



Testimony before the Legislative Budget Board Regarding Texas Department of Criminal Justice Legislative Appropriations Request

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Summary

With the Texas index crime rate now at its lowest point since 1973,¹ policymakers are wisely considering closing unneeded prisons.

For instance, the item in the Texas Department of Criminal Justice (TDCJ) Legislative Appropriations Request that included an option for closing about 1,000 privately operated prison beds could provide significant savings. However, greater savings could be achieved by instead closing state-run prisons that are more costly to operate, such as the Sugar Land Central Unit that was built in 1905, costs 14 percent more to operate than the average prison, and sits on land that has been appraised for \$30 million with a taxable redeveloped value of \$240 million.² Given that private prisons are 24 percent less costly per inmate than the average state-run prison according to the uniform cost reports issued by the Legislative Budget Board (LBB)³, state-run prisons rather than private prisons are the first place Texas policymakers should look when seeking budget savings.

In addition to closing inefficient prisons or eliminating unneeded beds due to a decline in the crime rate and the inmate count, Texas should continue its successful initiatives to strengthen probation, diversion, parole, and in-prison treatment and vocational programs. These approaches, based on the success of the last couple of years in which both the prison population and the crime rate have dropped, can further reduce the need for as many prison beds, thus saving money while maintaining or enhancing public safety.

KEY TDCJ BUDGET FACTS

- Prisons cost Texas taxpayers \$49.40 per inmate per day, which is \$18,031 per year. This is lower than most states and the \$7.40 share for inmate health care is half of what California spends.
- Each new state prison bed costs more than \$60,000 to build.
- Probation costs \$2.40 per person per day, half of which is paid for by the state and half of which is paid for through offender fees.
- Parole costs the state \$3.51 per person per day, which is \$1,281 per year.

The key priorities that should be reflected in the 2012-13 TDCJ budget and statutory revisions next session are:

- Continue support for probation and diversion programs that serve as much less costly alternatives than prisons for holding offenders accountable and protecting public safety. Better performance measures and incentive-oriented funding in the probation funding system are needed to ensure that the most effective community-based programs are being funded.
- Continue support for in-prison treatment, work, and education programs. Since completing treatment is often a condition of parole, it is vital to ensure that we do not revert to waiting lists in these programs which prior to 2007 had kept inmates in prison for many months after the parole board had approved them for release.
- Continue support for parole intermediate sanctions, treatment, and workforce reintegration programs that have contributed to a decline of more than 3,000 revocations since 2007, including more than 1,000 fewer crimes committed by parolees. This has resulted in net savings of tens of millions of dollars.
- Create incentive funding option similar to the juvenile Commitment Reduction Program (Grant C) whereby counties can voluntarily agree to reduce nonviolent prison commitments over the biennium in exchange for receiving a share of the savings upfront from prison closures that they can use for stronger probation, problem-solving courts, treatment, day reporting centers, work programs, electronic monitoring, and other community-based approaches supported by research. While participating counties would receive the funds at the start of the biennium, they would be required in return to reduce their prison utilization over the biennium, producing net savings for this biennium. A clawback provision could require counties that fail to meet the agreement to remit funds back to the state, thereby ensuring net savings are achieved.
- Enact drug sentencing reform to divert nonviolent, low-level drug possession offenders (not dealers) from prison who do not have a prior conviction for a serious violent, sex, or property offense.
- Expand medical/geriatric parole, including possible house arrest, GPS, and nursing home options. This is particularly important given that TDCJ is requesting an *additional* \$263 million for 2012-13 for inmate health care, a disproportionate share which is for elderly inmates, many of whom die in prison.

Background

Prisons

Texas has the fourth highest incarceration rate in the nation and the most prisoners of any state. From 1985 to 2006, Texas' incarceration rate ballooned 205 percent. Florida and New York have increased their incarceration rate at less than half that of Texas in the last 25 years, but have achieved significantly greater crime reductions.

Today, Texas has approximately 154,000 prison inmates, about half of whom are non-violent offenders. Texas' non-violent prison population is larger than the total prison population of the United Kingdom. Texas has added 13,083 prison beds since 1997 and another 1,200 prison beds are being added in 2008 as two shuttered TYC facilities are converted to adult prisons. However, in 2008, the Texas' incarceration rate declined more than any other state in the nation except Massachusetts and it fell further in 2009 at the same time the state's crime rate continued to decline.

Judges and prosecutors have attributed growing demand for prisons to the lack of capacity at facilities offering effective and less costly alternatives to incarceration for nonviolent offenders. In 2007, the Legislature made historic changes to address this concern and the Legislative Budget Board's (LBB) January 2007 projection that the state would need another 17,000 new prison beds by 2012, which would have cost over a billion to build and operate.

The 2007 reforms included increasing the capacity of prison alternatives, such as outpatient drug treatment slots and probation and parole treatment beds, such as Substance Abuse Felony Punishment Facilities (SAFPs). SAFPs are secured facilities that offer programming that reduces the recidivism of nonviolent drug possession offenders and avoids co-mingling them with violent offenders. SAFPs save taxpayer money because a typical stay is shorter, though more rehabilitative, than it would be in prison.

The package included funds to expand the capacity of halfway houses for parolees. Individuals who have been approved for parole are not released unless they have a valid home plan. Thus, the new halfway house capacity means that up to 400 inmates approved for parole but without a valid home plan are no longer backlogged in state lockups.

All told, the 2008-09 budget added 4,000 new probation and parole treatment beds, 500 in-prison treatment beds, 1,200 halfway house beds, 1,500 mental health pre-trial diversion beds, and 3,000 outpatient drug treatment slots. The diversion funding was renewed in the 2009 session for the 2010-11 biennial budget. The current LBB forecast shows that no new prison beds will be needed through 2015, due in large part to the current and future impact of these new diversion initiatives.⁴

Yet, because the 80th Legislature did not make any major changes in sentencing, there is no assurance that the new diversion capacity will be fully utilized by prosecutors and judges. In fact, there are currently about 1,000 empty beds in Substance Abuse Felony Punishment Facilities (SAFPF's), which are six month programs that are intended to be an alternative to sentencing offenders with a substance abuse problem to prison or revoking them to prison from probation or parole. Also, some regions of the state may continue to overutilize incarceration – for example Harris County accounts for 16% of the state's population but more than half of those incarcerated for possessing less than a gram of drugs. While Texas should maintain tough laws that keep violent offenders, sex offenders, drug kingpins, and habitual home burglars in prison for long periods, narrowly tailored policy changes can control future incarceration costs by rerouting nonviolent substance abuse offenders who do not pose a threat to public safety.

Probation

Approximately 450,000 Texans are on probation. Revoked probationers account for 37 percent of prison intakes and 41 percent of state jail intakes, resulting in \$547 million in incarceration costs. Although three times as many Texans are on probation as in prison, ten state dollars are spent on the prison system for every dollar spent on probation.

Since 2005, \$55 million in state probation funding has been incentive-based. Departments are eligible if they adopt progressive sanctions and pledge to reduce their technical revocations. Progressive sanctions involve utilizing graduated measures such as increased reporting, community service, curfews, electronic monitoring, mandatory treatment, and even shock-nights in county jail prior to revoking a probationer to prison for technical violations.

Most probation departments have participated in the incentive funding plan and these departments have reduced their technical revocations by 16 percent while non-participating departments increased technical revocations by 8 percent. Had all departments increased their revocations by 8 percent, another 2,640 probationers would have been revoked to prison at a cost of \$119 million, not including the cost of building more prisons. Departments

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

Parole

In 2009, 72,218 inmates were released from Texas prisons and state jails, along with nearly all of the approximately 1 million individuals annually received into county jails. About 30 percent of released state prison and jail inmates are re-incarcerated within three years, either for a new offense or for violating the rules of their parole supervision.

Approximately 33,000 of those released from state prisons and jails were placed on parole supervision, including mandatory supervision (MS) and discretionary mandatory supervision (DMS). The remaining 39,000 were released without supervision, having discharged their entire sentence behind bars

Mandatory supervision (MS), which required certain inmates to be released after serving half their sentence if they behaved well during incarceration, was abolished in 1995, but a small and continually diminishing segment of the prison population sentenced before the law was changed remains governed by MS.

The bulk of the prison population is governed by DMS. These prisoners' release is within the sole discretion of the Board of Pardons and Paroles (BPP), the agency that the Texas Constitution vests with the authority to make such decisions.

Timeline for Inmate Sentenced to Four Years in Prison Who Earns Good Time for Behaving Wellⁱⁱ		
Eligible for Parole	Eligible for DMS	Released with No Supervision
6 months	2 years	4 years

Source: Texas Government Code §498.003.

Nearly all 24,200 prisoners released from state jails in 2009 were freed without supervision. This is because state jail inmates are ineligible for parole and do not earn time for good behavior; rather, they serve a flat sentence of up to two years. A handful of state jail inmates are discharged by court order onto probation. State jail felonies are defined as offenses between a third degree felony and a Class A misdemeanor, including possession of less than a gram of most controlled substances and commission of property offenses such as hot checks and shoplifting.

The remaining releases without supervision, totaling nearly 15,000, involved those who served their entire sentence for a third degree or higher felony, either because they were statutorily ineligible for early release due to the seriousness of their crime or because they were denied parole by the BPP.

The Board uses several factors in making its decisions, including a risk assessment process developed with the assistance of the National Institute on Corrections that scores inmates based on their individual risk factors, such as offense history and the severity of their offense. Each of the more than 2,000 felonies in Texas law is classified by the BPP as of low, medium, high, or extremely high severity. Institutional parole officers interview each candidate for parole and DMS and write a report, based on their observations, which becomes part of the file reviewed by the BPP. The public, including district attorneys and victims who are automatically notified,

may submit written comments to the board. Family, friends, ministers, and others who know the candidate often submit comments as well.

Approximately 79,000 Texans are on parole. The number of parolees convicted of a new crime declined 7.6 percent from 2007 to 2008, despite an increase in the total number of parolees. Parole revocations, including those for both a new offense and rules violations, fell 27.4 percent from 2007 to 2008 and another 3.6 percent from 2008 to 2009.

This success may be due to the recent strengthening of parole supervision and treatment. For example, prior to 2007, drug tests were sent to a laboratory, creating a delay of a few weeks. Now, results are instant, and most parolees with drug problems admit to it before being tested. Violators who do not pose a public safety risk are immediately referred to outpatient treatment.

Graduated sanctions such as curfews and increased reporting have been enhanced, ensuring a swift but commensurate response in most instances when a rule is violated. Parolees who repeatedly violate the rules or commit a misdemeanor are often sent to an Intermediate Sanctions Facility (ISF) for approximately 75 days, in lieu of being revoked to prison. Some parolees at ISF's receive drug treatment along with follow-up counseling upon release. Literacy, Graduate Equivalency Degree, and workforce preparation programming are available at some facilities.

Also, parole officers are increasingly been oriented towards helping parolees succeed, in contrast with the anachronistic approach in some jurisdictions of "Trail'em, nail'em, and jail'em." Parole resource centers emphasize decision-making based on concern for others and the victim. Caseloads have been limited to between 15 and 75, depending on the needs and risk level of the parolee, and funding for parole chaplains has been increased.

Recommendations

- **Require probation with mandatory treatment for first-time, low-level drug possession offenders with no prior violent, sex, property, or drug delivery crimes.**

SB1909 passed by the Senate in 2007 would have made this change, applying only to offenders convicted of possessing less than four grams of drugs such as cocaine. Those convicted of drug delivery were excluded, as were drug possession offenders who had a previous conviction for any offense other than drug possession or a traffic violation. Those covered would be sentenced to mandatory probation and treatment, which they would have to pay for. The judge would determine whether the offender would go to a residential facility or day treatment, or a combination of both, and the bill specifically included faith-based treatment programs that meet state standards. Under SB 1909, an offender could still be initially sent to prison upon a documented judicial finding of danger to the community. Furthermore, if the nonviolent drug user did not comply with the treatment program or otherwise violated their conditions of probation, they could be revoked to prison. The LBB estimated that SB 1909 would have saved taxpayers \$500 million by 2012, not including potentially even more in avoided prison construction costs.

- **Enhance use of problem-solving courts.**

Evidence has established that drug courts, mental health courts, DWI courts, and other problem-solving courts can reduce recidivism and lower costs to taxpayers by diverting appropriate offenders from incarceration while still holding them accountable. State funding and oversight for these courts should be consolidated into one agency. Additionally, state funding for these courts should focus on felony offenders and guidelines should be developed to ensure that the lowest-risk, low-level drug possession offenders who can succeed with basic

probation do not take up slots in problem-solving courts that could be better used to divert offenders who might otherwise be incarcerated.

➤ **Continue to support probation.**

State grants for probation departments that began in 2005 are tied to the goal of reducing revocations to prison and implementing graduated sanctions in response to rules violations (examples include increased reporting and electronic monitoring) instead of waiting for violations to pile up and then revoking the probationer to prison. These grants have more than paid for themselves by leading to fewer revocations for both new crimes and rules violations in nearly all of the participating probation departments.

➤ **Link probation funding to diversion and public safety results, giving counties a share of savings from sending fewer nonviolent offenders to prison.**

In 2008, Arizona enacted Senate Bill 1476 authorizing performance-based probation funding.⁵ This approach gives probation departments a share of the state's savings when they reduce revocations to prison *and* new convictions, and increase restitution collections. County probation departments receiving these funds are required to use these monies to: 1) Increase the availability of substance abuse treatment programs for probationers, 2) Increase the availability of risk reduction programs and interventions for probationers, and 3) for grants to nonprofit victim services organizations to partner with the probation department and the court to assist victims and increase the amount of restitution collected from probationers.

The Pew Center on the States Public Safety Performance Project recommends that a performance-based probation funding system should appropriate 30 percent of savings for new conviction and revocation rates to probation departments and an additional 5 percent each if the probation department demonstrates improvement in employment, drug test results, and victim restitution collection.⁶

In 2009, the first year of its incentive funding plan, Arizona saw a 12.8 percent decrease in revocations of probationers to prison, including decreases in all but three of the state's 15 counties.⁷ There was also a 1.9 percent reduction in the number of probationers convicted of a new felony.⁸ In Mohave County, the probation department in 2009 reduced its total revocations by 101 and the percent of its probation caseload revoked for a new felony dropped from 4.6 to 1.1 percent.⁹ This saved the state \$1.7 million in incarceration costs that otherwise would have been incurred and Mohave County officials are expecting the state to fulfill its end of the bargain by appropriating 40 percent of the savings to the County in the next budget.

How did Mohave County achieve these results? In short, they implemented evidence-based practices – those techniques that research has shown reduce the risk of criminal behavior. Assistant Probation Chief Alan Palomino noted: “First we looked at our revocation process and at who we were revoking. There were a lot of technical violators who missed appointments or were just not doing exactly what was required of them on their probation. We looked at ways to motivate them toward cooperation and buying into their own probation process.”

The enhancements in Mohave County to their approach to probation included:

- Training probation officers to utilize motivational interviewing, a method of therapy that identifies and mobilizes the client's intrinsic values and goals to stimulate behavior change. Motivation to change is elicited from the client, and not imposed from without. It is assumed that ambivalence or lack of resolve is the principal obstacle to be overcome in triggering change. In an example of motivational interviewing, an officer may ask a probationer questions designed to elicit self-motivational statements such as, “What are you afraid might happen if things continue as they are?” and “What might be some advantages of changing your behavior?”¹⁰ Motivational interviewing has been designated by the

National Institute of Corrections as one of eight evidence-based practices that contribute to reduced recidivism.¹¹

- Separating the minimum-risk offenders from the medium- and high-risk populations and varying supervision and caseload levels for each group with one officer handling minimum-risk offenders in each city within the county.
- Better identification of the needs of each offender such as substance abuse programs, educational programs, and anger management.
- Implementing Moral Recognition Therapy, a cognitive educational program that helps probationers understand that their own choices have put them into their situations and become accountable for their actions.
- Immediate consequences for violations and positive accolades for accomplishments.

In some ways, the Arizona measure is similar to the budgetary provision that the Texas Legislature adopted in 2009 that created the Commitment Reduction Program (CRP) within the juvenile justice system. In 2009, the Legislature cut funding for the Texas Youth Commission from \$314 million in 2008 to \$210 million in 2010 and \$205 million in 2011, primarily due to a decline in population.¹² Effectively, part of the savings - \$45.7 million - was allocated for the CRP through which county juvenile boards that choose to participate may obtain additional funds for community-based programs in exchange for agreeing to target fewer commitments to TYC. Rider 21 to the General Appropriations Act requires that TJPC pay TYC \$51,100 for each youth committed to TYC in excess of 1,783 youths per year.¹³ However, it appears this provision will not be invoked, since TYC commitments have fallen approximately 40 percent this year as juvenile probation departments are on pace to meet and, in many cases, come in far under their targets.¹⁴ This is particularly notable given that commitments were already at historically low levels.

Though the CRP, departments submit funding plans to TJPC that are linked to the number of youths they pledge to divert from TYC. For example, if a department's three-year average of commitments to TYC is 25, they can obtain their full share of new funding by pledging to divert five youths from TYC, a figure that is based on the statewide goal of 1,783 or fewer commitments. The department can also obtain partial funding by pledging to divert less than five youths.¹

Plans for new or expanded programs must include supporting evidence or documentation that the new program or service has had positive outcomes in other jurisdictions. Similarly, plans for enhanced supervision or specialized caseloads must include evidence of success. Evidence of positive outcomes must also be provided for proposed residential services as well as a description of how the family of a supervised youth will be incorporated into the rehabilitative efforts.

Departments will be evaluated according to the following performance measures¹⁵

- Number of juveniles served
- Percent of juveniles completing the program(s).
- Percent of juveniles with improved outcomes (e.g., reduction in substance use or increase in school attendance).
- Number of juveniles committed to TYC.

¹ The Commitment Reduction Program does not place a legal cap on the number of youths committed to TYC. Judges may still commit youths for any felony offense or violations of probation. The county Juvenile Board, which includes the judges in the county who hear juvenile cases, decides whether to participate in the Program.

- Number of juveniles certified to stand trial as adults.
- Re-offending (recidivism) as measured by one-, two-, and three- year re-referral/re-arrest and incarceration rates for all juveniles participating in the program.
- Cost per youth diverted.

The guidelines specify that maximum diversion funding shall not exceed the rate of \$140 per juvenile diverted per day or \$51,100 annually. The majority of the funds will support non-residential programs that cost much less than this maximum amount, though this figure still compares favorably to the \$99,000 annual cost of TYC commitment in 2009.¹⁶ Under the guidelines, departments that exceed the targets for TYC commitments for 2010 to which they agreed will have their share of this new funding reduced or eliminated in 2011.

In 2007, the Texas Legislature passed House Bill 3200, which incorporated some aspects of performance-based probation funding.¹⁷ It was vetoed by the Governor because it did not contain a definition of a technical revocation. The bill instructed the TDCJ Community Justice Assistance Division, which distributes funding to probation departments, to replace the current funding formula which is simply based on the number of probations under supervision with a formula that included:

- Higher per capita rates for felony probationers who are serving the early years of their probation terms than those who are serving the end of their terms.
- Penalties in per capita funding for each felony probationer whose probation was revoked due to a technical violation of probation;
- Awards in per capita funding for each felony defendant who was discharged due to an early termination of probation.

Among the goals of the bill were to provide a fiscal incentive to probation departments to use approaches such as increased reporting, imposition of a curfew, referral to treatment, and electronic monitoring to respond to rules violations by probationers as an alternative to prison revocations. Though these intermediate sanctions cost probation departments money, they are far less costly than revocation to prison, but a revocation shifts the full cost of that offender to the state. Also, the legislation was based on testimony, including from some probation directors, that individuals were being kept on probation for many years after they had met all their obligations and posed no threat to public safety, because the probationer who routinely pays his fees and needs little or no supervision is the most attractive client. Given that the research shows most violations and revocations occur within the first few years of a probation term, the frontloading of resources was intended to create an incentive to focus supervision on these offenders.

The concern regarding defining a technical revocation can easily be addressed by adopting a definition that, for example, provides that, if the probationer is not alleged to have committed a new offense within six months of the motion to revoke being filed, then it is a technical revocation. Policymakers should also consider incorporating the factors in the Arizona legislation and the Pew model statute, as well as risk level of a department's caseload, into the new funding formula that CJAD would be directed to create and implement. An advantage of the CRP model over the Arizona model is that it provides upfront funding to probation departments that would give them the wherewithal to implement the supervision and treatment strategies at the beginning of the year or biennium that would allow them to divert more appropriate offenders from prison, instead of being forced to make an outlay from local funds in the hopes that the appropriation of their share of the savings will follow.

➤ **Reinstitute mandatory supervision for most third degree drug possession offenders.**

This proposal, offered as House Bill 3702 in 2007, would have saved \$26 million, by automatically discharging low-level drug possession offenders on to parole supervision after completing half of their sentence with good behavior. Third degree drug possession involves between one and four grams of most controlled substances. Inmates with prior violent, sexual, or felony property offenses should be ineligible.

➤ **Authorize earned time for state jail felons.**

Although these are the lowest level inmates in the state system, they paradoxically are ineligible to earn time off from their sentences based on participation in work and treatment programs and avoiding disciplinary violations. An earned time system that incentivized these inmates to make progress would result in \$45 million per year in savings for taxpayers assuming a 20 percent reduction in time served. With the goal of lowering the state jail recidivism rate which currently exceeds the rate for prison inmates who are mostly discharged on parole, some of these savings should be reinvested in a reentry program – conducted in partnership with probation departments -- that incorporates supervision, vocational, and treatment strategies proven to reduce recidivism.

➤ **Implement an expanded geriatric release policy.**

There are about 4,200 inmates age 61 or over in prisons and state jails, who use a disproportionate share of the nearly \$1 billion in biennial prison health care costs borne by Texas taxpayers. There are 200 crippled prisoners, mostly paraplegics and multiple-limb amputees. The current medical parole program is so strict that less than six percent of eligible offenders are actually released and many die while under consideration. In one year, two elderly infirm prisoners cost the state \$1 million in health care expenses. If these inmates were safely released, including being placed in a nursing facility as a condition of parole, they would be eligible for Medicare disability or veterans' health care benefits (10 to 15 percent of inmates are veterans), shifting most of their health care costs from the state to the federal government. Some of these inmates committed their crimes many decades ago and are too frail to threaten the public further. They could be placed under house arrest with electronic monitoring or moved into nursing homes and billed for their care. Inmates should not be automatically released simply because they are of a certain age, but by authorizing a program with appropriate risk assessment and screening, taxpayers could save tens of millions of dollars without endangering public safety.

➤ **Continue to support parole supervision and programs.**

Texas has reaped significant public safety and fiscal benefits from enhancing the parole system over the last several years. In 2008, more than 1,000 fewer parolees than in 2007 were alleged to have committed a new offense. This trend continued in 2009. Also, revocations for technical violations have fallen by more than 1,000 over this period. Taxpayers have saved well over \$50 million a year in avoided incarceration costs, not including the tens of millions of dollars that it costs to build a new prison. Ensuring the parole division of TDCJ has sufficient resources and that they are efficiently utilized for appropriately sized caseloads, available drug and mental health treatment, and vocational training and job placement through Project RIO and local workforce centers is vital for continued gains in public safety and overall correctional cost control. If the parole budget is cut and caseloads therefore increase, more parolees may re-offend due to a lack of supervision. Many could be revoked to prison for rules violations due to lack of manpower to implement graduated sanctions.

➤ **Create a presumptive parole date.**

A common reason for denying parole is the “nature of the offense,” a factor that never changes. Consequently, it is redundant for different panels to consider this every year. Also, inmates cannot be accurately prioritized for pre-release parole panels, since there is no way to anticipate parole decisions. By setting a presumptive parole date for parole-eligible inmates upon entry into the system that would be dependent on good behavior and completion of work and treatment programs, the state can achieve efficiencies while incentivizing inmates.

➤ **Create a supervised reentry program for inmates now discharged after serving the entire sentence in prison.**

Senate Bill 1948, which unanimously passed the Senate in 2009, would have authorized an inmate's release to the supervised reentry program one year before his scheduled discharge of sentence or after 90 percent of the sentence has been served. The bill was projected to save taxpayers more than \$35 million and reduce re-offending through supervision and programming for these reentering offenders who are currently unsupervised.

- **Require that most parolees revoked for technical violations, not new crimes, be sent to an ISF rather than prison.**

Senate Bill 838, approved by the Senate in 2007, would have redirected parolees to ISFs who otherwise would be revoked to prison – typically for many years – solely for rules violations. The bill extended the maximum time of ISF placement from 90 to 180 days and was projected by the Legislative Budget Board to save \$150 million. Some of these savings could be used to enhance the treatment, educational, and vocational programs at ISFs that can be demonstrated to reduce recidivism. This proposal should also exclude certain parolees who have been convicted of the most serious violent and sex offenses.

Conclusion

Given that two-thirds of those entering Texas prisons are serving time for a nonviolent offense, it is likely that Texas has long passed the point of diminishing returns in achieving whatever public safety benefits may result from incarceration in comparison with the benefits that could be realized from spending a portion of these funds to strengthen community-based programs that prevent crime, restore victims, and keep more families together. We must address the state's budget challenges by continuing to build upon Texas' recent progress in both controlling corrections costs and enhancing public safety that has become a model for the nation.

¹ Texas Crime Rates (FBI Reports), <http://www.disastercenter.com/crime/txcrime.htm>.

² Texas Department of Criminal Justice 2005 Cost Per Unit,

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³ Criminal Justice Uniform Cost Report 2006-08, Legislative Budget Board (Jan. 2009) 3,

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⁴ LBB Prison Population Projection 2010-2015, June 2010,

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⁵ Text of Arizona Senate Bill 1476, Feb. 2008, <http://www.azleg.gov/legtext/48leg/2r/bills/sb1476p.pdf>.

⁶ Pew Center on the States Public Safety Performance Project, "Policy Framework to Strengthen Community Corrections," 15 Dec. 2008, 13 Nov. 2009, <http://www.pewcenteronthestates.org/uploadedFiles/Policypercent20Framework.pdf>.

⁷ Eric Boehm, "Probation Changes Could Solve Prison Dilemma: Shift funds to front end of system to save money, says expert," *Pennsylvania Independent*, 10 Feb. 2010, 17 May 2010,

<http://www.paindependent.com/research/detail/probation-changes-could-solve-prison-dilemma>.

⁸ Ibid.

⁹ "Mohave County leads state with reduced probation revocations," *Arizona Rural Times*, 17 Feb. 2010, 17 May 2010,

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¹⁰ Edward Pecukonis, Ph.D., "Module IV: Motivational Interviewing," 23 Nov. 2009,

<http://ahec.allconet.org/newrihp/powerpoint/module3motivationalinterview.ppt>.

¹¹ National Institute of Corrections, "Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention," (2004), 22 Oct. 2009, http://nicic.org/WebPage_380.htm.

¹² 81st Legislature, "Text of Conference Committee Report Senate Bill No. 1, Regular Session (General Appropriations Act)," (Austin: 26 May 2009), 22 Oct. 2009,

http://www.lbb.state.tx.us/Bill_81/6_FSU/Bill-81-6_FSU_0909.pdf.

¹³ 81st Legislature, "Text of Conference Committee Report Senate Bill No. 1, Regular Session (General Appropriations Act)," (Austin: 26 May 2009), 22 Oct. 2009, http://www.lbb.state.tx.us/Bill_81/6_FSU/Bill-81-6_FSU_0909.pdf.

¹⁴ Linda Brooke, Texas Juvenile Probation Commission, 12 April 2010.

¹⁵ Commitment Reduction Program Guidelines provided by the Texas Juvenile Probation Commission, 16 July 2009.

¹⁶ Mike Ward, "Texas spends \$99K a year to lock up troubled youth, figures show," *Austin American-Statesman* 4 Mar. 2009, 21 Oct. 2009, <http://www.statesman.com/news/content/region/legislature/stories/03/04/0304tyc.html>.

¹⁷ House Bill 3200 Bill Analysis, House Research Organization, 4 May 2007, 18 May 2010, <http://www.hro.house.state.tx.us/pdf/ba80r/hb3200.pdf#navpanes=0>.