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OUTLOOK

COMING MONDAY

■ Columnist Ellen Goodman finds new meaning for the term 'free range turkey' right in her own backyard.

EDITORIALS | COMMENTARY | OPINION | LETTERS TO THE EDITOR | POLITICAL CARTOONS | VOICES

WORKABLE ALTERNATIVES

How to survive without new jails

Harris County voters said no, but we can live with that. Here's how.

By MARC A. LEVIN

HARRIS County voters gave their blessing to most of the bond proposals on the November ballot, but 51 percent took issue with the county's \$245 million request for two new jails.

The question now becomes, "what next?" No one wants to see dangerous offenders released without proper supervision. Fortunately, there are solutions for addressing this capacity crisis that protect both public safety and taxpayers' wallets.

A new Texas law allows law enforcement officers the discretion to issue citations, instead of making an arrest, for some of the lowest level misdemeanors.

Issuing citations with notices to appear does not reduce the ultimate punishment for these offenses, which include driving without a license and possession of an ounce of marijuana, but it could divert tens of thousands of these pretrial detainees from the Harris County Jail every year. This also keeps more police on the beat when officers are spared the three- to four-hour process of booking a suspect into jail.

The Sheriffs' Association of Texas and the Combined Law Enforcement Association of Texas both supported this law. While other counties are successfully



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Please see JAILS, Page E4

JAILS: Several ideas that have promise

CONTINUED FROM PAGE E1

implementing it, Harris County District Attorney Chuck Rosenthal has said he will not prosecute cases in which police issued citations for such offenses. Law enforcement agencies and officers in Harris County should be able to exercise the discretion given to them by the Texas Legislature with confidence that the citations they issue will be fully prosecuted.

As of Oct. 1, the Harris County Jail's inmate population included about 1,000 first-time offenders — more than four times any other county — serving sentences for possessing less than a gram of a controlled substance. A 2003

state law mandates probation for these state jail felony offenders, but Harris County prosecutors have instead invoked another law that allows them to reduce the felony charge to a Class A misdemeanor, which still allows up to one year of county jail time on local taxpayers' dime.

As of Sept. 20, another 411 inmates in the Harris County Jail awaited trial on misdemeanors. Many have no prior offenses but cannot afford to post bail. If the person is not a flight risk, they should be offered a less costly personal bond. Public safety, not an offender's financial means, should guide public policy.

Jail overcrowding can also be reduced by offering victim-offender mediation for first-time, nonviolent property offenders. A survey of burglary victims found that 81 percent wanted restitution, but only 41 percent wanted the offender jailed. The victim and the offender can voluntarily choose to enter an agreement for the offender to make restitution and perform community serv-

ice in lieu of jail time.

It's certainly not for every offender or type of offense, but it makes sense in cases like graffiti and stealing a compact disc from a car.

Probation reform can also reduce jail overcrowding. Currently, 43 percent of offenders charged with misdemeanors for first- or second-time drunk driving choose the Harris County Jail over probation. As odd as that seems, it allows them to avoid probation fees and end their case in a month or two instead of two years. One way to encourage more offenders to choose probation would be to increase the availability of early termination for probationers who have ful-

filled all their terms and whose conduct has been exemplary.

Another promising avenue is work release, particularly when paired with electronic monitoring. Using GPS technology, probation officials can verify that a person is at work, whether in a factory or picking up trash for the Texas Department of Transportation. Work release is actually a better deterrent than jail time, as a recent survey indicated that offenders would rather spend eight months in prison than two months in work release.

If, after all of that, Harris County still needs more jail beds, it can rent beds from private operators and other counties or offer a less costly bond measure for a smaller new facility.

Jails are a necessary evil that costs taxpayers about \$77,000 for every new bed. Instead of just building more boxes, county officials should think outside the cell and implement best practices that relieve jail overcrowding without endangering the public.

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