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[Your News](#)
[How To...](#)
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Thinking Outside the Cell: Texas Prison System Innovations

Submitted by Mike Klein

Each day across Georgia, the state Department of Corrections prepares enough meals to feed the population of the city of Marietta. Breakfast and lunch are served to nearly 60,000 adult prisoners. Paying for 31 state prisons annually costs taxpayers \$1 billion, including the cost to manage 150,000 parolees.

State prison populations declined last year, the nation's first year-to-year drop since 1972, according to a report released this month by the Pew Center on the States. Georgia, however, posted the sixth largest percentage increase in the nation, a 1.6 percent growth rate, or 843 more adult felons.

Just four states incarcerate more state prisoners than Georgia. As taxpayer funds dwindle, can Georgia continue to spend 6 percent of its budget on corrections? Is there a more cost-effective but equally secure balance among incarceration, reduced sentences, treatment programs, parole and probation? Does the term "corrections" assume incarceration, or does it actually suggest another possible path?

Those questions have been answered, to some degree, in Texas, which faced a growing prison population and escalating costs five years ago when Jerry Madden became chairman of the Texas House corrections committee. Madden, who had no criminal justice experience, brought to this new task the analytical focus of a retired career engineer and the discipline of a West Point graduate. At that time, he says, "I thought we should lock them up, throw away the key."

Madden was smart enough to know what he did not know. He started asking questions outside the box. He brought together conservative and liberal public policy foundations, including the Texas Public Policy Foundation's justice systems analyst, Marc Levin.

He asked them to analyze the prison system, find common policy ground where it existed and bring forward innovative ideas that would get Texas off the spiral of more incarceration leading to more prisons. "If you build it they will come," Madden says. "Someone will send them there."

Fast forward two years to January 2007. A year earlier, the Legislative Budget Board predicted Texas would need 17,000 new prison beds within five years. Construction costs were estimated at \$2 billion. Republican Governor Rick Perry was prepared to announce the state would build three new prisons costing \$560 million. Madden saw an opening: "He gave me the perfect storm."

Madden took recommendations from his study groups to Perry. He proposed a new model that would rely on additional beds for substance abuse treatment; the creation and expansion of specialty courts; additional probation funding to reduce caseloads; additional funding for mental health care and halfway houses; the creation of short-term jails for adults serving less than two years; a small increase in the rate of paroles, and programs that would reduce the number of incarcerated juveniles.

Madden told the governor that the new model could be accomplished for about \$240 million. His goal: Create something that would cost less than new prisons and produce better results. "There is nobody who thinks Texas is soft on crime," Madden says. "You're not soft on crime by doing something that's smart." Perry was willing to invest in the new policy ideas and canceled his new prisons announcement.

Three years later, Texas is showing results. The Legislative Budget Board says Texas will not need new adult prison beds until at least 2014. Texas reduced its adult prison population by 1,257 inmates last year and closed four juvenile prisons within the past three years. The state now takes only juveniles who are charged with felonies; juveniles charged with misdemeanors remain in county jails. Nobody younger than age 21 serves time in an adult prison. The state provided counties with more than \$57 million to help offset juvenile incarceration costs when the change was made in 2007.

Madden says these results were possible because Texas was willing to consider a new definition for corrections. "There are three types of prisoners. There are prisoners who will always come back when you let them out, those who will never come back when you let them out and those in the middle who we call the swingers. They may or may not come back. It depends on what we do for them."

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