
Strange Bedfellows

Are the dogs and cats of criminal justice sleeping together? / By Jim Lewis



FIFTEEN YEARS AGO, the last time Texas faced a prison overcrowding crisis, the issue was complex but the politics were simple. The conservatives said, “just build more prisons” and the liberals replied, “no, it’s smarter to spend money on alternatives to prison such as counseling, drug abuse treatment, etc.”

Today, an overflow of inmates is imminent but the debate among insiders has changed radically.

The Texas Public Policy Foundation, a conservative think-tank that has the ear of many Republican legislators, has churned out a series of recommendations and research papers decrying “over-criminalization” and advocating shorter probation terms, making it tougher to revoke probationers, expanding drug courts and increasing use of substance abuse programs.

And on the other end of the spectrum, a Weblog written by an American Civil Liberties Union staff member is slapping them on the back with “attaboys” at every turn.

“Bravo, Marc! That took courage, saying what needs to be said,” wrote the ACLU’s Scott Henson on his personal blog, Grits for Breakfast, when TPPF’s Marc Levin published a wide-ranging set of alternative sentencing reforms in May. “I hope you don’t catch a lot of backlash for it. If the state’s leaders followed your advice, I think they’d be grateful later.”

Levin’s policy paper, “How to Avert Another Texas Prison Crowding Crisis,” pointed out that if sentencing policies are not changed, by 2010 the state will need another 14,000 prison beds, which he said will cost \$1.24 billion to construct and \$224 million to operate. (In June, legislative budget staff reduced that projected 2010 bed need to 9,600).

Instead of prison construction, the paper advocates:

- Additional use of progressive sanctions (which “reduce revocations by responding to each probation infraction with measured punishments, such as increased reporting requirements, a curfew or a shock night in jail”);
- Shorter probation terms, so that probation officers will have smaller caseloads and a corresponding capability of paying more attention to newer probationers “who need the most attention”;
- Limiting probation revocations for nonviolent new offenses, such as giving drug offenders who get busted again another shot at going straight before sending them straight to prison;
- Making state jail felons (low-level drug and property offenders) eligible for probation or parole, to free up space for violent offenders;
- Granting judges greater discretion to sentence convicted drug users to treatment programs or drug courts; and
- Leasing more lock-up beds from private operators that agree to offer treatment programs, as opposed to county jail beds, which Levin said “offers a poor value to the state because these jails have a dearth of education, treatment or job training services.”

If these alternatives are implemented, Levin said, “not only could these changes eliminate the need for more prison beds, but they could also result in a reduction in the current prison population.”

After the TPPF paper was published, the organization followed up a couple weeks later with a lunchtime panel discussion in downtown Austin that was attended by almost 100 legislative aides and others interested in criminal justice alternatives.

Among the speakers was Houston Sen. John Whitmire, the Democrat chair of the Senate Criminal Justice Committee and a long-time advocate of “working smarter, not harder” at expanding sentencing options – just the kinds of proposals that TPPF has now endorsed.

But also on the panel was the very conservative chair of the House

Corrections Committee, Jerry Madden of Plano and sitting in the audience were two fellow Republicans, Reps. Lois Kolkhorst of Brenham and Betty Brown of Athens.

Right off the bat, Madden made the point that it takes about three years to get new prisons up and running, and with an almost 10,000 bed shortfall predicted by 2010, the 2007 legislative session would be a critical time to act –but it wasn’t new prison construction that he proposed as solutions.

What he intends instead, Madden said, is to make another run at a wide-ranging overhaul of sentencing alternatives that was proposed last year in House Bill 2193, a measure that Democrat Whitmire and Republican Madden ushered through both houses to the desk of Gov. Rick Perry.

This time, however, he expects a pared-down version that Perry – or whoever is governor – will sign instead of veto, which is what Perry did to the lengthy measure that was most noted for reducing maximum probation sentences from 10 to five years for third-degree felons and requiring mandatory review by the sentencing judge after a defendant has completed half of his or her probationary term

But to hear some prosecutors tell it, the measure was a Frankenstein comprised of various ill-fitting body parts that prompted some to plead their kibosh case directly to Perry, who was already facing challengers in his 2006 re-election bid. Perry was no doubt aware that an unexpected, election-year crime spike can bring unwelcome attention to any

The Texas Public Policy Foundation, a conservative think-tank that has the ear of many Republican legislators, has churned out a series of recommendations and research papers decrying “over-criminalization” and advocating shorter probation terms, making it tougher to revoke probationers, expanding drug courts and increasing use of substance abuse programs.

support for criminal justice “reform” and besides, some 40 prosecutors had signed a letter asking for the veto.

Perry’s veto explanation focused on language that reduced penalties for offenses against law enforcement officers and shortened probation terms for offenses such as kidnapping, injury to a child, repeated spousal abuse, intoxication assault and habitual felony drunk driving. These issues had not drawn as much debate during hearings on the bill as other aspects, but either could provide the core of an effective attack ad on television

The veto upset Madden, who wrote Perry a four-page letter pointing out that not only had the governor’s staff failed to address any concerns prior to such major legislation’s passage, but that only one district attorney – and no one else – had testified against it. And as to the concern about shorter probation for assaults on officers, “it appears to me to be a bad job by the prosecutor if someone who seriously assaults a peace officer or takes away a peace officer’s weapon receives probation,” he wrote.

Shannon Edmonds, who looks out for prosecutors’ legislative interests at the Texas District and County Attorneys Association, pointed out that there were several provisions of the bill that numerous district attorneys favored, especially those that assured greater funding for diversion options and drug courts. “Prosecutors appreciate getting increased options for sentencing,” Edmonds said. “They’re glad to use whatever options are available for various offenders.”

But, he pointed out, just because current lawmakers agreed to revise the statutes to make the probation system more likely to “rehabilitate” lawbreakers, that does not mean the people elected to serve in the next Legislature will maintain that commitment to providing adequate funding for the alternative treatment options.

He pointed to history.

That last prison crisis, back in the early 1990s, resulted in a compromise between the “lock-‘em-up” advocates and the “rehabilitate-‘em” side:

- First, they agreed to build tens of thousands of prison beds to assuage the frightened public’s concerns about an ongoing crime wave (and headlines about convicted criminals being kicked out the back door of county jails, as ordered by federal judges upset with overcrowding); and
- They decided to rewrite the penal code to encourage greater use of sentencing alternatives while granting greater latitude for judges to place lower level drug offenders in treatment-intensive “state jails.”

What actually happened, Edmonds noted, was that as soon as the massive prison build-out resulted in thousands of lawbreakers being taken off the streets, the crime rate went down correspondingly, as the prosecutors had said it would. And with the crime crisis eased, subsequent legislatures lost interest in properly funding the probation treatment programs, not to mention the promised therapeutic programs in the state jails, which never materialized.

Edmonds said it is the funding issue – follow the money – that is driving TPPF and legislators like Madden toward supporting the same kinds of programs that the ACLU and other rehabilitation supporters have advocated for years. After all, conservatives are quick to point out that a convicted person on probation costs the state roughly \$2 a day, compared to the 24-7 housing costs that a prison sentence entails: \$40 a day.

The problem, which virtually all sides of the debate agree on, is that \$2 a day doesn’t cut it. Over the past 15 years, the state’s population has

Judges have so few therapeutic sentencing options that for the great majority of convictees, a bout of probation only means paying onerous fees and reporting on occasion to overworked probation officers.

gone up, the number of people on probation (about 240,000) has remained about the same while probation funding has also remained level, which means real dollars for probation actually decreased when inflation is taken into account (and remember, the prison population increased from about some 50,000 to 150,000 during that time).

Judges have so few therapeutic sentencing options that for the great majority of convictees, a bout of probation only means paying onerous fees and reporting on occasion to overworked probation officers. And because of the lack of treatment programs, revocations have increased by 27 percent, from 20,234 in 1996 to 25,639 in 2005 (which further drives up the prison population as well as the \$40-a-day expense).

Henson, the ACLU staffer who authors the Grits For Breakfast blog, put it this way:

“Three thousand probation officers in Texas currently supervise 450,000 men and women on so-called ‘community supervision,’” he wrote. “But if you’re on normal probation in Texas, you show up once a month at the probation office to pee in a cup. The rest of the time, you’re on your own.”

For some criminals who are very likely to end up in prison anyway, the DAs’ Edmonds pointed out, “all they’re doing is making people

detour through probation.”

TPPF’s Levin agrees that \$2 a day is inadequate – \$3 or \$4 a day would be much more appropriate to make the system work, he said.

Which is exactly the kind of proposal that will fall far short of the mark, especially if the sentencing options are overhauled again as they were in the early 1990s, Edmonds said. He ball-park estimated that a really effective probation system that would earn the confidence of prosecutors would cost more like \$10 a day per probationer.

Legislative budget hawks and fiscal conservatives, he said, place the emphasis of their argument more on saving money than on making a system of punishment and rehabilitation work. With constant pressure on the state budget, criminal justice programs habitually suffer from “benign neglect,” he said. There are a lot of advocates at the Capitol seeking more money for education, health care and social programs but few legislators get elected by promising more money to improve the lives of criminals, he observed.

But Edmonds and the prosecutors are still engaged in negotiations with Madden about how to craft a new version of an HB 2193-type bill that would be more acceptable while monitoring some reforms that escaped the governor’s veto pen.

There appears to be potential common ground in a Travis County-based pilot program that has drawn the interest of all sides in the debate. TDCAA’s interest in the project is reflected in its recent publication of an article penned by Dr. Tony Fabelo, the widely-respected former director of the state’s Criminal Justice Policy Council. The CJPC, respected as an objective source of data on how various criminal justice options would impact the prison population and the state budget, was abolished in 2003 when Gov. Perry line-item vetoed the agency’s funding.

The Travis County project is an effort to more effectively monitor which probation alternatives work well, versus those that don’t. The emphasis is on “evidence-based practices,” using more scientific assessment tools that better assess the defendants through a central diagnostic unit, designing supervision strategies based on the specific kinds of defendants being arrested and then designing sanction strategies tailored to the specific populations that are being sentenced.

Edmonds said the prosecutors are intrigued by the new emphasis on evidence-based programming, especially if the new initiative is adequately funded.

“We want to make sure that if changes are made they are made to improve (the criminal justice system), not just to save money,” he said.

And legislative leaders are placing a great deal of hope in the re-engagement of the early 1990s concept that was dropped – use of progressive sanctions in which judges can jerk an erring probationer into a more restrictive punishment, but short of just sending him or her straight to prison.

“In addition to graduated punishments, progressive sanctions programs also offer positive incentives, rewarding probationers who meet the terms of their agreements, such as paying restitution, holding a job and successfully completing counseling and treatment, with early termination from probation,” TPPF’s Levin wrote in a recent paper (see page xx).

Last year, the Legislature set aside \$27 million to the state’s 121 local probation departments to try out progressive sanctions but of those who applied, only 27 were awarded the special grant funds.

So far, the initiative is promising.

In the first three months of 2006, felony revocations in those departments dropped by 12 percent, or 11 percent below the same period in 2005.

“If these trends continue, Texas would achieve a 3,000 annual reduc-

tion in the rate of increase of the prison population, substantially reducing the anticipated need for new prison beds,” Levin explained.

But datahead Fabelo, who was the chief monitor of Texas crime statistics from 1991 until 2003, said that if history repeats itself, there will be a decline in revocations in 2006 and 2007 but after that, “this decline will not continue over the long term.”

“By 2008 or 2009, revocations will shoot up to historically high levels because we are basically putting additional resources into organiza-

tions that have not been rejuvenated to do what they should have been doing well all along: namely, providing effective programs and supervision strategies to reduce recidivism,” Fabelo wrote in the TDCAA article. “Throwing more money at a probation system not geared to effectively reduce recidivism helps, but only as a stop gap.”

The solution, he concluded, is that “probation departments must be revamped so they can use new resources more effectively to reduce recidivism and maintain effectiveness over the long term.”

How to Avert Another Texas Prison Crowding Crisis / By Marc Levin Esq.

(Marc Levin, director of the Center for Effective Justice at the Texas Public Policy Foundation recently published a wide-ranging set of recommendations to encourage development of alternatives to increased prison construction. With the organization's permission, County Magazine is publishing the report in full.)

Introduction

From 1968 to 1978, Texas' population increased by 19 percent while the prison population grew 101 percent to 22,439. This laid the groundwork for the ruling by U.S. District Judge William Wayne Justice in 1980 in the Ruiz v. Estelle case, which found that overcrowding in Texas prisons created inhumane conditions that violated inmates' rights under the 8th Amendment of the U.S. Constitution. However, even by 1988, the Texas prison system had only 39,664 inmates. Today, the prison system is at capacity with over 150,000 inmates. From 1988 to 2004, the state's prison population has grown by 278 percent while the state's overall population has only risen by 35 percent.

If policies are not changed to reduce prison inflows, House Corrections Chairman Jerry Madden estimates that another 14,000 prison beds will be needed by 2010. The Legislative Budget Board projects that 7,270 of these beds will be needed by 2008 and 10,976 by 2009. Although the Texas Department of Criminal Justice (TDCJ) has indicated the greatest need is in the more expensive medium and high security units, even assuming these new beds were allocated equally among units of varying security levels, the state would incur prison construction costs of \$1.24 billion over the next several years. This is in addition to annual operation costs of \$224 million that would be associated with 14,000 new beds. And today, the state has a shortage of approximately 2,500 prison guards.

Due to the specter of another federal court takeover of the state prison system, the current and future crowding crisis cannot be solved through putting more inmates in each cell or pitching tents. Similarly, TDCJ has already taken very creative administrative measures to fully maximize the capacity at each unit. Fortunately, there are policy changes that can reduce or eliminate the need for these new beds without endangering public safety.

Probation Reform

One in 20 Texans are on probation and probation revocations are a significant component of the state's prison overcrowding problem. Some 37 percent of prison intakes and 41 percent of state jail intakes are revoked probationers, resulting in \$547 million in direct incarceration costs. The 79th Legislature offered the 121 local probation departments additional funds to hire new probation officers if they would agree to implement progressive sanctions, which reduce revocations by responding to each proba-

tion infraction with measured punishments, such as increased reporting requirements, a curfew, or a shock night in jail. In addition to graduated punishments, progressive sanctions programs also offer positive incentives, rewarding probationers who meet terms of their agreements, such as paying restitution, holding a job, and successfully completing counseling and treatment, with early termination from probation.

In the first quarter of 2006, we have seen a 12 percent decrease in felony probation revocations from the departments which accepted the new money and implemented progressive sanctions. As a result, statewide felony probation revocations declined from 6,306 in the first quarter of 2005 to 5,569 in the first quarter of 2006, an 11.69 percent drop. Since progressive sanctions most directly reduce technical revocations—revocations for violating terms of probation as opposed to committing a new offense—it is even more striking that felony technical revocations have declined from 3,638 in the first quarter of 2005 to 2,893 in the first quarter of 2006, a 20.48 percent drop. If these trends continue, Texas would achieve a 3,000 annual reduction in the rate of increase of the prison population, substantially reducing the anticipated need for new prison beds. However, the 80th Legislature can do even more to reduce statewide probation revocations to prison.

A large percentage of revocations continue to come from Harris and Dallas County, where the progressive sanctions model is not being fully implemented. In Harris County, for example, each of the 21 criminal district court judges runs their own probation docket and only six have committed to using progressive sanctions, even though Harris County received its share of the new money. The Legislature should insist on full cooperation and note that judges may be referred to the State Commission on Judicial Conduct if they do not follow state law, including conditions for administering probation that are tied to the receipt of state funds. The Legislature could also simply require probation departments with probation populations over a certain threshold that refused the funds to take the funds and implement progressive sanctions.

During the interim, the House Corrections Committee is refining House Bill 2193, the vetoed probation reform measure that passed last session. A key feature of the bill is shortening Texas' probation terms, which at up to ten years are the longest in the country. By shortening probation terms, revocations to prison will be reduced in several ways. First, those no longer on probation will not be at risk of revocation for a technical revocation such as missing a meeting or failing a drug test. For example, Dallas County District Judge Keith Dean revoked Tyrone Brown to prison for life simply for testing positive for marijuana while on probation. Second, since most revocations occur in the first few years that a person is on probation, releasing longtime probationers who have met their obligations will free up additional supervision resources to focus on closely monitoring and disciplining the remaining probationers who

need the most attention. Travis County Probation Department Director Geraldine Nagy has developed an innovative matrix for classifying probationers based on their original offense and socialization level so that the Department can target each probationer with the most appropriate type and degree of supervision.

While most of the focus has been on reducing technical revocations, the Legislature should also consider whether revocations should be limited for nonviolent new offenses. For example, someone not on probation caught with a small amount of marijuana would only be guilty of a misdemeanor, which at most would result in a year or less in jail, and more likely just a fine. However, the same offense by someone on probation usually leads to being revoked to prison for an average of four years. Before successfully completing a drug treatment program, most addicts have at least one relapse. The Legislature should require that probationers undergoing drug treatment, or willing to enter drug treatment, not be revoked to prison, upon their first commission (while on probation) of a nonviolent drug offense involving possession of a small amount of drugs.

Parole or Probation for State Jail Felons

In 1993, the Legislature revised the state's criminal law code and established a new felony offense class, state jail felonies. The Legislature shifted low-level drug and property offenders (previously nonviolent Class A misdemeanors and third-degree felons) into this category. While 78 percent of offenders convicted of a state jail felony offense are sentenced to a term of probation, most of the remaining offenders are sentenced to a period of incarceration in one of Texas's 17 state jails, which currently house 14,755 confinees. However, over half of those confined in state jails have been convicted of at least a third degree felony and have been transferred there due to capacity issues and/or because they will be released from the state jail.

While state jail felons can only be sentenced to a maximum of two years in a state jail, they, unlike other felons, are ineligible for parole or release through mandatory supervision as a result of good-time credits. Therefore, although state prisoners on average serve only 47 percent of their sentences, state jail felons serve 100 percent of their sentences, with the exception of the 2 percent who are released at a judge's discretion. Another difference is that 97 percent of state jail offenders are not supervised upon release while 84 percent of state prisoners are.

Texas could reduce the need for new prison beds by making state jail felons eligible for parole and mandatory supervision through the same procedures that the Texas Board of Pardons and Paroles now uses for state prisoners. Early release of some of these nonviolent offenders, particularly those who have behaved well in jail and completed treatment programs there, would free up space for violent offenders. Nonviolent third-degree felons in state prisons could be transferred to fill the new openings in state jails, which have a substantially lower per day cost than prisons.

Early release of select state jail felons could also be accomplished by placing them on probation for the remainder of their term. Many probation departments have expressed concern that, as a result of the probation reform bill shortening probation terms, they will see a decline in the number of probationers and therefore lose funds, because 40 percent of their budgets come from probation fees. Releasing some state jail felons early and placing them on probation would address this concern. Moreover, it would provide those being released with the supervision they need to successfully reintegrate into the community while ensuring that probation resources are expended on those who need it rather than those who do not.

Drug Sentencing Reform

The Legislature should review and revise the state's drug statutes so that, for possession of a small amount of drugs, the minimum sentence is low enough to provide sufficient discretion for the judge to choose an alternative to a long prison term. Some 21.7 percent of Texas prisoners, which amounts to approximately 32,550 inmates, are incarcerated for nonviolent drug offenses. Even for drug offenses where prison time may be appropriate, excessively high upper ceilings should be lowered.

For example, Chapter 481 of the Health and Safety Code creates a third degree felony for possession of between one and four grams of drugs in Penalty Group 1, which include morphine and methadone. Under Section 12.34 of the Penal Code, a third degree felony requires a prison sentence of between two and ten years. By raising the threshold for the amount of drugs that turns a state jail felony into a third degree felony, dealers could continue to face significant prison terms while mere users can be redirected into mandatory treatment in inpatient or outpatient rehabilitation programs. Similarly, some current state jail felonies for possessing small amounts of drugs could be lowered to Class A misdemeanors. This would spare many minor drug offenders the difficulty that convicted felons face when trying to find employment and housing, obstacles that sidetrack recovery and community reintegration.

In a February 2006 policy brief, we highlighted drug courts as a highly successful vehicle for diverting small-time drug offenders from prison, but given the appropriate sentencing laws and sufficient capacity at inpatient and outpatient drug treatment programs, all judges could participate in an effort to reduce the unnecessary incarceration of nonviolent, non-dealing drug offenders. A key problem is that, due to the lack of residential drug treatment beds, there is currently a six-month waiting list for such programs, leading many judges and even some offenders to choose incarceration rather than wait in the county jail for a bed to open up. Residential drug treatment centers are substantially cheaper than prison, costing \$7,957 per year compared to \$16,000 for prison. Outpatient drug treatment programs, also known as day treatment cen-

Where to read more

Check out the following Internet sites to learn more about criminal justice sentencing options:

- Grits For Breakfast Blog (www.gritsforbreakfast.blogspot.com) is a blog that tracks criminal justice issues in Texas. Decidedly liberal, it's the private blog of Scott Henson, a staff member of the Texas branch of the American Civil Liberties Union;
- Texas Public Policy Foundation's Center for Effective Justice (www.texaspolicy.com/publications.php?cat_level=99) presents papers prepared by TPPF's Marc Levin, an attorney whose focus includes victims' rights, restorative justice and promotion of sentencing alternatives; and
- Texas District and County Attorneys Association website (www.tdcaa.com) has user forums that are not limited to prosecutors and include specific subject areas such as criminal, civil, juvenile, victim advocates, appellate, investigators, appellate matters and expert witnesses.

ters, are still far cheaper.

Drug laws such as Chapter 481 could also be modified to allow or instruct judges and juries to consider the specific factual circumstances other than simply the quantity to distinguish between users and dealers. For instance, the offender's criminal history, if any, and age should be considered in determining whether incarceration is appropriate. Those caught possessing drugs in their late teens or early 20's may have come under the influence of older individuals and are especially likely to benefit from community-based treatment as compared with incarceration.

Leasing New Beds from Private Operators

While the policy recommendations highlighted above have the potential to eliminate any need for new beds, if new beds must be freed up, no new state prisons should be constructed. Historically, such building sprees have created an ever-escalating prison population floor. To avoid building new prisons, the state has appropriated funds to lease 6,000 beds in county jails and a handful of beds in other states over the next two years.

However, the continued leasing of county jail beds for \$40 a day offers a poor value to the state because these jails have a dearth of education, treatment, or job training services, all of which are correlated with reduced recidivism. According to a 2005 study, only a third of Texas county jails have any kind of substance abuse treatment program. Private corrections facilities can incarcerate offenders in pre-release minimum security facilities with a full array of education, treatment, and reentry services for \$30 a day. While private operators traditionally required a long-term contract from the state to justify their upfront construction costs, at least one operator in Texas has agreed to begin taking overflow inmates without any such commitment, but TDCJ continues to lease beds from county jails instead.

In February, California Governor Arnold Schwarzenegger announced a groundbreaking plan to move at least 4,500 nonviolent women prisoners from traditional prisons in rural areas to privately operated community centers near their families where they would receive education, drug treatment, job training, and counseling. If the California Legislature approves this plan which is based on years of academic research, the results will be instructive for Texas and other states looking to reduce traditional incarceration and harness the benefits of community-based corrections and private sector innovation.

Conclusion

Texas prisons have once again reached their breaking point, and policy changes will be required to avoid the necessity of creating even more new prison beds. In addition to averting the costs associated with bringing new beds online, the reforms discussed herein could have many other positive consequences.

Not only could these changes eliminate the need for more prison beds, but they could also result in a reduction in the current prison population. Prison crowding increases the likelihood of riots, prison rape, and other disturbances, which have recently spiraled out of control in California.²¹ Crowding also makes it nearly impossible for TDCJ to assign inmates to units by matching the services offered with the inmate's needs because of the overriding capacity concerns that drive assignments and transfers. Finally, the sheer number of prisoners in Texas and the budgetary demands they create means that many soon-to-be released inmates cannot obtain services such as treatment for drug addiction or mental illness.

To be sure, there are many unreformed violent offenders who must be in prison to incapacitate them during their prime crime-committing years. However, the state would be better served with a smaller prison system that can better tend to such inmates while freeing up resources for more effective correctional alternatives for nonviolent offenders.

Money-saver for counties: Get inmates paper-ready, faster

For counties, an expensive aspect of the criminal justice system is the cost of holding jail inmates who have been convicted but who aren't ready to go to prison, just because their paperwork is not done yet.

A series of workshops in the next few months will help change that, according to Dimitria Pope, director of the Research, Evaluation & Development (RED) Group of the Texas Department of Criminal Justice.

At present, an inmate who has been convicted and sentenced to prison, state jail or a state substance abuse program is not eligible to be accepted into the TDCJ system until all their documents are assembled from various county offices – jail, district clerk and district attorney, primarily. Once that “pen packet” is assembled, TDCJ is required by law to accept the inmate within 45 days – actually, the average waiting time these days is 18 days.

But what really drives up the jail budget is the time it takes for the six pages of documents to be assembled. And if the pen packet is not prepared correctly, the delay is even longer while TDCJ admissions staff call the counties to get it right.

To address the problem, the RED group has achieved what bureaucracies rarely accomplish: they've reconfigured the required paperwork so that instead of six pages, now it is only one.

“We got all the appropriate staff together to look at all the information that we were asking counties to send us and asked ourselves, ‘why do we need all this, and in particular, which information do we really need?’” explained Pope. The result is a one-page checklist that should be easier and quicker to complete, she said.

But such a significant change in bureaucratic procedures will take some explaining, so TDCJ is planning to host a series of regional workshops over the next few months to lay out how it will work as well as to get feedback from county officials and staff on what further adjustments need to be made.

“Different counties use different technologies, software or paper documents and all that has to be taken into account,” said Mary Strong, director of program evaluation for the RED Group. “We want counties to understand that we're trying to make this a two-way, collaborative process. We will work with you.”

That's where the upcoming seminars come in.

“The hope is that by bringing in the appropriate jail, clerk and prosecutor staff members to go over the new process, it will help the counties save money by getting the job done accurately the first time,” Strong said.

Dates and locations of the regional seminars will be scheduled in the next few weeks and publicized via TAC publications, mail and email. ★