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**TESTIMONY 2013**  
**H.B. 2734**

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of House Bill (H.B.) 2734, establishing a comprehensive study that will help Texas lawmakers understand ways in which the state jail system can be improved. Without a proper examination of what works and what is lacking, Texas policy-makers cannot help implement changes that will have a long-term impact.

### **POLICY MAKERS NEED MORE INFORMATION RE: THE STATE JAIL SYSTEM IN ORDER TO MAKE MEANINGFUL CHANGES**

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 while reserving space in prisons for those who posed a higher risk to public safety.<sup>1</sup> Today, however, 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 without post-release community supervision or support. Additionally, incarceration in state jails results in higher recidivism rates (nearly 63 percent re-arrested and over 31 percent re-incarcerated) than both prison and community supervision. Furthermore, state jails are dramatically more costly (averaging nearly \$43 a day per person) than incarceration alternatives such as community supervision (\$1.38 a day per person) and diversion treatment (less than \$7 a day per person).<sup>2</sup>

**While policy-makers and stakeholders recognize the need to improve the state jail system, more information is necessary to implement meaningful changes that will have a lasting impact.** H.B. 2734 will create a committee that will conduct a comprehensive study of the state jail system to identify systemic failures, gaps in services and programs, areas where improvements can be made, and what programs are working. The committee will also make recommendations based on its findings. The committee will meet and study the state jail system during the interim between the 2013 and 2015 legislative sessions. As part of its duties, the committee will report its findings to the legislature and the Department of Criminal Justice no later than January 1, 2015. This report will also be made available to the public.

### **KEY FINDINGS**

- **STATE JAIL COST:** In 2012, there were nearly 12,000 individuals on hand in a state jail facility (8% of all individuals incarcerated) and over 23,000 new receives throughout the year.<sup>3</sup> Incarcerating these men and women cost taxpayers over \$500,000 a day and over \$180 million annually.<sup>4</sup>
- **STATE JAIL DEMOGRAPHICS:**
  - About 85% of the individuals in a state jail are there for nonviolent drug or property offenses.<sup>5</sup>
  - Over 50% of the individuals in a state jail are there for their first or second offense.<sup>6</sup>
  - The majority of individuals are in for drug possession (nearly 30%), followed by larceny and burglary.<sup>7</sup>
  - The average state jail sentence is 1.02 years, while the average length of time an individual will spend in a state jail is about 6 months.<sup>8</sup>
- **RECIDIVISM RATES:** **31.1%** of individuals released from a state jail in FY 2009 (measured through FY 2012) were re-incarcerated.<sup>9</sup> By way of comparison, **22.6%** of individuals released from prison in FY 2009 (measured through FY 2012) were re-incarcerated<sup>10</sup> and an average **14.8%** of individuals on felony direct supervision were revoked from their probation from FY 2008 through FY 2012.<sup>11</sup>

*Continued on reverse.*

## COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 2734 BY VICE CHAIRMAN WHITE

- **H.B. 2734 will establish the Texas State Jail Committee to study and make recommendations to improve the state jail system.** The committee will be composed of 10 members including legislators, prosecutors, defense attorneys, advocates, and individuals with expertise in criminal law. The committee will conduct an in-depth analysis of the state jail system, assessing cost-effectiveness, program outcomes, gaps in care and services, and recidivism rates. This will also provide the committee an opportunity to observe programs and practices that work and are effective. Ultimately, this will help the committee identify problems within the state jail system and will enable the committee to make meaningful recommendations regarding potential solutions, as well as long term strategies for overall state jail improvement.

The committee will meet no less than six times during its duration, and it will be abolished February 1, 2015. Under H.B. 2734, the committee may hire staff or contract with universities or suitable entities to carry out its duties. It will submit a report detailing its findings and recommendations to the Department of Criminal Justice, the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees in the senate and house of representatives primarily responsible for criminal justice issues.

### CONCLUSION

Thank you again for allowing me the opportunity to testify in favor of H.B. 2734. This bill will equip policy-makers with critical knowledge that will enable them to make effective, well-informed recommendations to improve the state jail system. Although there are a number of observable statistical deficiencies in the state jail system, lawmakers need more comprehensive and detailed information regarding systemic shortcomings in order to make substantial improvements. The Texas Criminal Justice Coalition strongly urges you to support H.B. 2734.

### Citations

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

<sup>2</sup> Legislative Budget Board (LBB), *Criminal Justice Uniform Cost Report Fiscal Years 2010-2012*, Submitted to the 83rd Texas Legislature, January 2013, pp. 8, 14, 15 (state jail costs are estimated at \$42.90 a day per person; substance abuse outpatient treatment is estimated at \$5.30 a day per person, while the Treatment Alternatives to Incarceration Program is estimated at \$6.51 a day per person).

<sup>3</sup> Texas Department of Criminal Justice, *Statistical Report Fiscal Year 2012*, pp. 1, 2. Available at [http://www.tdcj.state.tx.us/documents/Statistical\\_Report\\_FY2012.pdf](http://www.tdcj.state.tx.us/documents/Statistical_Report_FY2012.pdf).

<sup>4</sup> Based on LBB, *Uniform Cost Report*, p. 8.

<sup>5</sup> TDCJ, *Statistical Report*, pp. 1, 2.

<sup>6</sup> TDCJ Open Records Response, 16 October 2012, information available upon request. Over 3,000 individuals (nearly 30%) are on their first offense.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* The average stay is about 6 months in a TDCJ state jail facility, and about 3.5 months in county facility—confinement averages less than 10 months (.8 years).

<sup>9</sup> LBB, *Statewide Criminal Justice Recidivism and Revocation Rates*, Submitted to the 83rd Texas Legislature, January 2013, pp. 4, 31, 35; available at [www.lbb.state.tx.us/Public\\_Safety\\_Criminal\\_Justice/RecRev\\_Rates/Statewide%20Criminal%20Justice%20Recidivism%20and%20Revocation%20Rates2012.pdf](http://www.lbb.state.tx.us/Public_Safety_Criminal_Justice/RecRev_Rates/Statewide%20Criminal%20Justice%20Recidivism%20and%20Revocation%20Rates2012.pdf). 62.7% of individuals released from state jail in FY 2008 (measured through FY 2011) were re-arrested.

<sup>10</sup> *Id.* at 4.

<sup>11</sup> *Id.* at 11.