



TEXAS CRIMINAL  
JUSTICE COALITION

# SENTENCING & MASS INCARCERATION

*SMART-ON-CRIME CRIMINAL JUSTICE POLICIES*

## National NAACP Convention

July 9, 2012

Presented by: Ana Yáñez-Correa, Ph.D.

Executive Director

# Outline

## **Adult Criminal Justice System: 1993 – Present**

*Birth of State Jails, Preliminary Sentencing Reform, Diversion Funding, Alarming Prison Projections, Justice Reinvestment, Policy Passage, Prison Closure*

## **Texas: A National Model**

*Prison Population Stabilized, Incarceration Rate Decline, Positive Media Recognition, Policy-Maker Awards*

## **Work to Be Done**

*Problems: Corrections Costs to Taxpayers, Nonviolent Individuals in Prison*

## **Moving Forward**

*Keys to Public Safety  
Risk-Reduction Alternatives We Will Continue Pushing For  
Without Smart Policy Changes...  
Lessons Learned*

# Juvenile and Criminal Justice Landscape

## Adult Criminal Justice System: 1993 – Present

- ★ **1993 – Birth of the State Jail:** The state jail system was created in 1993 to divert individuals with low-level drug offenses from long sentences in TDCJ prisons.

State jails were conceptualized as a back-up sentence for individuals who did not comply with community supervision. Over the years, however, tens of thousands of Texans with low-level drug offenses have been sentenced directly to state jail, serving on average, over one year.

- ★ **2003 – Preliminary Sentencing Reform:** We begin to shift the dialogue from a tough-on-crime to smart-on-crime sentiment, promoting the use of **progressive sanctions** for drug offenses involving possession of small amounts of certain controlled substances (which was signed into law), the **shortening and strengthening of probation term lengths**, and a **stronger treatment infrastructure**.

Unfortunately, the state budget shortfall resulted in cuts to probation, treatment, and parole – driving the prisons to a breaking point.

# Juvenile and Criminal Justice Landscape

## Adult Criminal Justice System: 1993 – Present

- ★ **2005 – Diversion Funding:** Mass mobilization of individuals advocating for smart-on-crime reforms resulted in furthering policies that increase **accountability for drug task forces** and increase **accessibility to identification cards** for previously incarcerated individuals, while also allocating **additional funds for probation**.
- ★ **January 2007 – Alarming Prison Projections:** Texas faced a projected prison population increase of up to **17,000** inmates in the next five years (in addition to the nearly 6,000 beds added between 2004 and 2007) if Texas' pace of incarceration continued.
- ★ **2007 Legislative Session – Justice Reinvestment:** Rather than spending nearly \$2 billion on new prison construction and operations, policy-makers worked **collaboratively and diligently** to reinvest a fraction of this amount – **\$241 million** – in probation, alternatives to incarceration, parole, etc.

# Smart-On-Crime Strategies

## Adult Criminal Justice System: 1993 – Present

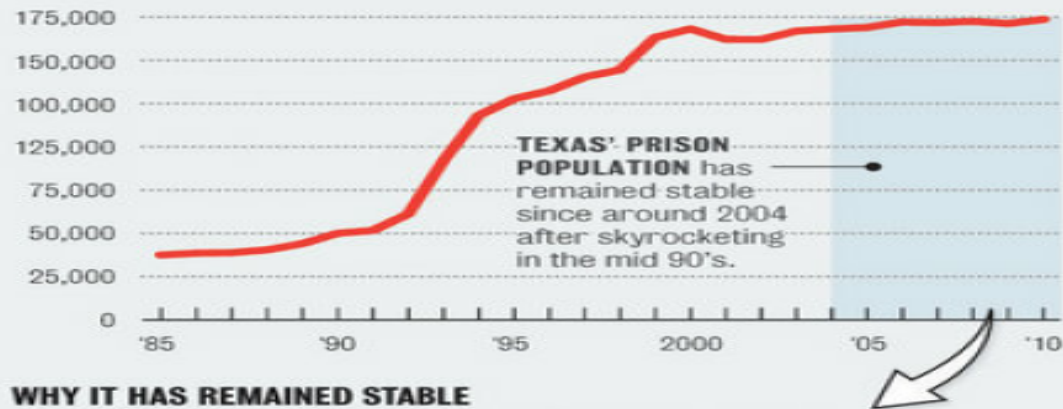
- ★ **2007–2011 – Smart-on-Crime Policy Passage & Implementation:** **91 new crime reduction strategies** positively changed the course of the criminal justice system, resulting in **savings to taxpayers** and the **lowest crime rate** Texas has had since 1985.
  - *2007:* 33 bills
  - *2009:* 31 bills
  - *2011:* 27 bills
- ★ **2011 – Prison Closure:** Historical shifts resulted in the **first prison closure** (Sugar Land Facility).

# Texas: A National Model

## Prison Population Stabilized

### REMAINING STABLE

Five years ago, the Texas Legislature enacted a reform package that invested in drug and alcohol treatment programs and expanded diversion options to reduce incarceration of low-risk offenders. As a result, the prison population has stabilized and the state has saved money.



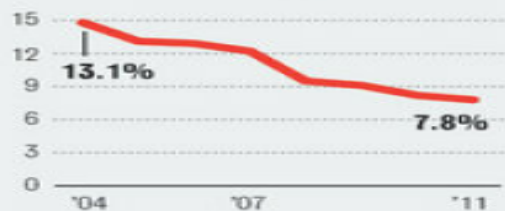
### WHY IT HAS REMAINED STABLE

Fewer offenders are being sent to prison or returned to prison from probation and parole as revocation rates have dropped to their lowest point in a decade.

#### Fewer are being sent to prison for violating probation



#### Fewer are being sent back to prison for violating parole



Sources: Bureau of Justice Statistics, Texas Legislative Budget Board

RYAN SMITH / THE TIMES-PICAYUNE

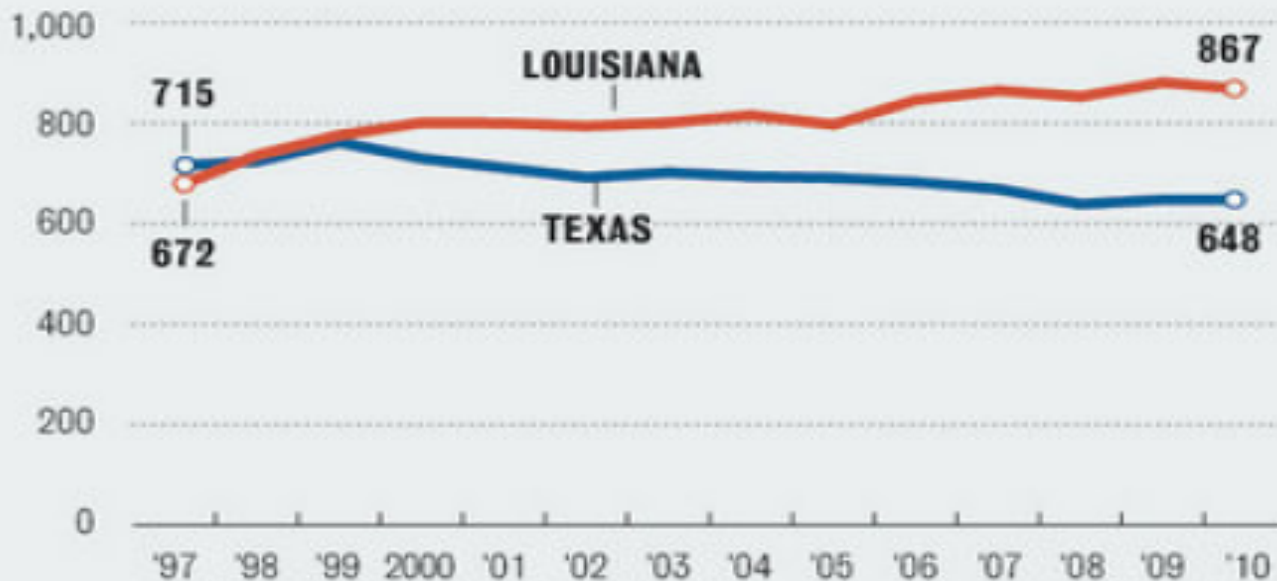
# Texas: A National Model

## Incarceration Rate Decline

### OVERTAKING TEXAS

Since 1997, Texas' incarceration rate has declined by nearly 10 percent, while Louisiana's has soared by almost a third.

#### INCARCERATION RATE, PER 100,000 RESIDENTS



# Texas: A National Model

## Positive Media Recognition: Louisiana and Oklahoma



Everything New Orleans

**Texas puts more people in treatment and fewer people in prison**

### Oklahoma can learn from criminal justice reform in Texas

The Oklahoman Editorial

Published: February 14, 2012

A S Oklahoma tackles criminal justice reform, we'd be wise to consider an offering of neighborly advice. Texas state Rep. Jerry Madden shared his experience at last week's Justice Reinvestment in Oklahoma discussion hosted by House Speaker Kris Steele and The Council of State Governments Justice Center .



# Texas: A National Model

## Policy-Maker Awards

**2010 PUBLIC OFFICIALS OF THE YEAR**

### **The Correctionists**

**John Whitmire and Jerry Madden**

State Senator and State Representative, State of Texas



**BUT: Texas has more work to do**

# The Washington Post

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**Texas prison population now eclipses California's in the wake of cuts to inmate population**

**By Associated Press, Published: June 13**

# Corrections Costs to Taxpayers

- Approximately 155,000 men and women are in Texas Department of Criminal Justice (TDCJ) facilities, with more than **140,000 individuals in prison units**, and approximately **12,000 individuals** in state jail.
- Of the entire TDCJ population, 48.5% are incarcerated for **nonviolent offenses**, costing taxpayers **almost \$4 million per day**.
- Housing people in state jails costs the state \$43 per bed per day, or **\$515,000 daily** for all individuals housed there.

**Every year, Texas spends these amounts on corrections-related areas:**

**Prisons - \$3 billion**  
**Police - \$1.4 billion**  
**Courts - \$321.5 million**  
**Prosecution - \$42 million**  
**Indigent Defense - \$30 million**

# Who Is In Prison?

- Approximately 49% of individuals incarcerated in Texas' adult prisons and state jails are there for **nonviolent** offenses.
- The **nearly 73,000** nonviolent individuals on hand in prisons and state jails alone are costing taxpayers **nearly \$4 million daily**.

**It is long overdue that we ask ourselves a practical question:**

*What have we gained through the inefficient and costly incarceration of thousands of Texans whose risk of re-offending would have been more effectively reduced if they would have received **programming, treatment, re-entry tools, and meaningful supervision?***

**BOTTOM LINE:** Passing policies that responsibly divert individuals from confinement, and shifting money from **risk containment** to **risk reduction**, means greater taxpayer savings, fewer victims, and stronger and healthier communities in the long term.

# Moving Forward

## Keys to Public Safety

*Texas must continue to invest in strategies that truly address **the root causes of crime**.*

- Incarceration accounts for **90%** of the state's corrections spending (approximately **\$3 billion every year**), and only **10%** is allocated for treatment and diversions such as probation and parole.
- Yet **incarceration results in greater levels of re-offending** than **treatment and other risk-reduction alternatives**, which are proven to be more cost-efficient and programmatically effective.

*According to the National Institute of Corrections at the U.S. Department of Justice:*

- ✓ **Punishment increases** an individual's inclination towards criminal activity by **.07%**.
- ✓ **Treatment decreases** an individual's inclination towards criminal activity by **15%**.
- ✓ **Cognitive skills programs decrease** an individual's inclination towards criminal activity by **29%**, making them most effective at decreasing criminal behavior.

# Moving Forward

## Risk-Reduction Alternatives We Will Continue Pushing For

- ★ Make the criminal justice system a place of **last resort**, not the first option for those suffering from mental health disorders or the disease of addiction. People should be diverted away from incarceration if they have **low-level, nonviolent offenses** and would benefit more fully from treatment.
- ★ Promote policies that will deter criminal behavior rather than focusing on **criminal enhancements**, which raise penalties for existing crimes.
- ★ Save the state and county taxpayers millions of dollars by **re-examining penalties** for various low-level, nonviolent offenses that do not endanger communities. The over-criminalization of low-level offenses is costing Texas taxpayers millions of dollars.
- ★ Increase the **professional development** of corrections staff and practitioners through trainings that promote evidence-based practices and measurable outcomes.
- ★ Begin **preparing for reentry** during the intake process into prison or jail, especially through assessments.

# Moving Forward

## Risk-Reduction Alternatives We Will Continue Pushing For

- ★ Strengthen investments in both **in-prison AND community-based treatment services** (especially mental health and substance abuse) for pretrial defendants, inmates, and individuals reentering our communities.
- ★ Strengthen investments in **pre- and post-release employment services** to help reentering individuals become self-sufficient, productive community members.
- ★ Proactively **target “frequent flyers,”** who cycle in and out of jails at high rates and great costs, and who are typically suffering from mental illness.
- ★ Encourage incentives to strengthen and expand **public defender systems** in Texas, and strengthen investments in the new **Texas Indigent Defense Commission** to support evidence-based programs and impact statewide performance standards.
- ★ Safely increase the use of assessment-based **personal bonds**.

# Moving Forward

## Without Smart Policy Changes...

- **Texas prisons will fill up** with individuals who have committed minor crimes or administrative rule violations (e.g., technical probation or parole violations).
- If parole release rates fall, **prisons will become a bottleneck** for men and women who are eligible for release.
- **Taxpayers will foot the bill** for thousands more people to be warehoused in prisons and jails, rather than be given the (much less expensive) rehabilitative help they need to become responsible, productive community members.



# Moving Forward

## Lessons Learned

- ✓ One organization cannot do advocacy and evaluation work alone. **Coalition work** is critical – even when the organizations may not see eye-to-eye on every issue. Collaborative groups should include members of agencies, practitioners, advocates, and members of affected communities.
- ✓ The state must provide **sufficient resources and proper staffing levels** to meet the needs of system-involved individuals and adequately implement services and programs. This holds true for both state- and local-level programming. County-based treatment infrastructures are critical for handling individuals diverted from confinement.
- ✓ **Evidence-based practices and data** must inform the utilization of diversion programs and sentencing decisions.
- ✓ Leadership must appoint **experts with an effective track record** to run juvenile and criminal justice programs and agencies.
- ✓ The real work begins *after* the passage of policies. **Monitoring** the implementation of new provisions and providing **feedback** to stakeholders is key.

# Keeping You Informed!

Please log on to [www.CriminalJusticeCoalition.org/about/email\\_alerts](http://www.CriminalJusticeCoalition.org/about/email_alerts) to sign up for e-alerts and get more information about the following:

- TCJC's work and our new public education materials
- Interim and legislative committee hearing notices and related materials
- Policy analysis
- Links to key report findings by other researchers and advocates
- Features on criminal and juvenile justice practitioners and programs
- Media clips that discuss criminal and juvenile justice
- Funding opportunities
- Upcoming events
- Important upcoming dates

We also want to hear **what's important in your community**. Please let us know about innovative strategies being implemented, as well as policy areas in need of reform.

Lastly, we would love the opportunity to partner with you and, through our public education and policy advocacy efforts, **we can work together** to improve the lives of Texans.

# Contact Information

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