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CRIME AND PUNISHMENT IS LOOKING A LOT DIFFERENT IN TOUGH-ON-CRIME TEXAS

‘A change in mentality’ is responsible for the state saving more than \$1 billion on additional prison beds

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DALLAS — What happens in a stuffy courtroom here three times a week resembles a cross between a talk show, a tent revival and group therapy.

On a recent afternoon, Judge Robert Francis, forgoing the bench, stood at the front of the courtroom in jeans and an untucked shirt before his charges: 60 assorted lawbreakers who sat elbow to elbow in the packed gallery.

The vast majority had lengthy rap sheets. Robbery. Aggravated assault. Firearms possession. All of them were in the process of trying to kick drug habits.

The 54-year-old judge, whose approach with his probationers is a rollicking concoction of teasing, swearing, preaching and making what could be best described as dad jokes (Francis disagrees — “I’m very hip,” he later said, wryly), bounced around the room asking for updates on the ex-inmates’ progress.

When he landed on Cody Echard, the 23-year-old reported he would be interviewing for two jobs that week, but could not quite remember the names of the companies.

“You probably should [Share](#) before you get [g+1](#),” Francis needled playfully. “Have you heard of Google? You could type some things in and find out where you’re going to ask for a job.”

When Echard continued to struggle to furnish the details, Francis interjected, “Have some confidence, Mr. Echard!”

Laughter filled the room. “Say goddammit, judge, they’re gonna hire me! I’m planning to be prepared! I’m planning to dress well! I’m planning to knock their socks off! They’re gonna be fighting to see who can pay me the most.”

“Yes, sir,” Echard said, managing a laugh of his own.

“All right, give him a hand, everybody,” Francis said before moving on to his next target.



Judge Francis addresses one of the participants in his prisoner rehabilitation program. Justin Clemons for Al Jazeera America

This is what criminal justice reform looks like in Texas, where a relatively quiet, bipartisan revolution to reduce rates of incarceration, rehabilitate offenders, reduce recidivism and, ultimately, save the fiscally conservative state from spending billions on extra prison beds has been underway for years.

A decade ago, many of those sitting in Francis' courtroom would have had no path forward except to serve out harsh sentences behind bars for the crimes they committed. Now, in exchange for shorter prison sentences, they must complete Francis' reentry court, which specializes in rehabilitating convicts with substance abuse problems.

He gave kudos to a woman who had recently regained custody of her children; consoled a man whose daughter's friend was recently killed in a car accident; grilled another on whether he would make it to the program's graduation and keep clean in the following weeks and months, continuing to attend mandatory check-ins with the court.

There are only two rules in Francis' court: Don't run and don't lie. The judge does not take kindly to delinquency.

"You know what two of 'em told me?" he said of previous graduates who had skipped their check-ins. "I should probably just let it slide. I told them to shut the fuck up. If they screw up again, I might have to send them back to prison."

Life behind bars is no picnic, but neither is Francis' prescribed regimen. Participants — about 300 who graduate from the program per year — must initially report to the court and their probation officers on a weekly basis, submit to routine mandatory drug testing, attend individual and group counseling sessions and be ready for random visits to their homes.



Francis and his staff help them find housing and jobs — an often uphill battle for convicts — but can also inflict punishments when participants are not abiding by the terms of their treatment. That can mean anything from scrubbing toilets at the courthouse to a few nights in jail.

Ex-prisoners listen while Francis talks to them in court.
Justin Clemons for Al Jazeera America

Staff members work together closely to ferret out who is on the cusp of relapsing, who's not telling the truth and how best to

get participants engaged.

The worst-case scenario is revocation of probation, in which case Francis will send the offender back to prison to serve out a sentence he personally prescribes.

“This is like a job — if you work hard, if you go to work, I will give you a paycheck. I will reduce your community service hours, I will reduce your fines and court costs, I'll help you get off probation early, I'll write a letter to the guy you're having an interview with to help you get a job,” Francis said. “But if you come in here and you earn 20 years in prison, I'm going to sign that paycheck, too.”

Ultimately, the judge said, the aim of his program is to illuminate the possibilities of a better life.

“The focus is the people who are doing well, and complimenting them, giving them the reinforcement, let them know they're doing well,” he said. “I tell them, ‘I'm proud of you, you did good today.’ Even though I'm not wearing a suit and tie, I'm still a judge, and I'm an important figure to them, and that means something.”

‘Change in mentality’

It's a more nuanced approach to crime and punishment than has been traditionally associated with tough-on-crime Texas. For 12 years, Francis was himself a cog in the old machinery, presiding over a criminal district court. By the end of his tenure, he had begun calling himself a “housing relocation specialist,” shuttling offenders from one lockup to the next.

“They were locked up when I saw them usually, but, yeah, I sent a lot of people to prison,” he said. “Or really, a lot of people sent themselves to prison and I signed the paperwork.”

“ Prison is good for people that we're scared of, but not people that we're mad at. ”

It paid the bills, Francis said, but grated on the soul. The judge nearly quit the profession altogether to start a nursery — yes, the kind with plants.

By the mid-2000s, however, the thinking in Texas had slowly started to shift. Individual prosecutors and judges, like Francis, were experimenting with drug courts that emphasized treatment as much as punitive measures.

“It was a change in mentality,” said Marc Levin, executive director of Right on Crime, an organization that advocates for conservative-led criminal justice reform and has done extensive work on the issue in the state. “Prison is good for people that we’re scared of, but not people that we’re mad at.”

Soon enough, the state Legislature was catching on, propelled by a 2007 budget projection that showed if the prison rate kept growing in tandem with population growth, Texas would need about 17,000 more prison beds by 2012 at a cost of \$1 billion over five years.

The same year, lawmakers decided to take a gamble and passed a budget that reinvested \$217 million into drug rehabilitation programs both in and out of prison, allocated funds to halfway houses and mental health treatment for recently released convicts, and expanded the number of specialty courts similar to the one Francis had been running in some form since 2002. In 2009, the state gave him the funds to do it full time, with a staff of around 20 counselors and probation officers.

“Did we get some resistance? Sure,” former state Rep. Jerry Madden, then the chairman of the House Corrections Committee, who was a major backer of the initiative, said. “But the true thing is it changed lives. If you were somebody who was caring about the people and the system, the victims of crime, if you cared about the finances, if you were thinking about public safety, it was a win-win-win all the way around.”

If Texas can do it ...

In the past seven years, Texas has closed three prisons and several juvenile detention centers — a first for the state. Its crime rate dropped 12.8 percent between 2005 and 2010, while the incarceration rate per 100,000 people declined 9 percent, according to statistics compiled by

Right on Crime. Meanwhile, parole revocations dropped 27 percent between 2007 and 2008 and an additional 3.6 percent between 2008 and 2009.

Texas still ranks fifth in the nation for incarcerations per capita, and Madden and Levin agree there is additional work to be done. As federal policymakers look at sentencing laws widely criticized as unfair, state legislators are examining their own hand in the explosive growth of the prison population of the past decade.

Importantly, however, the cause for criminal justice reform now appears to be picking up momentum in other states, such as Mississippi, Georgia and North Carolina, partially because of the example set by Texas, advocates say.

“Texas is a symbol for law and order,” Levin said. “People know that Texas isn’t soft on crime, and there’s a sense among legislators in other states that if we’ve done it here, then certainly they can as well.”

But for Francis, the biggest change he sees is in dramatically altered lives.



Laniqua Pittman credits rehabilitation for setting her on a new path. Justin Clemons for Al Jazeera America

Laniqua Pittman, 35, had been to prison twice, state jail another two times, and was finally staring down a 20-year prison sentence by the time she racked up her fifth conviction for possessing fraudulent IDs.

“Look at her record. This is all she knows,” the district attorney told the judge at her sentencing hearing.

Pittman didn’t exactly disagree. But instead of locking her up for 20

years, the judge directed her to complete Francis’ court.

Despite some initial hostility, Pittman said, the program was a revelation. At some point during her year with the judge, she was imbued with a sense that she had control over her own life.

“I don’t want to wear anybody else’s underwear. I don’t want to eat commissary food. I don’t want someone telling me what I can and cannot do. I don’t want to drink this dirty, nasty water that no one else in this city drinks but us,” she said. “I said I’m done with that life, and I made that decision, and what his staff does is help us with that decision.”

Pittman graduated from Francis’ program and is now making a living as a barber, while she works toward an associate’s degree in substance abuse counseling. Eventually, she would like to get her bachelor’s degree in social work.

“Life still goes on, you just have to make the choice of either you’re going to do right or you’re going to go down the same path you’ve been on too many times,” said Ashley Case, a petite mother of two who was facing 20 years. “You get sick and tired of being sick and tired.”

Such sentiments are music to Francis’ ears.

“That’s the freaking grand slam in Game 7 of the World Series.

That is it!” Francis said of situations like Pittman’s and Case’s. “You’re not going to get it with every person, but that’s the goal. The odds of her using drugs again exist, but they are dramatically reduced. More importantly, the children of felons often become felons. If she’s going to leave that behind, her kids are going to have some shot at life.”



Ashley Case faced 20 years in prison before entering the rehabilitation program. Justin Clemons for Al Jazeera America

43 22 2

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