

Cost-Saving & Public Safety-Driven Strategies for Texas' Criminal and Juvenile Justice Systems

2012



TEXAS CRIMINAL JUSTICE COALITION

The Texas Criminal Justice Coalition (TCJC) works with peers, policy-makers, practitioners, and community members to identify and promote smart justice policies that safely reduce the State's costly over-reliance on incarceration – creating stronger families, less taxpayer waste, and safer communities.



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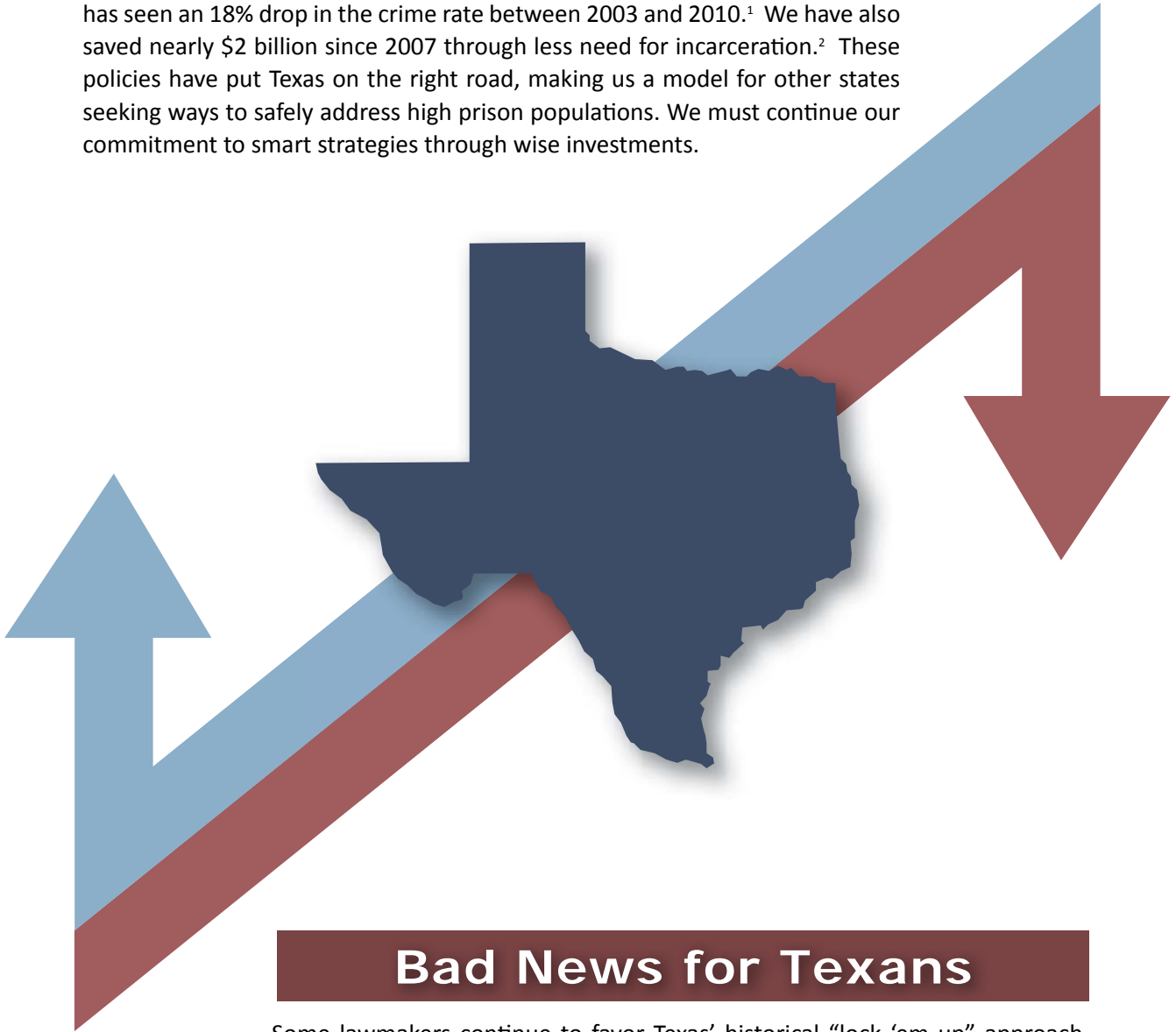
Every candidate running for legislative office in Texas must know about the critical issues impacting public safety and our state budget.

The Texas Criminal Justice Coalition seeks to provide you with the key facts you need to know to answer voter questions on criminal and juvenile justice – an issue that represents a sizeable portion of the state budget, and that impacts the public safety of communities across Texas.

Please read through this booklet so you can have the facts and solutions necessary to address the needs of your community.

Good News for Texans

When Texas' Legislature has prioritized smart-on-crime strategies, the state has experienced positive change. For instance, due in part to investments in responsible alternatives to incarceration – like probation and treatment – Texas has seen an 18% drop in the crime rate between 2003 and 2010.¹ We have also saved nearly \$2 billion since 2007 through less need for incarceration.² These policies have put Texas on the right road, making us a model for other states seeking ways to safely address high prison populations. We must continue our commitment to smart strategies through wise investments.



Bad News for Texans

Some lawmakers continue to favor Texas' historical "lock 'em up" approach, even in the face of the progress we have made with effective alternatives to incarceration. During past legislative sessions, these individuals have made shortsighted decisions to cut funding for probation, treatment, and parole. Texas cannot afford to undermine the improvements that are making communities safer and keeping more money in taxpayer wallets. When given the choice, our legislators must advance smart, responsible policies over misguided policies that fail our families and communities.

FACTS YOU NEED TO KNOW

Youth in the Justice System



- Texas has 6 state secure facilities for youth.³ At the end of 2011, almost 1,300 young Texans were confined in these facilities.⁴ With each youth costing the state \$360/day,⁵ the total comes to **\$460,800 daily**. Approximately 40% of new arrivals in FY 2011 were incarcerated for a **nonviolent** offense.⁶
- Texas has 96 county juvenile facilities, including 50 pre-adjudication and 33 post-adjudication facilities, as well as 2 holdover and 11 non-secure facilities.⁷ Approximately 5,900 youth were sent to county juvenile facilities following adjudication in 2011⁸ (costing the state \$54/youth/day⁹).
- Approximately 11,600 youth were adjudicated to probation but not placed in facilities in 2011¹⁰ (a costs of \$5-13/youth/day¹¹).
- Approximately 1,000 youth left state facilities on parole in 2011,¹² at a cost of \$23/youth/day.¹³
- 180 youth (ages 14-18) were certified as adults in 2011;¹⁴ approximately 30% were certified for a **nonviolent** offense.¹⁵

Defense, Pretrial & County Jails



- Altogether, Texas counties pay approximately 85% of the costs to provide indigent defense services to local defendants in need, while the state pays the remaining 15%¹⁶ – a heavy burden. Texas is one of only 18 states that requires counties to provide the majority of funding for such services; on the other hand, 32 states' public defense systems are either 100% state-funded (26 states) or majority state-funded (6 states).¹⁷
- On average, urban counties spend approximately 14% of their budgets on jails; rural counties spend roughly 11%.¹⁸
- Texas has 241 county jails and 5 for-profit privately operated detention facilities.¹⁹
- More than half of the men and women in Texas' county jails have not been convicted of their offense.²⁰ These 35,000 individuals are still awaiting trial. At an average cost of **\$63 per person per day**,²¹ our current system is costing taxpayers **more than \$2 million daily**.

Probation & Other Diversions



- Texas has 121 adult probation departments.²²
- Nearly 420,000 men and women are on probation (also called "community supervision") in Texas, with almost 275,000 on direct supervision (requiring face-to-face contact with a probation officer).²³ 83% of these individuals are on direct supervision for a **nonviolent** offense.²⁴ The average cost to the state to supervise a probationer is \$1.56 per day.²⁵ This is far cheaper and more effective than a prison bed (\$51/day²⁶) or jail bed (\$59/day²⁷).
- **Just 9% of the state's annual \$3 billion corrections budget goes towards probation and other diversions from incarceration²⁸ that are more effective and less expensive.**²⁹

FACTS YOU NEED TO KNOW

Prisons and State Jails

- Texas has 94 prison units.³⁰
- Texas has 20 state jail facilities, which largely house people with drug and property offenses.³¹
- Approximately 155,000 men and women are in Texas Department of Criminal Justice (TDCJ) facilities, with more than 140,000 in prison units.³² Of the entire TDCJ population, 48.5% are incarcerated for nonviolent offenses,³³ costing taxpayers **almost \$4 million per day**.³⁴
- Of those in TDCJ facilities, approximately 12,000 are in state jail.³⁵ Housing people in state jails costs the state \$43 per bed per day,³⁶ or **\$515,000 daily** for all individuals housed there.



Reentry and Parole

- Approximately 70,000 men and women are released from TDCJ annually,³⁷ while hundreds of thousands return from local jails.³⁸
- The parole system oversees the individuals who are supervised in the community after being released from confinement. On average, parole costs the state \$3.74 per person per day,³⁹ vs. \$51/day for a prison bed.⁴⁰
- **Only 6% of the state's annual \$3 billion corrections budget goes towards the parole system and the Board of Pardons and Paroles.**⁴¹
- A criminal record greatly limits a person's access to jobs, housing, services, etc.



Many issues impact public safety in Texas. In the remainder of this booklet, we have provided you with brief background information on six key juvenile and criminal justice issues, along with specific recommendations that will help you respond to the needs of voters. Together, we can put in place a more efficient and balanced justice system that will protect taxpayers' money, boost public safety, and allow us to put savings towards the unmet needs of Texans.

Youth Justice

Background & Key Facts

In 2007, following the exposure of abuse, neglect, and violence in Texas youth correctional facilities, the Legislature passed sweeping legislation to increase funding for locally based rehabilitative programs, ensure that misdemeanants are handled locally, and make other improvements to the juvenile justice process.

In 2011, largely as a cost-savings measure, the Legislature merged Texas' youth corrections and probation agencies into the new **Texas Juvenile Justice Department (TJJD)**, which has also been tasked with prioritizing the use of community- and family-based programs over the commitment of youth to secure facilities. In mid-June, three juvenile facilities were shuttered, while two others were consolidated, leaving six state secure facilities throughout Texas.⁴² As the transition process continues, we must consider whether TJJD is making an appropriate culture shift to fully engage in needed improvements, whether youth are being better rehabilitated under the new framework, and whether additional funding at the state and county levels is necessary for more effective strategies.



Cost-Saving & Public Safety-Driven Policy Recommendations

- Texas needs **real community-based programs and services for youth that work** and that are **alternatives to more costly incarceration** – both for youths' well being, as well as for long-term taxpayer savings – through adequate funding for grant allocations, technical assistance, and accountability standards to help counties develop and implement a rehabilitative infrastructure for youth.
- We must ensure that **programming and service delivery** within both state- and county-level facilities effectively address the needs of youth suffering from trauma, mental health problems, and/or substance abuse, including by encouraging family participation in youth treatment plans.
- Texas prisons are no place for youth. If necessary at all, **only the most dangerous offenses** should result in youth being sentenced to adult corrections facilities, and only after each child has attempted rehabilitation through the juvenile system.
- To prevent further abuse or neglect, the state should strengthen funding allocations for the Office of the Independent Ombudsman for TJJD for **expanded oversight authority**. Currently, the Office is operating with a \$450,000 budget for the biennium⁴³ – with allocations from the state comprising .05% of TJJD's entire budget⁴⁴ – which it uses to monitor the rights and well being of youth committed to secure state facilities, and review local probation department data on complaints made by youth. The Office should have broadened oversight over *all* youth, including the thousands of children confined in local facilities annually, and those housed in adult facilities.

Pretrial & Defense

Background & Key Facts

Right now, more than half of the men and women in our county jails have not been convicted of their offense.⁴⁵ These 35,000 individuals are still awaiting trial. Many cannot afford the bond that would allow them to return to the community prior to trial; others are not given that option by judges, **despite presenting little flight risk or posing no danger to public safety.**⁴⁶ And many defendants do not have an attorney to help them during this pretrial stage. Ultimately, county taxpayers end up footing the bill for these individuals to sit in jail. At an average cost of **\$63 per person per day,**⁴⁷ our current system is costing taxpayers **more than \$2 million daily.**

Further, many counties do not have fully operational pretrial services divisions,⁴⁸ where practitioners screen defendants, then recommend to judges whether each defendant should be released on bond before trial, or detained until trial. As a result, judges are forced to make that decision without any supporting information, leaving some individuals in jail unnecessarily, where they cannot work or help to support their families. Meanwhile, wealthier, often higher-risk, defendants are released with few obstacles.

Cost-Saving & Public Safety-Driven Policy Recommendations



- Texas needs well-funded **pretrial services divisions**, and we must encourage judges to **adhere to pretrial practitioners' recommendations** for release or detention. Ultimately, the bond decision should be based on each individual's risk of flight or recidivism, not based only on the offense allegedly committed, or money for bond.
- Texas should allow judges to use **partial cash bonds** for defendants unable to pay the full amount. Jails should house the dangerous, not the indigent.
- The state should require counsel to be present **when bond is set.**
- Texas needs an **expansion of public defender's offices**, whose attorneys can assist defendants during the pretrial process, significantly reducing the number of days between an individual's arrest and trial.
- We must fully fund the **Texas Indigent Defense Commission**, which provides grants and much-needed technical assistance to counties on issues related to defense systems and models.

Probation

Background & Key Facts

Judges have the option of sentencing certain individuals to probation instead of prison or jail. In Texas, nearly 420,000 men and women are on adult probation, each at an average cost of \$1.56 to the state per day.⁴⁹ This is far less expensive than a prison bed (\$51/day⁵⁰) or jail bed (\$59/day⁵¹). Not only does an effective probation system result in taxpayer savings, **probation is proven to be more effective than incarceration at lowering rates of re-offending** – especially when paired with rehabilitative programming⁵² – thus **boosting public safety** in the long term, and **reducing the likelihood of more victims**.

However, only 9% of the state's annual \$3 billion corrections budget goes towards probation and other diversions from incarceration,⁵³ a severe imbalance with far-reaching fiscal and public safety repercussions.

Cost-Saving & Public Safety-Driven Policy Recommendations



- Texas must continue to support probation departments by providing them with **technical assistance** to fully implement evidence-based practices, **program funding** to further increase public safety in Texas communities, and **resources** to help them cover their basic operational costs, like high health insurance expenses.
- Our decision-makers must also ensure that the **Community Justice Assistance Division** (which administers probation in Texas) has the tools to monitor and assist in the effective implementation of public safety strategies used by probation departments throughout Texas.
- The state should help Texas' 121 probation departments fully implement plans to safely reduce the number of individuals who fail their probation terms and are sent to prison, through **funding for collaborative strategies** with local stakeholders.
- Texas should authorize judges to offer **incentives to defendants to encourage them to accept a probation term** (with accompanying rehabilitative programming) rather than choosing a shorter term of incarceration, for long-term financial and public safety benefits for our communities.

Diversions & Treatment

Background & Key Facts

Diversions from incarceration include **probation** (*discussed in detail on page 8*), **deferred adjudication** (a probation-like term which, if successfully completed, leads to dismissal of the charges), **treatment programs**, and any combination thereof.

Diversions are critical to keeping prison and jail populations manageable and keeping communities strong with real treatment and solutions, rather than continuing to push people through the revolving door of prison. Texas currently has more than 150,000 men and women in prisons and state jails,⁵⁴ and approximately 65,000 in county jails at any given time.⁵⁵ Nearly 420,000 individuals are on probation⁵⁶ – but state funding for probation and other diversions keeps falling, with 85% of corrections dollars instead going toward incarceration, operations, and administration.⁵⁷ This disparity, along with the state’s over-criminalization of low-level offenses (like drug possession), has ensured that **nearly half of Texas’ adult prisons and state jails are filled with nonviolent individuals**,⁵⁸ costing taxpayers nearly \$4 million per day to house.⁵⁹

Cost-Saving & Public Safety-Driven Policy Recommendations

- The state should **strengthen investments in locally-based supervision and treatment options** to help system leadership reduce the intake of nonviolent individuals into confinement through safe alternatives.
- Texas needs **revised sentencing recommendations for drug offenses** so those suffering from substance abuse can avoid felony convictions and obtain the treatment they need to become law-abiding, self-sufficient community members.
- The state should **allow judges to place certain individuals with a first-time drug possession offense on probation and, based on the findings of an assessment, in treatment**, unless the person is a threat to public safety, or deemed not amenable to treatment. Probation with treatment costs the state an average of \$11 per person per day,⁶⁰ while more punitive options like prison (\$51/bed/day⁶¹) and jail (\$59/bed/day⁶²) are less effective in reducing the inclination towards criminal activity.⁶³
- Texas should ensure that **staff throughout the criminal justice system** – including probation and parole practitioners, as well as corrections staff – **have access to adequate and frequent training on substance abuse and mental health issues** to better meet the needs of those they supervise.



Reentry & Parole

Background & Key Facts

The vast majority of people who are incarcerated are ultimately released back into our communities.⁶⁴ That means that annually, more than 70,000 men and women are released from Texas prisons,⁶⁵ while hundreds of thousands return from local jails.⁶⁶

Programs and services **in prisons and jails** that help people become literate, learn vocational skills, and detoxify are crucial to the reentry process, but their funding continues to be cut. Similarly, programs **outside prison/jail walls**



that assist people who are reentering our communities are critical and in need of greater funding. Without them, existing restrictions and barriers to housing, employment, education, mental health services, and drug treatment will continue to force people back into crime and back into confinement. This means more victims, as well as significant taxpayer expense.

Texas simply cannot afford to put an imbalanced emphasis on locking people up while failing to support these men and women when they return to our communities. They need the **tools to live responsibly**, or they will struggle to maintain productive, self-sufficient lives, and we will continue to foot the bill when their limited options push them back into criminal behavior.

Cost-Saving & Public Safety-Driven Policy Recommendations

- The state must help to facilitate the successful transition of returning individuals to our communities, including by **designating adequate corrections funding** for in-prison AND community-based programming and services that work.
- The **parole system** oversees the men and women who are annually supervised in the community after being released from prison (at average costs of \$3.74 per person per day, vs. \$51/day for a prison bed⁶⁷). Texas needs a system with **adequate program funding**, while encouraging **wider use of best practices** – especially in case management and supervision strategies – to help these individuals safely return to the community, and stay out of costly confinement in the future. As it now stands, only 6% of the state’s annual \$3 billion corrections budget goes towards the parole system and the Board of Pardons and Paroles.⁶⁸
- We should take advantage of every opportunity to **expand housing and employment options** for returning men and women.
- Texas should advance other policy recommendations made by the **state’s Reentry Task Force** (charged with identifying gaps in services for returning individuals) and by Texas’ **leading reentry roundtables**.

Rejection of Prison & Jail Privatization

Background & Key Facts

With ongoing budget shortfalls, cuts in diversion and treatment programming, criminal penalty enhancements (which raise the penalty for existing crimes, rather than addressing the root causes of criminal behavior), and an uninformed emphasis on incarceration versus rehabilitation, prison and jail populations may grow. Some private companies are taking advantage of this opportunity to push for privatization of correctional facilities, with a long-term commitment to keep those facilities filled. These companies have an agenda that is based on their bottom line, not the best policies for Texas communities.

Indeed, evidence shows that privatization leads to **little if any real cost savings for communities**,⁶⁹ while **harming facility staff**⁷⁰ and **inmates**,⁷¹ and **undermining accountability and public oversight**. If policy-makers truly want to reduce Texas' corrections costs, they should develop cost-saving strategies on the front end. We cannot afford to wait until jails and prisons explode, only to defer to the interests of private corporations who prioritize profits over public safety for Texas communities.



Cost-Saving & Public Safety-Driven Policy Recommendations

- Texas must **reject any proposals that attempt to give away control of facilities** to private corporations.

Instead, we should focus on reducing the need for costly prison and jail beds, including through the following:

- Supporting all **pretrial, defense, probation, diversion, and treatment recommendations** outlined throughout this booklet.
- Mandating **trainings for judges and other system practitioners** on best sentencing practices and diversion options.
- **Making various low-level, nonviolent offenses non-jailable** (require fines and community service only), or **revising their value ladders** (e.g., increase dollar values set in 1993 for theft, mischief, or property offenses in light of inflation).
- Continuing to **support the Texas Commission on Jail Standards**, which helps counties ensure their jails comply with state standards, and trains staff in efforts to keep jail populations manageable.

Key Contacts

Below we have provided the names and contact information for individuals who head criminal or juvenile justice agencies, departments, or related organizations, or who have expertise in relevant areas.

Mike Griffiths, Executive Director, **Texas Juvenile Justice Department**

(512) 424-6004; Mike.Griffiths@tjjd.texas.gov

Debbie Unruh, Chief Ombudsman

Office of the Independent Ombudsman for the Texas Juvenile Justice Department

(512) 919-5162; debbie.unruh@tjjd.texas.gov

Jim Bethke, Executive Director, **Texas Indigent Defense Commission**

(512) 936-6999; jim.bethke@txcourts.gov

Brandon Wood, Incoming Director, **Texas Commission on Jail Standards**

(512) 463-5505; brandon.wood@tcjs.state.tx.us

Carey Welebob, Director, **Community Justice Assistance Division**

Texas Department of Criminal Justice

(512) 305-9300; carey.welebob@TDCJ.state.tx.us

Toby Ross, President, **Texas Probation Association**

(817) 556-6110; toby@johnsoncountytexas.org

Ronald S. Morgan, Jr., Interim Coordinator, **Texas Association of Pretrial Services**

(512) 854-4502; rmorgan@txpretrial.org

Cynthia Humphrey, Executive Director, **Texas Association of Substance Abuse Programs**

(830) 792-4541; chumphrey@kctc.com

Jeff Baldwin, Chief of Staff, **Texas Department of Criminal Justice**

(512) 463-9988; jeff.baldwin@tdcj.state.tx.us

Rissie Owens, Presiding Officer, **Texas Board of Pardons and Paroles**

(936) 291-2161; rissie.owens@tdcj.state.tx.us

Jeri Houchins, Administrative Director, **Austin/Travis County Reentry Roundtable**

(512) 873-4959; jeriJeanw@gmail.com

Allen Castro, Ph.D., **Bexar County Re-Entry Roundtable** [also: Grants Manager, Bexar County Department of Budget & Grant Management]

(210) 335-0744; acastro@bexar.org

Donald Lee, Executive Director, **Texas Conference of Urban Counties**

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Lori Nicholes, Legislative Liaison, **Texas Association of Counties**

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TCJC Projects and Resources

PROJECTS

The Texas Criminal Justice Coalition's website offers in-depth information on key criminal justice issues, recommendations for improvements to policies and practices, basic facts, TCJC publications, outside resources, and issue experts. At www.TexasCJC.org, you can learn more about our core projects and resources:

- **Solutions for Youth Justice:** *Promoting Avenues to Success for Troubled Youth and Their Families*
- **Solutions for Pretrial, Defense & Innocence:** *Supporting a Strengthened Pretrial System, Improved Indigent Defense Practices, and Fair Court and Conviction Practices*
- **Solutions for Safely Reducing Incarceration:** *Advancing Proven and Cost-Efficient Strategies that Responsibly Address Texas' Ineffective Over-Reliance on Incarceration*
- **Solutions for Confinement and Reentry:** *Advocating for Best Practices in Corrections, and Promoting Tools for Previously Incarcerated Individuals to Live Responsibly and Remain Law-Abiding*

RESOURCES

- **Texas County Resources**

This page includes a one-stop, searchable shop for information about county-level programs and services throughout Texas that can assist system-involved individuals, practitioners, policy-makers responding to constituent calls, and others.

We also offer information on state-based organizations and resources that can assist community members and local practitioners in identifying local services and programs; TCJC publications and features on innovative criminal justice programs/strategies in particular counties; and county data sheets.

- **Public Policy Center**

This page includes legislative and budget-related information, with policy guides, information on past legislative sessions (policies, testimony, fact sheets), post-session wrap-ups, policy implementation guides, recent interim charges, and the ongoing Sunset review of Texas' criminal justice agencies.

- **Tools for System-Involved Youth**

This page includes resources to assist system-involved youth and their loved ones as they navigate through the juvenile justice system.

- **Tools for System-Involved Adults**

This page includes resources to assist system-involved individuals and their loved ones as they navigate through the criminal justice system.

Endnotes

- ¹ Federal Bureau of Investigation, *Uniform Crime Reports*, U.S. Department of Justice; accessible at <http://www.ucrdatatool.gov/Search/Crime/State/StatebyState.cfm>; see Texas' violent and property crime rates for 2003 and 2010.
- ² The Pew Center on the States, "Issue Brief: Prison Count 2010," Revised April 2010, pp. 3-4: "In January 2007, Texas faced a projected prison population increase of up to 17,000 inmates in just five years. Rather than spend nearly \$2 billion on new prison construction and operations to accommodate this growth, policy makers reinvested a fraction of this amount – \$241 million – in a network of residential and community-based treatment and diversion programs. This strategy has greatly expanded sentencing options for new offenses and sanctioning options for probation violators. Texas also increased its parole grant rate and shortened probation terms. As a result, this strong law-and-order state not only prevented the large projected population increase but reduced its prison population over the three years since the reforms were passed."
- ³ Texas Juvenile Justice Department (TJJD), *TJJD Facilities Address List*, "Institutions"; available at <http://www.tjtd.texas.gov/aboutus/facilities.aspx>.
- ⁴ Legislative Budget Board, "Current Correctional Population Indicators: Adult and Juvenile Correctional Populations Monthly Report," p. 262; actual number of youth in institutions is 1,280 as of the end of December, 2011; available at http://www.lbb.state.tx.us/PubSafety_CrimJustice/2_Current_Corr_Pop_Indicators/MonthlyReport.pdf ["Residential Populations: Institutions"].
- ⁵ Legislative Budget Board (LBB), "Criminal Justice Uniform Cost Report, Fiscal Years 2008-2010," Submitted to the 82nd Texas Legislature, January 2011, p. 17; FY 2010 costs per day per youth at state-operated facilities total \$359.58.
- ⁶ Texas Juvenile Justice Department, *Who are TJJD Offenders?*; available at http://www.tjtd.texas.gov/research/youth_stats.aspx ["In fiscal year 2011 (9/10 – 8/11), 60% of new admissions had committed violent offenses."]
- ⁷ Texas Juvenile Justice Department, *Registered Juvenile Facilities in Texas*; accessible at <http://www.tjtd.texas.gov/publications/other/searchfacilityregistry.aspx>.
- ⁸ Texas Juvenile Probation Commission (TJPC), "Annual Report to the Governor and Legislative Budget Board: Juvenile Probation Appropriations, Riders and Special Diversion Programs," December 2011, p. 15.
- ⁹ LBB, *Criminal Justice Uniform Cost Report*, p. 22; 2010 costs per day per youth at post-adjudication facilities total \$54.05.
- ¹⁰ TJPC, *Annual Report to the Governor*, pp. 11, 15. This figure was calculated by subtracting the number of youth in secure (3,092) and non-secure (2,772) post-adjudication residential placements (p. 15) from the number of "Juveniles [17,469] starting Probation Supervision" (p. 11), for a total of 11,605.
- ¹¹ LBB, *Criminal Justice Uniform Cost Report*, p. 20; FY 2010 costs per day per youth for basic supervision total \$4.96 in state costs, while 2010 costs per day per youth for intensive supervision total \$12.64 in state costs.
- ¹² Jessica Gonzalez, Data Coordinator for the Texas Juvenile Justice Department, in phone communication with Jennifer Carreon, Juvenile Justice Initiative Researcher for TCJC, on April 25, 2012. This number is an aggregated count of the number youth put on parole in FY2011; it is possible that one youth may have been counted twice if he or she was revoked and re-released following the initial placement on parole.
- ¹³ LBB, *Criminal Justice Uniform Cost Report*, p. 17; FY 2010 costs per day per youth for parole supervision total \$54.05 in state costs.
- ¹⁴ Legislative Budget Board, "Trends Related to the Certification of Juveniles as Adults," Prepared for the Texas House of Representatives Corrections Committee, 82nd Legislative Session – Interim, March 6, 2012, slide 3; available at www.lbb.state.tx.us/PubSafety_CrimJustice/9_Other/LBB_CorrectionsCommittee_Certification_Presentation_03.06.12.pdf.
- ¹⁵ *Ibid.*, slide 4.
- ¹⁶ "Overview," 2010, p. 2; available at <http://www.courts.state.tx.us/tfid/ebookhousecrim051310/Overview.pdf> ["Texas Expenditures"]: "In FY 2009 county indigent defense expenses totaled \$186,382,932." See also: "The state provided funding for \$28,453,983" (15% of expenditures).
- ¹⁷ *Ibid.*, p. 5.
- ¹⁸ Brandon Wood, Assistant Director of the Texas Commission on Jail Standards (TCJS) and Diana Spiller, Research Specialist for TCJS, in email correspondence to Sarah V. Carswell, Policy Researcher for TCJC, November 30, 2011. *Data available upon request.*

¹⁹ Brandon Wood, Assistant Director of the Texas Commission on Jail Standards (TCJS), in email correspondence to Sarah V. Carswell, Policy Researcher for TCJC, April 19, 2012.

²⁰ Texas Commission on Jail Standards (TCJS), "Texas County Jail Population," March 1, 2012; see pretrial data across categories, totaling 35,093 of 63,096 inmates (56%).

²¹ Brandon Wood, Assistant Director of TCJS, and Diana Spiller, Research Specialist for TCJS, in email correspondence to Sarah V. Carswell, Policy Researcher for TCJC, November 30, 2011. *Data available upon request.*

²² Texas Department of Criminal Justice, "Community Supervision & Corrections Department Directory For the State of Texas;" available at www.tdcj.state.tx.us/documents/CSCD_directory.pdf.

²³ Texas Department of Criminal Justice (TDCJ), "Statistical Report, Fiscal Year 2010," p. 6.

²⁴ *Ibid.*, totaling Property Offense, Drug Offense, DWI/DUI, and "Other" data for individuals on direct supervision.

²⁵ LBB, *Criminal Justice Uniform Cost Report*, pp. 11-12, 37-38; \$1.56 calculated using average number of offenders by program and cost of each program.

²⁶ LBB, *Criminal Justice Uniform Cost Report*, p. 20; FY 2010 system-wide costs per day per bed total \$50.79.

²⁷ Brandon Wood, Assistant Director of the Texas Commission on Jail Standards, in presentation at American Bar Association, Criminal Justice Section, Roundtable on Pretrial Detention in Texas, held in Austin, Texas, March 30, 2012.

²⁸ Texas Department of Criminal Justice (TDCJ), "Agency Operating Budget 2012," Prepared for the Texas Board of Criminal Justice, August 2011, pp. 4, 5; available at http://www.tdcj.state.tx.us/documents/finance/Agency_Operating_Budget_FY2012.pdf.

"Prison Diversions" total \$277,236,527 (9%) and include basic supervision, diversion programs, community corrections, and treatment alternatives to incarceration.

²⁹ Treatment programs combined with community supervision cost nearly five times less than incarceration. According to the Legislative Budget Board, Texas spends an average of \$18,538 per year on each inmate, while community supervision along with drug treatment programs cost an average of \$3,909 per client per year. Data from: LBB, *Criminal Justice Uniform Cost Report*, pp. 6, 11, 12 (using FY 2010 system-wide costs per day per bed of \$50.79; and FY 2010 costs per day per individual for basic supervision of \$1.30, plus state costs-per-day for non-residential substance abuse treatment programs of \$9.41 [equaling \$10.71]). Also note: Treatment combined with cognitive skills programming can decrease criminal behavior by 44%, while incarceration can increase an individual's inclination towards criminal activity by .07%; from: Judge Marion F. Edwards, "Reduce Recidivism in DUI Offenders: Add a Cognitive-Behavioral Program Component," 2006, p. 3.

³⁰ Texas Department of Criminal Justice, "Unit Directory"; available at http://www.tdcj.state.tx.us/unit_directory/index.html; this figure excludes Intermediate Sanction Facilities (ISFs) because they confine individuals under parole supervision and not individuals under TDCJ supervision.

³¹ *Ibid.*

³² Texas Department of Criminal Justice (TDCJ), "Self Evaluation Report," Submitted to the Texas Sunset Advisory Commission, August 2011, p. 54; statistical figures as of May 2011.

³³ *Ibid.*, pp. 54-55.

³⁴ *Ibid.*, p. 54, and LBB, *Criminal Justice Uniform Cost Report*, p. 6, using FY 2010 costs-per-day, per bed (System-wide, State Jails, and Substance Abuse Felony Punishment Facilities) for nonviolent populations, by category.

³⁵ TDCJ, *Self Evaluation Report*, p. 54.

³⁶ LBB, *Criminal Justice Uniform Cost Report*, p. 6; FY 2010 costs per day per bed at a state jail total \$43.03.

³⁷ TDCJ, *Statistical Report*, p. 3.

³⁸ Texas Department of Criminal Justice (TDCJ), "H.B. 1711 Implementation Report," Submitted to Governor, Lieutenant Governor, Speaker of the House, Senate Criminal Justice & House Corrections Committees, September 1, 2010, p. 4: "One million plus offenders are processed in local jails on an annual basis."

³⁹ LBB, *Criminal Justice Uniform Cost Report*, p. 10; FY 2010 costs per day per individual for active supervision total \$3.74.

⁴⁰ LBB, *Criminal Justice Uniform Cost Report*, p. 20; FY 2010 system-wide costs per day per bed total \$50.79.

⁴¹ TDCJ, *Agency Operating Budget 2012*, pp. 4, 5; available at

http://www.tdcj.state.tx.us/documents/finance/Agency_Operating_Budget_FY2012.pdf; "Board of Pardons and Paroles" totals \$25,398,010 (1%), while "Operate Parole System" totals \$155,561,513 (5%); these include revocation processing, parole release processing, parole supervision, halfway house facilities, and Intermediate Sanction Facilities. and includes basic supervision, diversion programs, community corrections, and treatment alternatives to incarceration.

⁴² TJJJ, *TJJJ Facilities Address List, "Institutions"*; available at <http://www.tjjd.texas.gov/aboutus/facilities.aspx>.

⁴³ Debbie Unruh, Chief Ombudsman, Office of the Independent Ombudsman for the Texas Juvenile Justice Department, in phone communication with Jennifer Carreon, Juvenile Justice Initiative Researcher for TCJC, April 24, 2012. This figure includes \$300,000 provided by the Legislature, plus a \$150,000 state-funded grant awarded by the Governor Criminal Justice Division Office, for 2012-2013.

⁴⁴ TJJJ was allocated \$663,951,834 over the biennium, as per the internal document "Appropriations to Texas Juvenile Justice Agencies for the 2012-2013 Biennium," presented to the TJJJ Transition Team on October 27, 2011; as discussed in note 46, the Office of the Independent Ombudsman was allocated \$300,000, or .05%.

⁴⁵ TCJS, *Texas County Jail Population*.

⁴⁶ For example, Harris County judges released 5.3% of felony and misdemeanor defendants on personal bond during Fiscal Year 2008-9; out of 102,949 total defendants, only 5,416 were released on personal bond. Yet almost 15,000 defendants who underwent pre-trial interviews were deemed low-risk in 2008. Data from "Harris County Personal Bond Release Statistics: State Fiscal Year (September to August)," compiled for the Office of Court Administration using data from Harris County Pretrial Services Monthly Reports, September 2004 – August 2009 [Note: The number of defendants released on personal bond includes those whose cases are not in the pretrial stage, including motions to revoke probation, motions to adjudicate, and cases on appeal]. See also: Lise Olsen, "Thousands languish in crowded jail: Inmates can stay locked up more than a year waiting for trial in low-level crimes," *Houston Chronicle*, August 23, 2009.

⁴⁷ Brandon Wood, Assistant Director of TCJS, and Diana Spiller, Research Specialist for TCJS, in email correspondence to Sarah V. Carswell, Policy Researcher for TCJC, November 30, 2011. *Data available upon request.*

⁴⁸ In February 2012, the Texas Criminal Justice Coalition contacted Texas' Community Supervision & Corrections Department (CSCD) directors to identify divisions or individuals currently providing pretrial functions in their counties. We identified some operational pretrial services divisions, but many more respondents noted they provide components of pretrial functions, with services ranging from conducting risk assessments or pretrial interviews to making recommendations for release or providing supervision of pretrial defendants.

⁴⁹ LBB, *Criminal Justice Uniform Cost Report*, pp. 11-12, 37-38; \$1.56 calculated using average number of offenders by program and cost of each program.

⁵⁰ *Ibid.*, p. 20; FY 2010 system-wide costs per day per bed total \$50.79.

⁵¹ Brandon Wood, Assistant Director of the Texas Commission on Jail Standards, *presentation at Roundtable on Pretrial Detention in Texas*.

⁵² The Pew Center on the States, "One in 31: The Long Reach of American Corrections," March 2009, p. 24: "The implementation of evidence-based practices [in community supervision] results in an average decrease in crime of between 10 percent and 20 percent, whereas programs that are not evidence-based tend to see no decrease and even a slight increase in crime. Interventions that follow all evidence-based practices can achieve recidivism reductions of 30 percent." See also: "Moderate and high risk offenders should have an individual case plan based on their risk assessment, and they should be assigned to programs targeting their unique behaviors and needs."

⁵³ TDCJ, *Agency Operating Budget 2012*, pp. 4, 5; available at http://www.tdcj.state.tx.us/documents/finance/Agency_Operating_Budget_FY2012.pdf;

"Prison Diversions" total \$277,236,527 (9%) and include basic supervision, diversion programs, community corrections, and treatment alternatives to incarceration.

⁵⁴ TDCJ, *Self Evaluation Report*, p. 54.

⁵⁵ TCJS, *Texas County Jail Population*.

⁵⁶ TDCJ, *Statistical Report*, p. 6.

⁵⁷ TDCJ, *Agency Operating Budget 2012*, pp. 4, 5; available at http://www.tdcj.state.tx.us/documents/finance/Agency_Operating_Budget_FY2012.pdf;

"Prison Diversions" total \$277,236,527 (9%), while the "Board of Pardons and Paroles" and "Operate Parole System" total \$180,959,523 (6%), leaving the remainder going towards incarceration, operations, and administration.

⁵⁸ TDCJ, *Self Evaluation Report*, pp. 54-55.

⁵⁹ *Ibid.*, p. 54, and LBB, *Criminal Justice Uniform Cost Report*, p. 6, using FY 2010 costs-per-day, per bed (System-wide, State Jails, and Substance Abuse Felony Punishment Facilities) for nonviolent populations, by category.

⁶⁰ LBB, *Criminal Justice Uniform Cost Report*, pp. 11, 12; see FY 2010 costs per day per individual for basic supervision of \$1.30, plus state costs-per-day for non-residential substance abuse treatment programs of \$9.41 [equaling \$10.71].

⁶¹ *Ibid.*, p. 20; FY 2010 system-wide costs per day per bed total \$50.79.

⁶² Brandon Wood, Assistant Director of the Texas Commission on Jail Standards, *presentation at Roundtable on Pretrial Detention in Texas*.

⁶³ Treatment combined with cognitive skills programming can decrease criminal behavior by 44%, while incarceration can increase an individual's inclination towards criminal activity by .07%; from: Judge Marion F. Edwards, "Reduce Recidivism in DUI Offenders: Add a Cognitive-Behavioral Program Component," 2006, p. 3.

⁶⁴ Reentry Policy Council, *Understanding Reentry*, "How and When Individuals Reenter the Community from Prison or Jail," Council of State Governments Justice Center; available at http://reentrypolicy.org/understanding_reentry: "[N]early everyone admitted to a correctional facility returns to the community at some point."

⁶⁵ TDCJ, *Statistical Report*, p. 3

⁶⁶ TDCJ, *H.B. 1711 Implementation Report*, p. 4: "One million plus offenders are processed in local jails on an annual basis."

⁶⁷ LBB, *Criminal Justice Uniform Cost Report*, p. 20; FY 2010 costs per day per individual for active supervision total \$3.74, while 2010 system-wide costs per day per bed total \$50.79.

⁶⁸ TDCJ, *Agency Operating Budget 2012*, pp. 4, 5; available at

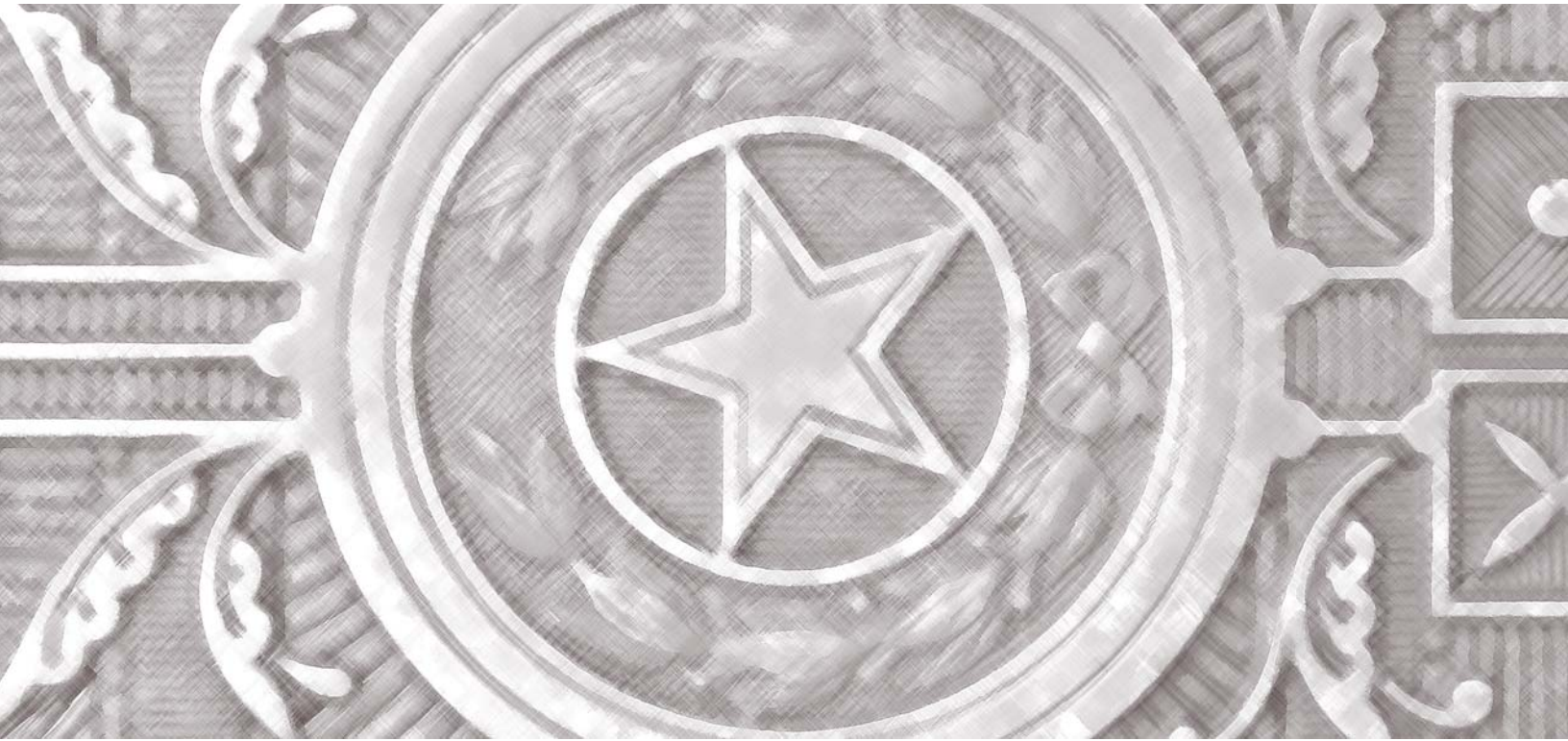
http://www.tdcj.state.tx.us/documents/finance/Agency_Operating_Budget_FY2012.pdf; "Board of Pardons and Paroles" totals \$25,398,010 (1%), while "Operate Parole System" totals \$155,561,513 (5%); these include revocation processing, parole release processing, parole supervision, halfway house facilities, and Intermediate Sanction Facilities and includes basic supervision, diversion programs, community corrections, and treatment alternatives to incarceration.

⁶⁹ Bureau of Justice Assistance, "Emerging Issues on Privatized Prisons," United States Department of Justice, 2001, p. iii; available at <http://www.ncjrs.gov/pdffiles1/bja/181249.pdf>: "[T]he average saving from privatization was only about 1 percent, and most of that was achieved through lower labor costs." See also: United States General Accounting Office,

"Private and Public Prisons: Studies Comparing Operational Costs and/or Quality of Service," p. 3; available at <http://gao.gov/archive/1996/gg96158.pdf>: Regarding an analysis of 5 studies, "these studies do not offer substantial evidence that savings have occurred." Lastly, see Brad W. Lundahl et al., "Prison Privatization: A Meta-Analysis of Cost and Quality of Confinement Indicators," in *Research on Social Work Practice*, 19, no. 4, July 2009: "[C]ost savings from privatizing prisons are not guaranteed and appear minimal."

⁷⁰ Judith Green, "Lack of Correctional Services," in *Capital Punishment: Prison Privatization and Human Rights*, eds. Andrew Coyle and others, 2003; argues that private prisons have higher employee turnover rates, due to lower wages, lower levels of training, and higher risks.

⁷¹ Since 1996, there have been at least 145 recorded private prison scandals in Texas' adult facilities alone, including abuse of inmates, guards smuggling contraband, and multiple sexual assault cases. See Grassroots Leadership and South Texans Opposing Private Prisons, *Considering a Private Jail, Prison, or Detention Facility? A Resource Packet for Public Officials*; available at http://www.grassrootsleadership.org/_publications/CPJ_Second_Ed.pdf. See also: Private Corrections Working Group, *Texas Hall of Shame*; available at <http://www.privateci.org/texas.htm>. Finally, see: Texas Prison Bid'ness, *Texas Private Prisons Map*, <http://www.texasprisonbidness.org/map>.



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