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Column - Marc A. Levin: Legislators encourage alternatives to incarceration

Guest Column
Opinion

AUSTIN - People suffering from depression must often hit rock bottom before they get better. The same can be said for criminal justice in Texas.

Few could have imagined the abuses that surfaced earlier this year at the Texas Youth Commission, but they led to landmark reform legislation. Indeed, reforms made this session indicate that lawmakers are finally rethinking all aspects of the criminal justice system.

The common thread in the reforms is reversing the trend of a widening incarceration net and instead promoting alternatives for low-level, non-violent offenders.

Of course, Texas should incarcerate violent offenders and sexual predators, but prison isn't the only hammer and every lawbreaker isn't a nail.

Ideally, TYC would have been reformed earlier and without a scandal. After all, Texans were paying \$57,000 per youth per year for lockups with a recidivism rate of more than 50 percent. The budget for TYC will now be reduced as the population is drawn down from 4,800 to 3,100 through review panels to release youth who have been rehabilitated and by not incarcerating youth convicted of misdemeanors such as graffiti and alcohol possession. These non-violent kids are better rehabilitated in the community through residential post-adjudication facilities and day treatment programs.

On the adult side, the Legislature also focused on the diversion of non-violent offenders to address the projected need for 17,300 new prison beds by 2012. It would cost \$1.6 billion to build that many beds and billions more to operate them.

The Legislature wisely created 8,000 new beds and slots at residential and outpatient drug and alcohol treatment facilities, intermediate sanctions facilities and halfway houses.

Not only will this capacity divert new non-violent offenders from prison, it will clear out the current backlog of more than 1,500 offenders with substance abuse problems languishing in lockups solely because they are on a waiting list for treatment or a halfway house.

The entire projected need for new prison capacity can be eliminated because these new beds and slots turn over several times a year, and at least two TYC lockups will be converted into adult prisons.

It's offenders like Julie Ghant who should be diverted through the new emphasis on community-based corrections. She recently left the women's prison in Gatesville with only used men's clothing, a bus ticket and \$50. Yet taxpayers paid \$65,000 over four years to incarcerate this mother of six for drug possession.

About 70 percent of Texas inmates have children, and these children are seven times more likely to eventually be incarcerated.

While California's general population is 50 percent greater, Texas inexplicably has more women prisoners, most of whom are drug users or shoplifters.

More than 10,000 new prison admissions are probationers revoked for technical violations, which means they did not commit a new crime but missed meetings or violated a curfew. The Legislature continued the policy enacted in 2005 of making some probation funding dependent on departments implementing progressive sanctions to minimize technical revocations.

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This incentivizes the use of measures short of prison, such as picking up trash on the side of the road, mandatory treatment, or even shock nights in county jail to address technical violations. This policy has saved taxpayers \$119 million already in incarceration costs.

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But criminal justice should not be first and foremost about either offenders or the government, but victims. Property and violent crimes are violations of another person's right to their possessions, life and peace of mind.

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The Legislature authorized a study on implementing juvenile victim-offender mediation programs. Through such programs, victims can request mediation in minor property offense cases, resulting in a binding agreement to provide restitution and perform community service.

By fulfilling that agreement, the young offender can obtain dismissal of the charges, putting him or her on a path to a productive life rather than prison. Such programs have improved restitution collection rates while reducing recidivism.

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More must be done in each of these areas, and hopefully it won't take another criminal justice crisis to spur action.

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However, this session brought historic changes in attitudes and policy, proving that Texas can break out of its traditional mold of building four walls to solve every criminal justice problem.

Marc A. Levin is director of the Center for Effective Justice at the Texas Public Policy Foundation, a non-profit, free-market research institute based in Austin.

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