



Ana Yáñez-Correa
Executive Director
Tel: 512.441.8123 ext. 109
Cell: 512.587.7010
Email: acorrea@criminaljusticecoalition.org
www.criminaljusticecoalition.org

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CRIMINAL JUSTICE SOLUTIONS THAT SAVE TAXPAYERS MONEY AND INCREASE PUBLIC SAFETY

With Texas expecting to spend \$2.3 billion per year on the mere incarceration of felons, our elected officials must strongly consider the passage of laws that will inform decisions about the actual costs of criminal justice policies and that will yield greater returns on initial investments.

KEY FINDINGS:

- The criminal justice budget has increased from \$793 million in 1990 to \$2.94 billion in 2008.¹
- Texas' rate of incarcerated adults per 100,000 is 40% higher than the national average; however, the crime rate in Texas is about 21% higher than the national average rate.²
- Every dollar spent on treatment (rather than incarceration) will yield \$7 in future state savings.³ Yet Texas spends 90% of criminal justice funds on prison beds and "hard incarceration," and only 10% on diversion programs, community correction, and treatment alternatives to incarceration, which are more likely to increase public safety when properly implemented.⁴
- For every dollar spent on individuals in diversion programs, the state saves \$9.34 and can reduce recidivism by 68%.⁵
- A dollar spent on drug courts saves \$4 in health care costs.⁶
- The cost of incarcerating an individual in prison is approximately \$43 per day while the cost of maintaining him or her on probation is \$1.19 per day (i.e., the cost of 10 days of prison is equal to an entire year of probation).⁷
- Each new state prison bed costs more than \$60,000 to build.⁸

SOLUTIONS:

- (1) Know the real costs of criminal justice policies.** S.B. 164 (Sen. Ellis) and H.B. 789 (Rep. Thompson) would require an impact statement to be attached to a piece of legislation, along with the already required fiscal note, if it would increase or decrease the number of people entering prison or jail. In order for policy-makers to make fiscally responsible decisions, they must be equipped with the necessary information. Until that information is available, policy-makers should be cautious when recommending policies that would increase the flow into our already overcrowded prison system.
- (2) Maintain the diversions passed in 2007 that are currently saving the state millions of dollars by eliminating the need for costly prison construction.** Considering the state's anticipated budget shortfall for 2010-2011, the Legislature cannot waste taxpayers' dollars on the status quo by locking up individuals and throwing away the key. Instead, during this 81st Legislative Session, the goal of policy-makers from both sides of the aisle must be to continue to support the cost-effective "smart on crime" practices put in place during our last state session in 2007. These strategies have laid the foundation for an infrastructure focused on saving taxpayers money, increasing public safety, and boosting the strength of our communities.

- (3) **Require probation with mandatory treatment for eligible (low-level, non-violent) defendants charged with drug possession.** Judges should have the discretion to place non-dangerous individuals with a first-time drug possession offense on probation and in a tailored substance abuse program, which in most cases would begin in a secure residential facility rather than prison. While judges should be allowed to incarcerate an individual if s/he determines that individual is either a threat to public safety, a drug dealer, or not amenable to treatment, this practice alone could divert 10,000 people from prison and save the state \$500 million by 2012, not including potentially avoided prison construction costs.⁹ Furthermore, such a practice would address the recidivism problems posed by individuals who choose incarceration over programs that force them to deal with the illness of addiction.
- (4) **Fully fund specialty courts – such as drug, DWI, mental health, and re-entry courts – by supporting H.B. 579 and H.B. 666 by Rep. Gutierrez.** The state should continue to fund courts specially designed to handle cases involving individuals who abuse addictive substances. Drug courts have been highly successful and immensely popular in Texas, and for many reasons: for instance, they are far less expensive than incarceration (on average nearly 10 times less); in fact, every dollar spent on drug courts saves \$4 in health care costs.¹⁰ Drug courts can also help resolve the prison overcrowding crisis through program diversion, and they successfully reduce drug abuse and recidivism (by up to 44%).¹¹ By concentrating on the root causes of criminal behavior and the recovery of defendants, specialty courts better ensure public safety.
- (5) **Enhance employability options for Texans by removing barriers that prevent formerly incarcerated individuals from obtaining licensing for jobs (such as H.B. 70).** Current Texas licensing requirements are requisite for a significant number of occupations, including air conditioning and refrigeration contractors, electricians, water well drillers, dog trainers, manicurists, and many others. Formerly incarcerated people cannot currently qualify for many of these licensed positions, severely limiting their economic opportunities. By expanding the range of possible vocations available to those who have committed a non-violent offense, the state can encourage them to support themselves by applying their particular skill sets, thereby encouraging personal responsibility and reducing the likelihood that they will remain unemployed or return to crime.
- (6) **Ensure that Texas receives much-needed federal funds under the Second Chance Act by identifying ways that would increase the state’s eligibility for grants as they become available.** For example, Texas could establish a statewide Re-Entry/Re-Integration Policy Council under the Governor’s Criminal Justice Division. One critical re-entry barrier is the lack of coordination between the TDCJ re-entry practitioners, initiatives, and re-entry service providers. Without communication and collaboration, services fail to reach the individuals that need them most during the crucial stages of re-entry, thereby increasing the likelihood of recidivism and decreasing the likelihood of successful re-integration.¹²
- ***Federal Funding Benefits:*** The Department of Justice administers grant funding to state and local government agencies, as well as non-profit organizations, to assist them in implementing recidivism-reduction re-entry initiatives – including the provision of employment assistance, substance abuse treatment, housing, family programming, mentoring, victims’ support, and other services that can help reduce re-offending and violations of probation and parole.

REFERENCES:

¹ Marc Levin, Texas Public Policy Foundation.

² National Institute of Corrections, "Corrections Statistics for the State of Texas," *Statistics for the State of Texas*, <http://www.nicic.org/features/statstats/?State=TX#3>.

³ National Association of State Alcohol/Drug Abuse Directors (NASADAD), *Policy Brief: Offender Re-entry*, (February 2006), http://www.nasadad.org/resource.php?base_id=945.

⁴ Texas Department of Criminal Justice, *Operating Budget for Fiscal Year 2009*, (August 2008).

⁵ Judge John Creuzot, Criminal District Court No. 4, Dallas.

⁶ Redonna Chandler, PhD and Bennett Fletcher, "Treating Drug Abuse and Addiction in the Criminal Justice System: Improving Public Health and Safety," *Journal of the American Medical Association* 301, 2, (January 14, 2009): 183-190.

⁷ Texas Department of Criminal Justice (TDCJ), Initial Meeting on Interim Charge # 1, (March 2004), <http://tdcj.state.tx.us/publications/cjad/Initial-Meet-Inter-Charge1.pdf>.

⁸ Marc Levin, Texas Public Policy Foundation.

⁹ Marc Levin, Texas Public Policy Foundation, 2009 Policy Primer, (2009), <http://www.texaspolicy.com/pdf/2008-LegeEntry-PrivateSectorPublicSafety-ml.pdf>

¹⁰ Redonna Chandler, PhD and Bennett Fletcher, "Treating Drug Abuse and Addiction in the Criminal Justice System: Improving Public Health and Safety," *Journal of the American Medical Association* 301, 2, (January 14, 2009): 183-190.

¹¹ National Drug Court Institute, *Benefits of Drug Courts*, http://www.ndci.org/courtfacts_benefits.html.

¹² Texas Criminal Justice Coalition, *Practitioners' Perceptions of Reentry Challenges*, (August 2008), 9.