

112789

CR-Sept  
11-11-88

112789

NCJRS

UML 26 1988

ACQUISITIONS

**CHARACTERISTICS OF THE TEXAS  
PRISON ADMISSIONS**

**Pablo E. Martinez, Ph.D.**

*Texas Board of Pardons and Paroles*

**Austin, Texas  
March 16, 1988**

112789

U.S. Department of Justice  
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by  
Texas Board of Pardons  
and Paroles

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

## Acknowledgment

This project would not have been completed without the cooperation and coordinated efforts of many people. We are particularly grateful to the following people: Dr. Charles Friel, Dean and Director of the College of Criminal Justice at Sam Houston State University and Dr. Dennis Longmire, Associate Dean of Academic Administration, from the same institution, for assisting in the recruiting of the individuals who collected the data; Wardens Richard Fortenberry from the Goree Unit and Susan Crawford from the Gatesville Unit for making their facilities accessible to us; Gary Griffith, Chief Processing Officer; Don Keil, Support Services Branch Manager and Roy Christian, Correctional Counselor Interviewer from The Texas Department of Corrections, who coordinated the schedule of the inmate interviews. Finally, to the people who conducted the interviews, Laura Moriarty, interview coordinator, Christin Morgan, Emilia Salinas, Mary Lynne Coulter, Candace Murray, Philip Ethridge, Raymond Quijas, and Bruce Thomas.

## Executive Summary

A study was conducted of 1,483 offenders admitted to TDC between November 18 and December 18, 1987 to determine criminal and related characteristics. The findings will be reported in three separate reports, this being the first one. The following were the major findings:

- (1) Admissions to prisons are comprised of one third direct court commitments; one third probation violators and one third parole/mandatory release violators.
- (2) More than one-half of the direct court commitments and probation violators have not been confined in a correctional institution before.
- (3) The offense type of direct court commitments with no prior prison confinements were about one third for violent offenses, one third for property offenses and one third drug offenses.  
Probation violators, on the other hand were committed to prison primarily for property and "other" offenses. Only 9.2 percent were committed for violent offenses and 12.3 percent for drug offenses.
- (4) Close to 63.0 percent of the probation violators and 85.0 percent of parole/mandatory release violators were sent to prison as a result of the commission of a new offense.
- (5) The percentage of offenders admitted for violent and property offenses has declined since a previous study conducted in 1986; while drug offenses remained stable. On the other hand commitments for traffic offenses (mostly D.W.I.) and "other" offenses have increased.
- (6) Over one third of the prison admissions (34.6 percent) had committed violent offenses.
- (7) The sentences received by incoming offenders have increased compared to those offenders admitted one year earlier.
- (8) No major changes were detected in the proportions of contributions of inmates from major counties.
- (9) About half of the offenders admitted to prison were unemployed at the time of arrest.
- (10) About one quarter (23.4 percent) of the offenders in the study were under the influence of alcohol or drugs at the time the offenses were committed.
- (11) About one third (34.3 percent) of the offenders reported being arrested, at one time or another, for a drug related offense.
- (12) About two thirds (66.2 percent) of the offenders reported having used illegal drugs before.
- (13) If an overall measure of drug contact is developed by considering (a) the instant drug offense; (b) offenses committed under the influence of drugs or alcohol; (c) the usage of illegal drugs; and (d) arrests for drug offenses, we find that 79.3 percent of the offenders in the sample had been involved with drugs in one way or another.

When prison admissions are studied in the manner that it has been studied here, crime is analyzed as an isolated act, away from the factors that are related to crime. If these factors were carefully analyzed they could provide long range solutions to the crime problem. The majority of the offenders admitted to TDC are high school dropouts (over 60.0 percent in this study), who at the time of arrest did not have lawful employment and who do not have marketable skills but did have problems with alcohol and drugs. These known factors alone point to the programs that society has to implement in its efforts to prevent crime. Dropout prevention, vocational education and drug prevention programs take a long time to show their impact, and must be part of long range planning. The results of these programs will not be seen for at least one generation (about twenty years), and will require the continuous commitment of society toward the development of a more educated and mentally fit generation.

## CHARACTERISTICS OF THE TEXAS PRISON ADMISSIONS

Pablo E. Martinez, Ph.D.  
*Texas Board of Pardons and Paroles*

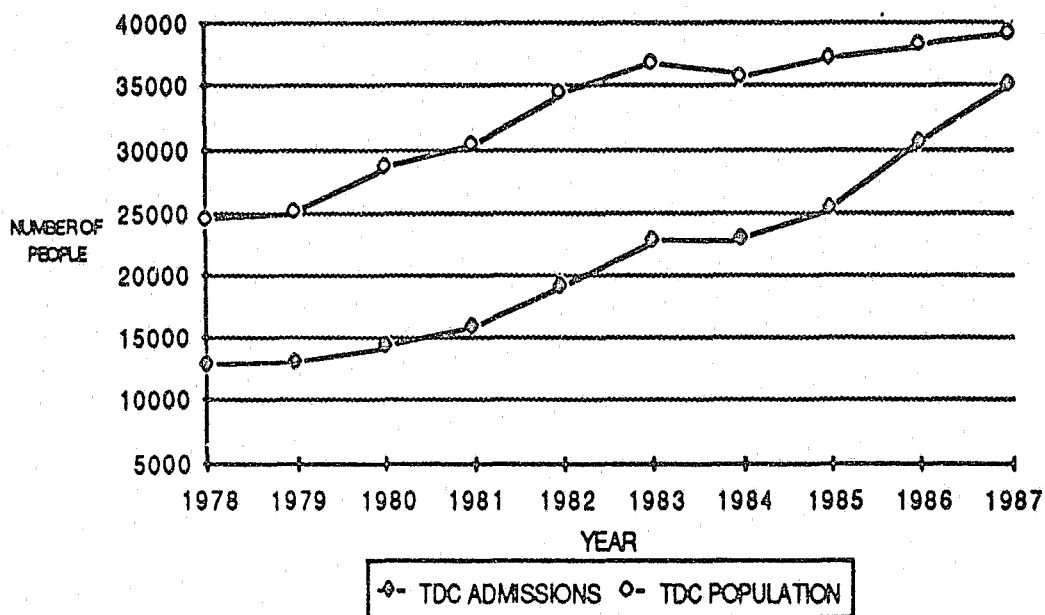
The population of the Texas Department of Corrections has grown from 24,615 at the end of fiscal year 1978 to 39,227 at the end of fiscal year 1987; a 59.36 percent increase in ten years. The greatest portion of the increase (49.4 percent) was experienced during the first half of the decade. During the most recent five years (1982-1987) only a 6.7 percent increase was experienced. Furthermore, during the last two years the rate of increase declined to only 2.5 percent per year.<sup>1</sup>

The slowdown in the rate of increase of the Texas prison population has not been the result of a decrease in prison admissions. On the contrary, annual prison admissions during the same ten-year period (1978 to 1987) increased by 172.0 percent. During the first five years, admissions increased by 49.2 percent, and during the last five years by 82.6 percent.<sup>2</sup> (See Figure 1 for a comparison of prison population and annual admissions for the ten-year period). Thus, during a time when prison admissions were increasing most rapidly (1982-1987), the prison population remained relatively stable.

This phenomenon was a direct result of the Ruiz v. Procnier court case; a lengthy federal court case which lasted from 1972 to 1980. Early in 1981 the Court rendered its decision and the state was ordered to institute reforms in many areas, including the allocation of space for each confined prisoner.<sup>3</sup> During the period 1981 to 1985, the state was required by the court to limit the number of offenders housed in the state penal institution, and the Texas Parole Board was implicitly given the role of managing the TDC population and keeping it within court mandated limits.<sup>4</sup> In an effort to come within compliance as soon as possible, the state signed a settlement on May 16, 1985, which required the depopulation of existing facilities to a level acceptable to the plaintiffs. The state accepted a four year period to reach total compliance.<sup>5</sup> However, as documented earlier, prison admissions did not remain constant. An open door policy for admissions, resulted in increases of over 82.6 percent during the last five years. The Parole Board implemented several release programs to increase the number of releases and to avoid an increase in the TDC population.<sup>6</sup> It was not surprising that the state was not able to prevent the prison population from rising. On January 15, 1987, the population exceeded the court mandated limits of 95.0 percent of capacity for the first time. From that date until September 18, 1987, the population exceeded the limit a total of 76 days.<sup>7</sup>

During the days the population was above 95.0 percent of capacity, the prison remained closed creating backlogs of inmates in county jails. Since there was no policy on the control of admissions, every time the prison reopened prisoners were received at diagnostic unit (the receiving unit) in alarming numbers. During the month of August, for instance, the prison was open only six

FIGURE 1  
COMPARISON OF TDC ADMISSIONS TO TDC  
POPULATION 1978-1987



days during which 3,092 offenders were admitted.<sup>8</sup> These prison opening and closing cycles forced the triggering of the Prison Management Act (PMA). The Governor awarded a total of 310 days of PMA additional good time to eligible inmates, to make enough inmates eligible for release consideration so that there could be sufficient releases to reopen the prison.<sup>9</sup> Despite the PMA good time awards, the prison remained closed for longer periods of time as the closures continued.

On September 18, 1987, a plan to re-open the prison and to match prison admissions with prison releases was adopted. The prison officials were to accept 150 admissions per day and the Parole Board was to release 150 offenders per day.<sup>10</sup> The plan was not intended to be THE solution to the prison problem. It was intended as a short term measure while other alternatives were being explored. In efforts to arrive at 150 daily releases, the Board implemented several programs to maximize releases of non-violent offenders, while keeping violent offenders in prison. This approach created three problems: (1) the composition of the on hand TDC population changed, and a greater number of those now incarcerated are either violent or career criminals or both. As a consequence, future housing requirements of TDC can not be designed for low risk, non-violent offenders, but will have to be for facilities to house violent and repeat offenders; (2) the Parole Board started to experience difficulties in finding non-violent, low risk offenders for parole release and prison population management became very difficult;<sup>11</sup> and (3) local county jails had to house convicted felons who would normally have been sent to TDC if the 150 daily admission quota had not been in effect.

Having practically exhausted the back door remedies for prison overcrowding, the State

must carefully analyze its criminal justice policies. Is prison capacity expansion the answer to the present crisis or could the state be better served by placing some offenders in the community facilities? These types of questions need to be addressed and critically studied if the state is going to eliminate the existing chaos and establish a long-term, rational criminal justice policy.

Perhaps, the easiest place to start analyzing and documenting this problem is by studying the types of offenders that are presently being sent to the Department of Corrections.

#### **PURPOSE OF THIS STUDY**

The purpose of this study is to determine the characteristics of the offenders admitted to TDC. Specifically, the study is intended to analyze types of offenses, sentence lengths, and prior criminal histories of offenders admitted to prison in November-December 1987 and to determine if there have been any changes in these characteristics, particularly during the last year.



## METHODOLOGY

*Subjects:* The subjects were 1,483 offenders who were admitted to TDC between November 18, and December 18, 1987. Ninety-five percent of them were males and five percent females. The study involved 50.0 percent of the offenders admitted during the one-month period. The males were interviewed at the Goree Unit in Huntsville, Texas and the females were interviewed at the Gatesville Unit in Gatesville, Texas.

*Instrument:* A questionnaire that contained a series of questions related to the offenders' criminality was used. This instrument, with slight modifications, was the same as the one used in two previous studies.<sup>12,13</sup>

*Procedure:* The data collection was conducted by six graduate (masters and doctoral level), and two senior students from the College of Criminal Justice at Sam Houston State University. Two steps were used to collect the data: (1) the paper files of the inmates were studied and the information that needed to be compiled from the official record was obtained, such as offense type, sentence, place of conviction, etc.; (2) an individual interview was conducted with each inmate that participated in the study. At the beginning of each interview the following statement was read to each participant: "This interview is part of a research project that the state conducts every year to determine the changes in types of people being sent to prison. This is the third year that this study is being conducted and your participation is totally voluntary. The responses that you give will be held completely confidential and will in no way affect your release from prison. Your participation is greatly appreciated. Do you want to participate?" If the offender indicated that he did not want to participate the interview was not conducted, otherwise the interviewer proceeded to conduct the interview. The participation rate was 97.0 percent. Information obtained from the file was utilized for those cases that refused to participate in the interview process.

*Analysis:* The data analysis consisted of cross-tabulation and categorization of the data using the Crosstabs and Means procedures of the SPSS/PC V2.0 statistical package.

## RESULTS

The results presentation parallels the presentation of a September 1987 report that presented the results of a similar study conducted in October 1986 (from now on referred to as "the 1987 study").<sup>14</sup> A major difference from the 1987 report must be pointed out regarding the "first time" and "returning offender" definitions. In the 1987 study the first time offender was defined as someone who was in TDC for the first time. Thus, an offender who had been incarcerated before as a juvenile or in a state prison other than Texas, was considered a first time offender. This definition tended to present a much better than deserved picture of the offender being admitted to prison for a subsequent incarceration. A revision was made for this study. The revision defines a

first time offender as someone who has not been incarcerated before anywhere. Thus, those offenders that have been incarcerated before as a juvenile, or out of state offenders, as well as those that had prior incarcerations in Texas, constituted the "returning offender" category.

## REASON FOR ADMISSION

The admission breakdown shows that 34.7 percent of those admitted were sent directly to TDC by the courts; 30.7 were revoked probationers; 1.8 percent were revoked shock probationer and 31.7 percent revoked regular probation violators; 23.3 percent were revoked parolees; and 9.2 percent were revoked mandatory supervision releasees (a total of 32.6 percent releasee violators (see Table 1 for breakdown)). The data indicate that admissions to prison are comprised of approximately one third direct court; one third probation violators and one third parole and mandatory release violators. The data obtained in this study show a five percent decrease in the number of revoked probationers being sent to TDC compared to the 1987 study.

TABLE 1  
Breakdown by Admission Type

<u>Admission Type</u>	<u>Number Admitted</u>	<u>Percentage</u>
Direct court commitments	514	34.7
Probation Revocation	482	32.6
Parole/MS Revocation	483	32.7
TOTALS	1,479	100.0

## ADMISSION TYPE AND PRIOR CONFINEMENTS

Prior studies have categorized revoked probationers as first time offenders.<sup>16</sup> However, it is possible that an offender who has been incarcerated before may receive a probated sentence for a subsequent offense. Table 2 presents the admission type by prior confinement (either adult or juvenile incarceration). Prior confinements refer to any confinement institution in Texas or any other state.

The data in Table 2 shows that more than half of the direct court commitments and probation violators did not have any prior confinements. It also shows that 41.3 percent of all admission types had not been confined in a correctional institution before. In summary, four out of ten offenders who are admitted to prison, have not been confined before. Conversely, six out of ten have been incarcerated in some type of penal facility before their current incarceration.

**TABLE 2**  
**Admission Type by Prior Confinements**

<u>Admission Type</u>	<u>No Prior Admission</u>	<u>One or More Admissions</u>	<u>Total</u>
Direct Court	289 (55.7)	230 (44.3)	519 (100.0)
Probation Revocation	324 (67.2)	158 (32.8)	482 (100.0)
Parole /MS Revocation	N/A	483 (100.0)	483 (100.0)
<b>TOTAL</b>	<b>613 (41.3)</b>	<b>871 (58.7)</b>	<b>1,484 (100.0)</b>

### ADMISSION TYPE, OFFENSE TYPE, AND PRIOR CONFINEMENTS

The results presented in Table 2 raise the question as to what type of offenders who have no prior confinements are being sent to prison. It is generally presumed that they are violent offenders. In an effort to clearly answer this question, the data in Table 3 is presented for direct court commitments and probation violators. Violent offenses, for the purpose of this report, are comprised of the following specific offenses: (1) murder, (2) kidnapping, (3) sexual assault, (4) assault, (5) robbery, and (6) arson. The same definition was used in the 1987 study. Property offenses are comprised of the following specific offenses: (1) extortion, (2) burglary, (3) larceny, (4) vehicle theft, (5) forgery, (6) fraud, (7) embezzlement, (8) stolen property, and (9) damage to property. Drug offenses refer to any offenses involving the possession, delivery or manufacture of controlled substances. Sex offenses includes: (1) indecent exposure, (2) child fondling, (3) indecency with a child, and (4) incest. The category 'other' offenses includes: (1) family offenses, (2) gambling, (3) commercial sex, (4) escape or helping to escape, (5) bribery, and (6) offenses that endanger health or safety.

The data indicate that about one third of the offenders with no prior confinements who are sent directly to TDC by the courts are being sent for violent offenses, another third for property offenses, and the last third for drug offenses. On the other hand, violent offenses comprised only 9.6 percent of the probation violators received in prison. One-third were incarcerated for property offenses, 12.3 percent for drug offenses and over 38.6 percent for the "other" offenses category.

**TABLE 3**

**Admission Type and Offense  
Type of Offender With No Prior Confinements**

<u>Offense Type</u>	<u>Direct Court</u>	<u>Probation Revocation</u>	<u>Total</u>
Violent	87 (34.4)	31 (9.6)	118 (19.2)
Property	94 (36.1)	108 (33.3)	202 (33.0)
Drugs	84 (29.1)	40 (12.3)	124 (20.2)
Sex	9 ( 3.1)		9 ( 1.5)
Weapons	1 ( .3)	2 ( .6)	3 ( .5)
Traffic (DWI)	7 ( 2.4)	18 ( 5.6)	25 ( 4.1)
Other	7 ( 2.4)	125 (38.6)	132 (21.5)

**ADMISSION TYPE AND REASON FOR REVOCATION**

In Table 1 it was shown that a large number of offenders are admitted to prison as a result of probation or parole/mandatory supervision revocation. Table 4 shows the breakdown of the offenders who were admitted to prison as a result of having their probation or release status revoked.

Technical violations are defined as breaches of behavior or rules to which adherence is required by probationer or parolees. These rules are shown under the dotted line in Table 4. A new offense is any situation in which the offender may have been arrested for a crime, charged with a crime, or sent to prison as a probation or parole violator instead of being convicted for a new offense. These items are above the dotted line in Table 4.

**TABLE 4**

**Type of Admissions  
by Reasons for Revocation**

	<u>Direct Sent.</u>	<u>Prob. Rev.</u>	<u>Shock Prob. Violations</u>	<u>Parole Violations</u>	<u>MS Violations</u>	<u>Total</u>
Conv. for New Offense	514 100%	271 59.7%	17 60.7%	296 85.5%	106 77.4%	1,204 81.4%
In Lieu of New Conv.	0 0%	9 2.0%	1 3.8%	2 .6%	1 .7%	13 .9%
Charged with Offense	0 0%	4 .9%	0 0%	2 .6%	1 .7%	7 .5%
Arrested but not Charged	0 0%	1 .2%	0 0%	1 .3%	1 .7%	3 .2%
-----						
Absconded	0 0%	18 4.0%	2 7.1%	10 2.9%	8 5.8%	38 2.6%
Failure to Pay	0 0%	33 7.3%	0 0%	6 1.7%	2 1.4%	41 2.8%
Failure to Report	0 0%	106 23.3%	6 21.4	25 7.2%	15 10.9%	152 10.2%
Curfew Violation	0 0%	2 4.4%	1 3.8%	1 .3%	0 0%	4 .2%
Association	0 0%	10 2.2%	1 3.8%	3 .9%	3 2.2%	17 1.1%
<b>Total</b>	514 100%	454 100%	28 100%	346 100%	137 100%	1,479 100%

Table 5 shows the type of admission by revocation type. The data indicate that about 63.0 percent of the probation violators and slightly more than 85.0 percent of parole and mandatory release violators were sent to prison as a result of committing a new offense. The findings indicate a change in the type of offender having his probation revoked and sent to TDC today as compared to those sent a year ago. The 1987 study showed about 50.0 percent of probation violators were sent to prison for new offenses and 50.0 percent for technical violations. From the change in data it might be deduced that judges, perhaps aware of the prison capacity limitations, are becoming more selective in sentencing people to prison. Parolees revoked for committing new offenses also comprise a higher percentage this year (84.9) than the 78.0 percent reported in last year's study. It must be

pointed out that technical violations do not result from the breach of only one condition of probation or parole. The revocation sanction is not normally imposed until there have been several technical violations. Normally an offender that does not pay supervision fees, has also absconded, has not reported, and most likely, has also changed his address without permission.

**TABLE 5**  
**Admission by Revocation Type**

<u>Admission Type</u>	<u>New Offense</u>	<u>Tech. Viol.</u>	<u>Total</u>
Probation Revocation	303 (62.9)	179 (37.1)	482 (100.0)
Parole/MS Revocation	410 (84.9)	73 (15.1)	483 (100.0)
TOTAL	713 (73.1)	252 (26.9)	965 (100.0)

#### ADMISSION TYPE BY OFFENSE TYPE

Table 6 presents a breakdown for admission and offense types. The percentages (the number in parenthesis) indicate the row percentage except for the column total which is the percentage of the column. The data indicate that 16.3 percent of the admissions were for violent offenses. This number is significantly lower than the 1987 study, when 21.7 percent of the admissions were for this type of offense. The majority (50.8 percent) of the violent offenders were sent to prison directly from the court. They were not under any type of community supervision prior to incarceration in TDC.

The data indicate that 41.3 percent of the admissions were for property offenses. This number represents a decrease from the 49.0 percent found in the 1987 study. Contrary to the pre-incarceration status of violent offenders, the majority (66.2) of property offenders that were sent to prison had been in community supervision (either probation or parole).

The data indicate that 18.5 percent of the admissions were the result of drug offenses. This number does not represent a significant change from the 1987 study which found 18.3 percent of the admissions being the result of drug offenses. One half of the drug offenders were sent to TDC directly by the courts while the others were already under community supervision of probation or parole. These findings continue to support the 1987 conclusion that courts are not treating drug offenders leniently.

**TABLE 6**

**Admission Type by Offense Type**

<u>Offense Type</u>	<u>Direct Court</u>	<u>Probation Violator</u>	<u>Parole Violator</u>	<u>M. S. Violator</u>	<u>Total</u>
Violent	123 (50.8)	44 (18.2)	55 (22.7)	19 ( 7.9)	242 ( 16.3)
Property	207 (33.8)	173 (28.2)	174 (28.4)	59 ( 9.6)	613 ( 41.3)
Drugs	135 (49.3)	68 (24.8)	53 (19.3)	18 ( 6.6)	274 ( 18.5)
Sex Offenses (non-rape)	11 (73.3)	2 (13.3)	2 (13.3)	0 ( 0.0)	15 ( 1.0)
Weapons	8 (53.3)	2 (13.3)	3 (20.0)	2 (13.3)	15 ( 1.0)
D.W.I.	21 (32.8)	25 (39.1)	11 (17.2)	7 (10.9)	64 ( 4.3)
Other	14 ( 5.4)	167 (64.2)	48 (18.5)	31 (11.9)	260 ( 17.5)
Total	519 (35.0)	482 (32.5)	346 (23.3)	136 ( 9.2)	1,483 (100.0)

The data show that 1.0 percent of the admissions were for sex offenses, which represents no major change from the 1987 study (1.3 percent). The same was found in regard to weapons offenses (carrying a weapon by a felon). One percent of the admissions were for this type of offense, the same percentage as found in the 1987 study.

One of the surprises of this study is the number of admissions for traffic offenses, the majority of which are for Driving While Intoxicated (DWI). The data show that 4.3 percent of the admissions were for this type of offense. In the 1987 study, however, less than 1.0 percent of the admissions were for traffic (DWI) offenses.

Seventeen and one-half percent of the admissions were for offenses classified as "other offenses". This percentage is considerably higher than in the 1987 study in which it was found that only 8.2 percent of the admissions were for these types of offenses. Perhaps an explanation of the sharp increase in this type of offense can be found after examining the type of admissions by offense type. Close to 95.0 percent of the offenders categorized in the 'other' offense, were under

community supervision (probation or parole). Thus, it is likely that this type of offense would not result in incarceration unless the offender was already on probation or parole supervision.

The analysis of offense type, raises the issue regarding assaultiveness. In Table 6 it was shown that 16.3 percent of the TDC admissions were for violent offenses; violent offense being the instant offense. A clearer description of violence can be assessed by including prior assaultiveness as an indicator of violence. Table 7 shows the number of offenders admitted to prison who are assaultive. Assaultiveness is defined as having an inmate have an instant violent offense or having a criminal history of assaultive offenses. The data indicate that over one third (34.6 percent) of the admissions had committed violent offenses at some time in their criminal career.

**Table 7**

**Admission Type by Assaultive History**

<u>Offense Type</u>	<u>Direct Court</u>	<u>Probation Violator</u>	<u>Parole Violator</u>	<u>M. S. Violator</u>	<u>Total</u>
Non-Assaultive	335 (64.5)	376 (78.0)	199 (57.5)	64 (46.7)	974 (65.6)
Assaultive	184 (35.4)	106 (22.0)	147 (42.4)	73 (53.3)	510 (34.4)
Total	519	482	346	137	1,484

**ADMISSION TYPE AND SENTENCE LENGTH**

The analysis of sentence lengths assessed provides a gauge of sentencing trends. Are sentences longer now than in the past? The data in Table 8 shows the length of sentences assessed by admission type. The data indicate that 53.0 percent of the admissions had sentences of 5 years and less. This percentage represents a significant decrease from the 1987 study which found that 63.0 percent of the admissions were for five years and less.



**TABLE 8**  
**Admission Type by Sentence Length**

<u>Sentence Length (Years)</u>	<u>Direct Court</u>	<u>Probation Violators</u>	<u>Parole/MS Violators</u>	<u>Total</u>
Five and less	266 (51.3)	349 (72.4)	183 (37.8)	798 (53.8)
Six to ten	161 (31.0)	94 (19.5)	157 (32.5)	412 (27.8)
Eleven to Fifteen	36 (6.9)	18 (3.7)	54 (11.1)	108 (7.3)
Sixteen to Twenty	17 (3.3)	9 (1.9)	32 (6.6)	58 (3.9)
Twenty-one to Twenty-five	11 (2.1)	3 (.6)	22 (4.6)	36 (2.4)
Twenty-six to Thirty	6 (1.2)	1 (.2)	5 (1.0)	12 (.8)
Thirty-one to Forty	8 (1.5)	3 (.6)	3 (.6)	14 (.9)
Forty-one to Fifty	5 (1.0)	3 (.6)	6 (1.2)	14 (.9)
Sixty and Life	9 (1.7)	2 (.4)	21 (4.3)	32 (2.2)
<b>AVERAGE SENTENCE</b>	<b>9.14</b>	<b>6.05</b>	<b>12.07</b>	<b>9.09</b>

The decrease in the percentage of inmates receiving sentences of five years or less indicates that the courts are giving longer sentences. This could be the result of offenders being sentenced by the courts having longer criminal histories. However, the issue is not totally clear since, due to prison overcrowding, there are a number of offenders presently being housed in county jails and awaiting transfer to TDC. It is possible that counties are sending those offenders to prison with long sentences and keeping those with short ones in jail. Probation violators received the short sentences (72.4 percent were for sentences of five years and less). The average sentence length given was 9.09 years. Probation violators had the lowest sentence given (6.05 years), followed by direct court commitments (9.14 years) and parole/mandatory release violators had the longest sentences assessed. This finding is congruent with the notion that parole/mandatory violators have longer criminal histories and that therefore their sentence lengths are longer.

## ADMISSION TYPE BY COUNTY OF CONVICTION

The analysis of county of conviction provides information regarding differential sentencing practices. It may be possible that certain counties are more punitive than others. It is difficult to assess this phenomenon in this study since lengths of sentences are correlated with the length of criminal history. In this section only a breakdown of admission type by county of conviction will be presented. A later report "Texas Prison Admissions - The County of Conviction" will present additional analysis of prison admissions by county of conviction.

Table 9 presents the admissions type by county of conviction. These data do not show any major differences from the 1987 study. Bexar county still has a larger percentage of direct court commitments than any other county, while Jefferson county has the lowest. However, Jefferson county has the highest percentage of admissions for probation violators. Note that the total in the far right column represents the row total and the percentage is based on that column's total. This column indicates the number and percentage of offenders admitted to TDC who participated in this study from each of the counties indicated. On the other hand the percentages in the other columns (the number in parenthesis) present the percentage from a given county that were admitted by a particular type of admission.

## EMPLOYMENT STATUS AT TIME OF ARREST

Employment status at the time of arrest has often been cited as a major factor in criminal activity.<sup>16</sup> If an offender is unemployed, he is more likely to engage in criminal activity. Table 10 presents the employment status of the offenders in this study. About 46.3 percent of the inmates reported being unemployed at the time of arrest. Parole/Mandatory release violators had the highest unemployment rate (49.5 percent) while direct court commitments the lowest (42.2 percent). Probation violators had a 47.5 percent unemployment rate. These figures, however underestimate the employment problem of this population. Many offenders who considered themselves as employed, were employed in an illegal activity (e.g. selling drugs, working in a massage parlor which may be a front for a house of prostitution, etc).

## DRUGS AND CRIME

Efforts have been made to determine the relationship between drugs and crime.<sup>17,18</sup> However, this relationship can not be determined by merely asking if an inmate has taken illegal drugs or an inmate testing positive on drug tests. Denial of drug usage or testing negative in a drug test does not necessarily mean there is no such problem, especially if the offender who denies it, or tests negative, has been arrested and/or convicted for a drug offense. Additionally, limiting analyses of drug involvement to only the offenders admitted to prison for a drug offense greatly underestimates the impact of drugs on crime. Many crimes are committed in order to obtain the

**TABLE 9**  
**Admission Type by County of Conviction**

<u>County</u>	<u>Direct Court</u>	<u>Probation Violators</u>	<u>Parole/MS Violators</u>	<u>Total</u>
Bexar	25 (47.2)	17 (32.1)	11 (20.7)	53 ( 3.6)
Dallas	83 (30.7)	105 (38.9)	82 (30.4)	270 ( 18.3)
El Paso	7 (29.2)	9 (37.5)	8 (33.3)	24 ( 1.6)
Galveston	6 (40.0)	3 (20.0)	6 (40.0)	15 ( 1.0)
Harris	119 (34.3)	106 (30.5)	122 (35.2)	347 ( 23.5)
Jefferson	5 (21.7)	12 (52.2)	6 (26.0)	23 ( 1.6)
Nueces	10 (47.6)	4 (19.0)	7 (33.4)	21 ( 1.4)
Tarrant	34 (28.6)	39 (32.8)	46 (38.7)	119 ( 8.1)
Travis	23 (40.4)	14 (24.6)	20 (35.1)	57 ( 3.9)
All Other	202 (36.9)	172 (31.4)	173 (31.6)	547 ( 37.0)
STATE TOTAL	514 (34.8)	481 (32.6)	481 (32.6)	1476 (100.0)

**TABLE 10**  
**Employment Status at Time of Arrest**  
**By Admission Type**

<u>Employed</u>	<u>Direct Court</u>	<u>Probation Violator</u>	<u>Parole/MS Violator</u>	<u>Total</u>
Yes	299 (57.8)	253 (52.5)	244 (50.5)	796
No	218 (42.2)	229 (47.5)	239 (49.5)	686

necessary resources to pay for an expensive habit. For the purpose of this report only three items will be discussed; the number of offenders who stated that they had been arrested for drug offenses; the number of offenders who reported having taken illegal drugs, and finally those who admitted and were convicted of a drug offense. A report totally dedicated to the relationship between drugs and crime will be forthcoming.

Table 11 presents the numbers and percentages of the offenders who were under the influence of drugs or alcohol at the time their offenses were committed. The data show that about 23.4 percent of the subjects stated that they had been under the influence of drugs or alcohol. Direct court commitments show the lowest rate of drug involvement (20.2 percent), probation violators the next lowest (23.2 percent) and parole violators the highest rate (26.9 percent).

**Table 11**  
**Offenders Who Were Under the Influence of Alcohol or Drugs**  
**At the Time the Offense was Committed**  
**By Admission Type**

<b>Influence:</b>	<b><u>Direct Court</u></b>	<b><u>Probation Violation</u></b>	<b><u>Parole/MS Violation</u></b>	<b><u>Total</u></b>
<b>YES</b>	105 (20.2)	112 (23.2)	130 (26.9)	347 (23.4)
<b>NO</b>	414 (79.8)	370 (76.8)	353 (73.1)	1137 (76.6)

These findings show that the more the offender has been involved with the criminal justice system (direct court, indicating little prior contact and parole indicating the greatest contact) the greater his drug or alcohol dependence. Furthermore, the greater the alcohol and drug problem, the greater the probability of probation and parole failure, as indicated by the greater percentages of probation and parole revocations that admit having been under the influence of alcohol or drugs at the time the offense was committed.

If we ask the offenders if they have ever been arrested for a drug offense we obtain a slightly different picture. The results are presented in Table 12. Over one-third (34.3) of all the subjects in the sample indicated being arrested for a drug offense. Furthermore, no significant differences between the three major types of admissions were observed (34.7, 34.0, and 34.2 percent for direct court, probation violators and parole violators respectively).

**Table 12****Offenders Reporting Having Being Arrested for  
A Drug Related Offense by Type of Admission**

<u>Arrested</u>	<u>Direct Court</u>	<u>Probation Violation</u>	<u>Parole/MS Violation</u>	<u>Total</u>
YES	180 (34.7)	164 (34.0)	165 (34.2)	509 (34.3)
NO	339 (65.3)	318 (66.0)	317 (65.8)	974 (65.7)

If we ask "Have you ever taken illegal drugs?", we find another picture. The results are presented in Table 13. Over two-thirds (66.2 percent) of all the subjects reported that they had taken illegal drugs at some time. Somewhat surprisingly, parole violators reported the lowest rate (64.0 percent) while probation violators the highest (69.9 percent) with direct court commitments right in the middle (64.9 percent).

**Table 13****Number and Percentage of Offenders  
Reporting Having Used Illegal Drugs  
By Type of Admission**

<u>Drug Usage</u>	<u>Direct Court</u>	<u>Probation Violation</u>	<u>Parole/MS Violation</u>	<u>Total</u>
YES	337 (64.9)	337 (69.9)	309 (64.0)	983 (66.2)
NO	182 (35.1)	145 (30.1)	174 (36.0)	501 (33.8)

If a measure of drug contact by criminal offenders were to be developed, some of the indicators of contact might be: conviction for a drug offense, arrest for a drug offense (even if in the past), having used drugs or admitting that he has a drug (or alcohol) problem. In Table 14 the results of such measure of drug contact are presented. The data indicate that 79.3 percent of the offenders in the sample had contact with drugs. Again it was found that Parole/MS violators had the lowest rate (77.8 percent), probation violators the highest (80.3 percent) and direct court fell in the middle (79.8 percent).

Table 14

Offenders Who Had Contact With Illegal Drugs  
By Admission Type

<u>Drug Contact</u>	<u>Direct Court</u>	<u>Probation Violation</u>	<u>Parole Violation</u>	<u>Total</u>
YES	414 (79.8)	387 (80.3)	376 (77.8)	1177 (79.3)
NO	105 (20.2)	95 (19.7)	107 (22.2)	307 (20.7)

The short analysis presented on drugs and crime tends to support current beliefs that drugs are becoming the pivotal point for criminal behavior. The majority of the people that are presently being admitted to prison have been touched by illegal drugs, in one way or another.

CONCLUSION

The results of this study indicate that more than half (58.7 percent) of the offenders admitted to prison have been confined in a correctional institution before (adult or juvenile). In other words, they are recidivists. The percentage of commitments to prison for violent offenses continue to decrease and the average sentence length is increasing. It appears that the increase in sentence length can be interpreted as either (1) the human response (judges, prosecuting attorneys) to the revolving door policy the state has been forced to adopt. Trial officials, knowledgeable of parole and good time laws, have come to realize that sentences have to be inflated in order to keep offenders in prison for the time desired; or (2) the scheduled admissions policy has forced counties to keep convicted felons in their local jails. It is possible that local officials are sending offenders with longer sentences to TDC while keeping the short term offenders in their local facilities. A study of the convicted felony offender housed in county jails is needed.

The analysis of drugs and crime reveals that, depending on how the drug problem is analyzed, we can obtain different results. For instance 23.4 percent of the inmates participating in the study were under the influence of drugs or alcohol at the time they committed the offenses for which they were sent to TDC. However, 34.3 percent had been arrested for a drug offense and 66.2 percent reported having taken illegal drugs at some time. When all this information is combined to indicate drug involvement in the history of the offender, it is found that 79.3 percent of the inmates have been involved with drugs in one way or another. These data present a more realistic picture of the impact of drugs in our society. We are incarcerating larger numbers of people and the majority of them have had some involvement with drugs.

When prison admissions are studied in the manner that they have been studied here,

crime is analyzed as an isolated act, away from the factors that are related to crime. If these factors were carefully analyzed the results could provide long range solutions to the crime problem. The majority of the offenders admitted to TDC are high school dropouts (over 60.0 percent in this study), who at the time of arrest did not have lawful employment and who do not have marketable skills but did have problems with alcohol and drugs. These known factors alone point to the programs that society has to implement in its efforts to prevent crime. Dropout prevention, vocational education, and drug prevention programs have delayed impacts, and must be part of long range planning. The results of such programs will not be seen for at least one generation (about twenty years), and will require the continuous commitment of society toward the development of a more educated and mentally fit generation. If such planning and program implementation can not be put in place, society will continue to treat the symptoms of the disease (crime) by incarcerating more and more people, and law enforcement budgets will continue to increase at the expense of other programs. The disease (lack of education, lack of marketable skills, and a society that escapes reality by sheltering under the spell of a drug) will continue to get worse if remedial programs are not implemented.

## FOOTNOTES

- 1 Texas Department of Corrections, Fiscal Year Statistical Reports 1978-1987. Huntsville, Texas.
- 2 Ibid.
- 3 Ruiz et all v. Estelle (503 F. Supp. 1265, 1980).
- 4 Article 6184o Vernon's Ann. Ciz. St. ....Texas Prison Management Act.
- 5 Ruiz et all v. Procunier (H-78-987-CA, 1985).
- 6 "The Management of the TDC Population, Past, Present and Future", Pablo Martinez, Texas Board of Pardons and Paroles, June 1987.
- 7 "TDC Daily Transactions Report", Texas Board of Pardons and Paroles, January through December 1987.
- 8 "TDC Daily Transactions Report", Texas Board of Pardons and Paroles, August 1987.
- 9 "A Plan to Control the TDC Population", Pablo Martinez, Texas Board of Pardons and Paroles, December 4, 1987.
- 10 "A Report on a Short-Term Option to Control the Prison Population", Pablo Martinez, Texas Board of Pardons and Paroles, September 23, 1987.
- 11 "Emergency Fact Finding", Pablo Martinez and Anthony Fabello, Texas Criminal Justice Policy Council, January 26, 1988.
- 12 "Characteristics of Offenders Admitted to TDC", Pablo Martinez and Nancy Arrigona, Texas Criminal Justice Policy Council, July 1986.
- 13 "Characteristics of TDC Admissions", Pablo Martinez, Texas Board of Pardons and Paroles, September 1987.
- 14 Ibid.
- 15 Ibid also Martinez and Arrigona Op. Cit.
- 16 "An Assessment: The Impact of Providing Financial or Job Placement Assistance to Ex-Prisoners", Charles Smith, Pablo Martinez, and Daniel Harrison, Texas Department of Corrections, May 1978. Also see: Unlocking The Second Gate, Kenneth Lenihan, R.& D. Monograph 45, U.S. Department of Labor, Employment, and Training Administration, Washington, D.C., 1977.
- 17 "Proof Positive of Drug Link to Crime". The Wall Street Journal, May 28, 1987.
- 18 "Day to Day Criminality of Heroine Addicts in Baltimore - A Study in the Continuity of Offense Rates". Drug and Alcohol Dependence, 12:119-142, 1983.