

# Briefing to Texas State Officials

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## Texas Justice Reinvestment: Outcomes, Challenges and Policy Options to Consider

March 2011

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Director of Research



# Outline

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## Justice Reinvestment

- Texas 2007 Legislative Initiatives as Model for Nation

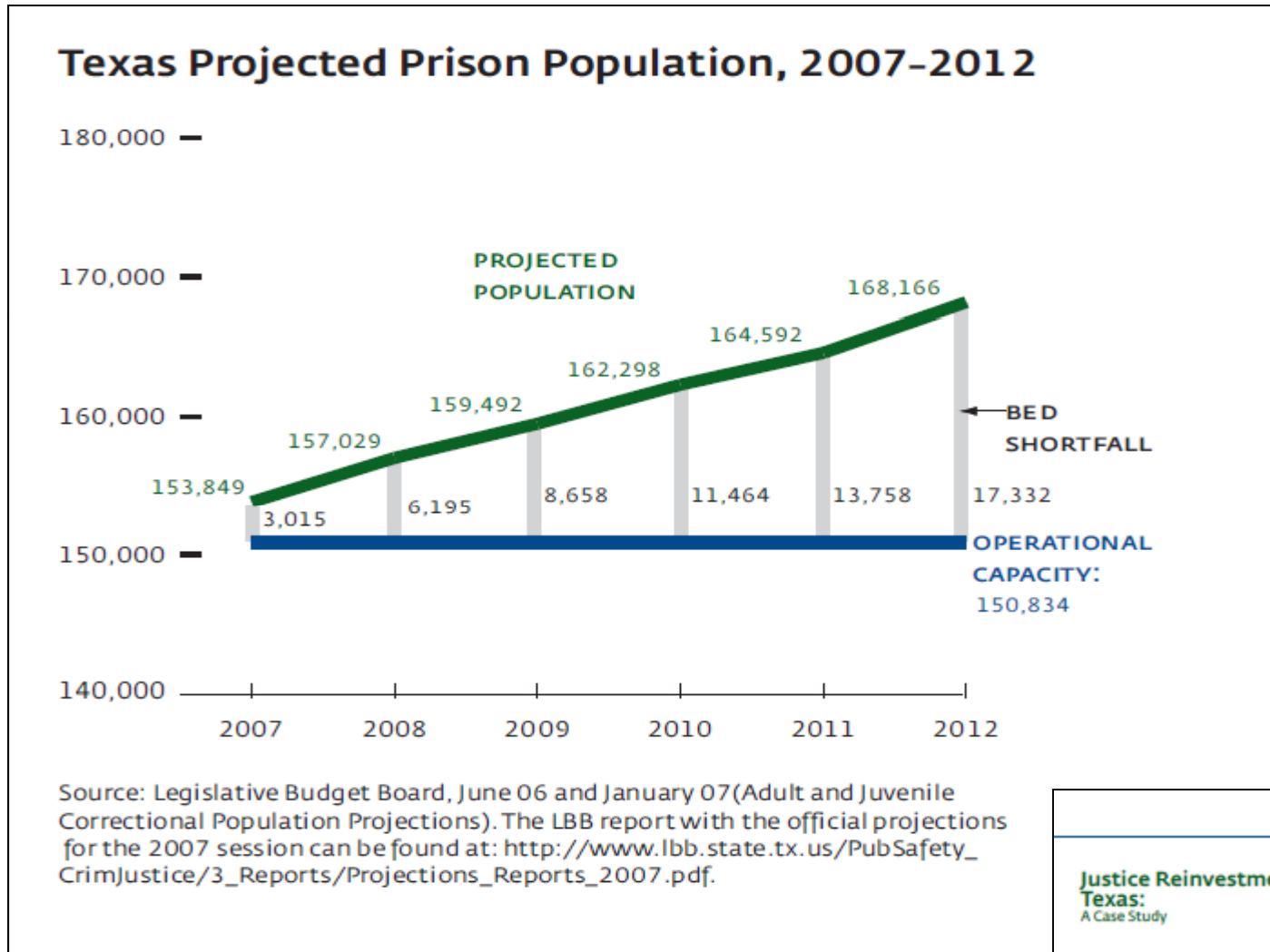
## Outcomes

- Costs Down, Public Safety Up

## Challenges in 2011

- Need Plan to Address Challenges

# Texas Challenge in Legislative Session of 2007



# Growth in 2007 Was Driven Mainly by Impact of Policies Not Increases in Crime or State Population

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## Growth in Probation Revocations

17% increase in probation revocations between 1997 and 2006 and fewer people being placed on probation during that period



## Program Waiting Lists Backlogging Prison Releases

Over 2,000 state prisoners eligible for releases pending availability of space in community-based and in-prison treatment programs



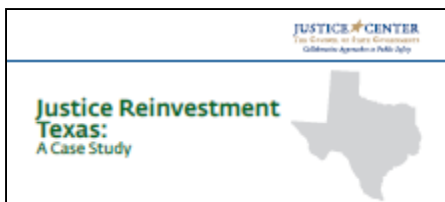
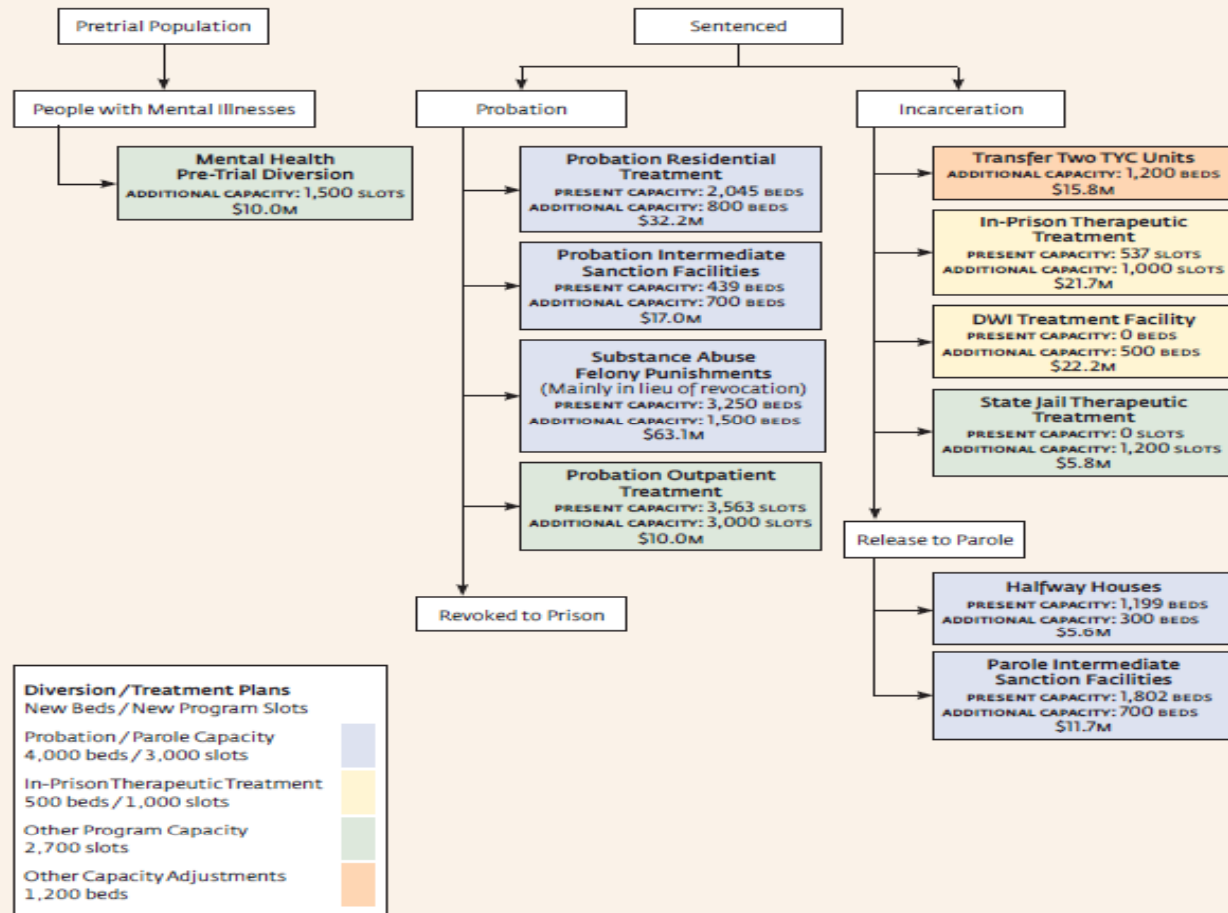
## Parole Board Not Meeting its Guidelines

Actual parole rates for low-risk offenders were not met by the parole board reducing prison releases by over 2,000 inmates

# Expansion of Community Sanctions and Treatment Options Directed at Averting Projected Growth

## Elements of Adopted Diversion/Treatment Plans Organized by Key Events in the Criminal Justice System

Note: The diagram below does not represent the existing programs, facilities, or strategies that affect criminal justice populations other than those that are identified in the legislative plans to manage the growth of the prison population.



# Averted Costs of Almost One-Half Billion Dollars as Result of "Justice Reinvestment" Policies

Comparison of Requested New Funding (Exceptional Items) in Texas Department of Criminal Justice Original Request for Appropriations and Final State Appropriation (HB 1, Fiscal Years 2008-2009)

	TDCJ REQUEST FOR APPROPRIATIONS	FINAL STATE APPROPRIATION, HB 1
Probation/Parole Program Capacity	\$28,135,448 650 beds	\$129,734,638 4,000 beds
In-Prison Substance Abuse Treatment	\$20,154,609 700 beds	\$43,951,050 1,500 beds/slots
Other Program Capacity	\$48,436,000	\$25,800,000
Other Plan Costs	(\$1,369,392)	\$15,891,698 1,200 TYC beds
<b>SUB-TOTAL</b> (Items related to Whitmire/Madden plan)	\$95,356,665	\$241,043,449
<b>Prison Expansion &amp; Contracted Capacity</b>		
Temporary Contracted Capacity for Backlog Governor's Veto	\$184,485,360	\$66,089,360 -\$29,249,240
Debt Service for New Prisons*	\$55,840,099 4,080 beds	\$4,916,438 3,990 beds
Other Operational Cost Above Baseline Governor's Veto	\$187,359,311	\$184,907,557 -\$10,918,309
<b>TOTAL FY 2008-2009 OPERATIONAL COSTS ABOVE BASELINE</b>	\$523,041,435	\$456,789,255
Bonds for New Prisons	\$377,700,000	\$233,400,000 (if need arise, pending approval)
<b>TOTAL INCLUDING NEW PRISONS</b>	<b>\$900,741,435</b>	<b>\$690,189,255</b>
Averted Costs in Comparison to TDCJ Request for Appropriations	-	\$210,552,180 (if new prisons are approved)  \$443,952,180 (if new prisons are <b>not</b> approved)
Projected Prison Bed Shortfall by 2012	8,399 beds	0

Increased Diversion Funding

Reduced and Later eliminated

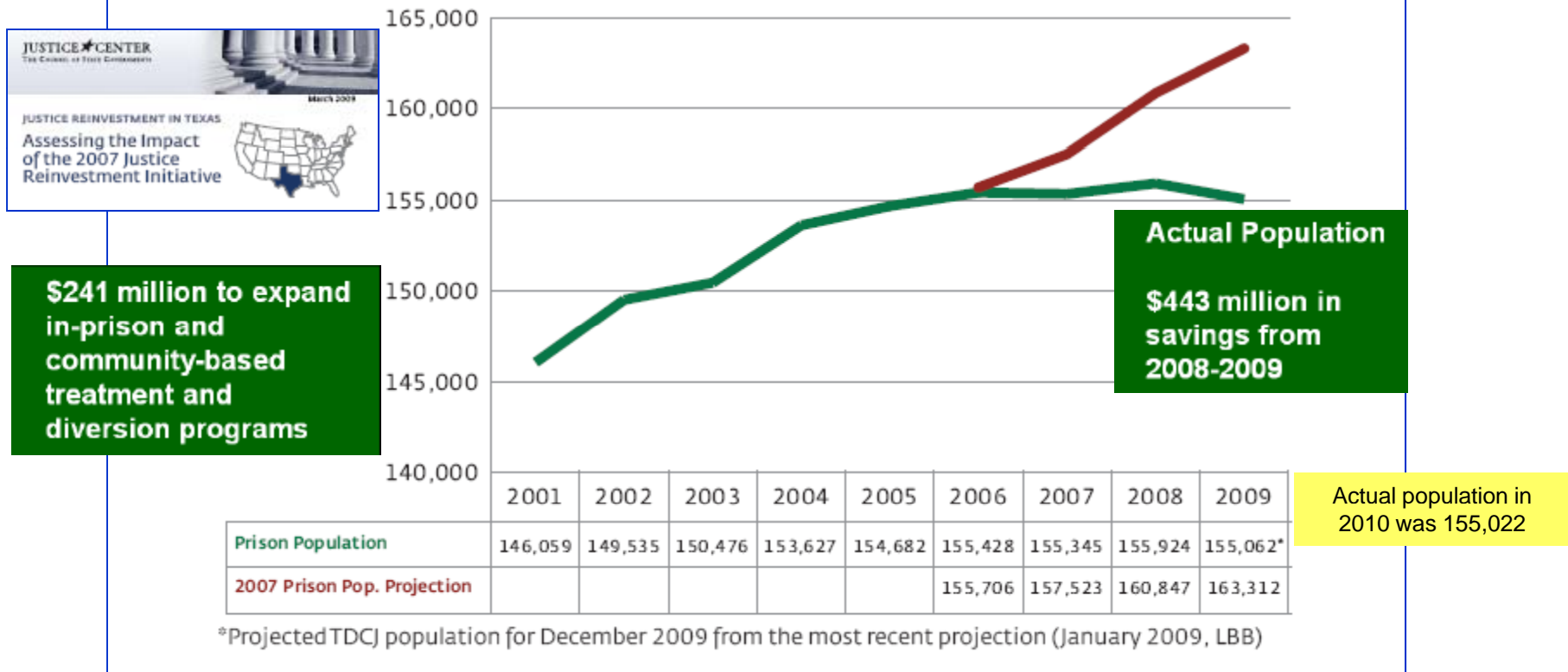
Requested vs. Final Funding

Prisons Were Not Approved



# Expansion of Treatment and Diversion Programs Saved Money and Slowed Prison Population Growth

Figure 1: Actual TDCJ Population at Calendar Year End Compared to Projected Population of January 2007 Before Justice Reinvestment Initiative



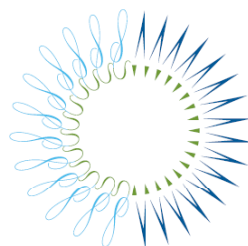
# Work in Texas is a Model for Justice Reinvestment Work Across the Nation

## Justice Reinvestment

*a data-driven approach to reduce corrections spending  
and reinvest savings in strategies that can  
decrease crime and strengthen neighborhoods.*



**BJA**  
Bureau of Justice Assistance  
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*Collaborative Approaches to Public Safety*



# Texas Model Touted by National Leaders

## Texas Statewide Effort

**THE NATIONAL SUMMIT ON  
JUSTICE REINVESTMENT AND PUBLIC SAFETY**  
*Addressing Recidivism, Crime, and Corrections Spending*



February 8, 2011 Press Release  
Announcing Report:

Senator Cornyn said,

*“These strategies helped my home state of Texas save nearly a quarter of a billion dollars and identify and improve existing treatment, mental health and diversion programs that led to significant reductions in probationers' and parolees' being returned to prison,”* said Senator Cornyn.

*“This is the roadmap to the better outcomes that we’ve been seeking.”*

**GROVER NORQUIST**

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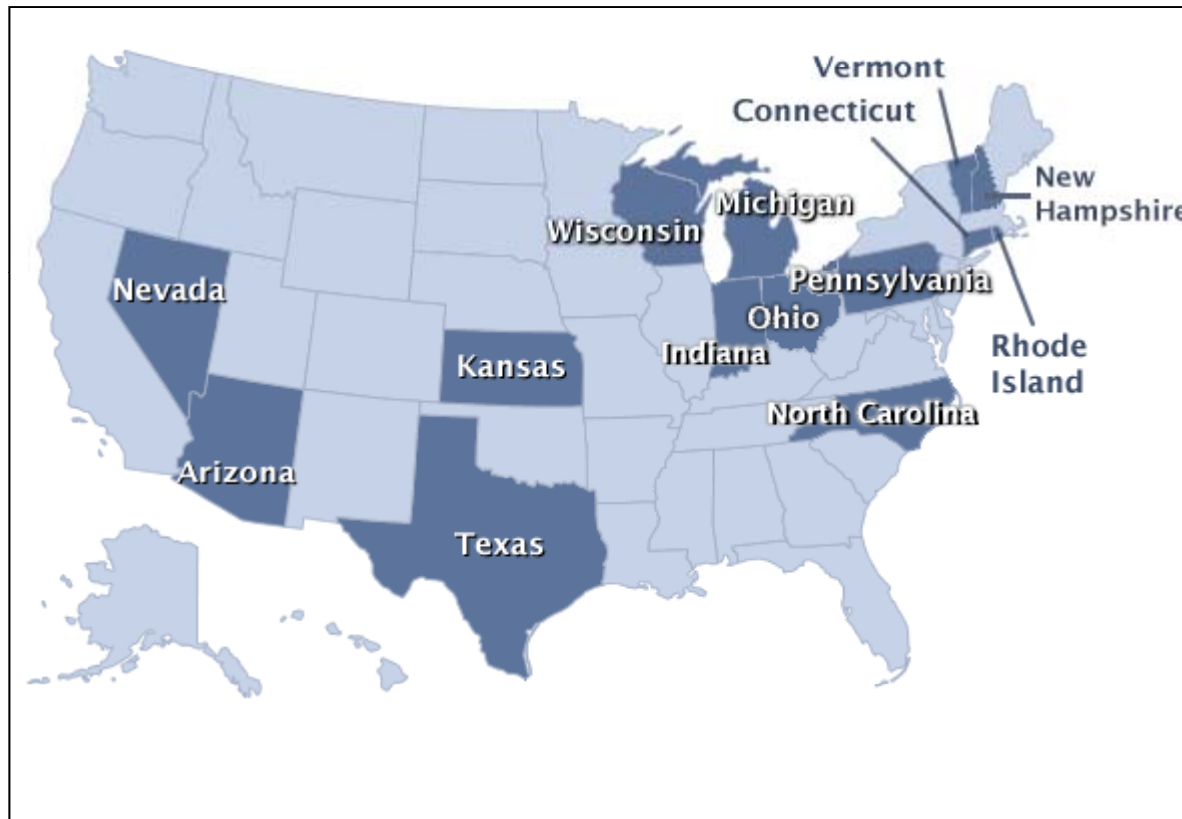
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## **Conservative Principles and Prison**

The lesson from Texas is that conservatives can push reforms that both keep Americans safe and save money, but only if we return to conservative principles of local control, performance-based funding, and free-market innovation.

# Justice Reinvestment States

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# Outline

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## Justice Reinvestment

- Texas 2007 Legislative Initiatives as Model for Nation



## Outcomes

- Costs Down, Public Safety Up

## Challenges in 2011

- Need Plan to Address Challenges

# Bottom Line Outcomes

## Improved Public Safety at Reduced Costs

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More Texas Residents but Lower Crime Rate

No Growth in Prison Population

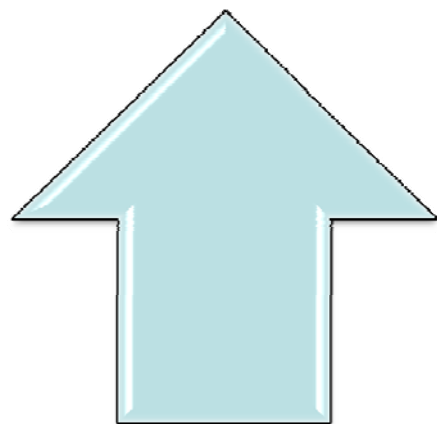
Increased Diversions to Community Punishments

More Probationers but No Increase in Failure Rate

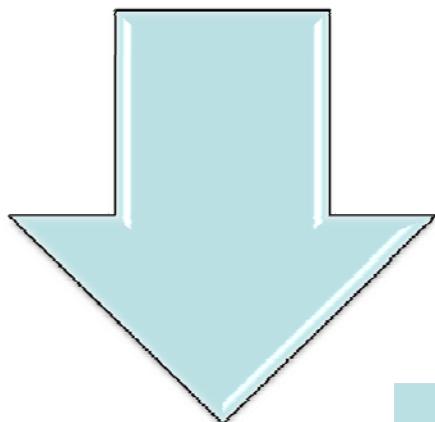
More Parole Releases but Fewer Failures

# State Population Up But Crime Rate is Down Since 2007

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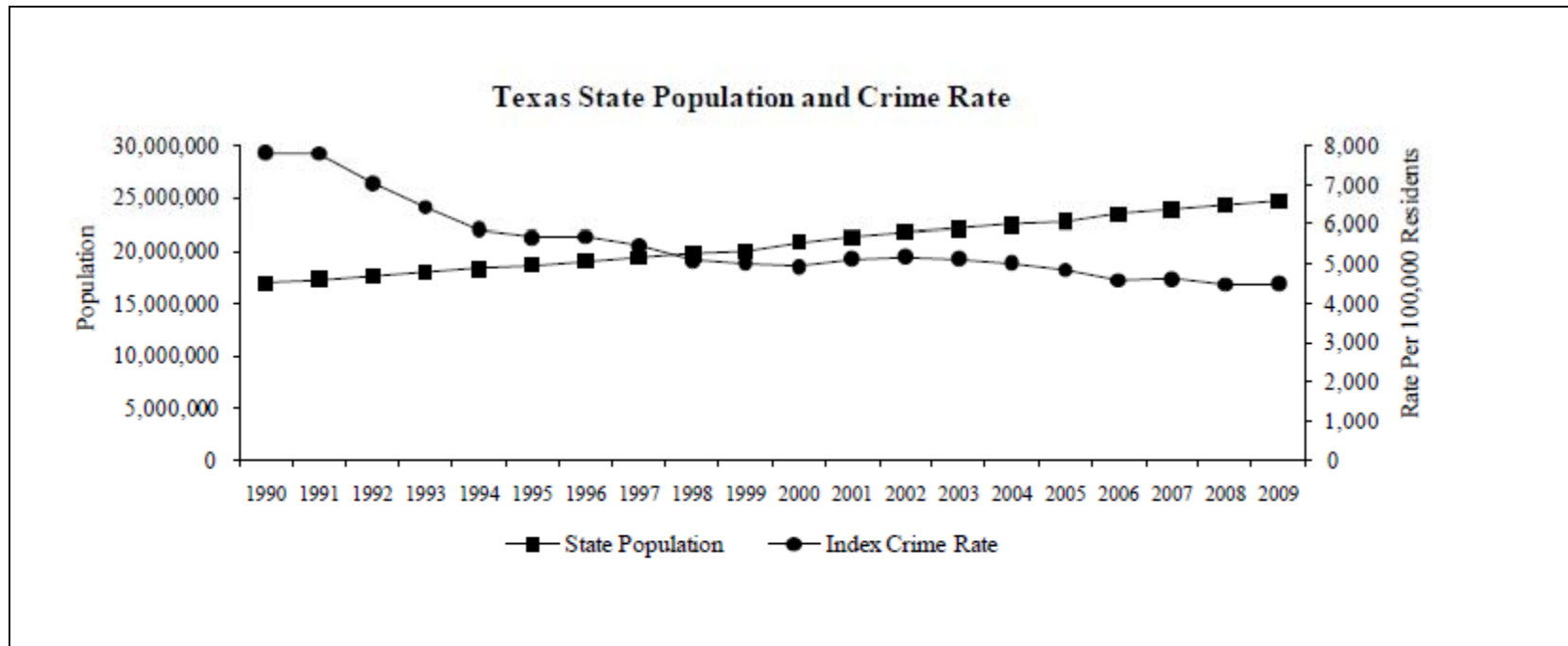
**State Population Up  
2%**



**Crime Rate Down  
1%**

**The crime rate in 2009 was the lowest  
since 1974**

# Crime Rate Has Declined as State Population Has Increased



# Revocation Rate of Probationers Lowest Since 2004

**Table 1: Average Felony Community Supervision Revocation Rates, Fiscal Years 2001–2010**

<b>FISCAL YEAR</b>	<b>AVERAGE FELONY DIRECT SUPERVISION POPULATION</b>	<b>FELONY REVOCATIONS</b>	<b>REVOCATION RATE</b>
2001	160,457	22,164	13.8%
2002	159,352	22,876	14.4%
2003	158,075	24,838	15.7%
2004	157,216	26,249	16.7%
2005	157,323	25,741	16.4%
2006	158,479	24,921	15.7%
2007	161,999	25,830	15.9%
2008	168,788	25,782	15.3%
2009	172,514	26,194	15.2%
2010	172,893	25,456	14.7%

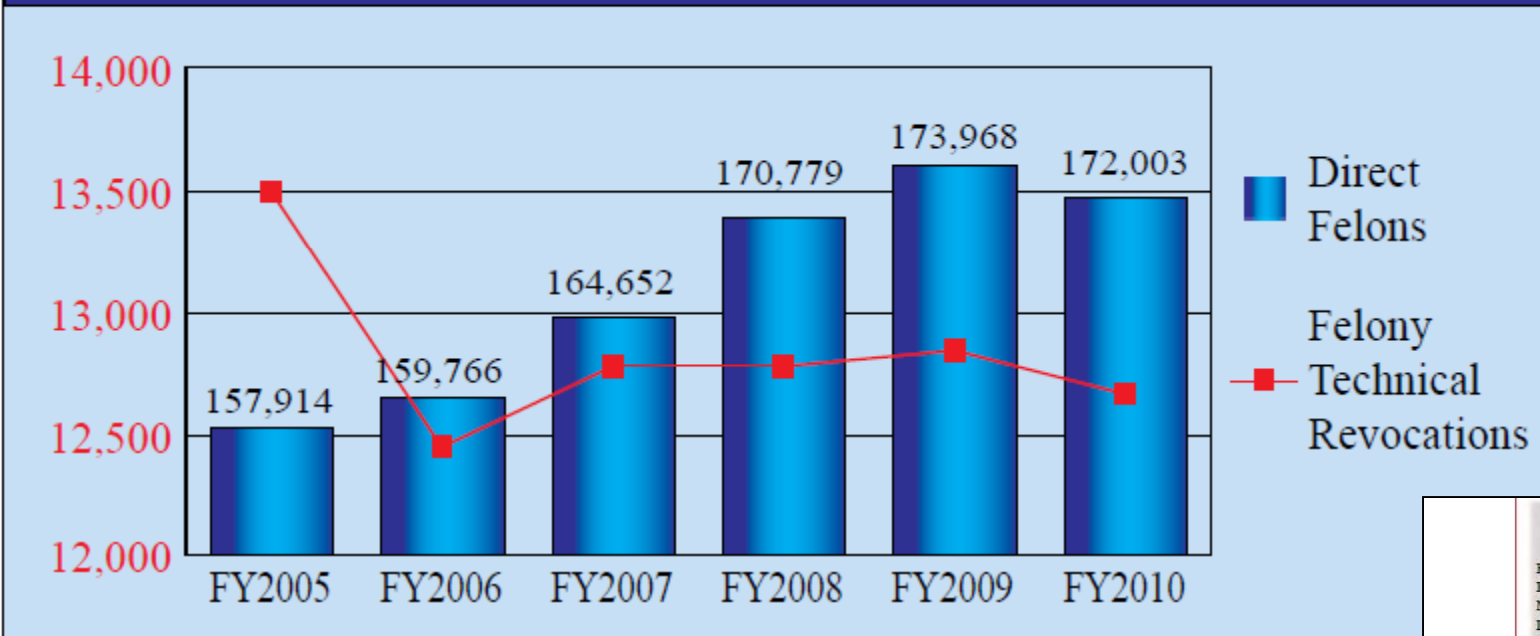
# More Probationers and Fewer Technical Probation Revocations to Prison

2005 Legislative Session restored funding and added \$55.5 million per biennium to reduce probation caseloads and provide additional residential treatment beds

2007 Legislative Session adopted Justice Reinvestment package with further enhancement to the probation system



### Comparison of Felony Direct Population and Felony Technical Revocations





# Parole Decisions Better Matching the Expectations Set by the Parole Guidelines

## RECOMMENDED APPROVAL RATES AND ACTUAL APPROVAL RATES COMPARISON FY 2009

### GUIDELINES LEVEL STATEWIDE

GUIDELINE LEVEL	CASES CONSIDERED	CASES APPROVED	APPROVAL RATE	RECOMMENDED APPROVAL RATE
1	1,039	45	4.33%	0% - 5%
2	12,638	2,124	16.81%	6% - 15%
3	9,687	2,164	22.34%	16% - 25%
4	28,293	7,126	25.19%	26% - 35%
5	11,433	4,528	39.60%	36% - 50%
6	10,235	4,994	48.79%	51% - 75%
7	3,282	2,201	67.06%	76% - 100%
<b>TOTAL</b>	<b>76,607</b>	<b>23,182</b>	<b>30.26%</b>	

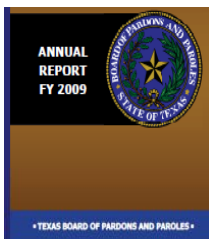


# More Parole Considerations and More Inmates Approved for Parole Release

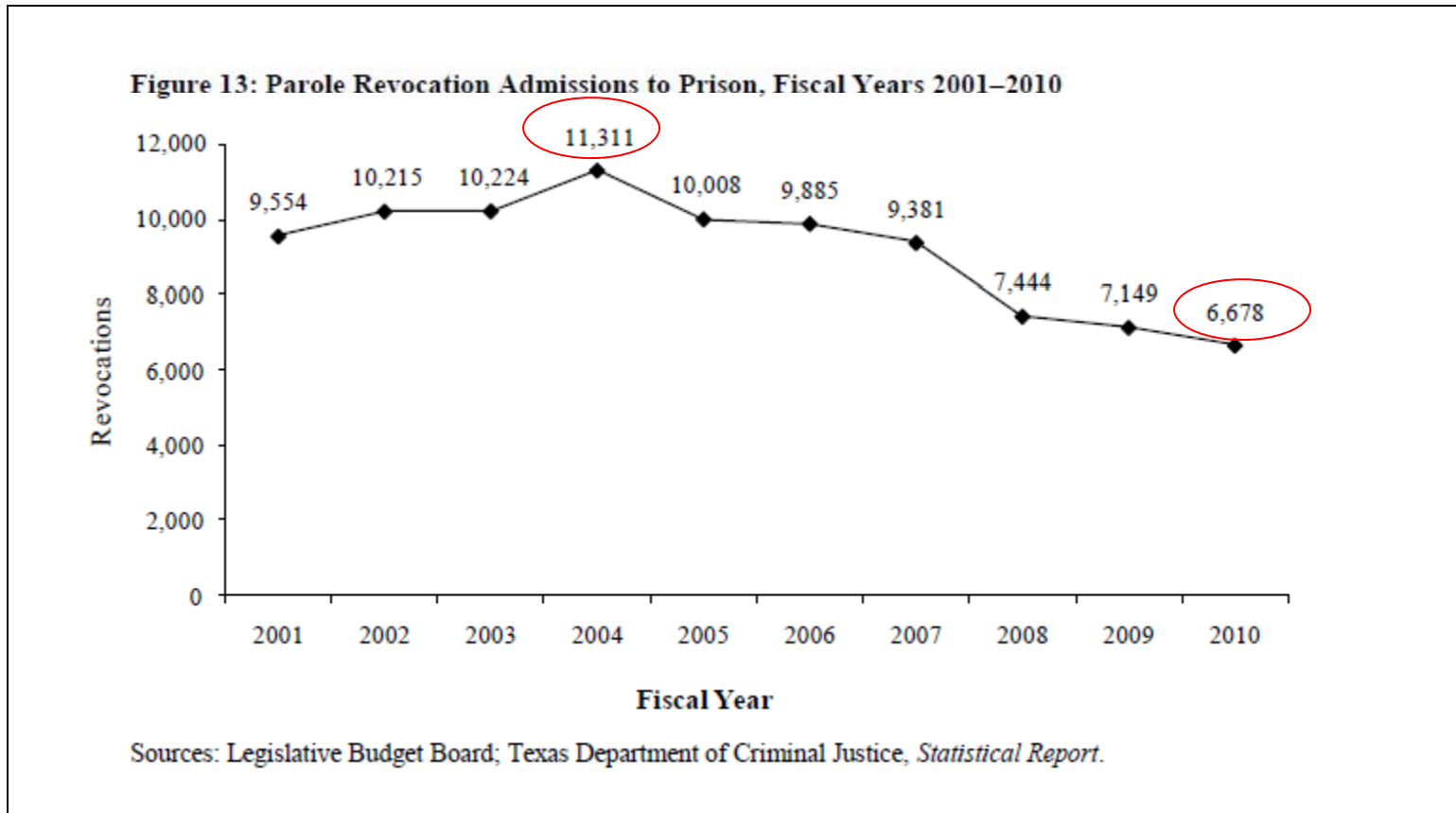
Parole Considerations and Approval Rates History  
FY 2005 - FY 2009



	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
<b>CASES CONSIDERED</b>	71,207	72,583	74,488	74,895	76,607
<b>CASES APPROVED</b>	19,582	19,061	22,209	23,025	23,182
<b>APPROVAL RATE</b>	27.50%	26.26%	29.82%	30.74%	30.26%



# Fewer Parole Revocations to Prison



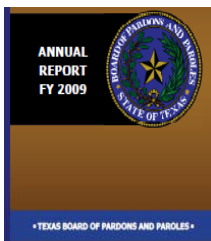
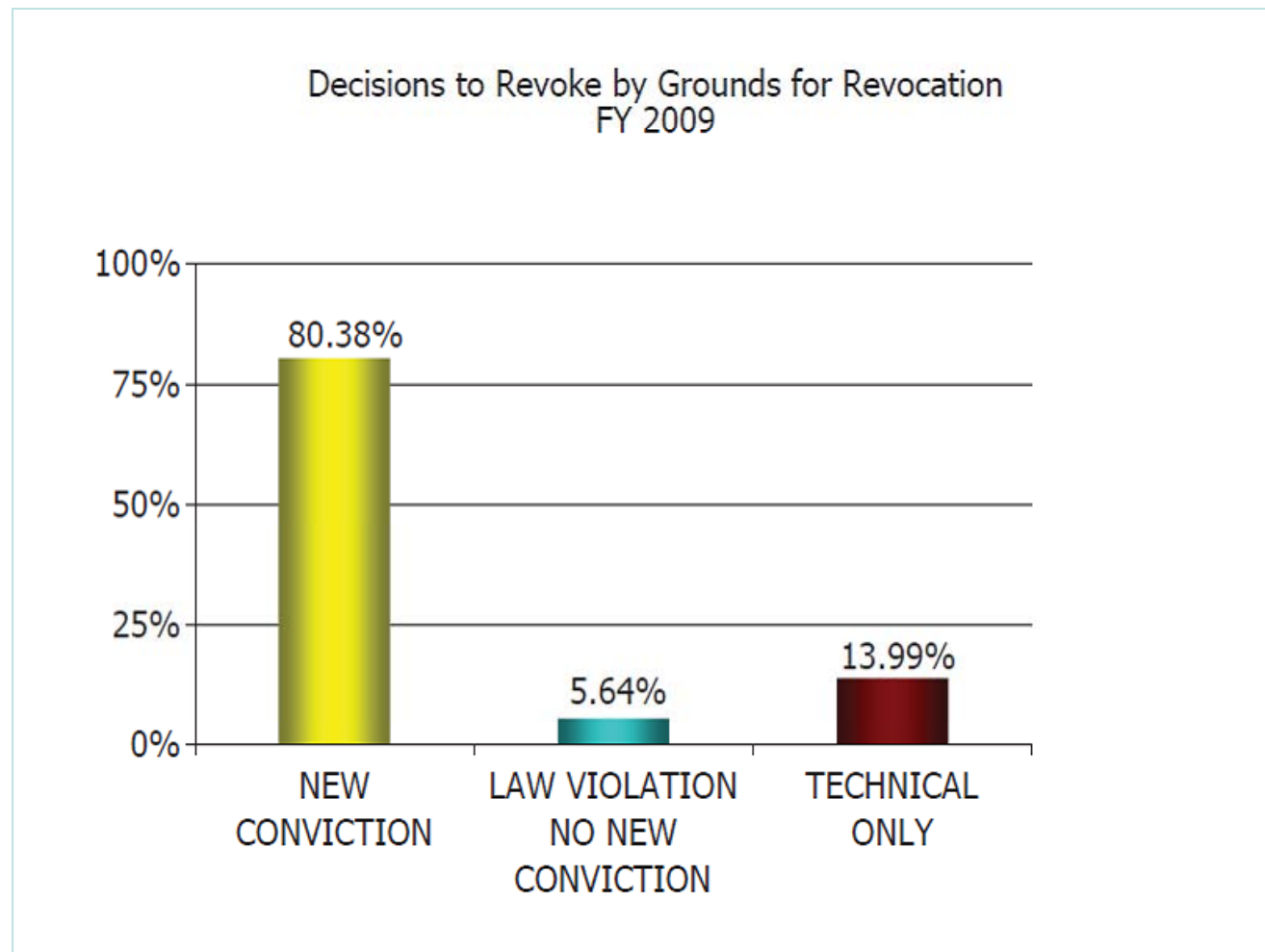
# In 2010 Texas Had the Lowest Parole Revocation Rate This Decade

**Table 24: Average Active Parole Revocation Rates, Fiscal Years 2001–2010**

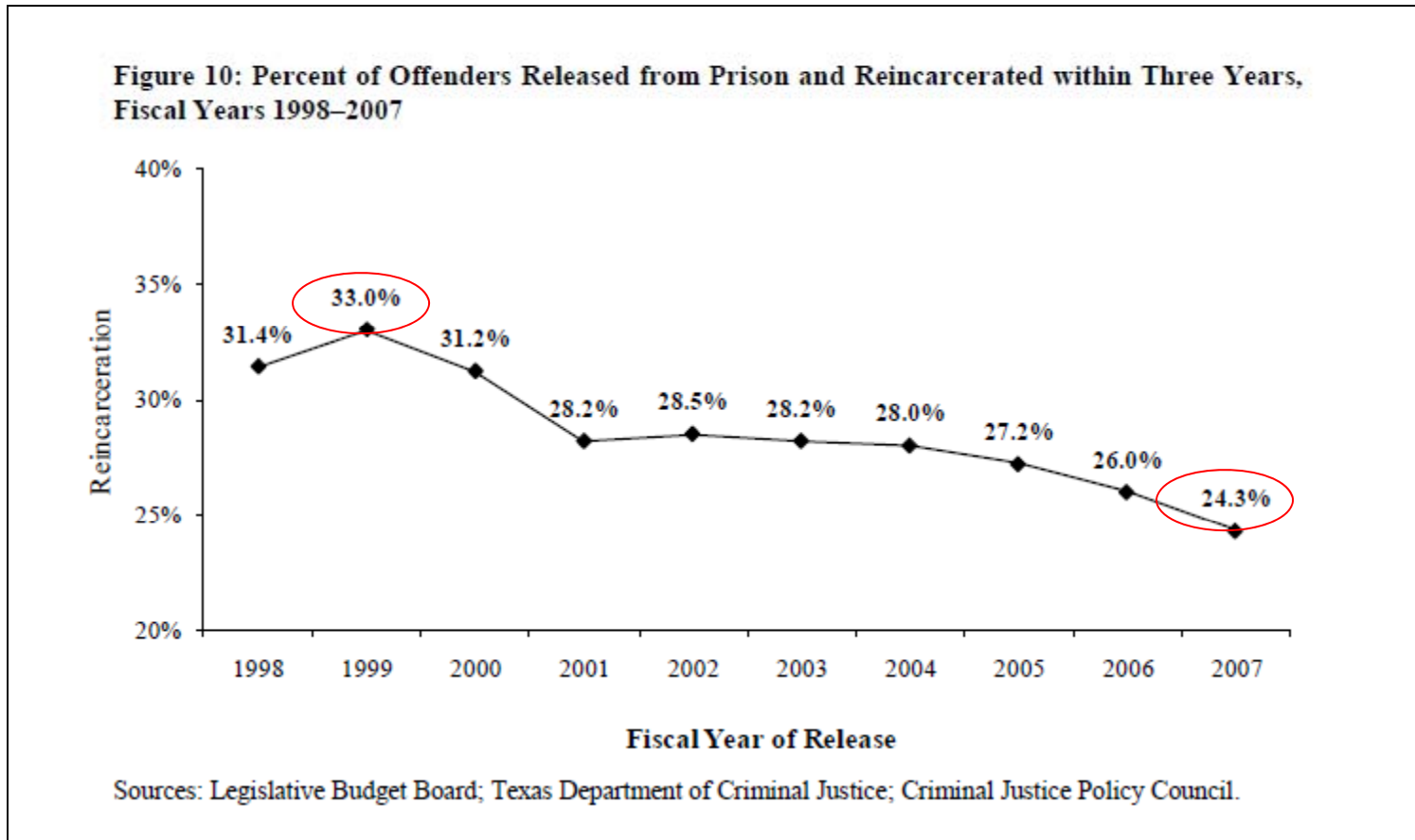
FISCAL YEAR	AVERAGE ACTIVE PAROLE POPULATION	PAROLE REVOCATION ADMISSIONS TO PRISON	REVOCATION RATE
2001	78,215	9,554	12.2%
2002	79,740	10,215	12.8%
2003	76,727	10,224	13.3%
2004	76,669	11,311	14.8%
2005	76,540	10,008	13.1%
2006	76,696	9,885	12.9%
2007	76,601	9,381	12.2%
2008	77,964	7,444	9.5%
2009	78,945	7,149	9.1%
2010	81,220	6,678	8.2%

Sources: Legislative Budget Board; Texas Department of Criminal Justice, *Statistical Report, Parole Supervision Population Report*.

# Low Percentage of Technical Parole Revocations

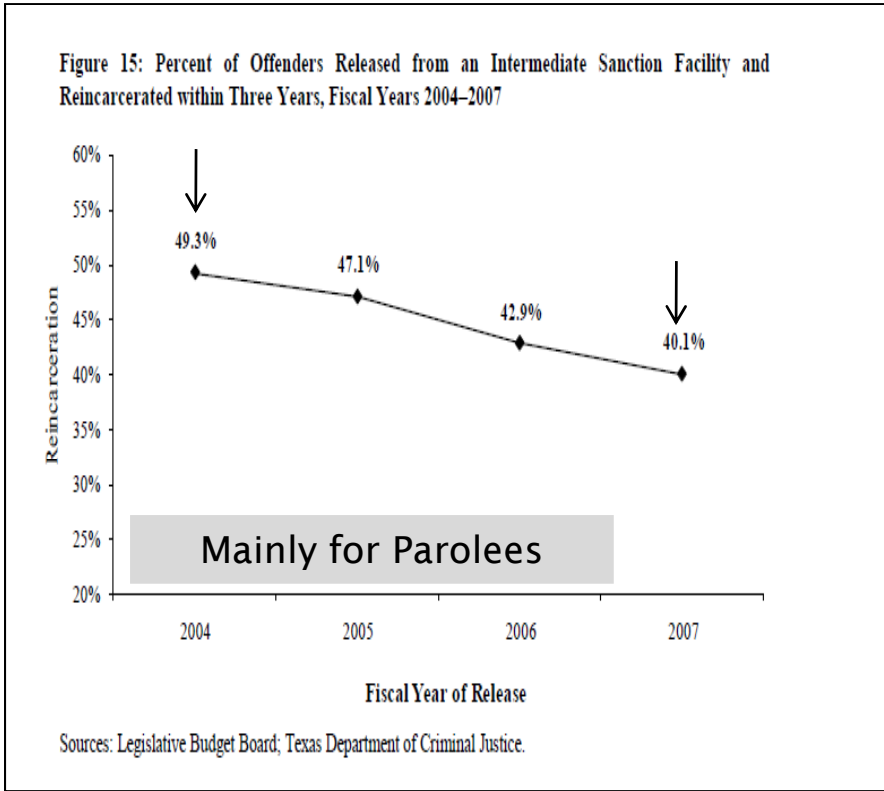
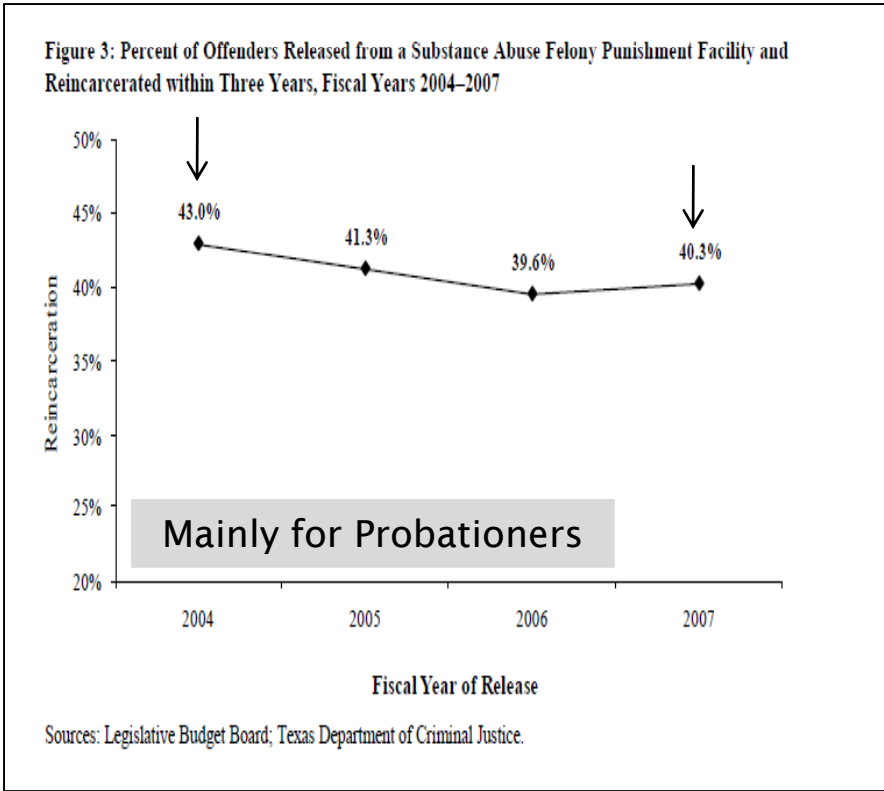


# Low Recidivism Increased Public Safety



# Cost-Effectiveness of Programs Improving Due to Declining Recidivism Rates

## Treatment Sanctions in lieu of Prison Revocations



# Outline

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## Outcomes

- Costs Down, Public Safety Up

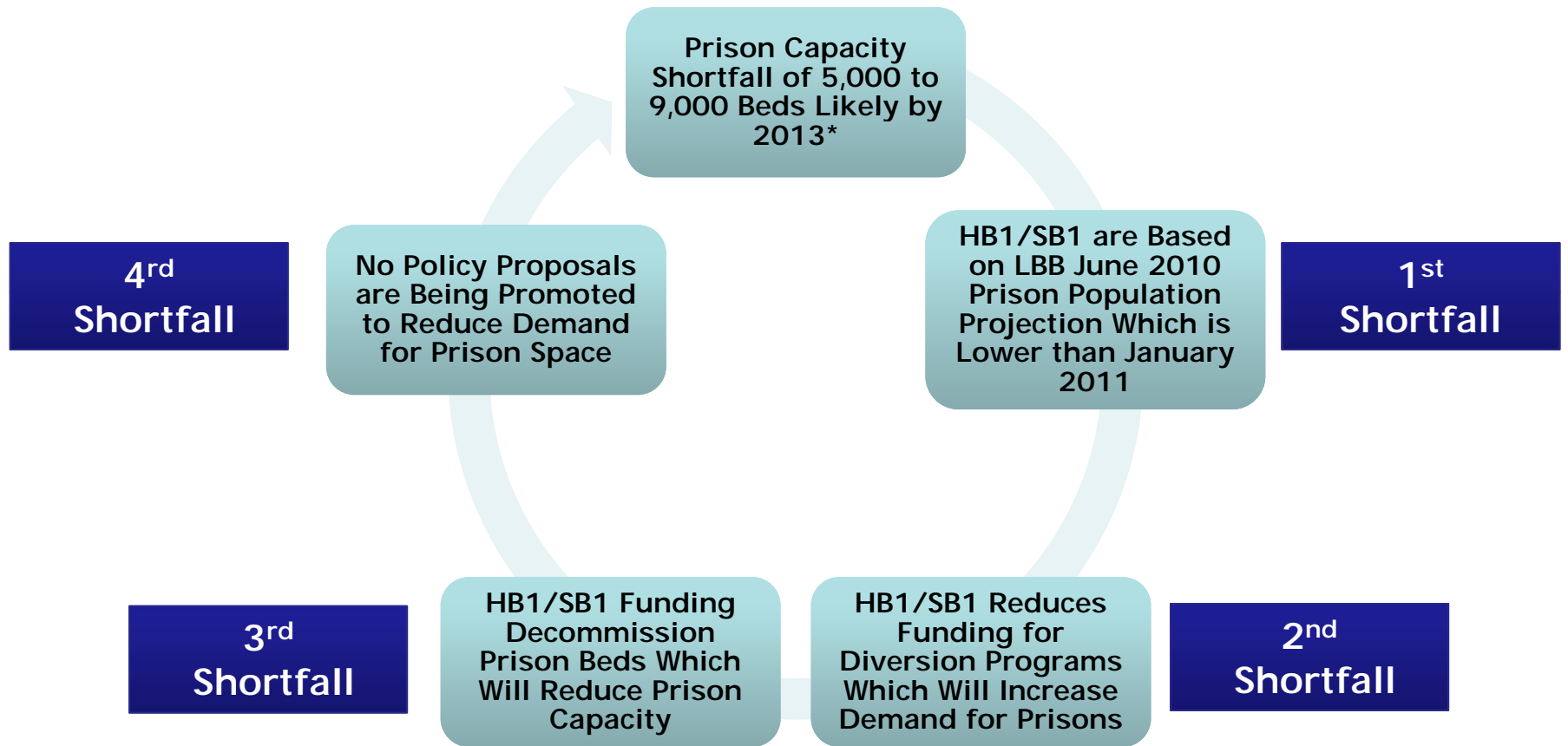


## Challenges in 2011

- Need Plan to Address Challenges



# HB1/SB1 Budgets Not a Cohesive Policy and Plan is Needed to Address Potential Prison Bed Shortfall

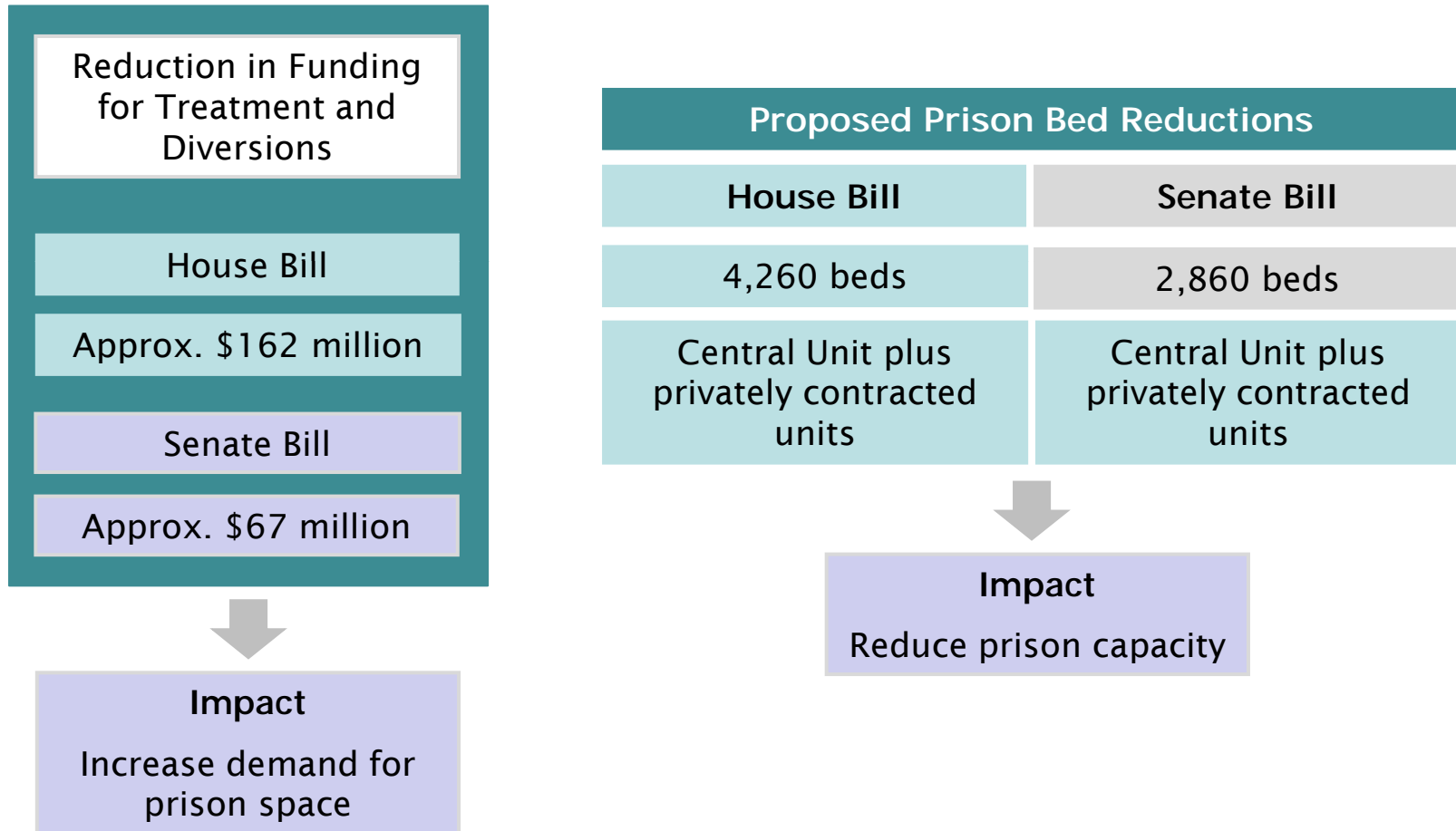


\* The LBB is in charge of conducting the official impact analysis for the legislature and at the time of this report the agency has not issued an analysis of the impact of HB1 and SB1 on the projected prison population. The methodology used here approximates the methodology of the LBB based on prior work with the agency in this area.

# Budget Based on Lower Prison Population Estimates of June 2010 Instead of Most Recent Jan. 2011

FY	HB1 and SB1 Bill "Funded" Prison Population	LBB Projected Prison Population No Budget Cuts	Prison Bed Shortfall "Funded" Minus LBB Projected
2012	153,484	156,430	- 2,946
2013	153,299	157,321	- 4,022
	↓	↓	↓
	LBB Prison Population Projection of June 2010	LBB Prison Population Projection of January 2011	"Built-in" Shortfall in SB1/HB1

# Diversification Program Cuts Will Increase Demand for Prisons While Budget Also Reduces Prison Capacity



# Fewer Diversions from Prison Are Expected Due to Cuts in Residential and Treatment Programs

Yearly Diversions Baseline Capacity	Yearly Diversions After Proposed HB1 Cuts	Yearly Diversions After Proposed SB1 Cuts
19,341	14,706	16,589
<b>Additional demand for prison beds per year due to cuts</b>	4,635	2,752

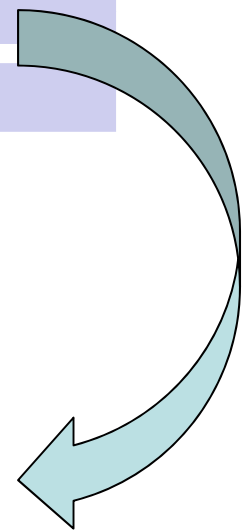
\* Diversion calculation = capacity \* turnover rate - “expansion of the net widening factor” - recidivism  
Formula used as part of the prior CJPC projection model and present LBB projection model (see Appendix for example)

\*\* Diversion programs used for calculation are: Intermediate Sanctions Facilities (ISFs), Substance Abuse Felony Punishment (SAFPs), Residential Treatment in community, Half-way Houses, In-prison Therapeutic Community (IPTCs), and DWI Treatment Facility. Some other outpatient treatment programs were also reduced in HB1/SB1 but the impact of that reduction is not estimated here. (See Appendix for detailed tables on cuts and impact)

# Prison Bed Shortfall is Likely in 2013 Given the Present Structure of the Budget Proposals

FY	Prison Bed Shortfall "Built-in" HB1/SB1 Proposals	Yearly Increase in Demand Due to Proposed HB1 Cuts in Diversion Capacity	Yearly Increase in Demand Due to Proposed SB1 Cuts in Diversion Capacity
2012	2,946	4,635	2,752
2013	4,022	4,635	2,752

Potential Prison Bed Shortfall		
FY	Prison Bed Shortfall House	Prison Bed Shortfall Senate
2012	7,581	5,698
2013	8,657	6,774

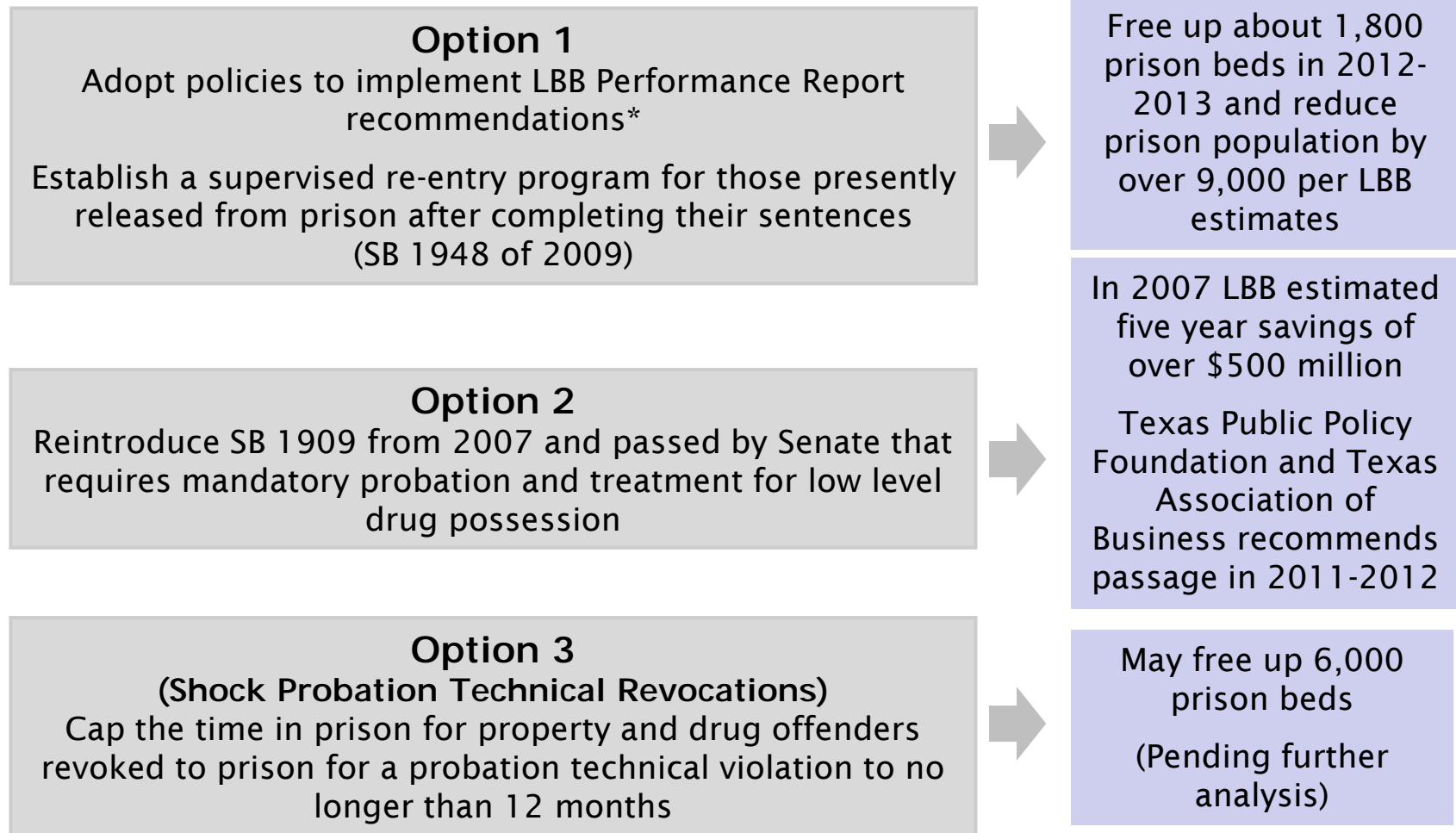


\*Built-in Prison Bed Shortfall + Increased Demand Due to Proposed Diversion Cuts

# Potential 2013 Prison Bed Shortfall is Aggravated by Proposed Prison Closings

Potential Prison Bed Shortfall			Options	
FY	Prison Bed Shortfall House	Prison Bed Shortfall Senate	Reduce Size of Cuts	
2012	7,581	5,698	or	
2013	8,657	6,774	Change Policies to Reduce Demand for Prison Space	
Proposed Prison Bed Reductions				
	House Bill	Senate Bill		
	4,200 beds	2,860 beds		

# Example of Potential Policy Options to Consider to Reduce Demand for Prison Space



\* Option 1, LBB, January 2011 Texas State Government Effectiveness and Efficiency , page 333-345

# Thank You

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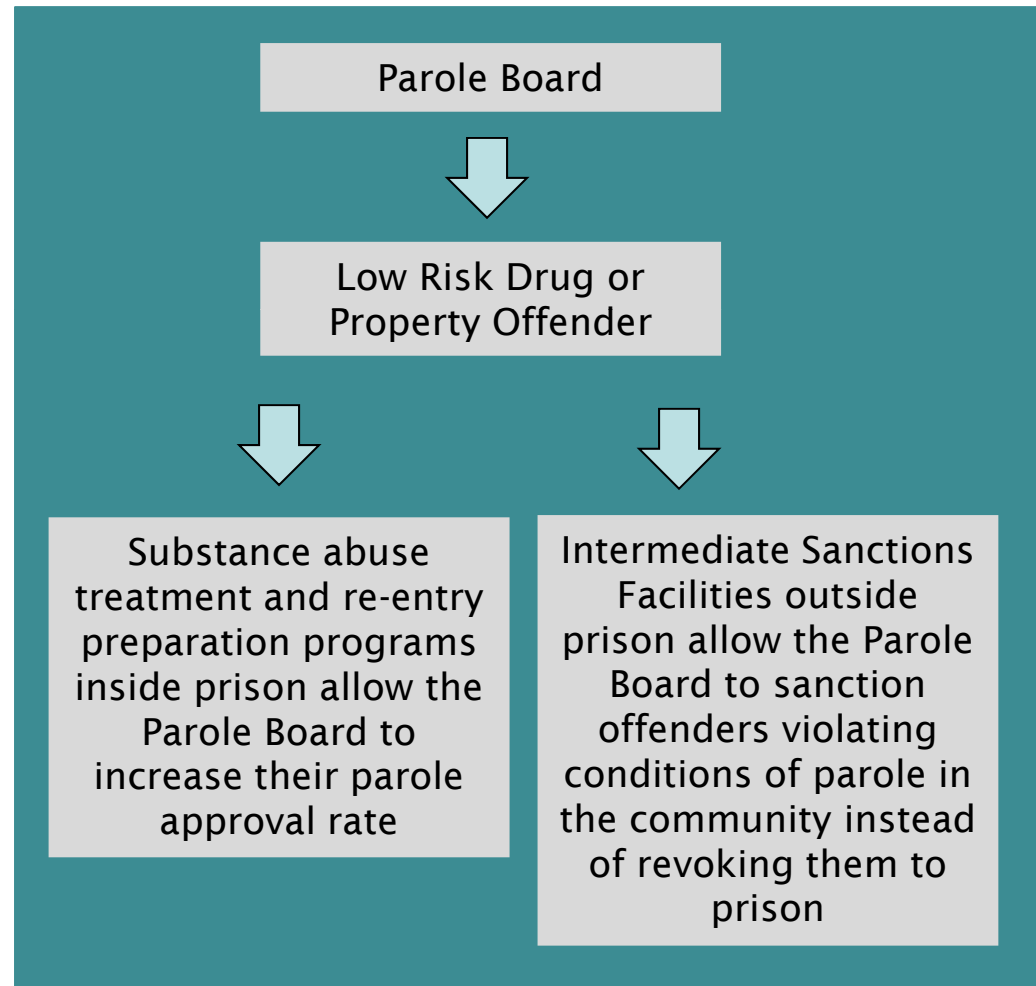
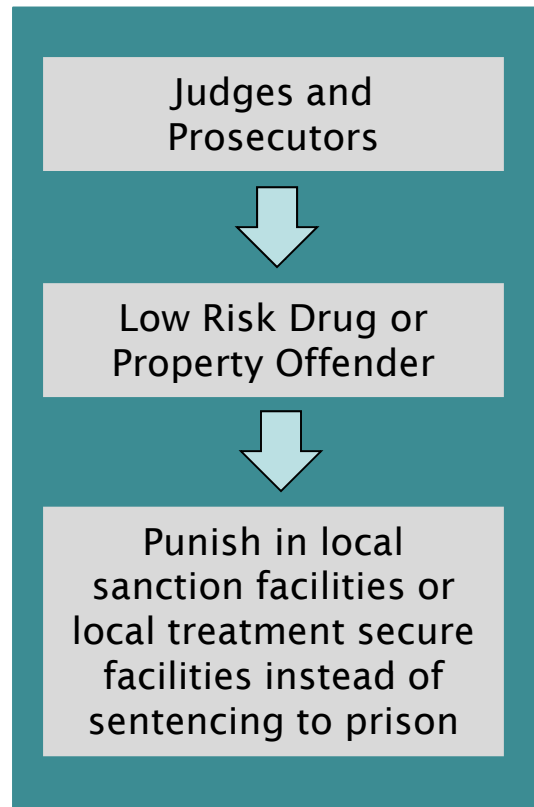
## CONTACT

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# Appendix 1: Diversion Programs



# Appendix 2: HB1 and SB1 Proposed TDCJ Budget

TDCJ Base Budget, 2010-2011 (GR Funding - Items Below - in Millions)		House (in Millions)	Senate (in Millions)
Incarceration	\$4,784.2 71%	-\$475.3	-\$374.2
		*Decommission of about 4,260 prison beds	*Decommission of about 2,860 prison beds
Community Supervision Funding	\$540.1 8%	-\$109.6	-\$59.4
Managed Health Care	\$929.8 14%	-\$222.7	-\$222.7
Parole Releases, Supervision and Residential	\$309.2 5%	-\$27.6	-\$9.7
Administration	\$156 2%	-\$29.3	-\$8.7
<b>Total Above</b>	<b>\$6,719.3</b>	<b>-\$864.5</b>	<b>-\$674.7</b>

# Appendix 3: Example of Diversion Calculation Used in 2007 and Still Applicable

Policy Options	Description	Proposed Number of Beds	Turnover Per Year	Placements	Anticipated Net Widening	Placements Taking into Account Projected Net Widening	Projected Returns to Prison	Net Diversions
Intermediate Sanction Facilities (ISF), Parole/ Probation	ISFs are secure facilities that serve as detention centers for offenders violating supervision conditions ("technical violations"). These facilities are used to sanction offenders in lieu of a revocation to prison. The average length of stay in a parole ISF is approximately 60 days. <sup>3</sup> The present capacity of ISFs is 1,793 beds for parole and 439 beds for probation. <sup>4</sup>	2,332	6	13,992	3,498 (25%)	10,494	4,250 (40.5% Four Year Rate)	6,244
Substance Abuse Felony Punishment (SAFP)	The SAFP program provides intensive substance abuse treatment services to offenders on probation who are violating supervision due to substance abuse problems. The program involves treatment in a secure facility for 6 months, followed by 3 months in a TTC, and 3 to 9 months of outpatient counseling. The present SAFP capacity is 3,250 beds with a waiting list of 823 offenders as of December 2006.	500	2	1,000	300 (30%)	700	336 (48% Four Year Rate)	364
							Length of stay impact; 6 months in SAFP facility vs. 3 years in prison	


  
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*Collaborative Approaches to Public Safety*

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**Policy Options to Increase Public Safety and to Manage the Growth of the Prison Population**


## Appendix 4: Diversion Funding and Capacity Reductions

<i>Program / Funding</i>		<i>Additions by the 80th Legislature</i>	<i>TOTAL Presently Funded</i>	<i>Introduced House Bill</i>	<i>Introduced Senate Bill</i>
<b>Diversion Program Residential Treatment Beds</b>	2,545 Beds	800 Beds	3,345 Beds	2,659 Beds	3,050 Beds
<b>Probation Outpatient Sub Abuse Treatment</b>		\$10.0 mil	\$10.0 mil	\$5.0 mil	\$10.0 mil
<b>Strategy B.1.1. Special Needs Projects (TCOOMMI)</b>	\$30.8 mil	\$10.0 mil	\$40.8 mil	\$22.5 mil	\$35.0 mil
<b>Intermediate Sanction Facility Beds</b>	1,820 Beds	1,400 Beds	*2,721 Beds	2,026 Beds	2,279 Beds
<b>In-Prison Therapeutic Community Treatment Beds</b>	537 Slots	1,000 Slots	1,537 Slots	922 Slots	1,322 Slots
<b>Substance Abuse Felony Punishment Treatment Beds</b>	3,250 Beds	1,500 Beds	3,954 Beds*	3,830 Beds	3,705 Beds
<b>Driving While Intoxicated Treatment</b>		500 Beds	500 Beds	300 Beds	430 Beds
<b>Parole Halfway House Beds</b>	1,307 Beds	300 Beds	1,607 Beds	1,181 Beds	1,237 Beds
<b>State Jail Substance Abuse Program</b>		1,200 Slots	1,200 Slots	720 Slots	1,032 Slots

\* Intermediate Sanction Facility and Substance Abuse Felony Punishment Treatment bed capacity represent the capacity after the FY 2011 budget reductions per TDCJ plans. This include 900 beds not opened in Jones County and 424 beds in North Texas ISF contract that is not required to meet contract demand.

Source: TDCJ, Feb. 2011 spreadsheet and Summary of FY 2011 Budget Reductions

## Appendix 5: Calculation of Impact of Funding Reduction on Number of Diversions from Prison

<i>Program / Funding</i>	<i>Diversions Per 100 Beds/Slots</i>	<i>Diversions Per Year Baseline</i>	<i>Introduced House Bill</i>	<i>Introduced Senate Bill</i>
<b>Diversion Program Residential Treatment Beds</b>	92	3,044	2,420	2,775
<b>Probation Outpatient Sub Abuse Treatment</b>	Not calculated			
<b>Strategy B.1.1. Special Needs Projects (TCOOMMI)</b>	Not calculated			
<b>Intermediate Sanction Facility Beds</b>	268	7,292	5,430	6,108
<b>In-Prison Therapeutic Community Treatment Beds</b>	176	2,705	1,623	2,327
<b>Substance Abuse Felony Punishment Treatment Beds</b>	73	2,887	2,795	2,705
<b>Driving While Intoxicated Treatment</b>	104	520	312	447
<b>Parole Halfway House Beds</b>	180	2,893	2,126	2,227
<b>State Jail Substance Abuse Program</b>	Not calculated			
	<b>Total</b>	<b>19,341</b>	<b>14,706</b>	<b>16,589</b>
<i>*Diversion factor calculated based on turnover rate, estimate of percent of target population that are true diversions and impact on recidivism. "Not calculated" rows are due to lack of research and the impact is not counted.</i>	<i>Yearly Fewer Diversions &amp; Increased Prison Demand</i>		<b>4,635</b>	<b>2,752</b>

Source: Justice Center, Feb. 2011

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