

[« Back to Article](#)

Thanks to less crowding, overflow inmates staying in Harris

By Mike Morris, HOUSTON CHRONICLE

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Dropping inmate numbers at the [Harris County Jail](#) will let the county end its nearly 5-year-old practice of shipping overflow inmates to Louisiana and other Texas counties within days, Sheriff [Adrian Garcia](#) said this week.

The jail population has fallen 31 percent since 2008, to 8,573 inmates. The jail has a capacity of 9,434, but has at times held more than 12,000. Garcia hopes the expense of contracts with far-flung jails - totaling \$31 million in the last two years - has ceased for the foreseeable future.

As of Friday, the sheriff had no inmates in Louisiana and just 21 elsewhere in Texas; more than 1,600 inmates had been outsourced as recently as June 2010.

"I don't want to be overly optimistic that this is forever a thing of the past," Garcia said. "There are factors outside our control that could occur at any given time. But we're excited that today's reality is that we no longer will be having people outsourced outside of Harris County and that it will be a savings to the taxpayers."

Jail overcrowding is a decades-old headache for the county that has brought costly lawsuits and court-ordered reforms. The jail failed state inspections due to cell-block overcrowding as recently as 2005 and also has struggled to maintain the state-required ratio of 48 inmates per guard. For years, the jail has solved the shortage by paying overtime; Garcia on Tuesday again will ask Commissioners Court for more guards.

Officials attribute the drop in inmates to several factors:

Local and national crime rates are down. There were 36,851 new felony cases filed in Harris County last year, down from 38,133 in 2010, and 44,006 the previous year. Misdemeanor courts also are sending fewer inmates to jail.

Harris County District Attorney [Pat Lykos](#)' decision to stop filing felony charges against suspects found with trace amounts of illegal drugs as of Jan. 1, 2010. Those carrying used but empty crack pipes or other drug paraphernalia now face misdemeanor tickets.

The drop in these filings is hard to track because the cases are lumped in with all those in which a suspect had less than a gram of drugs. Filings under that category, however, dropped from 10,674 before the policy change in 2009, to 5,942 in 2010.

Lykos surveyed her felony prosecutors after taking office, and almost all of them said trace cases were wasting resources and clogging the courts. The change made sense, she said, though a drop in the jail population is a welcome bonus.

"We did the right thing and then all these other benefits flowed from it," Lykos said. "There are more officers on the streets, we have jail cells for dangerous criminals, and we can get to trial quicker."

The county has launched various diversion programs. In April 2010, Garcia began allowing nonviolent inmates who enroll in educational or work programs to earn three days' credit for each day served. As of mid-December, 3,661 inmates had been released early under the program, which can shave up to two months off the maximum county jail sentence.

Garcia also noted that 48 people have been diverted from jail by the county's Crisis Intervention Response Team. That program, approved in August, pairs police with mental health clinicians to respond to crises among the mentally ill, hoping to treat them rather than jail them. The sheriff also has tested a program allowing some low-level offenders to serve their sentences at home while wearing an ankle monitor.

Earl Musick, president of [Harris County Criminal Lawyers Association](#), cheered the drop in jail population, but said his group remains concerned at the number of inmates who are awaiting trial, unable to make bail.

The number of pretrial detainees fell along with the jail head count last year, but their share of the total population stayed at about 60 percent. On Friday, 6,220 of the jail's 8,573 inmates - or 73 percent - were pretrial detainees.

"I'm not saying everyone in jail is innocent, but there are innocent people that are having to make that decision: 'I guess I'll give up my right to a trial so I can get out of jail,' " Musick said. "We've been shouting this message for years that not everyone charged with a criminal act needs to be locked up."

Musick praised the [Criminal Justice Coordinating Council](#), and said judges are beginning to examine their pretrial and sentencing choices.

State District Judge [Jan Krockner](#), who will be opening a court for mentally ill offenders within weeks, agreed.

"Making your community safe in terms of both violent crimes and property crimes involves not only pronouncing appropriately long sentences, but also in rehabilitating those people who can be rehabilitated," Krockner said. "A lot of us are working a lot harder at that."