



# Smith County, Texas

## Adult Criminal Justice Data Sheet

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The Texas Criminal Justice Coalition seeks the implementation of realistic criminal justice strategies that safely reduce the State's costly over-reliance on incarceration – creating stronger families, less taxpayer waste, and safer communities.

Below, we have provided comprehensive information about Smith County's adult population at various stages of criminal justice system involvement. We have also provided the associated costs at each stage to highlight the significant expense to incarcerate or supervise these populations.

### Total County Population

- **Smith County Population:**<sup>1</sup> 222,936

### STAGE 1: Pretrial Jail Detention

Of all the people incarcerated in Texas' county jails, more than half (on average) have not been convicted of the crime for which they are accused. They are in pretrial detention, awaiting trial.<sup>2</sup> Many men and women cannot afford the bond that would allow them to return to the community prior to trial; others are not given that option by judges, despite presenting little flight risk or posing no danger to public safety. This leads to unnecessary and costly jail overcrowding.

- **Smith County Jail Population:**<sup>3</sup> 705
- **Smith County Jail Pretrial Population:**<sup>4</sup> 441 (58%)
  - » *Number of Pretrial Defendants with Misdemeanor Charges:* 115
  - » *Number of Pretrial Defendants with State Jail Charges:* 54
  - » *Number of Pretrial Defendants with Felony Charges:* 272
- **Statewide Average Cost to County Taxpayers to Incarcerate One Individual in County Jail, Per Day (Pretrial or Post-Conviction):**<sup>5</sup> \$59.00
- **Average Cost to Smith County Taxpayers to Incarcerate the Entire Smith County Jail Pretrial Population, Per Day:** \$26,019.00
  - » *Average Cost to Incarcerate Pretrial Defendants with Misdemeanor Charges:* \$6,785.00
  - » *Average Cost to Incarcerate Pretrial Defendants with State Jail Charges:* \$3,186.00
  - » *Average Cost to Incarcerate Pretrial Defendants with Felony Charges:* \$16,048.00

## STAGE 2: Court-Appointed Counsel

Any indigent individual in Texas charged with a Class B misdemeanor or higher is entitled to court-appointed representation. However, counties pay for 81% of indigent defense costs, statewide. The state pays only 19%.<sup>6</sup> As such, counties with already strained budgets may struggle to provide legal representation for all defendants who request an attorney.

- **Number of Individuals (Adult and Juveniles) in Smith County Receiving Constitutionally Guaranteed Representation (Court-Appointed Counsel):**<sup>7</sup> 2,392
  - » *Number of Adults with Misdemeanor Charges:* 433
  - » *Number of Adults with Felony Charges:* 1,542
  - » *Number of Juveniles with Cases:* 311
  - » *Number of Individuals with Appeals Cases:* 101
  - » *Number of Individuals with Capital Cases:* 5
- **Total Indigent Defense Expenditures Paid by Smith County in FY 2014:**<sup>8</sup> \$1,931,175.23
- **State Formula-Based Grant**<sup>9</sup> **Amount Received by Smith County to Provide Indigent Defense Services:**<sup>10</sup> \$182,789.00 (10%)

## STAGE 3 – Option A

### Diversion from Incarceration to Community-Based Supervision (Probation)

Judges have the option of sentencing certain individuals to probation instead of prison or jail. Not only is probation over 30 times cheaper than prison or jail,<sup>11</sup> it is more effective than incarceration at lowering rates of re-offending, especially when paired with rehabilitative programming.<sup>12</sup> As such, investments in probation help boost public safety in the long term and reduce the likelihood of victims.

- **Number of Individuals in Smith County on Community Supervision (Probation):**<sup>13</sup> 2,186
  - » *Number of Individuals on Misdemeanor Probation:* 867
  - » *Number of Individuals on Felony Probation:* 1,319
- **Statewide Average Cost to the State to Have One Individual on Probation, Per Day:**<sup>14</sup> \$1.63
- **Average Cost to the State for the Entire Smith County Probation Population, Per Day:** \$3,563.18

## STAGE 3 – Option B

### Incarceration in County Jail, State Jail, Prison, or a Designated Treatment Facility

Texas has various types of correctional facilities to house individuals with misdemeanor or felony convictions. Our 246 county jails house individuals with both misdemeanor and felony offenses (including state jail felonies and felonies of various degrees); they also temporarily house parole violators and individuals awaiting transfer to another type of correctional facility.<sup>15</sup> Texas' 20 state jails<sup>16</sup> house individuals with offenses of various levels.<sup>17</sup> Our 57 prisons<sup>18</sup> house individuals with felony or capital offenses. Our 5 Substance Abuse Felony Punishment Facilities (SAFPFs)<sup>19</sup> house individuals with felony offenses who have been placed in this structured treatment regimen.<sup>20</sup>

#### Correctional Facilities in Smith County

- Smith County Jail

#### Misdemeanor Offenses

- **Number of Individuals Sentenced to Smith County Jail:**<sup>21</sup> 73
- **Statewide Average Cost to County Taxpayers Incarcerate One Individual in County Jail, Per Day:**<sup>22</sup> \$59.00
- **Average Cost to Smith County Taxpayers to Incarcerate the Entire Population of Individuals Sentenced to Smith County Jail, Per Day:** \$4,307.00

#### Felony Offenses

- **Number of Individuals from Smith County Sentenced to State-Level Confinement:** 2,644
  - » **Number of Such Individuals Sentenced to State Jail:**<sup>23</sup> 135 (5%)
    - Average Cost to the State to Incarcerate One Individual in State Jail, Per Day:<sup>24</sup> \$47.30
    - Average Cost to the State to Incarcerate the Entire Population of Individuals from Smith County Sentenced to State Jail, Per Day: \$6,385.50
  - » **Number of Such Individuals Sentenced to Prison:**<sup>25</sup> 2,479 (94%)
    - Average Cost to the State to Incarcerate One Individual in Prison, Per Day:<sup>26</sup> \$50.91
    - Average Cost to the State to Incarcerate the Entire Population of Individuals from Smith County Sentenced to Prison, Per Day: \$126,205.89
  - » **Number of Such Individuals Placed in a SAFPF:**<sup>27</sup> 30 (1%)
    - Average Cost to the State to Place One Individual in a SAFPF, Per Day:<sup>28</sup> \$62.68
    - Average Cost to the State to House and Treat the Entire Population of Individuals from Smith County Placed in a SAFPF, Per Day: \$1,880.40

## STAGE 4: Community-Based Supervision After Release From Prison (Parole or Community Supervision)

The vast majority of people who are incarcerated in state-level corrections facilities are ultimately released back into the community. Upon leaving state jail, most individuals are left unsupervised. Upon leaving prison, however, individuals are either supervised on parole, supervised on community supervision (e.g., shock probation), or released on “flat discharge” (unsupervised).

- **Total Number of Individuals Released from State-Level Confinement to Smith County:**<sup>29</sup> 944
  - » **Number of Individuals Released to Community Supervision:**<sup>30</sup> 42 (4%)
    - Statewide Average Cost to the State to Have One Individual on Probation, Per Day:<sup>31</sup> \$1.63
    - Average Cost to the State for the Entire Smith County Post-Release Probation Population, Per Day: \$68.48
  - » **Number of Individuals Released to Parole Supervision:**<sup>32</sup> 577 (61%)
    - Statewide Average Cost to the State to Have One Individual on Parole, Per Day:<sup>33</sup> \$4.04
    - Average Cost to the State for the Entire Smith County Parole Population, Per Day: \$2,331.08
  - » **Number of Individuals Released on Flat Discharge:**<sup>34</sup> 321 (34%)

## Return to Prison

- **Number of Individuals in Smith County who Returned to Prison:**<sup>35</sup> 104

## References

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- <sup>1</sup> United States Census Bureau, *State & County Quick Facts: Texas – Smith County*; available at <http://quickfacts.census.gov/qfd/states/48/48453.html>. Figure reflects “Population, 2014 estimate.”
- <sup>2</sup> Texas Commission on Jail Standards (TCJS), *Abbreviated Population Report for 9/1/2016*, p. 8, available at <http://www.tcjs.state.tx.us/docs/AbbreRptCurrent.pdf>.
- <sup>3</sup> *Ibid.*
- <sup>4</sup> *Ibid.* Total includes “Pretrial Felons,” “Pretrial Misd[emeanors]” and “ Pretrial S[tate] J[ail] F[elonies].”
- <sup>5</sup> Brandon Wood, then-Assistant Director of the Texas Commission on Jail Standards, in presentation at American Bar Association, Criminal Justice Section, *Roundtable on Pretrial Detention in Texas*, held in Austin, Texas, March 30, 2012. Figure reflects cost per jail bed per day.
- <sup>6</sup> Texas Indigent Defense Commission, *Annual and Expenditure Report Fiscal Year 2015*, p. 18; available at <http://tidc.texas.gov/media/30757/fy14annual-report141229.pdf>. Noting further, “Total indigent defense expenditures in FY 2014 were \$230,032,683. Of that amount counties funded \$186,734,927 and the state funded \$43,297,756 through the Commission’s grant programs.”
- <sup>7</sup> Data obtained from Texas Indigent Defense Commission (TIDC) web portal at <http://tidc.tamu.edu/Public.Net/> (“Quick Stats 2015”), as reported by each county’s auditor or person designated by the Commissioner’s Court.
- <sup>8</sup> *Ibid.*
- <sup>9</sup> This is the amount of the formula grants provided to Smith County in fiscal year 2015. In 2002, the Texas Legislature began providing state funds for indigent defense and directed the Texas Indigent Defense Commission to distribute these funds in the form of grants to counties to help counties improve their indigent defense systems and promote compliance with the requirements of state law relating to indigent defense.
- <sup>10</sup> TIDC web portal at <http://tfid.tamu.edu/Public.net/>.
- <sup>11</sup> The per person per day total for prison is \$50.91; this is an average of 3 FY 2014 costs: Pre-1987 Facilities (\$53.87), 1,000 Bed Prototype Facilities (\$46.04), and 2,250 Bed Prototype Facilities (\$52.83). The per person per day cost for jail is \$59.00 according to the Texas Commission on Jail Standards (See note 5). The per person per day state cost for probation is \$1.63. See the Legislative Budget Board (LBB), *Criminal and Juvenile Justice Uniform Cost Report, Fiscal Years 2013 and 2014*, Submitted to the 84<sup>th</sup> Texas Legislature, February 2015, p. 4 and p. 6, [http://www.lbb.state.tx.us/Documents/Publications/Policy\\_Report/1440\\_Criminal\\_Juvenile\\_Justice\\_Uniform\\_Cost\\_Report.pdf](http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1440_Criminal_Juvenile_Justice_Uniform_Cost_Report.pdf).
- <sup>12</sup> While on probation, individuals can serve their sentence while taking part in rehabilitative programs, maintaining family relationships, and remaining a participant in the community – critical to reducing the flow to prison without jeopardizing public safety. Regarding rehabilitative programming: According to the National Institute of Corrections at the U.S. Department of Justice, punishment **increases** an individual’s inclination towards criminal activity by .07%; treatment **decreases** an individual’s inclination towards criminal activity by 15%; and cognitive skills programs **decrease** an individual’s inclination towards criminal activity by 29%, making them most effective at decreasing criminal behavior. See: Judge Marion F. Edwards, “Reduce Recidivism in DUI Offenders: Add a Cognitive-Behavioral Program Component,” 2006, p. 3.
- <sup>13</sup> Community Justice Assistance Division (CJAD), *FY 2014 Offenders Under Direct Supervision by CSCD*, provided to the Texas Criminal Justice Coalition on March 27, 2015. *Data available upon request.*
- <sup>14</sup> LBB, *Criminal and Juvenile Justice Uniform Cost Report*, p. 6. Figure reflects FY 2014 state cost of community supervision.
- <sup>15</sup> TCJS, *Abbreviated Population Report*.
- <sup>16</sup> Texas Department of Criminal Justice (TDCJ), *Unit Directory*; available at [http://www.tdcj.state.tx.us/unit\\_directory/index.html](http://www.tdcj.state.tx.us/unit_directory/index.html).
- <sup>17</sup> Mike Ward, “State jails struggle with lack of treatment, rehab programs,” *Austin American-Statesman*, December 30, 2012; “John Hurt, a spokesman for the Texas Department of Criminal Justice [...] said that state jails housed 25,458 of the approximately 152,000 convicts in state-run lockups at the end of October. Of those, just 11,802 were serving time for state jail offenses. Another 13,530 were regular convicts, some enrolled in treatment programs and others awaiting a slot in special drug therapy prisons.”
- <sup>18</sup> TDCJ, *Unit Directory*.
- <sup>19</sup> *Ibid.*

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<sup>20</sup> A SAFPF is an intensive six-month therapeutic and education program (or nine-month program for prisoners with special needs), typically assigned as a condition of community supervision or a modification of parole/community supervision.

<sup>21</sup> TCJS, *Abbreviated Population Report*. Total includes “Conv[icted] Felons Sentenced to County Jail time,” “Conv[icted] Misd[emeanants],” and “Conv[icted] S[tate] J[ail] F[elons] Sentenced to Co. Jail Time.”

<sup>22</sup> Brandon Wood, *Roundtable on Pretrial Detention*.

<sup>23</sup> Texas Department of Criminal Justice (TDCJ), *Statistical Report: Fiscal Year 2014*, p. 15.

<sup>24</sup> LBB, *Criminal and Juvenile Justice Uniform Cost Report*, p. 4.

<sup>25</sup> TDCJ, *Statistical Report: Fiscal Year 2015*, p. 15.

<sup>26</sup> LBB, *Criminal and Juvenile Justice Uniform Cost Report*, p. 4.

<sup>27</sup> TDCJ, *Statistical Report: Fiscal Year 2015*, p. 15.

<sup>28</sup> LBB, *Criminal and Juvenile Justice Uniform Cost Report*, p. 4.

<sup>29</sup> TDCJ, *Statistical Report: Fiscal Year 2015*, p. 40.

<sup>30</sup> TDCJ, *Statistical Report: Fiscal Year 2015*, p. 48.

<sup>31</sup> LBB, *Criminal and Juvenile Justice Uniform Cost Report*, p. 6. Figure reflects FY 2014 state cost of community supervision.

<sup>32</sup> TDCJ, *Statistical Report: Fiscal Year 2015*, p. 51.

<sup>33</sup> LBB, *Criminal and Juvenile Justice Uniform Cost Report*, p. 5.

<sup>34</sup> TDCJ, *Statistical Report: Fiscal Year 2015*, p. 45.

<sup>35</sup> Individuals could return to prison after being revoked while on parole, Discretionary Mandatory Supervision (DMS), or Mandatory Supervision (MS).

**DMS:** In 1995, the Texas Legislature gave the Texas Board of Pardons and Paroles (BPP) the authority to review eligible individuals whose offenses were committed on or after September 1, 1996, for possible release to Discretionary Mandatory Supervision. The BPP must review eligible prisoners on or before their discretionary mandatory eligibility date, and it has the discretion to deny release.

**MS:** This is a type of release from prison provided by law for restricted categories of returning individuals. Eligible individuals are released on MS when their served calendar time plus their good time credit equals the length of their prison sentence. Under previous law (effective until August 31, 1996), release to MS was automatic, with no requirement for release approval from the BPP.

For Smith County revocation total, see TDCJ, *Statistical Report: Fiscal Year 2015*, p. 32.