

Action is Needed to Reform the Ineffective and Expensive State Jail System

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

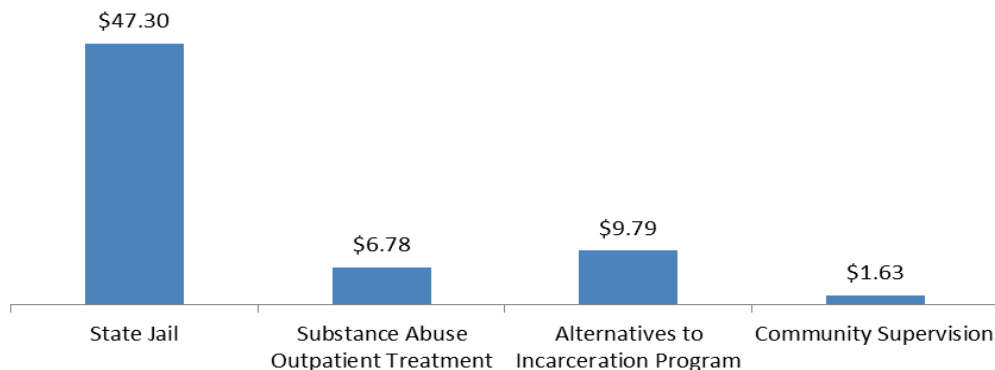
The state jail system was originally designed to improve the state criminal justice and corrections systems by redirecting individuals with low-level offenses out of overcrowded prisons, providing them the opportunity to serve their sentence on community supervision. Special prisons, called state jails, were reserved to provide short-term intensive rehabilitative services in a secure setting to those who pose a higher risk to public safety.¹

However, the rehabilitative piece of the state jail programming scheme was never adequately funded and, as a result of various statutory changes, tens of thousands of Texans, primarily with low-level drug or property offenses, have been sentenced directly to state jail with little (if any) access to treatment, and typically without post-release community supervision or support.

KEY FINDINGS

- **STATE JAIL TERMS ARE EXPENSIVE:** State jails are dramatically more costly (averaging approximately \$47 per day per person) than alternatives to incarceration such as community supervision (only \$1.63 per day per person) or community-based treatment (less than \$10 per day per person).²

Cost Per Person Per Day



- **INDIVIDUALS RELEASED FROM STATE JAILS HAVE HIGH RATES OF RE-OFFENDING:** The creation of state jail felony offenses was intended to carve out a population of individuals more amenable to rehabilitative services and treatment programs, yet persons convicted of state jail felony offenses have higher rates of re-arrest and re-incarceration than individuals exiting prisons and those on community supervision.

More specifically, **30.7%** of individuals released from a state jail in FY 2011 (measured through FY 2013) were re-incarcerated. To compare, **21.4%** of individuals released from prison in FY 2011 (measured through FY 2013) were re-incarcerated and an average of 15% of individuals on direct felony supervision were revoked from their probation from FY 2009 through FY 2014.³

Continued on reverse.

This trend may be due to the lack of rehabilitative programming provided at state jail facilities, the relatively short terms of incarceration (on average, six months) that prohibit engagement in effective treatment programs, or the lack of post-release supervision.

- **STATE JAILS ARE NOT SERVING THEIR LEGISLATIVELY INTENDED PURPOSE:** The Texas Department of Criminal Justice (TDCJ) reported in FY 2014 that there were nearly 11,000 individuals on hand in a state jail facility and over 22,000 new individuals entering facilities throughout the year.⁴ However, the High Value Data Set available on TDCJ's website indicates otherwise, showing that in May 2014, **23,386 individuals were held in 19 state jail facilities, 47% of whom were serving sentences longer than 2 years**⁵ (the maximum sentence for state jail felonies is two years). Further, state jail facilities intermingle those serving time for state jail felonies with the general prison population. While it is common knowledge that TDCJ regularly utilizes state jail facilities to hold individuals convicted of higher-level crimes for periods of time less than two years, this practice is entirely improper and contrary to the purpose for which state jails were created.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 2448 BY REPRESENTATIVE JAMES WHITE

- **HB 2448 creates an advisory committee to examine the state jail system and make recommendations for its improvement.** The Texas Department of Criminal Justice (TDCJ) will be required to convene an advisory committee to study the problems facing the state jail system, and recommend how Texas can minimize recidivism rates and better provide opportunities for holistic rehabilitation to those with low-level offenses. The advisory panel will be comprised of legislators, probation chiefs, prosecutors, defense attorneys, advocates, criminal law experts, and individuals formerly involved in the state jail system.
- **HB 2448 charges the advisory committee with acquiring information and making recommendations that will equip both TDCJ and policy-makers with critical information to make decisions that will improve the state jail system.** An advisory committee with diverse membership will bring comprehensive information regarding the state jail system to decision-makers, who may then make well-informed improvements in Texas' response to those with low-level offenses.

Citations

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

² Legislative Budget Board, Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2013 and 2014, Submitted to the 84th Legislature, February 2015, p. 4, 6;

http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1440_Criminal_Juvenile_Justice_Uniform_Cost_Report.pdf. State-operated state jail facilities spent \$47.30 per day in FY 2014 to house individuals, while privately operated state jail facilities spent \$30.99 per day in 2014. There are 15 state-operated and 4 privately operated state jail facilities. The numbers above reflect the cost for state-operated facilities. Substance abuse outpatient treatment costs the state \$6.78 per day, while the Treatment Alternatives to Incarceration Program costs the state \$9.79 per day.

³ Legislative Budget Board, Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates, February 2015, pp. 3, 7, 8, 16; http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1450_CJ_Statewide_Recidivism.pdf.

⁴ Texas Department of Criminal Justice (TDCJ), Statistical Report: Fiscal Year (FY) 2014, p. 1, 2; http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf. The report indicates that 10,524 individuals were on hand in state jails, while 22,272 individuals were received into state jail facilities. The total number of individuals in TDCJ was 150,361.

⁵ Texas Department of Criminal Justice (TDCJ), Public Resources, "High Value Data Set," accessed October 1, 2014, available at http://www.tdcj.state.tx.us/documents/High_Value_Data_Sets.xls.