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TESTIMONY 2013
S.B. 1173

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of Senate Bill (S.B.) 1173, which will encourage greater rehabilitative success among individuals with certain offenses, resulting in significant savings to taxpayers, increased public safety, and strengthened communities.

COMMUNITY SUPERVISION ALTERNATIVES WILL INCREASE PUBLIC SAFETY, PERSONAL RESPONSIBILITY, AND COST SAVINGS

The state jail system was originally designed to improve the state criminal justice and corrections systems by redirecting individuals with low-level offenses out of overcrowded prisons, providing them the opportunity to serve their sentence on community supervision while reserving space in prisons for those who posed a higher risk to public safety.¹ In many cases, community supervision provides a better, less expensive opportunity to obtain meaningful services and resources that address substance abuse issues, mental health issues, employment problems, etc. In comparison, state jails are dramatically more costly (averaging nearly \$43 a day per person) than incarceration alternatives such as community supervision (\$1.38 a day per person) and diversion treatment (less than \$7 a day per person).²

Most importantly, while the creation of state jail felony offenses was intended to carve out a population of individuals more amenable to rehabilitative services and treatment programs, **persons convicted of state jail felony offenses actually have a higher rate of recidivism than individuals exiting prisons and those on community supervision.** This may be due to the lack of rehabilitative programming provided at state jail facilities, the relatively short terms of incarceration that prohibit engagement in effective treatment programs, or the lack of post-release supervision and structured support in the community.

Despite this, tens of thousands of Texans, primarily with low-level drug or property offenses, are sentenced directly to state jail, and most serve their full sentence in state jail without an opportunity for parole or good time. S.B. 1173 offers a solution to the broken state jail system by providing judges an option to sentence an individual to a short term in a state jail, followed by a term on community supervision. Before sentencing, S.B. 1173 will require a supervision officer to conduct an investigation and provide the judge a presentence recommendation regarding conditions of community supervision for individuals charged with a state jail felony. S.B. 1173 will also require a judge to consider this presentence report before deciding whether to order the individual to serve his or her sentence in a state jail, place the individual on community supervision, or order the individual to serve part of his or her sentence in a state jail followed by a term of community supervision.

KEY FINDINGS

STATE JAIL RECIDIVISM RATES: 31.1% of individuals released from a state jail in FY 2009 (measured through FY 2012) were re-incarcerated.³ By way of comparison, **22.6%** of individuals released from prison in FY 2009 (measured through FY 2012) were re-incarcerated⁴ and an average **14.8%** of individuals on felony direct supervision were revoked from their probation from FY 2008 through FY 2012.⁵

STATE JAIL POPULATION AND COST:

- In 2012, there were nearly 12,000 individuals on hand in a state jail facility (8% of all individuals incarcerated) and over 23,000 new receives throughout the year.⁶ Incarcerating these men and women cost taxpayers over \$500,000 a day and over \$180 million annually.⁷
- In FY 2012, nearly 23,000 individuals were released from such facilities that fiscal year.⁸

Continued on reverse.

STATE JAIL DEMOGRAPHICS:

- About 85% of individuals in a state jail are there for nonviolent drug or property offenses.⁹
- Over 50% of individuals in a state jail are there for their first or second offense.¹⁰
- The majority of individuals are in for drug possession (nearly 30%), followed by larceny and burglary.¹¹
- The average state jail sentence is 1.02 years. The average time spent in a state jail is about 6 months.¹²

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT S.B. 1173 BY CHAIRMAN WEST

❖ **S.B. 1173 will save taxpayer dollars, enhance public safety through lower recidivism, increase self-responsibility, and strengthen communities.** Community supervision requires more diligence, self-responsibility, and accountability than a term in a state jail facility. Moreover, with access to rehabilitative services and resources, community supervision has a significant impact on reducing recidivism. While increasing public safety is paramount, diverting a person from state jail to community supervision also saves taxpayers a significant amount of money that would otherwise be spent on incarceration.

S.B. 1173 will require a supervision officer to conduct a report that includes information regarding the circumstances and severity of the case, as well as recommendations regarding conditions of community supervision. A judge must consider the presentence report provided by a supervision officer to determine whether the best interests of justice require the judge to suspend the imposition of the sentence and place the defendant on community supervision or order the sentence to be executed in whole or in part followed by a potential term of community supervision.

CONCLUSION

Thank you again for allowing me the opportunity to testify in favor of S.B. 1173. The Texas Criminal Justice Coalition strongly urges you to support this bill because community supervision can have more effective public safety outcomes than placing an individual in a state jail, where treatment programs and post-release supervision are nearly nonexistent. Furthermore, community supervision programs cost the state, and ultimately taxpayers, significantly less than a term in a state jail.

Citations

¹ House Research Organization, Bill Analysis, Tex. S.B. 1067, 73rd Leg., R.S. (1993); House Research Organization, Bill Analysis, Tex. S.B. 532, 73rd Leg., R.S. (1993).

² Legislative Budget Board (LBB), *Criminal Justice Uniform Cost Report Fiscal Years 2010-2012*, Submitted to the 83rd Texas Legislature, January 2013, pp. 8, 14, 15 (state jail costs are estimated at \$42.90 a day per person; substance abuse outpatient treatment is estimated at \$5.30 a day per person, while the Treatment Alternatives to Incarceration Program is estimated at \$6.51 a day per person).

³ LBB, *Statewide Criminal Justice Recidivism and Revocation Rates*, Submitted to the 83rd Texas Legislature, January 2013, pp. 4, 31, 35 (62.7% of individuals released from state jail in FY 2008, measured through FY 2011, were re-arrested); available at www.lbb.state.tx.us/Public_Safety_Criminal_Justice/RecRev_Rates/Statewide%20Criminal%20Justice%20Recidivism%20and%20Revocation%20Rates2012.pdf.

⁴ *Id.* at 4.

⁵ *Id.* at 11.

⁶ Texas Department of Criminal Justice (TDCJ), *Fiscal Year 2012 Statistical Report*, pp. 1, 2. Available at http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2012.pdf.

⁷ Based on LBB, *Criminal Justice Uniform Cost Report*, p. 8.

⁸ TDCJ, *Fiscal Year 2012 Statistical Report*, p. 34.

⁹ *Id.* at 1, 2.

¹⁰ TDCJ Open Records Response, 16 October 2012; *information available upon request*.

¹¹ *Id.*

¹² *Id.* The average stay is about 6 months in a TDCJ state jail facility, and about 3.5 months in county facility—confinement averages less than 10 months (.8 years).