



WRITTEN TESTIMONY

REGARDING ARTICLE V – TEXAS COMMISSION ON JAIL STANDARDS

**SUBMITTED BY ANA YÁÑEZ-CORREA, EXECUTIVE DIRECTOR
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To

**THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON CRIMINAL JUSTICE**

FEBRUARY 16, 2011

TEXAS CRIMINAL JUSTICE COALITION

The Texas Criminal Justice Coalition (TCJC) is committed to identifying and advancing real solutions to the problems facing Texas' juvenile and criminal justice systems. We provide policy research and analysis, form effective partnerships, and educate key stakeholders to promote effective management, accountability, and best practices that increase public safety and preserve human and civil rights.

TCJC'S PROJECTS

The Juvenile Justice Initiative: *Creating Avenues to Success for Troubled Youth and Their Families.*

The Public Safety Project: *Advocating for Fair, Effective Police Practices that Improve the Safety of Our Communities.*

The Fair Defense Project: *Ensuring a Just and Accountable Judicial System by Protecting the Right to Counsel.*

The Solutions for Sentencing & Incarceration Project: *Providing Proven and Cost-Effective Answers that Address Texas' Over-Reliance on Incarceration.*

Tools for Re-Entry: *Advocating for Policies that Enable the Previously Incarcerated to Live Responsibly.*

Tools for Practitioners: *Featuring Effective Criminal and Juvenile Justice Programs and Practices.*

Public Policy Center: *Providing Nonpartisan Criminal and Juvenile Justice Policy Recommendations.*

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Dear Members of the Committee,

My name is Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition (TCJC). Thank you for allowing me this opportunity to present testimony on Article V.

Below we have briefly explained the history behind the Texas Commission on Jail Standards (TCJS). We have also detailed the impact of budget cuts on TCJS under the filed version of House Bill 1. Finally, we have provided relevant policy recommendations that would protect the gains made in county jail regulation and accountability throughout the past three decades in Texas.

INTRODUCTION AND HISTORY

In the early 1970's, various lawsuits were filed against Texas counties for poor conditions of confinement in local jails, as well as for the lack of regulated and funded inspections of those jail facilities. In 1975, with the urging and support of various groups including the Sheriff's Association of Texas, the Texas Legislature effectively created the nine-member Commission, tasked with ensuring the proper management of county jails. Possibly the most critical feature of the new law was TCJS's authority and responsibility to set constitutional jail standards, conduct facility inspections, and enforce compliance with state rules and procedures – all of which keep Texas jails safe, well regulated, and run by educated, professional leadership.

Today, TCJS has 245 jails under its purview.¹ Of these, 235 jails are “county jails,” with 225 being county-operated and 10 being privately operated.² Texas is also home to 10 privately operated “detention facilities,” which house county inmates on a contract basis.³

Annually, more than one million individuals cycle in and out of these local jails,⁴ which have an average end-of-month population of 70,000 inmates.⁵ With so many individuals incarcerated, Texas has six of the 50 largest national jail populations: Harris, Dallas, Bexar, Tarrant, Travis, and El Paso Counties.⁶ TCJS is critical to the management of these inmates, as well as to the ability of jail personnel to detain and provide for them in a manner in keeping with state laws and constitutional mandates.

BUDGET CUTS TO THE TEXAS COMMISSION ON JAIL STANDARDS

Texas' jail regulatory structure has never been given sufficient resources, and proposed cuts would further debase TCJS' ability to accomplish even its core functions.

General Revenue expended on TCJS under H.B. 1 would decline by 39%, or \$775,301 over the biennium. Most of that comes from reduced funding for inspections and enforcement (A.1.1), as well as reduced funding for management consultation with counties about jail overcrowding. To partially make up for the shortfall, fees charged to counties for jail inspections will go up by roughly a factor of 22.⁷

The budget's performance measures anticipate the percentage of jails with management deficiencies to increase, from 9.79% in FY 2009 to 17.1% in 2013, perhaps as a result of fewer inspections. Consequently, budgeters predict, **10 fewer jails will be in compliance with minimum standards.**

Further, the number of TCJS management consultations with local jails would decline 32%, from 311 to 211. This service is designed to assist local jails with overcrowding, security, and other common jail issues. **If it goes away, counties must either do without or will be required to pay for independent expertise.**

POLICY RECOMMENDATIONS

➤ **Assist TCJS in continuing its important role in monitoring and regulating county jails.**

The Legislature cannot allow the state to roll back the progress it has made in jail management since the mid-70's. Budget cuts will jeopardize the agency's crucial functions, potentially including travel for on-site trainings and technical assistance for jail administrators, the timely re-inspection of noncompliant facilities, special inspections of at-risk facilities, and meetings with local leadership to address facility issues. In other words, budget cuts will leave TCJS unequipped to meet the growing demands of counties.

TCJS must continue to be provided a level of funding equal to what it is presently receiving. As such, we encourage the Committee to consider fully restoring budget cuts outlined in H.B. 1, especially in regard to A.1.1 (Inspections and Enforcement).

➤ **Sustain TCJS's oversight authority.**

If the state fails to provide TCJS with the necessary resources to fully fulfill its mission, policy-makers will be forced to examine other strategies that will be fiscally burdensome to counties. For instance, to help TCJS supplement its annual county jail inspection costs, counties could pay an inspection fee, to be determined by the agency. This would ensure that TCJS becomes as close to a zero-cost agency to the state as possible.

Although we understand that this is not the best approach from a county's perspective, another strategy to ensure TCJS can help keep counties in compliance with standards/laws (and out of the courtroom) could include instructing sheriffs to draw from their county's commissary fund to pay the annual inspection fee. Currently, these funds are used for programs to address inmates' rehabilitative issues (e.g., education and vocational services) and personal needs (e.g., clothing and hygiene supplies), commissary staff salaries, inmate libraries, and facility maintenance projects.⁸

➤ **Promote TCJS's long-term strategic planning.**

Like many other state agencies that are permitted to keep unexpended funds for various agency responsibilities, TCJS should be allowed to keep money not spent on inspections and other strategies. Instead, the state should allow those funds to be used for further inspections or technical assistance to counties, with amounts not spent down in one year allowed to carry over to the next year. In 2010, TCJS was forced to reimburse the state the \$5,000 it was able to maintain due to frugal travel expenses. That money, a drop in the bucket compared to the state's general revenue, would have a critical impact on TCJS's ability to assist counties in meeting standard compliance.

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Thank you for allowing me the opportunity to provide feedback to this Committee on the crucial role of the Texas Commission on Jail Standards in the management of county jails. In a state as large and diverse as Texas, local administration of jail regulation is essential to ensure its adequate, timely implementation and address local interests. However, the state must ensure that each county protects the rights of incarcerated individuals. With a strong, well-resourced Commission to oversee and provide assistance to counties with their jail management efforts, the state can ensure that discrete facilities are collectively providing a system that is effectively meeting the needs of both inmates and staff. TCJS deserves and requires the ongoing support of our state's key leadership.

ENDNOTES

¹ Brandon Wood, Assistant Director of the Texas Commission on Jail Standards, in email correspondence to Ana Yáñez-Correa, Texas Criminal Justice Coalition, July 20, 2010.

² *Ibid.* Note additionally: The private facilities are managed either by the GEO Group, Southwestern Correctional, or the Community Education Center (CEC). From Brandon Wood, in email correspondence to Ana Yáñez-Correa, December 17, 2009.

³ One county's jail holds another county's inmates. For the most part, the bulk of these detention facilities' populations is comprised of federal inmates. From Brandon Wood, *email correspondence on July 20, 2010*.

⁴ Texas Department of Criminal Justice (TDCJ), "H.B. 1711 Implementation Report," Submitted to Governor, Lieutenant Governor, Speaker of the House, Senate Criminal Justice & House Corrections Committees, September 1, 2010, pg 4: "One million plus offenders are processed in local jails on an annual basis."

⁵ Texas Commission on Jail Standards, "Texas County Jail Population," January 1, 2011.

⁶ Bureau of Justice Statistics, "Jail Inmates at Midyear 2009—Statistical Tables," U.S. Department of Justice – Office of Justice Programs, June 2010, Table 9, pgs. 12-13.

⁷ H.B. 1 as filed, pg. V-36, Rider 2. The old Rider 2 (struck) said fees could be collected up to \$13,000 for this purpose. The new Rider 2 authorizes fees up to \$288,200, which is just more than 22 times the old fee total.

⁸ Texas Local Government Code, Section 351.0415(c).