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INTERIM TESTIMONY 2014

House Committee on County Affairs

Charge #2 - Continue oversight of the Texas Commission on Jail Standards and issues jails currently face, including the mental health of those in jail, and make recommendations for refinement or improvement of processes and programs.

Dear Members of the Committee,

My name is Dr. Ana Yáñez Correa. I am the Executive Director of the Texas Criminal Justice Coalition (TCJC), and I appreciate the opportunity to provide invited testimony regarding ways to ensure that our county jails are more manageable and that they stop serving as the *de facto* mental health providers.

In late September 2014, it was reported that Terry Goodwin, an inmate at the Harris County Jail who was “jailed on a marijuana charge while on probation and in need of mental health care, was left in his cell for weeks without being let out, living amid heaps of trash, swarms of bugs, and piles of his own feces.”¹ When I learned what had happened to Mr. Goodwin, I was filled with both disappointment and great concern. If such an incident could happen under the watch of Sheriff Adrian Garcia – a man who cares about best practices, and who has become a champion of safe and effective ways of reducing jail overcrowding – then imagine what could happen under the watch of a Sheriff who has no interest in improving the lives of those under his or her care, who would rather “lock ‘em up and throw away the key.”

As upset as I was and still am about the horrible, inhumane conditions that Mr. Goodwin endured, I know that we must think about the root cause of the problems at the Harris County Jail, and what solutions the Legislature could implement to increase the capacity for any sheriff, regardless of personality or convictions, to successfully operate a jail in the most effective, safe, humane way possible.

IT’S NOT THE PERSON, IT’S THE PROCESS

A sheriff’s job is not easy: He or she has very little control over who enters the jail, how often they enter, and under what conditions or circumstances they enter. This is particularly the case for Harris County Sheriff Adrian Garcia, who oversees the operations of the third largest jail in the United States.² Currently, Harris County jail houses over 8,700 prisoners;³ as of December 2013, 8,800 individuals had been incarcerated three or more times in that facility over the last two years. Most troubling is that 4,380 of those were identified as having a mental health diagnosis while incarcerated. More specifically, 2,436 were diagnosed with bipolar disorder, schizophrenia, or major depressive disorder; 1,981 were diagnosed with those three disorders as well as substance abuse; and 2,983 were diagnosed with any mental health disorder and substance abuse.⁴

Without effective strategies in place to address high-needs inmates, Harris County’s corrections infrastructure (like any local corrections infrastructure) will not be able to properly care for the inmates housed in the jail. Having said that, Harris County has made much progress in this area, including taking steps to prevent another incident like Mr. Goodwin’s from occurring again.

Specifically, to address what happened to Mr. Goodwin, Sheriff Garcia has taken the following actions:⁵

- He ordered an internal investigation and invited local and federal agencies (including the Harris County District Attorney's Office, the Federal Bureau of Investigations, and the U.S. Department of Justice) to review the findings of that investigation.⁶
- He has created a new bureau within the upper command of the Sheriff's Office, charged with inspecting the jail, monitoring compliance with jail standards, and ensuring quality control of inmate care; it will provide weekly briefings to the Sheriff and allow for prompt, corrective action as needed.
- His Office is working with the VERA Institute of Justice and others to evaluate if the jail is overly dependent on the use of isolation (solitary confinement), and it will make changes if necessary. Already, the Sheriff has called for reviews of individuals in isolation every two weeks, rather than every 30 days (as required by the Texas Commission on Jail Standards).
- He has created a web portal where friends, family, and attorneys can email information or relay their concerns about the health or welfare of a person in county custody (e.g., information about inmate medication in the free world, conditions of confinement that an inmate may be experiencing, concerns or complaints about care they are receiving), and staff will respond to the emails by phone or email, facilitating a dialogue between jail personnel and family members or others.
- Sheriff Garcia will work with the jail's Medical Director to handle issues on a day-to-day basis.
- Sheriff Garcia has instructed the medical and mental health staff to monitor inmates for any violations of or noncompliance with prisoner care. The medical and mental health staff will be able to report any issues to the Duty Captain, which they did not have the ability to do before.
- Lieutenants will now be included in regular quality of life inspections.
- The Sheriff's Office will increase mandatory mental health training for all staff.
- The Sheriff's Office is creating a new tip line where employees can anonymously report on jail standards, quality of life conditions, or suspected violations of law; new procedures will address tip resolution.
- Inmate refusals of recreation time and visitation will now be documented. Texas Commission on Jail Standards regulations do not require documentation of these refusals at this point, but Harris County will require documentation going forward. This will allow for better monitoring of trends in inmate behavior, including changes in their mental health state, which can be shared with families.
- Sheriff Garcia is developing a program to better engage families of inmates to improve inmates' care and treatment; although there is no model for this, the County will try to do so in a number of new ways, including through video visitation as possible.

While these actions are commendable and well intended, they will not get the root causes of the problems facing the jail: an inmate population that is too large to handle effectively, a jail system that is housing many individuals who could be diverted to appropriate treatment and supervision, and a jail commission that lacks the resources to monitor and ensure full local jail compliance with state and federal standards.

The Legislature must promote and have the courage to pass policies that will right-size Texas county jail systems to make them more manageable. In like manner, the Legislature must strengthen the Texas Commission on Jail Standards to ensure effective oversight and accountability.

IT IS CRITICAL TO RIGHT-SIZE THE JAIL SYSTEM

As of September 1, 2014, Texas county jails were collectively operating at 72% capacity, up from 67% in January 2014.⁷ To ensure that jail capacity safely declines, policy-makers and practitioners must consider various populations that could be better served through alternative strategies.

Who Can Be Diverted

In 2013, 9,555 cases were filed in Harris County for drug possession, with 6,799 of them (or 71%) for possession of less than a gram of a controlled substance (See Table 1). In addition, over 10,200 cases were filed for Class B misdemeanor possession of marijuana in 2013, which represents 2 ounces or less (See Table 2). If convicted of a Class B Misdemeanor, the individual faces further confinement in the county jail not to exceed 180 days.⁸

Table 1. Cases Filed

Drug Possession Categories	Filing Year				Total Number Of Cases
	2010	2011	2012	2013	
All Drug Possession	9,367	8,767	8,532	9,555	50,640
Possession of Less Than a Gram	6,248	6,007	5,658	6,799	35,735

Source: Harris County Sheriff's Office

Table 2. Marijuana Cases Filed

Marijuana Possession Categories	Filing Year				Total Number Of Cases
	2010	2011	2012	2013	
Misdemeanor A	525	583	573	448	2,691
Misdemeanor B	10,337	10,199	10,529	10,271	51,017
Total Cases	10,862	10,782	11,102	10,719	53,708

Source: Harris County Sheriff's Office

When looking at those whose primary charge was felony drug possession, excluding any individual with a prior conviction in Harris County for any crimes listed in the Tex. Code of Crim. Proc. 42.12(3)(g),⁹ the number of charges still remains high at 7,466 in 2013, with 71% of charges for less than a gram of a controlled substance (See Table 3). Table 4 shows that 4,327 (of 7,466) felony drug possession charges resulted in convictions, with 77% of convictions for less than a gram.

Table 3. Charges Filed for a Felony Drug Possession Offense

Drug Possession Categories	Filing Year				Total Number Of District Defendants
	2010	2011	2012	2013	
All Drug Possession	7,510	7,066	6,798	7,466	35,975
Possession of Less Than a Gram of a Controlled Substance	4,558	4,629	4,375	5,305	24,453
Possession of Marijuana	713	643	607	522	3,074
Possession of Marijuana Less Than 4 Ounces	4	2	2	0	12

Source: Harris County District Courts; data excludes any individual with a prior conviction in Harris County for any crimes listed in the Texas Code of Criminal Procedure 42.12(3)(g).

Table 4. Convictions for a Felony Drug Possession Offense

Drug Possession Categories	Filing Year				Total Number Of District Defendants
	2010	2011	2012	2013	
All Drug Possession	4,503	4,170	3,721	4,327	21,923
Possession of Less Than a Gram of Controlled Substance	3,073	3,012	2,690	3,331	16,505
Possession of Marijuana	204	208	181	158	963
All Drug Possession – Sentenced to 12.44(a) ¹⁰	2,730	2,107	1,470	2,068	13,417

Source: Harris County District Courts; data excludes any individual with a prior conviction in Harris County for any crimes listed in the Texas Code of Criminal Procedure 42.12(3)(g).

Trace Drug Prosecutions

In 2010, the Harris County District Attorney’s Office changed its policy for charging individuals with possession of small amounts of narcotics in 2010, limiting felony charges to individuals in possession of at least one-hundredth of a gram, the minimum amount needed for testing to confirm that the substance is an illegal drug.

This simple change in policy made a significant impact on the jail, resources, and lives of defendants. In August 2009, the Harris County Jail was 16% over its design capacity with an average daily population of 10,941 inmates.¹¹ In December 2010, after the “trace policy” was implemented, the daily jail population fell to 9,758 inmates, or 3% above capacity. And the numbers continued to fall: In December 2011, the jail housed a population 8% below its design maximum capacity.¹²

However, the trace policy was overturned in 2012, contributing to a rise in the jail population (as seen in the tables above).

Harris County Detention Costs

Harris County’s overreliance on incarceration to address substance abuse and, even, minor drug use must stop. It contributes to the costly confinement of individuals with low-level offenses who could be safely and efficiently handled outside of the jail system (See Table 5 for costs-per-day for Harris County inmates).

Table 5. Estimated Jail Bed Detention Costs

Housing Costs Without One-Time and Overhead Costs	Approximate Daily Cost Per Inmate*
General Population (GP) with No Health Issues	\$40-\$45
GP Receiving Medical Drugs	\$45-\$50
GP with Psychotropic Drugs	\$55-\$60
GP with Medical and Psychotropic Drugs	\$60-\$65
Infirmary	\$200-\$220
Mental Health Housing	\$285-\$305
Overall Average	\$75-\$80

*Source: Harris County Office of Criminal Justice Coordination Presentation 9/12/2012; in addition to daily costs, there is an additional one-time cost that includes booking/releasing, records, transportation, offsite medical, courts, building and maintenance, utilities, and allocated county overhead.

It is clear from Table 5 that Harris County must especially identify alternatives to incarceration for individuals with mental health issues, many of whom self-medicate and consequently have addiction problems, and for whom taxpayers pay significant dollars to provide the services necessary to treat their medical or mental health conditions.

COST SAVINGS AND OTHER BENEFITS THAT ACCOMPANIED A REDUCTION IN “TRACE” DRUG PROSECUTIONS

As a result of the implementation of the “trace policy” in Harris County and its corresponding, dramatic decrease in the jail population, the County ended its contract with Louisiana to expand jail detention capacity in January 2012. Additionally, the jail's use of overtime to cover staffing needs at the County dropped from \$33 million to \$20 million for fiscal year 2011-2012.¹³

Furthermore, clearance rates (the percent of crimes solved by law enforcement) improved across the board for the Houston Police Department between 2009 and 2010.¹⁴ In 2009, there were 10,674 charges for possession of less than a gram of a controlled substance; in 2010, that number dropped to 5,942,¹⁵ due largely to the trace policy. By being freed from making thousands of arrests of petty drug users, Harris County law enforcement saw a significant increase in time spent patrolling and investigating.

Law enforcement officials initially had concerns with the trace policy: They felt that being able to prosecute trace cases took individuals with low-level offenses off the streets and prevented them from committing other crimes (e.g., theft and other property crimes). Contrary to this belief, property crimes also decreased in Harris County from 2009 to 2011, indicating that the former policy of arresting individuals with trace amounts of drugs did not alone prevent property crimes. In fact, according to FBI Uniform Crime Report data, property crimes for Houston fell from 53.2 property crimes per 1,000 residents in 2009 to 50.5 property crimes per 1,000 residents in 2011.¹⁶

LEGISLATIVE SOLUTIONS TO RIGHT-SIZE THE COUNTY JAIL POPULATION

- **Reduce Penalties for Minor Drug Possession Offenses**

- Eliminate Penalties for the Smallest Drug Possession Offenses**

- » **Background:** In 2011 and 2012, Texas sentenced 16,262 individuals to state jail for a drug conviction, at costs of nearly \$16,000 per person per year. Of these individuals, 88% were convicted of possessing less than a gram of a controlled substance without the intent to deal or distribute. One gram of a controlled substance equates to a packet of Sweet 'N Low.

Over that same time period, the Texas Department of Criminal Justice (comprised of state jails, prison units, and Substance Abuse Felony Punishment facilities) received 43,793 individuals convicted of drug crimes; approximately 42% of these individuals were incarcerated for possession of less than a gram, at costs of up to \$18,300 per person per year.¹⁷

Controlled substances of less than .02 grams cannot be tested twice by a crime lab and therefore cannot be prosecuted where a defense attorney requests a second testing.

- » **Potential Policy:** The Texas Criminal Justice Coalition supports legislation that would decriminalize possession of .02 grams or less. Possession of more than .02 grams but less than one gram would

continue to constitute a state jail felony. This felony amount is adequate to undergo testing in a crime lab if requested by both the State and defense.

Reduce Low-Level Marijuana Possession to a Class C Misdemeanor or Civil Penalty

- » **Background:** Currently in Texas, possession of up to two ounces of marijuana is a Class B misdemeanor; possession of between two and four ounces is a Class A misdemeanor. Texas' overly punitive marijuana laws have become a distraction for law enforcement and an ongoing source of red ink for county budgets due to jail and indigent defense costs. More than 70,000 people were arrested for marijuana possession last year, accounting for 60% of all drug possession arrests in Texas, and 51% of *all* drug-related arrests.¹⁸ These individuals with low-level possession offenses are booked into jail, and those who cannot make bail may stay there until their case is resolved. And because the sentence for a Class B misdemeanor includes possible jail time (up to six months incarceration), counties must hire lawyers to represent defendants who are indigent.

On the other hand, counties are not required to pay for counsel on Class C offenses, for which the maximum penalty is only a fine. Polls say a majority of Texans endorse eliminating penalties for low-level marijuana possession entirely, especially for medicinal purposes.¹⁹

- » **Potential Policy:** The Texas Criminal Justice Coalition supports legislation that would reduce penalties for low-level marijuana possession to a Class C misdemeanor or a civil penalty. Doing so would relieve counties of unnecessary jail and indigent defense costs. It would also keep more police officers on the beat instead of forcing them to spend time – sometimes hours – arresting and booking pot smokers into jail. While police would retain the discretion to arrest, most Class C violations in Texas are handled with a written citation. Alternatively, Texas could make marijuana possession a civil violation, as some other states have done, eliminating criminal penalties altogether for small amounts.

Note: The Texas Criminal Justice Coalition supports newly announced efforts by the Harris County District Attorney's Office to divert individuals with low-level, Class B marijuana possession offenses (2 ounces or less) from the system and into programming. Called the First Chance Intervention Program, eligible individuals will have the opportunity to avoid a criminal conviction by completing 8 hours of community service or an 8-hour class; Harris County Pre-Trial Services will supervise the program and monitor participants. As noted in Table 2 above, this program has the potential to annually divert approximately 10,000 individuals from Harris County's court and jail systems. Please click here for full eligibility and program requirements:

<http://app.dao.hctx.net/OurOffice/FirstChanceIntervention.aspx>.²⁰

Allow Judges to Create Tailored Treatment Programs, as Necessary, to Address First-Time Possession Offenses

- » **Background:** Texas wastes millions of taxpayer dollars every year imprisoning individuals who pose no legitimate risk to public safety. In FY 2013, almost 30% of individuals who entered the Texas Department of Criminal Justice were admitted for a drug offense – and nearly 75% of those individuals were convicted of drug possession, as opposed to delivery or other offenses.²¹ Incarcerating individuals for drug possession cost Texas taxpayers more than \$1 million daily, or about \$397 million per year.²² Unfortunately, for many of these individuals, their low-level drug possession offenses result from a struggle with chemical dependency that cannot be “treated” through incarceration.

- » **Potential Policy:** The Texas Criminal Justice Coalition supports legislation that would reduce penalties for minor drug possession offenses and require courts to divert individuals to community supervision and a treatment program (if needed) when they are deemed by the court not to be a threat to public safety; successful completion of programming could result in a sealed record, which will help reduce reentry barriers. The savings derived from diversion programs should be used to strengthen existing treatment programs in the community, or create tailored treatment programs, as necessary, to address possession offenses.

- **Reduce the Number of Individuals Suffering from Mental Health Issues in Texas County Jails**

- » **Background:** Nationally, Texas ranks 50th out of 52 total jurisdictions (50 states, the District of Columbia, and Puerto Rico) in State Mental Health Agency per-capita expenditures.²³ As a result, our jails have become warehouses for people with mental health issues who have failed to receive proper treatment. County entities, including jails and emergency health providers, are struggling to address individuals' chronic needs. Likewise, state hospitals are routinely overburdened as they strive to treat higher-risk patients throughout Texas.

Especially as it pertains to mentally ill individuals entangled in the criminal justice system, treatment programs are exponentially better equipped than jails to stabilize individuals, make effective medical recommendations, supervise prescription regimens, and recommend appropriate behavioral programming to address long-term needs. However, these programs and systems are critically underfunded. Collectively, policy-makers and practitioners must strive to implement strategies that will halt the recycling of these individuals in and out of local jails, especially for minor offenses, at the alarming rates and costs we are currently seeing.

- » **Potential Policy:** The Texas Criminal Justice Coalition supports the following strategies:
 - Significantly ramp up state funding for local- and state-level mental health programs and systems to reduce the burden imposed by chronic mental health consumers.
 - Require the local behavioral health authority to prioritize those who are involved in the criminal justice system.
 - Ensure that mental health crisis beds are easily accessible to criminal justice clients, and that there is a designated amount of crisis beds for the criminal justice population.
 - Require the local behavioral health authority to coordinate its operations with criminal justice system practitioners.
 - Require the local behavioral health authority to take into consideration the knowledge and expertise of criminal justice practitioners when making decisions pertaining to those who suffer from mental health problems and who have been involved in the criminal justice system.
 - Require the local behavioral health authority to prioritize to effectively and consistently share information and coordinate with local probation departments and parole agencies that serve and supervise clients that suffer from mental health and substance abuse problems.

Note: I have included a PowerPoint presentation, "Individuals with Mental Illnesses in the Criminal Justice System: Addressing Both Criminogenic Risks and Mental Health Needs," which explains best practices when working with individuals with mental health problems in the criminal justice system.

- **Require the Issuance of a Summons for Certain Individuals Accused of Parole Violations**

- » **Background:** Under current law, the Parole Division of the Texas Department of Criminal Justice may order an individual under mandatory supervision or parole who is charged with a new offense or with violating a condition of parole to be detained pending a revocation hearing. While the Division is required to issue a summons to certain individuals who have committed administrative violations of release, a summons is not allowed for releasees who are charged with a new crime; instead, they must be detained pending their hearing.

However, new charges do not always equate to a revocation to prison. In 2013, the Board of Pardons and Paroles reinstated (vs. revoked) the paroles of 2,361 releasees charged with new crimes but not convicted, and it reinstated the paroles of 3,622 individuals even after they were convicted of new crimes.²⁴

Detaining parolees in county jails pending revocation hearings places an enormous financial drain on those counties, and it may result in the loss of employment, housing, and family support for those individuals.

- » **Potential Policy:** The Texas Criminal Justice Coalition supports legislation that would allow the Division to issue a summons to releasees who fit certain criteria instead of ordering them to be detained in jail pending a revocation hearing. Specifically, the Division should be allowed to issue a summons to individuals who have been charged with certain misdemeanors and can show a record of stability and employment.

- **Return Children Under the Age of 18 to the State’s Juvenile Justice System**

- » **Background:** In Texas, a teen may be charged as an adult for a criminal offense at only 17 years of age. For instance, in Harris County, 1,183 17-year-olds (approximately 100 per month) were booked into the county jail last year.²⁵ Holding 17-year-olds criminally responsible is inconsistent with our societal consensus for “maturity,” as well as with neurological research that has confirmed various findings: youth are inherently less likely to consider the potential outcomes of their actions; they are prone to risky behavior; and they are more vulnerable or susceptible to negative influences and outside pressures.

- » **Potential Policy:** The Texas Criminal Justice Coalition supports legislation that would extend the age of juvenile jurisdiction from 17 to 18 years, a common sense approach that would remove youth from potentially dangerous mental and physical conditions inside adult facilities. We further support increasing the age of youth permitted to remain in the juvenile system – even beyond 18 – so that they may have sufficient time to obtain critical rehabilitative programming.

LEGISLATIVE SOLUTIONS TO ENSURE EFFECTIVE OVERSIGHT AND ACCOUNTABILITY OF COUNTY JAILS IN TEXAS

- **Provide Necessary Resources to the Texas Commission on Jail Standards (TCJS) to Perform Mandated Duties**
 - » **Background:** We must remember the phrase “you get what you pay for.” TCJS’s annual budget is less than \$1 million; with this limited funding, it is required to monitor and assist each of Texas’ 254 counties. To put this small figure into even greater perspective, TCJS’s entire annual budget is what the Texas Department of Criminal Justice spends in roughly 3 hours.
 - » **Potential Policy:** The Texas Criminal Justice Coalition supports the appropriation of additional resources to the Texas Commission on Jail Standards so it can better assist Texas’ county jails. TCJS has done everything it can with what the funding has been given, but now is time to ensure that it has enough staff to provide meaningful monitoring, technical assistance, additional trainings, and guidance as it pertains to reducing the jail population.

- **Ensure TCJS has the Necessary Information to Assist Counties**
 - » **Background:** Currently, county jails are only required to provide reports on deaths, escapes, or fires to TCJS. This leaves the agency ill-prepared to flag and address issues that could compromise the rights, safety, and/or welfare of inmates or corrections personnel.
 - » **Potential Policy:** The Texas Criminal Justice Coalition supports legislation that would ensure that counties provide TCJS all information necessary to enable increased assistance by the agency. Counties should also provide reports pertaining to relevant investigations and incidents as early as possible. This strategy will not only hold county jails accountable but can prevent unfortunate instances – like that of Mr. Goodwin – from happening again.

Citations

¹ Ted Oberg, “Criminal investigation into inmate found in cell amid bugs, trash, feces,” Sept. 29 2014, *ABC-13 Eyewitness News*, at <http://abc13.com/news/criminal-investigation-into-harris-co-jail-cell/329850/>.

² Information according to Harris County Sheriff Adrian Garcia.

³ Texas Commission on Jail Standards, *Abbreviated Population Report for 9/1/2014*, at <http://www.tcjs.state.tx.us/docs/AbbreRptCurrent.pdf>; “Total Population” for Harris County is 8,713.

⁴ Harris County Criminal Justice Coordinating Council Frequent Detainee Committee, *Status Update – December 2013*, page 1; *document available upon request*.

⁵ All bulleted information presented at the Harris County Criminal Justice Coordinating Council meeting, Oct. 15, 2014, with the exception of the first bullet (cited separately).

⁶ Cindy George, “Incident prompts sheriff to create new bureau to monitor jail conditions,” Oct. 2, 2014, *Houston Chronicle*, at <http://www.houstonchronicle.com/news/houston-texas/houston/article/Incident-prompts-sheriff-to-create-new-bureau-to-5797838.php>.

⁷ Texas Commission On Jail Standards, *Texas County Jail Population, September 1, 2014*, at <http://www.tcjs.state.tx.us/docs/POPSUMCurrent.pdf>.

⁸ Tx. Pen. Code § 12.22.

⁹ Article 42.12(3)(g) of the Texas Code of Criminal Procedure sets forth those offenses for which a judge may not grant community supervision. These include murder, indecency with a child, aggravated kidnapping, sexual assault and other similarly serious offenses.

¹⁰ Penal Code Section 12.44(a) gives a judge the discretion to offer defendants charged with a state jail felony the punishment of a Class A misdemeanor (with a maximum jail time of one year). The individual charged, however, is still convicted of a state jail felony and that penalty continues to remain on their record.

¹¹ Design capacity for all Harris County jail facilities combined is 9,434 beds.

¹² The Harris County Criminal Justice Coordinating Committee attributes a drop of about 400 inmates in jail on any given day, part of a 2,000 decrease over the past two years, to the change in charging of low-level drug possession cases. Brian Rogers, "Crack policy puts Harris County DA at odds with police," Dec. 5 2011, *Houston Chronicle*, at <http://www.chron.com/default/article/Crack-policy-puts-Harris-County-DA-at-odds-with-2346724.php#page-2>.

¹³ According to the Harris County Sheriff's Department, the decrease in the use of overtime is largely due to improved staff management systems.

¹⁴ Houston Police Department, 2010 Annual Report, page 7, at http://www.houstontx.gov/police/departments_reports/Annual_Report_2010.pdf.

¹⁵ Brian Rogers, "Crack policy puts Harris County DA at odds with police," Dec. 5 2011, *Houston Chronicle*, at <http://www.chron.com/default/article/Crack-policy-puts-Harris-County-DA-at-odds-with-2346724.php#page-2>.

¹⁶ Federal Bureau of Investigation, *Uniform Crime Reporting Statistics*, U.S. Department of Justice; accessible at <http://www.ucrdatatool.gov/Search/Crime/Local/RunCrimeJurisbyJurisLarge.cfm>; see Houston's "number of property crimes" for 2009 (120,933 total crimes, with a city population of 2,273,771) and 2011 (108,336 total crimes, with a population of 2,143,628).

See also: Houston Police Department, 2011 Annual Report, page 20, at http://www.houstontx.gov/police/departments_reports/2011-ANNUAL-REPORT.pdf; see Table "Part 1 Non-Violent Crime 5-Year Comparison," with the following caption: UCR Part 1 Non-Violent Crime has also decreased since 2009. In 2011, Non-Violent Crime decreased 6.1 percent from the previous year. The Theft category saw an 8.0 percent decrease as compared to 2010."

¹⁷ Data from response to open records request submitted by the Texas Criminal Justice Coalition to the Texas Department of Criminal Justice, 2013; *data available upon request*. See also Legislative Budget Board, Criminal Justice Uniform Cost Report, Fiscal Years 2010 to 2012, page 8, at http://www.lbb.state.tx.us/Public_Safety_Criminal_Justice/Uniform_Cost/Criminal%20Justice%20Uniform%20Cost%20Report%20Fiscal%20Years%202010%20to%202012.pdf. State jail per-day costs total \$42.90, or \$15,659 per year; prison per-days costs total as much as \$48.84 per day, while Substance Abuse Felony Punishment Facility per-day costs total \$63.19 per day.

¹⁸ Texas Department of Public Safety, *The Texas Crime Report for 2013*, "Chapter 9: Texas Arrest Data," at <http://www.txdps.state.tx.us/crimereports/13/citCh9.pdf> [page 75].

¹⁹ Public Policy Polling, *Texas Survey Results*, Sept. 2013, at <http://www.mpp.org/assets/pdfs/states/PPP-Texas-Poll-2013.pdf>. Of polling respondents, 42% identified as Republican, 35% as Democrat, and 23% as Independent or Other, with the largest majority identifying as 46-65 years old (39%) and White (60%).

²⁰ See also: Office of District Attorney Devon Anderson, *Press Release: DA Announces New Program for Class B Marijuana Possession Arrests*, Oct. 2014, at http://harriscountyda.com/Article/530/DA_Anderson_Announces_New_Program_for_Class_B_Marijuana_Possession_Arrests.aspx

²¹ Texas Department of Criminal Justice, *Statistical Report Fiscal Year 2013*, page 21, at http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2013.pdf. Of 71,713 entering individuals, 20,255 entered for a drug offense, and 15,100 entered for a drug possession offense.

²² Legislative Budget Board, Criminal Justice Uniform Cost Report, Fiscal Years 2010 to 2012, page 8, at http://www.lbb.state.tx.us/Public_Safety_Criminal_Justice/Uniform_Cost/Criminal%20Justice%20Uniform%20Cost%20Report%20Fiscal%20Years%202010%20to%202012.pdf. Prison per-days costs total as much as \$48.84 per day, or \$17,827 per year; state jail per-day costs total \$42.90, or \$15,659 per year; and Substance Abuse Felony Punishment Facility per-day costs total \$63.19 per day, or \$23,064 per year.

²³ The Henry J. Kaiser Family Foundation, *State Mental Health Agency (SMHA), Per Capita Mental Health Services Expenditures* [FY 2010, the most recent data available], at <http://kff.org/other/state-indicator/smha-expenditures-per-capita/>. Accessed October 20, 2014.

²⁴ Texas Board Of Pardons And Paroles, *Annual Statistical Report, Fiscal Year 2013*, page 22, at <http://www.tdcj.state.tx.us/bpp/publications/BPP%20StatisticalReport%20FY%202014.pdf>.

²⁵ Information from Harris County Sheriff Adrian Garcia, in correspondence with the author, Oct. 20, 2014.