



TEXAS CRIMINAL  
JUSTICE COALITION

# Liberty County Reduces Jail Population and Saves County Millions

## INTRODUCTION

### *Prisoner Reentry in Texas*

Jails are one of the most expensive line items for county budgets in Texas. On average, counties spend 12% of their budget on jail expenditures alone.<sup>1</sup> Texas' jails currently house over 63,000 individuals, almost 10,000 for misdemeanor charges only.<sup>2</sup> The problems of overcrowding and high jail costs can be lessened by implementing simple strategies that safely reduce jail populations.

## LIBERTY COUNTY'S STORY

### *Problem*

In 2011, Liberty County judges, recognizing the depth of budgetary and overcrowding problems, set out to make necessary changes which would profoundly benefit the county. The judges — 253<sup>rd</sup> District Court Judge Chap Cain, County Judge Craig McNair, County Court-at-Law Judge Tommy Chambers, and 75<sup>th</sup> District Court Judge Mark Morefield — showed impressive leadership and courage by initiating a jail population management strategy that reduced the jail population by nearly 2/3 and saved the county over \$1 million in less than a year.<sup>3</sup> Throughout this process, the judges showed an unwavering commitment to public safety. Judge Morefield emphasized, "The safety of our citizens is the most important. We will not sacrifice that just to save money."<sup>4</sup>

Liberty County Jail averaged an estimated 218 inmates in early 2011.<sup>5</sup> Around this time, newly elected Judge Morefield discovered an extreme backlog of cases on a 17-page jail docket.<sup>6</sup> Cases were not being moved through the courts quickly enough; some were over a thousand days old.<sup>7</sup> This revealed a urgent need to reduce the jail docket, lower the jail population, and make the court system run more smoothly.

Another issue was high jail expenditures. The county paid \$46.50 per person per day in 2011 and had a total cost of over \$10,000 per day and approximately \$3.85 million per year.<sup>8</sup> Much of the jail budget was spent on non-violent offenders who could not afford to pay their bond.<sup>9</sup> Fortunately, the Liberty County judges and local judiciary were willing to take a stand and take steps toward solving these problems.

**Jails are one of the most expensive line items for county budgets in Texas. On average, counties spend 12% of their budget on jail expenditures alone.<sup>1</sup>**

### *Goals*

The district judges began collaborating in early 2011 and developed a plan that would address Liberty County's jail problems. The plan was finalized by May 2011 and included the following goals:

1. Reduce county jail population.
2. Reduce jail operating costs.
3. Run court system more efficiently.
4. Transition inmates into productive citizens as quickly as possible.<sup>10</sup>

Within a month, the judges developed a two-pronged strategy that would most effectively reduce the jail population while prioritizing public safety: a reduction of the jail docket and a bond supervision program.

## STRATEGY PART 1: REDUCING THE JAIL DOCKET

Liberty County Judges put pressure on both county prosecutors and the defense bar to move cases along as rapidly as possible, while also taking the necessary steps to try more cases per year. This required a mutual effort among everyone in the local judiciary to do their part in a timely fashion. Increasing efficiency means that jailed detainees do not sit around waiting for paperwork to be completed or charges to be filed. Judge Chambers proposed increasing the number of times they called the docket from once to twice per week, further enhancing the productivity of the courts.<sup>11</sup> The cooperation of the District Attorney's Office and the Assistant District Attorneys made this enhancement possible.<sup>12</sup>

## STRATEGY PART 2: BOND SUPERVISION PROGRAM

### *What is the program?*

The bond supervision program encourages judges to issue personal recognizance (PR) bonds to those who qualify. A PR bond releases an individual from jail at no cost with a signed agreement to follow all supervision stipulations and appear at all court hearings. This strategy speeds up the process of releasing and supervising low-risk defendants.

The program created a new Director of Bond Supervision position. The Director is responsible for reviewing the jail docket, identifying possible candidates for PR bonds, and supervising individuals once they are released on these bonds. In January 2012, an assistant position was approved to help manage this program.<sup>13</sup> The salaries of these two new employees plus a small start-up cost of about \$1,000 were the only costs associated with Liberty County's jail population management strategy.<sup>14</sup>



**Because public safety is always the top priority, there are strict guidelines in determining who is eligible for a PR bond...**

### *What is the approval process?*

Because public safety is always the top priority, there are strict guidelines in determining who is eligible for a PR bond; the Bond Supervision Director has authority over all PR bond approvals. The Director conducts a criminal history check and completes an extensive interview with the detainee. During this interview, the Director gathers information on next of kin, reliable contact information, employment, and residency to determine if the individual has credibility in the community and is a low flight risk.

#### **Individuals with the following might qualify for a PR bond:**

- First time non-violent offense
- Most minor alcohol/drug charges
- Persons unable to afford a surety bond<sup>15</sup>
- Persons determined not to be a flight risk

#### **Individuals with the following DO NOT qualify for a PR bond:**

- Violent offense
- History of any assault, including family violence and sexual assaults
- Multiple DWI charges
- Long criminal history
- Determined to be a flight risk

### What happens after approval?

Once an individual is approved for a PR bond, he or she must adhere to specific requirements and stay in direct contact with the Bond Supervision Director. The requirements include:

- Report immediately upon release and once a month to the Director
- Remain in the residing county for the duration of the supervision
- Appear in court on all required dates
- Pay a \$60 per month fee\*
- Continue to work, or seek employment if not currently employed
- Attempt to obtain a lawyer
- Submit to urinalysis testing upon request
- Submit to polygraph testing upon request
- Follow curfew guidelines
- Do not possess drugs or commit any offense against the law

**\*NOTE:** The \$60 monthly fee can be altered according to a sliding scale based on ability to pay. If the defendant is not able to pay any amount of money, the bond will not be revoked. For the County, the main goal is to keep defendants in touch with the court; collecting the fee is secondary.<sup>16</sup>

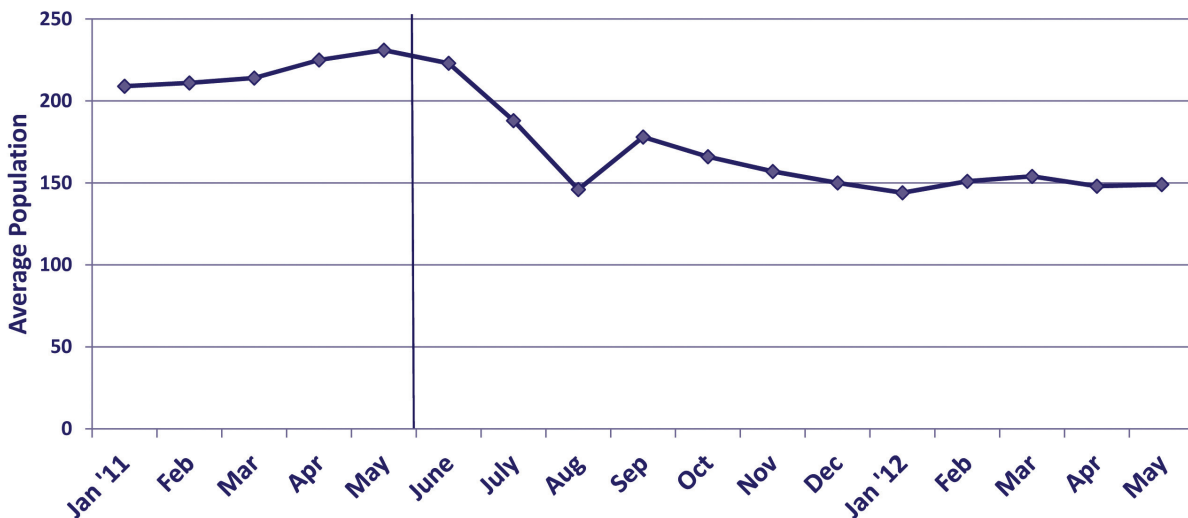
In theory, the requirements listed above are easy for defendants to meet and the county would see a decrease in jail population and county jail spending. Results show that the collaborative efforts from the local judiciary have been successful.

### RESULTS AND BENEFITS

Across the board collaboration increased jail docket efficiency. County judges have tried a significantly higher number of criminal cases in the past year than in previous years. For example, in 2011 the 75<sup>th</sup> District Court's Judge Morefield alone tried a total of 18 criminal jury cases. In previous years, the average was about 6.<sup>17</sup>

The Liberty County Jail reduced its average population in the past year about 35% from 218 to 142 inmates.<sup>18</sup> Figure 1 charts Liberty County's progress in reducing the jail population.<sup>19</sup> The jail currently spends an average of \$5,369 per day, a 46% reduction in costs and an estimated \$1.8 million savings in the first year.<sup>20</sup> This small county has already saved a tremendous \$1.5 million since the jail population management strategy was implemented in June of 2011.<sup>21</sup> Liberty County's lesson is especially significant because of the current budget crisis faced by all Texas counties.

**Figure 1: Liberty County  
Monthly Jail Population 2011-2012**



## LESSONS LEARNED

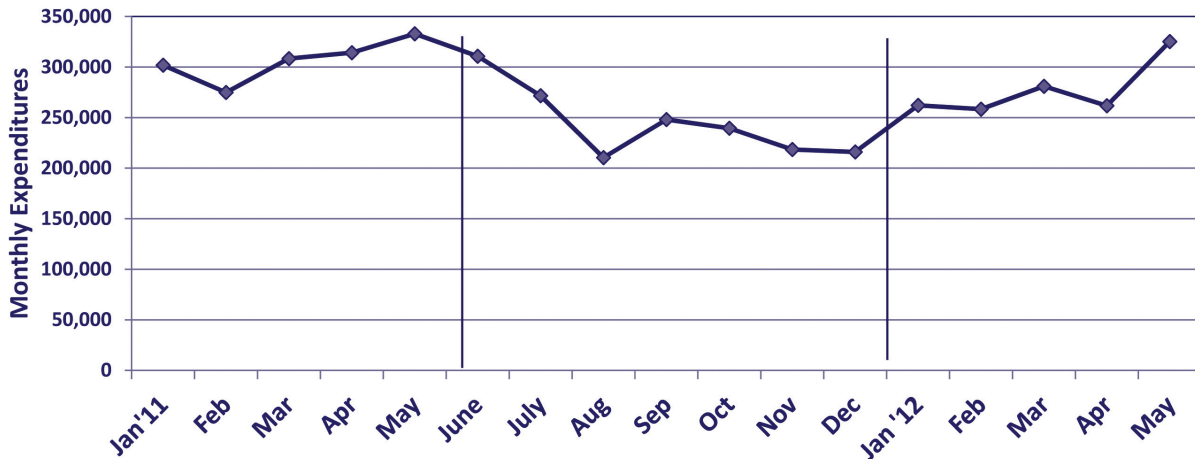
Liberty County's jail population management strategy was possible because the local judiciary worked together to do whatever it took to make it happen. The judges initiated and promoted the strategy, but needed cooperation from the county commissioners, the District Attorney's Office, the District and County Clerk's Office, and many others.<sup>22</sup> Judge Tommy Chambers stressed, "It is an essential element that everybody is on board and pulling in the same way, at all levels."<sup>23</sup>

This strategy was not difficult or complicated to employ. The key was the judges, who took initiative to address a serious issue and others followed suit. These efforts can be replicated in other counties if local judiciaries show the same leadership and courage that Liberty County did to come together and solve a critical issue. Jail population management strategies can be employed in a short amount of time with immediate benefits to counties and taxpayers.

## CURRENT CHALLENGES

Liberty County's current challenge lies in its contract with the private company that manages the jail, Community Education Centers (CEC). In the five years Liberty County has contracted with CEC, the company only raised the price per person per day a total of \$2.50.<sup>24</sup> Beginning in January 2012, CEC suddenly began raising its prices. The county is now paying \$26.25 per person per day more than last year, a 56% increase in just four months.<sup>25</sup> This increase is a direct result of the county's success in reducing the jail population. CEC currently has Liberty County on a sliding scale payment as an incentive to fill jail beds and will only lower the price if the county increases its jail population to pre jail reduction strategy levels.<sup>26</sup> The corporation will increase prices if the jail population drops below 150 (note that the jail's population has averaged at or below 150 since January).<sup>27</sup> CEC's concern with its bottom line is reversing Liberty County's progressive efforts. Figure 2 shows the effect CEC's price increases have had on the county's monthly jail expenditures.<sup>28</sup>

**Figure 2: Liberty County  
Monthly Jail Expenditures 2011-2012**



CEC's contract extends until April 2014; however, Liberty County has the option of ending the contract in October of 2012 and could choose to manage the jail itself at that time. The corporation will continue to undercut Liberty County's savings and undermine its smart on crime reforms if CEC remains on contract.<sup>29</sup>

A decision can be made as early as October of this year. Will Liberty County remain contracted with CEC for the next two years and risk losing the savings the local judiciary has worked so hard for? Or will county commissioners vote to de-privatize the jail and continue to reap the benefits of the jail population reduction strategy? The county is currently looking for the best solution, one that will continue to save taxpayers money, keep the courts running efficiently, and prioritize public safety over profits.

## RECOMMENDATIONS FOR LOCAL POLICY-MAKERS

**Recommendation 1:** *Policy-makers should save valuable taxpayer dollars by implementing smart on crime jail population management strategies.*

The Liberty County strategy continues to benefit the county in multiple ways, including reducing costs and incarceration rates. Policy-makers should take note of Liberty County's successes and employ similar jail population management strategies.

**Recommendation 2:** *Stakeholders should increase public safety by forming a Criminal Justice Coordination Committee in their community.*

A major takeaway from the Liberty County strategy is that county officials must work together. Criminal Justice Coordination Committees,<sup>30</sup> including sheriffs, judges, district attorneys, county commissioners, legislators, and other stakeholders, should communicate their strengths and needs to identify inefficiencies and find innovative solutions.

## The Liberty County strategy continues to benefit the county in multiple ways, including reducing costs and incarceration rates.

**Recommendation 3:** *Liberty County decision makers should represent constituents' interests by communicating with public facilities.*

A primary issue for Liberty County is a lack of information on how to manage a public jail facility within budget. Liberty County officials should communicate with other county sheriffs who manage public jail facilities to gather more information and consider the benefits of a public facility. Liberty County stakeholders should gather as much information as possible and make well-informed decisions in the interests of their constituents, who continue to reap the benefits of the recent jail population management strategy.

**Recommendation 4:** *Liberty County should continue to solve local problems by taking control of the county jail.*

In the middle of an economic recession and deep cuts to local budgets, Liberty County has exemplified what it means to trim the budget. County officials have an opportunity to make lasting changes that will free up resources for other, more important, issues such as education and health care. Maintaining control and accountability over the county jail will provide local policy-makers the tools they need to continue developing beneficial, smart on crime solutions. On the other hand, for-profit private prison corporations only have one interest: revenue. Liberty County should continue to take cost-cutting seriously and solve its own problems by de-privatizing the county jail.

The Texas Criminal Justice Coalition is grateful to Sarah Beth Bolin, Policy Associate, for the research and writing of this feature.



## REFERENCES

- <sup>1</sup> Brandon Wood, Assistant Director of the Texas Commission on Jail Standards (TCJS) and Diana Spiller, Research Specialist with TCJS, in email correspondence to Sarah V. Carswell, Texas Criminal Justice Coalition, November 30, 2011.
- <sup>2</sup> Texas Commission on Jail Standards (TCJS), "Abbreviated Population Report for 3/1/2012," March 16, 2012, <http://www.tcjs.state.tx.us/docs/AbbreRptMarch12.pdf>.
- <sup>3</sup> Grits for Breakfast, "Liberty County Lowers Jail Pop Nearly 2/3, Private Contractor Wants to Up Rates, County May De-Privatize," January 23, 2012, <http://gritsforbreakfast.blogspot.com/2012/01/liberty-county-lowers-jail-pop-nearly.html>.
- <sup>4</sup> Mark Morefield, Liberty County 75<sup>th</sup> District Court Judge, in telephone communication with Sarah Beth Bolin, Texas Criminal Justice Coalition, February 28, 2012.
- <sup>5</sup> Harold Seay, Liberty County Auditor, in email communication with Sarah Beth Bolin, Texas Criminal Justice Coalition, April 11, 2012.
- <sup>6</sup> Morefield, *supra* note 4.
- <sup>7</sup> *Ibid.*
- <sup>8</sup> Grits for Breakfast, *Liberty County Lowers Jail Pop*, *supra* note 3.
- <sup>9</sup> *Ibid.*
- <sup>10</sup> Melecio Franco, "County to Reduce Jail Expenses by Releasing Non-Violent Offenders," The Cleveland Advocate, May 28, 2011, [http://www.yourhoustonnews.com/cleveland/news/article\\_200dab45-2d85-5ebf-b0a6-4b67b006b096.html](http://www.yourhoustonnews.com/cleveland/news/article_200dab45-2d85-5ebf-b0a6-4b67b006b096.html).
- <sup>11</sup> Tommy Chambers, Liberty County Court-at-Law Judge, in telephone communication with Sarah Beth Bolin, Texas Criminal Justice Coalition, March 27, 2012.
- <sup>12</sup> Vanesa Brashier, "County's Jail Inmate Population Down, but Companies Now Asking for More Money Per Inmate," The Cleveland Advocate, January 21, 2012, [http://www.yourhoustonnews.com/cleveland/news/county-s-jail-inmate-population-down-but-companies-now-asking/article\\_a95463f6-972d-5966-83a1-7d14f628b7bf.html](http://www.yourhoustonnews.com/cleveland/news/county-s-jail-inmate-population-down-but-companies-now-asking/article_a95463f6-972d-5966-83a1-7d14f628b7bf.html).
- <sup>13</sup> Carol Witherspoon, Liberty County Director of Bond Supervision Program, in telephone communication with Sarah Beth Bolin, Texas Criminal Justice Coalition, March 1, 2012.
- <sup>14</sup> The start-up cost was to purchase administrative equipment such as a computer and telephone. Mark Morefield, Liberty County 75<sup>th</sup> District Court Judge, in telephone communication with Sarah Beth Bolin, Texas Criminal Justice Coalition, April 17, 2012.
- <sup>15</sup> A surety bond is an agreement between one or more persons and a bond agent; the bond agent agrees to post the necessary bail so that a defendant can be released from jail.
- <sup>16</sup> Witherspoon, *supra*, note 13.
- <sup>17</sup> Morefield, *supra*, note 4.
- <sup>18</sup> Seay, *supra*, note 5.
- <sup>19</sup> April and May are estimated average daily populations. April estimation from Texas Commission on Jail Standards, "Abbreviated Population Report for 4/1/2012," April 16, 2012, <http://www.tcjs.state.tx.us/docs/AbbreRpt.pdf>. May population estimated based on mean of average daily populations, Jan-April 2012.
- <sup>20</sup> Seay, *supra*, note 5.
- <sup>21</sup> Total savings minus cost of Bond Supervision Program (\$124,973). Harold Seay, Liberty County Auditor, in email correspondence to Sarah Beth Bolin, Texas Criminal Justice Coalition, March 26, 2012.
- <sup>22</sup> Tommy Chambers, Liberty County Court-at-Law Judge, in telephone communication with Sarah Beth Bolin, Texas Criminal Justice Coalition, February 29, 2012.
- <sup>23</sup> *Ibid.*
- <sup>24</sup> Seay, *supra*, note 5.
- <sup>25</sup> Liberty County now pays \$72.75 per person per day. At the beginning of 2011, the county was paying \$46.50. Mark Morefield, Liberty County 75<sup>th</sup> District Court Judge, in telephone communication with Sarah Beth Bolin, Texas Criminal Justice Coalition, April 26, 2012.
- <sup>26</sup> Charolette Key Warner, Liberty County Commissioner, Precinct 2, in telephone communication with Sarah Beth Bolin, Texas Criminal Justice Coalition, April 16, 2012.
- <sup>27</sup> If the jail population drops under 150, Liberty County will be required to pay cost-plus 15% per person. It is unclear how much more this will be because "cost-plus 15%" was not defined in the contract. Mark Morefield, Liberty County 75<sup>th</sup> District Court Judge, in telephone communication with Sarah Beth Bolin, Texas Criminal Justice Coalition, April 26, 2012.
- <sup>28</sup> Based on average daily populations multiplied by the per person per day rate paid to CEC. April and May are estimated expenditures. April estimation from Texas Commission on Jail Standards, "Abbreviated Population Report for 4/1/2012," April 16, 2012; estimated population multiplied by CEC's April rate of \$58.95. May estimated population based on mean of average daily populations, Jan-April 2012 multiplied by a conservative estimate of \$72.75 per person per day. The price will likely be more than this, since the projected May population is less than 150.
- <sup>29</sup> Frank Knaack, "Bad News from Liberty County," American Civil Liberties Union of Texas ACLU, February 8, 2012, <http://www.aclutx.org/blog/?p=1038>.
- <sup>30</sup> For information on Criminal Justice Coordinating Committees, see Robert C. Cushman, "Guidelines for Developing a Criminal Justice Coordinating Committee," U.S. Department of Justice National Institute of Corrections, January 2002, <http://www.aclutx.org/blog/?p=1038>.