



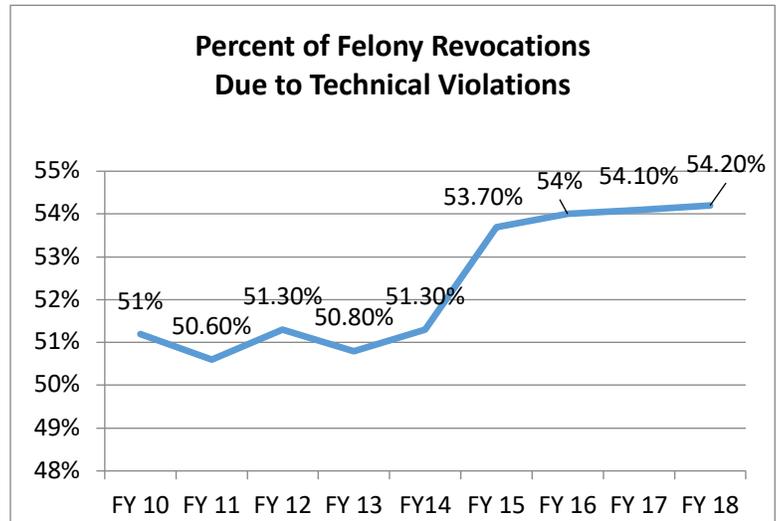
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Incentivize Communities to Help People Succeed on Probation

PROBLEM STATEMENT

In 2018, more than 23,000 people had their felony probation revoked, with nearly 94 percent sent to prison or state jail.¹ **Of all revocations, 12,489 (or 54 percent) were for “technical” violations** of probation conditions² – like showing up late to a probation appointment or not paying all probation fees, rather than committing a new offense.

Revocations for technical probation violations cost Texas taxpayers nearly \$70 million last year alone,³ not counting the costs to families and communities, which ultimately pay the price of incarceration.



By way of comparison, TDCJ’s Parole Division and Parole Board implemented policies in 2007 to reduce revocations, especially for technical violations. The result was a 50 percent decrease in parole revocations, and only 15 percent of revocations for technical violations.⁴

Despite years of progress in other areas of criminal justice, probation revocation rates remain largely unchanged, representing nearly *one-third* of all new receives into the Texas Department of Criminal Justice (TDCJ) each year.⁵

In 2011, the Texas Legislature required TDCJ’s Community Justice Assistance Division (which operates probation) to have each probation department create commitment reduction plans intended to reduce the number of people sent to state jail or prison. These plans would have incentivized local jurisdictions to reduce probation revocations, but funding for the plans was never allocated.

KEY FINDINGS

- In 2018, over 54% of probation revocations were for technical violations of probation conditions.⁶
- In 2018, it cost taxpayers \$52.46 to incarcerate someone in a state jail facility, while it cost only \$1.92 per day to place a person on probation⁷ – 27 times less than the cost of state jail incarceration.

Continued on reverse.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 4460 BY REPRESENTATIVE ALMA ALLEN

- **In the event a probationer with a nonviolent state jail felony or third degree felony conviction commits a technical violation of probation, HB 4460 encourages the judge to modify the person's community supervision rather than revoke it and send the person to confinement.**

If a judge does sentence a person to confinement, the person may only serve up to 180 days.

This reform will save the state an estimated \$22 million.⁸

- **HB 4460 reinvests the savings in probation supervision, and will also address gaps in funding for commitment reductions plans, so that probation departments have more tools to safely reduce incarceration and help people succeed on probation.**

Citations

¹ Texas Department of Criminal Justice (TDCJ), *Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds*, December 1, 2018, https://www.tdcj.texas.gov/documents/cjad/CJAD_Monitoring_of_DP_Reports_2018_Report_To_Governor.pdf.

² Ibid.

³ Revocations for technical violations totaled 12,489 people in 2018. Subtracting the number of people who absconded leaves 6,382 people sent to TDCJ each year on purely technical reasons. Presuming that 15 percent had a prior criminal record with violent or sexual offenses (the typical average), we can further reduce the number to 5,425. According to the Legislative Budget Board, 55.7% of revoked individuals (3,022 people) went to prison; we conservatively estimate they served 335 days at an average cost of \$52.52 per day (using the transfer facility rate), or \$53 million total. Another 38.2% (2,072 people) went to state jail; we estimate they served 150 days (based on past data requests to TDCJ) at an average cost of \$52.46 per day (using the state jail rate), or \$16 million total. As such, the combined estimated cost to the state for technical revocations is approximately \$70 million. Therefore, by instituting best practices and limiting time on technical revocations to 180 days, the state could save approximately \$22 million.

Sources for the above calculation include TDCJ's "Report to the Governor" (citation #1); Legislative Budget Board, "Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates" (January 2019); and Legislative Budget Board, "Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2017 and 2018."

⁴ Board of Pardons and Paroles, *Annual Statistical Report*, 2017, <https://www.tdcj.texas.gov/bpp/publications/FY%202017%20AnnualStatistical%20Report.pdf>.

⁵ TDCJ's "Report to the Governor" and Legislative Budget Board reports provide data on revocations for the past six years. In each year, revocations exceeded 10% of the felony direct and indirect populations, which were at least 33% of the nearly 70,000 people received by TDCJ each year according to the TDCJ "Statistical Report" for each of these years. https://www.tdcj.texas.gov/documents/Statistical_Report_FY2017.pdf

⁶ TDCJ, *Report to the Governor*.

⁷ Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2017 and 2018*.

⁸ See calculation in citation #3.