



Thinking Outside the Cell: Ten Truths About Texas Criminal Justice



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**Is it always necessary to
increase incarceration in
order to reduce crime?**

Incarceration & Crime

State	Incarceration Rate Change 2000-2007	Crime Rate Change 2000-2007
California	0%	-16%
Florida	+16%	-11%
New York	-16%	-25%
Texas	-8%	-6%

- **Violent crime in New York City down 64% while 42% fewer inmates**

Texas Trend: Lower Incarceration *and* Crime Rates

Year	Incarceration Rate Per 100,000 Residents	Serious Crimes Per 100,000 Residents
2004	704	5,038.6
2008	639	4,492.5
% Change	-9.2%	-10.8%

*Sources: Bureau of Justice Statistics and
Texas Law Enforcement Agency Uniform Crime Reports*

Do only the worst of the worst go to prison in Texas?



Prisons Full of Nonviolent Offenders

- 2/3 of entering inmates are there for a nonviolent offense. Texas has nation's 4th highest incarceration rate.
- 20,000 drug possession inmates in Texas, zero in Oregon.
- Many locked up for shoplifting, hot checks.
- Serious violent and sex offenders are appropriately serving longer than ever – about 90% of their sentences.

Did Texas avoid building 17,332 prison beds by letting inmates out early?



No, The 2005 and 2007 Reforms Were Primarily Budgetary

- Capacity in programs that offer less costly alternatives to incarceration was expanded. Must continue to strengthen probation and diversion.
- Texas did not shorten prison sentence lengths, though parole rate has increased slightly from 27 to 31%, as Board finds that as more inmates are receiving treatment, more are safe to be released with supervision.



Probation Reform Proves the Right Incentives Work

- In 2005, additional \$55 million in funding for stronger probation supervision to probation departments that adopted progressive sanctions.
- Participating probation departments reduced their technical revocations by 16% while those that didn't increased technical revocations 8%.
- Had all departments increased their revocations by 8%, another 2,640 revocations for an average of 2.5 years at a cost to taxpayers of \$119 million, not including prison construction.

Bolstering Texas Parole Supervision: Less Crime, Less Total Spending

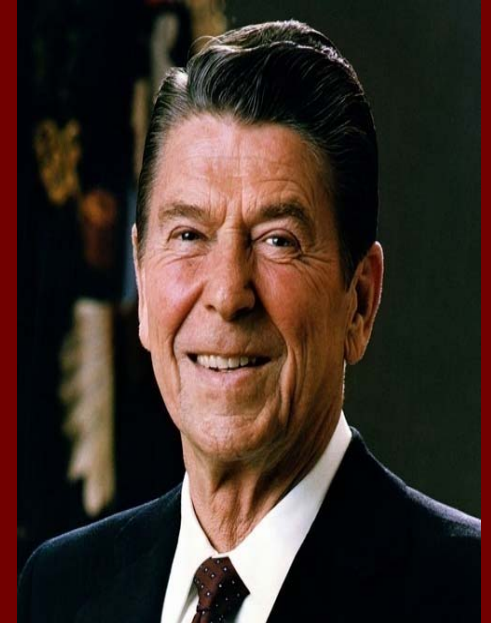
- **From 2007 to 2008, 1,016 fewer parolees allegedly committed an offense and 566 fewer were revoked for rule violations. Prison savings, including avoided construction, exceed \$137 million.**
- **Parole supervision has added instant drug testing, more substance abuse treatment, more job placement resources, enhanced use of graduated sanctions; restored parole chaplains, and increased officers' emphasis on helping parolees succeed instead of "trail'em, nail'em, and jail'em."**

Do Conservatives Support a Prison for Every Problem?



Getting Criminal Justice Right

- Gov. Reagan in 1971: "Our rehabilitation policies and improved parole system are attracting nationwide attention. Fewer parolees are being returned to prison than at any time in our history, and our prison population is lower than at any time since 1963."



Leadership of Governors

- LA Gov. Jindal press release: "hammer away at dubious distinction of highest incarceration rate in the world" with day reporting, jail reentry & work release.
- CT Gov. Rell: Divert non-violent offenders, closed prison in Dec. 2009.
- TX Gov. Perry: "rehabilitate nonviolent offenders, spend less locking them up again."



Gov. Bobby Jindal

Conservative Leaders Speak Out

- **Grover Norquist: "Viewed through the skeptical eye I train on all other government programs, mandatory minimum sentencing policies are not worth the high cost to America's taxpayers."**
- **Speaker Newt Gingrich, Former A.G. Ed Meese, Senator Sam Brownback**

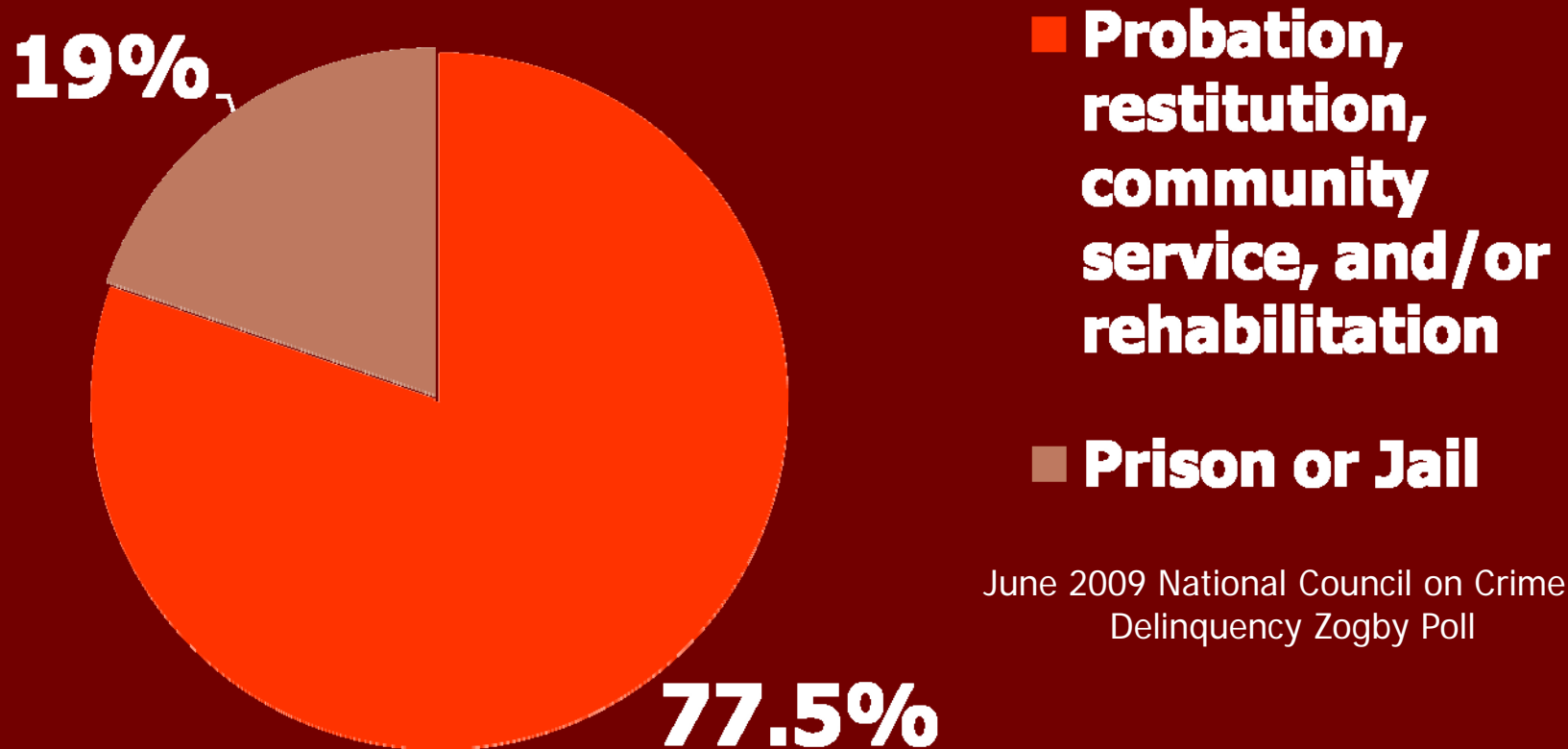


Grover Norquist, President,
Americans for Tax Reform

**Does the Public Just Want
More Prisons?**

Use Prison Wisely

What do voters think is the most appropriate sentence for a nonviolent, nonsexual offender whose crime did not involve significant property loss (less than \$400)?



June 2009 National Council on Crime & Delinquency Zogby Poll

**Is Prison the Toughest
Penalty for Offenders?**

Preferring Prison

Survey of Male Inmates Shows They'd Rather Be in Prison for More Time Than Alternative Sanction for Less Time

Months in Prison

8

12

	8	12
Day Fine/Work Release	114 days	137 days
Community Service	97 days	130 days
Day Reporting	6.35 months	7.93 months
Halfway House	7.28 months	9.23 months

Peter B. Wood and Harold G. Grasmick, "Inmates Rank the Severity of Ten Alternative Sanctions Compared to Prison," Oklahoma Criminal Justice Research Consortium Journal, 1995. Available at: <http://www.doc.state.ok.us/offenders/ocjrc/95/950725J.HTM>

**Do Victims Think Prison is Always
the Best Solution?**

The Victims' Perspective

Survey of Iowa Burglary Victims

Sanction	Percent Requesting
Restitution	81.4%
Community Service	75.7%
Pay Fine	74.3%
Regular Probation	68.6%
Treatment/Rehabilitation	53.5%
Intensive Probation	43.7%
Short Jail Term	41.4%
Boot Camp	40.0%
Work Release Facility	34.3%
Prison Sentence Year or More	7.1%

Probation Pays; Prison Doesn't

- In 2008, Texas probationers paid \$45 million in victim restitution and did \$65 million worth of community service work. And they pay more than half of the \$2.41 per day probation cost in fees.
- Texas prisoners paid less than \$500,000 in total of restitution, fines, and fees.

**Isn't it True that Nothing
Works Besides Prison?**

Many Alternatives Work

- Maryland evidence-based probation program: 22% less recidivism than prison
- Drug courts: 34% lower recidivism
- Hawaii HOPE Court with regular testing, treatment as needed, and weekend jail for non-compliance: 2/3 less re-offending
- Mental health courts: *Amer. Journal of Psychiatry*: less total & violent re-offending
- Work programs and day reporting centers reduce re-offending
- FL. Study: GPS monitored probationers were 89% less likely to be revoked

Strengthening Supervision

- Probation and parole revocations for new offense or rule violations account for 2/3 of prison intakes.
- Use sanctions and incentives.
- Improve use of risk/needs assessments to match right program with right offender.
- Enhancing confidence in probation & parole may increase use. Probation placements are up and crime by probationers is down after Texas departments began receiving state incentive funding and using graduated sanctions.

Is Crime Just for Criminals?



Restore Criminal Law to Its Traditional Role

- Texas has more than 1,700 crimes, including 1,500 not in the Penal Code.
- Texas has 11 felonies relating to gathering and harvesting oysters.
- On average, 40 new crimes and dozens of enhancements are added every session.
- Many Texas statutes state that any violation of an agency rule is a crime.

Conclusion: Texas Must Continue Pursuing Enlightened, Data-Driven Solutions to Reduce Crime, Empower & Restore Victims, and Control Costs



The presenter is pleased to provide supporting data and additional information upon request.