Justice Reinvestment: The Challenges Ahead

Dr. Tony Fabelo

Austin, Texas

Texas Association of Counties, August 2007
POLICIES MAIN DRIVER OF DEMAND FOR PRISON BEDS

JUSTICE REINVESTMENT POLICIES MAY REDUCE DEMAND

CHALLENGE IS TO IMPLEMENT AND SUSTAIN PROGRAM INFRASTRUCTURE
Projected Prison Bed Shortfall at Beginning of Legislative Session in January 2007


Source: Legislative Budget Board, June 06 and January 07, Adult and Juvenile Correctional Population Projections
Prison Population Expansion Has Outpaced State Population Growth

TDCJ Population, 1985-2006

Incarceration Rate per 100,000

State Resident Population
1980-2005: +61%
TDCJ Population
1985-2006: +310%
Incarceration Rate
1985-2006: +205%

# Prison System Operating with Critical Correctional Officer Shortages

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correctional Officers Approved Positions</td>
<td>26,311</td>
</tr>
<tr>
<td>Positions Filled as of July 2007</td>
<td>22,647</td>
</tr>
<tr>
<td>Vacancies</td>
<td>3,664 (14%)</td>
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<tr>
<td>32 prison units operating with higher than average vacancy rates</td>
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<tr>
<td>Overtime produces the equivalent of about 600 FTEs annually</td>
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Source: LBB data sheets, July 07
Correctional Officer Vacancies Have Increased with the Expansion of the TDCJ Population

![Graph showing the increase in TDCJ population and vacancies.](source: LBB data sheets, July 07)
### Policies Are Main Driver of Prison Population Growth

- **Low parole rates**
- **Shortage of probation and parole alternative sanctions and prison treatment programs**
- Drug Addicts
- Mentally Ill Persons
- Unemployed Persons
- Poor service delivery systems for prevention and re-entry services and failing schools in high stakes neighborhoods
Low Parole Approval Rates a Key Policy Driving Growth

88,000 inmates are eligible for discretionary release in prison or 66% of the prison population.

55% of those eligible have a “non-violent” offense of record.

Parole Approval Rates, 1990-2006

78% “Revolving Door”

17% “Shut Down”

31% Minimum under Guidelines

26%
Lack of Probation Alternative Programs to Reduce Revocation Another Key Factor

Parole Revocations
- Technical: 19%
- New Conviction: 9%
- New Offense Pending or Alleged: 72%

Probation Revocations
- Technical: 54%
- New Conviction: 18%
- New Offense Pending or Alleged: 28%

ISF Beds = 1,793
1 per 42 parolees

ISF Beds = 439
1 per 544 probationers

Source: Board of Pardons and Parole Annual Report; TDCJ, CJAD Statistical tables
50% of Former Prisoners Return to Neighborhoods That Account for Only 15% of the City’s Adult Population

Ten of Houston’s 88 Neighborhoods Account for Almost $100 million a Year in Prison Expenditures
POLICIES MAIN DRIVER OF DEMAND FOR PRISON BEDS

JUSTICE REINVESTMENT POLICIES MAY REDUCE DEMAND

CHALLENGE IS TO IMPLEMENT AND SUSTAIN PROGRAM INFRASTRUCTURE
Whitmire/Madden Plan Adds Capacity to Alternative Sanction System

Diversion/Treatment Plans
New Beds / New Program Slots

Probation/Parole Capacity
4,000 beds / 3,000 slots

In-Prison Therapeutic Treatment
500 beds / 1,000 slots

Other Program Capacity
2,700 slots

Other Capacity Adjustments
1,200 beds
Program and Alternative Capacity (cont.)

Probation Programs

- Probation Residential Treatment
  Present Capacity: 2,045
  800 beds $32.2M

- Probation Intermediate Sanction Facilities
  Present Capacity: 439
  700 beds $17.0M

- Substance Abuse Felony Punishments
  (Mainly in lieu of revocation)
  Present Capacity: 3,250
  1,500 beds $63.1M

- Probation Outpatient Treatment
  Present Capacity: 3,563
  3,000 slots $10.0M

Institutional Programs

- Transfer Two TYC Units
  1,200 beds $15.8M

- In-Prison Therapeutic Treatment
  Present Capacity: 537 beds/slots
  1,000 slots $21.7M

- DWI Treatment Facility
  No Current Capacity
  500 beds $22.2M

- State Jail Therapeutic Treatment
  No Current Capacity
  1,200 slots $5.8M

Parole & Re-entry Programs

- Halfway Houses
  Present Capacity: 1,199
  300 beds $5.6M

- Parole Intermediate Sanction Facilities
  Present Capacity: 1,802
  700 beds $11.7M

- Mental Health Pre-Trial Diversion
  1,500 slots $10.0M
# Cost of Plan in Comparison with Original TDCJ Request

<table>
<thead>
<tr>
<th>Category</th>
<th>TDCJ Request</th>
<th>Whitmire/Madden Plan</th>
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</thead>
<tbody>
<tr>
<td><strong>Probation/Parole Capacity</strong></td>
<td>$28,135,448 650 beds</td>
<td>$129,734,638</td>
</tr>
<tr>
<td>• Probation Residential Treatment</td>
<td>800 new beds</td>
<td></td>
</tr>
<tr>
<td>• Substance Abuse Felony Punishments</td>
<td>1,500 new beds</td>
<td></td>
</tr>
<tr>
<td>• Parole Halfway Houses</td>
<td>300 new beds</td>
<td></td>
</tr>
<tr>
<td>• Intermediate Sanction Facilities</td>
<td>1,400 new beds</td>
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<tr>
<td><strong>In-Prison Treatment</strong></td>
<td>$20,154,609 700 beds</td>
<td>$43,951,050</td>
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<tr>
<td>• In-Prison Therapeutic Treatment</td>
<td>1,000 beds/slots</td>
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</tr>
<tr>
<td>• DWI Treatment and Operational Cost</td>
<td>500 beds/new center</td>
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<tr>
<td><strong>Other Program Capacity</strong></td>
<td>$48,436,000</td>
<td>$25,800,000</td>
</tr>
<tr>
<td>• Mental Health Pre-Trial Diversion Services</td>
<td>1,500 new clients per year</td>
<td></td>
</tr>
<tr>
<td>• Probation Outpatient Treatment Programs &amp; Probation Funding Formula</td>
<td>3,000 new clients per year</td>
<td></td>
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<tr>
<td>• State Jail Therapeutic Treatment</td>
<td>1,200 offenders</td>
<td></td>
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<tr>
<td><strong>Other Plan Costs</strong></td>
<td>($1,369,392)</td>
<td>$15,891,698</td>
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<tr>
<td>• Transfer of TYC Units and Operational Cost</td>
<td>1,200 beds</td>
<td></td>
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<tr>
<td>• Additional Probation/Parole Funding Formula</td>
<td>$25,666,063</td>
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<tr>
<td><strong>SUB-TOTAL</strong></td>
<td><strong>$95,356,665</strong></td>
<td><strong>$241,043,449</strong></td>
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(items related to Whitmire/Madden plan)
### Overall Plan Produced Savings of Millions of Dollars

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<thead>
<tr>
<th></th>
<th>TDCJ Request</th>
<th>Whitmire/Madden Plan</th>
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<tbody>
<tr>
<td><strong>Prison Expansion &amp; Contracted Capacity</strong></td>
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<tr>
<td>Temporary Contracted Capacity for Backlog Governor's Veto</td>
<td>$184,485,360</td>
<td>$66,089,360</td>
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<td>-$29,249,240</td>
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<tr>
<td>Debt Service for New Prisons</td>
<td>$55,840,099</td>
<td>$4,916,438</td>
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<td>4,080 beds</td>
<td>3,990 beds</td>
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<tr>
<td>Other Operational Cost Above Baseline Governor's Veto</td>
<td>$187,359,311</td>
<td>$184,907,557</td>
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<td>-$10,918,309</td>
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<tr>
<td><strong>TOTAL FY2008-2009 OPERATIONAL COSTS ABOVE Baseline</strong></td>
<td>$523,041,435</td>
<td>$456,789,255</td>
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<tr>
<td>Bonds for New Prisons</td>
<td>$377,700,000</td>
<td>$233,400,000</td>
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<td>(if need arise, pending approval)</td>
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<tr>
<td><strong>TOTAL INCLUDING NEW PRISONS</strong></td>
<td>$900,741,435</td>
<td>$690,189,255</td>
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<tr>
<td>Averted Costs in Comparison to TDCJ Request for Appropriations</td>
<td>-</td>
<td>$210,552,180</td>
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<td></td>
<td></td>
<td>(if new prisons are approved)</td>
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<td>$443,952,180</td>
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<td>(if new prisons are not approved)</td>
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Additional Attempt at Addressing Early Interventions with New Resources

SB 156 by Shapiro and Madden
$5.8 million in FY 09 to intervene with 2,000 families in high risk neighborhoods

Positive Program Effects Found in First Trial at Child Age 15:

Benefits to Children
- 48% reduction in child abuse and neglect
- 59% reduction in arrests
- 90% reduction in adjudications as PINS (person in need of supervision) for incorrigible behavior

Benefits to Mothers
- 61% fewer arrests
- 72% fewer convictions
- 98% fewer days in jail
Plan Eliminates Backlog Assuming Effective Implementation

Projected Prison Backlog Under Different Policy Scenarios, LBB Projections

- **Status Quo, January Projection**
- **TDCJ Request for Appropriations Scenario**
- **Adopted Whitmire/Madden Plan**

Source: Legislative Budget Board
POLICIES MAIN DRIVER OF DEMAND FOR PRISON BEDS

JUSTICE REINVESTMENT POLICIES MAY REDUCE DEMAND

CHALLENGE IS TO IMPLEMENT AND SUSTAIN PROGRAM INFRASTRUCTURE
Need Strategy to Promote Program Effectiveness

- Oversight to Identify Infrastructure Weaknesses
- Invest in Strengthening Program Development and Accountability
- Quickly Measure Early Effectiveness Indicators
- Target Funding Enhancements in Key Program Areas
- Hold Administrator Accountable for Best Practices

- Explosion of Program Resources
Challenge of Program Implementation in a Nutshell

1. Program protocols effectively identify “swingers”

2. Program protocols effectively mix “treatment” “control” and “incentives”

Some Do OK “No Matter What”

Some “Swingers” “It Matters What”

Some NOT Do OK “No Matter What”

May Do OK

May Not Do OK

3. Program infrastructure and staff meets quality indicators

4. Community collaboration and partners reduce barriers to success
Travis County Probation Reform

http://www.co.travis.tx.us/community_supervision/TCIS_Initiative.asp

Adult Probation (CSCD)

Travis Community Impact Supervision (TCIS) Initiative

The Travis County Adult Probation Department has teamed up with The JFA Institute in a two-year effort to reengineer the operations of the department to support more evidence-based supervision strategies. The goal is to strengthen probation using an evidence-based practices (EBP) model. This realignment strategy is called the Travis Community Impact Supervision (TCIS).

Justice System Practices that Work Conference - June 29, 2006

- Conference Agenda
- Ed Latessa Presentation
- Eric Cadora Mapping Presentation (Powerpoint, 12 Mb)
  - Eric Cadora Mapping Presentation (PDF, 2 Mb)
- Dr. Geraldine Nagy and Dr. Tony Fabelo Presentation

Reports
- TCIS Progress Report
- Incubator I
- Incubator II
- Incubator III
- Incubator IV
- Incubator V
- Incubator VI
- Incubator VII
- Incubator VIII
- Incubator IX
Thank You

www.justicecenter.csg.org