



Texas Public Policy Foundation

# Corrections Budget and Prison Operations

Legislator's Guide to the Issues 2015-16

## Corrections Budget and Prison Operations



### The Issue

Texas has the fifth highest incarceration rate in the nation and the most prisoners of any state. Today, Texas has approximately 150,500 prison inmates, about half of whom are nonviolent offenders. Two key budgetary strategies adopted in 2005 and 2007 enabled Texas to avoid building more than 17,000 new prison beds, which the Legislative Budget Board (LBB) had projected would be needed by 2012. Most importantly, the state's crime rate has fallen over this time, surpassing the national decline.

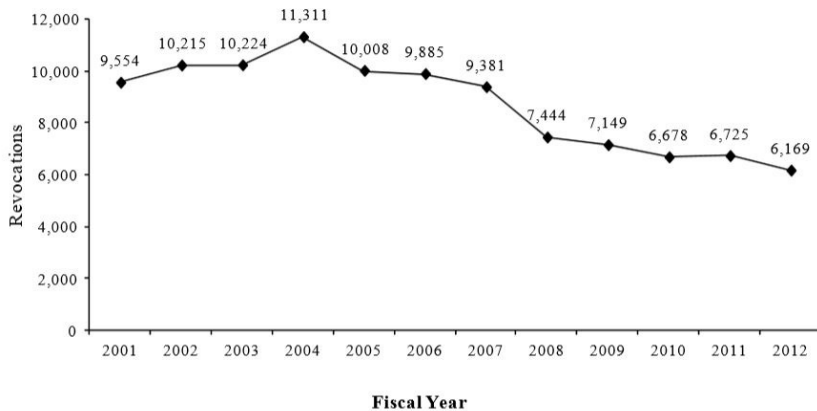
The first strategy involved appropriating \$55 million in 2005 for probation departments that agreed to target 10% fewer prison revocations and to implement graduated sanctions—issuing swift, sure, and commensurate sanctions (e.g. increased reporting, extended term, electronic monitoring, weekend in jail, etc.) for rules violations such as missing meetings rather than letting them pile up and then revoking that probationer to prison.

The second strategy, in 2007, was the appropriation of \$241 million for a package of prison alternatives enacted in 2007 that included more intermediate sanctions and substance abuse treatment beds, drug courts, and substance abuse and mental illness treatment slots. All told, the 2008-09 budget added 4,000 new probation and parole treatment beds, 500 in-prison treatment beds, 1,200 halfway house beds, 1,500 mental health pre-trial diversion beds, and 3,000 outpatient drug treatment slots.

Although the LBB has traditionally assumed an annual 6% increase in the number of offenders sentenced to prison due to population growth and other factors, sentences to prison actually declined 6% in 2009 while more nonviolent offenders went on probation.

In addition to the impact of sentencing decisions, probation and parole revocations together account for approximately half of the annual prison intakes, and both have declined over the last several years as supervision has been strengthened. From 2005 to 2013, the share of probationers revoked to prison for technical violations—failure to comply with probation rules rather than conviction of a new offense—fell 9%.

Texas Parole Revocations to Prison Fall By Nearly Half Since 2004



Source: Legislative Budget Board; Texas Department of Criminal Justice

Similarly, during the last several years, parole offices have improved supervision by expanding the use of graduated sanctions, implementing instant drug testing, and restoring the parole chaplaincy program. Thus, despite there being more parolees, the number of new crimes committed by parolees declined 8.5% from 2007 to 2010, contributing to a sharp reduction in parole revocations.

Capitalizing on Texas' recent success, the Legislature in 2011 followed the recommendation of both the Texas Public Policy Foundation and Governor Rick Perry in ordering the closure of the Sugar Land Central Unit, the first such prison closure in Texas history, which is saving taxpayers approximately \$20 million over the biennium in operating costs while yielding even more in one-time proceeds from the sale of the property. Moreover, two state jails were closed through the budget approved in the 2013 session.

### The Facts

- Prisons cost Texas taxpayers \$50.79 per inmate per day, which is \$18,538 per year and below the national average.
- Each new state prison bed costs more than \$60,000 to build.
- Probation costs \$3.40 per day, of which the offenders pay 54% of that in fees, resulting in a taxpayer cost of less than half of that.
- TDCJ's budget increased from \$793 million in 1990 to \$3.1 billion in 2014.

### Recommendations

- **Implement Senate Bill 1055 to incentivize lower costs and less recidivism.** A provision is needed in the next budget authorizing TDCJ to implement SB 1055 by reallocating to participating counties some of the savings from prison closures achieved through the implementation of the local commitment reduction plans described in the legislation. In 2010—the first fiscal year of Texas' Juvenile Commitment Reduction Program—juvenile commitments to state lockups fell 36%, saving taxpayers at least \$114 million, while juvenile crime continued to decline. SB 1055 provides that counties can use the share of the state's savings that they receive for community-based programs, which include drug courts, specialized probation caseloads, and residential programs, including short-term use of the county jail to promote compliance.
- **Cap maximum time nonviolent revoked probationers can serve for technical violations.** Although technical revocations have declined, there were still 12,094 technical revocations in fiscal year 2011. Such revocations account for more than half a billion dollars in annual prison costs. Given that research shows that the swiftness and sureness of punishment is more important than the length of stay and that there is less of a need to incapacitate nonviolent offenders, technical revocations of nonviolent offenders who have not previously been revoked should be capped at 18 months with eligibility for parole occurring no earlier than 6 months.
- **Incorporate virtual education into prison education.** Blended learning approaches could incorporate the state's existing virtual school network with appropriate firewalls. Evidence indicates this could better address the challenge of inmates who are at very different baseline levels and learn at very different paces than relying on traditional classroom instruction alone.

### Resources

*Unlocking the Adult Corrections Budget* by Marc Levin, Texas Public Policy Foundation (May 2011).

*The Role of Parole in Texas* by Marc Levin & Vikrant Reddy, Texas Public Policy Foundation (May 2011).

*Incentivizing Lower Crime, Lower Costs to Taxpayers, and Increased Victim Restitution* by Marc Levin, Texas Public Policy Foundation (Apr. 2011).

