

# Review of Sentencing Reforms: Projected Impact and Recent Trends

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BRIEFING TO SENATE CRIMINAL JUSTICE COMMITTEE



NCJRS  
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November 30, 1993

Criminal Justice Policy Council  
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Austin, Texas 78711  
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Executive Director

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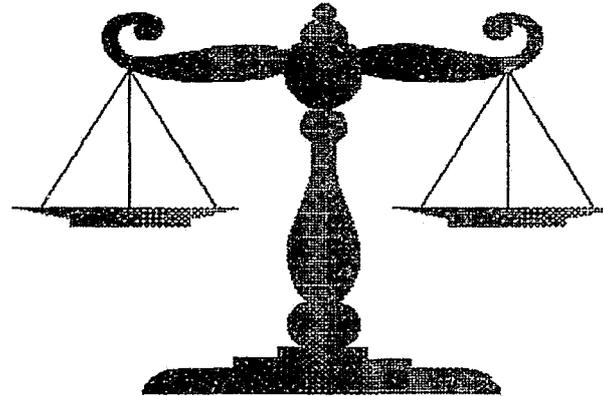
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**Part I**  
**Review of Sentencing Reforms**

# Sentencing Reform as Described by Sponsors: Balance Tough and Smart on Crime Policies

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**TOUGH ON CRIME**



Increase time in prison for offenders sentenced to prison for aggravated offenses that involve the most harm to persons

**SMART ON CRIME**



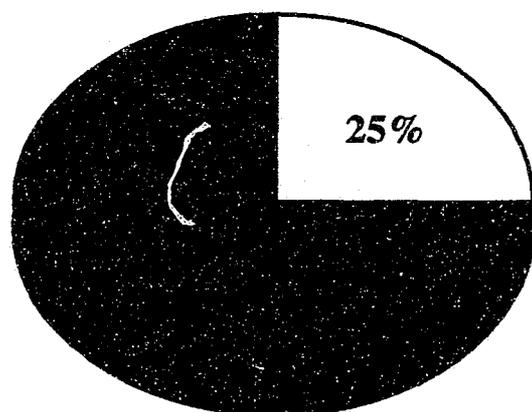
More effective community supervision and cheaper incarceration for low-level non-violent property and drug offenders

- Sentencing Reform Legislation: S.B. 1067 by Senator John Whitmire; sponsored in the House by Representative Allen Place
- State Jail System Legislation: S.B. 532 by Senator John Whitmire; sponsored in the House by Representative Allen Hightower

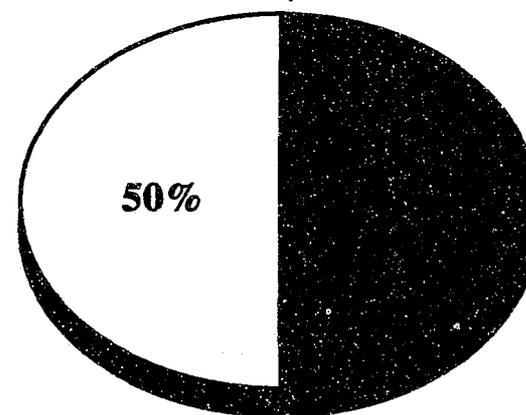
# Tough on Crime: Double Time in Prison Before Parole Eligibility for Aggravated Offenders

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PERCENTAGE OF SENTENCE TO BE SERVED IN CALENDAR TIME  
PRIOR TO PAROLE ELIGIBILITY



Before Reform

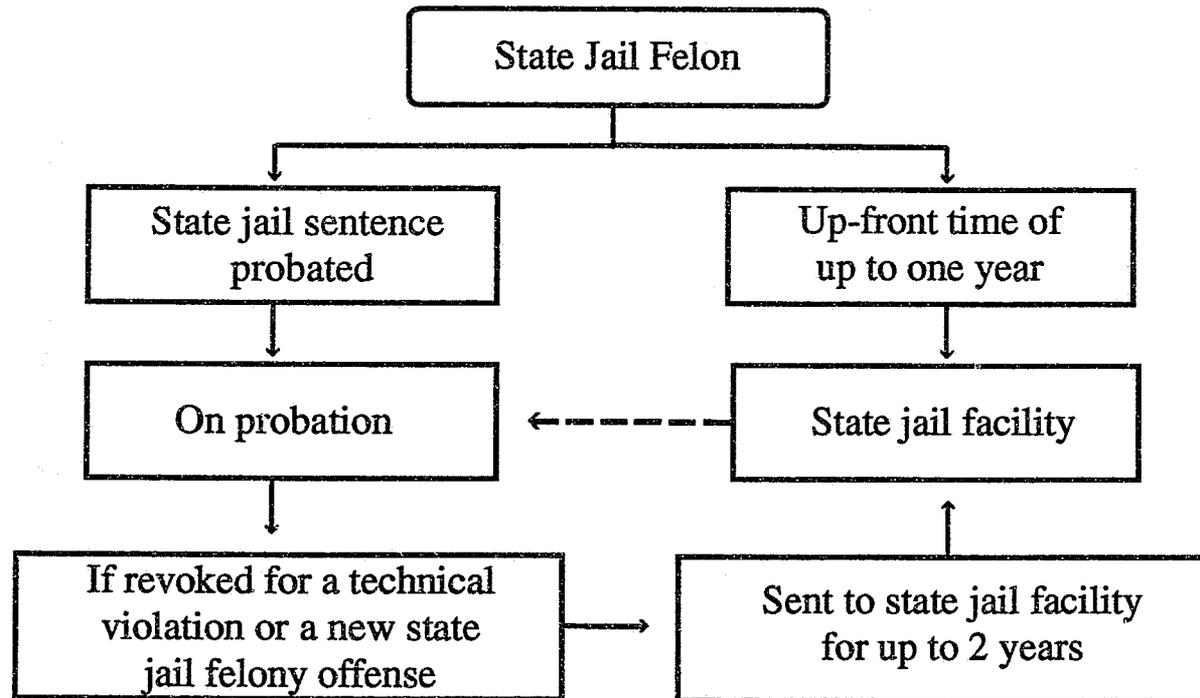


After Reform

- Add Murder and Indecency with a Child by Contact to the list of aggravated offenses
- Make the Murder of a Child under Six years of age a Capital Offense
- Capital offenders sentenced to life are required to serve a minimum of 40 years in prison with 2/3 approval of entire parole board needed before release
- Provisions effective September 1, 1993

# Smart on Crime: Creation of State Jail Felony Offense Category and System

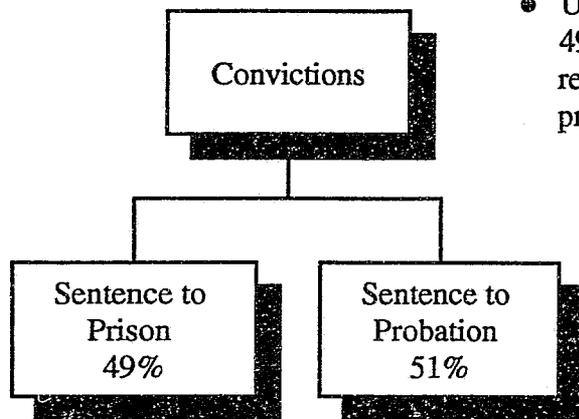
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- State Jail Felony Offenses: Forgery, Burglary of Building, Credit Card Abuse, Possession or Delivery of under one gram of Penalty Group I & II drugs, Theft, other low-level property crimes
- Up-front state jail time of up to one year at judges' discretion based on the prior criminal history of offenders
- Offenders with a prior aggravated conviction cannot be sentenced as state jail felons
- State jail sentence served in actual time with no good time credited
- System implemented starting September 1, 1994

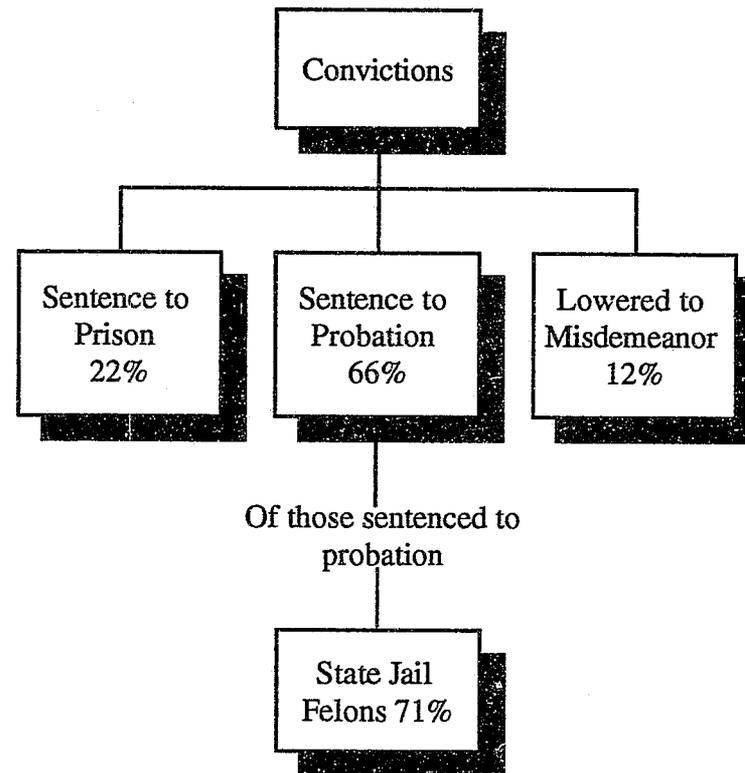
# Sentencing Reform Provides for Non-Violent Offenders to Serve Calendar Time in State Jails

## Present System



- Under the present system approximately 49% of offenders convicted in Texas receive prison sentences and 51% receive probation including deferred adjudications

## New System



- Under the new system of state jails starting September 1, 1994, the flow of adult offenders through the system is expected to change, with most offenders being sentenced to probation and the system of state jails
- Offenders sentenced to state jail are not eligible to receive good time credits

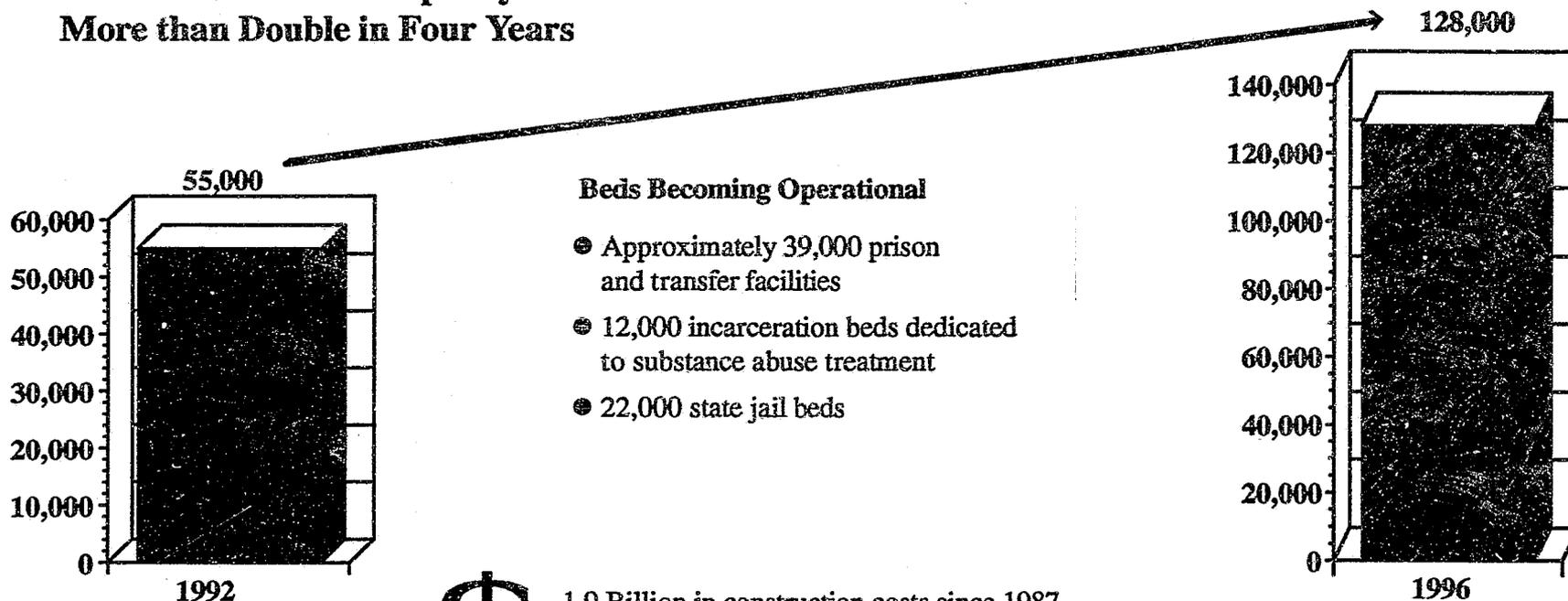
# Reform Represents a Shift in Punishment Philosophy for Non-Violent Offenders

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- "Short Leash" supervision seen as more effective
  - Short, but certain periods of incarceration in state jails are seen as more effective than the long prison sentences which are never totally served under the present system
  
- Maintain local control of the supervision of offenders
  - Approximately 40% of those who would have been sentenced to prison and supervised on parole under the old system will now receive supervision under the locally controlled probation system
  
- Substance abuse treatment used to reduce recidivism
  - Participation in substance abuse treatment will be required to a greater extent than before

# Reforms Backed by Largest Correctional Expansion in the Nation

## State Incarceration Capacity to More than Double in Four Years

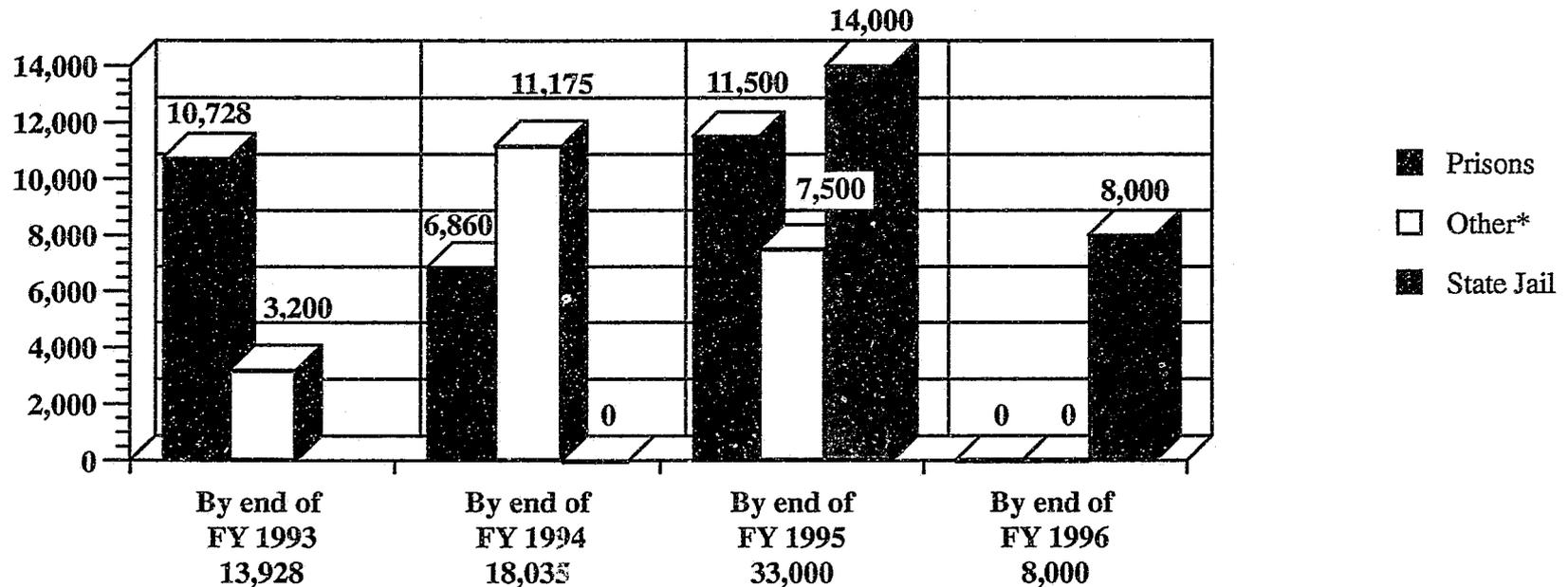


1.9 Billion in construction costs since 1987

921 Million increase in operations budget in 1994-1995

# State Correctional Capacity Expansion Schedule For FY 1993 - 1996

TOTAL CORRECTIONAL BEDS BECOMING OPERATIONAL BY FISCAL YEAR



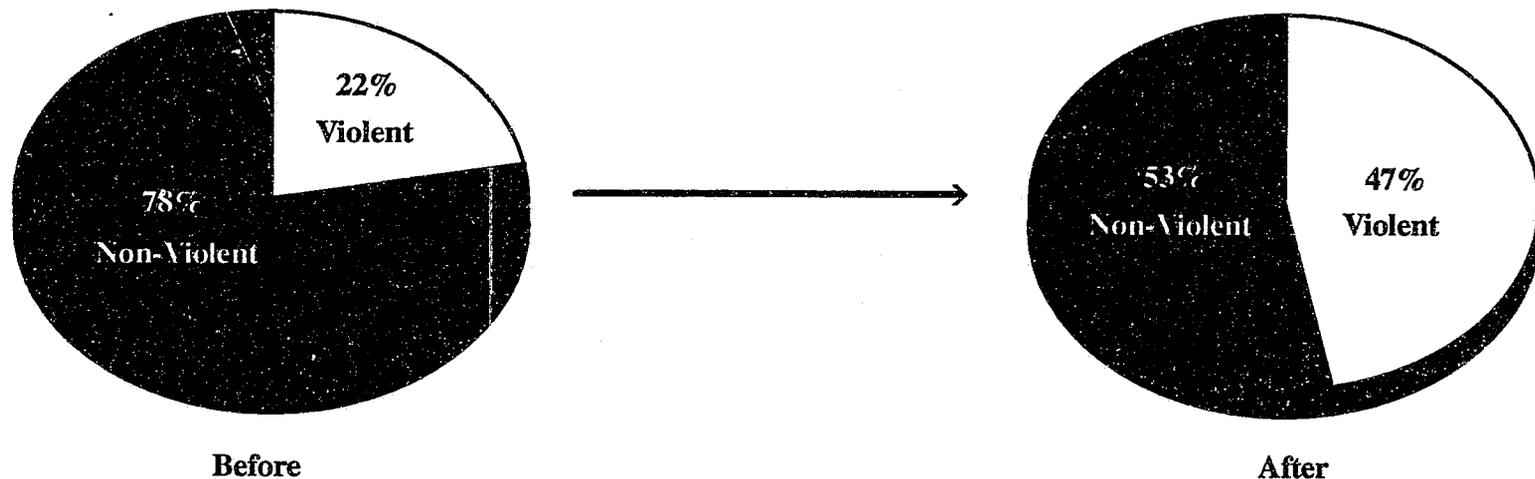
\* Other: transfer facilities, SAFP, Boot Camp, detention facilities

Source: Projected correctional construction schedule by TDCJ of September 10, 1993

# More Prison Space is Allocated for Violent Offenders After Sentencing Reform

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## OFFENSE TYPE OF OFFENDERS SENTENCED TO PRISON BEFORE AND AFTER SENTENCING REFORM

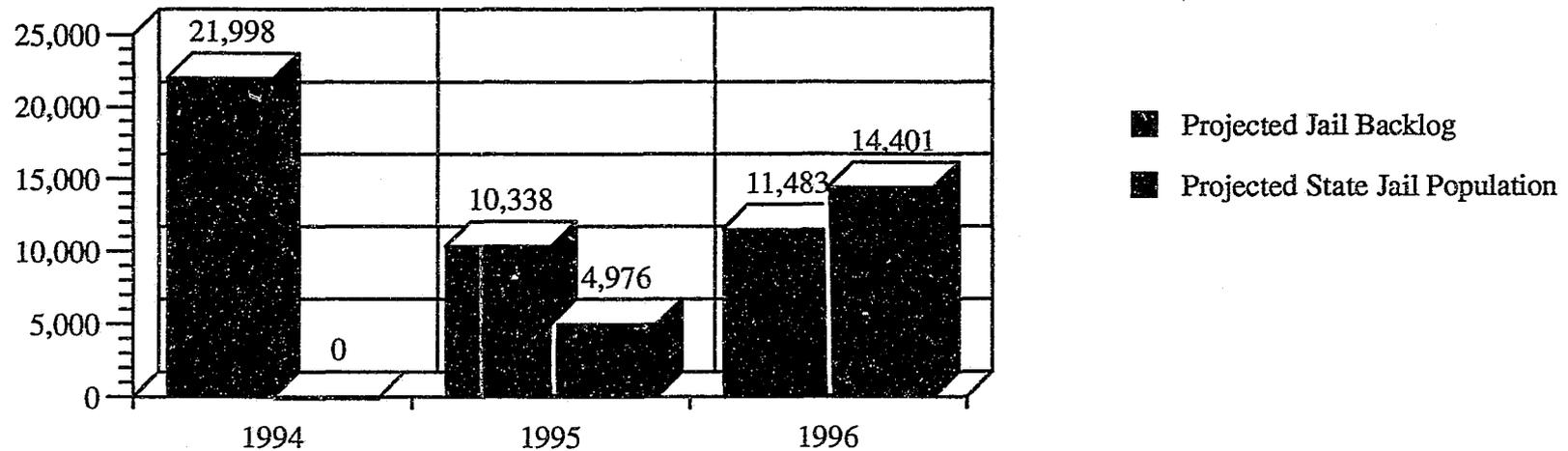


- Before the sentencing reform:
  - 10% of the offenders sentenced to prison were Violent Aggravated (3G)
  - 12% of the offenders sentenced to prison were Violent Non-Aggravated

- After the sentencing reform:
  - 21% of the offenders sentenced to prison are Violent Aggravated (3G)
  - 26% of the offenders sentenced to prison are Violent Non-Aggravated

# Projected State Jail Population and "Paper Ready" Jail Backlog, FY 1994-1996

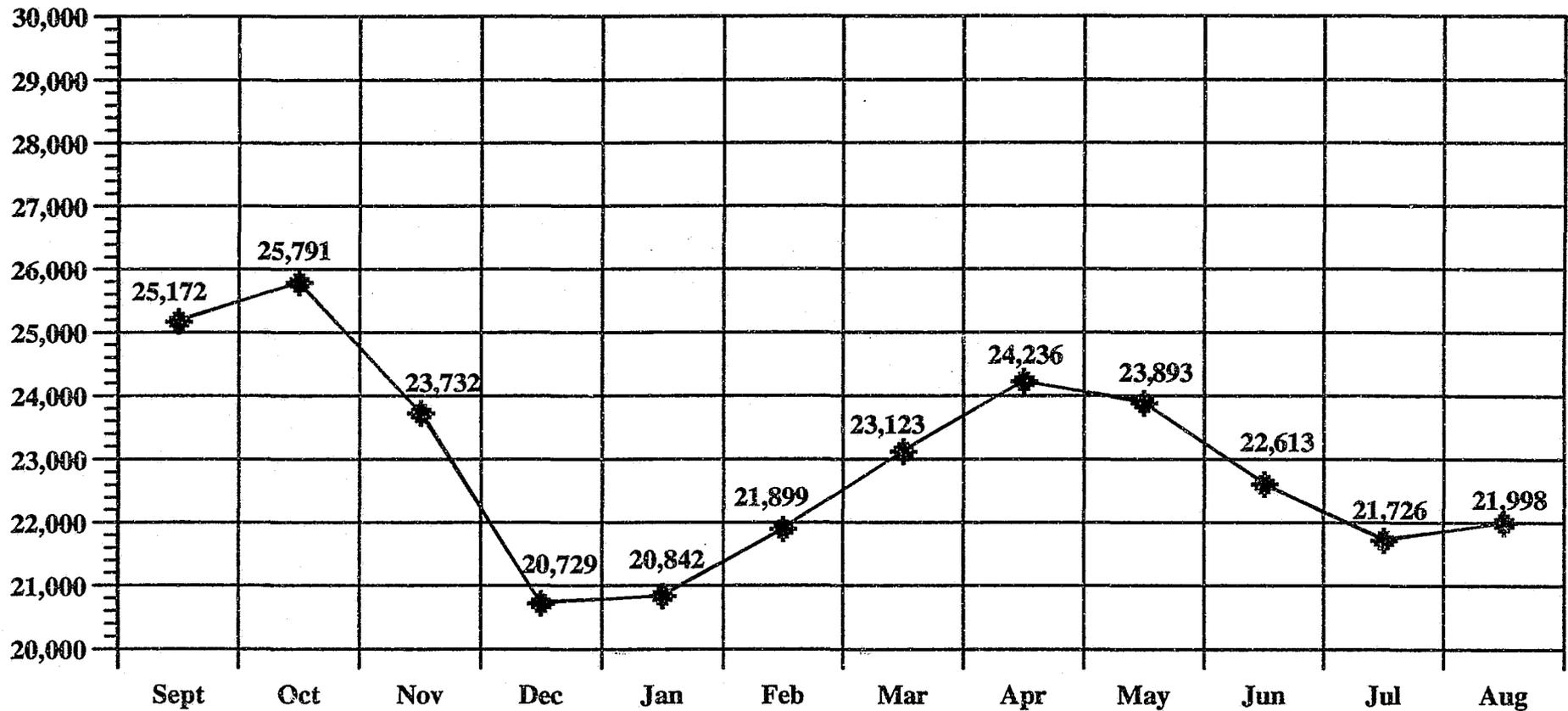
- Key assumption one: Capacity in state jails will be provided for jail felons to serve an average of 6 months in 1995 and 10 months in 1996
- Key assumption two: 75 offenders will be released from prison per day
- Key assumption three: No significant delay in correctional construction schedule of September 10, 1993



- State jail capacity of 14,000 by September 1995 and an additional 8,000 beds by September 1996 will be allocated for both state jail felons and felons in the state backlog in county jails

Source: "Projected State Jail Felony Population by Gender and Region, 1995 and 1996", CJPC, August 2, 1993

# Projected "Paper Ready" State Jail Backlog by Month For FY 1994



Source: "Impact Analysis of Proposed Prison Admissions Formula on State Backlog in County Jails", CJPC, June 25, 1993

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**Part II**  
**Forces Affecting Projected Backlog**

# Factors that Affect Projected Impact

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- Sentencing pressure

- Increase in the number of offenders sentenced to prison or state jail
- Revocation trends

- Policies that affect time served in prison

- Number of Parole releases
- Amount of Good time earned
- Number of 3G offenders

- Construction schedule

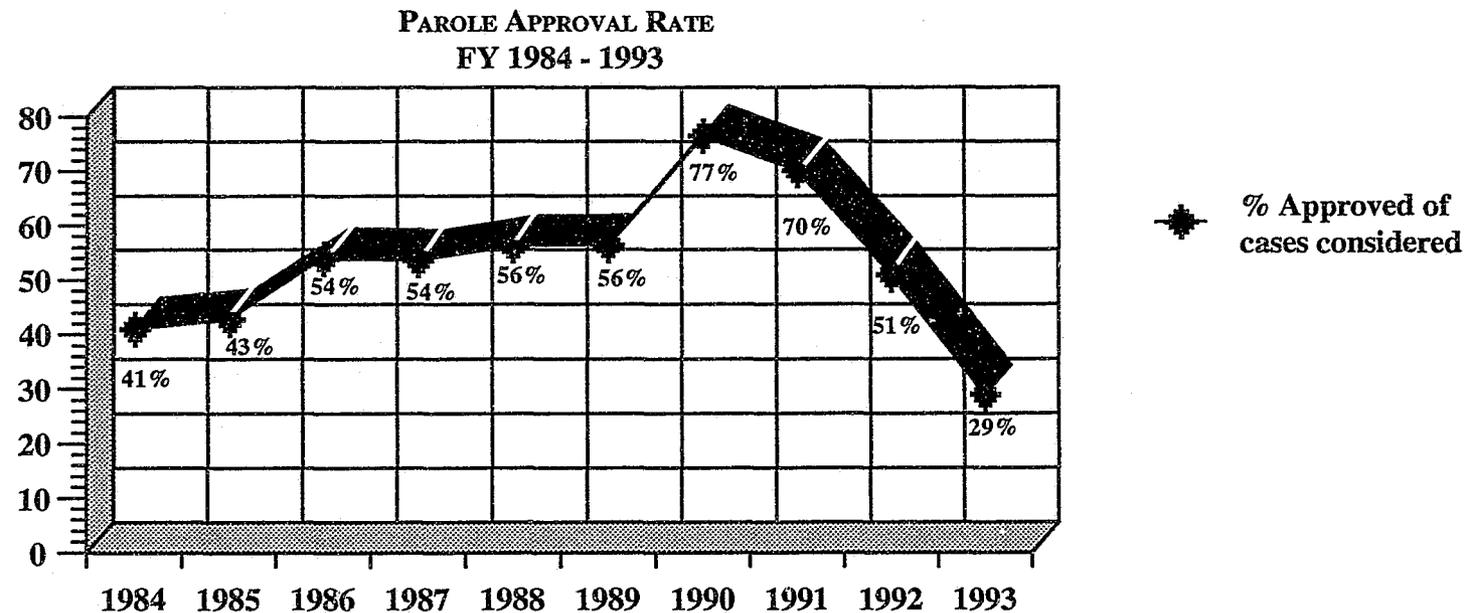
- Other "ad hoc" policies

September 1, 1995  
"Duty to accept"

# Parole Policies Getting More Restrictive

Parole policies have become more restrictive

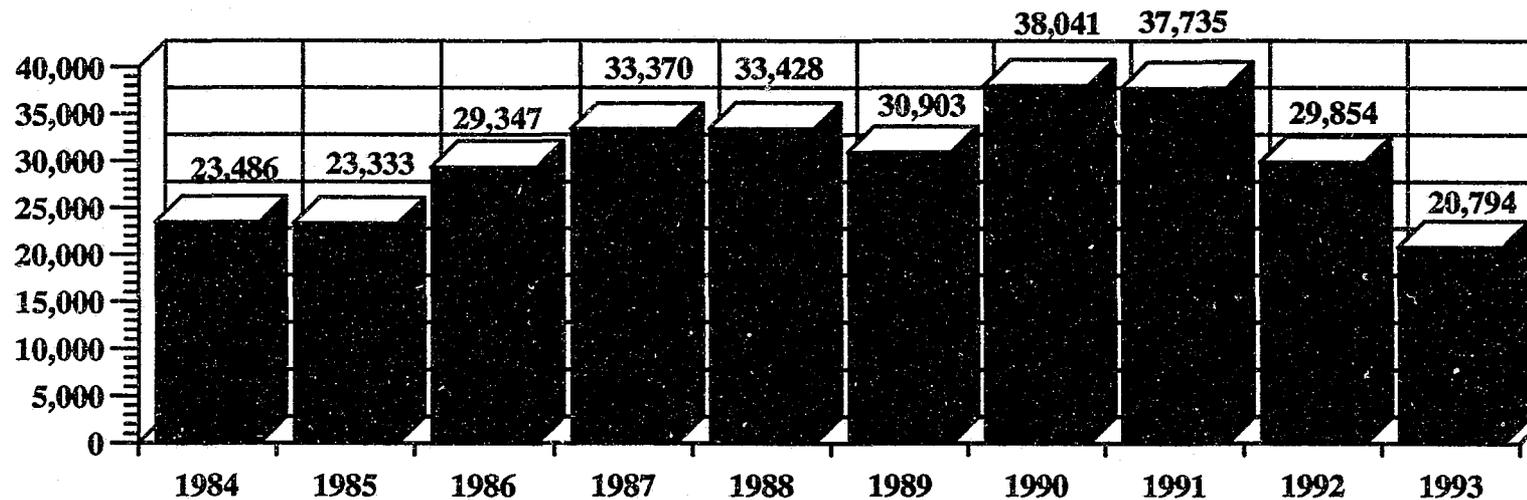
- Parole approval rate reached its highest level in FY 1990 (77%)
- During the last 3 years, the parole approval rate has continually decreased
- The end of FY 1993 saw the lowest parole approval rate in 10 years (29%)



# Total Number of Prison Releases Decreasing Since FY 1990

- As a result of more restrictive parole policies, releases from prison have been decreasing since 1990
- In FY 1990 the number of releases were at their highest (38,041)
- In FY 1993 the number of releases were at their lowest (20,794)

TOTAL PRISON RELEASES PER YEAR  
FY 1984 - 1993



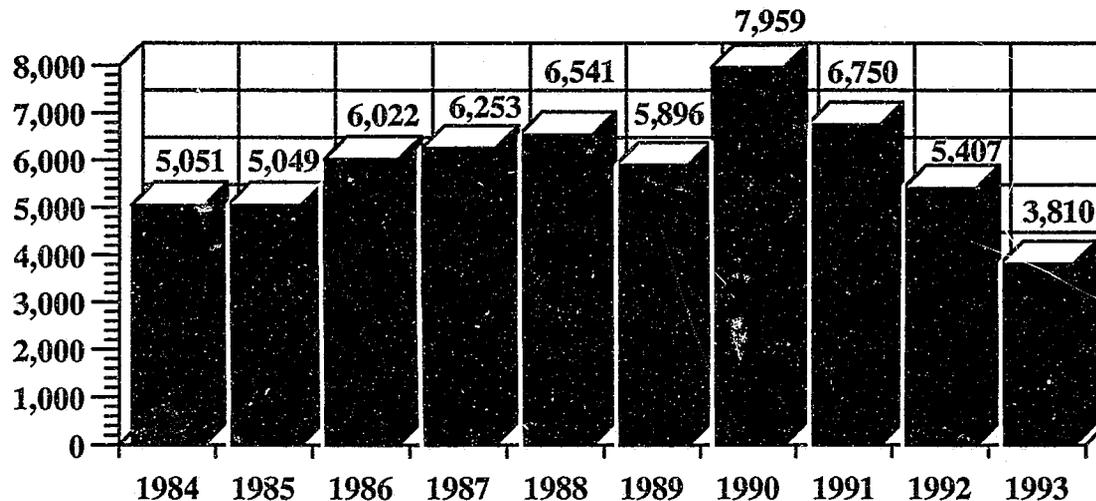
\* Prison releases: parole, mandatory release, shock probation, discharge of sentence

# Number of Violent Offenders Released From Prison Also Decreasing Since FY 1990

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- The number of violent offenders released has declined to its lowest level in 10 years with 3,810 releases in 1993
  - This represents a decline of 52% in a 3 year period

PRISON RELEASES OF VIOLENT OFFENDERS PER YEAR  
FY 1994 - 1993



# Parole and Good Time Policies: More Restrictive Since September 1993

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## NEW PAROLE RELEASE POLICIES

- Offenders who commit a disciplinary violation in prison will not be considered for parole for at least 6 months from the date of the violation
  - Before: Offenders were being considered for parole regardless of disciplinary violations
  - Impact: currently being monitored
- Offenders returned to prison as parole technical violators will not be considered for parole until they have served at least 12 months
  - Before: Offenders were being considered for parole approximately 3 months after being returned to prison as technical violators
  - Impact: currently being monitored
- Offenders returned to prison as parole or mandatory release violators with a new sentence will not be considered for parole for at least 12 months or until they become eligible for parole for the new offense, whichever is greater
  - Before: Offenders were being considered for parole approximately 3 months after being returned as violators or when they became eligible for parole for the new offense, whichever was greater
  - Impact: currently being monitored

## NEW GOOD TIME POLICIES

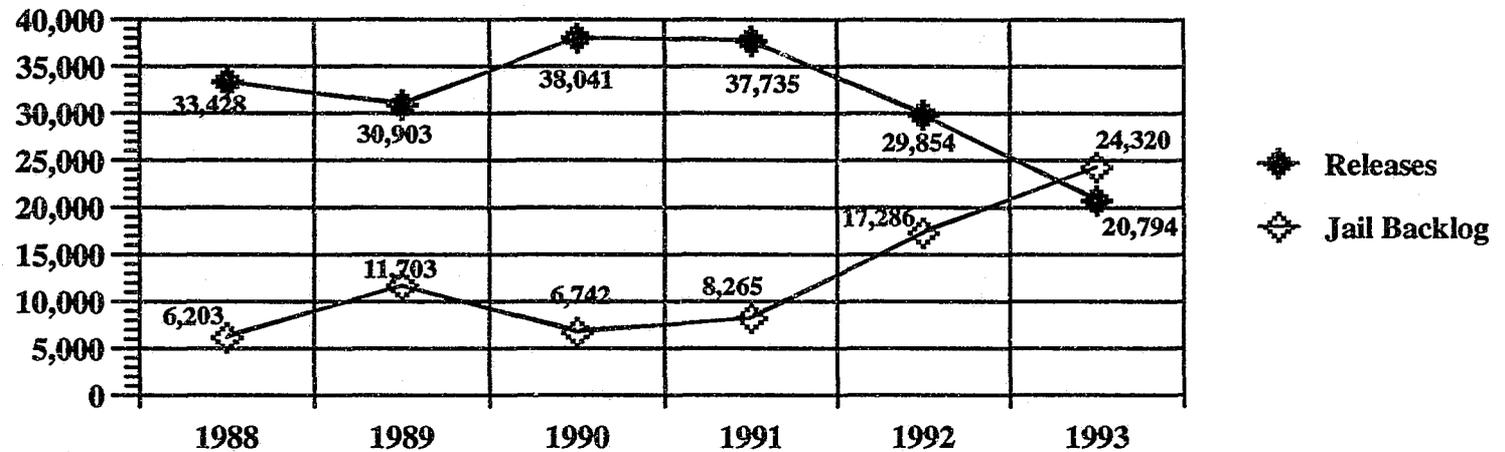
- Mandatory Supervision technical violators who are returned to prison and who have been previously convicted of a violent offense lose all the good time they previously accrued while in prison
  - Before: All good time earned while incarcerated was restored after 90 days of returning to prison, and thus, offenders were released again under mandatory supervision once their time was restored
  - Impact: currently being monitored
- Good time lost in prison as a result of disciplinary violations will no longer be restored
  - Before: All good time lost due to a disciplinary violation while incarcerated was restored 180 days after the disciplinary violation
  - Impact: No significant decline in releases is expected (CJPC report, November 18, 1993)

## TECHNICAL PAROLE REVOCATIONS

- Parole revocations for technical violations increased by 100% between 1992 and 1993 from 2,215 to 4,493
  - Impact: currently being monitored

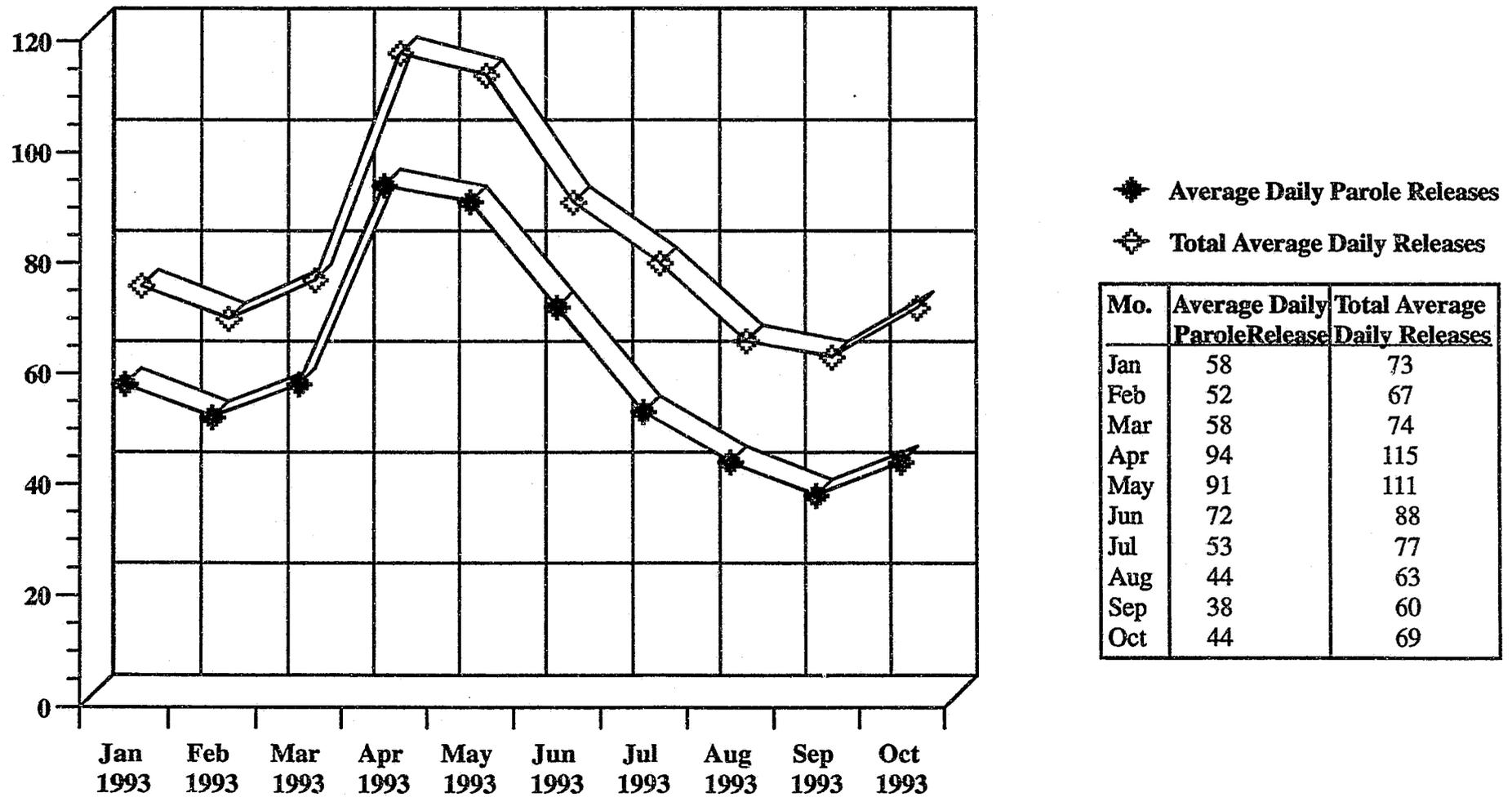
# Trade-off of More Restrictive Prison Release Policies: Increase in the Jail Backlog

NUMBER OF PRISON RELEASES AND JAIL BACKLOG  
FY 1988 - 1993



● The paper ready jail backlog as of the end of October 1993 was 28,426

# Average Daily Releases From Prison Per Day January - October 1993

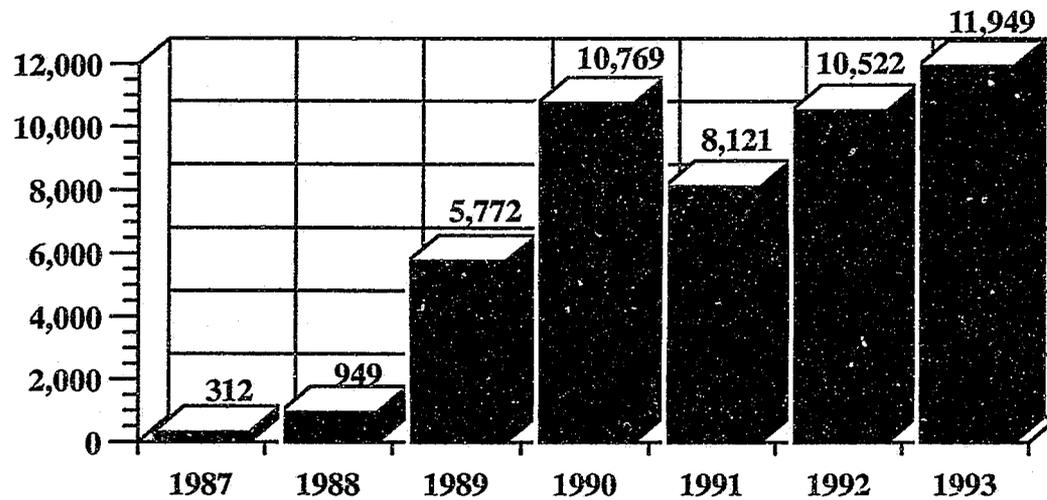


\* Total releases: parole, mandatory release, shock probation, discharge of sentence

# State Offenders Released From County Jails by Fiscal Year

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NUMBER OF STATE INMATES RELEASED FROM COUNTY JAILS  
FY 1987 - 1993



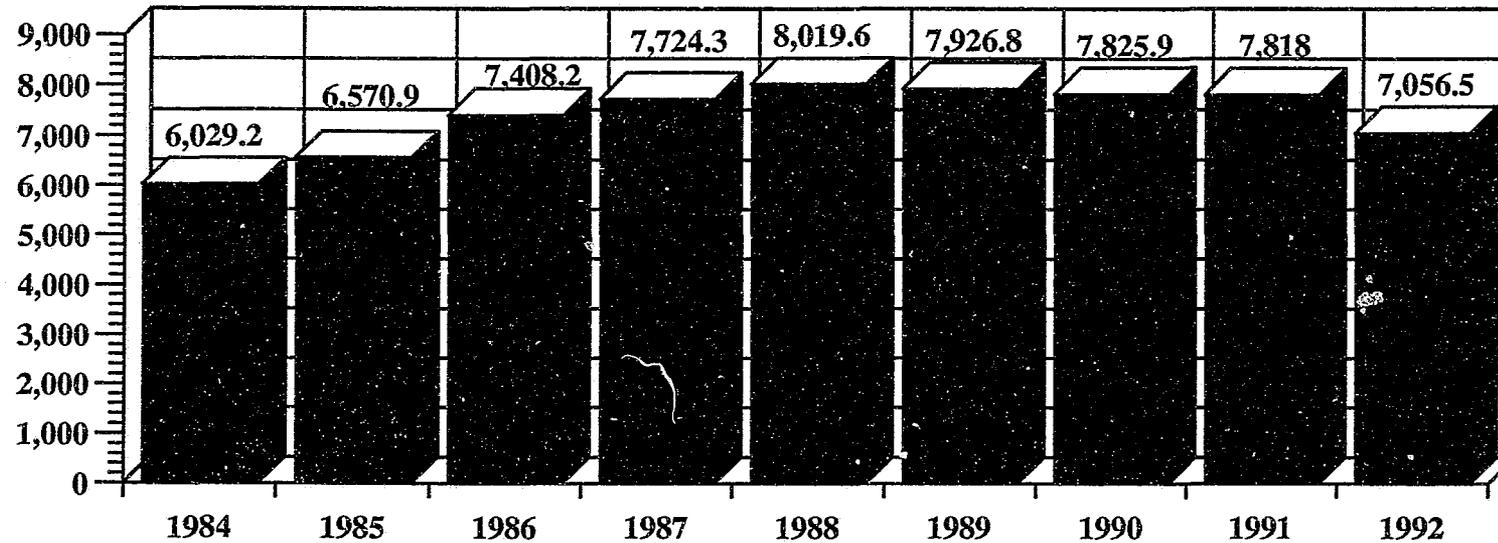
- Despite the increase in the jail backlog, the number of releases from county jails has not increased in proportion to the growing backlog

**Part III**  
**Historical Information**



# Trends in Crime Rate

CRIME RATE TRENDS IN TEXAS  
1984 - 1992



- The crime rate was highest in 1988 at 8,019.6 per 100,000 population
- The crime rate decreased in 1992 by 9.7%, the greatest percentage decrease since 1984
- The crime rate in Texas for the first six months of 1993 decreased by 9% compared to the first six months in 1992
  - The crime rate per 100,000 population for the first six months of 1993 was 3,230 compared to 3,563 in 1992

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