

June 4, 2006, 3:05AM

REFORM SYSTEM

Reducing crowding in jail on the cheap

County has options to costly added staff, new facilities

By MARC LEVIN

Texas may be known for its wide open spaces, but its criminal justice facilities are bursting at the seams. The Legislative Budget Board estimates that, if policies are not changed, the state will need another 14,000 prison beds by 2010 at a cost of over more than \$1.24 billion.

Now, the Texas Commission on Jail Standards has found the Harris County Jail in noncompliance, citing inmates sleeping on the floors, an insufficient number of guards and other violations. The commission ordered Harris County to transfer inmates to other jurisdictions at a cost of \$1 million per month.

Harris County is appealing the commission's ruling while also attempting to hire additional jail personnel. Harris County is one of 25 counties whose jails are currently classified by the commission as noncompliant. However, instead of merely applying Band-aids to the problem, Harris County and other counties should pursue systemic reforms to reduce jail crowding.

First, Harris County and other counties should divert more nonviolent drug offenders from county jails to mandatory drug treatment programs. Drug courts are an alternative to incarceration for minor drug offenses that involve comprehensive supervision, drug testing, treatment services, and family and community interaction. Texas offenders completing drug court programs have a 28.5 percent re-arrest rate, compared to the state average of 58.5 percent.

Even in the Texas counties with drug courts, their capacity is less than 5 percent of those arrested for drug possession. Harris County has only one drug court and a shortage of slots for inpatient and outpatient drug treatment. With more drug courts and expanded treatment programs, Harris County could send fewer offenders to its county jail while reducing re-arrest rates. And the cost of such diversion programs is far less than court-ordered, jail-related construction.

Another way to ameliorate the population pressures on county jails is to reduce probation revocations. Felony offenders on probation are sent to prison while misdemeanants on probation are sent to county jails. Probationers

may be revoked for a new offense or for a technical violation of the terms of their probation.

The 79th Legislature offered the 121 local probation departments additional funds to hire new probation officers in return for implementing "progressive sanctions." These sanctions reduce full revocations by responding to each technical violation with measured punishments, such as increased reporting requirements, a curfew, electronic monitoring, or a shock night in jail. In the first quarter of 2006, those participating departments have contributed to a 12 percent decrease in probation revocations.

Of the major Texas counties, Harris County has the highest rate of probation revocations. In Harris County, each of the 21 criminal district court judges runs his/her own probation docket and most have not committed to using progressive sanctions, even though Harris County received its share of the new money.

In addition to fully implementing progressive sanctions, revocations can be reduced by diverting probationers who have a drug relapse into mandatory treatment programs. Research shows that most addicts who eventually come clean after treatment have one or more relapses along the way.

Finally, Harris County and others can reduce jail crowding by making changes to their bail schedules. Some 40 percent of the Harris County Jail population consists of pretrial detainees, many of whom cannot afford their bond.

Taxpayers expect their public officials to not just put out fires as they happen, but to plan ahead and address the underlying causes of crises such as jail crowding. Building new jails and hiring more personnel is a costly stopgap measure.

In 1995, Harris County was forced to spend \$100 million on jail-related construction. Instead, county jail populations must be scrutinized to determine which offenders can be diverted into less expensive and more rehabilitative settings without threatening public safety.

Only through such systemic reforms can we permanently ensure that neither county jails nor the public coffers are overtaxed.

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