



## Smart Ways to Cut Costs and Protect Public Safety in Adult Corrections

**Marc A. Levin, Esq., Director of the Center for Effective Justice at the Texas Public Policy Foundation**

### Savings Through Tough and Smart Sentencing, Probation & Parole Reforms

Recommendation	Estimated 2012-13 Savings	Source/Method
<p>Diversion of low-level drug possession offenders to drug courts, mandatory drug treatment, and substance abuse felony punishment facilities. This legislation has been endorsed by judges, probation department leaders, and the Texas Association of Business.</p>	\$112.50 million	<p>2007 fiscal note for SB1909, savings indicated is net figure including additional state spending on probation supervision and treatment to reduce recidivism among diverted substance abuse offenders.<sup>1</sup> Fiscal note takes into account provision authorizing court to send any covered low-level drug possession offender to prison for up to 10 years upon making written findings they are a danger to public safety. The legislation DOES NOT apply to any drug dealers, as drug delivery is a separate offense from possession.</p>
<p>Require placement in an intermediate sanctions facility for technical violations or misdemeanors on parole for 180 days to 1 year.</p>	\$19.48 million	<p>2007 fiscal note for SB838.<sup>2</sup></p>
<p>Create supervised reentry period using evidence-based recidivism reductions strategies for prison inmates currently flat discharged with no supervision.</p>	\$10.91 million	<p>This is SB 1948 from 2009 which unanimously passed the Senate and which is included in this year's efficiency recommendations report by the LBB.<sup>3</sup></p>

<sup>1</sup> <http://www.legis.state.tx.us/tlodocs/80R/fiscalnotes/html/SB01909I.htm>.

<sup>2</sup> <http://www.legis.state.tx.us/tlodocs/80R/fiscalnotes/html/SB00838I.htm>.

<sup>3</sup> <http://www.legis.state.tx.us/tlodocs/81R/fiscalnotes/html/SB01948I.htm>.

<p>Streamline geriatric parole so that one committee of medical and corrections experts makes decision that Parole Board can override within 30 days. Expanding geriatric parole has been recommended by the Texas Public Policy Foundation, Legislative Budget Board, and Texas Conservative Coalition.</p>	<p>\$76.78 million</p>	<p>Some 300 infirm inmates recommended by doctors are being denied release every year over the last decade and 440 inmates died in Texas prisons in 2009, according to the <i>Texas Tribune</i>.<sup>4</sup> Based on their average incarceration cost being twice the \$50.79 of regular inmates per day and assuming a backlog of 1,000 inmates, this would save \$37.08 million in 2012 on prisons while adding \$1.37 million in parole costs and save another \$42.64 million in 2013 while adding \$1.57 million in parole costs.<sup>5</sup> We recommend allocating a portion of savings for electronic monitoring and Medicaid, although the federal government will pick up most health costs as many of these inmates transition to nursing homes and house arrest. Inmates over 60 have a 3.8% recidivism rate and those over 55 have a recidivism rate of between 2% and 8% given the screening and risk assessment under this proposal to identify and parole only selected elderly inmates determined to be too infirm to pose a risk, rates should be even lower.</p>
<p>Create voluntary incentive funding option for counties to reduce nonviolent prison commitments to state and receive part of the savings, which would be similar to Texas' successful Juvenile Commitment Reduction program enacted through budget provision in 2009.</p>	<p>Cannot be determined at this time as it would depend on level of participation. Appears to be significant interest among probation departments and district attorneys.</p>	<p>Incentive funding provision whereby counties can voluntarily reduce nonviolent prison commitments in exchange for approximately half of savings to the state to be used for community supervision and sanctions, problem-solving courts, treatment, prosecution, and law enforcement. A share of savings would be upfront to establish diversion options while another share would be ongoing based on performance in reducing recidivism among probationers, increasing percent of probationers current on restitution, and increasing percentage of probationers employed.</p>
<p>Restore mandatory supervision for third degree drug possession (1 to 4 grams) offenders.</p>	<p>\$9.11 million</p>	<p>Fiscal note to HB 3702 in 2007.<sup>6</sup></p>
<p>Deport nonviolent, parole-ready illegal immigrant inmates.</p>	<p>\$92.69 million</p>	<p>Assumes of the 3,000 total, 2,500 will be released and deported who otherwise would have stayed behind bars.<sup>7</sup></p>

<sup>4</sup> <http://www.texastribune.org/texas-dept-criminal-justice/texas-department-of-criminal-justice/few-texas-inmates-get-released-on-medical-parole>.

<sup>5</sup> <http://www.texastribune.org/texas-dept-criminal-justice/texas-department-of-criminal-justice/few-texas-inmates-get-released-on-medical-parole/>.

<sup>6</sup> <http://www.legis.state.tx.us/tlodocs/80R/fiscalnotes/html/HB03702I.htm>.

Earned time for the 12,133 state jail felons based on exemplary behavior behind bars and completion of educational, treatment, and vocational programs.	\$64.05 million	State jail felonies are nonviolent, such as writing a hot check or possessing less than a gram of drugs. Assumes 20% reduction in time served and reinvesting some savings into supervision and reentry. State jail felons currently serve flat time up to two years with no eligibility for parole and, according to the LBB, have a much higher recidivism rate than prisoners. This would provide a positive incentive for good behavior and self-reform efforts while behind bars. Incarceration savings based on average \$38 per day and 20% reduction are \$67.31 million minus parole reentry supervision cost of \$3.74 for a six month period of \$3.26 million.
Create incentive funding to pay for probation departments to use GPS in lieu of revocation for some probationers who abscond but aren't suspected of new crime.	Cannot be determined at this time.	
Restore mandatory supervision for probationers revoked for a technical violation with no record of a violent offense.	Cannot be determined at this time.	

Total Estimated Corrections Policy Reform Savings: \$327.52 million

### Operational Savings

Recommendation	Estimated 2012-13 Savings	Source/Method
Sell the Sugar Land Central unit as recommended by both base budgets and Gov. Perry.	\$30.50 million	2006 appraisal. <sup>8</sup>

<sup>7</sup> <http://www.statesman.com/news/texas-politics/state-looking-at-release-of-foreign-or-sick-1256953.html>.

<sup>8</sup> <http://www.tdcj.state.tx.us/publications/finance/Feasibility%20Study%20of%20Relocating%20the%20Central%20Unit.pdf>.

Require TDCJ staff to contribute more towards their own health insurance and coverage for dependents.	Cannot be determined at this time.	
Give TDCJ employees the option of choosing a health savings account to which the state would contribute a few thousand dollars combined with a catastrophic insurance policy in lieu of the current health plan.	\$20.00 million	Indiana has saved \$20 million in 2010 by giving its state employees, which number 30,000 compared with 40,000 at TDCJ, this option. <sup>9</sup> Some 70% of employees have chosen it.
Privatize all state-operated jails, which have 27,396 beds.	\$161.59 million	The LBB reports that in 2010 operating costs for state-run state jails were \$43.03 vs. \$30.73 for privately run state jails which provide the same level of programming. <sup>10</sup> The LBB notes that TDCJ attributes \$4.22 per offender per day to each unit in system-wide operating costs for items such as warehousing, offender classification, and regional maintenance. Our savings figure therefore is based on the difference between \$38.81 (\$43.03 - \$4.22) and \$30.73, which is \$8.08.
Eliminate 7% across-the-board raise for corrections officers given in 2009.	\$113.00 million	Due to the economic downturn, TDCJ no longer has a prison guard shortage and many private businesses and government agencies around the nation have adjusted salaries. <sup>11</sup>

Total Estimated Operational Savings: 324.09 million

**Grand Total of Estimated Savings: \$651.61 million**

**Estimated savings are 10.56% of 2010-2011 \$6.17 billion TDCJ Budget**

<sup>9</sup> [http://www.heartland.org/healthpolicy-news.org/article/27312/Indiana\\_Government\\_Workers\\_Taxpayers\\_Saving\\_Big\\_Through\\_HSAs.html](http://www.heartland.org/healthpolicy-news.org/article/27312/Indiana_Government_Workers_Taxpayers_Saving_Big_Through_HSAs.html);  
<http://www.texaspolicy.com/pdf/2010-03-testimony-HSA-ey.pdf>.

<sup>10</sup> [http://www.lbb.state.tx.us/PubSafety\\_CrimJustice/3\\_Reports/Uniform\\_Cost\\_Report\\_0111.pdf](http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Uniform_Cost_Report_0111.pdf).

<sup>11</sup> [http://www.statesman.com/blogs/content/shared-gen/blogs/austin/politics/entries/2009/05/19/correctional\\_officers\\_get\\_35\\_p.html](http://www.statesman.com/blogs/content/shared-gen/blogs/austin/politics/entries/2009/05/19/correctional_officers_get_35_p.html).