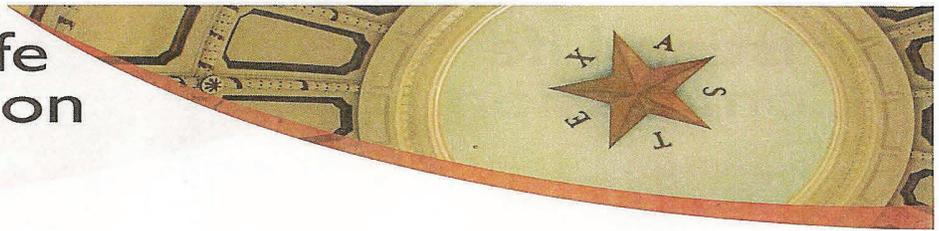


Christian Life Commission



DEPARTMENT OF CRIMINAL JUSTICE

C. Goal: INCARCERATE FELONS House C.2.4. Strategy: TREATMENT SERVICES

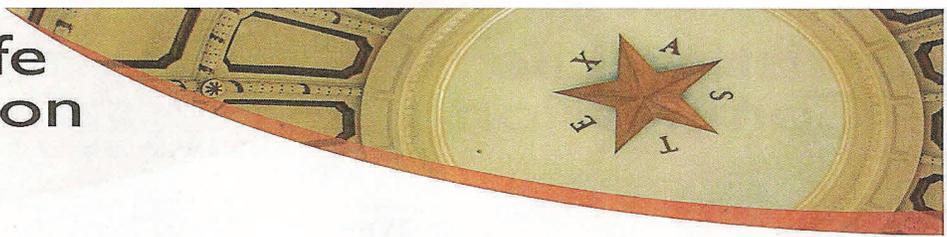
Chaplains for all Texas Prisons are embedded in this strategy called Treatment Services. There are approximately one hundred chaplains serving 500 – 1000 prisoners each. Others included in this strategy are parole, reentry, and case management services. In the proposed budget by House Appropriations, Chaplains are eliminated 100%. Other services in this strategy are cut 10% or 6%.

Expended 2009	Estimated 2010	Budgeted 2011	Requested 2012	Requested 2013	Recommended 2012	Recommended 2013
\$ 17,201,030	\$ 19,386,686	\$ 19,125,229	\$ 19,421,686	\$ 19,421,686	\$ 11,141,414	\$ 11,141,414

Chaplaincy – in service of the First Amendment

- Prison inmates are restrained and consequently deprived of their liberty. By reason of their status they are displaced from their homes and communities. They are thereby denied the opportunity to exercise their individual rights to worship in the same manner as an ordinary citizen *Delores Rudd v Honorable Robert D Ray 248 N.W. 2d 15 (Iowa 1976)*
-it is now established that that prisoners do have certain rights and privileges in the religious area which courts will protect and the prison authorities may not punish or discriminate against religious beliefs as such... *see Cruz v Beto 405 US 319 (1972)*
- Reasonable opportunities must be afforded to all prisoners to exercise the religious freedom guaranteed by the First and Fourteenth Amendments without fear of penalty... *see O'Malley v. Briery, 477 F2d 785, 796 (3 Cir 1973)*
- There are certain practices, conceivably violative of the Establishment Clause, the striking down of which might seriously interfere with certain religious liberties also protected by the First Amendment. Such provisions are... churches and chaplains at military establishments for those in the armed services (and) the like provision by state and federal governments for chaplains in penal institutions. (Chaplain services need) to be sustained on constitutional grounds as necessary to secure to the members of the Armed Services and prisoners those rights of worship guaranteed under the Free Exercise Clause.
The State must be steadfastly neutral in all matters of faith and neither favor nor inhibit religion....on the other hand **hostility, not neutrality, would characterize the refusal to provide chaplains and places of worship for prisoners and soldiers cut off by the State from all civilian opportunities for public communion....Justice Brennan, concurring opinion School District of Abington Township, 374 US 296-299.**

There are many essential services required by TDCJ in the protection of the public and security- secure buildings, guards and personnel, basic needs. In addition to these essential services, prison chaplaincy is also an essential service as it is the most judicious and proven application to guarantee the First Amendment exercise of religious liberty. There are many other important services provided by TDCJ including education, correctional industries, treatment and case management that enjoy continued funding in this proposed budget (even in this strategy 2.4) however NONE of these services are provided as a result of Constitutional guarantee. These other programs should be cut instead of the Chaplains in Texas prisons.



Senate C.2.4. Strategy: TREATMENT SERVICES

The Senate version of strategy 2.4 includes cuts of 13% for its total strategy. The Senate does not have more detailed information that directs the budget cuts to be made disproportionately to chaplaincy compared to other services. However, the Senate does not say that it wants to maintain chaplaincy services directly; the House does direct chaplaincy to be cut 100 percent.

Expended 2009	Estimated 2010	Budgeted 2011	Requested 2012	Requested 2013	Recommended 2012	Recommended 2013
\$17,201,030	\$19,386,686	\$19,125,229	\$19,421,686	\$19,421,686	\$16,384,725	\$16,384,725

Additional Considerations:

- Chaplains recruit and supervise religious volunteers. There are currently nearly 18,000 trained volunteers in TDCJ. They provided approximately \$12.6 million of free services this past year. That is three dollars of free service for each dollar spent on the chaplaincy department.
- Chaplains provide pastoral care for the prison community. Professional Chaplains have a positive effect on staff in the TDCJ community. Their presence and interactions act as an employee assistance program to produce a positive working environment and relieve stress.
- A Professional Chaplain's worth far outweighs their salary. If a chaplain turns just one person from a life of crime, that chaplain will have saved the state more than the equivalent of that chaplain's yearly salary. Chaplaincy is the most effective change factor available to prisoners - reducing recidivism and improving pro-social behavior, both in and out of prison.
- Professional Chaplains are trained to provide a venue for prisoners to not only experience their spirituality but also to vent frustrations thus providing a more stable environment in the prison itself.

Senate Finance Committee Hearing: SB 1 Relating to appropriations for the 2012-2013 biennium
 Article V - Public Safety and Criminal Justice
Monday, February 21, 2011
2:30 P.M. E1. 036

Committee Members: Ogden, Chair (R) / Hinojosa, Vice-Chair (D) / Deuell (R) / Duncan (R) / Eltife (R) / Estes (R) / Lucio (D) / Nelson (R) / Patrick (R) / Seliger (R) / Shapiro (R) / West (D) / Whitmire (D) / Williams (R) / Zaffirini (D) /

Possible Remedies:

1. A Senate member can create a budget rider to ensure that resources allocated to strategy 2.4 are used to fund TDCJ professional chaplaincy. A rider of this nature is desirable since the House directive does not maintain chaplaincy services.
2. In addition to a budget rider, the Senate can pass an SCR articulating and affirming the role, effectiveness, and constitutional priority of professional chaplaincy within Texas prisons.