



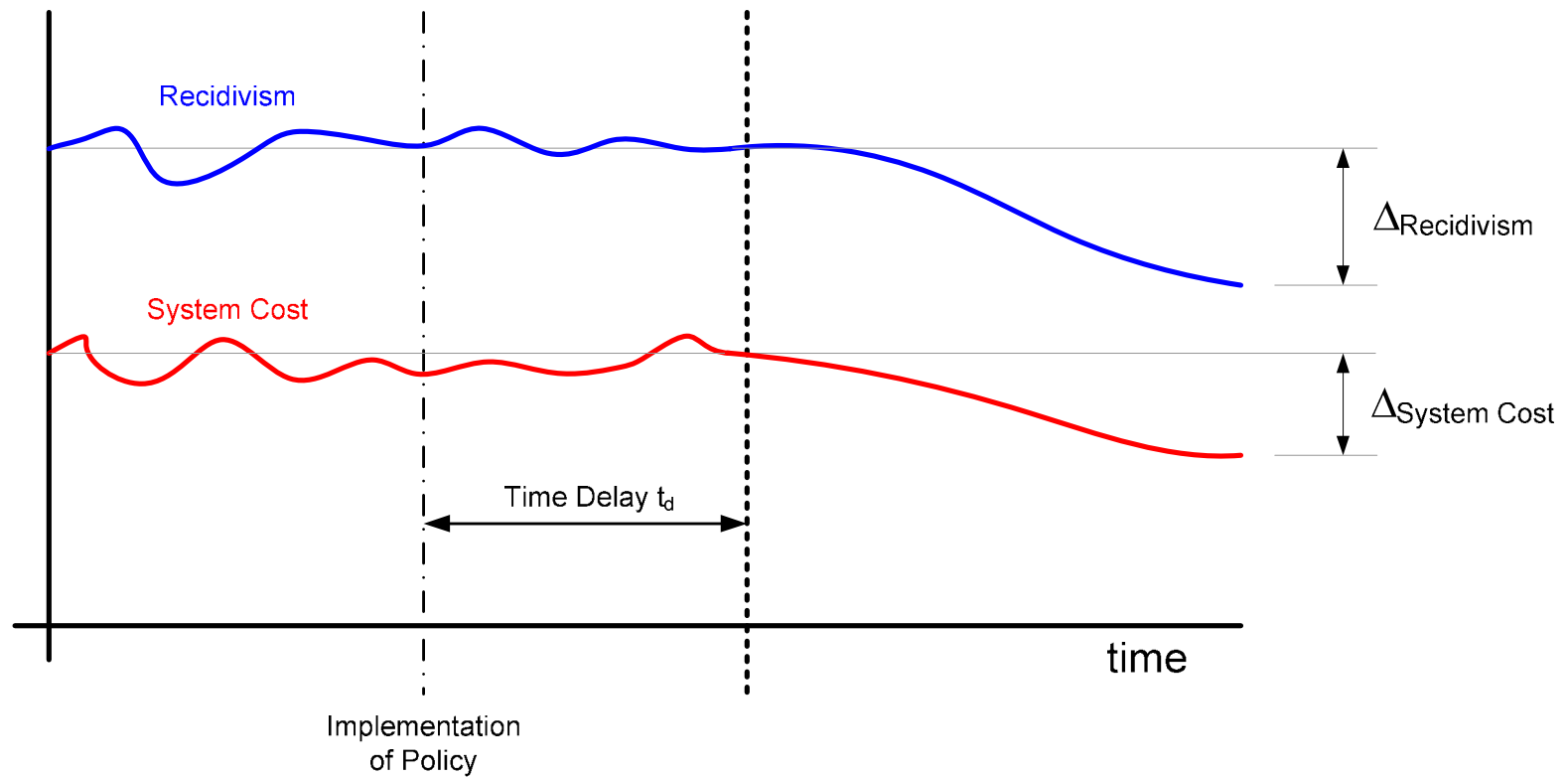
Charting a New Path for Texas Corrections:

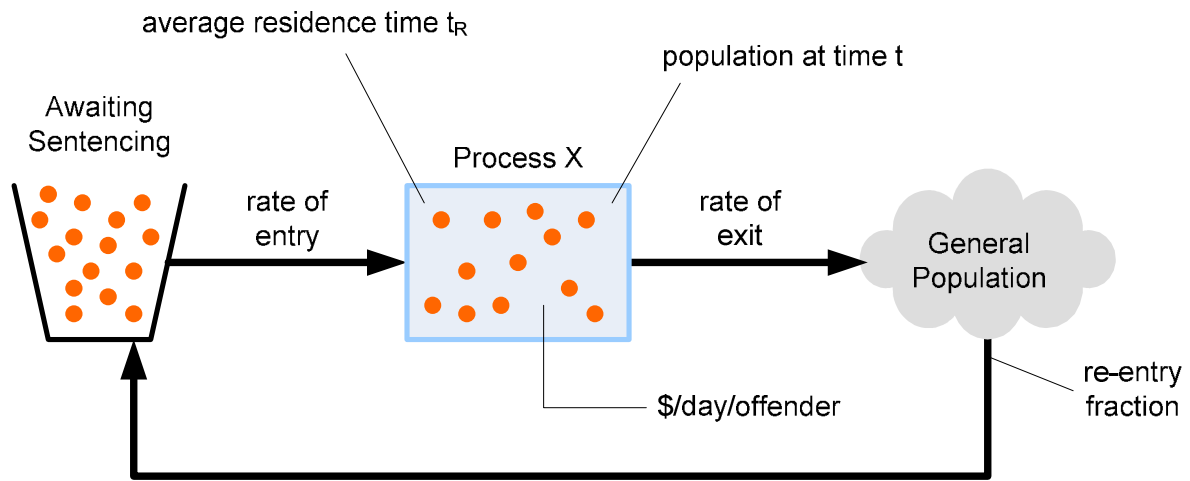


Modeling the Effect of Alternatives to Incarceration

Marc A. Levin, Esq.
Director, Center for Effective Justice
Texas Public Policy Foundation
www.texaspolicy.com

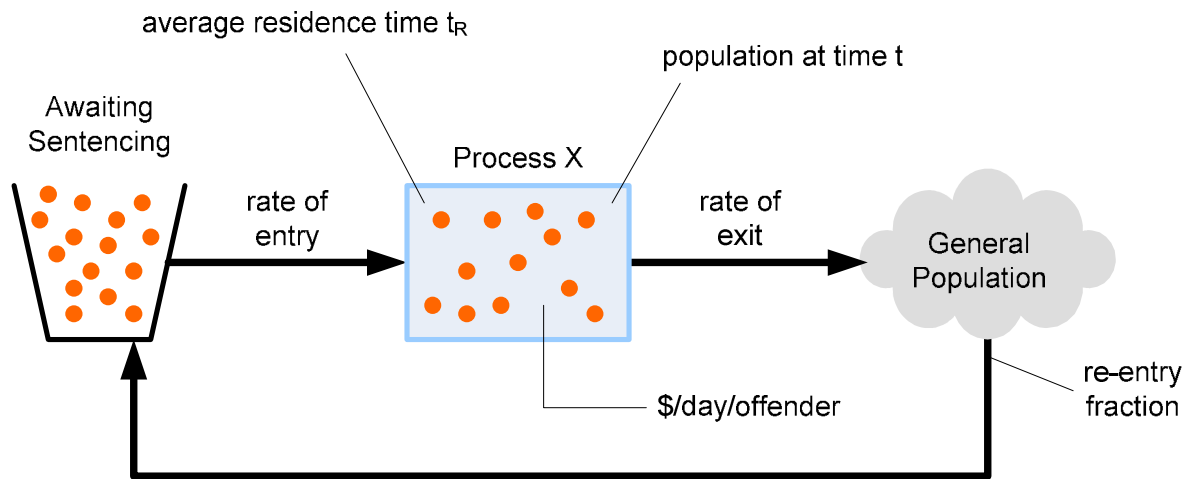
Hypothesis: There exists a “configuration” of the criminal justice system in Texas, different from the current configuration, that both lowers overall costs and recidivism.





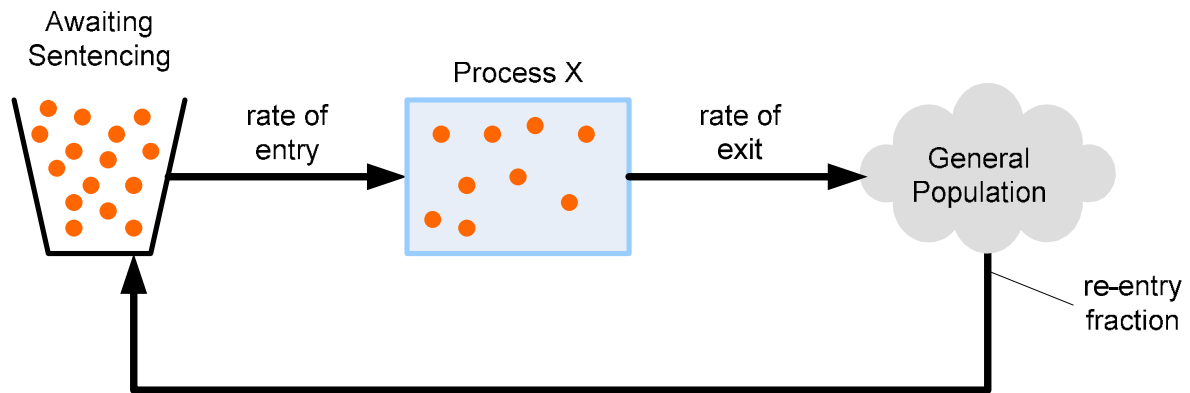
As-Is

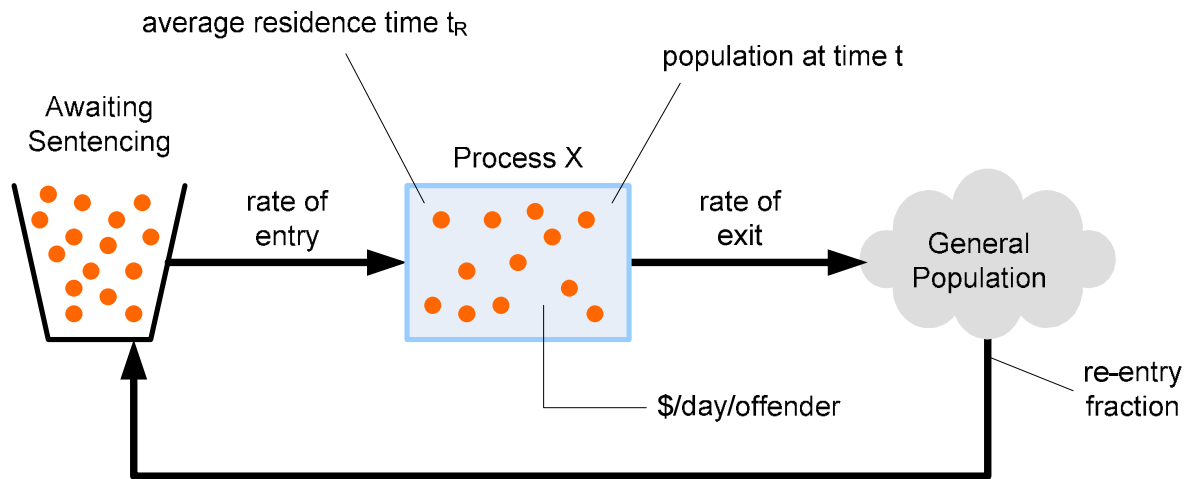
To-Be



As-Is

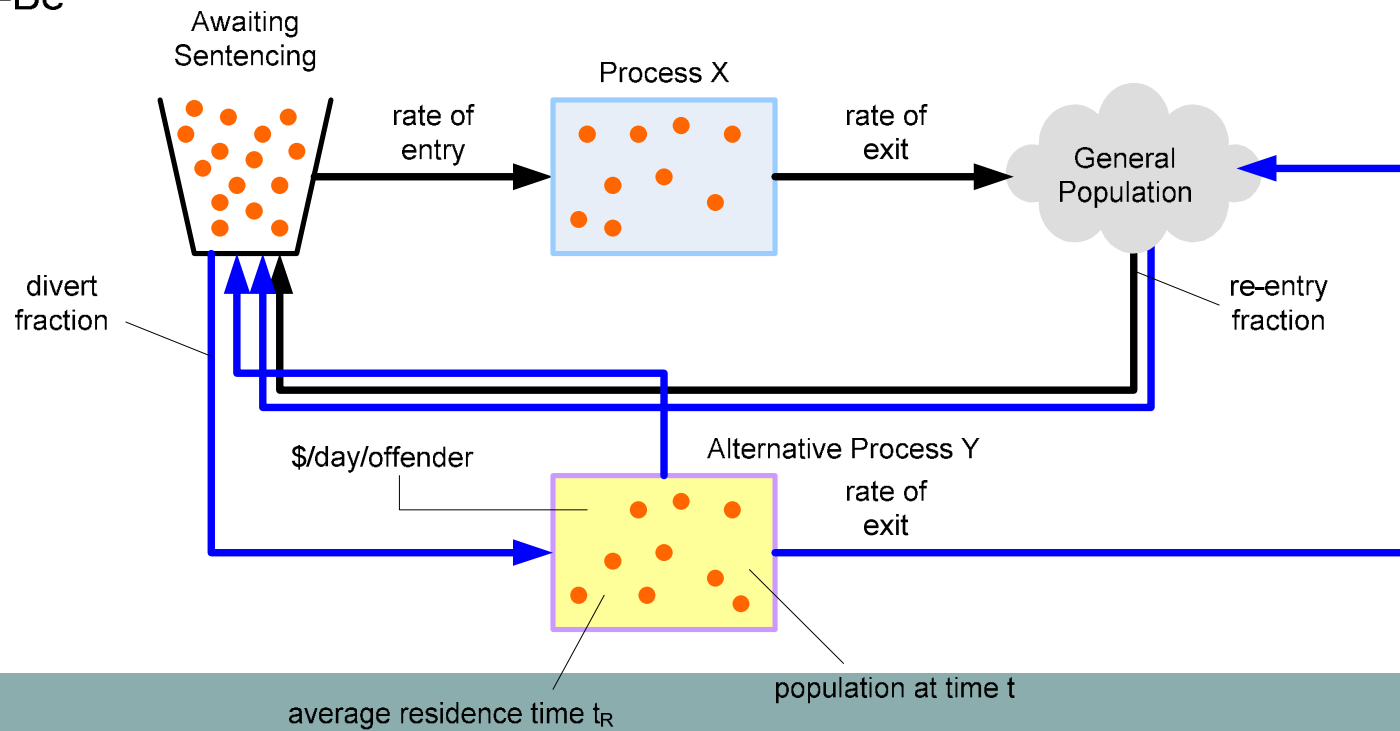
To-Be

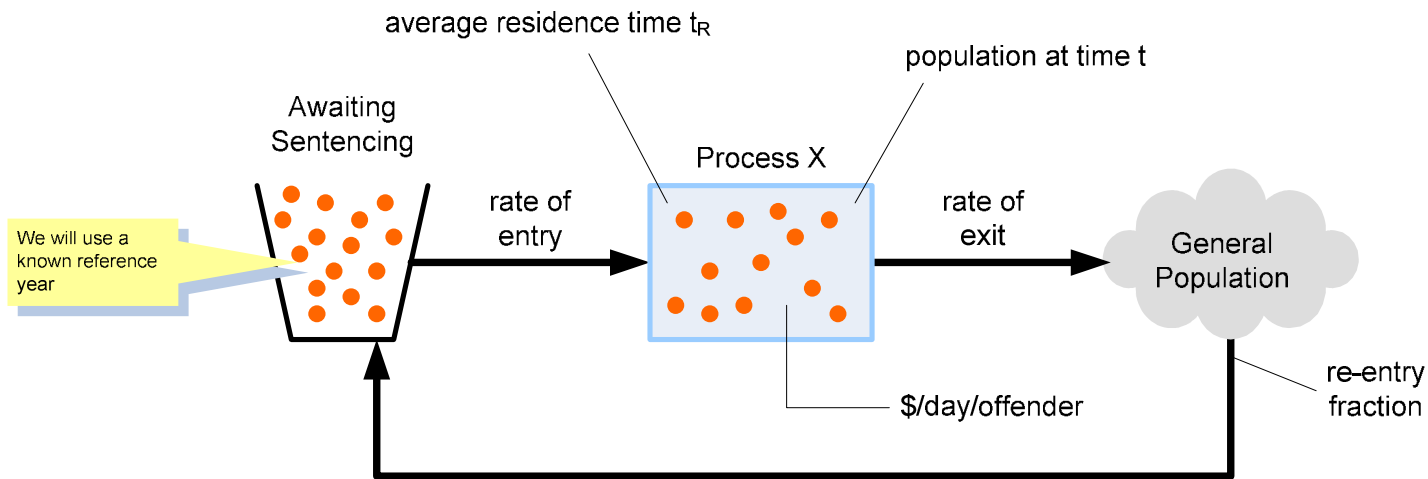




As-Is

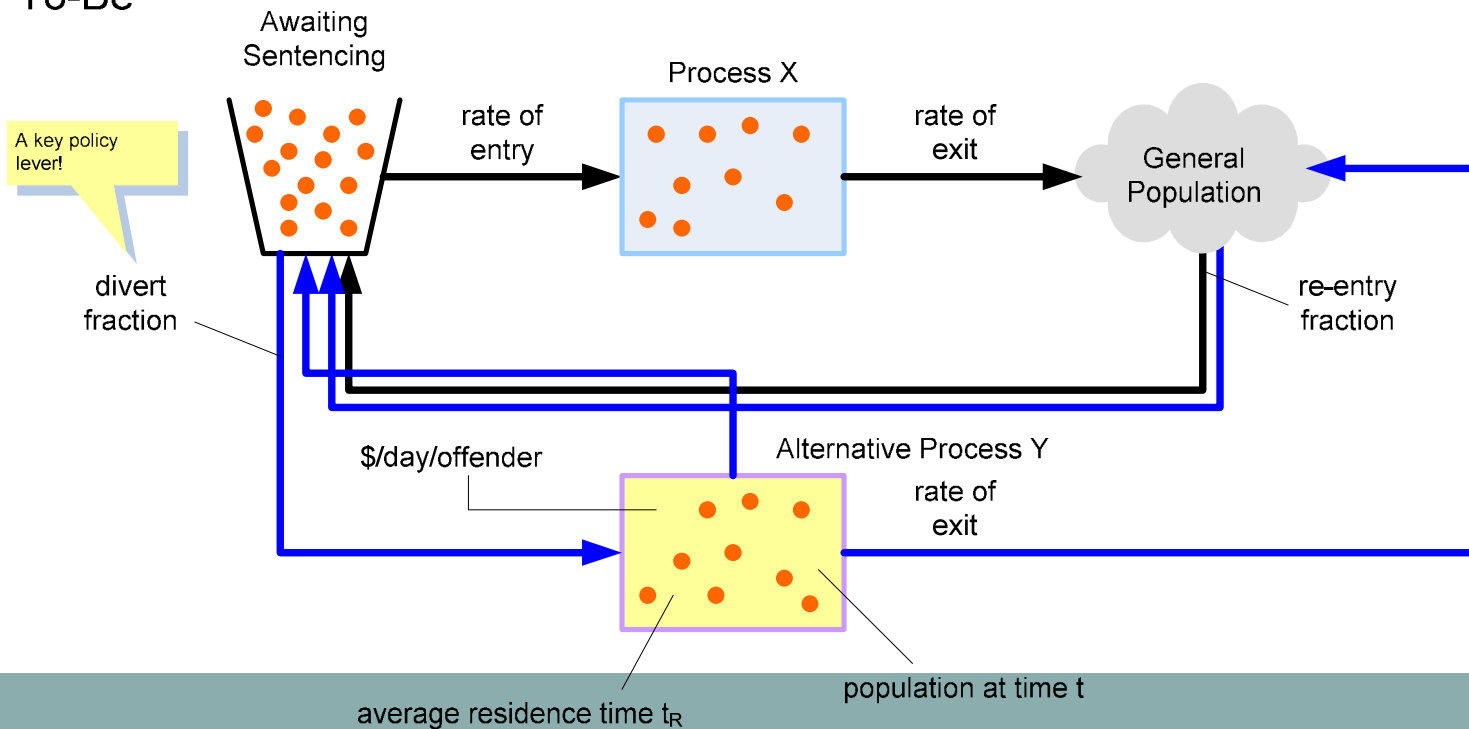
To-Be

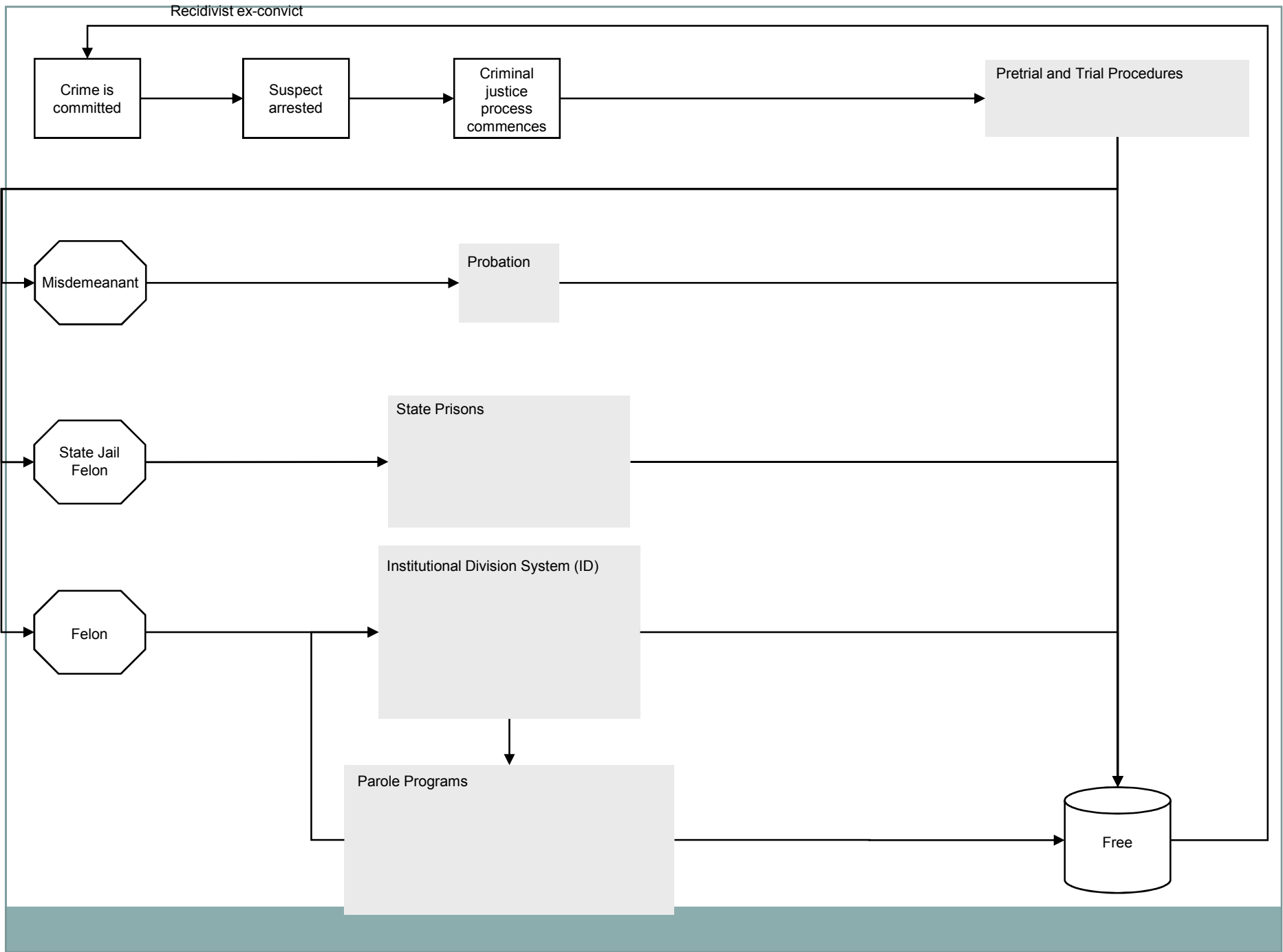


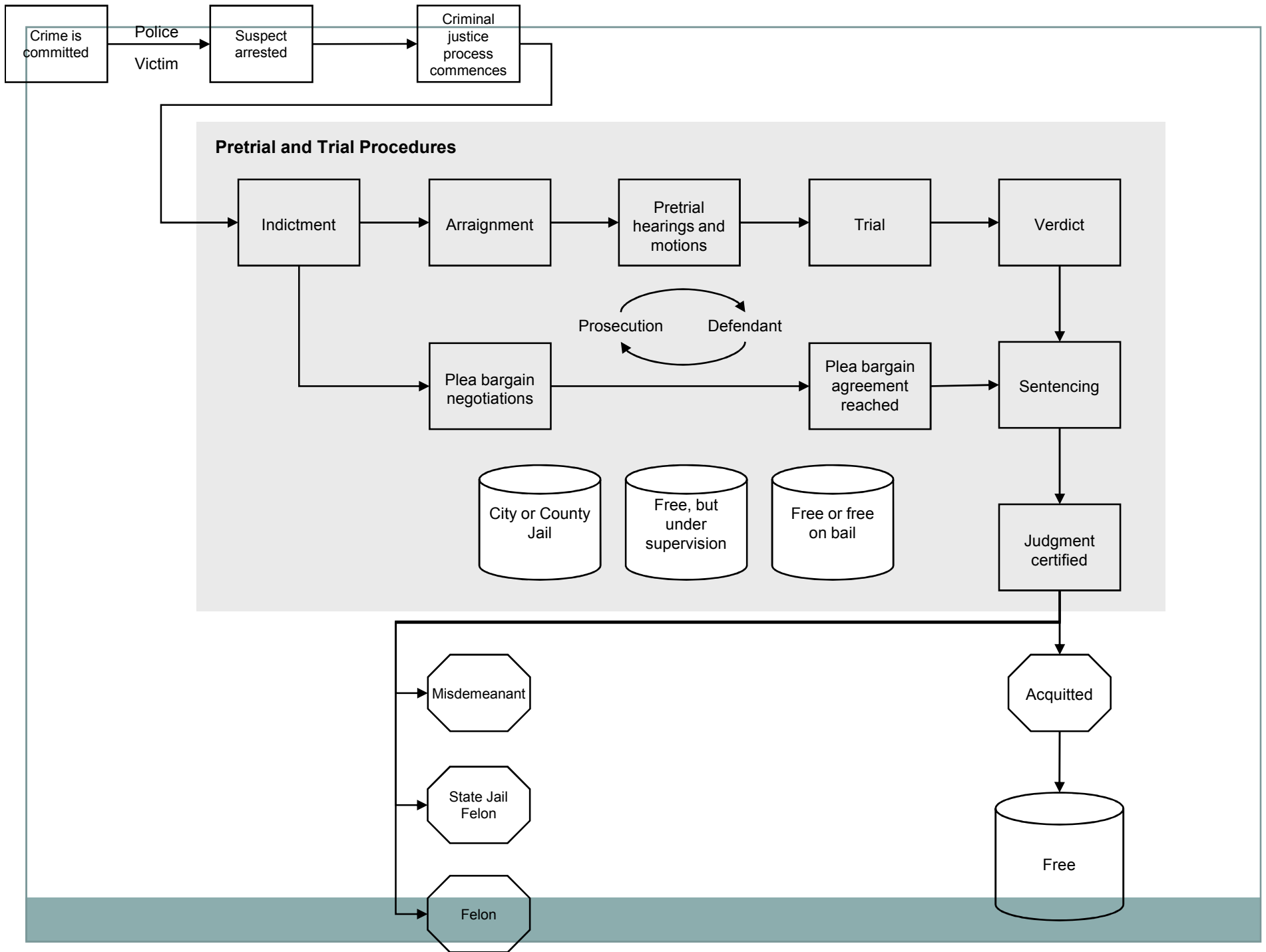


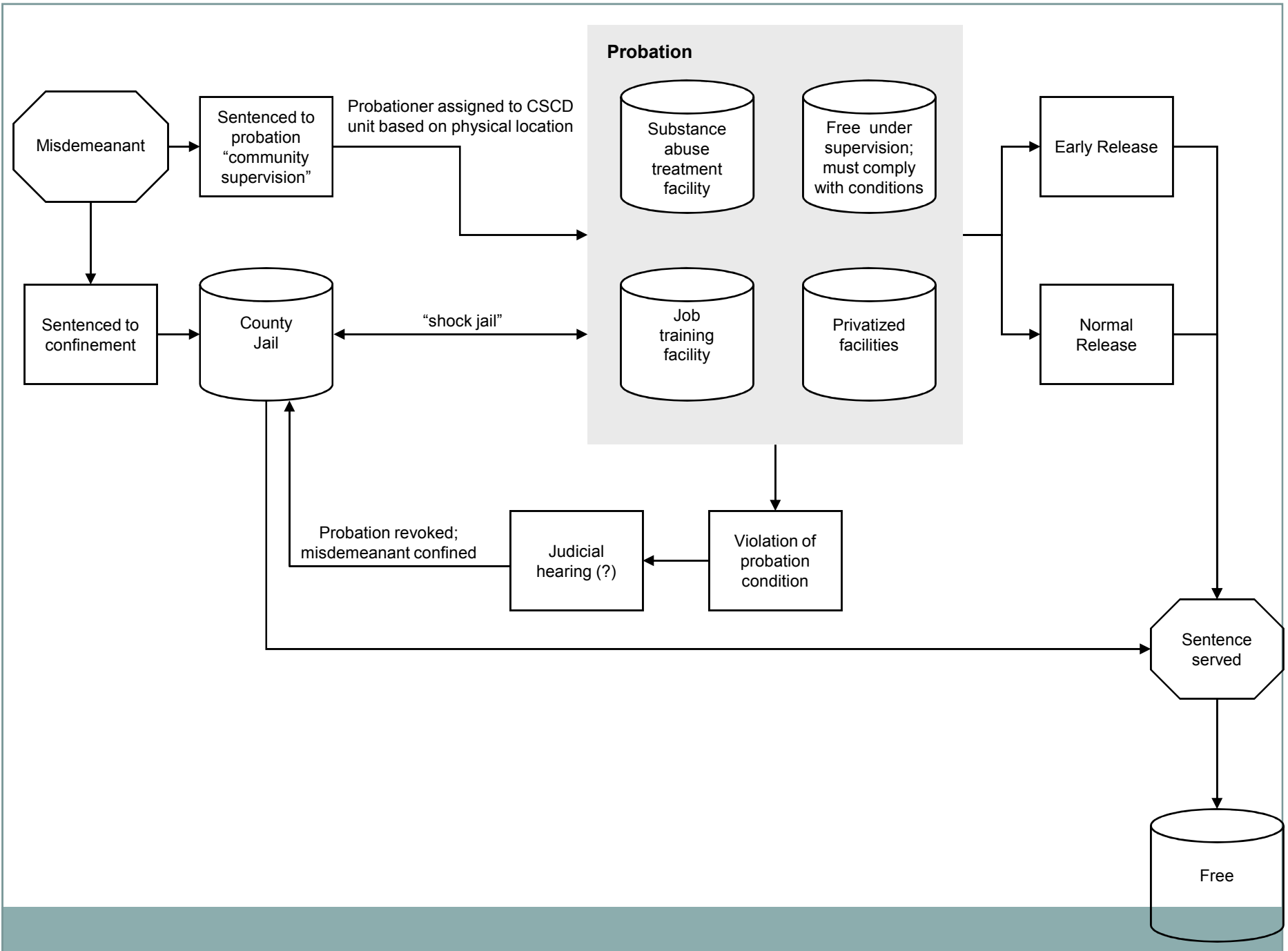
As-Is

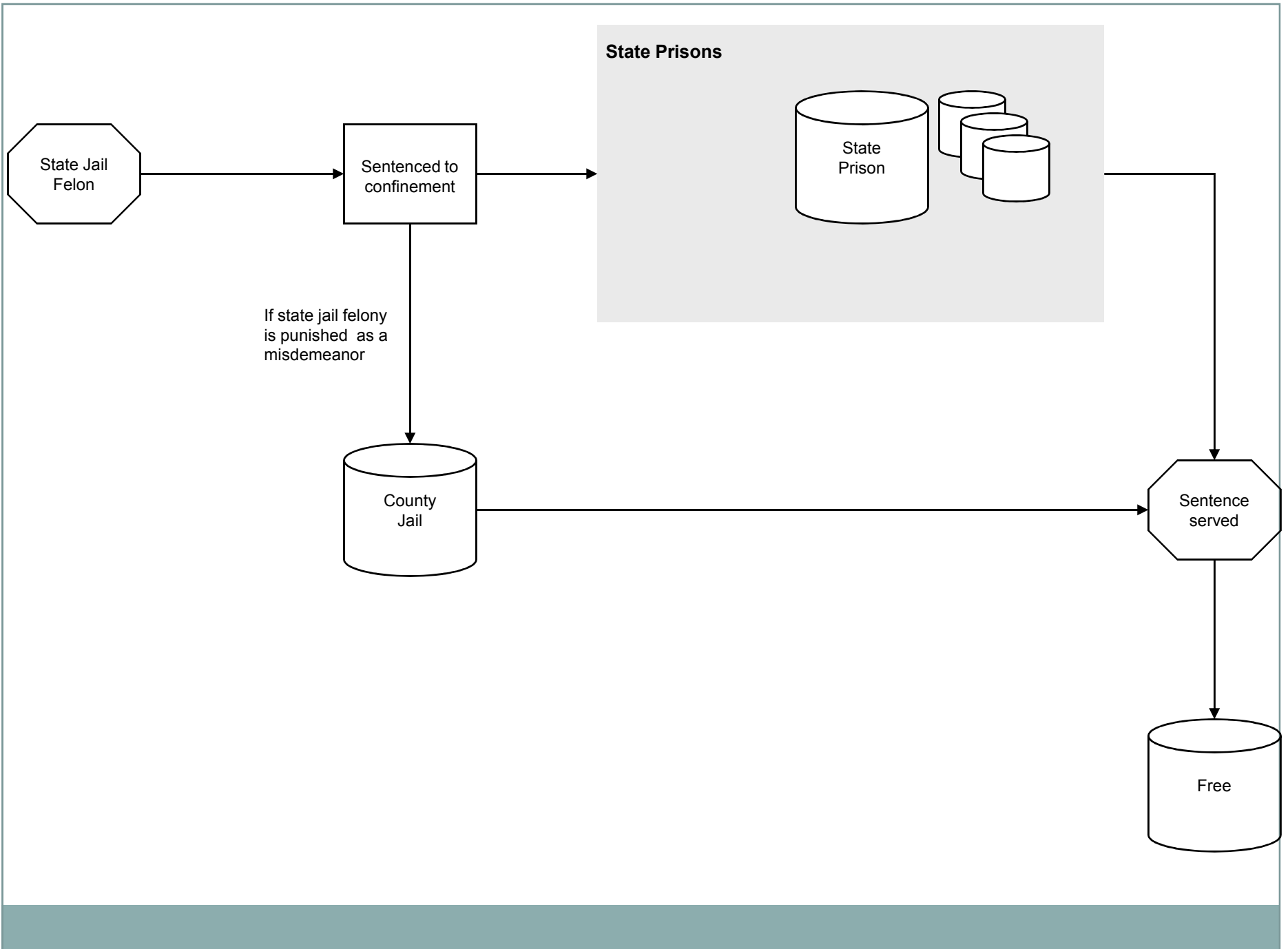
To-Be

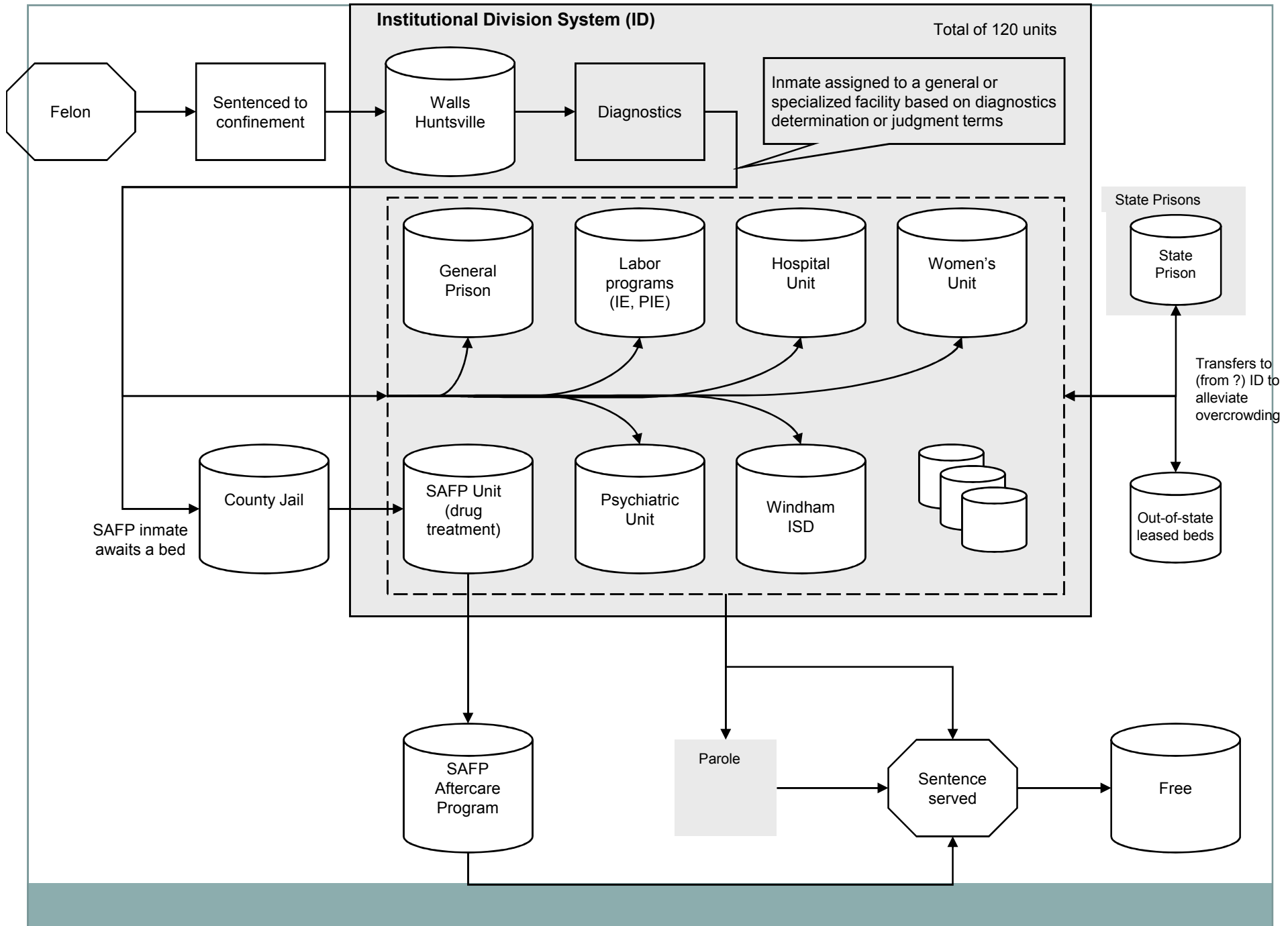


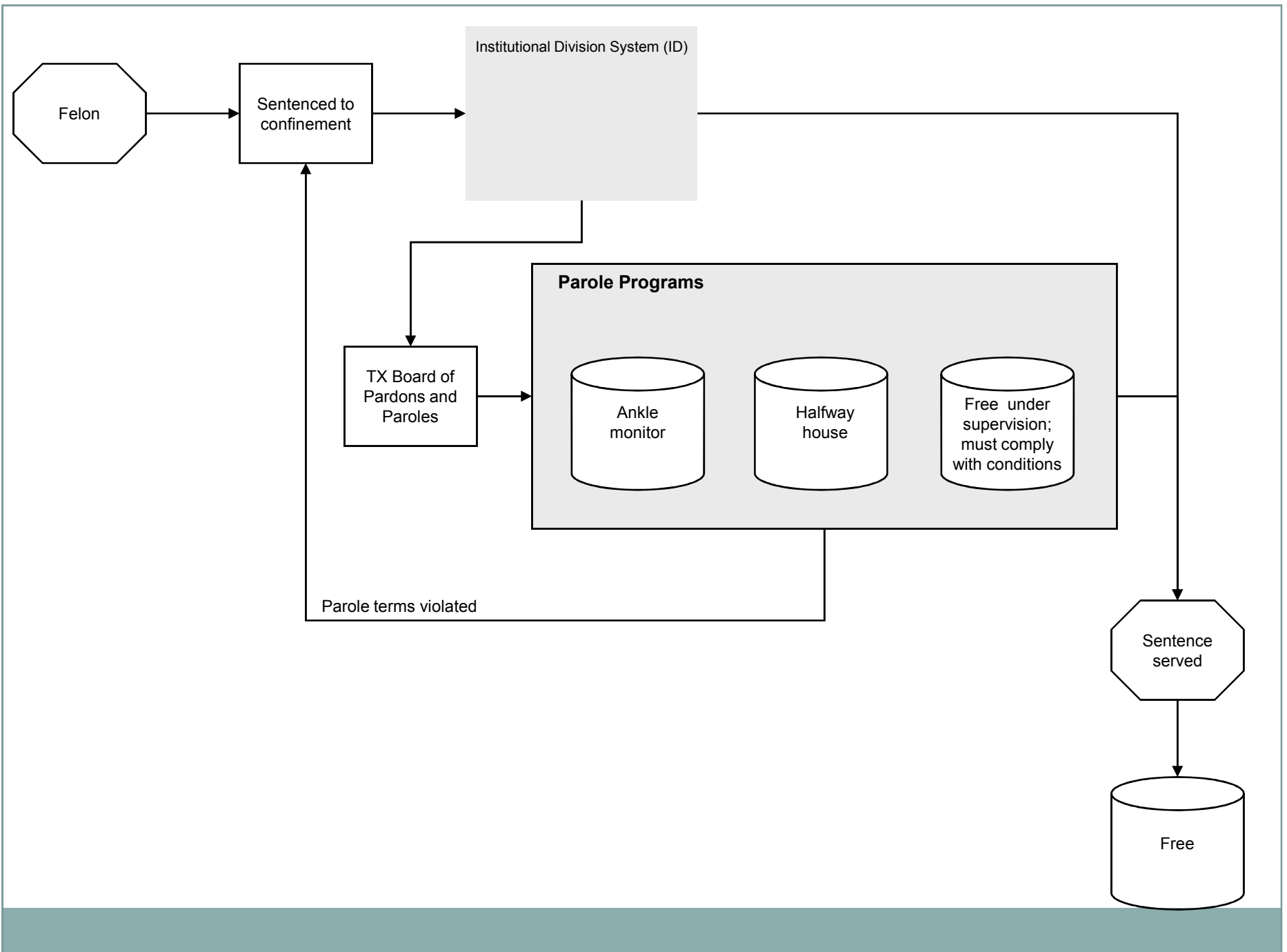


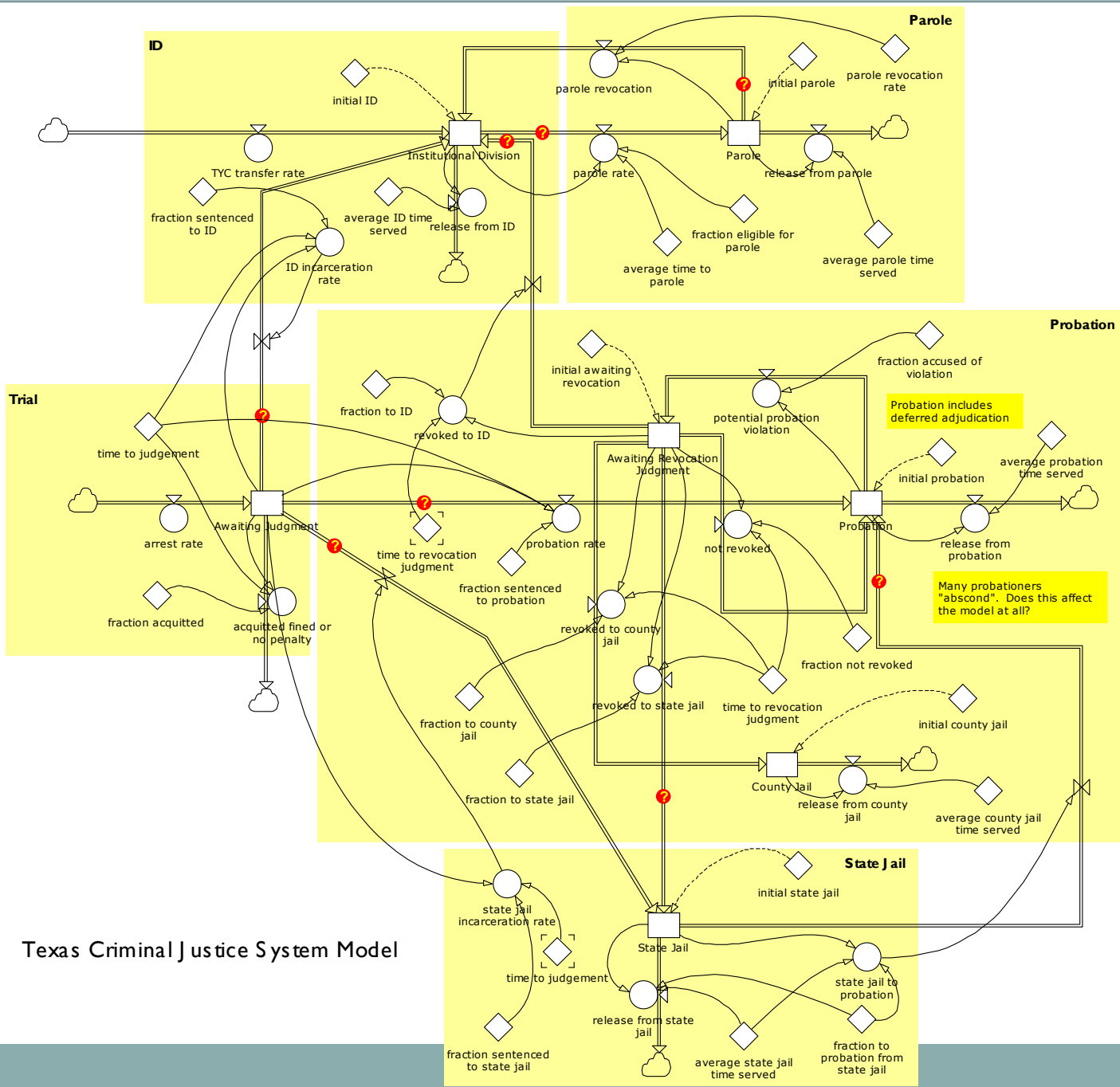












Texas Criminal Justice System Model

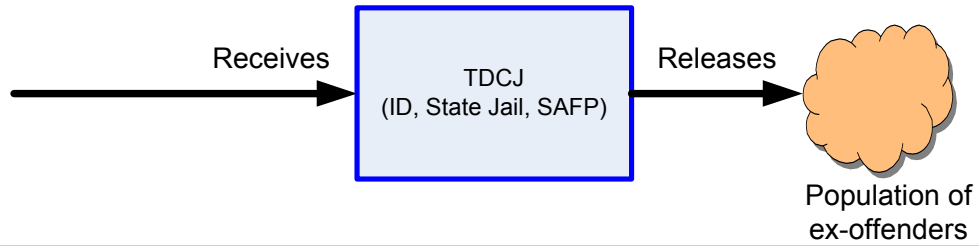
Simulation of Senate Bill 1909 – Drug Treatment Diversion



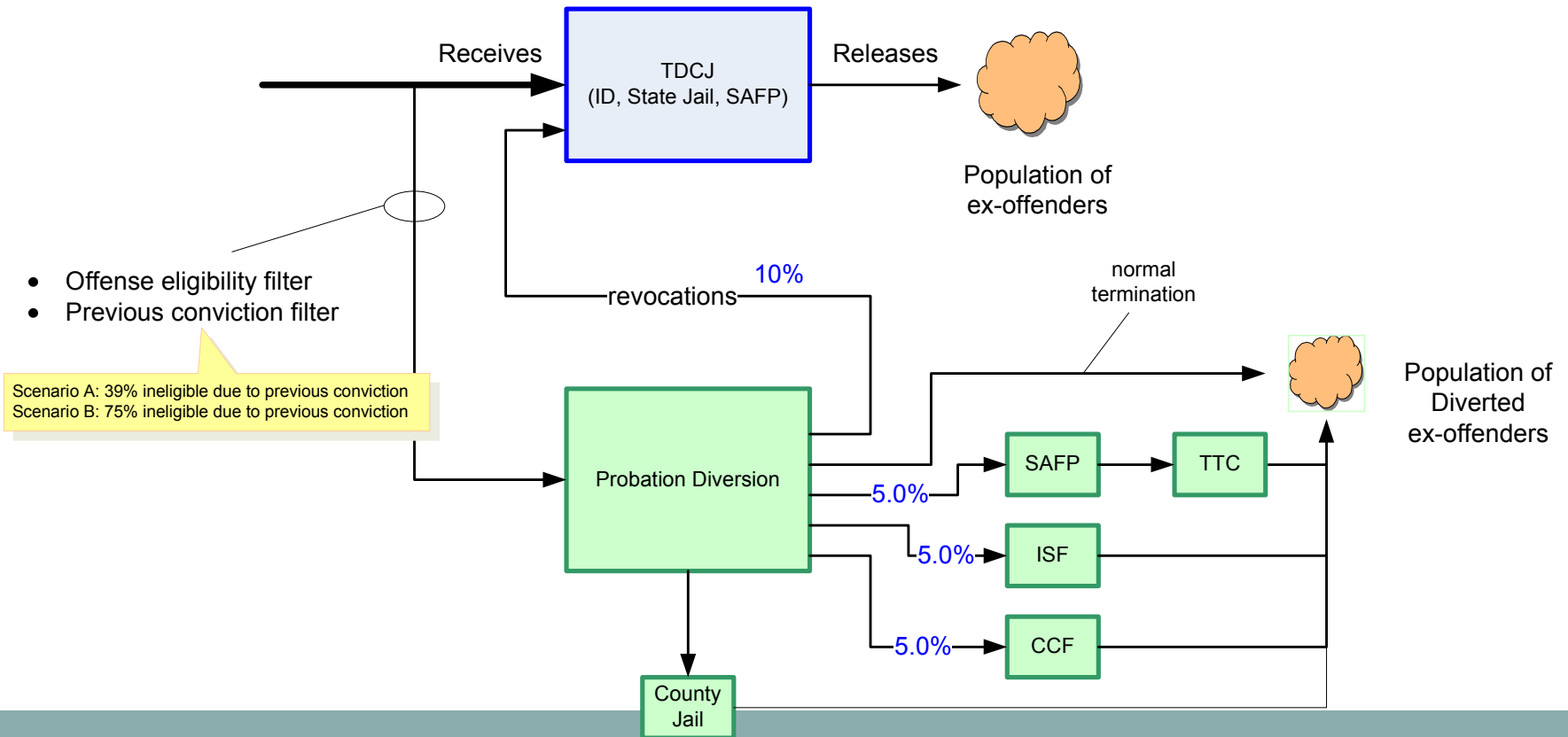
Key Provisions:

- Diverts Minor Drug Offenders from Incarceration to Treatment
 - Low Level Possession Only, No Dealers
 - Offenders with Prior Convictions May Be Excluded
 - Offenders Determined by Judge to Pose a Danger to Public Safety May Be Excluded

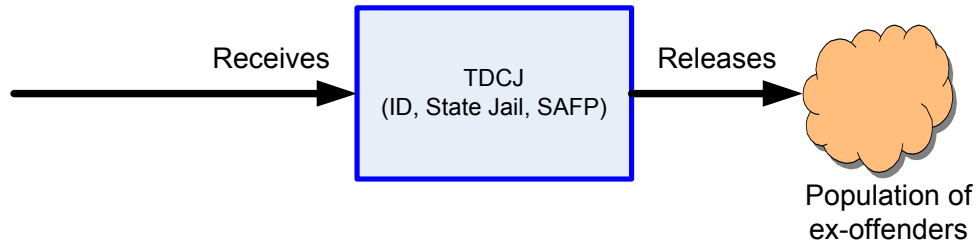
Before



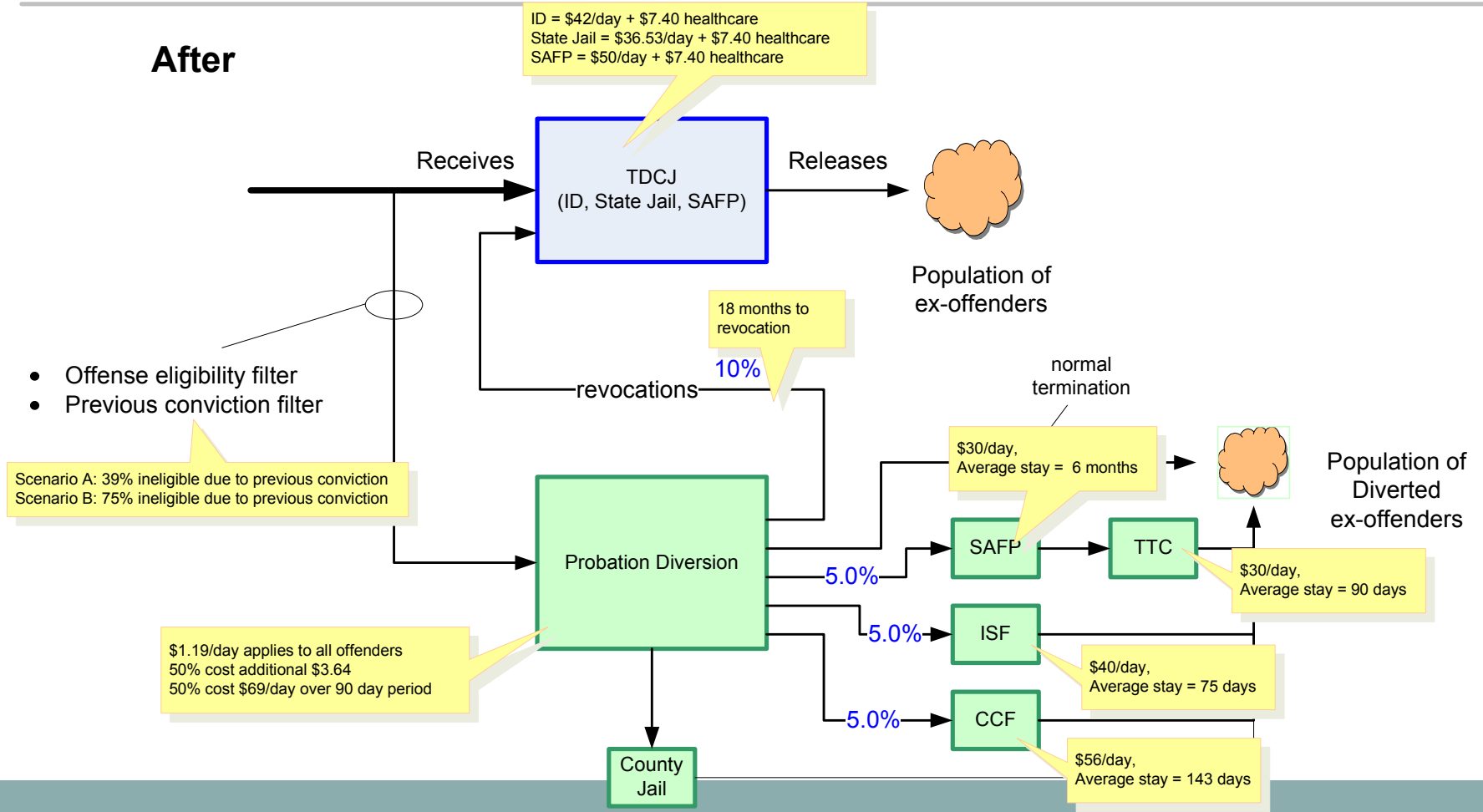
After



Before



After



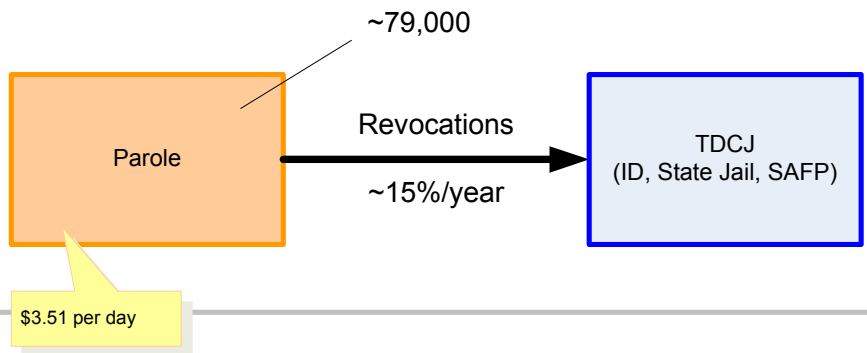
Simulation of Senate Bill 838 – Parole Intermediate Sanctions



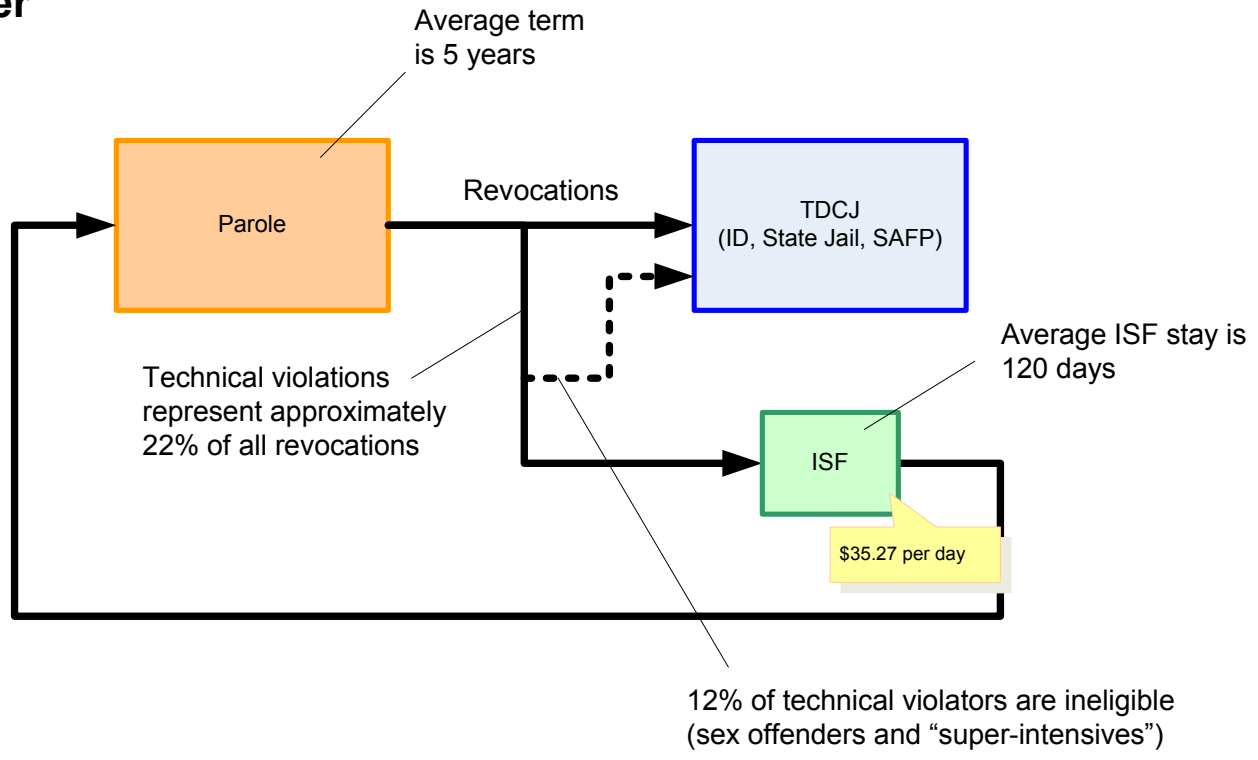
Key Provisions:

- Diverts Parolees Who Commit Technical Violations or Misdemeanors
- Violators Would Be Placed in Intermediate Sanctions Facilities for 60 Days to 1 Year
- Excludes Sex Offenders and Offenders on Super Intensive Parole

Before



After



Scenario if SB1909 Had Been Law Since 2003

► All costs and savings numbers are total for a five year period from 1/1/2003 to 12/31/2007, based upon the intersection of those dates with the window between receive date and sentence length.

1. Based upon the 39% prior conviction filter used by the LBB, we have 5407 offenders diverted. Cost of housing those offenders in TDCJ is **\$99,371,890**, versus cost of diversion is **\$18,784,696**, for a savings of **\$80,587,194**.

2. Based upon a 75% prior conviction filter, we have 3466 offenders diverted. Cost of housing those offenders in TDCJ is **\$61,805,133**, versus cost of diversion is **\$11,931,869**, for a savings of **\$49,873,263**.

Note: the cost of "graduates" from diversion to SAFF, ISF, CCF, and county jail are not included in this figure.

LBB Projections for SB1909

- ▶ By 2012, the LBB projects that SB1909 would result in a need for 10,778 fewer prison beds than would otherwise be needed.
- ▶ The LBB projects that SB1909 would save **\$493.5 million** from 2008 to 2012.
- ▶ The LBB cost saving reflect only outpatient treatment and do not include the costs of residential treatment and the use of community corrections facilities (CCFs), intermediate sanction facilities (ISFs) and substance abuse felony punishment facilities (SAFPs).

Scenario for SB838

- ▶ Had SB838 been in place during 2007, 3,637 parolees committing technical violations such as missing a meeting or going out of their zone would have been diverted from being revoked to prison to being placed in an ISF. This would have saved **\$41.14 million**.
- ▶ The LBB projects that SB838 would save 7,773 prison beds in 2012, resulting in savings of **\$258 million** through 2012.
- ▶ Dr. James Austin, a national criminal justice expert and advisor to the parole board, says there is no evidence that parole technical violators are more likely to commit a new crime than other parolees.

Summary of Diversionary Effect of SB1909 and SB838

▶ Had both bills been in place, prisons would be under capacity today, as there would have been 9,044 diversions from prison from 2003 to 2007

▶ The LBB projects that by 2012, these two bills will reduce the prison capacity need by 18,551 beds, which exceeds the 17,000 overflow projected by the LBB in January 2007.

Other Factors

- ▶ **The parole rate has increased from 26 percent in 2006 to 31 percent so far in 2007. A historically realistic parole rate of 28 percent combined with either the House or Senate budget is projected by the Council on State Governments to clear out the backlog by 2012.**
- ▶ **The budget proposals for expanding IPTC beds and halfway houses will support more efficient parole release because there are regularly between 500 and 1,000 inmates who have been paroled, but are not released either because of a waiting list to get into the six-month IPTC program as a condition of parole or a waiting list to get into a halfway house.**
- ▶ **Contingencies include expanding private capacity and clearing out space to lease in county jails**

Conclusions and Future Directions



- **SB 1909 and SB838 will resolve capacity pressures without the need for new prisons**
- **Prioritization of alternatives in budget combined with increased parole rate could be sufficient alone**
- **Availability of alternatives will impact public safety, offender outcomes, and judicial buy-in**
- **Interim effort should focus on recidivism, restitution, victim satisfaction in addition to costs, diversions**
- **Solutions such as increased use of citations without arrests for the most minor offenses and victim-offender mediation for first-time property offenses can divert more low level offenders from county jails**