



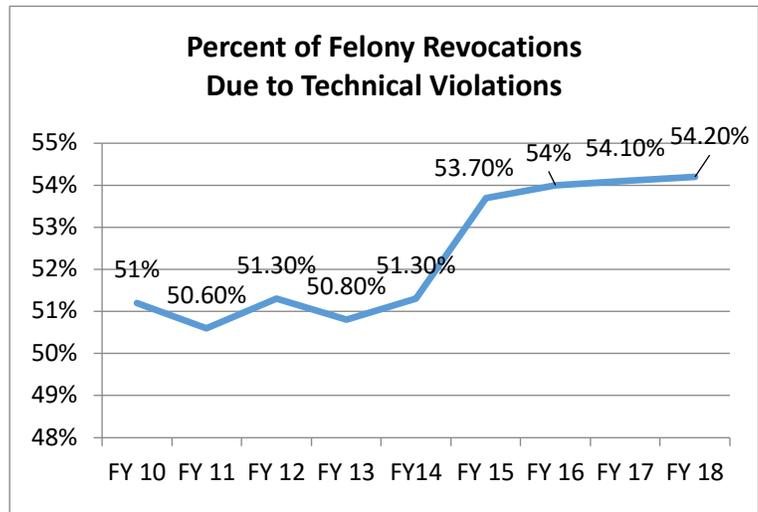
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Reduce Overly Harsh Punishments for Technical Probation Violations
Revocations to prison or jail saddle Texas taxpayers with massive costs

HIGH PROBATION REVOCATION RATES HARM COMMUNITIES AND SQUANDER LIMITED RESOURCES

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 were for “technical” violations of probation conditions**² – like showing up late to a probation appointment or not paying all 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.



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.**⁴

KEY FACTS

- In 2018, **over 54% of probation revocations** were for technical violations of probation conditions.⁵
- By way of comparison, TDCJ’s Parole Division and Parole Board implemented policies in 2007 to reduce revocations, especially for technical violations. **The result is a 50% reduction in parole revocations, and only 15% of parole revocations were for technical reasons in FY 2017.**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.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 3831 BY REPRESENTATIVE CARL SHERMAN SR.

- **HB 3831 encourages the judge to modify a person’s community supervision rather than revoke it and send the person to confinement for a technical probation violation.** If a judge does sentence a person to confinement, the person may *only* serve up to **90 days**.
- **This will save the state more than \$46 million that could be used to further strengthen community supervision, help people succeed on probation, and improve public safety.**⁸

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 total 12,489 people per year. 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 90 days, the state could save approximately \$46 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 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.

⁵ TDCJ, *Report to the Governor*.

⁶ Board of Pardons and Paroles, *Annual Statistical Report, 2017*, <https://www.tdcj.texas.gov/bpp/publications/FY%202017%20AnnualStatistical%20Report.pdf>.

⁷ Legislative Budget Board, *Criminal and Juvenile Justice Uniform Cost Report: Fiscal Years 2017 and 2018*, https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/4911_Criminal_Juvenile_Uniform_Cost_Jan_2019.pdf.

⁸ See calculation in citation #3.