



Texas Criminal Justice Coalition

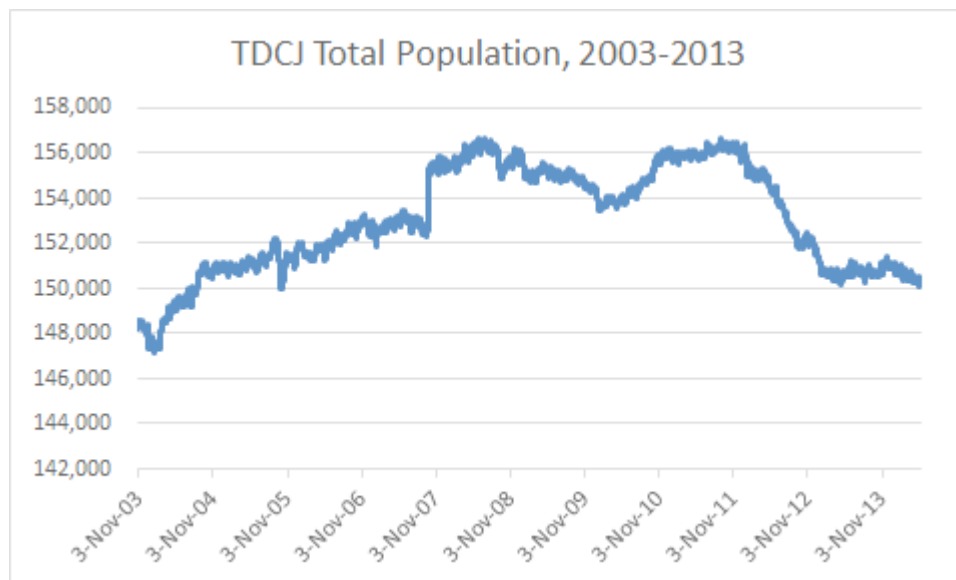
Explaining Discrepancies Between State and Federal Data On Texas' Prison Population

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Texas vs. Federal Numbers

In light of recent Department of Justice data showing that Texas' prison population has increased after several years of decline,¹ lately some have questioned the validity of bipartisan criminal justice reforms and have criticized such reforms as a failure.

However, due to the hard work of policy-makers and advocates on both sides of the aisle, Texas has reduced its number of prisoners enough to close three adult corrections facilities over the past two legislative sessions (2011 and 2013), and it could close more in the near future. That is a big turnaround considering just a few years ago experts were estimating that Texas would have around 16,000 more prisoners than it does today.² The upward curve has leveled off, even if declines have not been as precipitous as reformers would like.



Source: TDCJ daily population counts

From Fiscal Year 2012 to 2013, according to Texas Department of Criminal Justice (TDCJ) annual statistical reports,³ Texas' confined population (state prisons, state jails, and Substance Abuse Felony Punishment facilities) declined slightly from 152,303 to 150,784. Again, this decline continues a several-years trend that allowed the state to close three facilities as demand for beds has dropped.

Seemingly contrary to TDCJ's data and its experience of closing prisons, in September 2014, the Department of Justice Bureau of Justice Statistics (BJS) published a document titled "Prisoners in 2013" which sought to provide apples-to-apples comparisons of how many prisoners are incarcerated in all 50 states. Using a different counting methodology than TDCJ, they found that Texas was one of 36 states where the number of inmates increased year to year, though by a small margin: 1.1 percent.⁴

So Did the Prison Population Go Up or Down? Which is Correct? The Short Answer is “Both.” The Two Numbers are Measuring Different Things.

TDCJ counts prisoners physically in state custody while the BJS number – for the sake of making meaningful comparisons to how other states track data – includes several other categories of additional inmates, including people in county jails waiting for transfer to state facilities and people incarcerated as intermediate sanctions for probation and parole who have not been revoked back to prison. Roughly 17.5 percent of county jail inmates are included in the BJS data as state prisoners,⁵ while Texas counts them in separate, county-level reports. More specifically, BJS counts convicted felons awaiting transfer, parole violators, and felons sentenced to county jail time all as state prisoners, whereas Texas categorizes those people as county jail inmates until they have been formally transferred to prison.

Neither calculation is right or wrong. Because Texas’ county jails are regulated independently from TDCJ facilities, it makes sense for the state to count county jail inmates as local prisoners until custody is transferred. But BJS must calculate prisoner totals across jurisdictions, so counting county jail inmates as state prisoners as soon as they have been convicted allows them to derive comparable data from states with differing systems. TDCJ and BJS are simply measuring different things.

Where We Began, and What the Future Holds

Texas has a long way to go – we still incarcerate far more people than any other state – but it is wrong to say that the reforms implemented so far have been ineffective. They have been the early realization of efforts initiated in 2003, when advocates began pushing for more effective strategies to address Texas’ over-reliance on incarceration and its lack of treatment infrastructure. While we are only recently seeing real progress as reforms have begun to be implemented, we are continuing a 12-year dialogue about smarter approaches to criminal justice. And during Texas’ current 2015 Legislative Session, we and our partners are continuing to advocate for safe declines in the number of people in confinement.

We value those who have worked so tirelessly to effect change in our “tough on crime” state. New policy reforms have stopped what for many years seemed like an inexorable upward trend, and they have helped change the terms of debate in Texas, which has arguably been the global epicenter of mass incarceration over the past two decades.

¹ “Prisoners in 2013,” Bureau of Justice Statistics, September 30, 2014, <http://www.bjs.gov/content/pub/pdf/p13.pdf>.

² In 2007, the Legislative Budget Board projected Texas would need 168,166 total prison beds in 2012. Thanks to legislative reforms, increased parole rates, and declining crime, the actual number of incarcerated prisoners turned out to be almost 16,000 fewer than those projections. See: “New LBB report predicts more incarceration despite declining crime rates,” Grits for Breakfast, January 19, 2007, <http://gritsforbreakfast.blogspot.com/2007/01/new-lbb-report-predicts-more.html>.

³ See TDCJ annual statistical reports for 2012 and 2013, p. 1 (total on hand), http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2012.pdf and http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2013.pdf.

⁴ “Prisoners in 2013,” Bureau of Justice Statistics, p. 5.

⁵ “On the difference between DOJ and TDCJ prison population totals and the Next Big Task,” Grits for Breakfast, September 10, 2013, <http://gritsforbreakfast.blogspot.com/2013/09/on-differences-between-doj-and-tdcj.html>.