

## Reddy: Criminal justice reforms in Texas can set tone for U.S.

Federal government can look to state for successful policies

By Vikrant Reddy | August 23, 2013 | Updated: August 23, 2013 6:49pm

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U.S. Attorney General **Eric Holder**'s recent speech on federal criminal justice reform was widely covered. Less widely reported, however, are the criminal justice reforms already occurring in states across America - especially in states led by conservatives.

This is an area where the Obama administration is following, not leading.

Consider Texas' reforms. For much of the 1980s and 1990s, Texas built new prisons at a rapid rate.

Some of this was necessary to incapacitate violent offenders and preserve public safety, but legislators soon began to wonder whether all this costly capacity was really the most cost-effective way to keep taxpayers safe and provide restitution to victims.

In 2007, the **Legislative Budget Board** declared that 17,000 new prison beds would be necessary by 2012, at a cost of \$2 billion to taxpayers. Legislators had had enough.

Texas had a multibillion dollar budget surplus in 2007, but, instead of building still more prisons, lawmakers wisely directed a far smaller amount of money to alternatives to incarceration - e.g., drug courts, electronic monitoring, and better parole and probation monitoring - for non-violent offenders. Limited prison space was prioritized for violent criminals.

In 2012, the new beds proved to be unnecessary. In fact in 2011, for the first time in modern Texas history, Texas closed a prison - Sugar Land prison.

Most important, the Texas crime rate continued to drop. It is now at its lowest point since 1968. This undermined arguments that a national drop in crime since the early 1990s was entirely the result of increased incarceration.

Criminologists now estimate that only about 25 percent to 33 percent of the crime drop can be attributed to increases in incarceration. The rest is likely a result of several other factors including demographic changes and improved policing techniques such as the "broken windows" strategies advocated by former New York Mayor **Rudolph Giuliani**.

In other words, incarceration is necessary up to a point, but beyond that point, there are diminishing returns as more nonviolent, low-risk offenders are swept into prisons for brief periods and often released in worse shape than when they arrived.

Texas realized this and implemented the necessary policy changes long before Eric Holder made his speech.

Texas' reforms also succeeded, at least in part because Texas courts are generally unconstrained by mandatory minimums, the harsh, inflexible sentences that the attorney general spoke about changing.

Mandatory minimums have been a costly burden on federal taxpayers. The **Bureau of Prisons** budget has increased by about \$197 million per year from 1980 to 2010.

They have also caused terrible overcrowding in many states. California, for example, long had one of the harshest mandatory minimum policies in nation: its "three strikes" law. Partly as a result, California was at 180 percent of its prison capacity in 2010.

Mandatory minimums were popular among both conservatives and liberal policymakers in the 1990s. They were especially popular among corrections officers unions, for whom more incarceration meant more union jobs.

The excesses of mandatory minimums for nonviolent offenders, however, never took hold in Texas.

In the wake of Texas' success, the **Texas Public Policy Foundation** launched Right On Crime, a campaign to spread the Texas model on criminal justice to other states. Right On Crime's Statement of Principles has been signed by some of the nation's most prominent conservatives including **Bill Bennett**, **Jeb Bush**, **Newt Gingrich**, **Ed Meese** and **Grover Norquist**.

Reforms advocated by Right On Crime were adopted in comprehensive packages in Ohio in 2011, in Georgia in 2012, and in South Dakota earlier this year. In each state, legislators cited Texas as an inspiration.

That story - reform at the state level - is the one that is easily overlooked by those in the Beltway.

Federal criminal justice reform is needed and Attorney General Holder is a welcome, if belated, addition to the party.

Conservatives, however, have long been working on this issue, and the Lone Star State has paved the way for this dramatic shift in American criminal justice.

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