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A focus on savings attained prison reforms

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Last week, a national study on prisons reported that 1 in 100 adults is now behind bars, and the cost of housing so many inmates is blowing a hole in state budgets.

Texas is mentioned prominently, as you'd expect, but not for the usual reasons.

Sure, we have more inmates than any state and one of the highest incarceration rates anywhere. But Texas was featured in the report by the Pew Center on the States for what it's doing right, not wrong.

Our new path: Get smart on crime, rather than just tough, and reap the ultimate benefit -- saving money.

This represents a sea change for law-and-order Texas, and lawmakers deserve credit for pursuing progress regardless of the political risks.

Rather than spend half a billion dollars on new prisons, the Legislature enacted some sweeping changes on crime and punishment in 2007. Since September, the state has been diverting more nonviolent offenders to probation, and it's preparing to build treatment centers for drug and alcohol abusers. It's also cutting more slack to parolees who miss meetings or have other technical violations.

The laws call for more drug courts, too, along with more prison releases and shorter probation terms, improving the odds that a lawbreaker can stay on the straight and narrow.

That's all a tough sell in a state that takes pride in being one of the toughest on crime. State Sen. John Whitmire, D-Houston, and Rep. Jerry Madden, R-Plano, succeeded by emphasizing the economics, not the social benefits.

"The trick is to leave the hard beds for the more violent offenders and not break the bank," Whitmire told the Pew Center in a question-and-answer exchange. "We've got to show that this new direction is not only tough and smart, it's also about money. Money! Money! Money! We need to let people know that we can save the state money."

An economic argument can win converts in Texas government, even on crime. State officials were projecting a need for 17,000 additional prison beds by 2012, at a cost of \$523 million. The initiatives from Whitmire and Madden will cost half as much because they won't require any new prisons.

Texas has about 153,000 people in prisons and jails, roughly three times more than in the mid-1980s. Almost half are nonviolent offenders.

The key point of the Pew study is that public-policy choices -- not rising crime or changing demographics - are driving the increase in nation's prison population. Harsh sentences for drug offenses, drunken driving, property crimes and repeat offenses swelled the numbers inside the system.

Lawmakers also added "enhancements" to boost sentences, which is an easy political reaction to rising crime. Prosecutors and judges began to enforce probation rules more strictly, and they became stingier in awarding parole.

The upshot is that more people were sentenced to prison for longer terms, and more were returned for minor rules violations.

"Some crimes are so heinous they warrant a lifetime behind bars," says the Pew report. "But states are spending more and more on inmates who are less and less of a threat to public safety."

In 2004, more prison sentences in Texas came from revoking probation than direct sentencing by the courts, says the Texas Criminal Justice Coalition, a prison-reform advocacy group in Austin.

In many cases, people would miss a meeting with a probation officer, fail a drug test or drink in a prohibited location -- and end up in prison.

Last year's changes have invigorated probation officers across the state, says Ana Yanez-Correra, the advocacy group's executive director. While they still need more money for basic services, they have more leeway in working with lawbreakers and keeping them out of jail.

"We're seeing a whole cultural change in probation departments," she says.

For several years, the coalition tried to persuade lawmakers to make prison reforms so families could stay together and inmates could reach their potential. But that was a nonstarter, so Yanez-Correra changed the focus.

"We had to look at the money spent on prisons and the return on investment," she says. "It wasn't a pretty picture."

The prison population in Texas declined slightly last year, according to the Pew report, and in just six months with the new laws, there have been signs of progress. About 15,000 have been added to the probation rolls, and many might otherwise be in prison today, Madden says.

The state is releasing about 28 percent of inmates eligible for parole, up from 26 percent, Whitmire says.

The Houston Democrat recalled that a judge once told him that for many lawbreakers, there are more difficult things than going to prison. Holding a job, supporting a family, and paying taxes and restitution can be tougher -- and a lot more valuable for all involved.

"We're doing the right thing for people who've broken the law and the right thing for taxpayers," Madden says.

Try telling that to his political opponent. In Tuesday's primary, Madden faced a Republican challenger, who blasted him for opposing new prison construction and preventing thousands of drug and property offenders from returning to prison.

In politics, that may be a liability. In the real world, that's leadership.