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The Legislature

### Lt. Gov. Dewhurst calling for more prisons

Plan for 5,000 more beds is at odds with a report promoting rehab and reforms

By POLLY ROSS HUGHES

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AUSTIN — Lt. Gov. David Dewhurst said Wednesday that Texas needs to build prisons to hold 5,000 new beds, a view at odds with a major report key lawmakers will release next week that will stress treatment programs and prison alternatives.

"We respect the lieutenant governor, but we respectfully disagree with him on this one if he's talking about building maximum-security facilities," said Rep. Jerry Madden, R-Plano, chairman of the House Corrections Committee.

Senate Criminal Justice Committee Chairman John Whitmire, D-Houston, said Texas could ease crowded prisons and save money by increasing treatment options and returning fewer parolees to prison for minor infractions.

Even if some of Whitmire's suggestions for treating substance abusers are adopted, Dewhurst argues that the state still needs more prison space for a growing population.

"We haven't built any new prison beds in Texas for a number of years, and our population is exploding," Dewhurst said.

"I don't — and the people of Texas don't — want to have dangerous people on our streets, and that's what we're going to prevent. I've been looking at a number of 4,000 to 5,000" over the next four years, he said.

That projection is in line with the budget request by the Texas Department of Criminal Justice, which wants to add three prisons to hold 5,000 prisoners. That would cost \$440 million just for construction, a state expense opposed by the Texas Public Policy Foundation, which advocates limited government.

"We've suggested a number of reforms in terms of probation, parole and sentencing. By adopting those, we would certainly not need more beds," said Marc Levin, director of the foundation's Center for Effective Justice.

Levin said more than 20,000 of Texas' 150,000 prisoners are incarcerated for nothing more than nonviolent drug possession. "If we re-routed those people into community-based drug-treatment programs, we would be able to reduce the number of prison beds we need below what we have now," Levin said.

Whitmire and Madden list several other options, such as shifting drunken drivers out of maximum-security cells and converting other cells for treatment within prison.

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They note that 600 nonviolent offenders have been approved for parole. They remain in prison, however, because they've been placed on waiting lists for too few halfway houses.

Levin points out that a technical infraction of parole can land an offender back in prison for an average stay of 2.5 years.

Whitmire and Madden favor more 90-day "safety" facilities, where a parole violator could be locked up and penalized for a minor infraction without landing back in an expensive prison cell for years.

The criminal justice committees in the House and Senate plan to meet jointly next week to hear findings of a major report outlining several alternatives to incarceration.

The report, "Justice Reinvestment," was conducted by the Council of State Governments with support from the U.S. Justice Department. It promises "data-driven" strategies to reduce corrections spending and protect the public, a committee staffer said.

"I think when we have our hearing starting next Tuesday, we will demonstrate to everyone we have adequate capacity if we use what we have correctly," Whitmire said.

District Attorney John Bradley of Williamson County said he supports Dewhurst's call for more prison beds.

"I think his response is right on target if you just simply look at the growth that Texas has seen in new people coming in," he said.

Bradley said treatment is the only way some offenders ever will be rehabilitated, but he disagrees that treatment is enough.

"I completely, philosophically disagree with the premise that someone shouldn't be punished if they have a drug or alcohol problem," Bradley said. "It's very easy for a legislator who doesn't want to build prisons to say in broad strokes, 'There are too many people (in prison) who have drug or alcohol problems.'"

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