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In a Nutshell: Trends and Strategic Issues  
in Texas Criminal Justice

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Criminal Justice Policy Council  
P.O. Box 13332  
Austin, Texas 78711  
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# In a Nutshell: Trends and Strategic Issues in Texas Criminal Justice

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## Sentencing Dynamics Study

### Report 1

January 17, 1992

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**U.S. Department of Justice  
National Institute of Justice**

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## Note From the Director

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The Office of the Criminal Justice Policy Council is a state agency that conducts research, program evaluations and strategic planning for the Texas criminal justice system. The agency, under the direction of the Governor, provides objective research information to the state leaders on selected areas or special projects. For the 1991-1992 biennium the Governor directed the Office to provide the Texas Punishment Standards Commission with the necessary research to support the commission's policy development. House Bill 93, in the last legislative session, also directed the Office to conduct a special project to study sentencing dynamics in the state. The Criminal Justice Policy Council was directed to design the study to "provide the legislature with information necessary to perform a proper revision of the Penal Code and statutes relating to sentencing in criminal cases." This study is presently underway. Preliminary results are expected by the summer of 1992 to assist the Punishment Standards Commission. More detailed findings will later assist the 73<sup>rd</sup> Texas Legislature in 1993.

This report is the first in a series of reports or briefings specifically designed to assist the Texas Punishment Standards Commission in their policy development. The report presents the complex dynamics of the Texas criminal justice system in a conceptual framework that illustrates past trends and identify strategic issues critical to policy development. Text bullets and graphical analyses are used to present complex information as effectively as possible. A similar format will be used for future reports. However, the Office will elaborate and present more in-depth information on any of the issues presented in reports if policy makers request additional information.

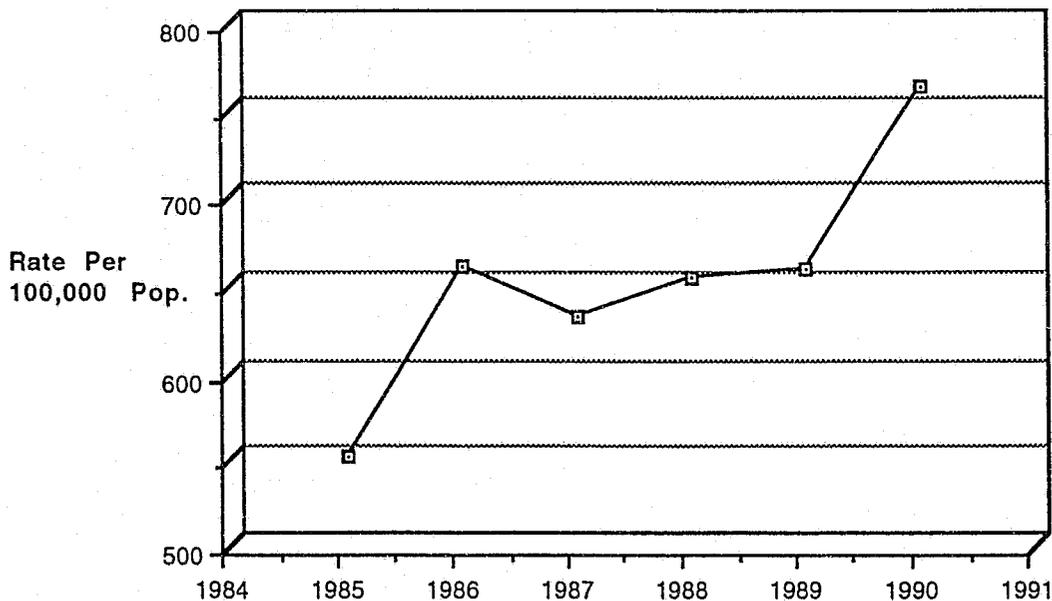
Tony Fabelo, Ph.D.  
Executive Director

## Violent Crime in Texas Increasing

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- In 1990 there were **1,329,339 Index Crimes reported in Texas**
  - √ 129,345 Violent Index Crimes (Murder, Rape, Robbery and Aggravated Assault)
  - √ 1,199,994 Property Index Crimes (Burglary, Theft, and Motor Vehicle Theft)
  - √ Drug violations are not reported as Index Crimes
    - There were 62,384 juvenile and adult drug arrests in Texas in 1990
- **Total Index Crimes in Texas have declined since reaching a peak in 1988 but Violent Index Crimes increased in 1990**
  - √ The crime rate in Texas per 100,000 population decreased by 1.3% from 7,926.8 in 1989 to 7,825.9 in 1990
  - √ The violent crime rate increased by 15.6%, from 658.3 Violent Index Crimes per 100,000 population in 1989 to 761.5 in 1990

Chart 1: Violent Index Crime Rate  
Per 100,000 Population in Texas, 1985-1990

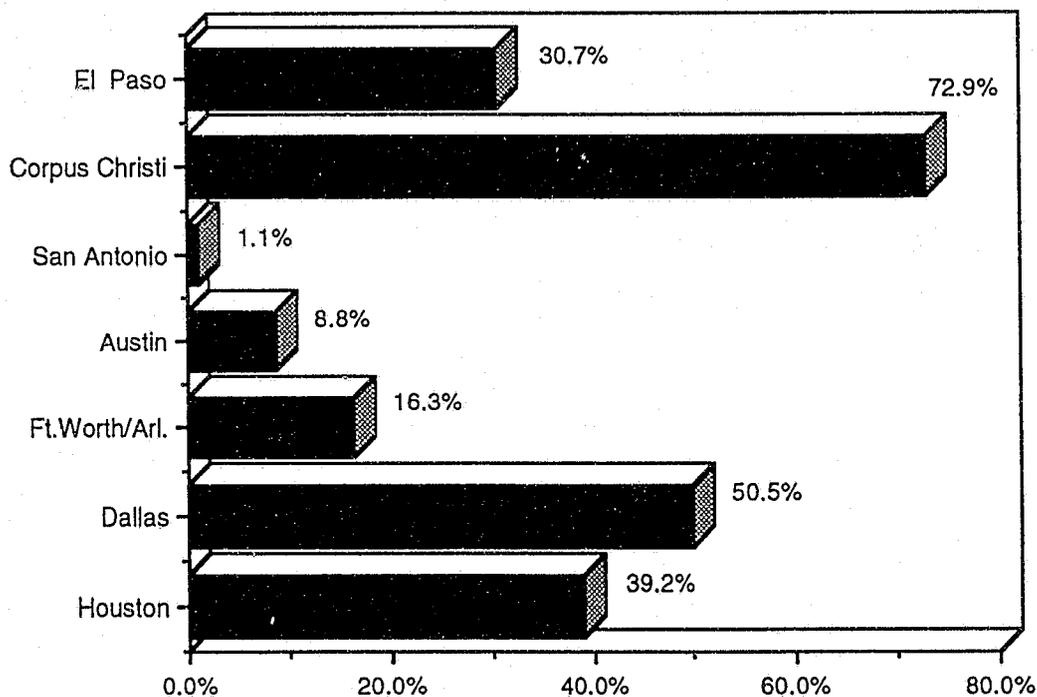


## Violent Crime in Texas Increasing (cont.)

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- For the first six months of 1991 Violent Index Crimes in Texas increased by 14.5%
  - √ Between January and June of 1991 there were 69,704 Violent Index Crimes reported in Texas compared to 60,863 for the same months of 1990
  - √ The January to June 1991 crime rate was 3,834.8 per 100,000 population compared to 3,805.2 for the same period in 1990
- The violent crime rate in the seven largest metropolitan areas in the state has increased since 1985

Chart 2: Percent Change in Reported Violent Index Crime Rate in Texas Largest MSAs as Reported by FBI, 1985-1990



## Texas Crime Compared to the Nation in 1990

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- **The crime rate in Texas ranks fourth in the nation, after the District of Columbia, Florida, and Arizona**
  - √ The rate of property crime in Texas also ranks fourth in the nation
  - √ The violent crime rate ranks eleventh in the nation
  - √ After California, the largest number of Index Crimes in the nation were reported in Texas
  - √ The total number of arrests for Index Crimes in Texas ranks second in the nation after California
- **Of the 30 metropolitan areas in the nation with the highest crime rate, 10 are in Texas**
  - √ The table below shows these metropolitan areas in rank order within Texas, their crime rate per 100,000 population and their national ranking

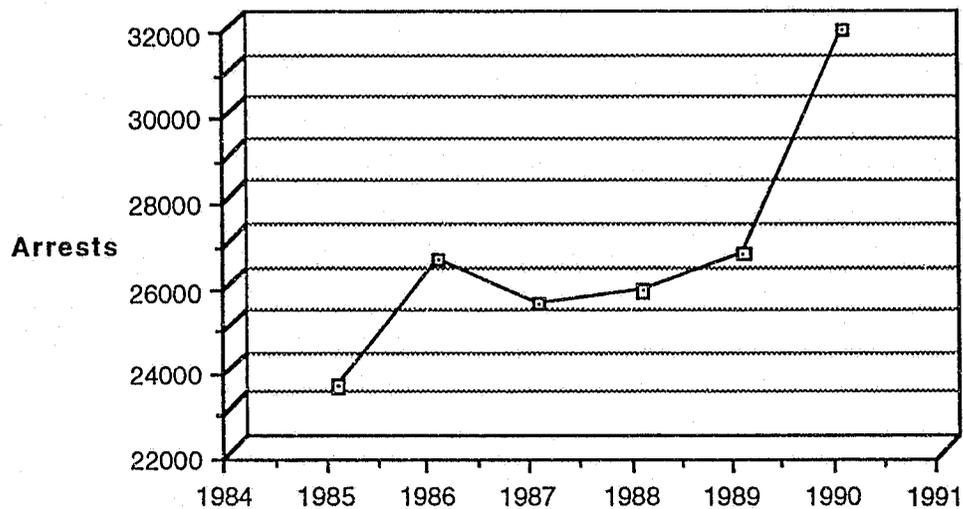
MSA	Crime Rate	Nat. Ranking
Odessa	11,974.7	2
San Antonio	10,479.8	3
Dallas	10,296.6	4
El Paso	10,286.8	5
Wichita Falls	9,478	7
Fort Worth-Arl.	9,381.2	9
Austin	8,919.3	14
Corpus Christi	8,687.2	20
Houston	8,494.8	24
Laredo	8,472.7	25

## Criminal Justice System Growth Arrests Increasing

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- **Adult arrests in the state declined in 1987 and 1988 but since 1989 arrests have increased**
- **Between 1989 and 1990:**
  - √ Total adult arrests increased by 10.2% (875,805 arrests)
  - √ Arrests for Violent Index Crimes increased by 19.4% (31,779 arrests)
  - √ Arrests for property crimes increased by 1.1% (155,509 arrests)
- **Arrests for drug violations peaked in 1989 with 68,351 but declined by 13% in 1990 to 59,405**

Chart 3: Adult Arrests for Violent Index Crimes In Texas, 1985-1990

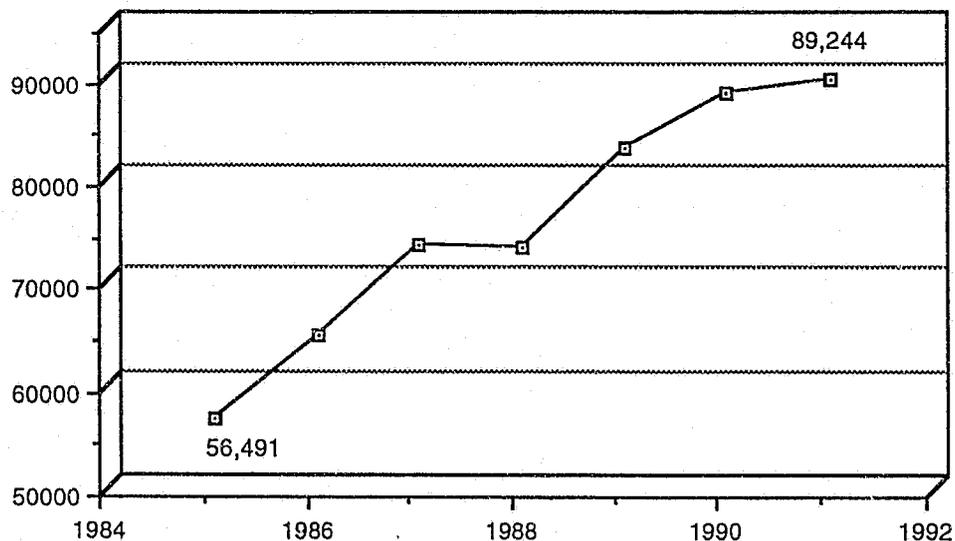


## Correctional Pressure Increasing

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- **Increasing violent crime and increasing arrests have led to more convictions for adult felony cases**
  - √ Between 1985 and 1991 felony cases convicted have increased by 57.9%, from 56,489 in 1985 to 89,244 in 1991
  - √ Approximately 55% of cases convicted are granted probation
  - √ A large probation and parole population means that more offenders with prior criminal records are being supervised and are more likely to be convicted if arrested for a new offense
  - √ System information technology is improving, leading to better identification of offenders and better evidence for convicting offenders

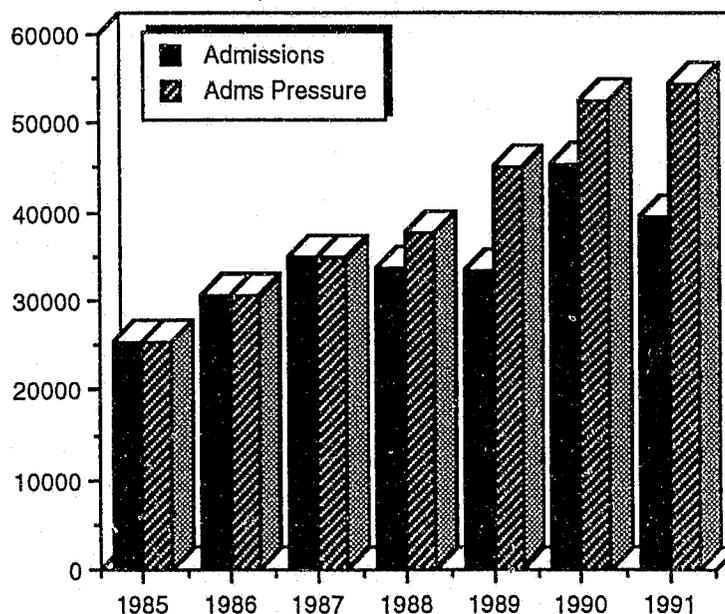
Chart 4: Felony Cases Convicted in Texas, 1985-1991



## Prison Capacity Shortfall

- **The rising number of convictions has increased the pressure for system capacity in the correctional system**
- **Prison capacity has not kept up with the demand for prison space**
  - √ In 1987 a prison scheduled admissions policy was adopted to limit the number of sentenced felons that were to be accepted for prison admission from each county
  - √ In 1989, a factor-based allocation formula replaced the historically-based scheduled admissions policy
  - √ Releases from prison have been targeted at 150 per day to allow the admission of an equivalent number of convicted felons per day
- **Convicted felons sentenced to prison that are not admitted because of lack of space remain in a "backlog" of inmates residing in county jails and awaiting transfer to prison**
  - √ The prison admission pressure exceeds the targeted 150 admissions per day increasing the jail backlog
  - √ Prison releases have also fluctuated at a lower rate than 150 per day decreasing the number of targeted admissions
  - √ Some of the felons in the backlog are released on parole directly from jails (Parole-in-Absentia, PIA)
    - In 1991 there were 8,121 inmates released on PIA from county jails

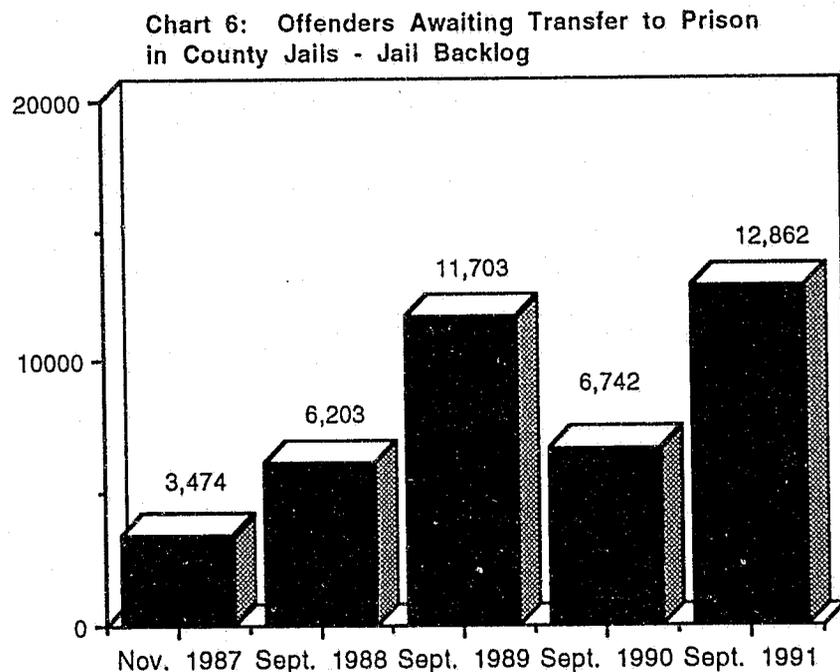
Chart 5: Actual Admissions of Sentenced Offenders to Prison Compared to Admissions Pressure, 1985-1991



## Jail Backlog

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- The Texas Commission on Jail Standards first started to count the number of state inmates awaiting transfer to prison in 1987
  - √ The census of the backlog until August 1991 was conducted only for jails with a capacity of 100 or more, counting only 80% of the state inmates awaiting transfer to prison
  - √ Since September 1991 all jails are counted in the monthly backlog census and a distinction is made between inmates in the backlog that are "paper ready" to transfer to prison and those still awaiting their paper work
- The historical count of the backlog is shown below

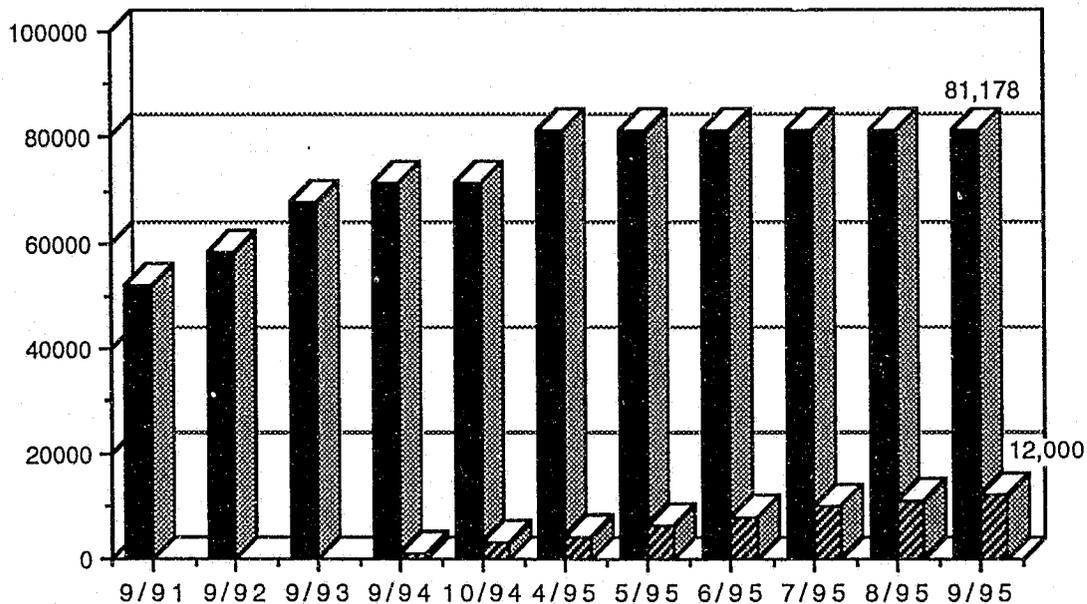


## Prison Construction, Early Releases, and Community Corrections as Main Policies

- **Prison construction, early releases, and community corrections policies have been implemented to deal with the system capacity shortfall**

- √ The total prison capacity was 26,576 in 1980 and 40,134 in 1985
- √ Funding for constructing over 40,000 new prison beds and community corrections substance abuse treatment beds has been authorized since 1987 and these beds should be operational by 1996
- √ The total state bed capacity (prison and substance abuse treatment beds) will have increased by 250% between 1980 and 1996
- √ The prison capacity in 1996 will be 81,178 beds with an additional 12,000 community corrections substance abuse treatment beds for a total state bed capacity of 93,178

Chart 7: Projected Prison Capacity and Drug Treatment Bed Capacity



## Prison Construction, Early Releases, and Community Corrections as Main Policies (cont.)

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- **Early releases from prison and community corrections policies also have been used to manage the population growth in the system**
  - √ Between 1985 and 1991 total releases from prison increased by 61.7%, from 23,333 in 1985 to 37,735 in 1991
  - √ Parole releases during the same period increased by 260%, from 9,328 in 1985 to 33,633 in 1991
    - Early releases led to a decrease in average time served in prison from 24 months in 1985 to 20 months in 1991
    - In 1991 offenders with a sentence of 5 years served an average of 11 months in prison
  - √ The parole population under supervision increased by 115%, from 34,813 in 1985 to 74,789 in 1991
  - √ New felony probation admissions increased by 40%, from 38,085 in 1985 to 53,354 in 1991
- **There are presently 1,988 community halfway-house and pre-parole beds for parolees and 2,206 contract beds for probationers funded by the state**
  - √ Community corrections state funding is presently being used by local governments to further expand community corrections beds and treatment facilities
- **At the end of August 1991, there were 375,068 adult offenders under some form of criminal justice supervision in the state representing 3 out of every 100 adults in Texas**
  - √ 21,483 in local jails
  - √ 11,912 state inmates in jail awaiting transfer to prison
  - √ 49,608 state prisoners
  - √ 74,789 state parolees
  - √ 115,636 probationers serving a felony sentence
  - √ 101,640 probationers serving a misdemeanor sentence

# Crime and Correctional Policies

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- **Crime is a complex social problem affected by numerous personal and socioeconomic factors**
  
- **The effectiveness of correctional policies depends in great part on the ability of correctional and programmatic policies to deal with the socioeconomic and personal needs of offenders while encouraging deterrence and punishment for criminal behavior**
  
- √ The economic recession in Texas in the late 1980's has limited the economic opportunities available to populations that have high-risk potential for involvement in crime
  - Declining social conditions, particularly in the inner cities, have affected the socioeconomic opportunities and living environment of poor people, particularly minorities
  
- √ Substance abuse is a multiplier for other factors that correlate with crime
  - The use and illicit trade of cocaine, particularly crack cocaine in the late 1980's, have aggravated violent crime in the inner cities
  - Cocaine continues to be the number one illicit substance abuse problem for clients admitted to substance abuse treatment programs in the state
    - In 1990, 53% of the males and 49% of the females booked as arrestees in Houston tested positive for cocaine in urinalysis
    - The equivalent number in Dallas was 43% for males and 46% for females
  - The intensity of criminal careers (the number of crimes committed) tends to increase as substance abuse involvement gets more expensive
    - Over one-third of the offenders admitted to prison said that drugs were a factor in their offense
    - Inmates were over 50 times more likely to report "trouble with the police over drugs" in the past year than the overall adult population in the state

## Crime and Correctional Policies (cont.)

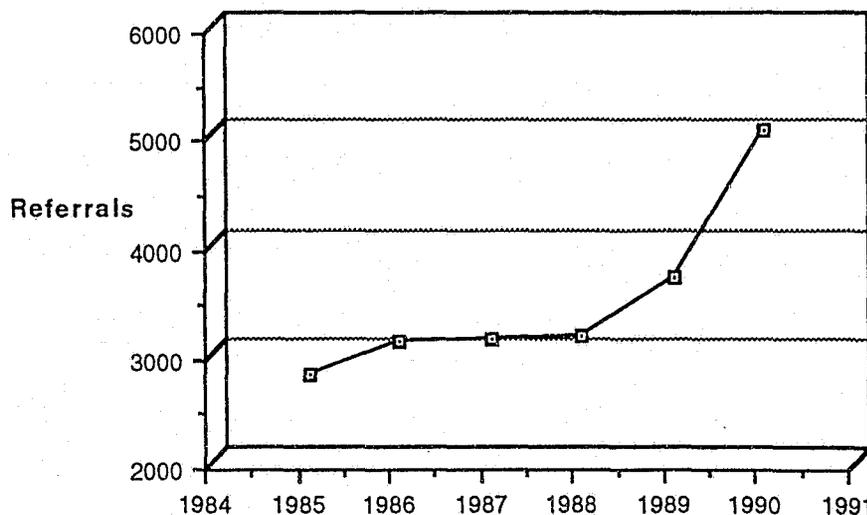
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- **The reincarceration recidivism rate after three years for offenders released on parole is 43%, and for offenders placed into Intensive Supervision Probation (ISP) is 42.8%**
  - √ In other words, of 100 offenders placed on parole or ISP, almost half of them will be back in prison after three years
- **Recidivism studies in Texas show that offenders that have better socioeconomic conditions are less likely to recidivate**
  - √ Offenders with a history of steady employment return to prison at a rate of 10% after one year compared to 25% for those with unsteady employment
    - Approximately 16% of the prison population reported being unemployed when they were admitted to prison; 23% reported working part-time only
  - √ Offenders who have a high school education return to prison at a rate of 10% after one year compared to 16% for those who do not have the same education
    - Approximately 68% of the prison population does not have a high school diploma or G.E.D.
- **Programs directed at improving the personal or socioeconomic conditions of offenders under supervision can have a long-term positive impact in reducing crime**
  - √ After one year, the reincarceration recidivism rate of parolees who received substance abuse treatment in prison with community follow-up is 26%, compared to 53% for a comparable sample who received no institutional or supervision substance abuse services
    - Drug use is more prevalent in the prison population: 47.7% of offenders admitted to prison, versus 5.8% of the general population report, "current drug use" of one or more drugs
  - √ After one year, the failure rate for parolees who participated in the employment services Project RIO (Re-Integration of Offenders) is 16% compared to 22% for those not participating

## Juvenile System: Early Warning of Future Trends in the Adult System

- The juvenile justice system has experienced similar growth patterns as the adult system, and this can be seen as an early indicator of the continuation in the present growth of the adult system
  - √ Juvenile arrests in Texas between 1985 and 1990 increased by 14.8%, from 108,039 arrests in 1985 to 124,135 in 1990
    - For the same period juvenile arrests for Violent Index Crimes increased by 74.6%, from 2,651 arrests in 1985 to 4,631 in 1990
  - √ Referrals of juvenile offenders to juvenile probation departments during the same period increased by 10.5%, from 88,734 referrals in 1985 to 98,044 referrals in 1990
    - Referrals for violent felony delinquent offenses increased by 81.1%, from 2,762 in 1985 to 5,002 in 1990
  - √ The number of juveniles held in secure detention facilities increased by 13%, from 24,517 in 1985 to 27,723 in 1990
  - √ The number of juveniles adjudicated to probation increased by 22.3%, from 8,434 in 1985 to 10,315 in 1990
  - √ In spite of an increase in the number of juvenile referrals, the number of commitments to TYC has remained fairly stable due in part to the use of probation diversions
    - The number of TYC commitments in 1990 was 2,136 compared to 2,148 in 1985
    - There were 2.1 TYC commitments per 100 referrals to juvenile probation departments in 1990 compared to 2.4 in 1985

Chart 8: Referrals of Juveniles to Texas Juvenile Probation Departments for Violent Felony Delinquent Offenses, 1985-1990



## Strategic Issues to Consider

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- **In the 1990's, the state faces a crossroads in criminal justice policy in which policy makers will have to design more responsive policies to deal with crime and criminal justice**
  
- **Policy makers face four strategic issues for achieving effective reforms in the criminal justice system**
  - √ The issue of the interrelationship between local sentencing discretion and the availability of state resources to accommodate this discretion
  
  - √ The issue of classifying the diversity of criminal offenders and criminal behavior in order to make punishment decisions and treatment programs more effective
  
  - √ The difficulty and cost issues related to finding solutions after years of system capacity shortages which have distorted the functioning of the criminal justice system
  
  - √ The long term issue of the relationship of criminal justice policies to other areas of policy not formally connected to criminal justice (such as employment, early childhood development, and health and human services)

# The New Texas

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- **The new Texas of the 1990's demands that the criminal justice crisis be confronted from a systemic strategic perspective**

- √ Policies improving economic, educational and substance abuse treatment opportunities in the state should collectively have a positive long-term impact in reducing crime
- √ Policies that cut across agency boundaries should be enacted to deal with the overlapping needs of the offender population like employment, adult education, substance abuse treatment and crisis intervention
- √ Sentencing policies that target prison space for the most violent and/ or repeat offenders should be considered as a critical element in the effective utilization of limited incarceration resources
- √ Development of alternative facilities and services which integrate treatment, secure detention and public safety should be part of a continuum of punishments and programs
- √ If needed, further prison capacity should be considered to maintain the integrity and credibility of a structured system of sanctions
- √ Performance outcome measures have to be integrated in program implementation to support long-term success

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