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State Rep. Jerry Madden, R-Plano, left, and Sen. John Whitmire, lead a joint meeting of the Senate and House criminal justice committees to discuss prison crowding.

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# New prison policies could save millions

By POLLY ROSS HUGHES

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AUSTIN — More drug and alcohol treatment and fewer new prison cells could save Texas \$442 million over the next five years, a new study shows.

The study, presented Tuesday at a joint meeting of the House Corrections Committee and Senate Criminal Justice Committee, shows the state could avoid spending \$377 million for construction of prisons for 5,000 more inmates.

The analysis also estimates the state could save another \$65 million by reducing recidivism, diverting probationers into treatment and paroling nonviolent substance abusers sooner to halfway houses.

"This is not a Republican or Democratic issue," said House Corrections Committee Chairman Jerry Madden, R-Plano. "I look at it as being one that's smart for Texas."

Lt. Gov. David Dewhurst, who said he'd seen the study, endorses the idea of more substance-abuse treatment but insisted before the meeting that because of its growing population, Texas needs to expand prison space.

Robert Black, spokesman for Gov. Rick Perry, said Perry is likely to "take a balanced approach," including treatment and construction when he unveils his budget proposals next week.

Senate Criminal Justice Committee Chairman John Whitmire, D-Houston, said Texas' high rate of incarceration has "far surpassed" general growth in the population.

"We're not dealing with the dangerous offenders," he said of the various options suggested in the study. The report, "Justice Reinvestment," was prepared by the State Council of Governments Justice Center with funding from the Pew Charitable Trust and U.S. Justice Department.

The report, prepared by national criminal justice consultant Tony Fabelo, notes that Texas prisons are full and will run out of capacity unless the state changes its policies.

Part of the rethinking focuses on what to do with those who violate the terms of felony probation by relapsing on drugs or alcohol, said Fabelo, who was director of the state's defunct Criminal Justice Policy Council. "We need to enhance the probation-treatment component of the probation system so that we are able to stop the recycling of offenders coming in and out of our prisons," he said.

Fabelo estimated a change in policies could result in a prison population of 155,600 — 12,500 fewer than if the state sticks to current policies.

Madden said he believes it is "smart and more humane" to offer treatment or shorter-term sanctioning facilities to probationers, parolees and prisoners less likely to pose a risk.

"We think alternative proposals will either reduce or eliminate the growth or demand for more prison beds," he said.

Fabelo's report outlines three scenarios. The middle scenario, backed by Whitmire and Madden, would create 6,500 speciality beds so that lower-level offenders could be released or diverted from prison, mostly through treatment.

Under that option, 2,400 beds would be established to house technical violators of probation or parole for an average stay of two months.

Another 1,600 beds would be created in residential treatment facilities for probationers needing substance-abuse treatment, counseling and rehabilitation.

The plan calls for 200 new prison beds for intensive substance-abuse treatment followed by post-release housing at a transitional treatment center.

A facility for drunken driving offenders would add 500 beds, and intensive substance-abuse treatment also could be available for 500 addicts who violate felony probations because of drug or alcohol relapses.

Fabelo also suggested transferring two Texas Youth Commission lockups to the adult prison system, creating 1,800 beds.

"The plan presented today by Chairmen Whitmire and Madden incorporates many of our recommendations and those of the Sunset Advisory Commission," said Marc Levin at the Texas Public Policy Foundation, which advocates for limited government.

"It confirms our belief that more old-style prison beds are an unnecessary, billion-dollar commitment that taxpayers cannot afford."

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