

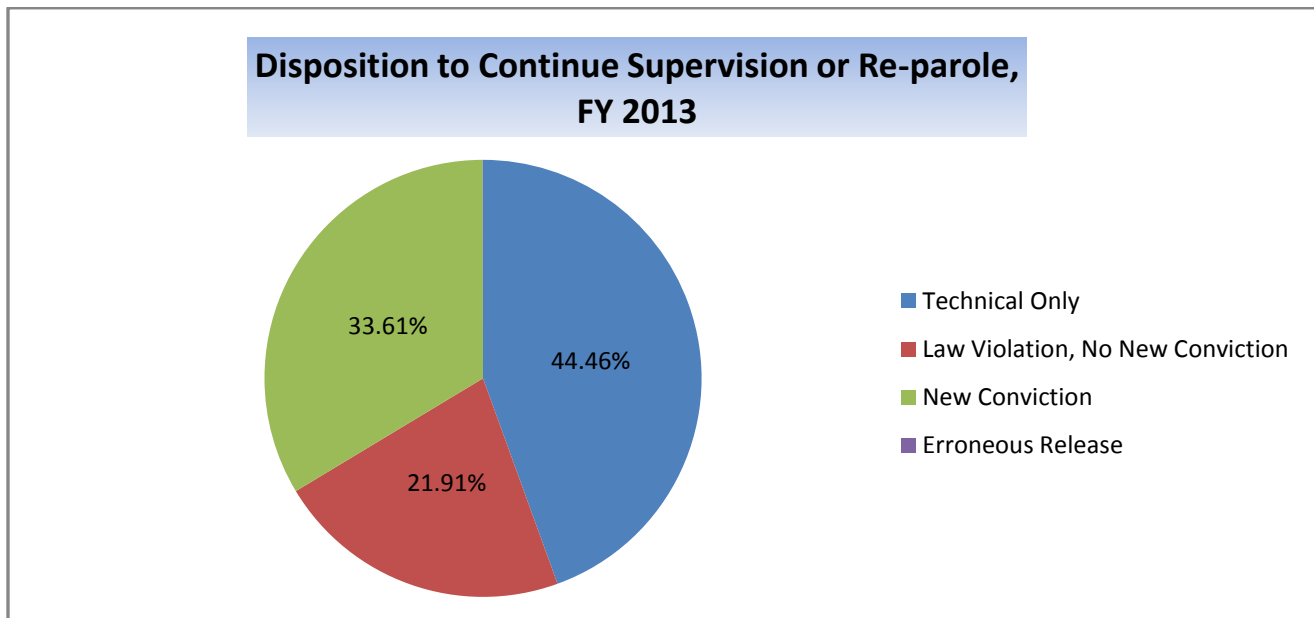
Allow a Summons Instead of Incarceration for Employed and Stable Parolees
The Process that Requires Incarceration Pending a Hearing
Is Costly to Texas Counties and Communities

INCARCERATING PAROLEES ACCUSED OF CERTAIN MISDEMEANORS UNNECESSARILY BURDENS COUNTIES

In fiscal year 2013, the 10 most populous Texas county jails together paid almost **\$98,000 per day** to house individuals who were incarcerated as the result of warrants issued by the Parole Division of the Texas Department of Criminal Justice (TDCJ). Known as “blue warrants,” these orders are issued by TDCJ for individuals under supervision (parole or mandatory supervision) who are accused of violating their terms of release or committing a new crime. These individuals are then incarcerated in a county jail, without access to bond or bail, until they are provided a hearing by the Board of Pardons and Paroles that will decide whether to revoke their release or reinstate the conditions of their release, with or without new conditions.

Blue warrants can be issued for an arrest ranging from capital murder to the lowest level of misdemeanor, which would not normally constitute a jail-able offense but may be a violation of release conditions. Blue warrants can be lifted in preliminary hearings but many proceed to revocation hearings, where hearing officers listen to evidence and recommend an outcome to the Board, which then renders the final decision.

In fiscal year 2013, the Board of Pardons and Paroles held 20,662 hearings¹ to decide whether to return individuals to supervision or revoke their supervision. Ultimately, the Board reinstated the supervision or re-paroled more than half, or 10,777, of those individuals,² which means the Board did not deem them a threat to society. And yet, each one of these individuals spent, on average, 34 days in the county jail.



Source: Texas Board of Pardons and Paroles Annual Statistical Report, FY 2013

Continued on reverse.

The Board of Pardons and Paroles does not provide information as to whether those who were released from jail were charged with new misdemeanors or felonies, but it is likely that the overwhelming number of these were for low-level misdemeanors. This means that many of the 10,777 individuals kept in the county jail during 2013 were held at significant county expense, potentially losing whatever employment they had, and endangering the stability of their families for infractions that normally would not have merited incarceration; likewise, they otherwise would have been eligible for bond and bail – if not for the requirement by TDCJ that all individuals for whom blue warrants are issued **MUST** be held until they waive their hearing or that hearing is conducted.

KEY FINDINGS

- The 10 Texas county jails with the largest populations on November 1, 2014, housed 1,585 individuals who were being held on blue warrants for new charges.³ At an average aggregate daily cost of \$97,808, these ten counties spent approximately \$36 million in fiscal year 2013 to house individuals on blue warrants for new charges, half of whom were ultimately released back into their communities.
- Individuals with criminal records who are seeking employment are offered half as many positions as job seekers with identical qualifications but no record.⁴ When individuals with records find stable employment, it is crucial that they face as few obstacles as possible to keeping that employment, or risk recidivating.
- Formerly incarcerated individuals have a much more difficult time finding housing than individuals without a record; an estimated four out of five landlords employ background checks to help them screen out prospective tenants with criminal records.⁵ Again, challenges to keeping stable housing should be kept at a minimum to prevent re-offending.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT CSHB 710 BY CHAIRMAN TURNER

- **CSHB 710 will allow the Parole Division of the Texas Department of Criminal Justice to issue a summons, rather than a blue warrant, for certain individuals accused of violating their terms of release or committing a new crime.** More specifically, this will apply to individuals who have been charged with certain misdemeanors and who can show a record of stability and employment.
- **CSHB 710 will save counties millions of dollars, allowing them to devote funds to other local endeavors that will increase community prosperity and contribute to public safety.** County jails are obligated to house individuals charged with blue warrants, even though these individuals otherwise qualify for and are able to pay for release on bond or bail. This drains county coffers of funds that could be used to address other, more immediate issues that could have a huge impact on local communities.
- **CSHB 710 will allow individuals who have committed minor crimes but have demonstrated long-term stability to keep their housing and employment while they await the decision of the Board of Pardons and Paroles.** The data demonstrates the undeniable barriers that formerly incarcerated individuals face when seeking housing and employment. This points to the necessity of ensuring that individuals be allowed to keep working and paying their bills, while not eliminating the consequences of parole violation.
- **CSHB 710 will give the Board of Pardons and Paroles adequate time to determine an appropriate modification of parole conditions, if it is determined that an individual violated the terms of release.** According to current statute, a warrant is issued immediately upon conclusion of a revocation hearing if it is determined that a parole violation occurred, and the individual is held in custody pending further action by the Board. This Committee Substitute makes this action permissive and only in circumstances where the review panel decides to send the individual to an Intermediate Sanction Facility or revokes parole entirely.

Citations

¹ Texas Board of Pardons and Paroles, *Annual Statistical Report, Fiscal Year 2013*, 18, <http://www.tdcj.state.tx.us/bpp/publications/BPP%20StatisticalReport%20FY%202014.pdf>.

² *Ibid.*, 22.

³ Texas Commission on Jail Standards, *Abbreviated Population Report for 11/1/2014*, <http://www.tcjs.state.tx.us/docs/AbbreRptCurrent.pdf> (To arrive at cost per day, access “Immigration Detainer Report,” <http://www.tcjs.state.tx.us/docs/ImmigrationDetainerReportCurrent.pdf> and divide total cost to county by number of inmate days).

⁴ Pew Charitable Trusts, *Collateral Costs: Incarceration’s Effect on Economic Mobility*, 2010, 22, http://www.pewtrusts.org/~media/legacy/uploadedfiles/pca_assets/2010/CollateralCosts1pdf.pdf.

⁵ Rebecca Vallas and Sharon Dietrich, “One strike and you’re out: How we can eliminate barriers to economic security and mobility for people with criminal records.” *Center for American Progress*, 19, <https://cdn.americanprogress.org/wp-content/uploads/2014/12/VallasCriminalRecordsReport.pdf>.