



Improve Safety, Conditions, Accountability, and Efficiency in Adult Corrections Facilities By Establishing an Independent Ombudsman

TDCJ MUST CONTINUE EVOLVING ITS PRACTICES AND CREATE SAFE ENVIRONMENTS FOR REHABILITATION

The Texas Department of Criminal Justice Department (TDCJ) operates not only the largest prison system in any state, but also one of the largest in the world, with more than 122,000 people in custody,¹ 101 facilities,² and an annual budget exceeding \$3.4 billion.³ Yet, no independent entity oversees conditions within Texas prisons.

While TDCJ does have a variety of *internal* monitoring mechanisms, none of these are independent from TDCJ and cannot provide the transparency and scrutiny of an independent oversight body.⁴ Furthermore, none of these internal mechanisms have the focus of correcting issues leading to litigation and ensuring best practices.

IN SHORT

HB 1598 will create an independent oversight ombudsman for TDCJ – saving time and money spent on litigation, and giving lawmakers the tools to make policy and budget decisions.

In the light of recent weather-related scandals, a massive fiscal budget, and a pandemic that has plagued state prisons, the State must take steps to protect the thousands of people working and living in corrections facilities, including through safer and more sanitary conditions. Oversight is imperative.

Reducing the likelihood of expensive litigation isn't just a fiscal matter. The American Bar Association argues that independent oversight allows for the identification and resolution of various problems, resulting in facilities that are safer, that respect the constitutional rights of the individual, and that are better equipped to help people prepare for reintegration into society.⁵

Independent oversight detects systemically overlooked problems, is cost-effective, and can help legislators and the general public make informed decisions.

KEY FINDINGS

- Both staff and incarcerated people within the confines of Texas prisons have tested positive for COVID at rates **490 percent higher** than the Texas public. Fifty-eight percent of the people who died from COVID in Texas prisons were eligible for parole.⁶
- Independent oversight is a common practice. The Texas Juvenile Justice Department,⁷ State Supported Living Centers,⁸ and other agencies that serve vulnerable populations have independent oversight, which has shown great success within their respective agencies.

SUPPORT HB 1598 BY REPRESENTATIVE JARVIS JOHNSON

HB 1598 will create independent oversight of Texas' state corrections system, promoting accountability, providing cost savings, and protecting the rights and well-being of incarcerated individuals and staff. A dangerous lack of transparency impacts not only people who work and live in facilities, but the Legislature, which is denied an independent monitor of prison operations and cannot make informed decisions regarding sentencing and correctional policies.

Citations on reverse.

Citations

- ¹ Texas Department of Criminal Justice, *Statistical Report FY 2019*, 1, https://www.tdcj.texas.gov/documents/Statistical_Report_FY2019.pdf.
- ² Texas Department of Criminal Justice, Unit Directory, https://www.tdcj.texas.gov/unit_directory/.
- ³ Legislative Budget Board, General Appropriations Act FY 2020 – 2021.
- ⁴ Michele Deitch, “The Need for Independent Prison Oversight in a Post-PLRA World,” *Federal Sentencing Reporter*, Vol. 24, No. 4, April 2012, <https://www.equitasproject.org/wp-content/uploads/2018/01/Deitch-The-Need-for-Independent-Prison-Oversight-in-a-Post-PLRA-World-Federal-Sentencing-Reporter-April-2012.pdf>.
- ⁵ American Bar Association, *Resolution 104B: Prison Oversight and Monitoring of Juvenile and Adult Facilities*, 2008, 2, <http://www.abanet.org/crimjust/policy/am08104b.pdf>.
- ⁶ Michele Deitch, “New report reveals the devastating toll of COVID-19 in Texas prisons and jails,” University of Texas at Austin, Lyndon Baines Johnson School of Public Affairs, November 2020, <https://repositories.lib.utexas.edu/bitstream/handle/2152/83635/Profile%20of%20COVID%20deaths%20in%20custody.pdf?sequence=6&isAllowed=y>.
- ⁷ Independent Ombudsman for the Texas Juvenile Justice Department, *First Quarter Report FY 21: September 1, 2020 to November 30, 2020*, <https://www.tjjd.texas.gov/index.php/doc-library/send/645-fiscal-year-2021/2612-fy21q1>.
- ⁸ Office of the Independent Ombudsman for State Supported Living Centers, *2020 Biannual Report: January – June*, <https://sslc-independent-ombudsman.texas.gov/sites/sslc-ombudsman/files/assets/publications/biannual-jan-june-2020.pdf>.