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# Levin: Getting more out of Texas prisons

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When it comes to the criminal justice system, Texans get what they pay for. Funding is largely based on volume -- as Texas' prison population has quadrupled during the last two decades, the cost to taxpayers has risen proportionally.

Although warehousing works to the extent that inmates cannot commit another crime while in prison, 99 percent of inmates ultimately will be released -- usually while still in their prime criminal years. Many of the same offenders are recycled through the system; 60 percent of Texas prison intakes are revoked probationers and parolees. The three-year re-incarceration rate of released Texas inmates has hovered around 30 percent during the past decade.

Leaders from the Texas Capitol to European houses of parliament are increasingly recognizing that reducing recidivism is crucial to controlling future incarceration costs and the incalculable human costs to victims and communities from criminal activity. This realization inspired a 111-page manifesto released in March by England's Conservative Party, titled *Prisons with a Purpose: Our Sentencing and Rehabilitation Revolution to Break the Cycle of Crime*.

The plan would fund prisons partly based on their results. A basic tier of funding would keep the lights on at prisons and parole offices, while a second tier of funding would be based on performance, primarily measured by recidivism within several years of release.

Existing contracts with private prisons would be restructured on this basis, and public prisons would be decentralized, each under the authority of an appointed "governor." Accountability for results would be aligned with authority, because each governor also would be responsible for the parole supervision of offenders in his or her portfolio.

Implementing such an approach involves many challenges. Here, inmates are frequently shuttled among prisons because of capacity pressures, disrupting the continuity of educational, vocational and rehabilitation programs and effectively precluding the assignment of responsibility for outcomes to a single unit or warden.

However, the British blueprint can guide Texas' approach to private prisons. About 15,000 Texas inmates are in facilities operated by private companies with state contracts. These inmates tend to stay at one location until release.

But Texas' current prison contracts specify every aspect of operations, essentially making these facilities cookie-cutter replicas of state-run prisons. The contracted rate is a flat per diem with no ties to inmate outcome measures.

Instead, these contracts should give private operators freedom to innovate, offering bonuses based on outcomes such as reduced recidivism and the percentage of inmates who earn a GED or occupational certificate. Educational and vocational progress is highly correlated with reduced recidivism.

Probation is also well suited to pay-for-performance. Since 2005, \$55 million in state probation funding has been incentive-based.

County probation departments are eligible if they adopt progressive sanctions and pledge to reduce their technical revocations -- prison referrals that result from missing meetings, failing drug tests and other probation violations not related to a new conviction.

Progressive sanctions prior to a technical revocation include increased reporting, community service, curfews, electronic monitoring, mandatory treatment and overnight jail stays intended to remind someone on probation of what's at stake.

Participating departments have reduced their technical revocations by 16 percent, while nonparticipating departments increased technical revocations by 8 percent.

Had all departments increased revocations by 8 percent, another 2,640 probationers would have been sent back to prison at a cost of \$119 million, not including the construction cost of additional prisons.

Departments receiving the funding used most of it to reduce caseloads of probationers per supervising officer from 150 to about 110.

Texas should build on the success of this initiative. Performance-based probation funding should include rewards for high rates of employment; educational and vocational degrees and certificates earned; and restitution and child support payment. It should also include penalties for new offenses based on their severity. And counties should be rewarded, not penalized, for handling high-maintenance offenders on probation.

Measuring correctional outcomes is challenging, but if the state just pays based on the number of bodies behind bars or on probation rolls, taxpayers will indeed get what they pay for: an ever-growing system that recycles more offenders than it reforms.