8.1%	8.8%	7.4%	7.9%
16	20.6%	21.5%	20.4%	20.7%
17	32.5%	32.8%	34.0%	34.9%
18	21.4%	20.8%	18.9%	18.7%
19	8.1%	7.5%	8.7%	8.9%
20	6.3%	6.1%	8.3%	6.9%
21	0.7%	0.5%	0.1%	0.1%
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	30.1%	27.7%	30.8%	28.2%
Property	45.1%	47.8%	44.1%	47.2%
Drug	9.5%	9.6%	9.7%	9.5%
Other	15.2%	14.9%	15.5%	15.2%

Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Youth Commission.

- Statistical analysis revealed significant differences between the 2005 and 2006 cohorts of recidivists based on age. In the fiscal year 2006 cohort of recidivists, the share of juveniles 19 years of age and older (15.8 percent) was greater than that of the 2005 cohort (14.1 percent).
- At release, the average age of juveniles in both cohorts was 17 years, and the average age of recidivists from both cohorts was 17 years.

**TEXAS YOUTH COMMISSION – REARREST**

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***Rearrest Rates for Select Juvenile Characteristics***

**Table 39: Rearrest Rates for Select Juvenile Characteristics by Fiscal Year Release Cohort**

<b>JUVENILE CHARACTERISTICS</b>	<b>REARREST RATE FY 2005 RELEASES N = 2,177</b>	<b>REARREST RATE FY 2006 RELEASES N = 2,433</b>
Overall Rearrest Rate	76.4%	73.6%
<b>GENDER</b>		
Female	48.2%	47.7%
Male	79.5%	76.5%
<b>AGE AT RELEASE</b>		
12	50.0%	33.3%
13	57.1%	61.5%
14	72.2%	67.2%
15	82.8%	79.0%
16	79.6%	74.9%
17	77.1%	75.6%
18	74.4%	72.8%
19	70.3%	75.0%
20	73.3%	60.7%
21	57.9%	100.0%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	70.3%	67.4%
Property	81.0%	78.8%
Drug	76.5%	71.9%
Other	74.9%	72.3%

Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Youth Commission.

- Female juveniles had lower rearrest rates than male juveniles in both cohorts.
- In both cohorts, juveniles initially committed to TYC for a property offense had the highest rearrest rates and those initially committed for a violent offense had the lowest rearrest rates.

## TEXAS YOUTH COMMISSION – REARREST

### *Juvenile Characteristics by Rearrest and Reincarceration, Fiscal Year 2006*

The table below provides a profile of rearrested juveniles released from TYC in fiscal year 2006 by incarceration outcome. Of those rearrested, 45.4 percent were incarcerated after their rearrest.

**Table 40: Share of Rearrested Fiscal Year 2006 Texas Youth Commission Release Cohort with Select Juvenile Characteristics by Reincarceration Outcome**

CHARACTERISTICS	FY 2006 TYC REARRESTS	
	REINCARCERATION* N = 996	NO REINCARCERATION N = 1,197
<b>GENDER</b>		
Female	3.3%	9.4%
Male	96.7%	90.6%
<b>RACE/ETHNICITY</b>		
African American	39.9%	28.8%
Hispanic	42.9%	47.5%
White	16.5%	22.9%
Other	0.8%	0.8%
<b>AGE AT RELEASE</b>		
12 - 14	2.9%	1.0%
15	9.7%	4.5%
16	20.0%	20.5%
17	34.2%	36.6%
18	17.9%	20.1%
19	8.1%	9.2%
20 - 21	7.1%	8.2%
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	27.1%	29.5%
Property	48.1%	45.9%
Drug	10.5%	8.9%
Other	14.3%	15.7%
<b>RELEASE TYPE</b>		
Discharge	5.4%	6.7%
Parole	73.7%	65.4%
Halfway House	17.4%	23.5%
Contract Care	3.5%	4.4%
<b>ARREST OFFENSE LEVEL</b>		
First Degree Felony	9.2%	3.5%
Second Degree Felony	15.2%	9.8%
Third Degree Felony	8.1%	5.2%
State Jail Felony	19.2%	13.8%
Felony - Unknown Degree	4.2%	1.5%
Class A Misdemeanor	18.0%	25.5%
Class B Misdemeanor	23.5%	37.1%
Misdemeanor - Unknown Class	2.6%	3.7%

\*The number rearrested and reincarcerated reflects the number of juveniles whose rearrest occurred prior to reincarceration. The average time from rearrest to reincarceration was 10 months. Juveniles whose rearrest occurred after their reincarceration (240 juveniles) were excluded.

Sources: Legislative Budget Board; Texas Department of Public Safety; Texas Youth Commission.

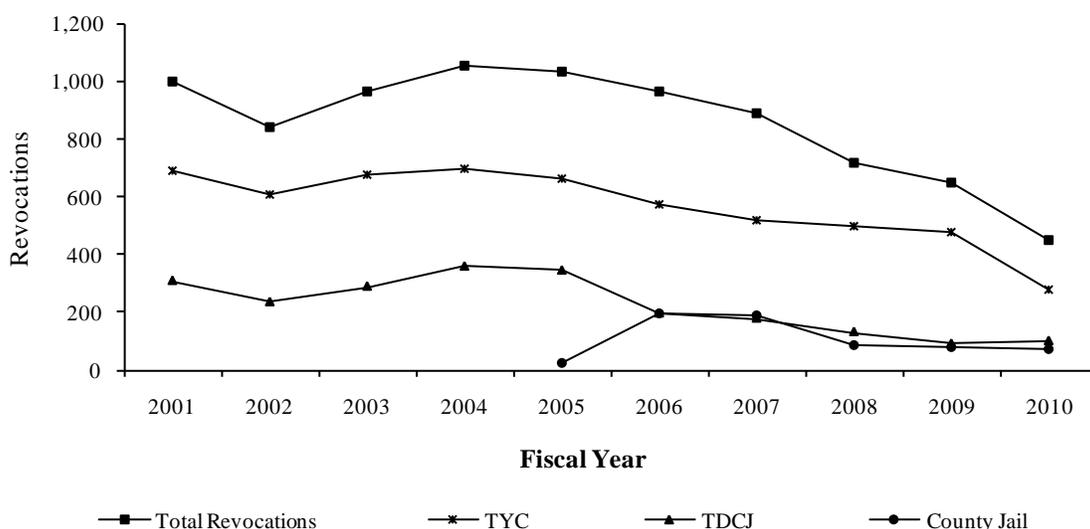
- The rearrest-and-reincarceration group was 1.7 times more likely to be rearrested for a felony offense (55.9 percent) than the rearrest-no-reincarceration group (33.8 percent).

## TEXAS YOUTH COMMISSION – REVOCATIONS

### Revocations

Revocation is defined in this analysis as the termination of active parole supervision and incarceration in response to the parolee's commitment of a new offense or technical violation of supervision conditions (e.g., failure to report to a parole officer).<sup>21</sup> Confinement may occur in a secure TYC or TYC-contracted residential facility, TDCJ prison or state jail, or county jail.<sup>22</sup> The figure below provides the total number of parole revocations.

**Figure 20: Texas Youth Commission Active Parole Revocations, Fiscal Years 2001–2010**



Sources: Legislative Budget Board; Texas Youth Commission.

- Over the last ten fiscal years, parole revocations decreased 54.8 percent (from 997 to 451 revocations). During this time, the total number of parolees supervised decreased 47.6 percent (from 6,003 to 3,143 parolees).
- The majority of revoked parolees are returned to TYC. In fiscal year 2010, nearly two-thirds of revoked parolees (61.9 percent) were reincarcerated in TYC, 22.2 percent were incarcerated in TDCJ, and 16.0 percent were incarcerated in county jails.

<sup>21</sup> A parolee may not have participated in a formal revocation hearing but may still be counted as revoked. For example, the parole officer may have terminated supervision upon learning the juvenile was incarcerated in TDCJ for a new offense and, as a result, the juvenile was unable to participate in a formal revocation hearing.

<sup>22</sup> In fiscal year 2005, TYC implemented a policy to discharge parolees if they had a sanction of at least six months in a county jail. In prior years, these juveniles would have been returned to TYC once they completed their jail sentence. TYC began tracking this county jail information in fiscal year 2005; as a result revocation rates from prior fiscal years do not include county jail incarcerations.

## TEXAS YOUTH COMMISSION – REVOCATIONS

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### *Revocation Rates*

To compute the parole revocation rate, the number of parolees revoked during a given fiscal year is divided by the total number of juveniles on active parole supervision at any time during that same fiscal year.<sup>23</sup> The table below summarizes active parole revocation rates since fiscal year 2001.

**Table 41: Texas Youth Commission Active Parole Revocation Rates, Fiscal Years 2001–2010**

<b>FISCAL YEAR</b>	<b>TOTAL NUMBER OF ACTIVE PAROLEES SUPERVISED</b>	<b>TOTAL NUMBER OF REVOCATIONS</b>	<b>REVOCATION RATE</b>
2001	6,003	997	16.6%
2002	5,829	842	14.4%
2003	6,166	969	15.7%
2004	5,913	1,054	17.8%
2005	5,468	1,032	18.9%
2006	5,792	967	16.7%
2007	6,460	887	13.7%
2008	5,163	721	14.0%
2009	3,598	648	18.0%
2010	3,143	451	14.3%

Sources: Legislative Budget Board; Texas Youth Commission.

- The revocation rate has remained relatively stable over the last decade, ranging from a low of 13.7 percent in fiscal year 2007 to a high of 18.9 percent in fiscal year 2005.
- Parolees may be revoked either for committing a new offense or for a technical violation of supervision conditions. Over the past ten years, the percent of parolees revoked for technical violations steadily decreased, from 41.7 percent (or 416 of 997) in fiscal year 2001 to 25.9 percent (or 117 of 451) in fiscal year 2010.

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<sup>23</sup> A juvenile is not considered under active supervision if the parole officer does not know the juvenile's whereabouts for the entire fiscal year; since the juvenile was never located during the time period examined, revocation would not have been possible (22 cases in 2010). Youth transferred to out-of-state supervision (49 cases in 2010) are also excluded from the revocation analysis since TYC is not the supervising agency. Similarly, youth transferred from another state to TYC are excluded from the rate calculation since any revocation would occur in the sending state (126 cases in 2010). A parolee is not considered revoked if the (a) youth was re-incarcerated in TYC for a documented reason other than a revocation (e.g., medical care) or (b) the revocation was reversed on appeal. Please note that juveniles residing in non-secure residential facilities are supervised by residential facility staff and not actively supervised by assigned parole officers; these juveniles are therefore excluded from the parole supervision count.

## TEXAS YOUTH COMMISSION – REVOCATIONS

### *A Profile of Revoked Parolees*

**Table 42: Share of Texas Youth Commission Active Parole Cohort and Revoked Active Parolees with Select Juvenile Characteristics, Fiscal Years 2009–2010**

CHARACTERISTICS	FY 2009 PAROLEES		FY 2010 PAROLEES	
	COHORT N = 3,598	REVOCATIONS N = 648	COHORT N = 3,143	REVOCATIONS N = 451
<b>GENDER</b>				
Female	8.6%	6.8%	8.7%	6.9%
Male	91.4%	93.2%	91.3%	93.1%
<b>RACE/ETHNICITY</b>				
African American	35.0%	41.7%	34.9%	40.6%
Hispanic	46.5%	43.1%	47.2%	48.3%
White	17.9%	15.0%	17.4%	10.6%
Other	0.7%	0.4%	0.5%	0.4%
<b>AGE AT RELEASE</b>				
12	0.1%	0.2%	0.03%	0.0%
13	0.6%	1.9%	0.3%	0.7%
14	2.3%	6.2%	2.3%	4.2%
15	10.2%	17.9%	10.2%	18.2%
16	27.1%	34.3%	25.8%	36.1%
17	42.0%	34.6%	43.8%	35.9%
18	17.3%	5.1%	17.3%	4.9%
19	0.2%	--	0.2%	0.0%
20	--	--	--	--
21	--	--	--	--
<b>OFFENSE OF INITIAL SENTENCE</b>				
Violent	34.9%	31.6%	35.6%	31.0%
Property	42.0%	48.3%	42.5%	48.3%
Drug	9.3%	8.0%	9.1%	8.9%
Other	13.8%	12.0%	12.8%	11.8%

Sources: Legislative Budget Board; Texas Youth Commission.

- Using statistical analysis based on the above criteria, no significant differences were found between parolees revoked in fiscal year 2009 and parolees revoked in fiscal year 2010.
- At the start of parole, the average age of juveniles in both cohorts was 16 years, and the average age of recidivists from both cohorts was also 16 years.
- Juveniles initially sentenced to TYC for property and violent offenses made up the majority of revocations in fiscal years 2009 and 2010. Most violent offenses were aggravated assault (27.2 percent), simple assault (26.7 percent), robbery (19.1 percent), and aggravated robbery (18.0 percent) offenses. Most property offenses were burglary (60.5 percent), unauthorized use of a vehicle (17.9 percent), and theft (11.3 percent) offenses.

**TEXAS YOUTH COMMISSION – REVOCATIONS**

***Revocation Rates for Select Juvenile Characteristics***

**Table 43: Revocation Rates for Select Juvenile Characteristics by Fiscal Year Parole Cohort**

CHARACTERISTICS	REVOCATION RATE FY 2009 PAROLEES N = 648	REVOCATION RATE FY 2010 PAROLEES N = 451
Overall Revocation Rate	18.0%	14.3%
<b>GENDER</b>		
Female	14.1%	11.4%
Male	18.4%	14.6%
<b>AGE AT RELEASE</b>		
12	25.0%	0.0%
13	52.2%	30.0%
14	48.2%	26.0%
15	31.5%	25.5%
16	22.7%	20.1%
17	14.8%	11.8%
18	5.3%	4.1%
19	0.0%	0.0%
20	--	--
21	--	--
<b>OFFENSE OF INITIAL SENTENCE</b>		
Violent	16.3%	12.5%
Property	20.7%	16.3%
Drug	15.6%	14.0%
Other	15.7%	13.2%

Sources: Legislative Budget Board; Texas Youth Commission.

- The revocation rates of juveniles between 13 and 16 years of age exceeded the overall revocation rates for 2009 and 2010 parolees (18.0 percent and 14.3 percent, respectively).

## **GLOSSARY**

## GLOSSARY

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**ADULT PAROLE REVOCATION:** An offender under parole or mandatory supervision may be revoked and sent back to prison by the Board of Pardons and Paroles (BPP). An offender can be revoked for committing a new offense or for technical violations. A technical violation occurs when an offender violates the terms of release conditions established by the BPP (e.g., positive urinalysis, failure to report).

**COMMUNITY SUPERVISION REVOCATION:** An offender under community supervision (adult probation) may be revoked and sentenced to imprisonment or confinement for violating conditions of community supervision. An offender can be revoked for committing a new offense or for technical violations. A technical violation is any violation of conditions other than committing a subsequent new offense (e.g., positive urinalysis, failure to pay fees).

**DETERMINATE SENTENCE TO THE TEXAS YOUTH COMMISSION:** Local juvenile judges or juries may sentence a juvenile for up to 40 years for some felony offenses. For each determinate sentence, a juvenile must serve a minimum period of time in a residential facility before becoming eligible for parole. The juvenile begins the sentence at TYC and may be transferred to TDCJ prison, state jail, or parole if the sentence is not complete. Determinate sentences primarily target juveniles adjudicated for violent offenses as well as habitual, felony offenders. No special age-related eligibility requirements are applicable to this sentence type.

**IN-PRISON THERAPEUTIC COMMUNITY:** An In-Prison Therapeutic Community (IPTC) is a therapeutic community program that provides six months of treatment for offenders who are within six months of parole release and who are identified as needing substance abuse treatment. Placement in the program is subject to approval from the Board of Pardons and Paroles (BPP). Programming is similar to that of the Substance Abuse Felony Punishment Facility (SAFPF).

**INTERMEDIATE SANCTION FACILITY:** An Intermediate Sanction Facility (ISF) is a short-term, fully secured detention facility used for offenders who violate conditions of their community supervision, parole, or mandatory supervision. ISFs are used as an alternative to revoking the offenders' supervision and sending them to prison. ISFs may include services such as education and life skills training.

**JUVENILE REVOCATION:** For Juveniles, revocation is defined as the termination of active supervision and incarceration in TYC, TDCJ prison, or TDCJ state jail in response to the juvenile's commitment of a new offense or technical violation of supervision conditions (e.g., failure to report to a parole officer).

**OFFENSE OF INITIAL SENTENCE:** The offense of initial sentence is the offense for which an adult offender or certified adult offender is originally sentenced to the Texas Department of Criminal Justice (TDCJ). For reincarceration analysis, it is the offense that resulted in the original incarceration in prison or state jail.

## GLOSSARY

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For juveniles in TYC custody, the offense of initial sentence is the offense for which the juvenile was most recently committed to TYC by a juvenile court. In cases when a juvenile is reincarcerated in TYC due to revocation, it is the offense that resulted in the most recent commitment to TYC rather than any offense that may be associated with the revocation. Likewise, for the recidivism analysis, the offense of initial sentence is the offense that resulted in the most recent commitment to TYC rather than the recidivating offense.

For juveniles in the custody of probation departments, the offense of initial sentence is the offense for which a juvenile was originally disposed to deferred prosecution or adjudication probation supervision. In cases when a juvenile commits a new offense and the juvenile court extends a juvenile's supervision or adds another supervision term onto the existing supervision term, the offense of initial sentence still reflects the offense for which the juvenile was originally disposed to supervision rather than any subsequent offense associated with any modification to supervision terms.

- *Violent Offenses* – Examples include murder, non-negligent manslaughter, sexual assault, aggravated assault, stalking, robbery, and injury to a child.
- *Property Offenses* – Examples include arson, burglary, larceny/theft, motor vehicle theft, tampering, counterfeiting, fraud, embezzlement, stolen property, and vandalism.
- *Drug Offenses* – Examples include drug manufacture, possession, and delivery.
- *Other Offenses* – Examples include weapons carrying and possession, prostitution and commercial vice, evading arrest or detention, permitting/facilitating escape, driving while intoxicated (DWI), and all other offenses not previously mentioned (except traffic).

**PRISON:** A prison is a facility that houses offenders who receive capital, first-degree, second-degree, or third-degree felony sentences.

**REFERRAL / FORMAL REFERRAL:** A juvenile is considered to have a referral if (1) the juvenile was alleged to have been engaged in delinquent conduct, conduct indicating a need for supervision, or violation of probation; (2) the juvenile probation department has jurisdiction and venue; and (3) the juvenile was seen face-to-face by juvenile probation department staff or an official designated by the juvenile board.

**RELEASE TYPE FROM PRISON:** There are four primary ways an offender can be released from prison (not including death):

- *Parole* – The conditional release of an offender from prison to serve the remainder of his/her sentence under supervision in the community, after approval by two (of three) members of the BPP. Non-3g offenders are eligible for parole after serving 25 percent of their sentence (time served plus good conduct credit). Offenders with 3g offenses are eligible after serving 50 percent of their sentence (time served only). Offenses considered 3g include murder, indecency with a child, aggravated kidnapping, aggravated sexual assault, aggravated robbery, and felony offenses with affirmative driving (DW) finding.

## GLOSSARY

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- *Mandatory Supervision (MS)* – Automatic release from prison, with no requirement for release approval from the BPP, when the time served plus good conduct credit earned equals the sentence length. MS was abolished in August 1996 and replaced by discretionary mandatory supervision (see below); however, some offenders who entered prison prior to that time are still eligible for MS release. Only certain offenses are eligible for MS (mostly drug and property offenses). Offenses that are 3g, including any prior 3g convictions, are not eligible.
- *Discretionary Mandatory Supervision (DMS)* – Current form of “mandatory” release (i.e., MS release), which requires approval for release of eligible offenders from the BPP.
- *Discharge* – Release when the sentence is completely served (e.g., having served five calendar years in prison for a five year sentence, not including good conduct credit). Once released, the individual is no longer under any type of supervision.

**RELEASE TYPE FROM STATE JAIL:** Offenders are released from state jail by discharge and typically do not leave state jail under any form of supervision (i.e., do not leave on parole supervision). Offenders must serve their entire sentence and do not receive good conduct credit.

**SHOCK PROBATION:** Shock probation is a program in which offenders are sentenced to incarceration in prison, state jail, or county jail for a short period of time, and are subsequently bench warranted out of incarceration and placed on community supervision (adult probation) under the supervision of a Community Supervision and Corrections Department (CSCD). Shock probation does not include offenders sentenced to incarceration as a condition of community supervision.

**STATE BOOT CAMP:** A state boot camp is a highly structured residential punishment program for offenders on community supervision, which is modeled after military basic training. The program targets young, first-time, Texas Department of Criminal Justice (TDCJ) offenders. Boot camps emphasize physical exercise, strict supervision, and discipline.

**STATE JAIL:** A state jail is a facility that houses offenders who receive conviction sentences of two years or less. State jail sentences cannot exceed two years for one offense, but a repeat offender may receive overlapping state jail sentences not to exceed three years. State jail offenders are usually convicted of property and low-level controlled substance offenses. State jails also temporarily house prison-transfer offenders.

**STATISTICAL ANALYSIS:** Pearson's chi-square test was used to compare the adult and juvenile cohorts of recidivists for significant differences in reincarceration and rearrest outcomes, as well as to determine significance levels in parole supervision revocations.

**SUBSTANCE ABUSE FELONY PUNISHMENT FACILITY:** A Substance Abuse Felony Punishment Facility (SAFPF) is a facility that provides an intensive six-month therapeutic community program for offenders who are sentenced by a judge as a condition of community supervision or as a modification of parole/community supervision. SAFPF programming consists of orientation, main treatment, reentry education, and aftercare. The program length was gradually transitioned from nine months to six months starting on March 1, 2003.

**APPENDIX A:**  
**TEXAS RECIDIVISM RATES VS. OTHER STATES**

## APPENDIX A: TEXAS RECIDIVISM RATES VS. OTHER STATES

**Table 44: Comparison of Three-Year Recidivism Rates by State**

STATE	COHORT RELEASE YEAR	TYPE	THREE-YEAR RECIDIVISM RATE
California <sup>a</sup>	2005	Reincarceration	58.9%
Colorado <sup>b</sup>	2006	Reincarceration	53.2%
Florida <sup>c</sup>	2005	Reincarceration	32.7%
Illinois <sup>d</sup>	2002	Reincarceration	51.8%
New York <sup>e</sup>	2005	Reincarceration	41.3%
Pennsylvania <sup>f</sup>	2002	Reincarceration	46.3%
Texas Prison	2007	Reincarceration	24.3%
Texas State Jail	2007	Reincarceration	31.9%
Texas Prison	2006	Rearrest	48.8%
Texas State Jail	2006	Rearrest	64.2%

<sup>a</sup> California Department of Corrections and Rehabilitation. *Recidivism Rate Report: One, Two, and Three Year Follow-up Recidivism Rates for All Paroled Felons Released from Prison for the First Time in 2005 Under the Supervision of the California Department of Corrections and Rehabilitation*. April 2009. Note: California's rate of return is for felons released on parole.

<sup>b</sup> Colorado Department of Corrections. *Statistical Report: Fiscal Year 2009*. June 2010. Note: Colorado's rate of return is for inmates released to parole, sentence discharges, court order discharges, and probation releases.

<sup>c</sup> Florida Department of Corrections. *2009 Florida Prison Recidivism Study: Releases from 2001 to 2008*. May 2010. Note: Florida's rate of return includes new convictions and violations of post prison supervision.

<sup>d</sup> Illinois Department of Corrections. *2005 Department Data*. June 2005. Note: Illinois' rate of return includes new crimes and violations of parole.

<sup>e</sup> State of New York Department of Correctional Services. *2005 Releases: Three Year Post Release Follow-Up*. December 2009. Note: New York's rate of return includes new felony convictions and violations of parole.

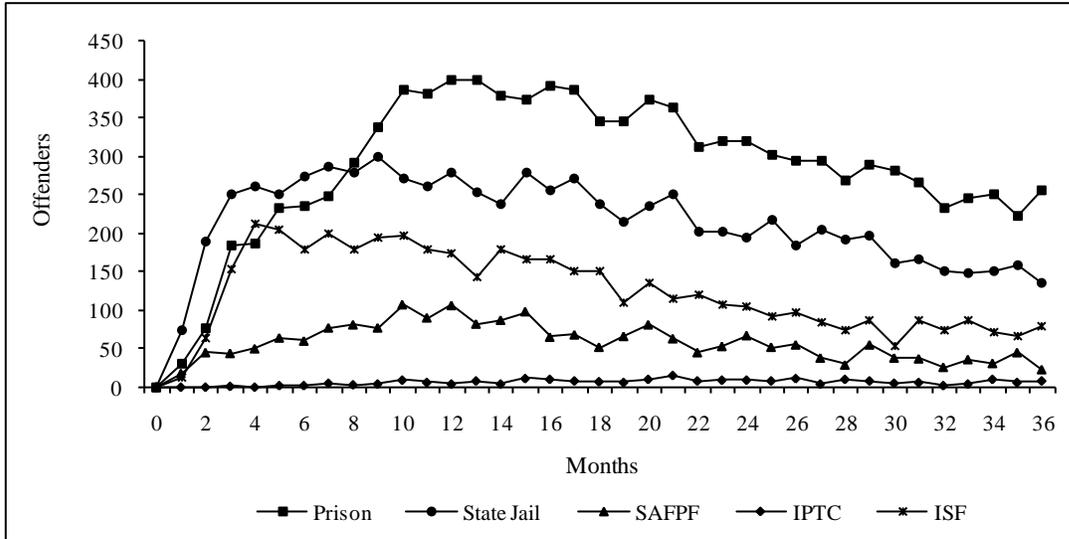
<sup>f</sup> Pennsylvania Department of Corrections. *Recidivism in Pennsylvania State Correctional Institutions 1999–2004*. December 2006. Note: Pennsylvania's rate of return includes returns to custody for any reason.

- Reincarceration rates can be notably affected by state parole violation policies.

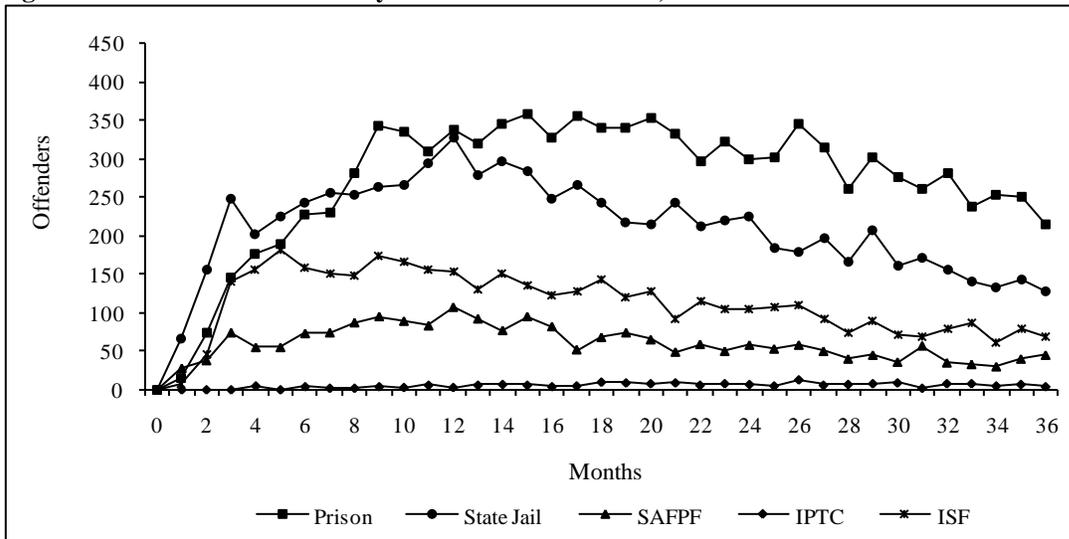
**APPENDIX B:**  
**COMPARISON OF TEXAS RECIDIVISTS**

**APPENDIX B: COMPARISON OF TEXAS RECIDIVISTS – REINCARCERATION**

**Figure 21: Months Out of Custody before Reincarceration, Fiscal Year 2006**

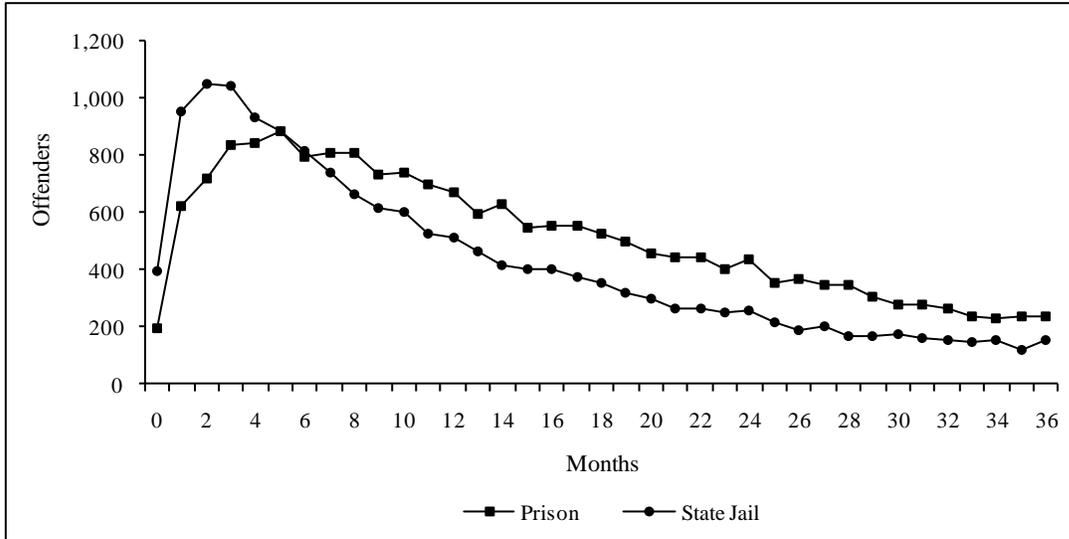


**Figure 22: Months Out of Custody before Reincarceration, Fiscal Year 2007**

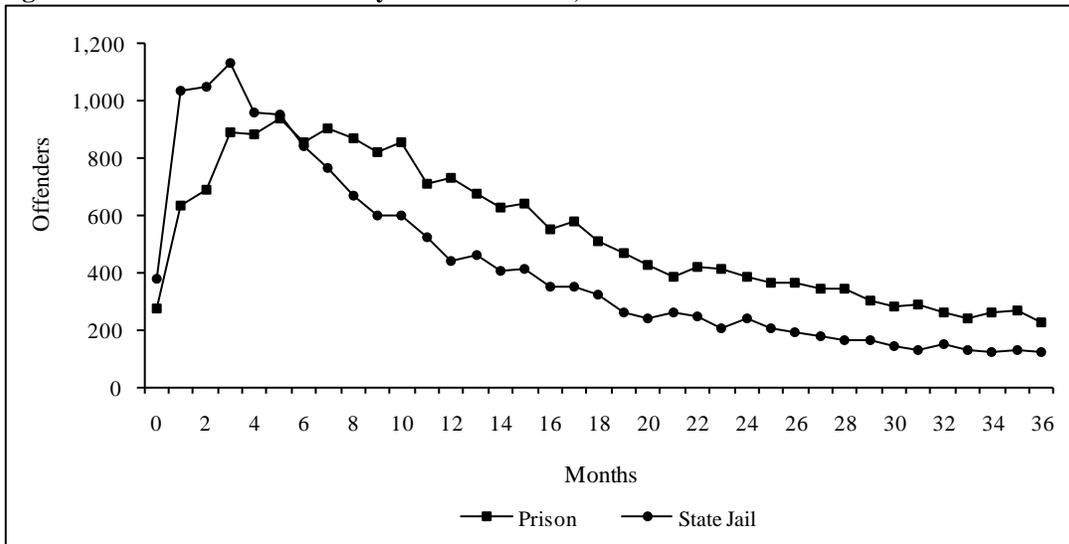


**APPENDIX B: COMPARISON OF TEXAS RECIDIVISTS – REARREST**

**Figure 23: Months Out of Custody before Rearrest, Fiscal Year 2005**



**Figure 24: Months Out of Custody before Rearrest, Fiscal Year 2006**



**APPENDIX C:**  
**COMPARISON OF TEXAS RELEASE COHORTS AND RECIDIVISTS**

APPENDIX C: COMPARISON OF TEXAS RELEASE COHORTS AND RECIDIVISTS – REINCARCERATION

Figure 26: Reincarceration by Race/Ethnicity, Fiscal Year 2007 Prison and State Jail Release Cohort and Recidivists

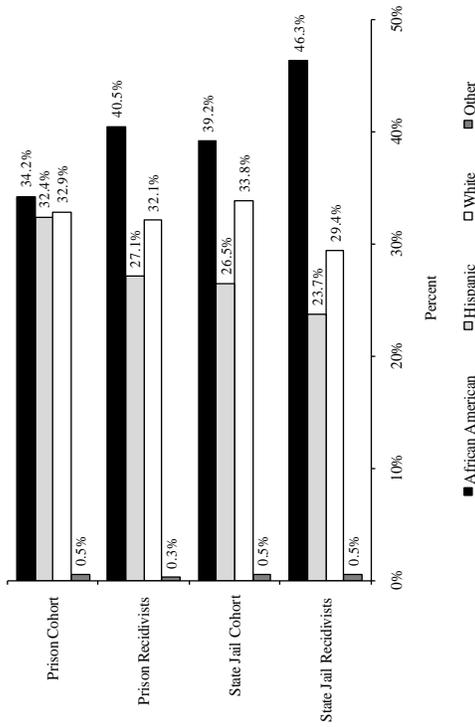


Figure 28: Reincarceration by Offense of Initial Sentence, Fiscal Year 2007 Prison and State Jail Release Cohort and Recidivists

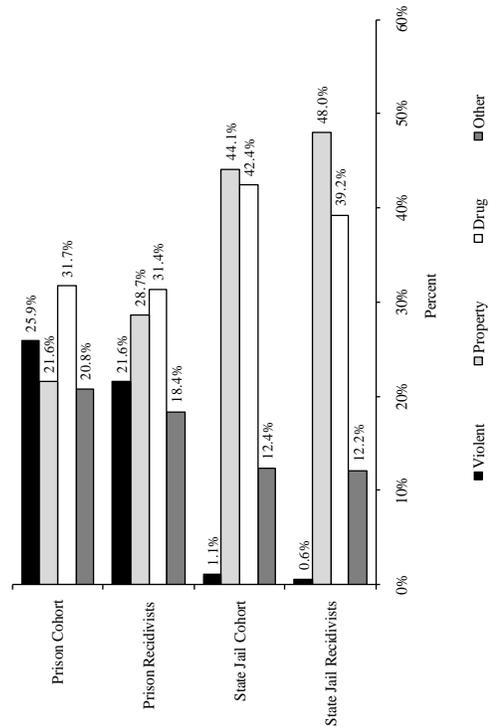


Figure 25: Reincarceration by Gender, Fiscal Year 2007 Prison and State Jail Release Cohort and Recidivists

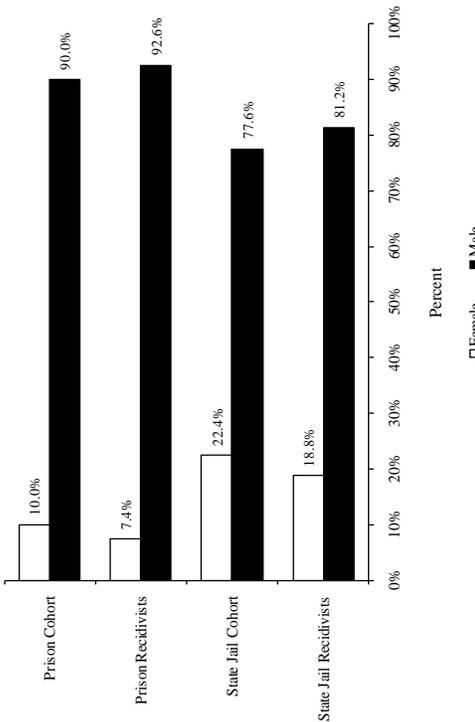
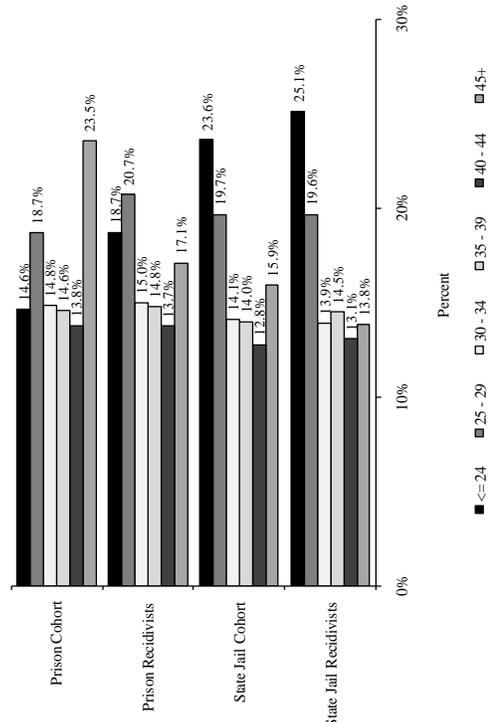


Figure 27: Reincarceration by Age at Release, Fiscal Year 2007 Prison and State Jail Release Cohort and Recidivists



APPENDIX C: COMPARISON OF TEXAS RELEASE COHORTS AND RECIDIVISTS – REARREST

Figure 29: Rearrest by Gender, Fiscal Year 2006 Prison and State Jail Release Cohort and Recidivists

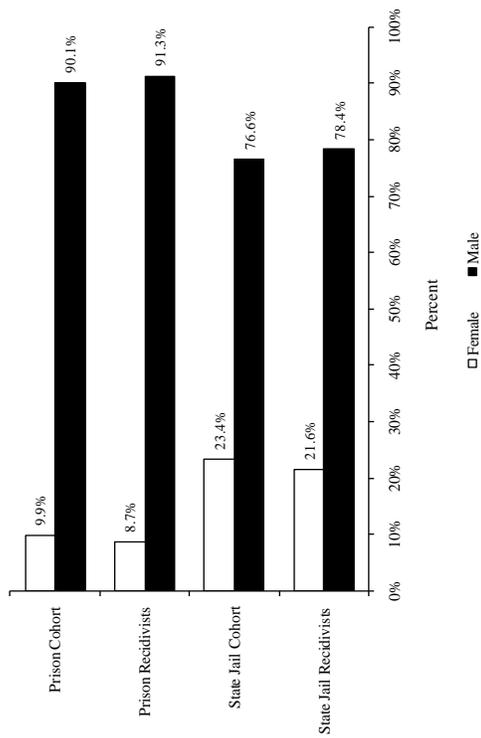


Figure 30: Rearrest by Race/Ethnicity, Fiscal Year 2006 Prison and State Jail Release Cohort and Recidivists

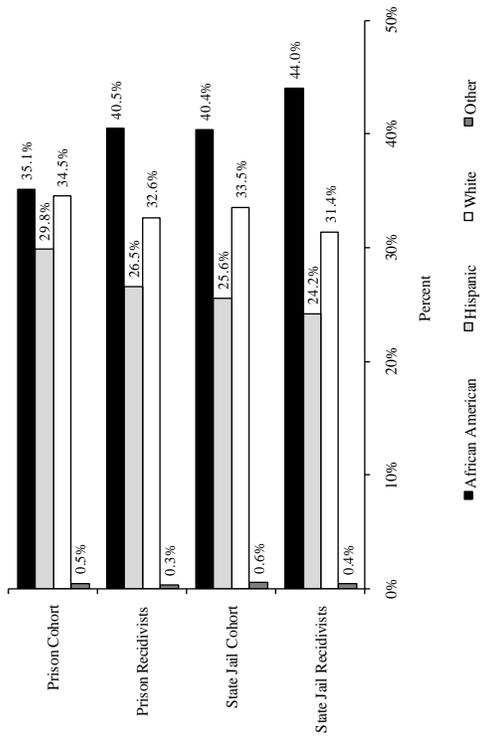


Figure 31: Rearrest by Age at Release, Fiscal Year 2006 Prison and State Jail Release Cohort and Recidivists

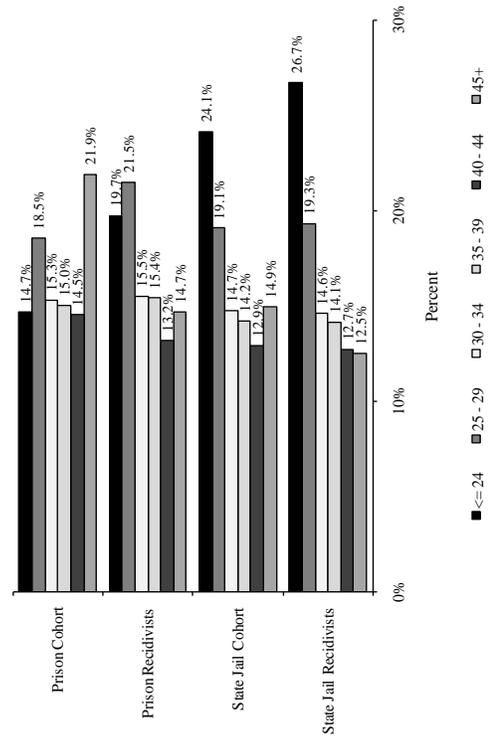


Figure 32: Rearrest by Offense of Initial Sentence, Fiscal Year 2006 Prison and State Jail Release Cohort and Recidivists

