



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

Under the leadership of three key lawmakers, policymakers in Texas are reviewing policies in the state to find ways to increase public safety and to manage corrections spending and growth in the prison population. In 2006, Senator John Whitmire (D, Chair, Criminal Justice Committee), Representative Jerry Madden (R, Chair, Corrections Committee), and Senator Kim Brimer (R, Chair, Sunset Advisory Commission) each convened hearings and commissioned reviews to improve their understanding of why the prison population continues to grow and what is contributing to high rates of failure among people released from prison to the community and people sentenced to probation.

This policy brief, prepared at the request of Senator Whitmire and Representative Madden and with assistance of staff from the Legislative Budget Board, provides policy options for policymakers interested in increasing public safety and averting

the current growth projected for the state's prison population. These options include descriptions of the impact that each policy would have on the prison population.

The projections provided in this policy brief, drawing on previous research conducted, assume that these treatment facilities will receive some people who would not have otherwise been incarcerated, and therefore contribute to some "net-widening." In addition, these projections assume that a significant number of people participating in these programs will fail and return to prison.¹ Funded at an appropriate level and administered effectively, however, these programs could engage in minimal net-widening and have low recidivism rates. Even taking into account net-widening and recidivism rates, however, enacting the options below, as the chart reflects, would divert a significant number of people from prison to community-based sanctions/treatment programs.

The Justice Center is providing intensive technical assistance to Texas and a limited number of other states that demonstrate a bipartisan interest in justice reinvestment—a data-driven strategy for policymakers to reduce spending on corrections, increase public safety, and improve conditions in the neighborhoods to which most people released from prison return.

1. The base of knowledge cited in this document is drawn from previous research conducted in the 1990s by the Criminal Justice Policy Council (CJPC). CJPC was the primary research agency for the state. Although CJPC is no longer operational, the agency's research supporting the diversionary impact calculation continues to be the best available research in this area. See March 1995, "Treatment Alternatives to Incarceration Program, An Analysis of Retention in Treatment and Outcome Evaluation," April 1998, "Implementation of the TDCJ Rehabilitation Tier Treatment Program: Progress Report," March 1999, "Three Year Recidivism Tracking of Offenders Participating in Substance Abuse Treatment Programs," February 2001, "Evaluation of the Performance of the Texas Department of Criminal Justice Rehabilitation Tier Programs," February 2001, "The Substance Abuse Felony Punishment Program: Evaluation and Recommendations," May 2002, "Trends, Profile and Policy Issues Related to Felony Probation Revocations in Texas," March 2002, "Report to Senate Criminal Justice Interim Committee: Recidivism Rates and Issues Related to TDCJ Substance Abuse Treatment Programs,"

February 2003, "The Second Biennial Report on the Performance of the Texas Department of Criminal Justice Rehabilitation Tier Programs." The aforementioned reports can be found on the LBB website under their Public Safety and Criminal Justice publications (www.lbb.state.tx.us).

2. The Council of State Governments Justice Center, Texas Justice Reinvestment Scenarios, January 2007.

3. ISFs are used extensively for parole and have a significant impact on diverting violators from prison. For example, in FY 2005, the parole board in Texas reviewed 30,868 violation allegations for administrative decisions. Of those allegations, 34 percent resulted in a revocation of parole to prison. However, 33 percent of the cases were recommended for an ISF in lieu of a prison revocation, which represented 10,043 diversions from prison. See Texas Board of Pardons and Paroles, Annual Report, FY 2005.

4. The present probation ISF capacity is 439 to sanction over 239,000 felons on probation supervision (1 bed per 544 probationers). Compared to parole, probation is short of ISF capacity. In

FY 2006 there were 12,440 technical probation revocations to prison that could have benefited from this alternative sanction.

5. The number of probationers with substance abuse problems requiring residential treatment far exceeds current resources. Of the 187,054 offenders on probation with an alcohol and/or substance abuse addiction, only 9 percent received residential substance abuse treatment and 19 percent received outpatient treatment. See Sunset Advisory Commission: Texas Department of Criminal Justice, Board of Pardons and Paroles, Correctional Managed Health Care Committee Staff Report, October 2006, page 13.

6. Currently, DWI offenders in prison receive little treatment and the parole board is reluctant to release these offenders without treatment.

7. The present number of halfway house beds is inadequate to address the growing need for them, which consequently led to a current backlog of 600 offenders who cannot be released from prison without a suitable residence plan.

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Center provides practical, nonpartisan advice and consensus-driven strategies, informed by available evidence, to increase public safety and strengthen communities. The board of directors for the center includes, as its vice chairperson, the Honorable Sharon Keller, Presiding Judge of the Texas Court of Criminal Appeals. Representative Jerry Madden, Chair of the Texas House Corrections Committee, also serves on this board. Dr. Tony Fabelo, working with designated agency and legislative staff in Texas, coordinates the project in Texas for the Justice Center.

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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	Other Impacts
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. ³ The present capacity of ISFs is 1,793 beds for parole and 439 beds for probation. ⁴	2,332	6	13,992	3,498 (25%)	10,494	4,250 (40.5% Four Year Rate)	6,244	N/A
Probation Residential Treatment	Residential treatment beds provide substance abuse treatment, counseling, and rehabilitation services. Programs range in length from 3 to 12 months. The present capacity of PRT facilities is 2,123 beds (1 bed per 88 probationer with substance problems). ⁵	1,600	2	3,200	800 (25%)	2,400	955 (39.8% Four Year Rate)	1,445	N/A
In-Prison Therapeutic Community (IPTC)	The IPTC program provides intensive substance abuse treatment services to offenders in prison and post release. The 6 month in-prison phase is followed by 3 months in a Transitional Treatment Center (known as TTCs, a residential facility in the community), and 3 to 9 months of outpatient counseling. The present IPTC capacity is 537 beds with 174 inmates on a waiting list for the program as of December 2006.	200	2	400	N/A	N/A	48 (12% Four Year Rate)	48	200 additional yearly releases by shortening prison stay by six months
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
DWI Prison Treatment	A DWI facility would enhance parole prospects for offenders completing a DWI treatment program. The DWI treatment is expected to be a 6 month treatment program. ⁶	500	2	1,000	N/A	N/A	Four Year Rate Not Available	N/A	Elimination of treatment backlog; 160 yearly releases by shortening length of stay by 2 months
Parole Halfway Houses	Halfway houses are utilized for offenders approved for parole or mandatory release contingent upon a suitable residence plan. Presently, there are 1,159 halfway house beds under contract through the Texas Department of Criminal Justice (TDCJ). The average length of stay in a halfway house is approximately 90 days. ⁷	150	3	600	N/A	N/A	Four Year Rate Not Available	N/A	600 additional prison releases due to elimination of backlog