

Alternatives sought to relieve prison overcrowding

By Mark Muecke / Austin Bureau

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AUSTIN - With prisons statewide nearly brim-full, lawmakers are growing weary of shelling out more money to just contain them.

The Texas Department of Criminal Justice recently requested \$377 million to build new prisons, but several legislators see increasing mental-health programs and drug treatment facilities, and reducing sentences for some nonviolent offenders as better ways to protect the public and save taxpayers' money.

Proponents of building more prisons say alternative treatment programs could fall by the wayside, leaving the state with the same overcapacity problem it faces now.

"It's always been politically safe to build another prison," said state Sen. John Whitmire, D-Houston, Senate Criminal Justice Committee.

Whitmire, state Rep. Jerry Madden, who leads the House Committee on Corrections, and El Paso state Rep. Pat Haggerty, who has long served on that committee, are working on ways to change the way Texas deals with criminals.

"This is a kaleidoscope of things we're doing a major sea change," Madden said. "It will basically change the entire focus of our prison system."

As of Feb. 14 there were 152,767 prisoners in Texas prisons, state jails and substance abuse felony punishment facilities, and the facilities were at 97.5 percent of capacity, according to the Texas Department of Criminal Justice.

The average annual cost of an inmate in fiscal year 2006 was \$15,538.

Haggerty, R-El Paso, filed several bills that would give judges more flexibility to keep first-time offenders out of jail and to give nonviolent criminals probation sentences.

"We have a tendency to view probation as somehow beating the rap or getting off, when it can often be more difficult than being in jail," Haggerty said.

Madden and Whitmire said they would work to direct more state money to rehabilitation, mental-health treatment and parole rather than long prison sentences for some nonviolent offenders.

Whitmire said the state has plenty of capacity already for violent criminals, but needs more ways to effectively handle nonviolent offenders.

"I think we need additional capacity, but it needs to be the right kind," he said.

Taxpayers are paying huge costs to house mentally ill prisoners who might never have been imprisoned had they received better treatment earlier, Whitmire said.

About 25 percent of Texas' 153,000 inmates were in some type of mental health program before ever having trouble with the law, he said.

"The criminal justice system has become the mental health center for Texas," Whitmire said.

Madden said the state's lack of drug rehabilitation programs keeps some in prison who could be released. Many are approved for parole on the condition they go through rehabilitation, but they often have to wait up to eight months before being admitted to the six-month program. That wait only adds costs for taxpayers, he said.

Jesus Lechuga, an El Paso county probation officer, said lack of money for drug rehab programs might also lead some on probation back to prison. The county's probation department receives about \$1.2 million a year from the state, he said, but they could use much more.

"We don't have too many places in El Paso where we can send people to," Lechuga said.

Williamson County District Attorney John Bradley in Central Texas said he opposes letting drug dealers, burglars and thieves out of prison just because their offenses were nonviolent. In the early 1990s, when parole rates were about 80 percent, Bradley said, Texas crime was higher than it is now.

"A lot of people paid for the crime from those releases," Bradley said.

He was on a commission that made recommendations the Texas Legislature adopted in 1993. It reduced parole rates and added 100,000 prison beds and 12,000 drug treatment beds, he said.

Subsequent legislatures, though, failed to fund the programs, so the state now only has about 2,000 treatment beds. Lawmakers may cut funding for treatment programs in the future because they're expensive to maintain, but they won't cut prisons, he said.

"Nobody's ever cut funding for prisons," he said.

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By the numbers

- There were 152,767 prisoners in Texas prisons, state jails, and substance abuse felony punishment facilities, as of Valentine's Day 2007, and the facilities are at 97.5 percent of capacity, said the Texas Department of Criminal Justice.
- The average cost of an inmate in fiscal year 2006 was \$15,538, said the Texas Department of Criminal Justice.
- The state currently has 80,000 maximum security beds but only 32,000 inmates classified as violent, said state Sen. John Whitmire, D-Houston, chairman of the Criminal Justice Committee.
- About 40,000 of the 153,000 Texas inmates were in some type of mental-health program before ever being in trouble with the law, said Whitmire.
- The Texas Department of Criminal Justice recently requested \$377 million for new prisons.
- In 1993, the Texas Legislature added 100,000 prison beds and 12,000 drug treatment beds, said Williamson County District Attorney John Bradley.

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