



Corrections Budget & Prison Operations

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THE ISSUE

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, and 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 exceeds the prison population of the United Kingdom. Texas has added more than 13,000 prison beds since 1997. However, in 2008, 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 had attributed growing demand for prisons to the lack of capacity in residential and non-residential programs 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 about \$2 billion to build and operate over five years.

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

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 recent diversion and treatment initiatives.

Indeed, policymakers are wisely considering closing unneeded prisons, which would assist in balancing the budget and ensuring sufficient resources are available to maintain the state's successful initiatives to strengthen probation, diversion, parole, and in-prison treatment and vocational programs. Prisons consume 88 percent of the \$6 billion corrections budget though three times as many offenders are on probation and parole.

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 SAFPFS. Also, some regions of the state may continue to overutilize incarceration—for example Harris County accounts for 16 percent 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.

THE FACTS

- ★ Prisons cost Texas taxpayers \$49.40 per inmate per day, or \$18,031 per year.
- ★ Each new state prison bed costs more than \$60,000 to build.
- ★ Parole costs the state \$3.51 per inmate per day, which is \$1,281 per year.
- ★ TDCJ's budget grew from \$793 million in 1990 to more than \$3 billion in 2010.

RECOMMENDATIONS

- ★ Reinstitute mandatory supervision for most third degree drug possession offenders. This proposal, offered as HB 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.
- ★ 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 participating 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.

- ★ Implement a geriatric release policy. There are some 4,200 inmates age 61 or older. They should not be automatically released at a certain age, but by a program with appropriate risk assessment and screening that utilizes GPS and nursing homes, taxpayers could save tens of millions of dollars without endangering public safety, as elderly inmates have a nominal recidivism rate.

RESOURCES

Texas Criminal Justice Reforms: Lower Crime, Lower Costs by Marc Levin, Texas Public Policy Foundation (Jan. 2010) <http://www.texaspolicy.com/pdf/2010-01-PP04-justicereinvestment-ml.pdf>.

Special Legislative Briefing on Criminal Justice by Marc Levin, Texas Public Policy Foundation (May 2007) <http://www.texaspolicy.com/pdf/2007-05-EF-briefinghandout-ml.pdf>.

How to Avert Another Texas Prison Crowding Crisis by Marc Levin, Texas Public Policy Foundation (May 2006) <http://www.texaspolicy.com/pdf/2006-05-PP-prisoncrowding-ml.pdf>. ★

