

## PROMOTE POLICIES THAT WILL DETER CRIMINAL BEHAVIOR RATHER THAN FOCUSING ON CRIMINAL ENHANCEMENTS

Enhancements, which increase the penalties for established criminal offenses, contribute to prison and jail overcrowding at great taxpayer expense. Policy-makers must prioritize programming that addresses the root causes of criminal behavior over ineffective and inefficient punitive sanctions.

### ENHANCEMENTS WASTE TAXPAYERS MONEY

The overall trajectory of criminal justice in Texas since the 1990s has been one of aggressive prison expansion and criminalization. Currently, 1 in 22 Texans are currently under some form of supervision in the state's criminal justice system.<sup>1</sup> Many individuals have committed nonviolent offenses and are costing the state millions. In fact, the 72,909 nonviolent individuals on hand in state prisons and state jails alone<sup>2</sup> are **costing taxpayers more than \$3.6 million daily.**<sup>3</sup>

Criminal enhancements can lead to a boost in arrests and even longer sentence lengths for eligible offenses. Enhancements may also prevent individuals from being considered parole-eligible earlier. Not only do additional enforcement strategies and longer lengths-of-stay result in increased costs to taxpayers, but a misdemeanor to felony increase also **shifts the financial burden for confinement from counties to the state.**

Furthermore, as inmate populations swell, **jail and prison construction** becomes an expensive byproduct. Already, Texas spends more than 88% of its corrections budget (more than \$6 billion) on incarceration at the state level,<sup>4</sup> while counties are struggling to manage their costly, growing jail populations. By increasing criminal penalties – especially from a misdemeanor to a felony offense, and thus requiring a term of incarceration – Texas will continue to strain criminal justice resources that could be focused on truly reducing crime.

Finally, the legislation of criminal enhancements and new crimes is working at cross-purposes with the energy that Texas lawmakers have recently invested in jail diversion and treatment efforts. These strategies keep people safely in their communities, where they are able to maintain employment and care for their families. Incarceration, on the other hand, **threatens county tax bases** (as the number of individuals with criminal records rises), while also increasing **reliance on welfare**<sup>5</sup> and other public assistance upon re-entry.

### ENHANCEMENTS DO NOT REDUCE CRIMINAL BEHAVIOR

Enhancements do not act as a deterrent to criminal behavior or tackle its root causes. As it is, many individuals have become accustomed to serving time and prefer it to probation and programming.<sup>6</sup> As such, making behavior more illegal merely becomes an ineffective exercise.

More alarmingly, **incarceration results in significantly greater levels of re-offending than treatment and other risk-reduction alternatives**, which are proven to be more cost-efficient and programmatically effective. According to the National Institute of Corrections, incarceration can increase an individual's inclination towards criminal activity by .07%, while treatment combined with cognitive skills programming can decrease criminal behavior by 44%.<sup>7</sup>

## EVIDENCE-BASED PRACTICES REDUCE CRIMINAL BEHAVIOR

Instead of passing dozens of new enhancements each session, policy-makers must find solutions that will not only look good on paper but actually be implemented to improve people's lives through **increased public safety** in their communities.

Programming that addresses criminal behavior is paramount. **Cognitive behavior programs** that target individuals' antisocial thinking patterns are especially effective, as they alone can decrease an individual's inclination towards criminal activity by 29%.<sup>8</sup> Antisocial attitudes, antisocial relationships (potentially as a result of gang membership), substance abuse and alcoholism, lack of empathy, and impulsive behavior are all traits that can cause recidivism and must be addressed to truly improve public safety.<sup>9</sup>

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Being "tough on crime" only makes sense if billions of dollars are not wasted on such efforts. Refraining from increasing the penalties for already existing crimes will ensure that law enforcement target their resources on established, higher-level offenses. Taxpayers at both the county and state level expect real results from the policies supported by their elected officials, and programming is the means of achieving the greatest return on their investment.

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<sup>1</sup> Texas Department of Criminal Justice, "Statistical Report Fiscal Year 2010," pgs. 1, 4, 6; as of August 31, 2010. Specifically, 154,795 individuals are incarcerated (including in prison, state jail, and in a SAFP facility); 419,920 are on probation; 81,101 are on parole.

<sup>2</sup> *Ibid.*, pg. 1. Nonviolent individuals on hand in prison total 60,948; nonviolent individuals on hand in state jail total 11,961.

<sup>3</sup> Legislative Budget Board, "Criminal Justice Uniform Cost Report: Fiscal Years 2008 - 2010," January 2011, pg. 6; using FY 2010 prison inmate costs-per-day of \$50.79 and state jail costs-per-day of \$43.03.

<sup>4</sup> Marc Levin, "Texas Criminal Justice Reform: Lower Crime, Lower Cost," Center for Effective Justice – Texas Public Policy Foundation, January 2010, pg. 3.

<sup>5</sup> Every dollar spent on treatment, rather than incarceration, will save the state \$7 in criminal justice and public welfare expenses. From National Association of State Alcohol and Drug Abuse Directors, "Policy Brief: Offender Re-entry," August 2005, pg. 1.

<sup>6</sup> Brandi Grissom, "Many Choosing Jail Time Over Probation," *The Texas Tribune*, September 28, 2010.

<sup>7</sup> Judge Marion F. Edwards, "Reduce Recidivism in DUI Offenders: Add a Cognitive-Behavioral Program Component," 2006, pg. 3.

<sup>8</sup> *Ibid.*

<sup>9</sup> Dr. Tony Fabelo and Angie Gunter, "Organizational Assessment of Travis County Community Supervision and Corrections Department," The JFA Institute (Austin, Texas Office), August 2005, pg. 18.