



Mary Kate Bevel, Policy Associate

Work: (512) 441-8123, ext. 104

Cell: (214) 868-6850

mkbevel@TexasCJC.org

www.TexasCJC.org

FACT SHEET 2017

HB 3844 & SB 2236

Additional Oversight of Texas' County Jails is Critical for Transparency, Efficiency, and Accountability

HB 3844 and SB 2236 will help identify systemic issues before they lead to crisis and protect the safety and rights of incarcerated individuals and staff.

BENEFITS OF INDEPENDENT, EXTERNAL OVERSIGHT

The Texas Commission on Jail Standards (TCJS) plays a crucial role in enforcing minimum standards in county jails. However, there are several important subjects on which the standards are silent or where the provisions are either outdated or lacking in detail. For instance, there are no protocols on detoxification from drugs or alcohol, limited standards on sexual assault procedures, and no independent investigations of deaths in county jail custody.

External oversight is not only about protecting those most at risk; it is also a proven mechanism for identifying and addressing issues before they lead to expensive litigation, media scandals, or other human and fiscal costs.¹ Ultimately, independent oversight allows entities to develop public trust and transparency.

An independent, external ombudsman's office for Texas county jails will provide oversight that:²

- focuses on how and where improvements can be made — not on finding fault;
- acknowledges demonstrated model practices and policies, including in service delivery and other procedures related to the treatment of incarcerated individuals;
- works cooperatively and collaboratively with county jail leadership and staff, as well as with TCJS; and
- conducts routine monitoring of county jails and creates quarterly reports for state leadership and TCJS with findings and recommendations.

IN SHORT

- HB 3844 & SB 2236 will expand the independent ombudsman's office for the juvenile system to include adult county jails.
- HB 3844 & SB 2236 will increase public trust and transparency while preventing perilous incidents and costly litigation.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 3844 BY REPRESENTATIVE TONI ROSE & SB 2236 BY SENATOR JOSÉ MENÉNDEZ

HB 3844 and SB 2236 will expand the jurisdiction of the juvenile justice system's ombudsman to adult county jails to improve facility safety, reduce expensive litigation, and assist family members. Specifically, that Ombudsman's office will investigate, evaluate, and secure the rights of inmates and staff in county jails, and share information with the Texas Commission on Jail Standards.

In September 2003, the U.S. Congress unanimously passed the Prison Rape Elimination Act (PREA),³ aimed at preventing sexual assault and victimization in juvenile and adult corrections facilities. State and local facilities that do not comply with federal standards stand to lose federal funds. The proposed external ombudsman would be able to perform PREA audits, which is a necessary component of PREA compliance.

Overall, the best argument for external oversight is that it has been shown to work better than any known alternative — for incarcerated individuals, for staff at correctional facilities, and for society at large.

Citations

¹ Michele Deitch, “The Need for Independent Prison Oversight in a Post-PLRA World,” *Federal Sentencing Reporter* 24, no. 4 (2012): 236–244.

² Michele Deitch, “Distinguishing the Various Functions of Effective Prison Oversight,” *Pace Law Review* 30, no. 5 (2009–2010): 1438–1445.

³ Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. §§ 15601-15609 (2003).