



The Dallas EXAMINER

Updated with breaking stories as they happen.

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Big House Blues

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With 730 inmates for every 100,000 residents, Texas claims the third highest incarceration rate among the 50 states.

Yet the Texas Department of Criminal Justice recently requested \$520 million in new money for 2008-09, mostly for three new prisons. While the request is not unreasonable given current criminal justice policy, it illustrates the need for change. The state projects more offenders will be sentenced to prison for longer sentences, due to rising crime, judges' sentencing discretion, and, most of all, the punishments set by the legislature. Before taxpayers' wallets are emptied to pay for another prison building spree, lawmakers should consider policy changes that emphasize alternatives to incarceration for nonviolent offenders.

First, Texas should adopt a policy of mandatory inpatient or outpatient treatment for minor, nonviolent drug offenders. Offenders who follow a rigorous regiment of treatment, counseling, and testing would be diverted from prison or jail.

Texas lawmakers have turned many nonviolent drug offenses into felonies, filling state lockups with such offenders. Yet there are over 3,000 empty beds in county jails around the state, which house misdemeanants. By reducing some nonviolent drug possession felonies to Class A misdemeanors, thousands of offenders can be rerouted from state prisons and jails to county jails or probation. This would create space for violent offenders in state prisons without building new facilities.

In addition to changing the sentencing of new



nonviolent minor drug offenders, there is a more immediate way to stem the state's prison crowding crisis. TDCJ has proposed 5,000 new prison beds when there are 5,000 inmates in state jails for possessing small quantities of drugs, a state jail felony.

Meanwhile, those who possess larger quantities and deal drugs are in prison for first, second, or third degree felonies. But unlike those prisoners, state jail felons are not eligible for parole. Therefore, if state jail felons are sentenced for the maximum of two years, they serve the whole sentence while more serious felons serve less than two-thirds of their sentences!

Too many nonviolent drug offenders are entering state lockups while unreformed violent offenders go out the back door.

Even if some additional prison beds are needed as a stopgap measure while reforms take hold, the state can lease beds from private operators on a temporary basis, saving hundreds of millions in new construction costs.

Texans are willing to devote the resources necessary to protect public safety, but it's illogical to pour more money into new prisons before prioritizing existing space at state and county lockups. Let's reconsider who should be in Texas' big houses before we start building more of them.

Marc Levin