



# Thinking Outside the Cell: A Road Map to More Cost-Effective Texas Corrections



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**Is it always necessary to increase incarceration in order to reduce crime?**



# Incarceration & Crime

State	Incarceration Rate Change 2000-2007	Crime Rate Change 2000-2007
California	0%	-16%
Florida	+16%	-11%
New York	-16%	-25%
Texas	-8%	-6%

- ▣ **Violent crime in New York City down 64% while 42% fewer inmates**

# Texas Trend: Lower Incarceration *and* Crime Rates

Year	Incarceration Rate Per 100,000 Residents	Serious Crimes Per 100,000 Residents
2004	704	5,038.6
2008	639	4,492.5
% Change	-9.2%	-10.8%

- ▣ Texas' crime rate has reached its lowest level since 1973.

*Sources: Bureau of Justice Statistics and  
Texas Law Enforcement Agency Uniform Crime Reports*

**Do only the worst of the worst  
go to prison in Texas?**



# Prisons Full of Nonviolent Offenders

- ▣ 2/3 of entering inmates are there for a nonviolent offense. Texas has nation's 4<sup>th</sup> highest incarceration rate.
- ▣ 20,000 drug possession inmates in Texas, zero in Oregon. 5,000+ are first-time felons.
- ▣ Many locked up for shoplifting, hot checks
- ▣ Serious violent and sex offenders are appropriately serving longer than ever – about 90% of their sentences



# Did Texas avoid building 17,332 prison beds by letting inmates out early?



# No, The 2005 and 2007 Reforms Were Primarily Budgetary

- ▣ Capacity in programs that offer less costly alternatives to incarceration was expanded. Must continue to strengthen probation and diversion.
- ▣ Texas did not shorten prison sentence lengths, though parole rate has increased slightly from 27 to 31%, as Board finds that as more inmates are receiving treatment, more are safe to be released with supervision.







## Probation Reform Proves the Right Incentives Work

- ▣ In 2005, additional \$55 million in funding for stronger probation supervision to probation departments that adopted progressive sanctions.
- ▣ Participating probation departments reduced their technical revocations by 16% while those that didn't increased technical revocations 8%.
- ▣ Had all departments increased their revocations by 8%, another 2,640 revocations for an average of 2.5 years at a cost to taxpayers of \$119 million, not including prison construction.
- ▣ Texas probation revocation rate declined from 16.4% in 2005 to 14.7% in 2010.

# Bolstering Texas Parole Supervision: Less Crime, Less Total Spending

- ▣ From 2007 to 2008, 1,016 fewer parolees allegedly committed an offense and 566 fewer were revoked for rule violations. Prison savings, including avoided construction, exceed \$137 million.
- ▣ Parole supervision has added instant drug testing, more substance abuse treatment, more job placement resources, enhanced use of graduated sanctions; restored parole chaplains, and increased officers' emphasis on helping parolees succeed instead of "trail'em, nail'em, and jail'em."

# Do Conservatives Support a Prison for Every Problem?



# Getting Criminal Justice Right

- Gov. Reagan in 1971: “Our rehabilitation policies and improved parole system are attracting nationwide attention. Fewer parolees are being returned to prison than at any time in our history, and our prison population is lower than at any time since 1963.”



# Leadership of Governors

- LA.: Gov. Jindal: “hammer away at dubious distinction of highest incarceration rate in the world” with day reporting, jail reentry & work release.
- CT.: Gov. Rell: Divert non-violent offenders, closed prison in Dec. 2009
- TX.: Gov. Perry: “rehabilitate nonviolent offenders, spend less locking them up again”
- Govs. Daniels, Deal & Scott launch reforms in 2011



*Gov. Bobby Jindal*

# Conservative Leaders Speak Out

- Speaker Newt Gingrich, Drug Czar Bill Bennett, A.G. Ed Meese, Grover Norquist, and Other Conservative Leaders Endorse Right on Crime Statement of Principles
- Statement Supports Cost-Effective Alternatives for Nonviolent Offenders, Emphasis on Restitution and Treatment, and Performance Measures and Incentives to Move from a System That Grows When it Fails to One That Rewards Results



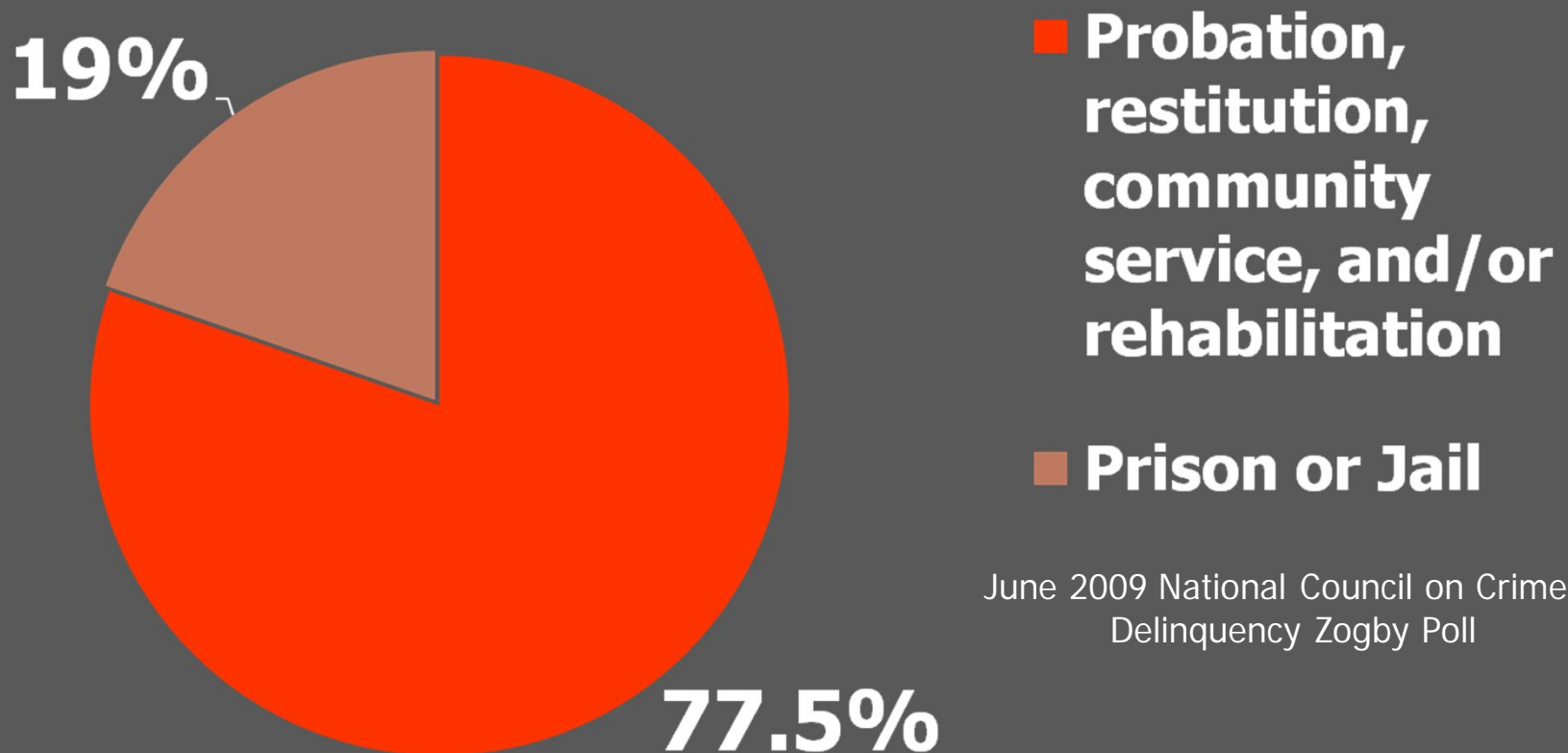
Grover Norquist,  
President, *Americans for  
Tax Reform*

# Does the Public Just Want More Prisons?



# Use Prison Wisely

What do voters think is the most appropriate sentence for a nonviolent, nonsexual offender whose crime did not involve significant property loss (less than \$400)?



June 2009 National Council on Crime & Delinquency Zogby Poll



# Texans Say Cut Prisons First

Which of the following would be your **FIRST** priority for maintaining or increasing funding during the next round of state budget negotiations?

	<b>First Choice</b>	<b>Second Choice</b>
<b>Health care for the elderly, the mentally ill, and poor children</b>	30%	33%
<b>K-12</b>	27%	26%
<b>Aid to local school districts to offset property tax reductions</b>	20%	22%
<b>Higher ed</b>	13%	11%
<b>Prisons</b>	3%	7%

*2010 Texas Lyceum Voter Survey*

# Is Prison the Toughest Penalty for Offenders?





# 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**

<b>Day Fine/Work Release</b>	<b>114 days</b>	<b>137 days</b>
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>

# Do Victims Think Prison is Always the Best Solution?



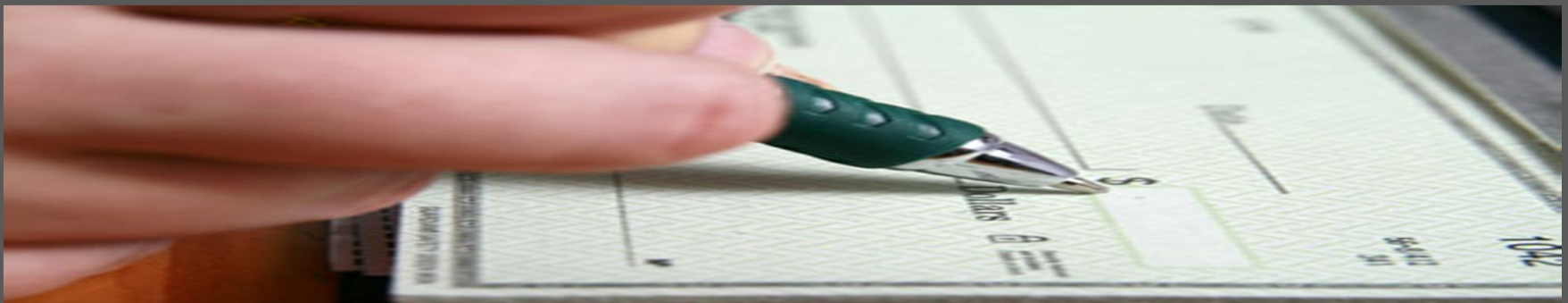
# The Victims' Perspective

## *Survey of Iowa Burglary Victims*

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%

# Probation Pays; Prison Doesn't

- ▣ In 2008, Texas probationers paid \$45 million in victim restitution and did \$65 million worth of community service work. And they pay more than half of the \$2.41 per day probation cost in fees.
- ▣ Texas prisoners paid less than \$500,000 in total of restitution, fines, and fees.



# Isn't it True that Nothing Works Besides Prison?



# Many Alternatives Work

- Maryland evidence-based probation program: 22% less recidivism for low-level nonviolent offenders than prison.
- Drug courts: 34% lower recidivism
- Hawaii HOPE Court with regular testing, treatment as needed, and weekend jail for non-compliance: 2/3 less re-offending.
- Mental health courts: *Amer. Journal of Psychiatry*: less total & violent re-offending
- FL. Study: GPS monitored probationers were 89% less likely to be revoked





# Strengthening Supervision

- ▣ Probation and parole revocations for new offense or rule violations account for 2/3 of prison intakes
- ▣ Use sanctions and incentives
- ▣ Improve use of risk/needs assessments to match right program with right offender
- ▣ Enhancing confidence in probation & parole may increase use. Probation placements are up and crime by probationers is down after Texas departments began receiving state incentive funding and using graduated sanctions.



# Improving Pretrial Justice

- ▣ Reduce number of defendants requiring counsel through reclassifying some of Texas' 1,700 offenses as Class C misdemeanors or removing jail time and expanding the use of victim-offender mediation.
- ▣ Explore San Mateo and Cato Institute voucher models that provide greater independence from judiciary, choice, fidelity to the client, and accountability for performance.
- ▣ Incarceration more likely if not released pretrial , as defendant can maintain job and better work with attorney if not in jail.



# 2011: Texas Corrections at a Crossroads



# 2012-2013 House & Senate Base Budgets – The Good News



- Closing costly adult and juvenile lockups. Gov. Perry also recommends closing Sugar Land Central Unit
- Senate budget has less severe cuts to probation and diversion programs, though still substantial reductions. Senate adult probation cut is 12.7 percent vs. 21.8 percent in the House. Remember, prison cost was \$50.91 per day in 2010 vs. \$1.30 for probation.

# 2012-2013 House & Senate Base Budgets – The Bad News



- House budget cuts parole board, says it will process thousands fewer cases but somehow still parole same number.
- TCOOMI gutted in House budget, which will eliminate specialized caseloads and continuity of care that keep mentally ill out of crime and prison.
- Loss of in-prison treatment programs that are a condition of parole and halfway house beds could clog prisons again.

# Twelve Steps to Reduce Corrections Costs & Protect Public Safety



# Twelve Steps to a Smarter Corrections Budget

- 1) Incentive funding to reward jurisdictions that reduce nonviolent prison commitments and recidivism among probationers, and increase restitution collections and employment of probationers. Similar 2009 juvenile justice budget provision led to a 36% decline in TYC commitments even as juvenile crime rate has dropped.
- 2) Drug sentencing reform endorsed in Texas Association of Business budget blueprint. First-time drug offenders would be sent to probation, treatment, drug courts and six-month substance abuse felony punishment facility.

**tough and smart**

# Twelve Steps to a Smarter Corrections Budget

- 3) Supervised reentry period for prison inmates currently flat discharged. (LBB recommendation)
- 4) Earned time for state jail felons with reentry period.
- 5) Expand geriatric parole. (LBB and Texas Conservative Coalition recommendation)
- 6) Update inmate classification system to identify inmates who can be safely kept at a lower custody level, including better prioritizing use of solitary confinement.
- 7) Increase staff contributions towards health insurance.





# Twelve Steps to a Smarter Corrections Budget

- 8) Require intermediate sanctions facility placement in lieu of revocation for parolees other than 3(g) and sex offenders who commit a technical violation or nonviolent misdemeanor. Similar measure that passed Senate in 2007 was projected to save \$150 million over five years.



# Twelve Steps to a Smarter Corrections Budget

- 9) Institute incentive grant program whereby probation departments receive funds for electronic monitoring in exchange for reducing revocations of absconders who are not suspected of a new crime.
- 10) Institute competitive bidding for unit-based health care based on both cost and quality.
- 11) Reinstitute mandatory supervision for third degree drug possession offenders without a prior violent, sex, or property felony and reinvest a share of savings in proven reentry approaches that reduce recidivism such as reentry drug courts.



# Twelve Steps to a Smarter Corrections Budget

12) As part of consolidation of juvenile agencies, redirect non-capital, non-determinately sentenced youths from TYC to counties with funds following the youth, but less than \$359 per day TYC now costs. Merge juvenile parole function into juvenile probation, eliminating duplicative offices in the state's metropolitan areas.



**Conclusion: There is An Enlightened  
Way to Trim the Budget While  
Promoting Public Safety. Let's Join  
Together and Make It Happen.**



*The presenter is pleased to provide supporting data and additional information upon request*