

Justice Reinvestment: A Framework to Improve Effectiveness of Justice Policies in Texas

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Austin, Texas

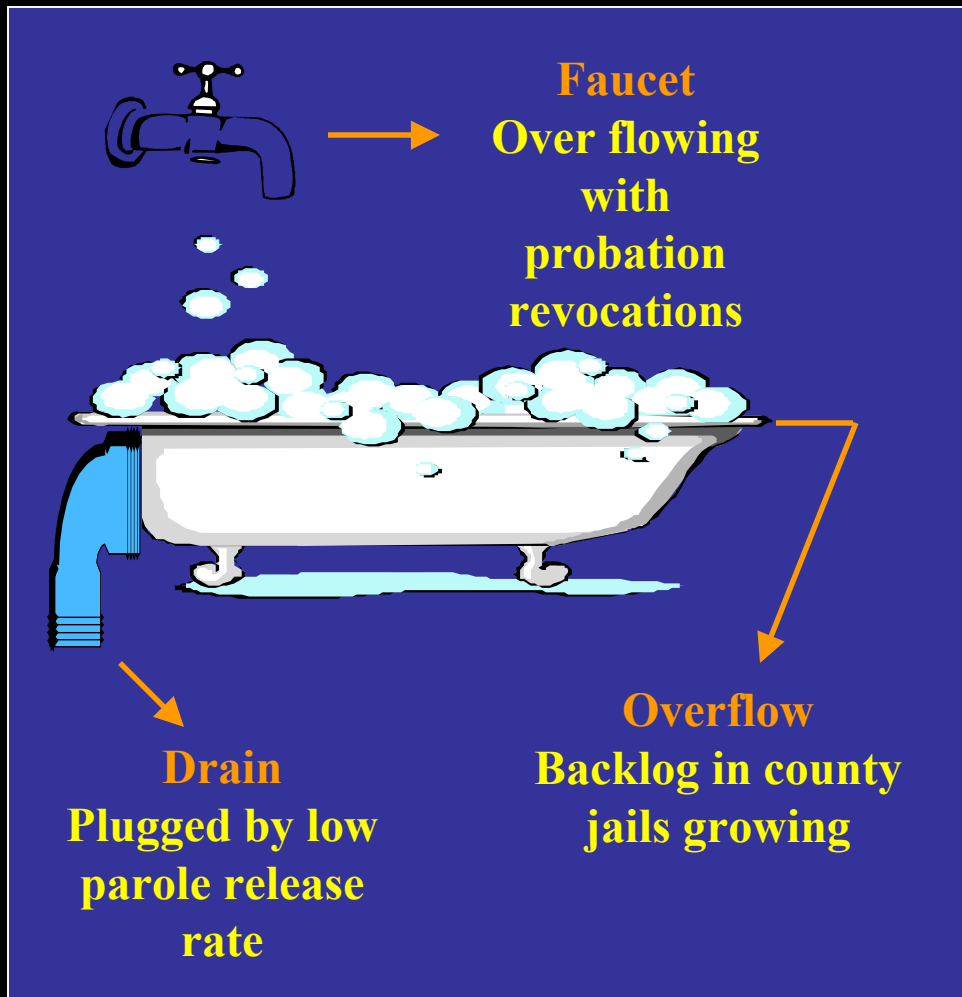
80th Texas Legislature, 2007

TEXAS DEMAND FOR PRISON BEDS ON A NATIONAL PERSPECTIVE

MAIN FACTORS IMPACTING PRISON POPULATION GROWTH

JUSTICE REINVESTMENT SCENARIOS

Texas Prison “Bathtub” is Overflowing Again



Bathtub is Full...
System is at capacity with over **152,000** inmates
Annual cost of **\$2.5 billion**

...Even After Adding...
3,559 beds in internal prison capacity since March 2003

...and Overflowing
Present emergency contracts for approximately **1,900 beds**
Additional **\$27 million** cost annually

Prison Bed Surplus of 2002 Was Consumed in About a Year and Texas Has Been Adding Capacity Every Year Since 1997



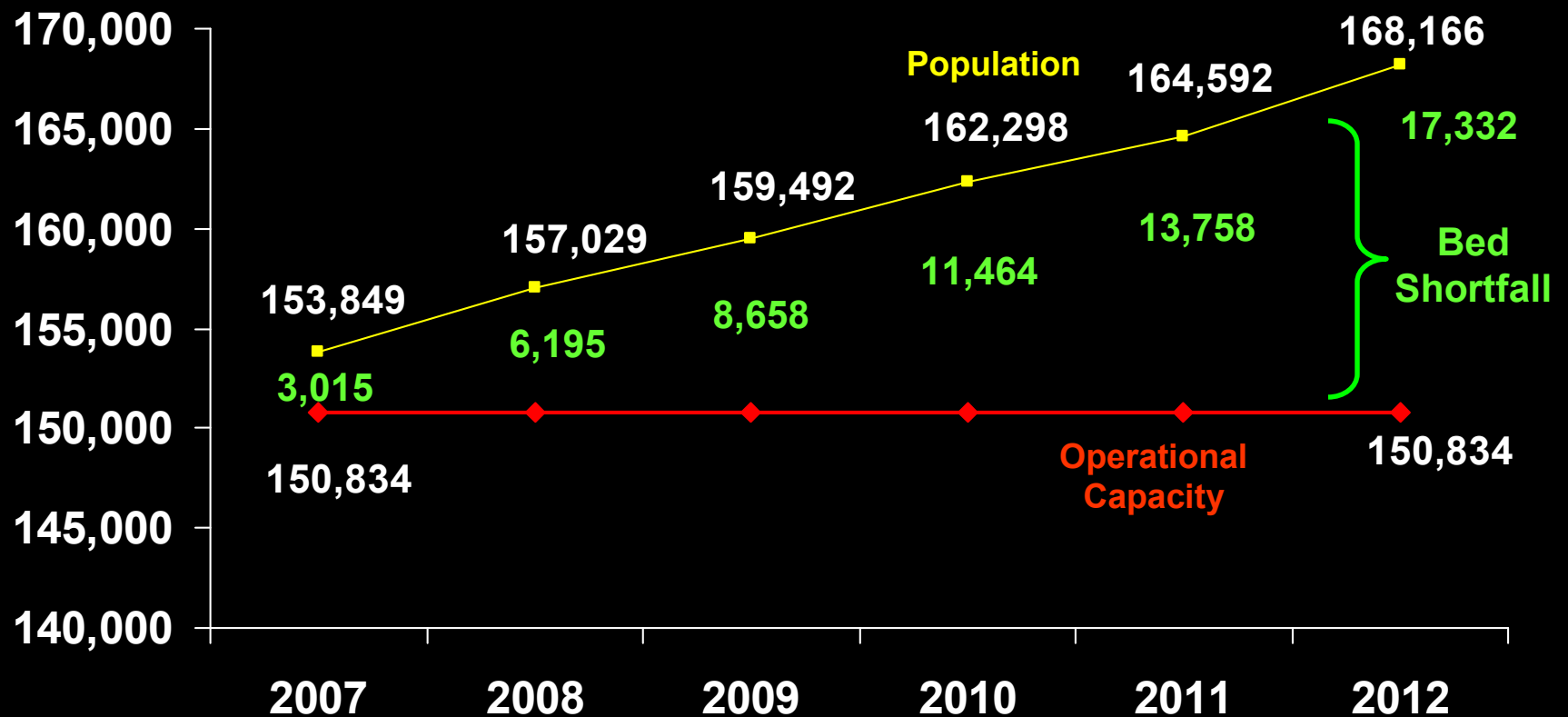
Recent Capacity Additions (# beds)

1997:	717
1998:	1,739
1999:	2,107
2000:	3,046
2003:	1,572
2004:	1,986
2005:	1,916
Total:	13,083

Source for building: TDCJ "Closing of a Millennium, Reviewing the Past Decade"; bed utilization, CJPC Biennial Report, 2003

Official Projections by LBB Show the TDCJ Population Continuing to Increase Assuming No Changes in Policies

Projected TDCJ Population and Capacity
2007-2012, January 2007 LBB Projection



Source: Legislative Budget Board, June 06 and January 07, Adult and Juvenile Correctional Population Projections

TDCJ is Requesting Additional Prisons and Contracted Capacity and Some Expansion of Alternatives to Incarceration

**Request for Appropriations, August 2006
Texas Department of Criminal Justice (TDCJ)
Biennial Additional Funds Requested (approx.)
\$899.3 million**



**\$440.6 million for
three prison units
totaling **5,080** beds**



**\$173.9 million for
7,328 contracted
beds in 08-09**



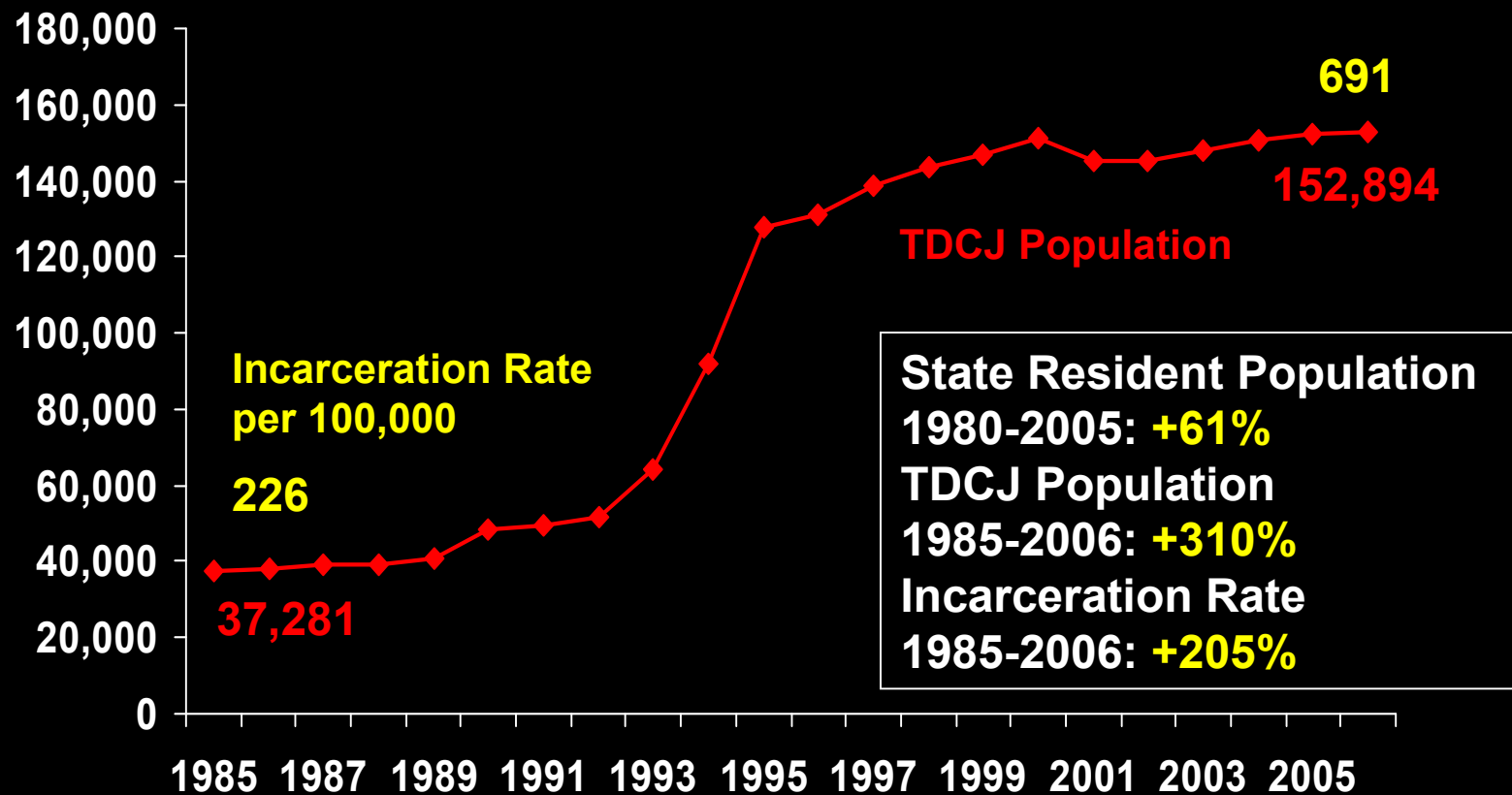
**\$284.8 million in
additional
operational/other
funds**



**Included here are an additional 250 SAFB beds, 200 IPTC beds, 150
halfway house beds, 250 residential probation beds and outpatient
substance abuse treatment for probationers**

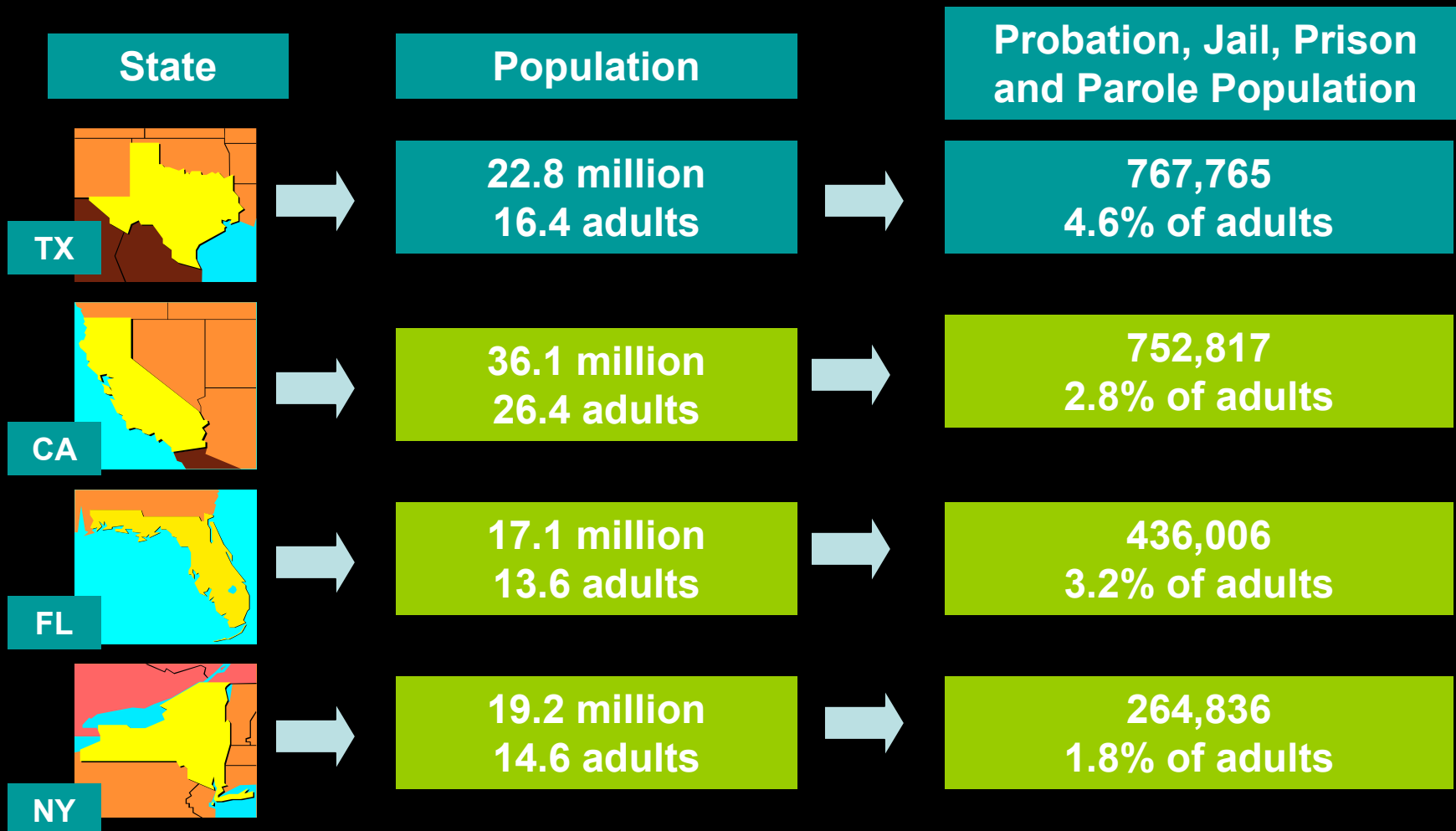
Texas Has Increased Its Prison Population and Incarceration Rates at a Pace That Surpasses the Percentage Increase in the State Population

TDCJ Population, 1985-2006



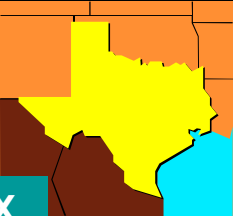
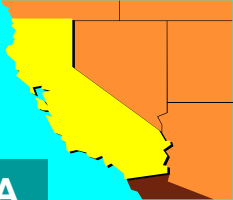

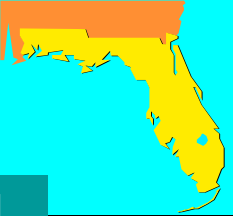

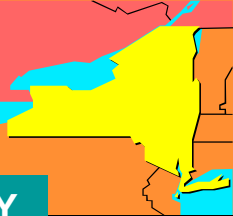

Sources: CJPC tables 1985-1998; LBB tables, 1998 to 2006

Texas Has More Persons Under the Control of the Correctional System Than Any of the Other Three Most Populous States



Sources: US Census 2005; BJS "Probation and Parole in US, 2005"; jail figures from BJS "Prison and Jail Inmates at Midyear 2005"; prison figures from BJS, Prisoners in 2005, November 06 report

Historical View Shows the Relationship Between Population Growth, Incarceration Rates and Crime Rates in Populous States

	Population	Incarceration Rate*	Crime Rate*
 TX	1980: 14,229,191 2005: 22,859,968 +61%	1980: 226 2005: 691 +206%	1980: 6,030 2005: 4,862 -19%
 CA	1980: 24,037,626 2005: 36,132,147 +50%	1980: 162 2005: 466 +188%	1980: 6,468 2005: 3,849 -40% 
 FL	1980: 9,746,324 2005: 17,789,864 +82%	1980: 242 2005: 499 +106%	1980: 6,821 2005: 4,716 -31% 
 NY	1980: 17,558,072 2005: 19,254,630 +10%	1980: 187 2005: 326 +74%	1980: 5,577 2005: 2,554 -54% 

Incarceration and Reported Index Crime Rate by FBI per 100,000 population

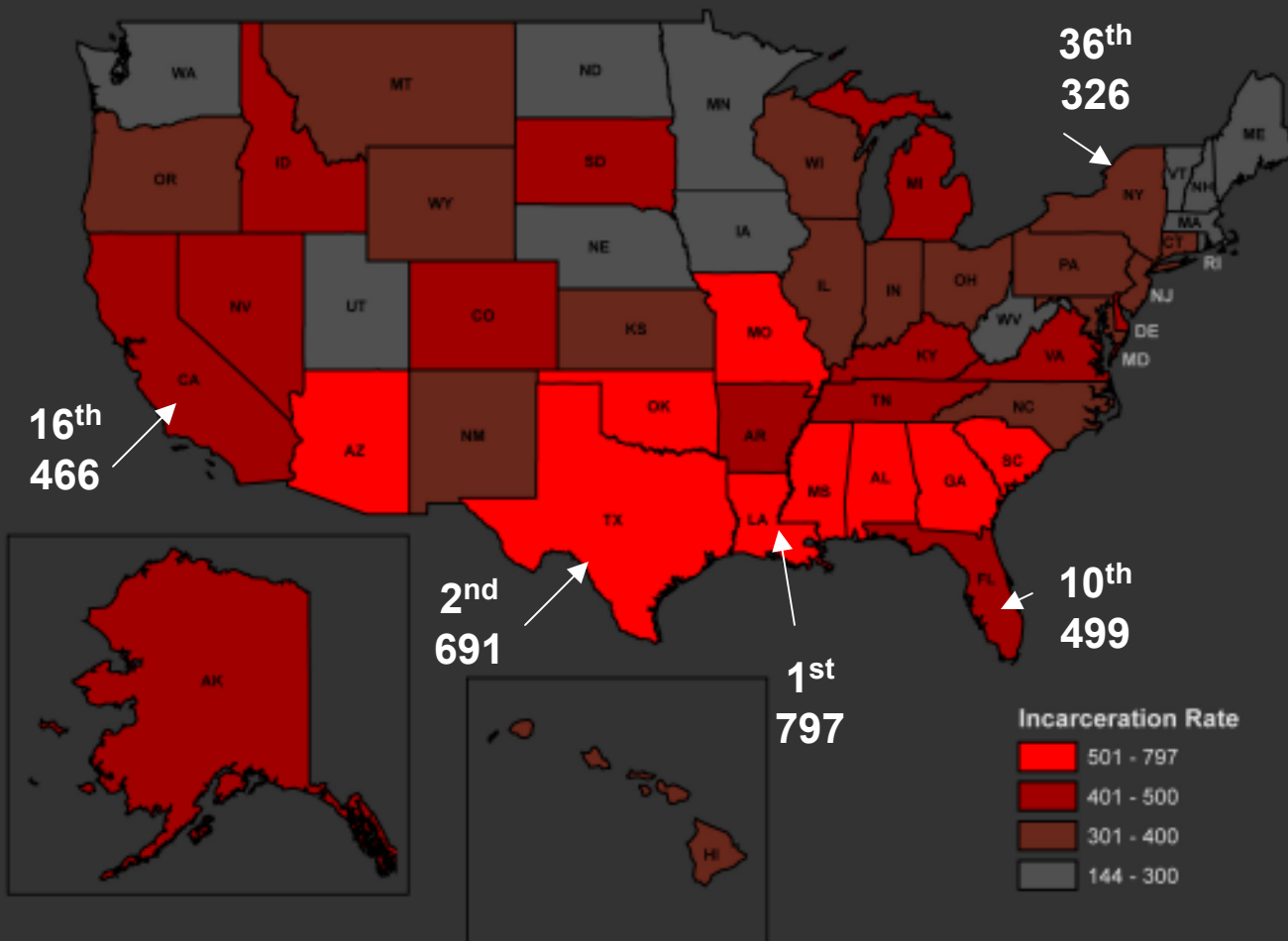
Source: Population US Census Historical Report; Crime, FBI Crime in US; Incarceration, BJS, Prisoners in US

Today Texas Incarceration Rate is the Second Highest in the Nation

United States States

2005 Incarceration Rate & (Rank)

Per 100,000 Population



Rank	State	Incarceration per 100,000
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1	LA	797
2	TX	691
3	MS	660
4	OK	652
5	AL	591
6	GA	533
7	MO	529
8	SC	525
9	AZ	521
10	FL	499
11	MI	489
12	AR	479
13	NV	474
14	ID	472
15	DE	467
16	CA	466
17	VA	464
18	KY	459
19	CO	457
20	SD	443
21	TN	440
22	AK	414
23	OH	400
24	WY	400
25	MD	394
26	IN	388
27	WI	380
28	CT	373
29	MT	373
30	OR	365
31	NC	360
32	IL	351
33	PA	340
34	HI	340
35	KS	330
36	NY	326
37	NM	323
38	NJ	313
39	IA	294
40	WV	291
41	WA	273
42	UT	252
43	VT	247
44	NE	245
45	MA	239
46	ND	208
47	NH	192
48	RI	189
49	MN	180
50	ME	144

Data Source:
Bureau of Justice Statistics "Prisoners in 2005," Table 4

TEXAS DEMAND FOR PRISON BEDS ON A NATIONAL PERSPECTIVE

MAIN FACTORS IMPACTING PRISON POPULATION GROWTH

JUSTICE REINVESTMENT SCENARIOS

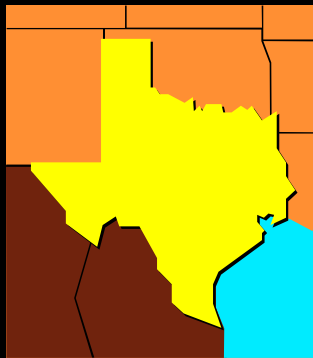
State Resident Population is Growing But Policies Have a Bigger Impact on the Prison Population Growth

Increase in conviction rates

Low parole rates

Shortage of probation and parole alternative sanctions and prison treatment programs

Since 2000 Changes in Crime and Arrests Have Been Lower Than Population Growth But Convictions Have Continued to Increase



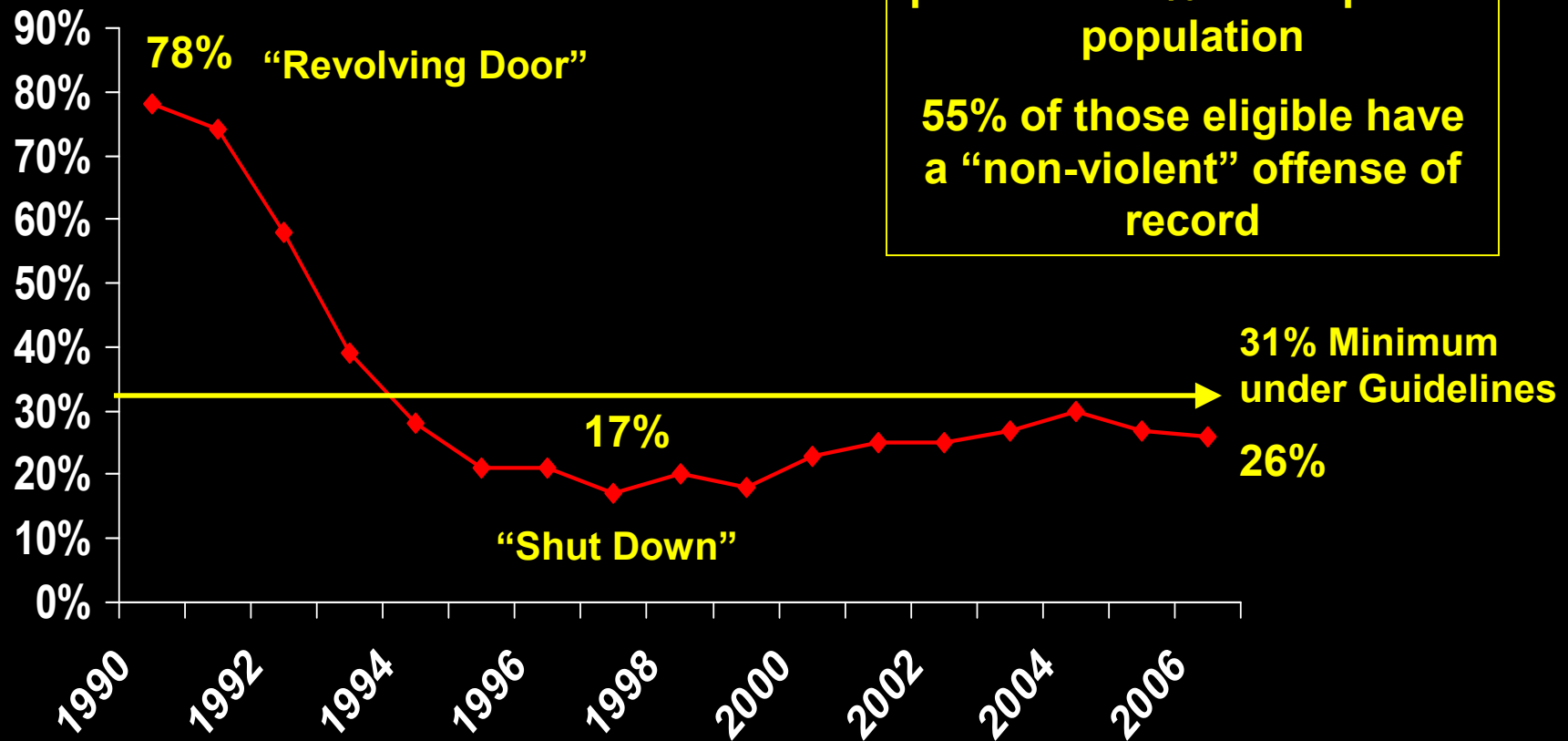
% Change 2000-2005			
State Population	Crime Rate	Adult Arrests	Felony Convictions
9.6%	-1.9%	5.8%	29%

Judicial machinery and laws are “engaged” to produce more convictions out of fewer arrests

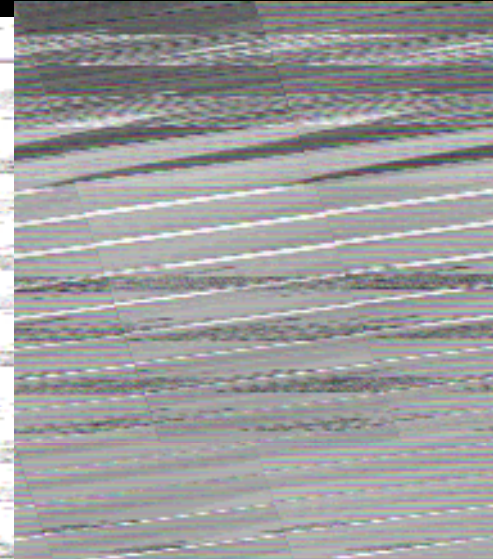
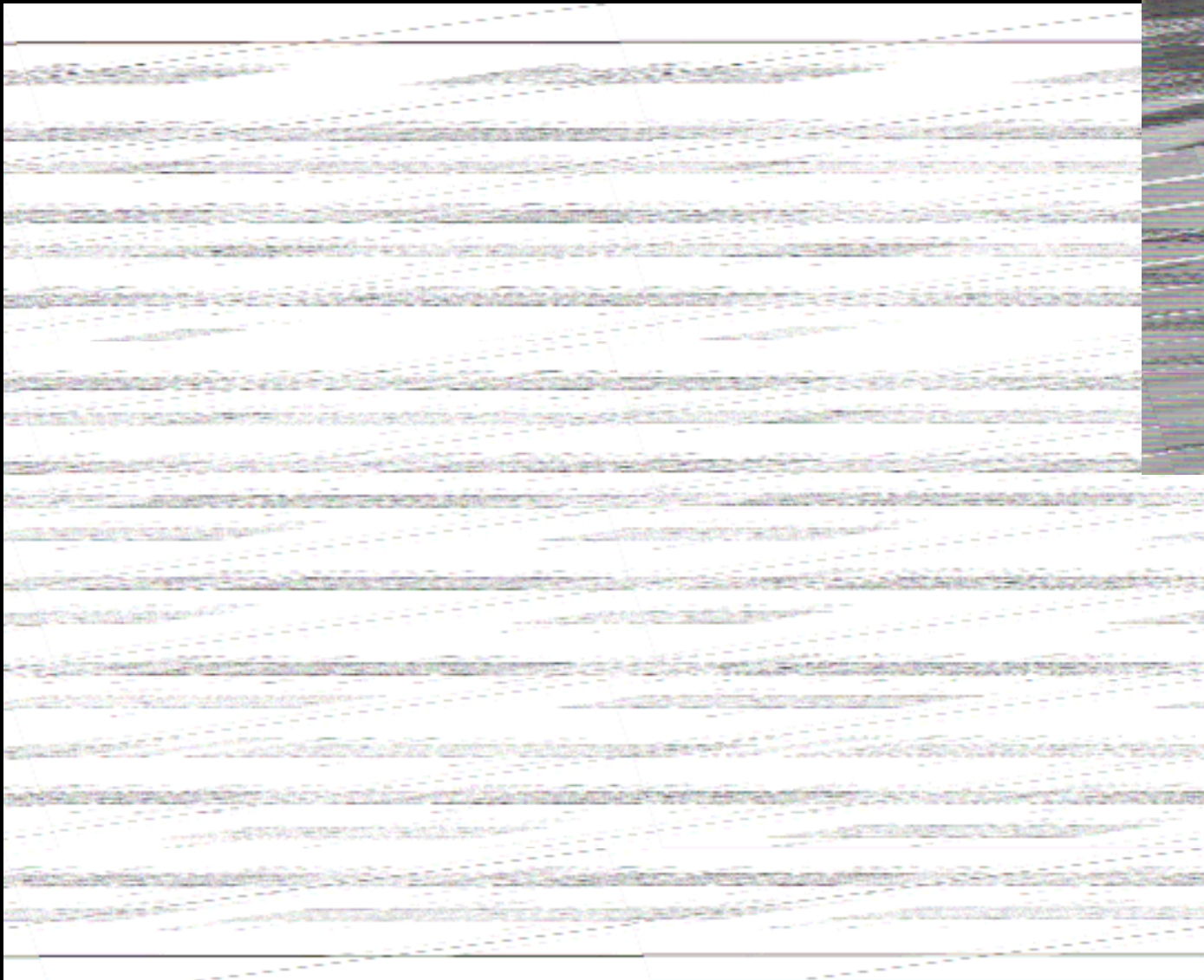
More persons with prior “failures” make it easier to convict

Low Parole Approval Rates Are a Key Factor Driving the Increase in the Population as Offenders Eligible for Release Are Not Approved

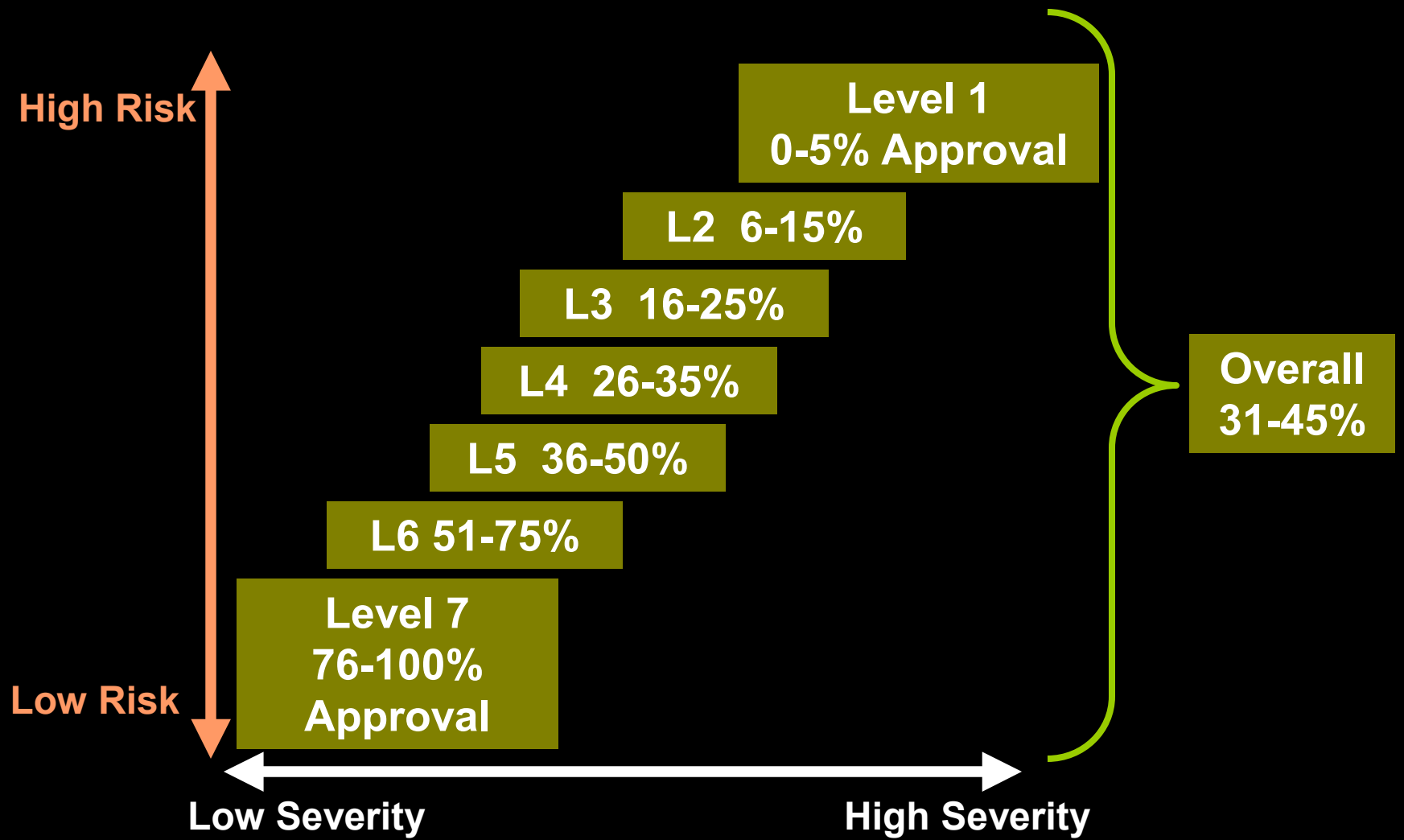
Parole Approval Rates, 1990-2006



Sunset Commission Said Parole Board Has Consistently Not Followed Its Own Guidelines Negatively Impacting Releases



Parole Board Adopted Guidelines Based on Risk and Severity with Recommended Rates to Guide Its Discretion



Less Severe Cases in Parole Guidelines Are Not Being Released at the Levels Recommended by Guidelines

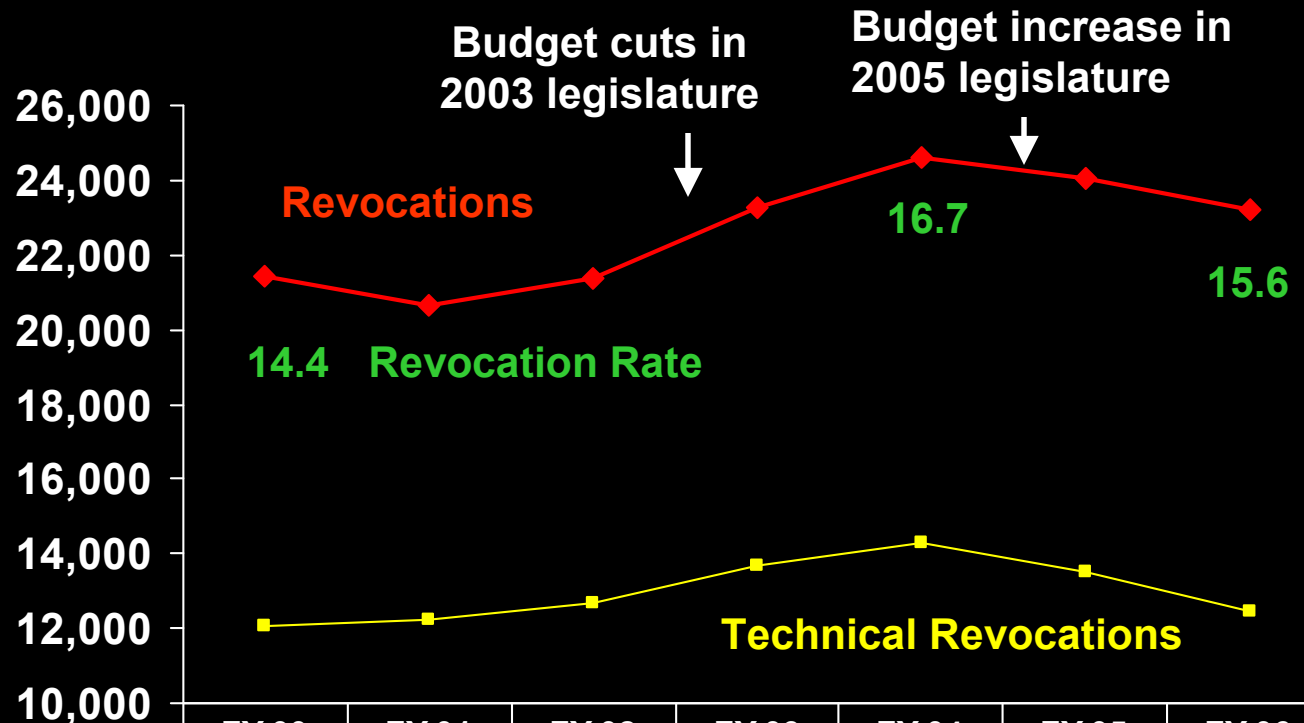
Guideline Level	Estimated Rate	Actual FY 06
1 (More Severe)	0% - 5%	2.8%
2	6% - 15%	12.8%
3	16% - 25%	17.3%
4	26% - 35%	21.0%
5	36% - 50%	33.3%
6	51% - 75%	40.3%
7 (Less Severe)	76% - 100%	47.9%
Overall	31-45%	26.5%

Meeting minimum overall parole approval rate would have meant 2,480 additional parole releases in 2006

Source: Parole Approval Rates by Guidelines Level,
 * As of January 2007

Probation Revocations Represent One-Third of Prison Admissions and Probation Budget Cuts Impacted Recent Increases

12,440 technical revocations in FY 06 will cost the state \$757.5 million in incarceration costs



	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
◆ Revocations to Prison/State Jails	21,447	20,623	21,370	23,281	24,609	24,021	23,202
■ Technical Revocations	12,088	12,257	12,700	13,702	14,287	13,504	12,440

Source: TDCJ, CJAD Statistical Tables; Cost avoidance: cost per year of \$14,622 * each offender incarcerated* by average of four years in prison per LBB Revocation study of September 06; rates from LBB January 07 recidivism report

Increased Funding for Probation in 2005 is Producing a Return of More Than Two Dollars in Incarceration Savings Per Dollar Invested

New Funding in 2005 = \$27.6 million

\$13.6 million a year for 635 residential treatment and sanction beds

\$14 million a year to reduce probation caseload

Impact on revocations in counties receiving new funding

1,155 fewer revocations in FY 2006 than in FY 2005



Approximately \$67 million in avoided incarceration costs for this group

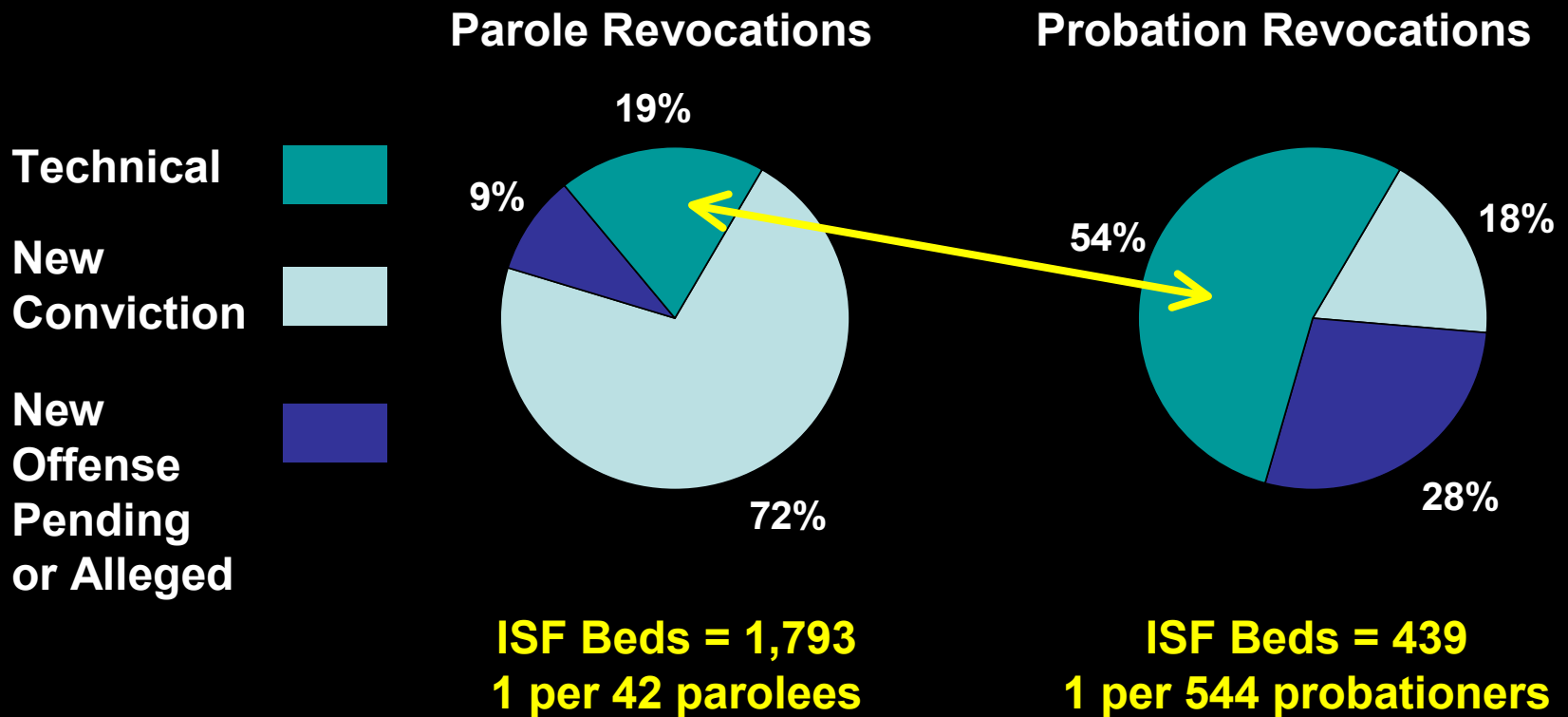
628 fewer revocations in 1st Quarter FY 2007 than in 1st Quarter 2005



Approximately another \$37 million in avoided incarceration costs for this group

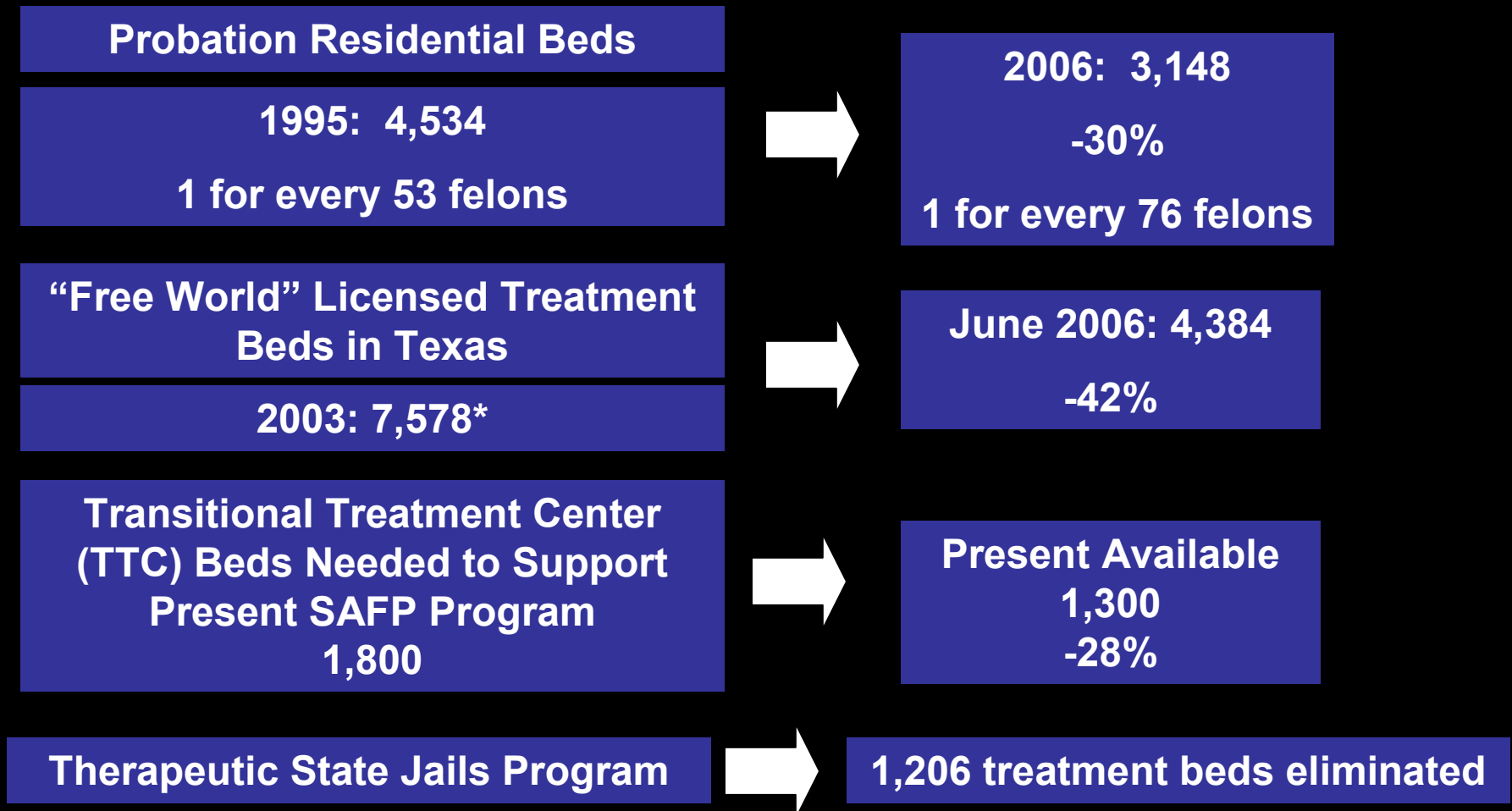
Source: TDCJ, CJAD, Dec, 2006. Cost avoidance: cost per year of \$14,622 * each offender diverted* by average of four years in prison per LBB Revocation study of September 06

Parole System Has Fewer Technical Revocations Than Probation System in Part Due to Larger Intermediate Sanction Capacity



Source: Board of Pardons and Parole Annual Report; TDCJ, CJAD Statistical tables

Probation and Community Substance Abuse Treatment Capacity Has Been Reduced Even as the State Population Has Increased



Source: CJAD memo, 11/10/06 from Mike Eisenberg; Rep. Madden's memo from Marsha McLane, 10/31/06 using DSHS figures
*There were 3,786 prison beds licensed in 2003 but these are excluded from the count as the DSHS stopped licensing TDCJ beds by 2006

There Are Waiting Lists for Key Programs Creating a Backlog of Releases from Prison and Placements from Probation

Waiting Lists in Key Programs

Substance Abuse Felony
Punishment (SAFPs)



823 awaiting program placement
in county jails

In-Prison Therapeutic Community



174 awaiting in prison for
program as condition of parole

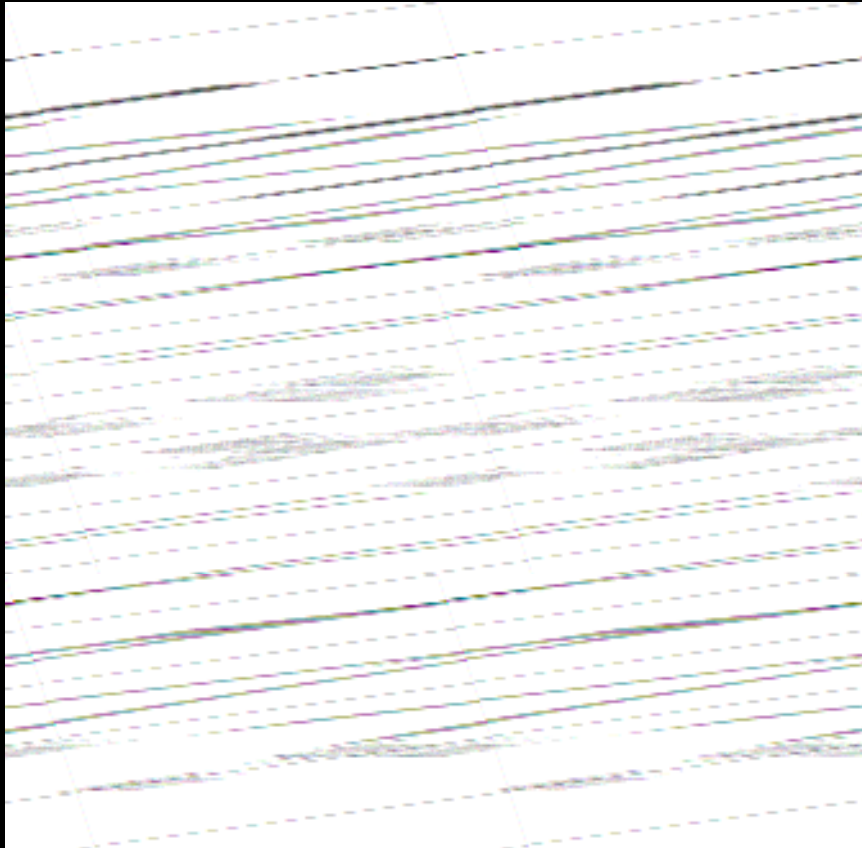
Parole Halfway Houses



600 offenders awaiting in prison
to be released to a halfway
house

Offenders recommended for parole on condition that they complete a program cannot be released and being on a waiting list adds to their time in prison

Mental Health Problems Are Prevalent in Correctional Populations and Failure to Address Them Also Fuels the Recycling of Offenders



Offenders with a Prior Record in the Mental Health System, February 06 Record Match, Number and % of Population

Probationers	57,719 (13%)
Parolees	21,097 (27%)
Prisoners	45,628 (30%)
Total	124,444 (19%)

About 10% of prisoners and parolees and 6% of the probationers matched with a “priority population” diagnosis

**TEXAS DEMAND FOR PRISON BEDS ON A
NATIONAL PERSPECTIVE**

**MAIN FACTORS IMPACTING PRISON
POPULATION GROWTH**

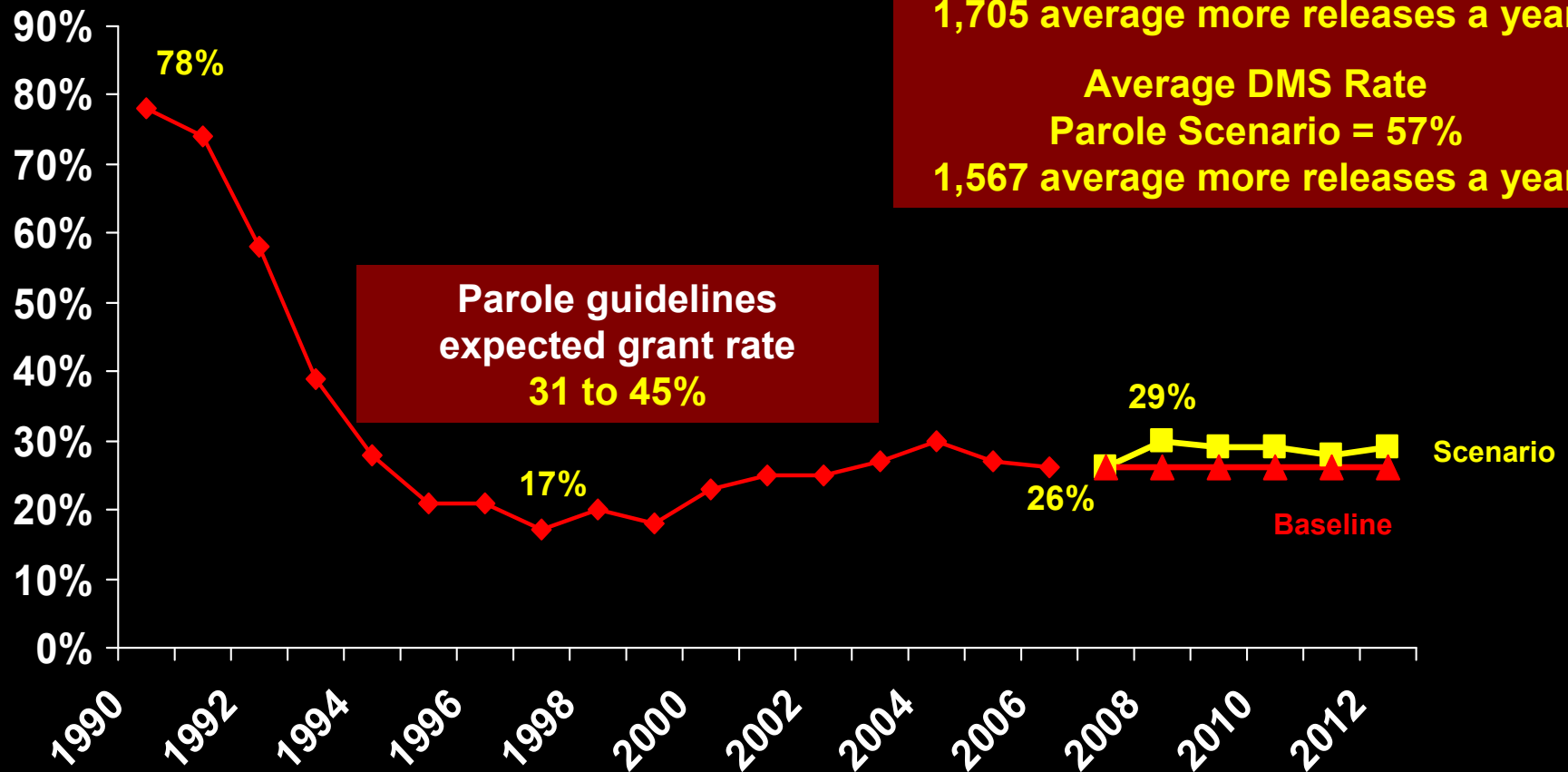
JUSTICE REINVESTMENT SCENARIOS

Parole Scenario Assumes Funding of New Treatment Facilities and Strategies to Strengthen Parole Supervision

Parole Scenario Key Assumptions	
TDCJ Facilities	1,000 bed facility for DWI and IPTC treatment
Parole Facilities	150 Halfway house beds
Key Assumptions	Parole board will increase parole rate for offenders at the low risk/low severity levels of the guidelines
Other Policies	Recidivism tracking to determine if additional releases are negatively impacting public safety

LBB Model Shows That Slightly Increasing Discretionary Release Rates Will Wipe Out the Projected Bed Shortfall

LBB Projected Parole Rates, Baseline and Parole Scenario, 2006-2012



LBB Fiscal Analysis Shows That the State Can Save a Substantial Amount of Funds That Could Be “Reinvested” in Other Alternatives

LBB Projected Five Year Fiscal Impact for Parole Enhancement Scenario, 2008-2012

General Revenue Probable Net Positive Impact	
2008-2009	\$99,874,930
2009-2012	\$443,186,977
Total: 2008-2012	\$543,061,907

Above does not include potential “cost avoidance” of \$377.7 million for the construction of 4,080 beds proposed by TDCJ

Reinvesting in Probation/Treatment Can Significantly Increase Sanctioning Capacity for Alternative Punishments

Sanction and Treatment Capacity Inventory		
Facility	Present Capacity	Proposed Additional
Intermediate Sanctions Facilities (ISFs)	1,793 beds in parole system (1 per 42 parolees) and 439 in probation system (1 per 544 probationers)	2,400 beds available for parole and probation system
Probation Residential Treatment (PRT)	2,123 beds for 187,054 offenders on probation with substance abuse problems*	1,600 beds
In-prison Therapeutic Community (IPTC)	537 beds with 174 offenders in a waiting list	200 beds
Substance Abuse Felony Punishment (SAFP)	3,250 beds with a waiting list of 823 offenders	500 beds
DWI Prison Treatment	No facility dedicated to this	500 bed facility
Parole Halfway Houses	1,159 beds with a current backlog of 600 inmates	150 beds
TDCJ Capacity	Transfer of San Saba and Marlin TYC Units to TDCJ	1,200 beds

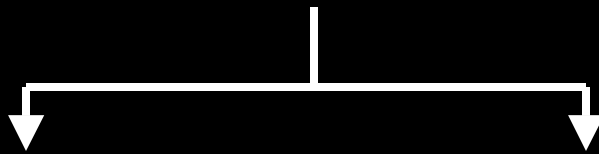
6,550 beds in different types of facilities

* Sunset Advisory Commission, TDCJ Report, October 1996

Diversion Impact for Main Scenario Was Calculated Based on Research But LBB Also Calculated Alternative Impacts

Diversion Factor for Probation Programs

100 Offenders



75

Placed in program
Would have gone to
prison



Counts as "diversion" for
projection

25

Placed in program
Would not have
gone to prison



"Expansion of the net"

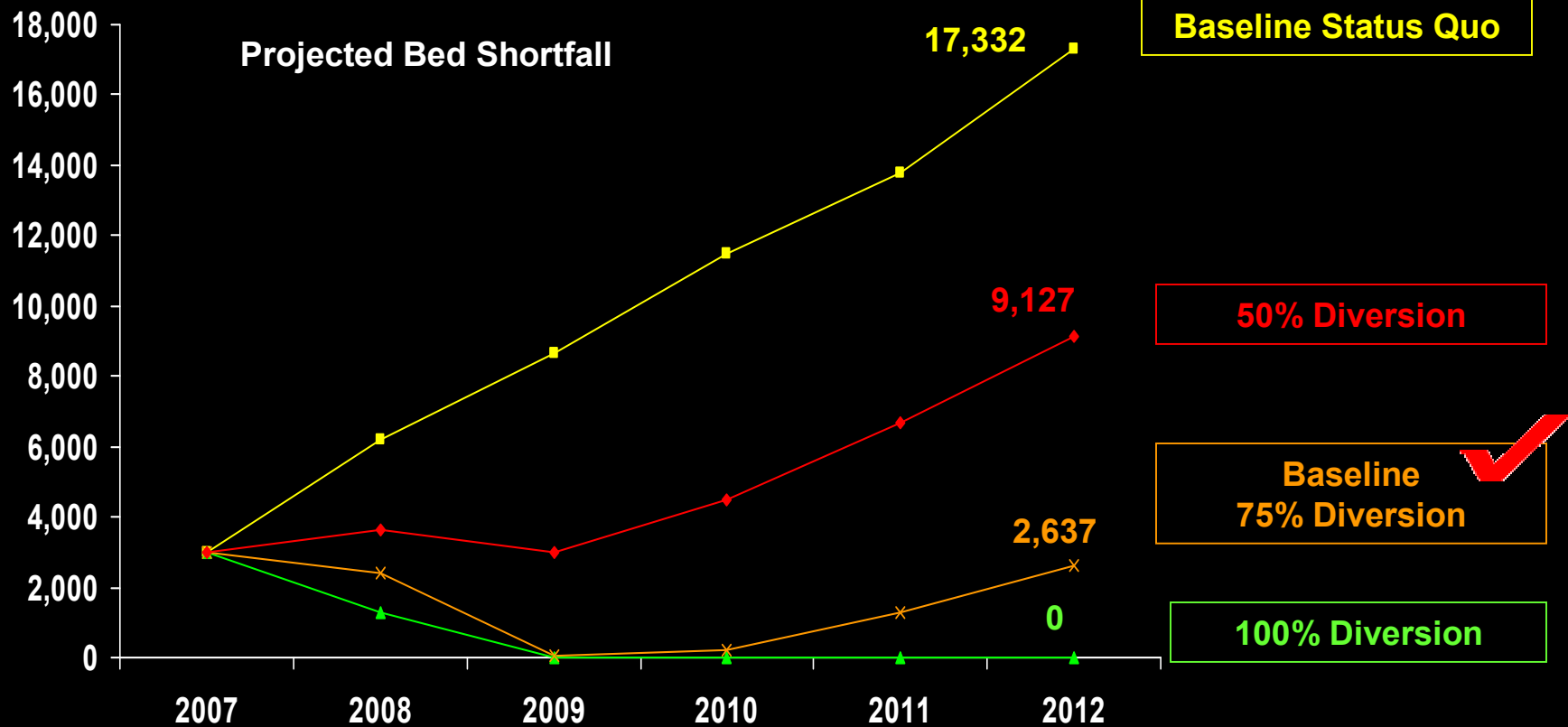
Baseline
75% diversion factor
based on CJPC
research

100% diversion factor
Not Sustained by Data

50% diversion factor
Should not occur if
best practices are
used

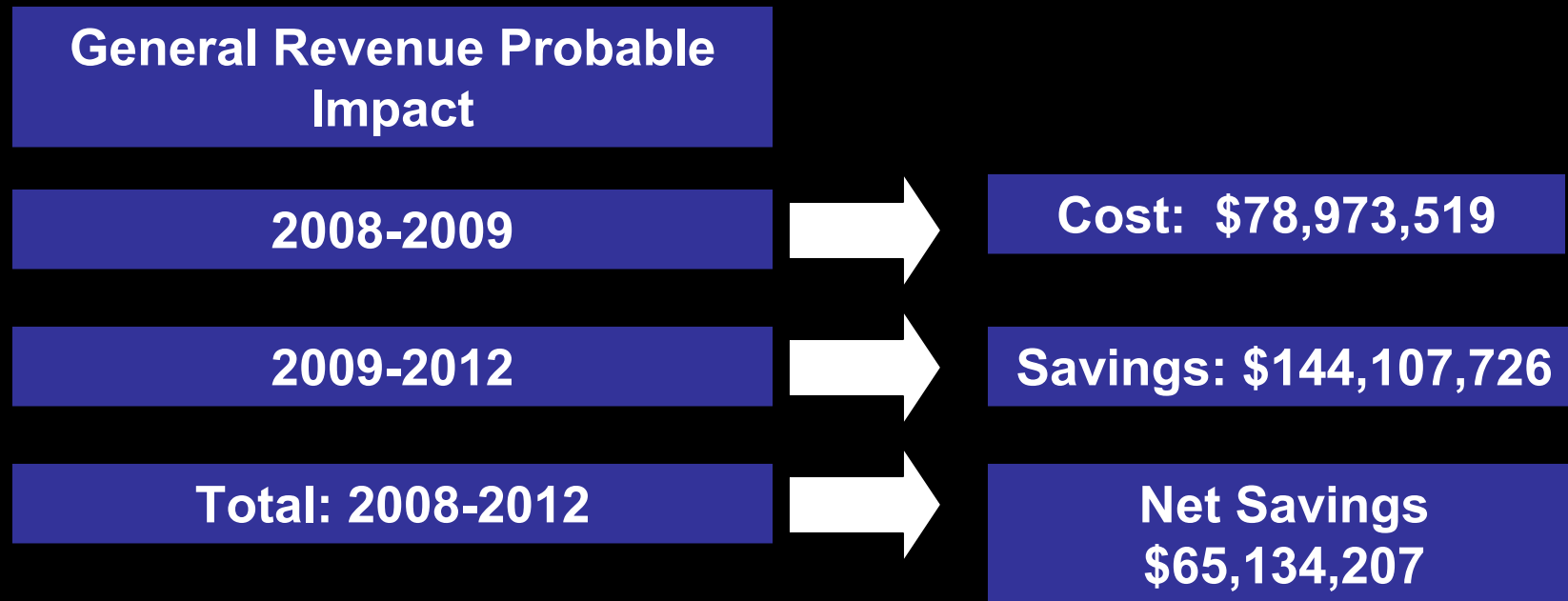
LBB Estimated Impact on TDCJ Projected Bed Shortfall Using Three Sets of Assumptions Regarding Diversion Factors

**Projected TDCJ Bed Shortfall Under Probation
Diversion Scenarios, 2007-2012, January 2007
LBB Projection**



LBB Fiscal Analysis Shows That the State Can Save Substantial Funds by “Reinvesting” in Probation/Treatment

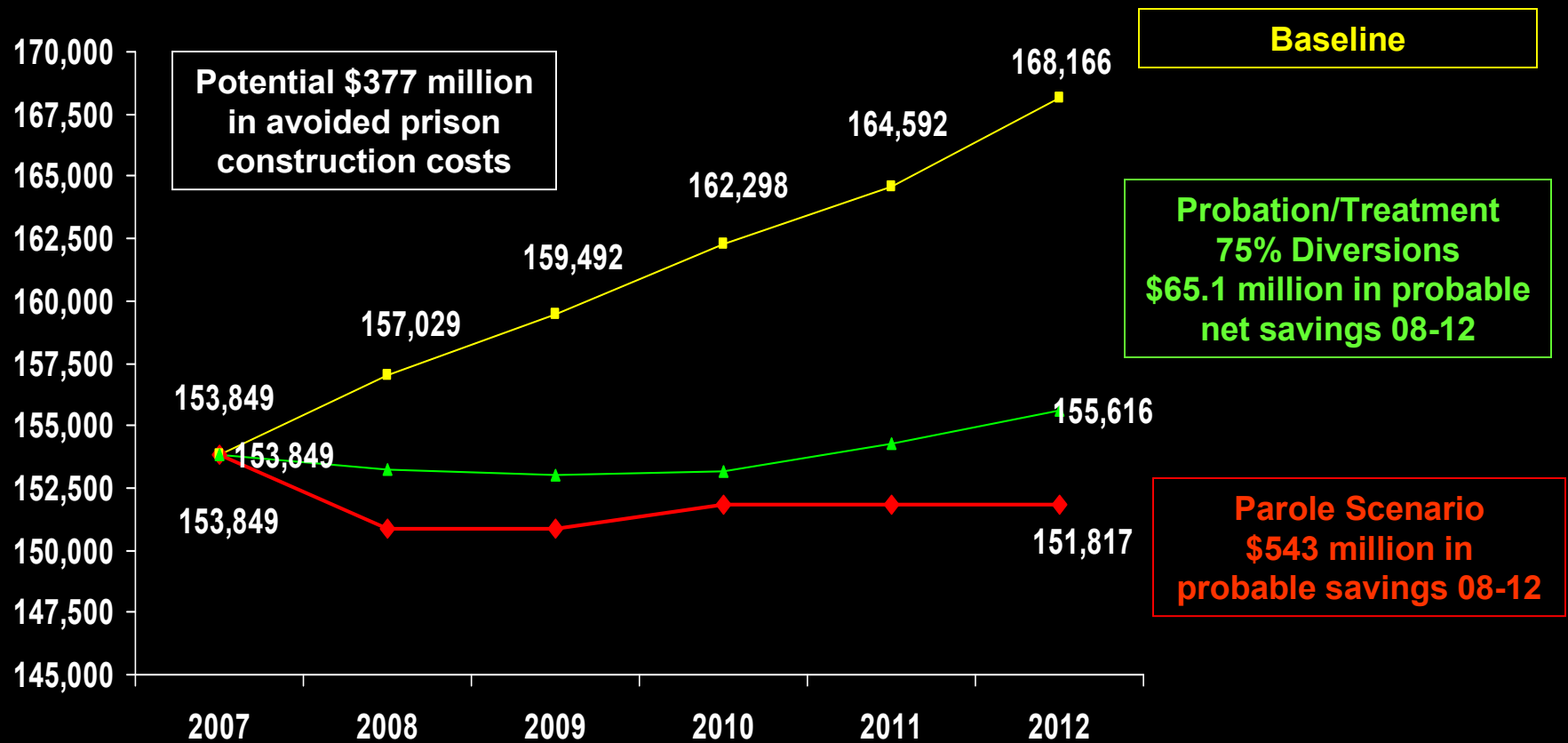
LBB Projected Five Year Fiscal Impact for 75% Diversion Probation/Treatment Enhancement Scenario, 2008-2012



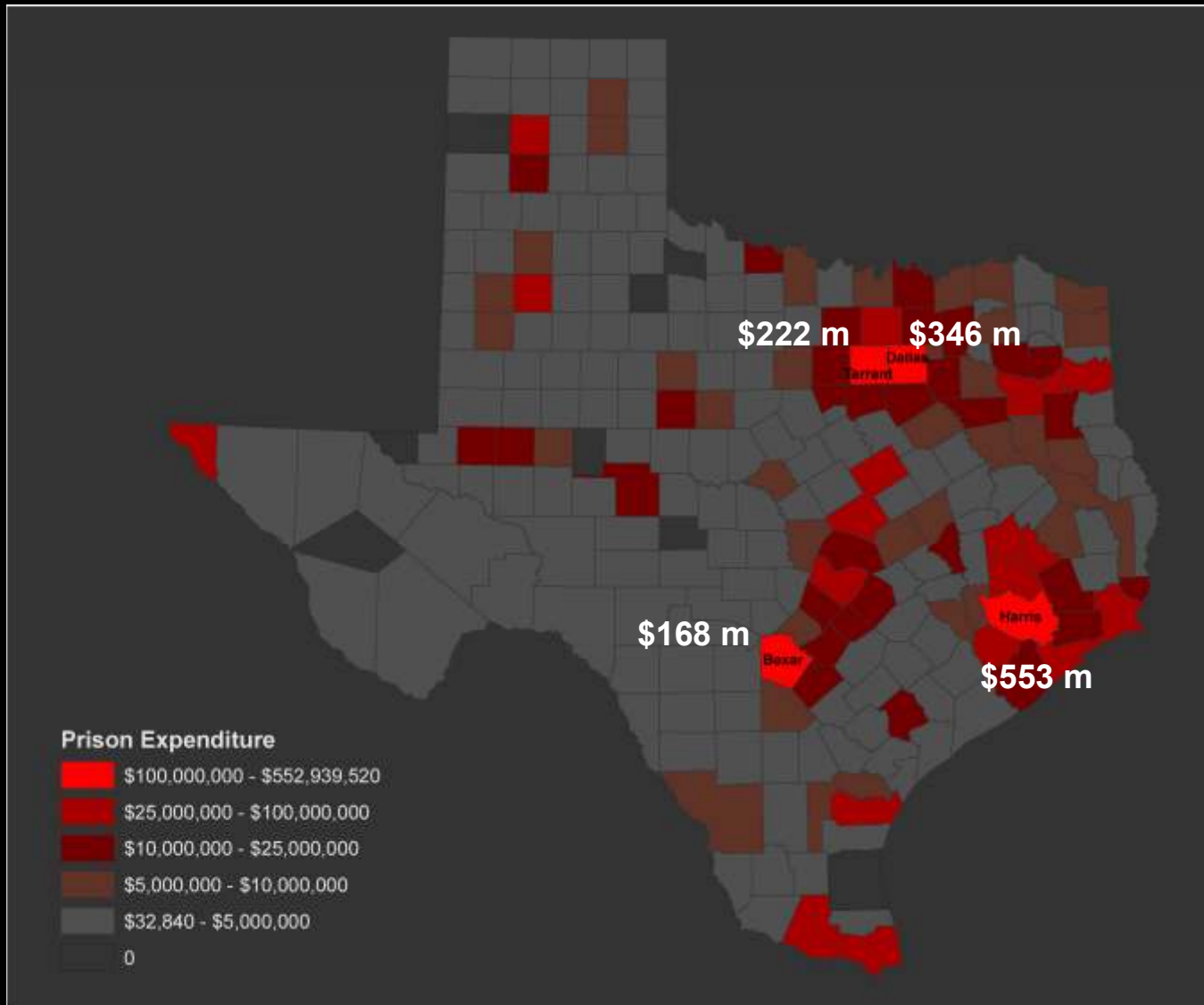
Above does not include potential “cost avoidance” of \$377.7 million for the construction of 4,080 beds proposed by TDCJ

Both Scenarios or a Combination Can Address the Projected Bed Shortfall at a Lower Cost Than Baseline

Projected TDCJ Population Under Scenarios, 2007-2012, January 2007 LBB Projection



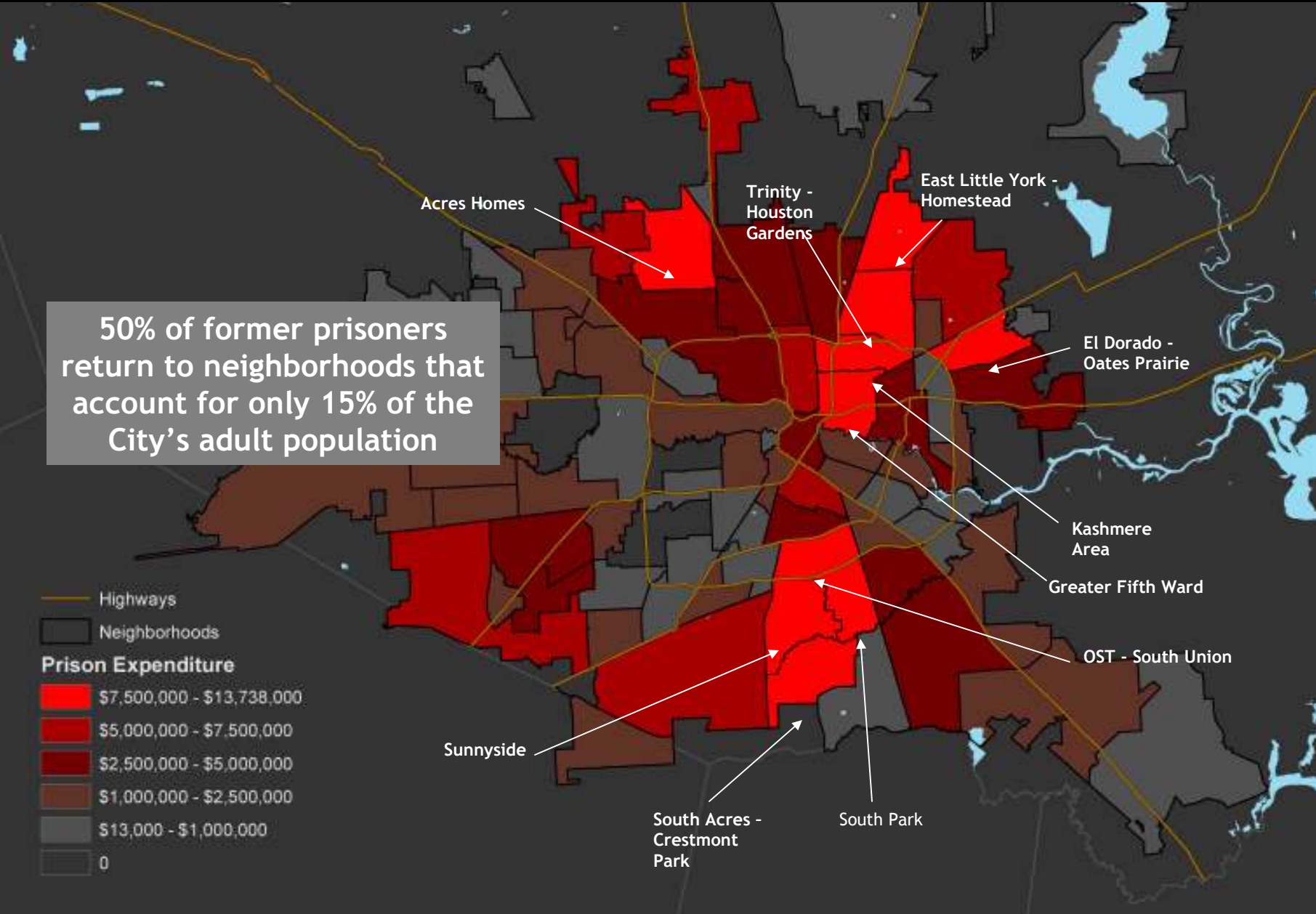
Justice Reinvestment Framework Also Shifts Long-Term Strategy to Investments in “High Stakes” Communities



“High Stakes Communities” are those neighborhoods in counties that receive the most residents from and contribute the most residents to the prison system

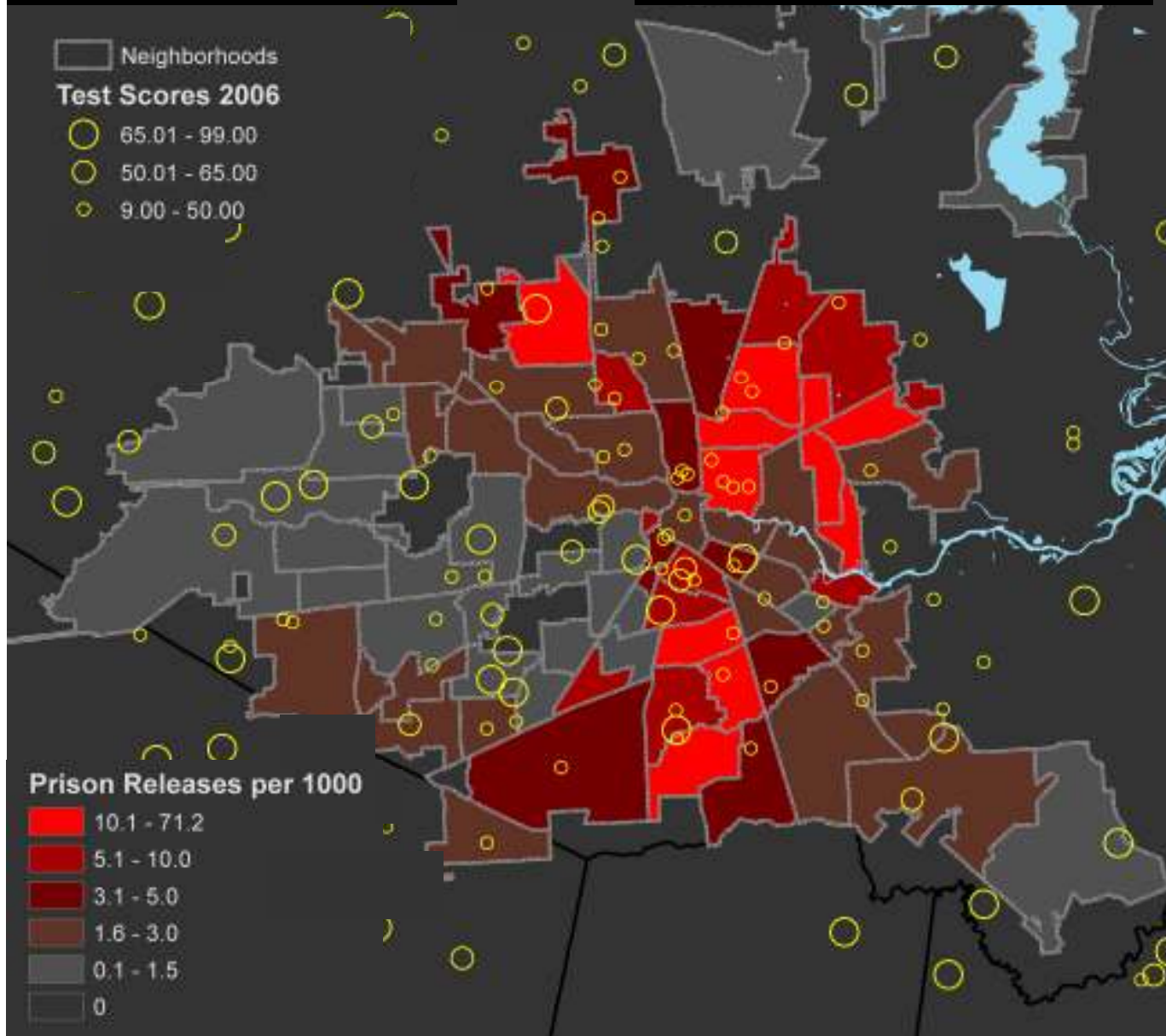
The four highest reentry counties in the state cost the state over \$1 billion a year in incarceration costs

Ten of Houston's 88 Neighborhoods Account for Almost \$100 million a Year in Prison Expenditures



Quality of Schools in High Stakes Communities is a Critical Factor to Review

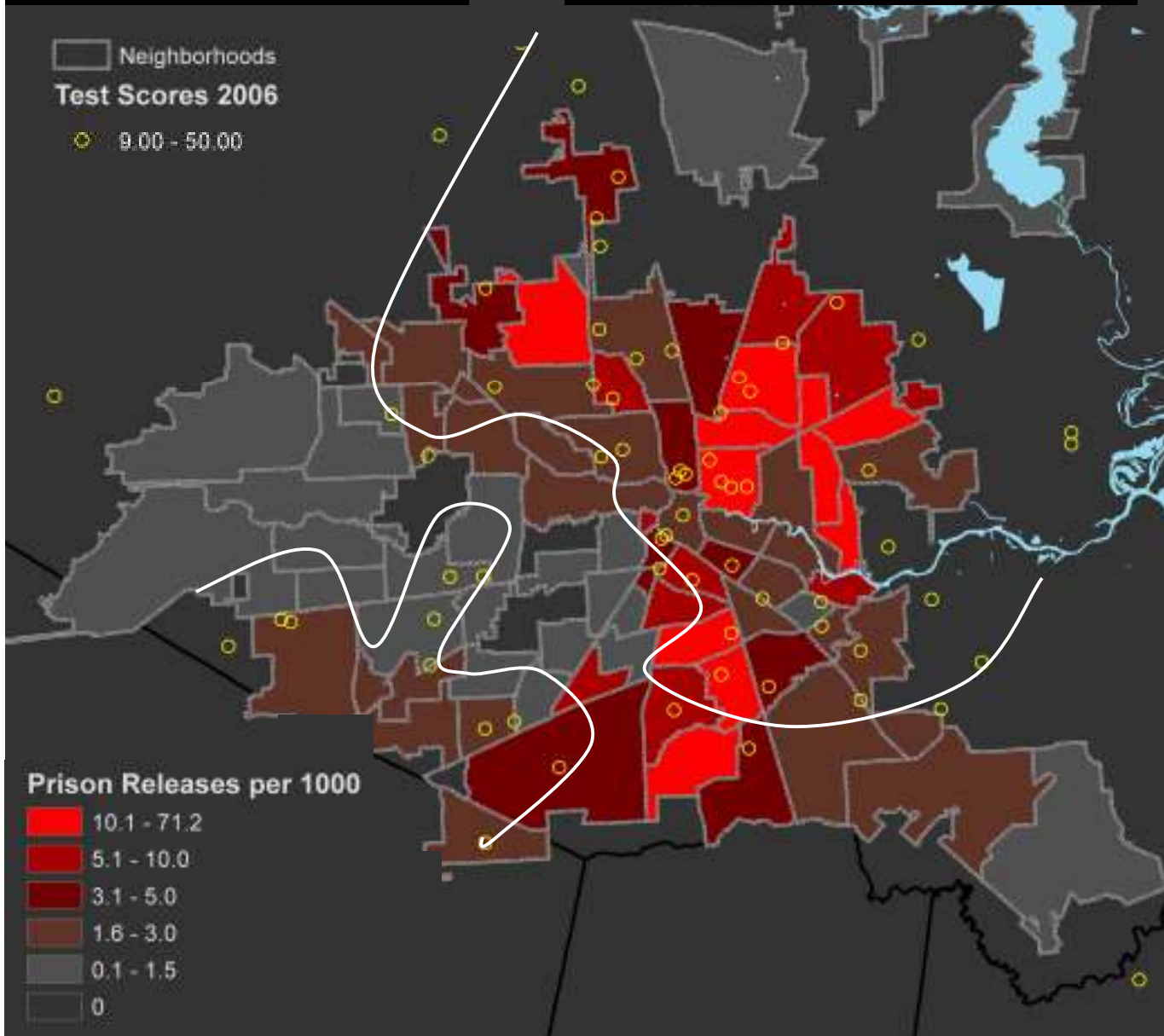
Houston Neighborhood Prison Release Rates and School Test Performance



High Schools Test Scores

The HS with the highest % of students passing all tests tend to be concentrated in neighborhoods with the lowest rate of people returning from prison.

Low Performing High Schools Tend to Be in “High Stakes” Communities



Houston Neighborhood Prison Release Rates and School Test Performance

Neighborhoods with high rates of returning prisoners tend to be those with low performing High Schools

High Schools with High Drop Out Rates Also Tend to Be in “High Stakes” Neighborhoods

Houston Neighborhoods

High School Drop Out Rates

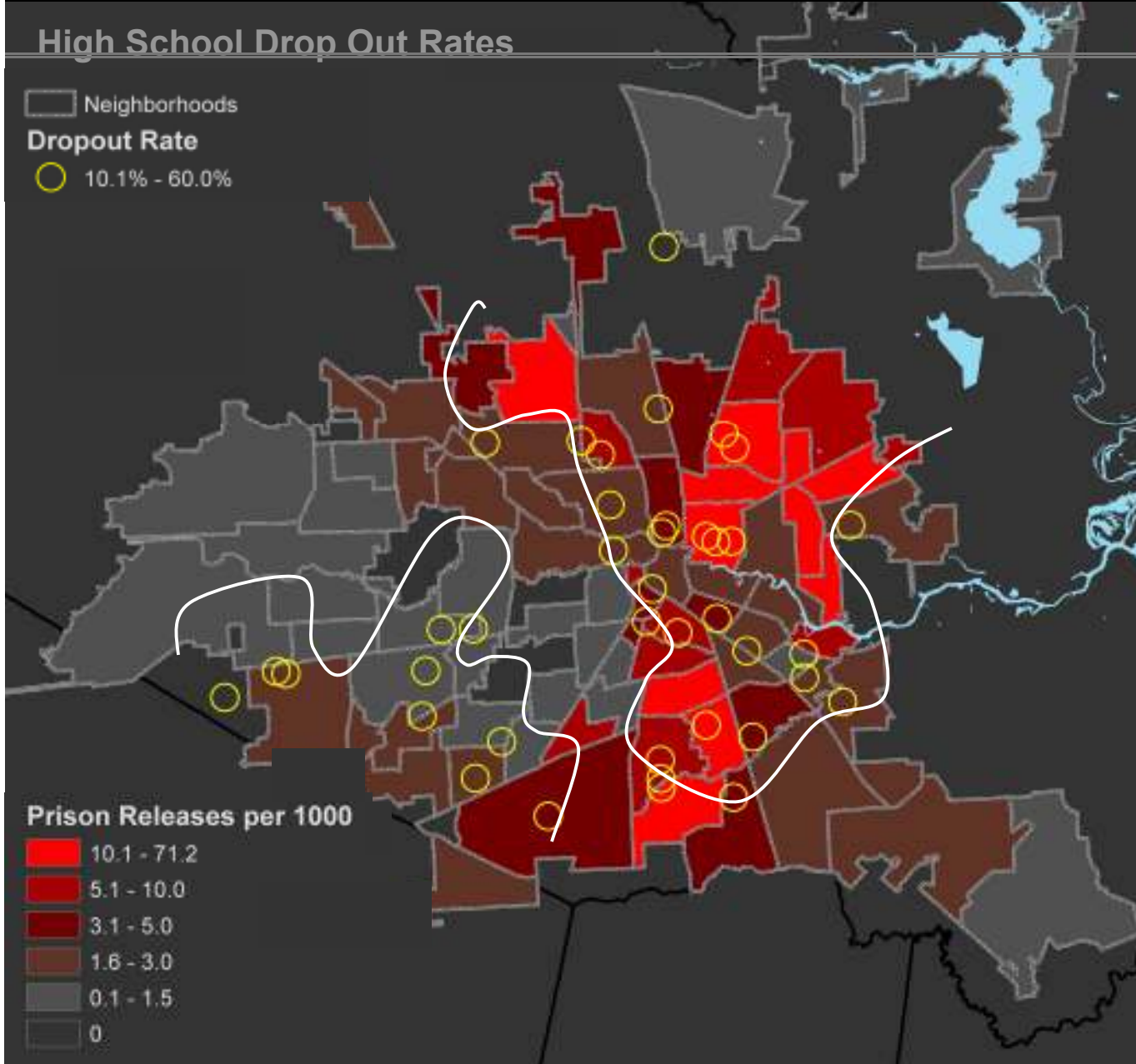
□ Neighborhoods

Dropout Rate

○ 10.1% - 60.0%

Prison Releases per 1000

■ 10.1 - 71.2
■ 5.1 - 10.0
■ 3.1 - 5.0
■ 1.6 - 3.0
■ 0.1 - 1.5
■ 0



Neighborhoods with high rates of returning prisoners also tend to have High Schools with high drop out rates

Policies to Reduce the High Percentage of Disconnected Youth in High Poverty Neighborhoods Are Also Critical

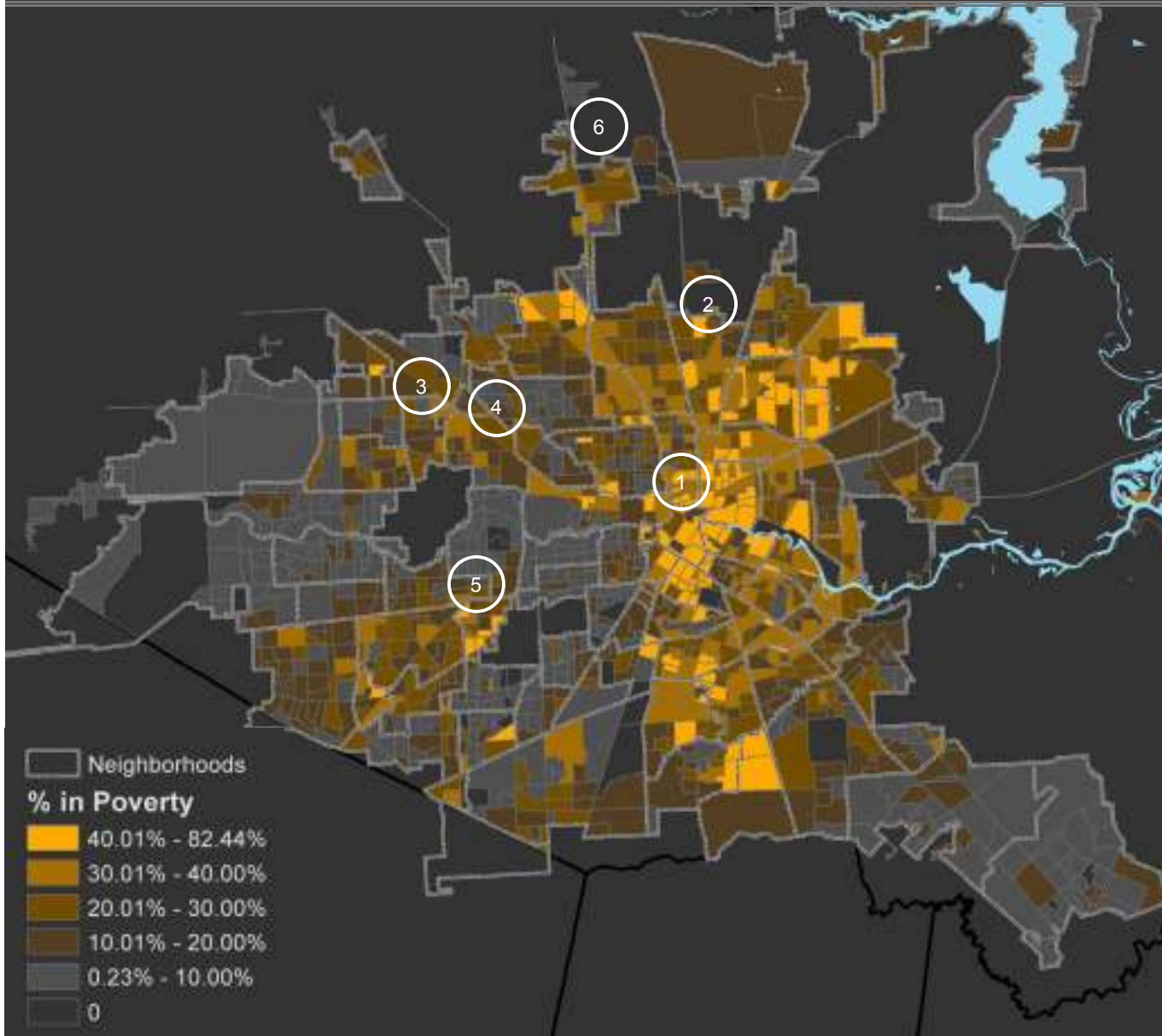
Houston Block Groups Neighborhood Borders

Another key indicator of neighborhood conditions is **Disconnected Youth: 16 – 19 year-olds who are not working, not in school, and have no high school diploma.**

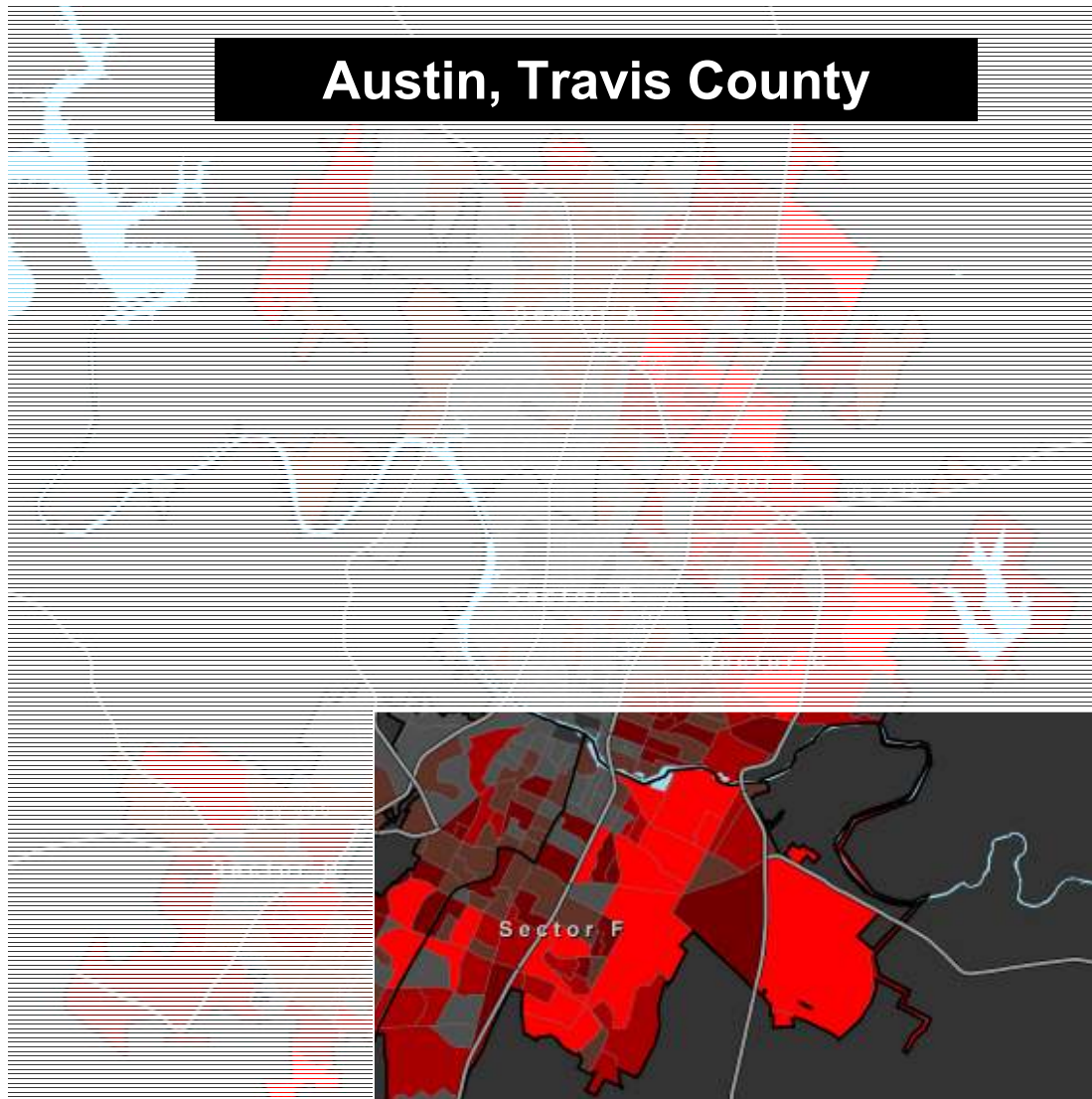
Neighborhoods with High Rates of Disconnected Youth

Neighborhood Name	Count	Percent
(1) Downtown	413	38.2%
(2) Eastex-Jensen Area	401	20.7%
(3) Spring Branch Ctr.	368	19.8%
(4) Spring Branch East	308	18.9%
(5) Gulfton	527	18.6%
(6) Greater Greenspoint	362	16.7%

Neighborhoods with 300 or more 16 – 19 year olds and



Austin, Travis County



**Probationers and Parolees
Tend to Be Concentrated in
“High Stake” Communities Yet
Probation and Parole Do Not
Coordinate Strategies and
Services**

Travis County Sector F

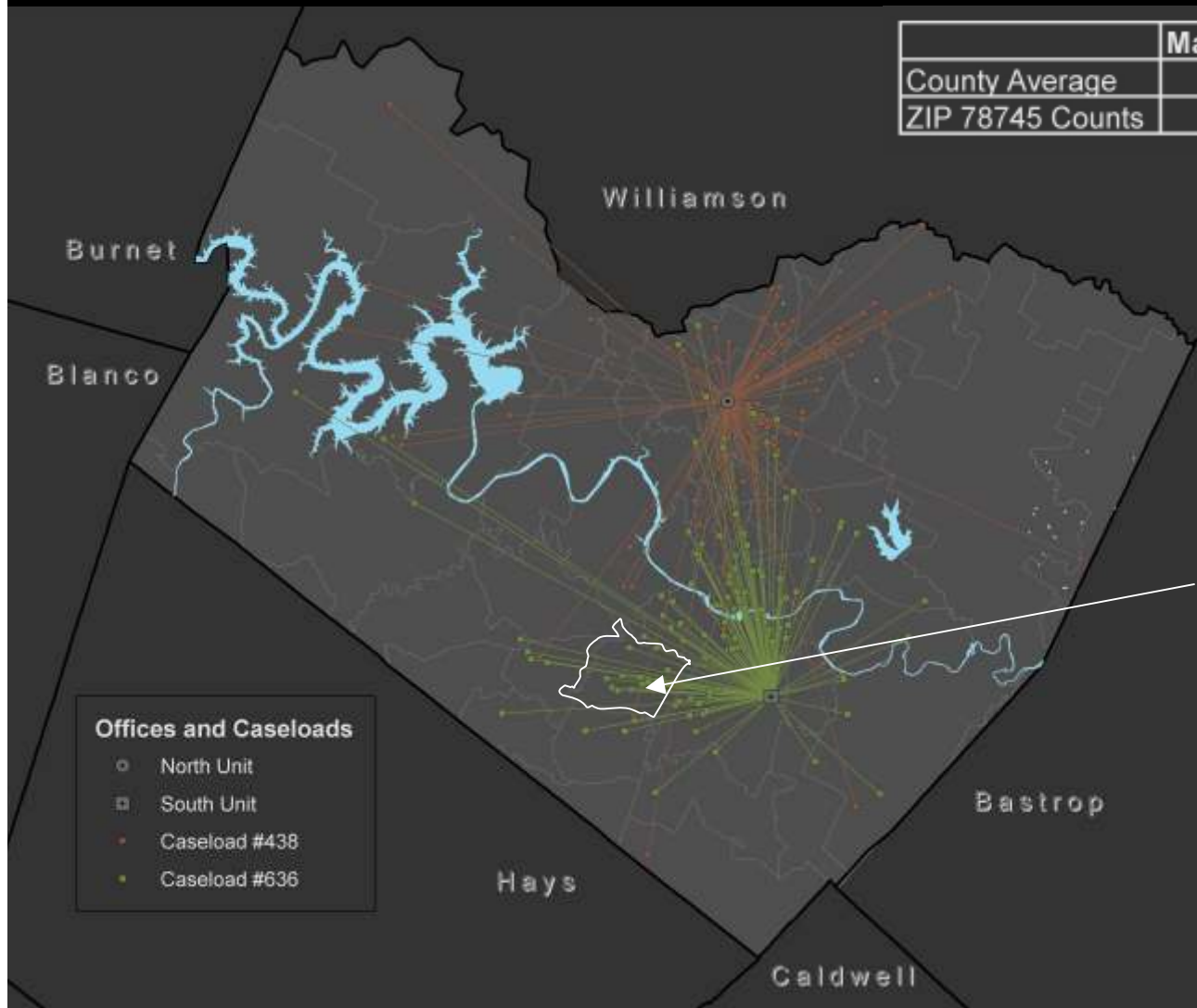
Sector F has the highest number of probationer per capita in Travis (24 per 1,000 population)

34% of prison discretionary releases to Austin are also in this area

Thinking About High Stake Communities Can Even Encourage a Better Utilization of Present Resources Like Probation Supervision

Austin, Travis County

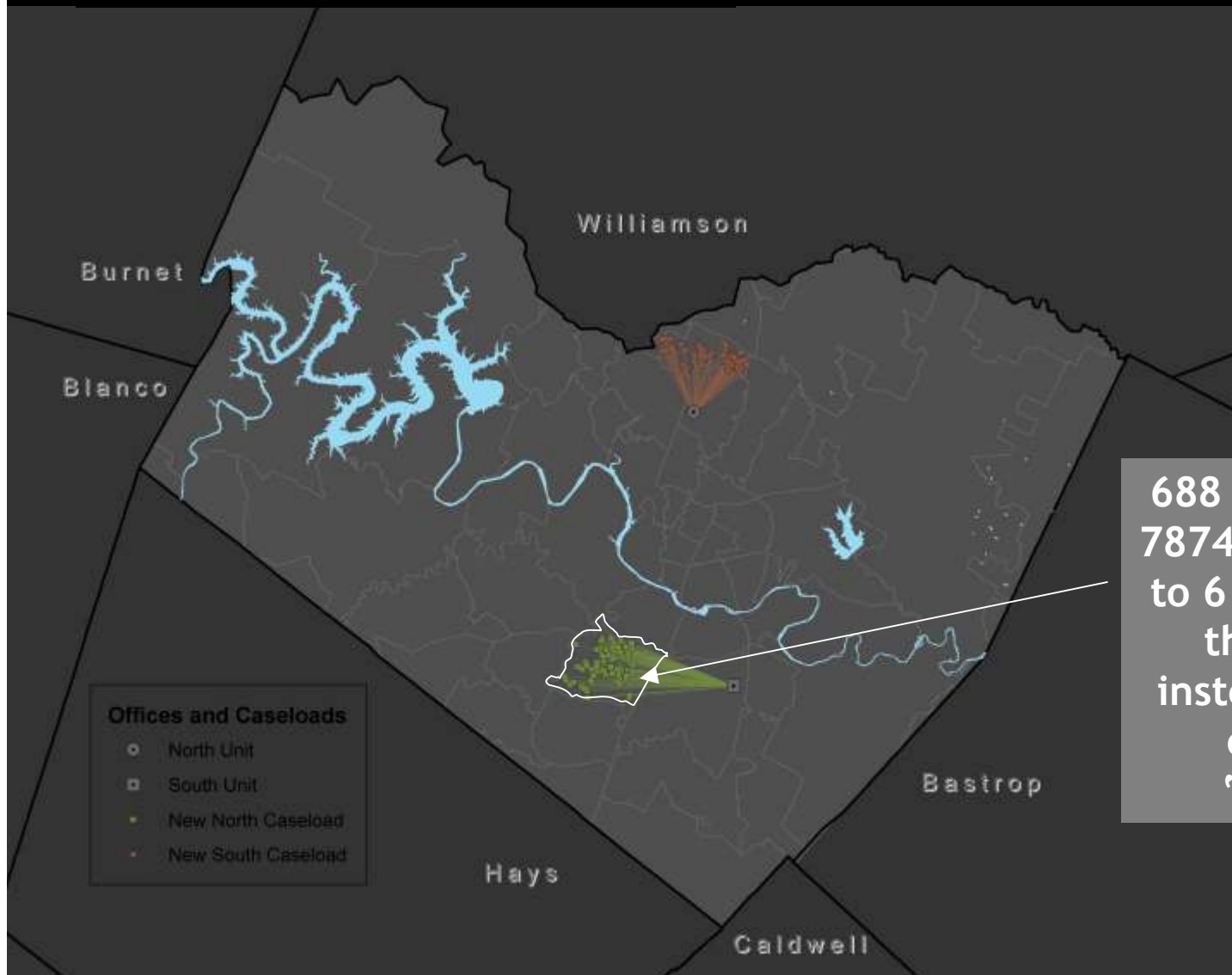
	Maximum	Medium	Minimum	Total
County Average	28	70	22	120
ZIP 78745 Counts	200	361	127	688



688 probationers in zip 78745 are presently assigned to 72 different officers

Probation Caseloads Could Be Organized More Effectively Around “High Stakes” Neighborhoods

Austin, Travis County



688 probationers in zip 78745 could be assigned to 6 officers working in the neighborhood instead of 72 different officers from a “central” office

Sunset Commission Language Describes the Essence of the Challenge You Are Facing After Years of Building Prisons

“Construction only acts as a temporary solution and does not address the causes of the capacity needs.”

“Additional construction does not create incentives to address the causes of increasing capacity; instead it may encourage prison population growth. If the state continues to add beds, history shows that those beds will quickly fill.”

Legislature Sunset Advisory Commission, Staff Report, October 2006

Thank You



Texas Justice
Reinvestment
Scenarios

Texas County Probation
Mental Health
Learning Site

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