



Texas Cannot Afford to Wait for Justice *October 2020*

In July 2020, largely as a result of economic contraction associated with the COVID-19 pandemic, the Texas Comptroller announced that Texas will face a projected budget shortfall of \$4.6 billion at the end of FY 2021.¹ In response, the state's Health and Human Services Commission (HHSC) outlined possible cuts to health services that were strongly criticized by legislators and advocates who expressed concerns about making life even harder on Texans.² Other agencies, too, are inevitably facing cuts that could have a lasting impact on Texas families and communities.

As the state's 2021 legislative session nears, it appears more and more likely that it will look different than any session before: How will the Texas Legislature convene in person? Will your focus be constrained to the budget or will you be able to consider other critical issues? Will this be a full-term session, or could it be cut short?

One thing is certain: Texas cannot afford to put off justice reform until 2023. Taxpayer spending on criminal justice has escalated as social institutions and community-needed resources have been dramatically reduced by both state and local governments. These divestments from community services have typically correlated with increased expenditures on policing and incarceration, which entangle hundreds of thousands of Texans each year and devastate communities of color.³ Alarming, policing, arrests, and criminal punishments have become the default response to people with mental illness and substance use disorder, people experiencing poverty and homelessness, students struggling with social-emotional issues, and people facing a host of other hurdles.⁴ Instead of addressing the underlying causes of criminality that have allowed mass incarceration to run rampant, cities and counties continue to rely heavily on the reactive—and costly—responses of policing and incarceration, cutting short people's opportunities to find stability, support their families, continue their education, or join the workforce.

Texas already spends a smaller percentage of its budget on health and welfare than most other states,⁵ yet Texas' state investment in police increased 54 percent from 2012 to 2018, during which time investments in education, public welfare, health, and parks and recreation each increased by 26 percent or less. Funding for corrections increased 12 percent and **brought the state's corrections budget to a staggering \$4 billion per year.**⁶ **Yet, an over-reliance on corrections does not make Texans safer.** Studies have shown that mass incarceration has marginal to zero impact on crime.⁷ What makes communities safer is education and employment, safe and stable housing, quality healthcare, restorative justice, and other community-based supports and services. We must stop wasting hard-earned taxpayer dollars and human potential on failed criminal justice policies. Texans deserve better than a "penny wise, pound foolish" approach to public safety.

That's why we are calling on you and all of Texas' leadership to SPEND YOUR VALUES on the health and welfare of your constituents and embrace opportunities to CUT YOUR LOSSES on the costly, harmful, and ineffective criminal justice system. Together, we must work to build safe, thriving Texas communities where every person has the opportunity to succeed. This will require safely shrinking the justice system, deflecting and diverting people from the cycle of system involvement as early as possible, and investing in pathways to wellness that have never been more urgently needed than right now. Given the overwhelming support that justice reform has among Texans—including the vast majority of Texas' GOP primary voters⁸—Texans deserve for this issue to be prioritized during the 2021 legislative session.

This moment is an opportunity for a top-down realignment in how our money is spent and how many of our dollars could be stretched further on the road to a future where every Texan has access to real public health and safety. The Texas Criminal Justice Coalition has been conducting extensive research on how our justice system can be transformed to save money and lives at every point of contact—including innovative, restorative alternatives to policing that will keep kids and adults from entering the justice system, sentencing and parole strategies that will reduce incarcerated populations without jeopardizing public safety, and a reentry infrastructure that can improve outcomes and reduce re-offending after release from prison or jail. We have compiled this research into a communities-first guide for Texas leadership, which we will release in November 2020.

But today, we urge you to keep justice reform on the agenda for the 2021 legislative session. If we invest in our public health and education infrastructures and prioritize the needs of communities, we can **move forward together into a vision of public safety that is fiscally responsible and morally sound.** Texans deserve better, and we are counting on your leadership to make safe, healthy Texas communities a priority now.

¹ Texas Comptroller, Twitter Post, July 20, 2020, 10:10 a.m., <https://twitter.com/txcomptroller/status/1285230617261637633>.

² "Statement on TX Comptroller's Estimate of State Budget Shortfall," Texans Care for Children, July 20, 2020, <https://txchildren.org/posts/2020/7/20/statement-on-tx-comptrollers-estimate-of-state-budget-shortfall>.

³ Kate Hamaji and Kumar Rao, et al, "Freedom to Thrive: Reimagining Safety and Security in Our Communities," *The Center for Popular Democracy*, 2017, <https://populardemocracy.org/sites/default/files/Freedom%20To%20Thrive%2C%20Higher%20Res%20Version.pdf>.

⁴ Andrea Ritchie and Beth Richie, "The Crisis of Criminalization: A Call for a Comprehensive Philanthropic Response," 2017, *Barnard Center for Research on Women*, <http://bcrw.barnard.edu/wp-content/nfs/reports/NFS9-Challenging-Criminalization-Funding-Perspectives.pdf>.

⁵ Eva DeLuna Castro and Dick Lavine, "How Texas Spends Its Money. How Texas Gets Its Money. Why It Doesn't Add Up.," February 27, 2013, *The San Antonio Report*, <https://sanantonioreport.org/how-texas-spends-its-money-how-texas-gets-its-money-why-it-doesnt-add-up/>.

⁶ "2018 Annual Survey of State Government Finances Tables," United States Census Bureau, <https://www.census.gov/data/tables/2018/econ/state/historical-tables.html>.

⁷ "Study Finds Increased Incarceration Has Marginal-to-Zero Impact on Crime," Equal Justice Initiative, August 7, 2017, <https://eji.org/news/study-finds-increased-incarceration-does-not-reduce-crime/>.

⁸ "Texas Republicans Support Key Criminal Justice Reforms," Poll Conducted by Baseline and Associates, 2018, <http://smartoncrimetexas.com/wp-content/uploads/2018/04/18554-Tx-Criminal-Justice-Survey-Memo-v2.pdf>.