WRITTEN TESTIMONY

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REGARDING SENATE BILL 166

HOUSE OF REPRESENTATIVES COMMITTEE ON CORRECTIONS

APRIL 23, 2007

Dear Members of the Committee,

My name is Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition. Thank you for allowing me this opportunity to present testimony regarding Senate Bill 166 by Senator West.

Progressive sanctions are a safe, cost-effective way to reduce the number of probation revocations to prison. Potential benefits include savings to taxpayers, alleviation of prison overcrowding, and an increase in public safety.

INDIVIDUALS WHO ARE REVOKED FROM PROBATION AND SENT TO PRISON COMPRISE AS MUCH AS ONE-THIRD OF TOTAL PRISON ADMISSIONS ANNUALLY.

Technical violations of probation (e.g., missing a probation fee payment or failing to attend a meeting with a probation officer) are a major cause of revocation. These revocations effectively create prisoners out of individuals who commit regulatory infractions, wasting scarce prison beds needed for dangerous criminals. Such a revocation policy is also financially irresponsible; in 2005, probation revocations created $1.124 billion in added incarceration costs, largely because the cost of incarcerating an individual is $44.01 per day, while the cost of maintaining him or her on probation is $2.13 per day.

PROGRESSIVE SANCTIONS CAN BE MORE EFFECTIVE IN PROMOTING PROBATIONER COMPLIANCE THAN REVOCATIONS ALONE.

Penalties that are graduated and appropriate to the infraction can provide probationers immediate feedback about and enforcement of probation rules without incarcerating individuals unnecessarily. Instead of letting several technical violations accumulate before invoking the catch-all punitive measure of revocation, officers will have access to a wide variety of punitive options that can be adjusted to the severity and nature of the offense, as well as to the personal characteristics of the probationer. Because intermediate sanctions are immediate and proportionate, they provide clear and direct feedback to the probationer, making future violations less likely.

WHAT DOES S.B. 166 DO?

S.B. 166 provides for grants to be issued by the Community Justice Assistance Division (CJAD) to probation departments that implement programs that include some of the following characteristics:

(1) Reduced and specialized caseloads for supervision officers, which may include electronic monitoring or substance abuse testing of offenders;
(2) The creation, designation, and fiscal support of courts and associated infrastructure necessary to increase judicial oversight and reduce revocations;
(3) Increased monitoring and field contact by supervision officers;
(4) Shortened terms of community supervision, with increased supervision during the earliest part of the term;
(5) Graduated sanctions and incentives, offered to an offender by both the probation department and courts served by the department;

(6) The use of in-patient and out-patient treatment options, including substance abuse treatment, mental health treatment, and cognitive and behavioral programs for offenders;
(7) The use of intermediate sanctions facilities;
(8) The use of community corrections beds;
(9) Early termination strategies and capabilities;
(10) Gang intervention strategies;
(11) Risk assessment techniques and reassessment techniques; and
(12) The designation of faith-based community coordinators who will develop faith-based resources, including a mentoring program.

According to S.B. 166, priority would be given to departments with pre-existing progressive sanctions programs, as well as those with higher revocation rates and medium- to high-risk cases.

The bill would also require CJAD to issue a report to the Texas Board of Criminal Justice, the Lieutenant Governor, and the Speaker of the House by December, 2008, regarding the scope, cost-benefit, and effectiveness of the programs funded by the grant, as well as comparisons to those already in existence before the grants were issued. This would allow for publication of "best practices" that other departments could implement with future funding.

TEXAS SHOULD IMPLEMENT PROGRESSIVE SANCTIONS FOR PROBATIONERS WHO COMMIT MINOR TECHNICAL VIOLATIONS.

Probation departments can end a major cause of prison overcrowding by implementing progressive sanctions. Furthermore, progressive sanctions can encourage probationer achievement and personal responsibility by giving individuals a fair shot at success through graduated punishments, meaningful incentives, and realistic feedback.

Thank you for allowing me the opportunity to present testimony regarding Senate Bill 166. I hope the committee will pass this bill, which can provide benefits to probationers, probation officers, and the greater interests of public safety and cost-effectiveness for the public at large.