

Adult Corrections Reform: Lower Crime, Lower Costs



by Marc Levin, Director, Center for Effective Justice

In the last several years, Texas has become emblematic of the growing movement to be both tough and smart on crime, as it has achieved significant declines in both its crime and incarceration rates. Policies initiated since 2005 have expanded capacity in alternatives to incarceration that hold nonviolent offenders accountable and provide effective supervision. Since that time, Texas has seen a double-digit reduction in crime, reaching its lowest crime rate since 1973.¹ In this same period, the state's adult incarceration rate has fallen 9 percent. Texas, which in 2004 had the nation's second highest incarceration rate, now has the fourth highest.²

Texas Crime and Incarceration Rates Tumble³

Year	FBI Index Crime Rate	Incarceration Rate Per 100k
2005	4,857.1	681
2010	4,236.4	620
% Change	-12.8%	-9.0%

Two key budgetary strategies enabled Texas to cut crime and avoid building more than 17,000 new prison beds.

The first strategy involved appropriating \$55 million in 2005 for probation departments that agreed to target 10 percent fewer prison revocations and to implement graduated sanctions. Graduated sanctions ensure 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. Most of the funding went towards reducing caseloads from nearly 150 (in major urban areas) to 110 probationers per officer, and expanding specialized, much smaller caseloads for subgroups such as mentally ill probationers. This facilitated closer supervision, and the consistent application of such sanctions, which led to a decline in revocations in these departments, saving taxpayers \$119 million.⁴

The second strategy, in 2007, was the appropriation of \$241 million for a package of prison alternatives that included more intermediate sanctions and substance abuse treatment beds, drug courts, and mental illness treatment slots. This package was in lieu of spending \$2 billion on 17,332 new prison beds that the Legislative Budget Board (LBB) had otherwise projected would be needed by 2012.⁵ The search for alternatives came in response to statements from judges, prosecutors, and corrections officials, bolstered by data, indicating that increasing numbers of low-level, nonviolent offenders were being directly sentenced, or revoked from probation, to prison. Why? Because of long waiting lists for many alternatives.

Furthermore, parolees often remained in prison because of waiting lists for halfway houses and programs they had to complete before release, a backlog addressed by the 2007 package.⁶ 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.

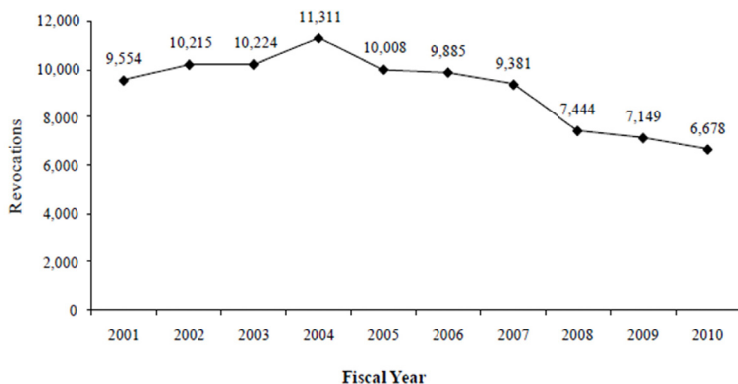
Perhaps reflecting increased confidence by judges, juries, and prosecutors in probation, sentences to prison actually declined 6 percent in 2009 while more nonviolent offenders went on probation.⁷ This reversed the historical increase of 6 percent per year in prison commitments.⁸

Furthermore, probation and parole revocations together account for approximately half of the annual prison intakes, and both have declined recently as supervision has been strengthened.⁹ From 2005 to 2010, Texas' probation revocation rate fell from 16.4 to 14.7 percent.¹⁰

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 percent from 2007 to 2010, contributing to a sharp reduction in parole revocations.¹¹

Texas Parole Revocations to Prison¹²



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. This will save taxpayers approximately \$20 million over the biennium in operating costs, in addition to the one-time proceeds from the sale of the property.

In 2011, Texas policymakers also took many additional steps to continue the new Texas trend of lower crime and incarceration rates. First, lawmakers grappling with a challenging budget environment found operational savings such as closing one adult and three juvenile lockups and reducing subsidized housing for high-level corrections officials, rather than cutting back on cost-effective alternatives to prison and in-prison

treatment programs that have paid dividends since being expanded in 2007.

In 2011, lawmakers also passed, and the Governor signed, several key bills. SB 1055 allows counties to opt for performance incentive funding based on reducing commitments to prison of low-level offenders while also reducing recidivism, increasing the share of probationers making victim restitution, and increasing the employment rate among probationers. Second, HB 1205 creates a positive incentive for probationers to pursue self-improvement by allowing judges to award time credits for exemplary behavior, such as earning a degree, fully paying restitution, and completing treatment programs.

Finally, HB 2649 is projected to save \$49 million by incentivizing state jail inmates, the lowest-level, nonviolent offenders in state lockups, to complete educational, treatment, and vocational programs and exhibit exemplary behavior. Under this legislation, judges can require those offenders who demonstrated such exemplary conduct to spend several months of their sentence on probation, whereas under the former law most state jail felons had no opportunity for probation or supervision upon release. Transitioning exemplary state jail inmates upon reentry to probation ensures that they will be held accountable to an officer, directed to find a job and housing, and required to comply with restrictions such as drug testing, curfews, and avoiding anti-social peers.

While Texas, like all states, has more work to do to strengthen its criminal justice system, Texas' progress over the last several years is a shining example of how states can adopt strategies that deliver less crime and a lower bill to taxpayers. ☆

¹ Texas Crime Rates, FBI Reports.

² Marc Levin, "Texas Criminal Justice Reform: Lower Crime, Lower Cost" Texas Public Policy Foundation (Jan. 2010).

³ Texas Crime Rates 1960-2010.

⁴ "Adult Probation" 2011-12 Texas Legislators' Guide to the Issues, Texas Public Policy Foundation.

⁵ "Adult & Juvenile Correctional Population Projections Fiscal Years 2007-2012" Legislative Budget Board (Jan. 2007).

⁶ "Justice Reinvestment in Texas: Assessing the Impact of the 2007 Justice Reinvestment Initiative" Council of State Governments Justice Center (Apr. 2009).

⁷ Garron Guszak, Legislative Budget Board, email (16 Dec. 2009).

⁸ "Current Correctional Population Indicators" Legislative Budget Board (Apr. 2011).

⁹ "Adult & Juvenile Correctional Population Projections Fiscal Years 2011-2016" Legislative Budget Board (Jan. 2011).

¹⁰ "Statewide Criminal Justice Recidivism and Revocation Rates" Legislative Budget Board (Jan. 2011).

¹¹ "2007 Annual Report" Texas Board of Pardons and Paroles; and "2010 Annual Report" Texas Board of Pardons and Paroles.

¹² Tony Fabelo, "Texas Justice Reinvestment: Outcomes, Challenges and Policy Options to Consider" Council of State Governments Justice Center (Mar. 2011); and Texas Department of Criminal Justice Parole Statistics.

Note: Sources are hyperlinked in online version at www.texaspolicy.com.

