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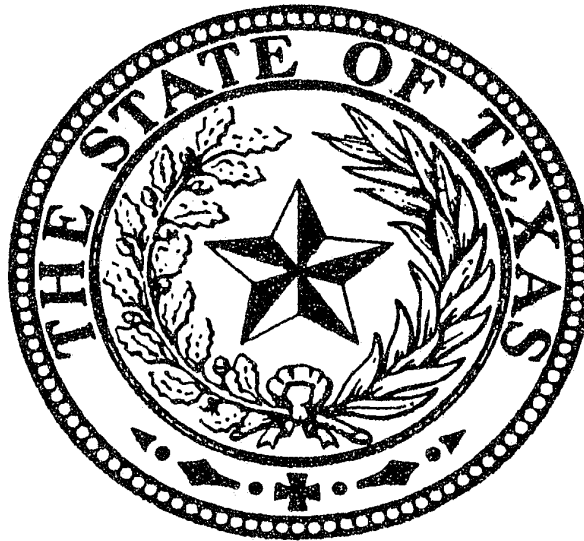
# Impact Analysis of Proposed Changes in Good Time Policies

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ACQUISITIONS



November 18, 1993

Criminal Justice Policy Council  
P.O. Box 13332  
Austin, Texas 78711  
(512) 463-1810

Tony Fabelo, Ph.D.  
Executive Director

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# Note From The Director

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The Texas Department of Criminal Justice (TDCJ) requested that the Criminal Justice Policy Council (CJPC) analyze the impact of proposed changes in good time policies on the prison population. Presently, inmates in the Institutional Division (ID) of TDCJ can be charged with disciplinary violations for committing offenses within three categories ranked by severity. The most severe violations are Level 1 offenses that include escape and assaulting an officer. Level 2 offenses include the trafficking and possession of narcotics, sexual misconduct and refusing to work. Level 3 offenses, the least severe, include violations of safety regulations and creating unnecessary noise. Inmates can lose good time credits if they are found to have committed one of the offenses charged. All good time earned can be lost for committing a Level 1 offense, up to two years for committing a Level 2 offense and up to one year for committing a Level 3 offense. Present policy allows the regular restoration of good time within six months from the date of the inmate's most recent disciplinary infraction.

The five proposals under consideration by the TDCJ board will not allow the restoration of good time lost due to a disciplinary violation. The proposals differ only in the range of good time that can be lost for disciplinary violations. For example, Option 1 leaves the possibility of taking away all good time earned for committing a Level 1 offense but restricts time lost in levels two and three to no more than 30 days and 5 days respectively. Option 5, on the other hand, provides for penalties within the same broad range of the present policy while not allowing restoration of good time lost.

The Criminal Justice Policy Council analyzed the impact of these proposals after reviewing the disciplinary records of all inmates released from TDCJ-ID between January 1 and June 30, 1993 (approximately 10,000 inmates). TDCJ provided the CJPC with the complete disciplinary history of each inmate. The CJPC developed a simulation model which sorted each disciplinary violation by offense level, and calculated time lost for each violation. The impact of the proposed policies was simulated on the release population and a model was developed to translate the impact of the policies into its effect on the number of future releases from prison.

The proposed restrictions in good time policies will have no significant impact on the prison population. Due to legislative changes since 1987 and the toughening of parole policies since 1991, the release of violent offenders from prison has been severely restricted. Under present policies aggravated violent offenders do not get good time credited toward parole eligibility or mandatory release. Violent non-aggravated offenders do not get time credited for mandatory release. Restricting the restoration of good time for violent offenders that commit disciplinary violations in prison will not make this group serve significantly longer in prison than what they have to serve under the present release policies. Moreover, the impact of these proposals for inmates convicted of non-violent offenses will be minimal. Starting on September 1, 1994, most non-violent offenders will be sentenced to probation and to a system of state jails where they will not be eligible to receive good time credits towards completion of their sentence.

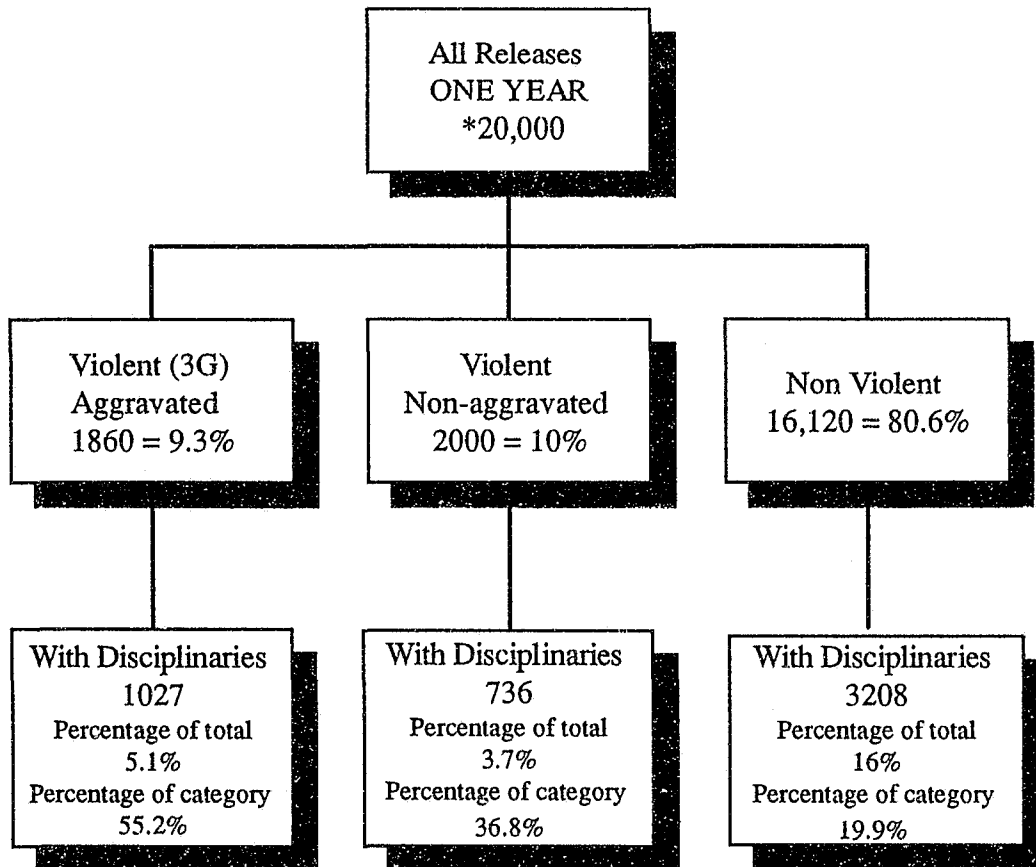
The results of the analysis show that all the options will cause an insignificant decline in the number of releases from prison. Option 2 and 5, the potentially more restrictive options, will cause a decrease in prison releases of a little over 100 inmates during a period of seven years.

**Tony Fabelo, Ph.D.**  
**Executive Director**

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**PART I**  
**Description of Population Impacted**

# Description of the Population Impacted



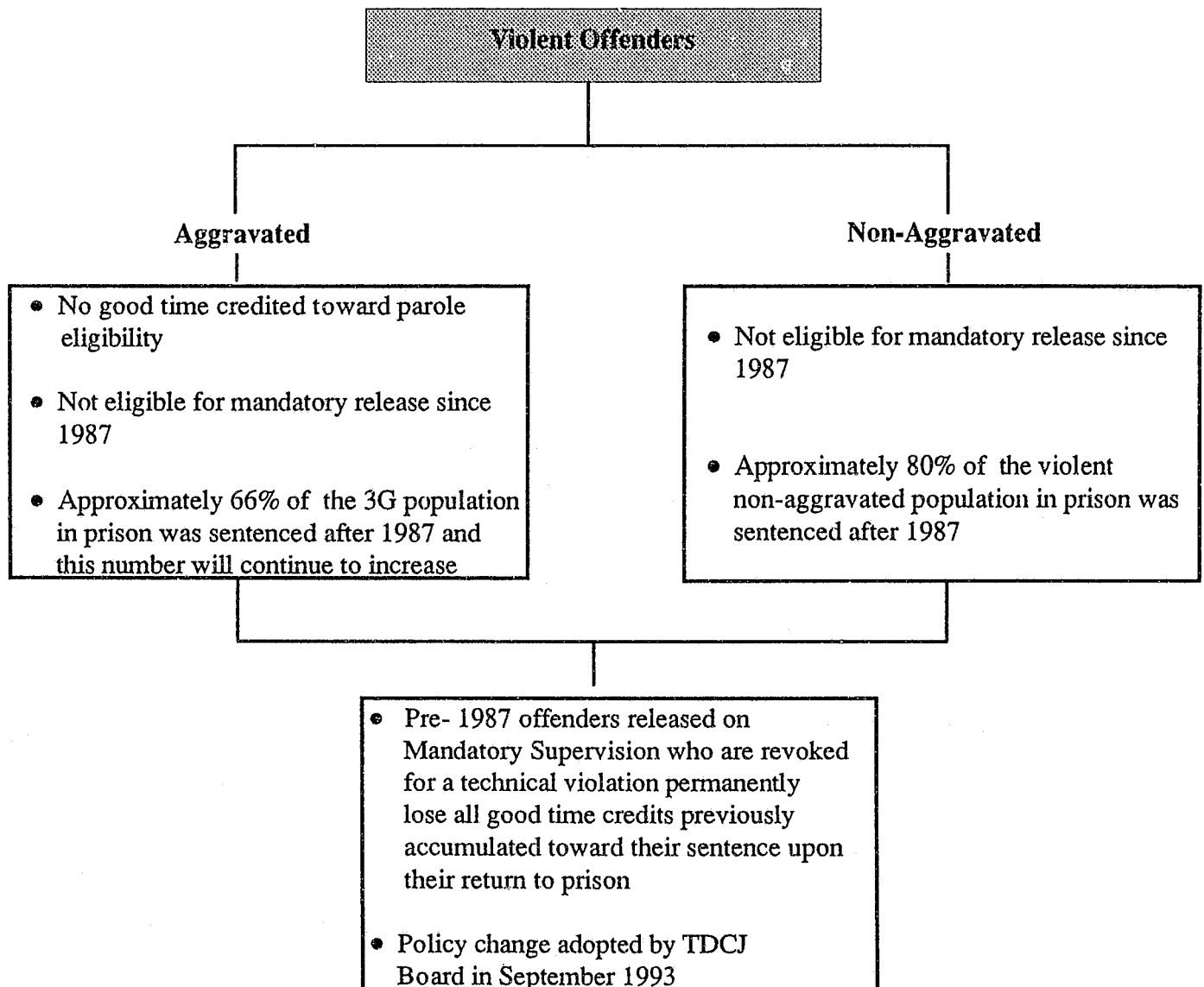
- Proportionately, violent offenders have the most disciplinary incidents but they will be the least impacted by changes in good time policies
  - Due to legislative changes since 1987, most violent offenders do not get good time credited toward parole eligibility if they are aggravated or toward mandatory release if they are aggravated or violent non-aggravated offenders
- The offense category of offenders sentenced to state prison is projected to change after the sentencing reform of 1993
  - Approximately 43% of the non-violent offenders presently sentenced to prison will be diverted to the state jail felony system after September 1, 1994
  - Offenders sentenced to state jails are not eligible to receive good time credits

\* Assumes 75 daily release

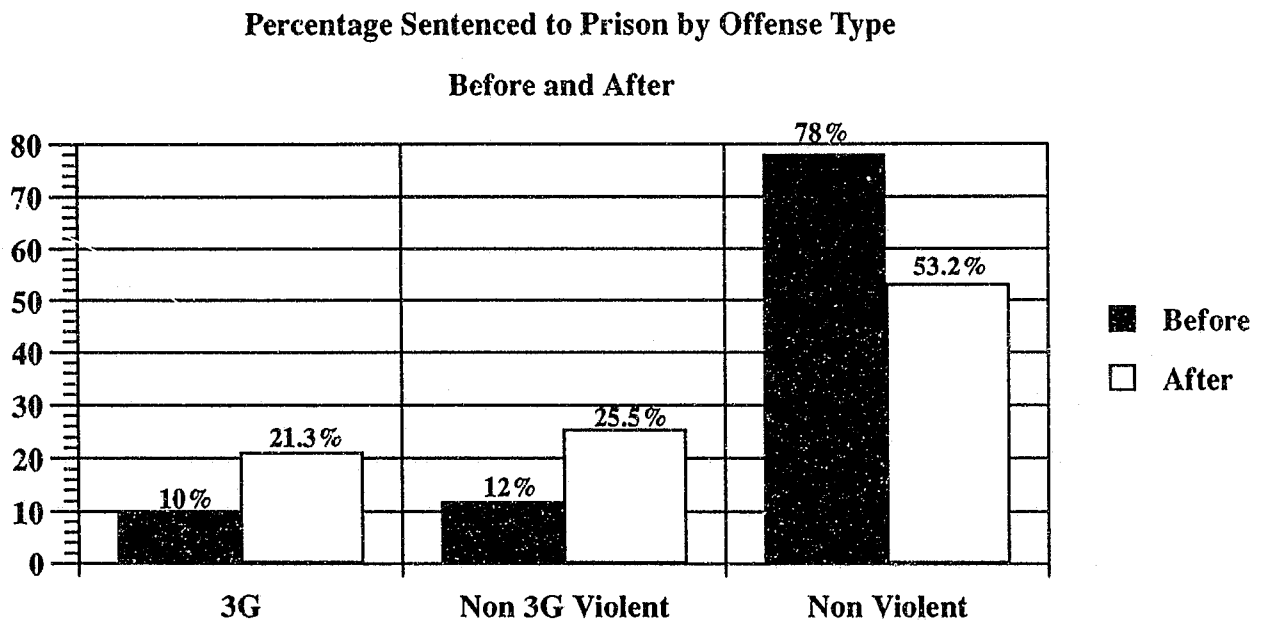
\*\* Analysis based on a sample of 10,000 releases between January and June 1993.

# Impact on Violent Offenders is Low Due to Legislative and Policy Changes

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# The Proportion of Offenders Sentenced to Prison for Violent Offenses is Projected to Increase After Sentencing Reform



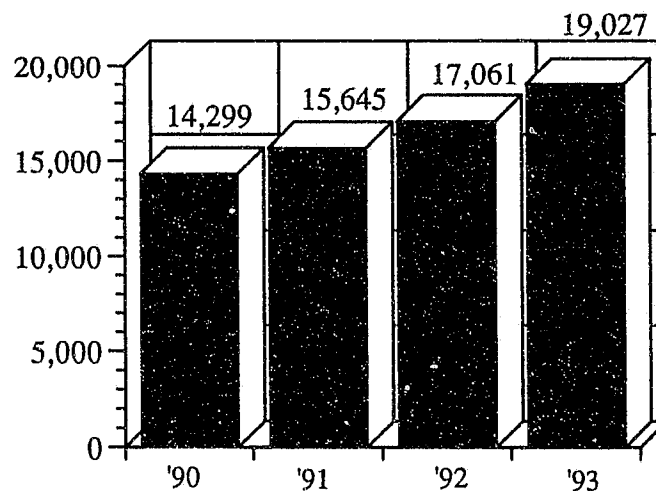
- Violent offenders are expected to represent a higher percentage of those sentenced to prison after September 1, 1994

# The Number of Aggravated Offenders in the Prison Population is Projected to Increase

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- The sentencing reform of 1993 requires aggravated offenders to serve 50% of their sentence in calendar time prior to parole eligibility
  - Additional offenses were also added to the aggravated offense category
    - Murder
    - Indecency with a Child by Contact
- Due to the legislative changes made in 1993, the number and percentage of aggravated offenders in prison is expected to increase significantly during the next 15 years
  - The number of aggravated offenders in prison increased from 14,299 in FY 1990 to 19,027 at the end of FY 1993

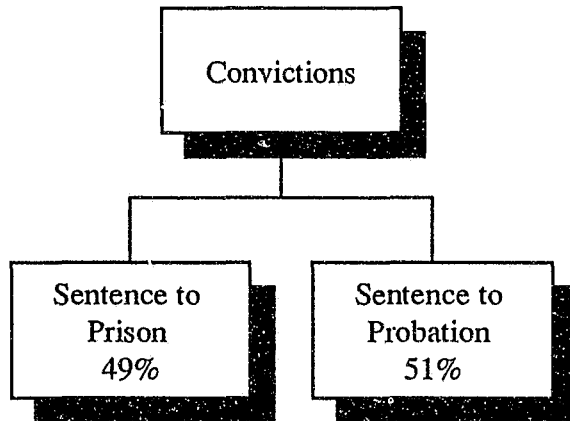
THE NUMBER OF  
AGGRAVATED OFFENDERS IN THE  
PRISON POPULATION





# Sentencing Reform Provides for Non-Violent Offenders to Serve Calendar Time in State Jails

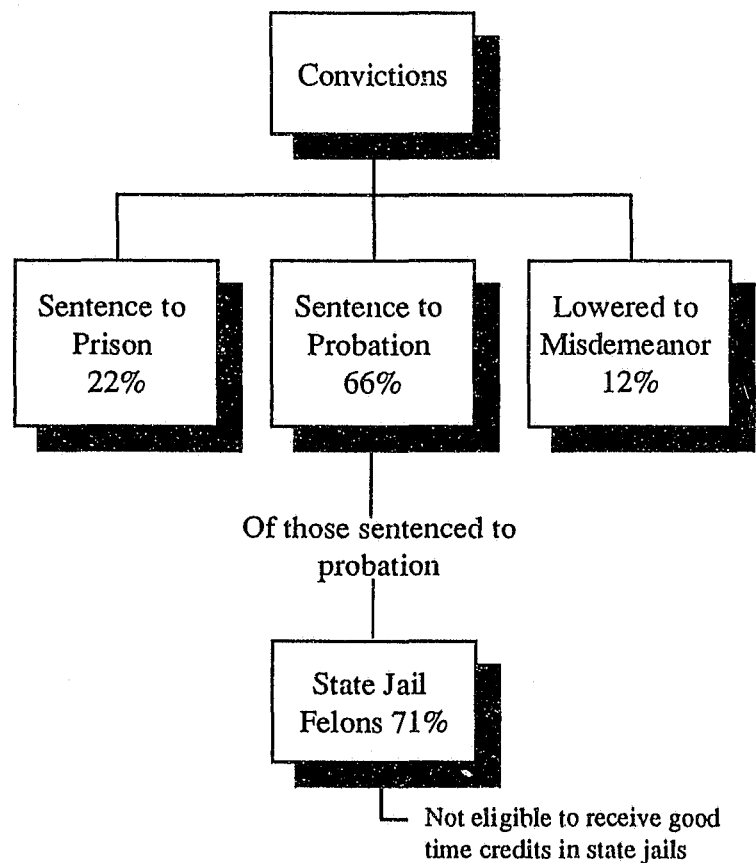
## Present System



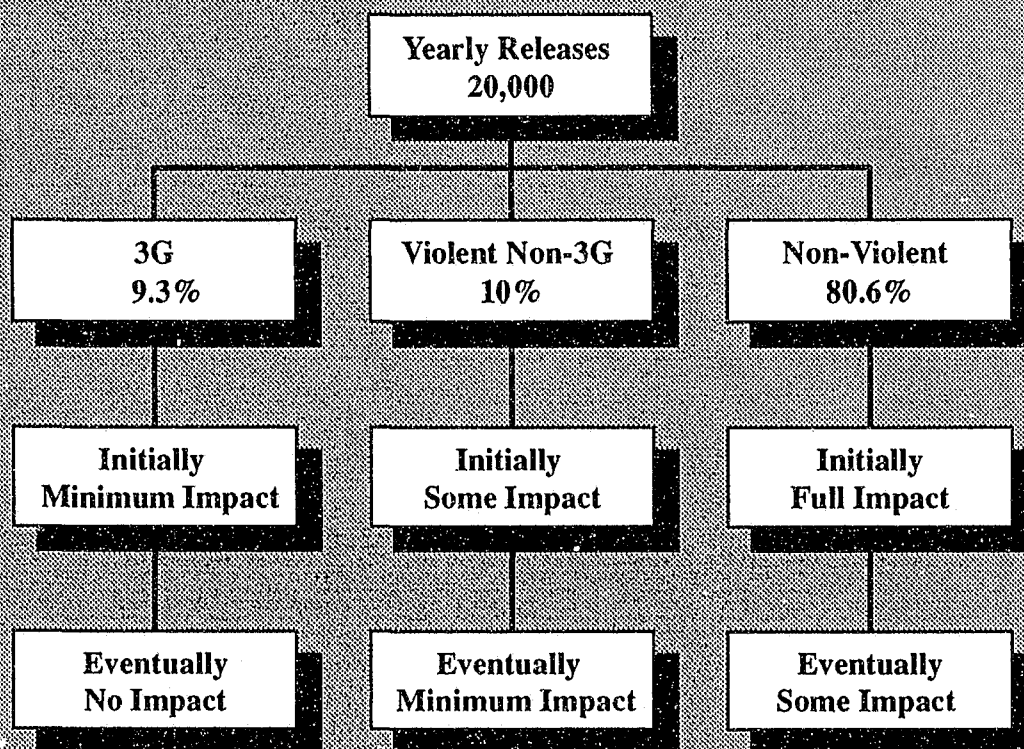
- Until the end of FY 1994, about 49% of offenders convicted in Texas are expected to receive prison sentences
- 51% are expected to receive probation including deferred adjudications

- The sentencing reform of 1993 is expected to change the flow of adult offenders through the system, with most offenders sentenced to probation and the system of state jails

## New System



## **SUMMARY TABLE: Potential Impact of Changes in Good Time Policies**



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**PART II**  
**Proposed Changes in Good Time Policies  
and Projected Impact**

# Assumptions for Determining the Impact of Good Time Policy Changes

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- The basic data used to determine frequency and type of disciplinary infraction was provided by TDCJ-ID and included the disciplinary records of all inmates released from prison between January and June 1993
- Estimates of the number of offenders that will not be released as a result of the policy changes were calculated using the baseline number of 75 releases per day (current practice)
- Other assumptions employed in the development of the simulation:
  - The policy changes will not be retroactive
  - The rate of disciplinary violations for the prison population will remain the same after the policy change
- Some assumptions are specific to each option:
  - Options 1 to 4: Penalty for disciplinary violations will be the maximum amount of good time lost allowed in the offense level
  - Options 3 and 4: \*Enhancement for prior disciplinary violations will be used for offenses that occurred within the same offense level
    - \* Enhancement: penalty is based on the highest offense level within the disciplinary incident
  - Option 5: Frequency and amount of good time lost will be the same in the future as in the release population examined for the analysis

# Summary of Proposed Changes in Good Time Policies and Projected Impact

## Amount of Time Lost

Offense Level	Status Quo	Option 1	Option 2	Option 3	Option 4	Option 5
Level 1	Up to all credited good time	Up to all credited good time	Up to all credited good time	Up to all credited good time	Up to all credited good time	Up to all credited good time
Level 2	Up to 2 yrs.	Up to 30 days	Up to 90 days	Up to 60 days	Up to 60 days	Up to 2 yrs.
Level 3	Up to 1 yr.	Up to 5 days	Up to 15 days	Up to 30 days	Up to 15 days	Up to 1 yr.
Level 4	NA	NA	NA	Up to 10 days	Up to 5 days	NA
Note	Good time lost is regularly restored	Original proposal made to TDCJ Board/ not restored	Original proposal with time tripled/ not restored	Enhances penalty for subsequent offenses/ not restored	Enhances only level 1 and 2 offenses/ not restored	Status Quo/ not restored
Time for initial impact		6 months	6 months	6 months	6 months	6 months
Time for Maximum impact		7 years	7 years	7 years	7 years	7 years
Expected decrease in yearly releases		8 offenders	16 offenders	9 offenders	8 offenders	15 offenders
Maximum impact on releases		56 offenders	112 offenders	63 offenders	56 offenders	105 offenders

See Appendix for list of offenses by level

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# **Appendix i**

## **Disciplinary Offenses by Level**

LIST OF DISCIPLINARY OFFENSES BY LEVEL

LEVEL 1

- 01. ESCAPE
  - a. attempt to escape
  - b. late return from furlough
  - c. unauthorized departure from custody
- 02. FIGHTING WITH WEAPON
- 03. ASSAULTING AN OFFICER
  - a. without injury
  - b. with injury
  - c. death
- 04. THREATENING AN OFFICER
- 05. ASSAULTING INMATE WITH WEAPON
  - a. without injury
  - b. with injury
  - c. death
- 06. POSSESSION OF WEAPON
- 07. SEXUAL ABUSE
- 08. RIOT
- 09. INCITING TO RIOT
- 10. FELONY

LEVEL 2

- 11. MISDEMEANOR (CITE STATUTE)
- 12. USE OR POSS OF NARCOTICS, MARIJUANA AND/OR UNAUTH DRUGS
- 13. USE OR POSS OF DISTILLING OF ALCOHOL
- 14. USE OR POSS OF INTOXICATING INHALANTS
- 15. TRAFFICKING AND TRADING
- 15.1 ESTAB. OR OPERATE AN UNAUTH. BUSINESS ENTERPRISE W/IN DEPT
- 16. POSSESSION OF CONTRABAND
- 17. STEALING
- 18. DAMAGING OR DESTROYING PROPERTY
- 18.1 UNAUTHORIZED USE OF STATE PROPERTY
- 19. GAMBLING
- 20. SEXUAL MISCONDUCT
- 21. FIGHTING WITHOUT WEAPON OR ASSAULTING INMATE WITHOUT WEAPON
- 22. THREATENING TO HARM AN INMATE
- 23. CREATING A DISTURBANCE
- 24. REFUSING OR FAILING TO OBEY ORDERS
- 24.1 REFUSING TO GROOM (SHAVE OR GET A HAIRCUT)
- 24.2 REFUSING TO ACCEPT A HOUSING ASSIGNMENT
- 25. REFUSING TO WORK
- 25.1 REFUSING TO ATTEND AN ACADEMIC OR VOCATIONAL PROGRAM
- 26. MALINGERING
- 27. OUT OF PLACE
- 28. FAILURE TO WORK
- 29. MAKING FALSE STATEMENTS
- 30. SOLICITING ASSISTANCE FROM OFFICER OR INMATE TO VIOLATE RULES

LEVEL 3

- 31. MUTILATION
- 32. FAILING OR REFUSING TO RESPOND TO OFFICERS QUESTIONS
- 33. LYING TO AN OFFICER
- 34. USE OR POSSESSION OF TATTOO PARAPHERNALIA
- 35. UNAUTHORIZED STORAGE OF PROPERTY
- 36. IN LIVING QUARTERS WITHOUT PERMISSION
- 37. SOLICITING MONEY OR GIFTS FROM INMATE BENEFIT
- 38. (DELETED)
- 39. UNAUTHORIZED PIDDLING
- 40. ABUSIVE TREATMENT OF ANIMAL
- 41. CREATING UNNECESSARY NOISE
- 42. USE OF INDECENT OR VULGAR LANGUAGE OR GESTURES
- 43. EXERTING AUTHORIZATION OVER INMATE
- 44. VIOLATION OF SAFETY REGULATIONS
- 45. VIOLATION WRITTEN OR POSTED RULE

THIS LIST IS FOR USE WITH OPTIONS 3 OR 4  
DISCIPLINARY OFFENSES

**LEVEL 1**

01.1	ESCAPE	unauthorized departure from custody
03.1	ASSAULTING AN OFFICER	death
05.1	ASSAULTING AN INMATE W/WEAPON	death
03.2	ASSAULTING AN OFFICER	with injury
05.2	ASSAULTING AN INMATE W/WEAPON	with injury
10	FELONY (CITE STATUTE)	
07	SEXUAL ABUSE	
08	RIOT	
09	INCITING TO RIOT	
01.2	ESCAPE	late return from furlough
03.3	ASSAULTING AN OFFICER	without injury
05.3	ASSAULTING AN INMATE W/WEAPON	without injury
06	POSSESSION OF WEAPON	

**LEVEL 2**

01.3	ESCAPE	attempt to escape
02	FIGHTING WITH WEAPON	
04	THREATENING AN OFFICER	
12	USE OR POSS. OF NARCOTICS, MARIJUANA AND/OR UNAUTH DRUGS	
13	USE OR POSS OF DISTILLING OF ALCOHOL	
14	USE OR POSS OF INTOXICATING INHALANTS	
20	SEXUAL MISCONDUCT	
21	FIGHTING WITHOUT WEAPON OR ASSAULTING INMATE WITHOUT WEAPON	

**LEVEL 3**

11	MISDEMEANOR (CITE STATUTE)
15	TRAFFICKING AND TRADING
15.1	ESTAB. OR OPERATE AN UNAUTH BUSINESS ENTERPRISE W/IN DEPT.
16	POSSESSION OF CONTRABAND
17	STEALING
18	DAMAGING OR DESTROYING PROPERTY
19	GAMBLING
22	THREATENING TO HARM AN INMATE
23	CREATING A DISTURBANCE
24	REFUSING OR FAILING TO OBEY ORDERS
24.1	REFUSING TO GROOM (SHAVE OR GET A HAIRCUT)
24.2	REFUSING TO ACCEPT A HOUSING ASSIGNMENT
25	REFUSING TO WORK
26	MALINGERING
27	OUT OF PLACE
28	FAILURE TO WORK
29	MAKING FALSE STATEMENTS
30	SOLICITING ASSISTANCE FROM OFFICER OR INMATE TO VIOLATE RULES

**LEVEL 4**

31	MUTILATION
32	FAILING OR REFUSING TO RESPOND TO OFFICERS QUESTIONS
33	LYING TO AN OFFICER
34	USE OR POSSESSION OF TATTOO PARAPHERNALIA
35	UNAUTHORIZED STORAGE OF PROPERTY
36	IN LIVING QUARTERS WITHOUT PERMISSION
37	SOLICITING MONEY OR GIFTS FOR INMATE BENEFIT
38	(DELETED)
39	UNAUTHORIZED PIDDLING
40	ABUSIVE TREATMENT OF ANIMAL
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42	USE OF INDECENT OR VULGAR LANGUAGE OR GESTURES
43	EXERTING AUTHORIZATION OVER INMATE
44	VIOLATION OF SAFETY REGULATIONS
45	VIOLATION OF WRITTEN OR POSTED RULE



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## **Appendix ii**

# **Miscellaneous and Analytical Data**

# Percentage of Inmates Within Each Offense Group By Actual Time Served With at Least One Disciplinary Violation

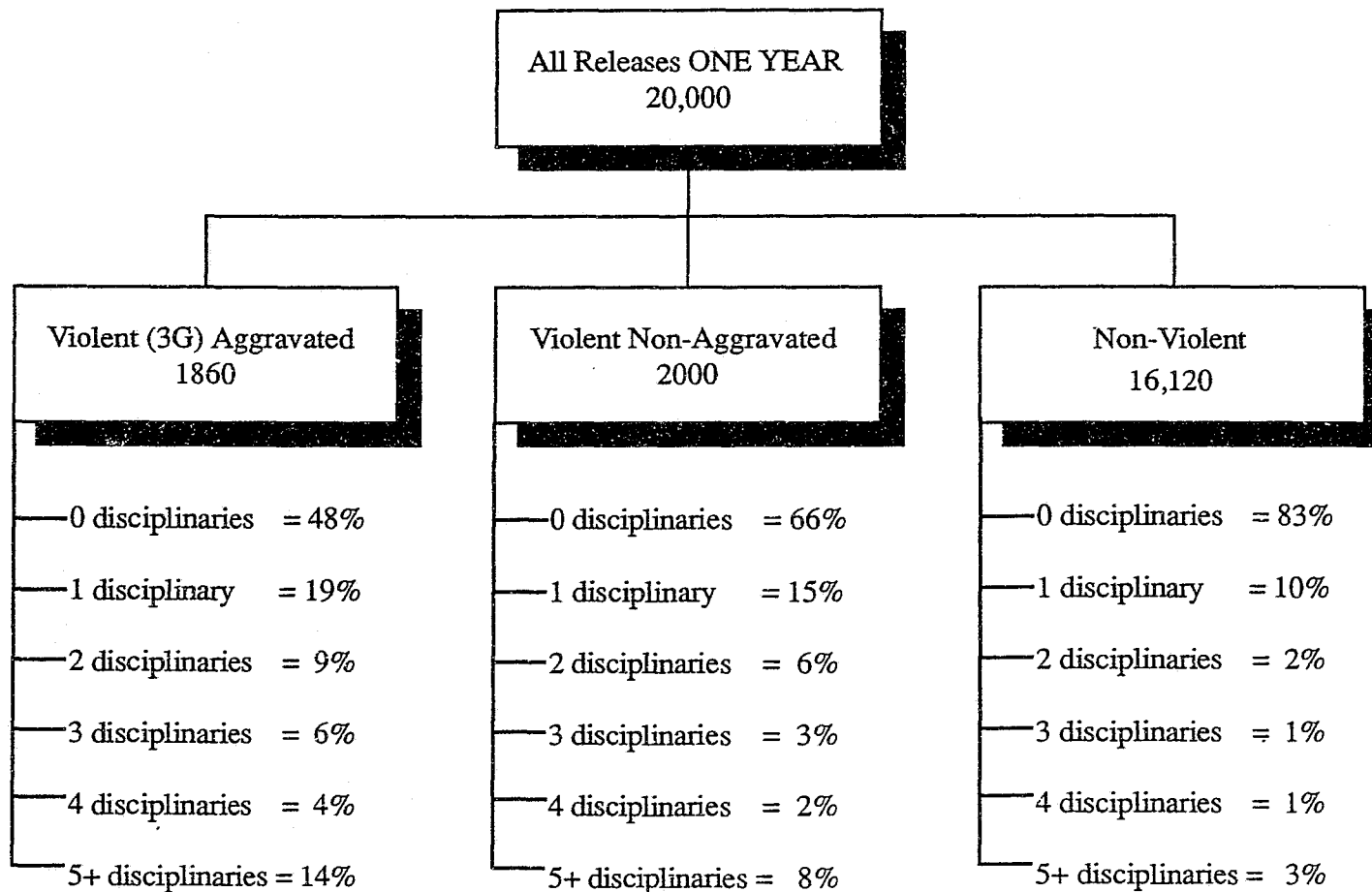
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Actual Time Served in Prison	Violent (3g) Aggravated	Violent Non-Aggravated	Non-Violent
Less than 24 months		15%	9%
24 to 35 months	31%	36%	26%
36 to 47 months	48%	45%	37%
48 to 59 months	47%	60%	49%
60 + months	61%	66%	59%
Average time served (months)	67.5	35.3	22.9

- Note: 31% of violent (3G) aggravated inmates that served between 24 to 35 months in prison have at least one disciplinary

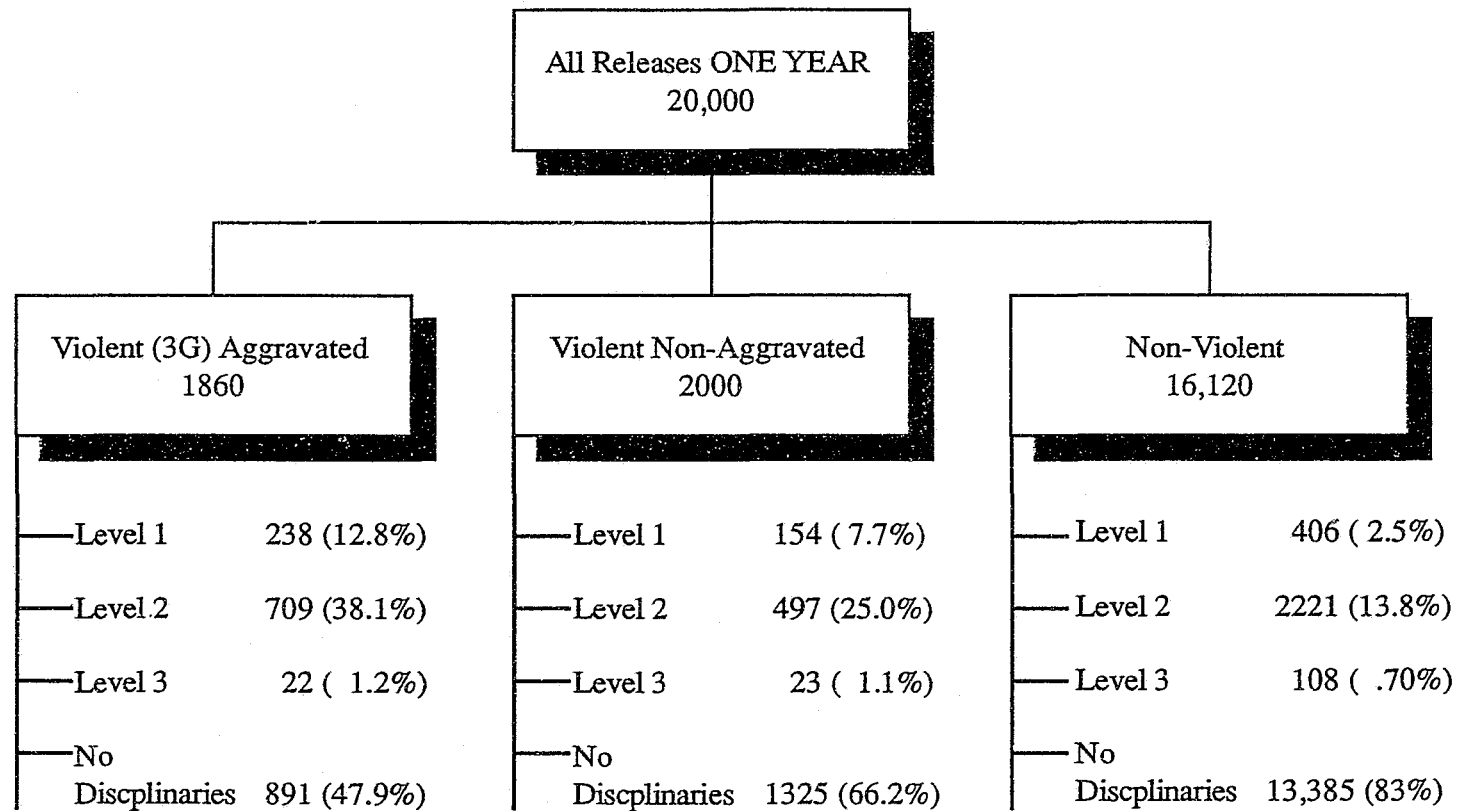
# Percentage of Inmates by Number of Disciplinary Violations within Each Offense Group

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# Highest Disciplinary Level by Offense Groups

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