

Blueprint *for Smart Justice* Texas



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Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on the criminal justice system as a way to respond to drug addiction, mental illness, and poverty. As a result, the United States today incarcerates more people, in both absolute numbers and per capita, than any other nation in the world. Millions of lives have been upended and families torn apart. This mass incarceration crisis has transformed American society, has damaged families and communities, and has wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal justice policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to end its reliance on incarceration, invest instead in alternatives to prison and in approaches better designed to break the cycle of crime and recidivism, and help people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal justice system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combatting racial disparities in the criminal justice system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kind of changes needed to cut by half the number of people in prison in every state and reduce racial disparities in incarceration. In each state and the District of Columbia, we identified primary drivers of incarceration and predicted the impact of reducing prison admissions and length of stay on

state prison populations, state budgets, and the racial disparity of those imprisoned.

The analysis was eye-opening.

In every state, we found that reducing the prison population by itself does little to diminish racial disparities in incarceration — and in some cases would worsen them. In Texas, where Black and Latino people each make up 34 percent of the prison population,¹ reducing the number of people imprisoned will not on its own reduce racial disparities within the prison system. This finding confirms that urgent work remains for the advocates, policymakers, and communities across the nation to focus on efforts like sentencing reform that are specific to combatting these disparities.

Texas imprisons more people than any state in the country² — with more than 163,000 people imprisoned in 2016.³ Across the state, drug related offenses⁴ account for nearly a quarter of all prison admissions,⁵ and long sentences further contribute to the severity of the incarceration crisis. Over the last decade, the average sentence length of people in prison in Texas has remained unchanged at around 19 years.⁶

So, what's the path forward? Any meaningful effort to reach a 50 percent reduction in incarceration in Texas will need to focus on reducing admissions and length of imprisonment for drugs and offenses pertaining to assault. Stakeholders can look to evidence-based alternatives to imprisonment, such as offering substance use disorder treatment, decriminalization of personal use and possession of drugs, or support services such as mental health care, employment, housing, health care, or vocational training. The

Legislature can also take state prison time off the table for a range of less serious drug and property offenses by reducing them to misdemeanors. Simple drug possession can be reclassified to a misdemeanor and the dollar threshold at which low-level property crimes become felonies can be changed.

Reducing time served, even by just a few months, can further reduce the number of people in Texas prisons. Texas can cut the amount of time people spend locked up in a number of ways, including reforming the state's severe sentencing enhancements — especially the multiple enhancements on the books triggered by prior offenses — and by abolishing harsh mandatory minimum sentencing laws.

The answer is ultimately up to Texas' voters, policymakers, communities, and criminal justice advocates as they move forward with the urgent work of ending Texas' obsession with mass incarceration.

The State of the Texas Prison System

Texas imprisons more people than any other state in the country.⁷ As of 2010, Texas imprisoned more people than any other state in the country. Its prison population grew more than fivefold between 1980 and 2016.⁸ Because of that trend, in 2015 there were more people under correctional control in Texas than the entire population of El Paso, Texas.⁹ While there has been a relative decline in the per capita imprisonment rate in Texas recently — attributed to both policy reforms that helped halt the precipitous growth in the prison population and an increase in the overall state population — that rate remains the seventh-highest in the nation.¹⁰

AT A GLANCE

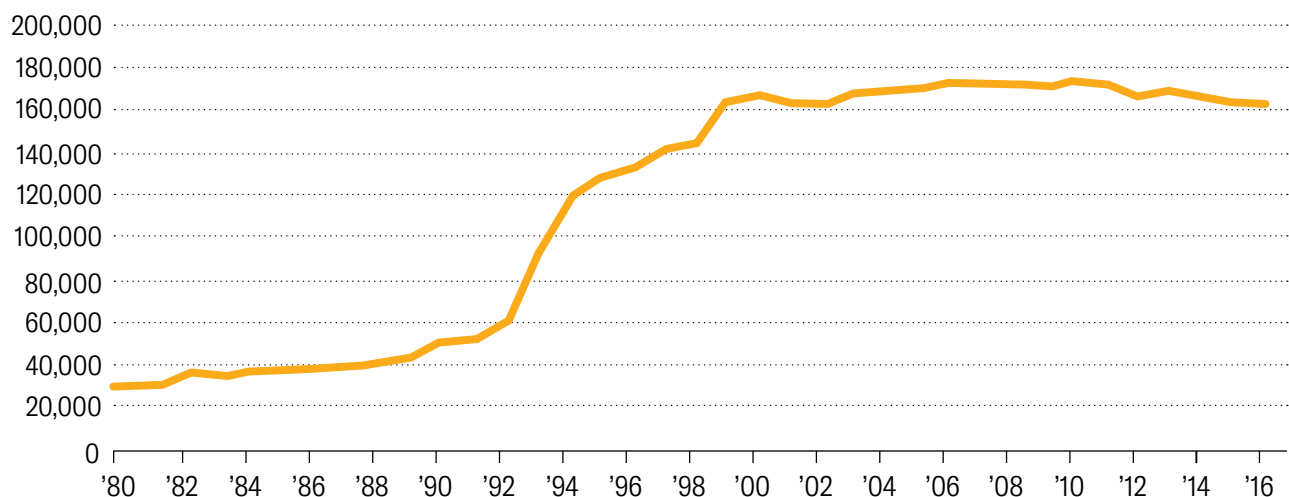
TEXAS PRISONS

As of 2010, Texas had **more people** imprisoned than any other state in the country.

163,703 people were imprisoned in Texas in 2016.

Texas' prison population grew **223 percent** between 1991 and 2000.

TEXAS PRISON POPULATION



What Is Driving People Into Prison?

In Texas, a litany of offenses drive people into prisons. In 2016, the most common offenses for Texas prison admissions¹¹ were: assault (19 percent), drug possession (15 percent), burglary (10 percent), driving while intoxicated (9 percent), and drug delivery (8 percent).¹² Nearly a quarter of all prison admissions are united by one common denominator: drugs. While drug admissions have decreased 25 percent since 2005, overall, they still accounted for nearly one-quarter of all admissions to Texas prisons in 2016. The majority (66 percent) of new drug admissions are for drug possession, not sale.¹³

In Texas, cases that could be diverted from the criminal justice system entirely or resolved with alternatives to incarceration or even short jail sentences followed by supervision instead result in prison sentences. Offenses that could be reclassified as misdemeanors (or even decriminalized), like drug possession, remain felonies.¹⁴

In addition, over the years, Texas has adopted harsh laws that trigger mandatory prison sentences for individuals in many situations, including whenever the defendant has a prior felony conviction. This can require a prison sentence for someone who would otherwise be eligible for probation or other alternative programs.¹⁵

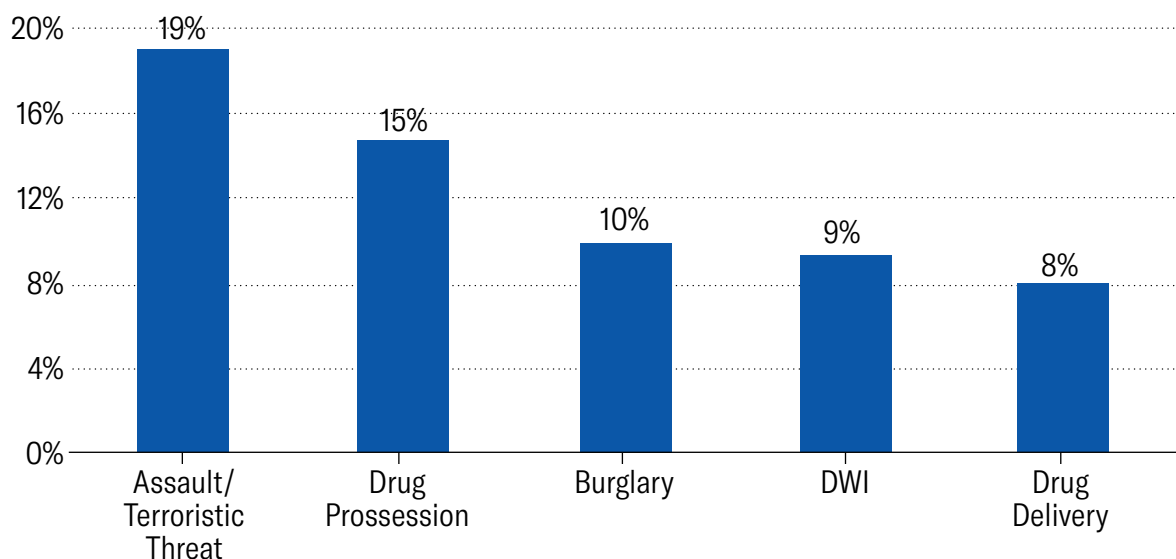
The Current Prison and Jail Population

County jails in Texas hold people serving sentences of one year or less for misdemeanor offenses. Between 2000 and 2018, the local county jail population in Texas increased 24 percent.¹⁶ In addition to the people incarcerated in state prisons and jails, as of February 2018, Texas holds 65,239 people in county jails. The majority (64 percent) of people in county jails in 2018 were awaiting trial and had not been convicted of a crime.¹⁷ Many are held pretrial because they cannot afford cash bail.

State jails in Texas hold people who have been convicted primarily of lower-level felony offenses, not involving violence, and are serving sentences of up to two years. In 2016, state jails in Texas held 8,705 people, the vast majority of whom (88 percent) were serving time for a drug or property offense. The state jail population has been steadily decreasing over the past 10 years, down 41 percent since 2005. The average sentence length for people entering state jails is around one year, but more than 1 in 3 people are serving sentences longer than a year.¹⁸

Prisons in Texas hold people serving sentences of two years or more. More than 1 in 7 in Texas prisons are serving time for a drug offense — more than half of

TEXAS PRISON ADMISSIONS BY TOP OFFENSE TYPES (2016)



which are for drug possession. The other top offenses include assault and burglary. In 2016, 3,607 people incarcerated in Texas prisons for offenses not involving violence were serving sentences longer than 30 years, including 536 people serving life sentences.¹⁹

AT A GLANCE

TEXAS COUNTY JAIL POPULATION

As of February 2018, there were **65,239** people serving time in county jails.

The local jail population increased **24 percent** between 2000 and 2018.

In 2018, **64 percent** of the county jail population had not been convicted of a crime.

TEXAS STATE JAIL POPULATION

In 2016, **8,705** people were serving time in state jails.

In 2016, **88 percent** of the state jail population was serving time for drug or property offenses.

In 2016, the average sentence length in the Texas state jail system was **1 year**.

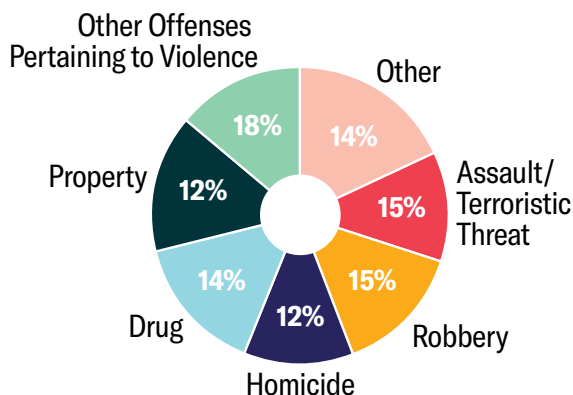
TEXAS STATE PRISON POPULATION

At the end of 2016, **3,607** people were imprisoned for offenses not involving violence and serving sentences of more than 30 years.

At the end of 2016, **536** people were imprisoned for offenses not involving violence and serving life sentences.

At the end of 2016, **1 in 7** people were serving time for a drug offense.

TEXAS PRISON POPULATION BY OFFENSE TYPE (FY 2016)



Why Do People Stay in Prison for So Long?

Despite significant changes in the composition and demographics of people entering and serving time in Texas prisons, the average length of imprisonment has remained relatively constant. Average sentence length at admission to prison has increased slightly over the past 10 years, but the average sentence length of the total prison population has remained approximately the same at 19 years.²⁰

That 19-year average sentence length of the total prison population is driven by two factors: 1) low-level offenses carrying shorter sentences are overrepresented among admissions; and 2) serious offenses receive longer sentences. Combined, these two factors drive the average sentence length in the prison population to more than double the average sentence on admission. Time served for those exiting prison each year has remained around 60 percent on average of the total sentence (4.3 years).²¹

Although parole approval rates and the number of parole cases considered have increased since 2005 and 2016, nearly two-thirds of all parole cases considered are still being denied, and many eligible cases are not even considered.²² In addition, judges, district attorneys, and victims have an outsized influence in parole decisions, and the parole board members weigh heavily the nature of the crime, even though

AT A GLANCE

LENGTH OF IMPRISONMENT

Average sentence length at admission in 2016 was **7.8 years**.

Average sentence length of the total prison population in 2016 was **19 years**.

Average time served for people released from prison in 2016 was **4.3 years**.

60 percent of people in the Texas prison system in 2016 were eligible for parole or other release.

81 percent of people serving time for offenses not involving violence were eligible for release in 2016.

the seriousness of the offense is not considered a risk factor for future criminal activity.²³

Compounding the problem, the Texas Penal Code includes harsh sentencing provisions, such as mandatory minimum sentences, criminal penalty enhancements for gang and organized crime, and habitual felony offender provisions that trigger even longer sentences for individuals with prior convictions.²⁴

Who Is Imprisoned

Black Texans: As of the most recently available national data (2014), the per capita imprisonment rate for Black people in Texas was the 10th highest in the country and four times that of white people in the state.²⁵ While Black people constituted only 12 percent of the total state population in 2016, they made up 34 percent of the Texas prison population, which resulted in 1 in 27 Black men in Texas being imprisoned.²⁶

Latino Texans: The Latino prison population grew by 13 percent between 2005 and 2016, accounting for 34 percent of the prison population in Texas.²⁷ One in 84 Latino men was imprisoned in Texas as of 2016,²⁸ with

AT A GLANCE

DEMOGRAPHICS

The female prison population increased **18 percent** between 2005 and 2016.

As of 2014, Texas ranked **10th** nationally in the per capita rate of Black people imprisoned.

The Latino prison population increased **13 percent** between 2005 and 2016.

22 percent of the Texas prison population was 50 or older in 2016.

a disproportionate population of Latinos serving time in solitary confinement. Latinos comprise more than 50 percent of the solitary confinement population but make up only approximately one third of the general population. This racial disparity is likely due to the fact that the eight gangs that Texas automatically houses in solitary confinement are predominately Latino.²⁹

Female Texans: While the male prison population decreased 1 percent between 2005 and 2016, the female prison population increased 18 percent over the same time period.³⁰

Older Texans: Texas' prison population is also rapidly aging. Though generally considered to pose a negligible risk to public safety,³¹ the number of individuals 50 or older under the jurisdiction of Texas Department of Criminal Justice increased by 70 percent between 2005 and 2016, and now accounts for 22 percent of the total prison population in Texas.³²

People With Mental Health and Substance Use Disorders

In July 2015, Sandra Bland committed suicide in a Texas county jail after spending three days incarcerated for a traffic stop, unable to pay the \$500 in bail. This event brought national attention to the conditions in Texas county jails, particularly the

AT A GLANCE

MENTAL HEALTH AND SUBSTANCE USE DISORDERS

There were **140** suicides in Texas jails between 2009 and 2014.

13 jails were investigated by TCJS and determined noncompliant with minimum jail standards, as of March 2018.

treatment and screening of individuals with mental health issues while incarcerated. A report released after Bland's death revealed that 140 people had committed suicide in Texas jails between 2009 and 2014, accounting for more than 1 in 4 deaths in jail during that time period.³³

An investigation by the Texas Public Policy Foundation revealed severe deficiencies in the way jails screened, supervised, and handled mental illness across the board. In 2016, the University of Texas School of Law Civil Rights Clinic released a report showing that incarcerated people can die when jails fail to provide needed mental health services and medications, fail to detect and respond to heightened suicide risk, or subject inmates with mental illness to unsupported withdrawal from their medications.³⁴ A memo issued by the Texas Commission on Jail Standards (TCJS) responding to recent suicides revealed that the commission had major concerns relating to practices across the state and had issued noncompliance orders to four of the five jails investigated in 2016.³⁵ As of March 2018, TCJS had determined 13 jails to be noncompliant with minimum standards.³⁶

AT A GLANCE

BUDGETS

Texas has spent more than **\$3 billion** yearly on corrections since 1993.

81 percent of the corrections budget was devoted to incarceration in 2016.

Texas spent **\$3.5 billion** from the general fund on corrections in 2016.

Budget Strains

As Texas' incarcerated population has risen, so has the cost burden. Since 1993, Texas has spent more than \$3 billion each year on corrections. General spending on corrections in Texas has increased 323 percent between 1986 and 2016. In 2016 alone, Texas spent \$3.5 billion from the general fund on corrections,³⁷ 81 percent of which went to incarceration in prison and state jails, according to the Texas Department of Criminal Justice.³⁸ Less than a quarter of all people leaving Texas prisons in 2016 had earned their high school diploma or GED certificate while incarcerated.³⁹

Ending Mass Incarceration in Texas: A Path Forward

After meteoric growth from 1990 to 2000, the size of the Texas prison population leveled off as a result of policy changes enacted in 2007.⁴⁰ Nonetheless, the state still struggles with a sizable and disproportionately high Black and Latino prison population. It will be up to the people and policymakers of Texas to decide which additional changes to pursue to end the mass incarceration crisis. To reach a 50 percent reduction, policy reforms will need to reduce the amount of time people serve in prisons and/or reduce the number of people entering prison in the first place.

Reducing Admissions

To end mass incarceration, Texas must break its overreliance on prisons to hold people accountable for their crimes. In fact, evidence indicates that prisons seldom offer adequate solutions to wrongful behavior. At worst, imprisonment can be counterproductive — failing to end cycles of misbehavior and violence, or to provide rehabilitation for incarcerated people or adequate accountability to the survivors of crime.⁴¹ Here are some strategies:

- **Alternatives to incarceration:** Offer programs that provide substance abuse treatment, mental health care, employment, housing, health care, and vocational training. Such programs — often with some community service requirement — can significantly cut recidivism rates for participants. For crimes involving violence, restorative justice programs — designed to hold people accountable and support those who were harmed — can be promising. When they are rigorous and well-implemented, these strategies

have been shown to reduce recidivism⁴² and decrease symptoms of posttraumatic stress in crime survivors.⁴³

By embracing these approaches, prosecutors and judges may be able to achieve better results for public safety and better support crime survivors in their healing than imprisonment. Other successful models include law-enforcement-led programs, which divert people to treatment and support services at the time of arrest, and prosecutor-led programs, which divert people before they are charged.

- **Alternatives to incarceration — treatment:** Drug offenses, for example, continue to be leading drivers of incarceration in Texas, yet there are sound alternatives, such as substance use disorder treatment or decriminalization altogether. Substance use disorders can also be underlying drivers of other offenses, including burglaries and assaults, which may be more effectively addressed through approaches other than prison. Similarly, mental health treatment and supervision may be able to provide a better alternative to addressing many kinds of offenses, minor or more serious.
- **Sentencing reform:** Reform Texas' mandatory minimum and severe sentencing enhancements, which require that judges impose prison time when other effective alternatives exist. Judges must also have a variety of options at their disposal besides imprisonment, allowing them to require treatment, mental health care, restorative justice, or other evidence-based alternatives to imprisonment. Other core

strategies should include reclassifying lower-level offenses, like property crimes and drug possession, as misdemeanors instead of felonies and by adjusting the weight and monetary thresholds that trigger more serious sentences for drug and property offenses.

- **Judicial discretion:** Judges should be given a variety of options at their disposal outside of incarceration that allow for treatment, mental health care, restorative justice, or other evidence-based alternatives to incarceration. These programs should be available to the court in all or most cases, regardless of the severity of the offense or someone’s prior criminal history. The court, not the Legislature, should be in a position to decide whether such an option is appropriate in individual cases.

Reducing Time Served

Reducing the amount of time people serve, even by just a few months, can lead to thousands of fewer people in Texas’ prisons. Here’s how:

- **Sentencing reform:** Amend Texas’ laws to reduce sentences for drug offenses, assault, burglary, robbery, and public order offenses like disorderly conduct. The imprisoned population would also drop by reforming the state’s sentencing enhancements — especially for prior offenses.
- **Release policy reform:** Improve parole and release policies and practices to ensure that more eligible people are released earlier from prison. For example, Texas can take steps like establishing presumptive parole policies that can speed up the release of imprisoned people who have demonstrated good behavior and have served their minimum sentences. Similarly, the state can offer expanded ways for people to earn additional reduced time, including through participation in educational, vocational, and other opportunities while in prison. However, there is a lack of availability for rehabilitative programs in Texas, creating additional

“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”⁴⁷

—From *The New Jim Crow*, Michelle Alexander

challenges for people seeking parole because parole boards want to see participation in these programs.

Reducing Racial Disparities

Reducing the number of people who are imprisoned in Texas will not on its own significantly reduce racial disparities in the prison system.

People of color (especially Black, Latino, and Native American people) are at a higher risk of becoming involved in the justice system, including living under heightened police surveillance and being at higher risk for arrest. This imbalance cannot be accounted for by disparate involvement in illegal activity, and it grows at each stage in the justice system, beginning with initial law enforcement contact and increasing at subsequent stages such as pretrial detention, conviction, sentencing, and postrelease opportunity.⁴⁴ Focusing on only one of the factors that drives racial disparity does not address issues across the whole system.

Racial disparity is so ingrained in the system that it cannot be mitigated by solely reducing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lowering imprisonment

rates for all racial and ethnic populations, but it will not address comparative disproportionality across populations. For example, focusing on reductions to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, prosecutors, and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.⁴⁵ However, the state did not target racial disparities in incarceration, and, in 2014, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people — the highest disparity of any state in the nation.⁴⁶

Ending mass incarceration is critical to eliminating racial disparities but not sufficient without companion efforts that take aim at other drivers of racial inequities outside of the criminal justice system. Reductions in disparate imprisonment rates require implementing explicit racial justice strategies.

Some examples include:

- Ending overpolicing in communities of color
- Evaluating prosecutors' charging and plea-bargaining practices to identify and eliminate bias
- Investing in diversion/alternatives to detention in communities of color
- Reducing the use of pretrial detention and eliminating wealth-based incarceration
- Ending sentencing enhancements based on location (drug-free school zones)
- Reducing exposure to reincarceration due to revocations from supervision
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring legislation to proactively rectify any potential disparities that may result with new laws or rules
- Fighting discriminatory gang sentencing enhancements that disproportionately target people of color

TAKING THE LEAD

Prosecutors: They decide on what charges to bring and which plea deals to offer. They can decide to divert more people to treatment programs (for example, drug or mental health programs) rather than send them to prison. And they can decide to charge enhancements that require the imposition of prison sentences.

State lawmakers: They decide which offenses to criminalize, how long sentences can be, and when to take away judges' discretion. They can change criminal laws to remove prison as an option when better alternatives exist, and they can also fund the creation of new alternatives.

Parole boards: They decide when to allow people to leave prison. In Texas, the parole board is an especially important player when it comes to reforming how long people spend in prison.

Judges: They often have discretion over pretrial conditions imposed on defendants, which can make a difference. For example, individuals who are jailed while awaiting trial are more likely to plead guilty and accept longer prison sentences than people who are not held in jail pretrial. Judges can also have discretion in sentencing and should consider alternatives to incarceration when possible.

- Addressing any potential racial bias in risk assessment instruments used to assist decision making in the criminal justice system
- Shifting funding from law enforcement and corrections to community organizations, job creation, schools, drug and mental health treatment, and other social service providers

Forecaster Chart

There are many pathways to cutting the prison population in Texas by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors. To chart your own path to reducing mass incarceration in Texas, visit the interactive online tool at <https://urbn.is/ppf>.

CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

Impact Compared to 2025 Baseline*				
Offense category**	Policy Outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Drug possession	<ul style="list-style-type: none"> • Reduce average time served for drug distribution by 50% (from 1.82 to 0.91 years). • Institute alternatives that reduce admissions for drug distribution by 50% (2,415 fewer people admitted). • Institute alternatives that end all admissions for drug possession (15,973 fewer people admitted). 	13.65% reduction (19,320 fewer people)	White: 1.1% decrease Black: 0.2% increase Hispanic/Latino: 0.8% increase Other: 7.9% increase	\$300,108,560
Assault	<ul style="list-style-type: none"> • Reduce average time served by 50% (from 1.86 to 0.93 years). • Institute alternatives that reduce admissions by 30% (2,611 fewer people admitted). 	7.35% reduction (10,409 fewer people)	White: 0.5% increase Black: 0.2% increase Hispanic/Latino: 0.7% decrease Other: 5.0% increase	\$149,048,384

Impact Compared to 2025 Baseline*

Offense category**	Policy Outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Robbery	<ul style="list-style-type: none"> Reduce average time served by 40% (from 4.49 to 2.69 years). Institute alternatives that reduce admissions by 30% (1,294 fewer people admitted). 	6.74% reduction (9,546 fewer people)	White: 3.5% increase Black: 4.1% decrease Hispanic/Latino: 0.7% increase Other: 0.5% decrease	\$121,587,968
Public order offenses*****	<ul style="list-style-type: none"> Reduce average time served by 50% (from 1.54 to 0.77 years). Institute alternatives that reduce admissions by 70% (5,041 fewer people admitted). 	6.63% reduction (9,386 fewer people)	White: 2.0% decrease Black: 2.1% increase Hispanic/Latino: 0.2% decrease Other: 2.6% increase	\$148,766,202
Burglary	<ul style="list-style-type: none"> Reduce average time served by 40% (from 1.55 to 0.93 years). Institute alternatives that reduce admissions by 30% (2,247 fewer people admitted). 	4.81% reduction (6,814 fewer people)	White: 0.2% decrease Black: No change Hispanic/Latino: 0.3% increase Other: 2.6% increase	\$105,393,522
Weapons offenses*****	<ul style="list-style-type: none"> Reduce average time served by 50% (from 2.49 to 1.25 years). 	3.68% reduction (5,204 fewer people)	White: 0.8% increase Black: 0.5% decrease Hispanic/Latino: 0.3% decrease Other: 2.1% increase	\$66,577,326
DWI	<ul style="list-style-type: none"> Reduce average time served by 40% (from 1.54 to 0.92 years). Institute alternatives that reduce admissions by 40% (1,865 fewer people admitted). 	3.24% reduction (4,592 fewer people)	White: 1.3% decrease Black: 2.4% increase Hispanic/Latino: 1.1% decrease Other: 1.7% increase	\$70,243,234

Impact Compared to 2025 Baseline*				
Offense category**	Policy Outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Theft*****	<ul style="list-style-type: none"> Reduce average time served by 50% (from 0.79 to 0.39 years). Institute alternatives that reduce admissions by 40% (3,268 fewer people admitted). 	3.17% reduction (4,495 fewer people)	White: 0.9% decrease Black: 0.2% increase Hispanic/Latino: 0.7% increase Other: 1.9% increase	\$71,323,174
Fraud	<ul style="list-style-type: none"> Reduce average time served by 50% (from 0.83 to 0.42 years). Institute alternatives that reduce admissions by 40% (1,342 fewer people admitted). 	1.38% reduction (1,956 fewer people)	White: 0.8% decrease Black: 0.1% increase Hispanic/Latino: 0.7% increase Other: 0.1% increase	\$31,413,215

* The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

** The projections in this table are based on the offense that carries the longest sentence for any given prison term. People serving prison terms may be convicted of multiple offenses in addition to this primary offense, but this model categorizes the total prison term according to the primary offense only.

*** Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison — of a certain race — to the number of people in the state's general population of that same race. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in Texas where Black people make up 34 percent of the prison population, but only constitute 13 percent of the state's total population.

**** Note: Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

***** Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.

***** Some weapons offenses include unlawful possession, sale, or use of a firearm or other type of weapon (e.g., explosive device).

***** Texas adopted a reform raising the monetary threshold for theft in 2015. The data in this table may not fully reflect the effects of this recent change.

Total Fiscal Impact

If Texas were to carry out reforms leading to the changes described above, 71,722 fewer people would be in prison in Texas by 2025, a 50.66 percent decrease. This would lead to a total cost savings of \$3,164,893,295 by 2025.

Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size of Texas' prison population, racial and ethnic representation in the prison population, and state corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model was used to estimate how various offense-specific reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes to the number of people admitted to prison and/or the average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population, and spending on prison. The analysis assumes that the changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic group in the 2025 baseline population to that same statistic under the reform scenario and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, then added up to generate a measure of cumulative dollars saved over that time period.

- 1 TDCJ Statistical Report 2016
- 2 In 2016, Texas imprisoned 163,703 people. BJS Jurisdictional Population, Prisoners in 2016.
- 3 BJS Correctional Statistical Analysis Tool, 2016.
- 4 Offense breakdowns in this Blueprint are based on the most serious, or “controlling” offense for which a person in prison is serving time. Some people in prison are serving time for multiple convictions, and are categorized here only under the controlling offense types.
- 5 TDCJ Statistical Reports Series, 2016.
- 6 TDCJ Statistical Report Series 2005-2016.
- 7 BJS Jurisdictional Population 2016, Correctional Statistical Analysis Tool.
- 8 BJS Jurisdictional Population 1980-2016, Correctional Statistical Analysis Tool.
- 9 U.S. Census Bureau 2015 estimates; BJS Correctional Populations in the United States 2015. Note: Correctional control includes incarcerated population and community supervision population; in 2015, the correctional control population was 687,300; the population of El Paso, Texas, was 681,124. Note: While the analysis in this blueprint at different points contemplates both Texas jail and prison populations, the decarceration, fiscal, and racial impact analysis found in the chart on pages 14 to 16 only examines Texas’ prison population.
- 10 BJS Correctional Statistical Analysis Tool, 1980-2016.
- 11 Defined as people admitted to prison for a new offense, not returning from parole or mandatory supervision at the time of conviction.
- 12 Prison admissions reflect the number of people entering Texas prisons in a given year, while the total prison population refers to the total number of people incarcerated at the end of each fiscal year (defined in this case as Aug. 31).
- 13 TDCJ Statistical Reports Series, 2005-2016.
- 14 TX. Health & Safety Code Ann. § 481.1151-481.121.
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