

SUBJECT: Special monitors for jails failing state standards for three consecutive years

COMMITTEE: Corrections — committee substitute recommended

VOTE: 6 ayes — Madden, Hochberg, McReynolds, Haggerty, Jones, Oliveira

0 nays

1 absent — Dunnam

WITNESSES: For — Nicole Porter, American Civil Liberties Union of Texas;  
(*Registered, but did not testify*: Roger Dovalina and Hector M. Delgado Garcia, Deputy Sheriff's Association of Bexar County)

Against — (*Registered, but did not testify*: Don McWilliams, Harris County Sheriff Tommy Thomas)

On — Adan Munoz, Jr., Commission on Jail Standards; (*Registered, but did not testify*: Jonathon Hortmann, Commission on Jail Standards; Donald Lee, Texas Conference on Urban Counties)

BACKGROUND: Government Code, ch. 511 controls the Commission on Jail Standards, which was created in 1975 as the regulatory agency for all county jails and privately operated municipal jails. The nine-member commission, appointed by the governor with advice and consent of the Senate, establishes rules and procedures to help counties operate their jails.

DIGEST: HB 2699 would amend Government Code to add sec. 511.018 to allow the Commission on Jail Standards director to appoint a special monitor to oversee any county jail or correctional facility that failed three annual inspections by the commission because of management-related deficiencies. A facility would not be considered to have failed for a year that it was able to remedy the management-related deficiency.

The special monitor would be required to:

- ensure that the county correctional facility was taking adequate measures to remedy the management-related deficiency that caused the non-compliance;

- suggest in writing additional measures that the facility could take to remedy any deficiency;
- provide a written quarterly report to the county, municipality, or the entity that owned or managed the correctional facility;
- report quarterly to the Commission on Jail Standards; and
- submit a final bill, subject to review by the commission executive director, to the county or municipality for services rendered during the monitoring.

The Commission on Jail Standards director would be required to select a person not employed by the commission or the correctional facility and use Texas Building and Procurement Commission procedures for bidding and negotiating contracts for professional services. The contract for a special monitor would be limited to 90 days. The commission also would be required to collect an additional 2 percent fee from the county or municipality to reimburse the commission for administering the contract.

The bill would take effect on September 1, 2007.

**SUPPORTERS  
SAY:**

HB 2699 would address the serious problems that are plaguing county jails in Texas. Through March of this year, 13 of 38 county jails reviewed have failed inspection, including facilities that house as few as seven inmates as well as those holding 9,000 inmates. In 2006, 73 of the state's 268 county jails had serious deficiencies, including the facilities in Bexar, Cameron, Trinity, Karnes, Reeves, and Wichita counties. Texas county jail populations have grown 27 percent between 1995 and 2005, and the problems only will increase. Jail overcrowding ultimately is a state concern, and the Legislature should provide mechanisms for oversight and accountability.

Harris County, the largest facility with more than 9,000 inmates, has failed three years in a row. In addition, 101 prisoners have died while in custody between 2001 and 2006. Dallas County has failed inspections for four years in a row. The bill would allow for continuing monitoring of the facilities with the worst records.

The bill also would strengthen oversight of county jails and ensure that they met minimum state jail standards. The Commission on Jail Standards does a good job of identifying deficiencies in county jails. In Dallas County, an inspection team from the U.S. Department of Justice essentially agreed with the findings already noted by the state commission.

Permitting a special monitor would provide oversight when Commission on Jail Standards inspectors no longer were at the facility.

The bill would limit on the length of the special monitor contract and provides safeguards to ensure that the cost of the contract, including administration of the contracts, would be reasonable.

**OPPONENTS  
SAY:**

Adding another level of bureaucracy would not solve the problems of Texas county jails. Sheriffs and county commissioners courts already are well aware of the problems with overcrowding and deteriorating facilities. Periodic inspections by the Commission on Jail Standards provide sufficient oversight and accountability. It is unclear how an outsider appointed for a short term could provide more insight into improving jails than local elected officials.

The state's own experience with special monitors in the prison system indicates that contracts for special monitors are neither short-term nor inexpensive. Special monitors could have an incentive to identify more deficiencies in an effort have their contracts renewed.

**OTHER  
OPPONENTS  
SAY:**

The shortage of state prison beds and increased criminal penalties contributes to overcrowding at county jails. For several years, Texas had adequate capacity in the prison system, but there are indications of a crisis in the near future. The state cannot return to what happened in the 1980s when county jails became severely overcrowded because of backlogs in transfers to state prisons.