

From the State House to the Jail House: Protecting Public Safety Without Punishing Taxpayers



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First Principles



- Empower & Restore Crime Victims
- Control Costs - Criminal Justice is Large Share of State & Local Budgets; Reduced Economic Development.
- Focus Criminal Law on Conduct that Harms Others.
- Next public dollar should be spent in the way that most reduces the harm caused by crime – may be more police to deter crime rather than more prisons.



Preferring Prison

Survey of Male Inmates Shows They'd Rather Be in Prison for More Time Than Alternative Sanction for Less Time

Months in Prison

8

12

	8	12
Day Fine/Work Release	114 days	137 days
Community Service	97 days	130 days
Day Reporting	6.35 months	7.93 months
Halfway House	7.28 months	9.23 months

Peter B. Wood and Harold G. Grasmick, "Inmates Rank the Severity of Ten Alternative Sanctions Compared to Prison," Oklahoma Criminal Justice Research Consortium Journal, 1995. Available at: <http://www.doc.state.ok.us/offenders/ocjrc/95/950725J.HTM>

What Do Crime Victims Want?

Survey of Iowa Crime Victims of Burglary

Sanction	Percent Requesting
Restitution	81.4%
Community Service	75.7%
Pay Fine	74.3%
Regular Probation	68.6%
Treatment/Rehabilitation	53.5%
Intensive Probation	43.7%
Short Jail Term	41.4%
Boot Camp	40.0%
Work Release Facility	34.3%
Prison Sentence Year or More	7.1%

Current Jail Crowding Solutions Used in Some Texas Counties

- Bail bondsmen
- Personal bond
- Rapid processing using pretrial division and magistrate
- Mental health diversion
- Substance abuse diversion, drug courts
- Work release
- Day reporting
- Victim-offender mediation



Expand Citation Authority



- **HB2391 only covers six misdemeanors and is only known to be used in two counties.**
- **Original version of bill included all misdemeanors except specific public safety exceptions such as drunk driving and fleeing.**
- **Allow payment by mail if prosecutor opts not to seek jail time.**
- **Allow county commissioners to designate misdemeanors that are non-jailable in that county, which also eliminates indigent defense costs.**

Flexible Housing as Condition of Probation and Pretrial Release

- Use tents, temporary buildings, and work camps to manage capacity.
- If offender is probation or pretrial release, not under Sheriff's control, then Jail Standards Commission has no jurisdiction. Feds may cover health care if not "confined."
- GPS and electronic fences can be used to monitor offenders' location and ensure compliance.



Enhance Use of Technology

- Utilize GPS for pretrial release of offenders who may pose flight risk and to enforce location restrictions, work release and treatment.
- Combine GPS with crime scene correlation which enables law enforcement to determine if offender was at the location at the time of any new reported crime.



Blue Warrants: Unfunded Mandate, Public Safety Challenge



- Problems with allowing release on bail are danger to public and possible increase in revocations if no "jail therapy."
- Bill could be narrowed to focus only on technical violators with no history of a violent offense.
- Could parole board be given a veto on release? Would they be able to review in a timely manner to exercise that?
- 750 new ISF beds for parole will help.

Driver Responsibility Program

- Two-thirds of drivers or about 666,000 people are not paying the fines and most are likely driving with an invalid license.
- Allow counties to create a program whereby those who can prove they are indigent can satisfy obligation through an approved community service program (153 hours = \$1,000)
- Many local governments and charities already utilize probationers so probation departments have a verification system that could be used.



Reward Counties that Emphasize Alternatives to Incarceration



- Allow counties that underutilize state jails to reclaim some saved state funds for probation, diversion, and crime prevention. Could be allocated by community justice council.
- Adopt performance-based probation funding formula that includes risk, technical revocations, employment rate, and restitution.

Empower Police to Make Informal Dispositions



- HB1939 would have allowed peace officers to informally dispose of most Class B cases with similar language as currently exists for juveniles in Family Code Section 52.03, including by referral to treatment center or neighborhood restorative justice panel.
- Section 52.03 requires juvenile boards to adopt guidelines for informal dispositions but boards including Harris County not.
- Ensure officers' performance is not evaluated primarily on number of arrests and tickets.
- Private security resolving minor shoplifting.

Prevent More Crime



- Increase police presence and visibility.
- Reduce recidivism through employment.
- Allow management districts to hire police.
- Launch neighborhood watches and patrols.
- Create property tax incentive tied to apartment owners' success in reducing crime – measures owners would likely take include private security, gates, cameras, better lighting, dispute resolution, etc.
- Lower out-of-school suspensions – over 1 million days missed and suspended kids have 30 times higher crime rate.

Eliminate Excessive Offenses



- Texas has more than 2,000 state criminal laws – many like bringing citrus fruit across state lines probably never prosecuted.
- The City of El Paso recently criminalized minors possessing permanent markers. Some 87 citations have been issued at \$270 each in total costs, likely borne by parents.



Wrap Up



- **County jails are vital for holding the most dangerous offenders until TDCJ picks them up, leverage to gain compliance with warrants, and shock jail as progressive sanction.**
- **Local governments must be given the tools and incentives to control county jail populations rather than unfunded mandates.**
- **Benefits of new jail construction must be compared with benefits of investing same amount of funds in law enforcement and crime prevention.**