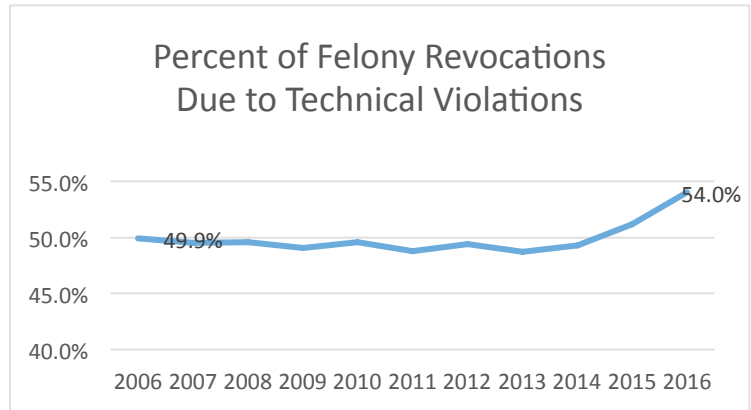


Preventing Technical Violations of Probation Saves Costs and Improves Public Safety
HB 3289 by Rep. James White will Safely Limit Time Served for Technical Violations

HIGH PROBATION REVOCATION RATES HARM COMMUNITIES AND SQUANDER LIMITED RESOURCES

- In 2016, there were 22,606 felony probation revocations, with more than 95 percent of these individuals sent to prison or state jail.¹
- 12,207 of probation revocations (totaling 54 percent of all revocations) were for technical violations of the conditions of supervision, such as not paying probation fees, or showing up late to an appointment – not for new offenses.²



- Revocations for technical violations of community supervision cost the state 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

- By way of comparison, TDCJ’s Parole Division and Parole Board implemented policies in 2007 to reduce revocations, especially for technical violations.
- They instituted progressive sanctions, administer them quickly, and utilize diversion options that limit incarceration time for repeated violations.
- The result is a 50 percent reduction in parole revocations, and *only 10 percent* of parole revocations were for technical reasons in FY 2016.⁵

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 3289 BY REPRESENTATIVE JAMES WHITE

- HB 3289 will limit time served on technical violations to 90 days and return people to community supervision after they serve that term of incarceration.
- This will save the state more than \$46 million that could be used to further strengthen community supervision, decrease probation revocations, improve public safety, and save taxpayer dollars.

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, 2016,

https://www.tdcj.state.tx.us/documents/cjad/CJAD_Monitoring_of_DP_Reports_2016_Report_To_Governor.pdf.

² Ibid.

³ Revocations for technical violations total 12,207 people per year. Subtracting the number of people who absconded leaves 6,640 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 5,644. According to the Legislative Budget Board, 54% of revoked individuals (3,047 people) went to prison; we conservatively estimate they served 335 days at an average cost of \$51.72 per day (using the transfer facility rate), or \$52 million total. Another 40% (2,257 people) went to state jail; we estimate they served 150 days (based on past data requests to TDCJ) at an average cost of \$52.88 per day (using the state jail rate), or \$18 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.**

⁴ The TDCJ Report to the Governor and Legislative Budget Board provides 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 Board of Pardons and Paroles, *Board Administrators Report*, January, 2016.