

# **[2021 Session] Improve Safety, Conditions, and Efficiency in Adult Corrections Facilities by Establishing an Independent Ombudsman**

## **Policy Background**

Unlike the Texas Juvenile Justice Department, the Texas Department of Criminal Justice (TDCJ) is not subject to external oversight. Instead, it has *internal* mechanisms, including the offender grievance process, the Ombudsman office (which handles inquiries from the public), and the Office of the Inspector General (which conducts investigations and policy monitoring). However, those mechanisms do not and cannot serve the same role or offer the same benefits as external oversight, which promotes transparency, accountability, safety (both for people who work there and people who are housed there), and good government. Furthermore, external oversight reduces the likelihood of media scandals or expensive litigation against the agency for violations of individuals' rights or wellbeing, and it ensures that facilities are better equipped to help incarcerated individuals prepare for reintegration into our communities.

With COVID-19 continuing to threaten the welfare of people in facilities – and given its impact on access to visitation, rehabilitative programming, recreation, and sufficient meals – it is especially timely and important for TDCJ to implement independent oversight. The dangerous lack of transparency impacts not only incarcerated individuals and their family members, but the Legislature, which is denied an independent monitor of prison operations and cannot make informed decisions regarding sentencing and correctional policies.

## **Proposed Solution**

Establish an Office of Independent Oversight in the Texas Department of Criminal Justice to promote safety, transparency, and responsible use of state dollars.

The independent, external oversight body can: (1) review and analyze pertinent data from TDCJ, proactively assess the efficacy of existing programs and services, and determine long-range needs, providing preventive rather than reactive assistance; and (2) conduct routine monitoring of prisons, oversee and investigate complaints against

TDCJ, and focus on how and where improvements can be made to secure the rights and safety of inmates and prison staff.

## Relevant Bill

- **Bill Number:** **HB 1598** [Jarvis Johnson, Rodriguez]  
**Bill Caption:** Relating to the creation of the office of independent oversight ombudsman for the Texas Department of Criminal Justice.  
**TCJE Materials:** [Fact Sheet](#)
- **Bill Number:** **SB 1980** [Miles]  
**Bill Caption:** Relating to the creation of the office of independent oversight ombudsman for the Texas Department of Criminal Justice.

## Other Bills Related to Prison Conditions

- **Bill Number:** **HB 2331** [Cortez]  
**Bill Caption:** Relating to procedures governing declared disasters for the Texas Department of Criminal Justice and the Board of Pardons and Paroles.  
**TCJE Materials:** [Fact Sheet](#)
- **Bill Number:** **HB 342** [Rosenthal]  
**Bill Caption:** Relating to the temperature at which a facility operated by the Texas Department of Criminal Justice is maintained.
- **Bill Number:** **HB 1971** [Canales; Sherman, Sr.; Wu; Rosenthal; Allen]  
**Bill Caption:** Relating to the purchase and installation of climate control systems at facilities operated by the Texas Department of Criminal Justice.
- **Bill Number:** **SB 820** [Menéndez]  
**Bill Caption:** Relating to the purchase and installation of climate control systems at facilities operated by the Texas Department of Criminal Justice.
- **Bill Number:** **HB 357** [Sherman, Sr.; Leach; Guillen; Guerra]  
**Bill Caption:** Relating to air conditioning requirements at facilities operated by the Texas Department of Criminal Justice.

- **Bill Number:** [HB 1148](#) [White]  
**Bill Caption:** Relating to prohibiting the Texas Department of Criminal Justice from charging an inmate a fee for health care.
- **Bill Number:** [HB 2751](#) [Meza]  
**Bill Caption:** Relating to limitations on the use of administrative segregation by the Texas Department of Criminal Justice.
- **Bill Number:** [HB 2742](#) [Reynolds]  
**Bill Caption:** Relating to the reentry and reintegration programs provided by the Texas Department of Criminal Justice.
- **Bill Number:** [SB 354](#) [Miles]  
**Bill Caption:** Relating to access to postsecondary courses or programs for inmates of the Texas Department of Criminal Justice.
- **Bill Number:** [HB 1640](#) [Sherman, Sr.]  
**Bill Caption:** Relating to a medication-assisted treatment program established by the Texas Department of Criminal Justice for inmates with opioid use disorders.
- **Bill Number:** [HB 1605](#) [Dutton]  
**Bill Caption:** Relating to the establishment of the inmate legal services office and to the appointment and compensation of certain legal counsel for certain indigent inmates and other persons in secure correctional facilities.
- **Bill Number:** [HB 3714](#) [Moody]  
**Bill Caption:** Relating to the confinement of inmates who identify as transgender.

## Other Materials

- TCJE [Testimony](#) on the Need for Independent Prison Oversight, submitted to the House Committee on Corrections, S/C on Articles I, IV, and V [September 2020]