

Give Texas taxpayers break on prison costs Make less-costly probation terms more attractive than incarceration

By **MARC LEVIN**

Who would voluntarily choose to go to prison? It turns out quite a few people.

On Oct. 11, a Columbus, Ohio, man robbed a bank for the sole purpose of going to prison. The Associated Press reported that Timothy Bowers entered the bank and handed a teller a note demanding cash in an envelope. The teller gave him four \$20 bills and pushed a silent alarm. Bowers then handed the money to a security guard standing in the lobby and told him it was his day to be a hero.

Bowers asked Judge Angela White for a three-year prison sentence and she obliged. Bowers, who is 63, reasoned that prison was easier than working, claiming, "At my age, the jobs available to me are minimum-wage jobs."

Bowers isn't alone. The Houston Chronicle reported in September that 43 percent of the city's drunk drivers are choosing prison over probation. These offenders attribute their decision to probation terms that are up to 10 years (the longest in the country), onerous probation conditions and fees and the prospect of being revoked to prison for two and a half years simply for technical violations of probation, such as missing a meeting.

While drunk drivers and bank robbers may prefer prison, it is a raw deal for taxpayers. Probation costs about \$2 a day, half of which is paid with offender fees. Meanwhile, prison in Texas costs \$40 a day. Moreover, legislators will be asked to appropriate more than \$400 million for three new prisons when they meet in January.

Prisoners are the only Americans with a constitutional right to health care and square meals.

There are several solutions to this quandary. Prison can be toughened, but the Constitution's prohibition against cruel and unusual punishment has been broadly interpreted to preclude painful punishments. Intense manual labor programs are constitutional and could make prison more of a deterrent, but with Texas short 2,000 to 3,000 prison guards, supervision resources needed to run work programs are scarce.

Given that Bowers is 63, his case also raises the issue of geriatric prisoners. Inmates over 60 cost Texas more than three times other prisoners for health care, but have a recidivism rate that is less than a third of younger inmates. Prisoners are not eligible for Medicaid, Medicare and Social Security, so state taxpayers bear the full cost of their health care. However, parolees can qualify for such benefits, even if they must live in a residential facility as a condition of parole.

Texas has a special-needs program intended to release prisoners who are so old or frail that they pose little danger, but the program's requirements are so strict that less than 6 percent of eligible offenders—167 out of 2,821—are actually released. The state Comptroller's office has recommended changing the requirement that inmates must be within six months of death to 12 months. More than 100 inmates die every year during the lengthy special needs application process. There are about 200 handicapped prisoners

alone, mostly paraplegics and multiple-limb amputees.

We must also bolster programs such as probation that provide an alternative to prison for the least serious offenders.

Probation should be reformed so that it is a path to success, not a trap that leads offenders to select prison. Texas House Corrections Chairman Jerry Madden, R-Plano, will reintroduce probation reform legislation next session that would reduce maximum probation terms to five years for most offenders, and increase the use of progressive sanctions. Progressive sanctions minimize prison revocations through measured responses to each technical violation, such as increased reporting, a curfew, drug treatment, or even a night in county jail.

Probation officers should also be empowered to impose these sanctions without going to the judge. Too often, judges are overriding officers' recommendation for a change in conditions, such as treatment for a failed drug test, and simply revoking the probationer to prison.

It is time to reexamine the effectiveness of prison as a deterrent and make better use of alternatives such as probation and parole for nonviolent and infirm offenders. Then we can stop criminals like Bowers from breaking the bank.

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