



Caitlin Dunklee, Policy Analyst

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

Cell: (646) 269-7344

cdunklee@TexasCJC.org

www.TexasCJC.org

TESTIMONY 2013

H.B. 2650

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of H.B. 2650. Expanding the role of the already existing Criminal Justice Legislative Oversight Committee will increase efficiency, accountability, and safety throughout the Texas Department of Criminal Justice (TDCJ).

### THE STATE AND TAXPAYERS WILL BENEFIT FROM REGULAR FACILITY INSPECTIONS AND POLICY OVERSIGHT

TDCJ operates the nation's largest prison system and spends over 3 billion taxpayer dollars annually but it is not subject to external oversight. Decades of research have demonstrated that all public institutions, from schools to hospitals, benefit from oversight.<sup>1</sup>

In correctional systems, oversight has been proven to identify problems before they become costly crises. Specifically, oversight serves several critical functions. It **protects the rights and well-being of incarcerated individuals**, who have limited ways to defend their interests,<sup>2</sup> and who frequently suffer from mental illness or addiction. It ensures that correctional facility staff has **safe and sanitary working environments**. And it is a proven mechanism for **identifying and addressing issues** before they lead to expensive litigation, media scandals, or other human and fiscal costs.<sup>3</sup> Ultimately, oversight is the cornerstone of accountability, transparency, and good government.

H.B. 2650 would expand the duties and responsibilities of the *already existing* Criminal Justice Legislative Oversight Committee to include TDCJ facility inspections, reports to the legislature and public, and the development of recommendations that will improve TDCJ policies and practices.

### KEY FINDINGS

- TDCJ is massive: It employs as many paid employees as Google and spends over \$3 billion annually.<sup>4</sup>
- TDCJ has a variety of **internal** accountability 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, these mechanisms cannot and do not serve the same role or offer the same benefits as **external** oversight by the Criminal Justice Legislative Oversight Committee, which can successfully introduce accountability and transparency.<sup>5</sup>
- Other Texas agencies have external oversight. The Office of the Independent Ombudsman for the Texas Juvenile Justice Department was established in 2007 to investigate, evaluate, and secure the rights of children committed to the Department.<sup>6</sup> **By contrast, the TDCJ Ombudsman is not independent, and its role fails to protect the rights of adults incarcerated in Texas prisons.**

*Continued on reverse.*

## KEY FINDINGS (CONTINUED)

- In 1973, the *Ruiz vs. Estelle* case determined that Texas prison conditions violated inmates' constitutional rights to protection from cruel and unusual punishment. The case resulted in court oversight of TDCJ facilities that lasted until 2002, exposing many problems with Texas prison operations that had traditionally remained hidden – including prison overcrowding, excessive use of force, substandard health care, and serious safety, sanitation, and hygiene concerns.<sup>7</sup>
- **Since 2002, reports of inhumane conditions have continued to emerge**, including a report detailed appalling conditions for individuals with mental health problems incarcerated in Texas prisons,<sup>8</sup> accounts of constitutionally inadequate health care,<sup>9</sup> and a report showing that Texas prisons have the highest reported number of alleged incidents of sexual assault (four times the national average).<sup>10</sup>

## COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 2650 BY REPRESENTATIVE ALLEN

- **H.B. 2650 will expand the functions of the current Criminal Justice Legislative Oversight Committee to ensure a more thorough examination of Texas' state corrections system.** Through regular inspections of at least 25 correctional facilities per biennium, this Committee will help determine long-range facility and system needs; identify critical issues and corresponding solutions; and assist in the evaluation and assessment of the efficacy of existing programs. This will result in a more efficient use of tax dollars, and will decrease waste.
- **H.B. 2650 will require the Committee to compile a comprehensive report** for submission to the Texas Board of Criminal Justice every six months, and for submission to the Legislature every biennium, outlining the results of facility inspections, including an evaluation of the inmate grievance procedure at each inspected facility, and providing any recommendations concerning policy changes or other strategies that could improve the conditions or operations of Texas' correctional facilities.

This reporting requirement will enable TDCJ to better pinpoint issues before they become future problems, helping agency administrators find more cost-efficient ways to fulfill the agency's mission, provide rehabilitative services to incarcerated individuals, and protect the public.

- **H.B. 2650 will ensure that the Committee receives full and open input from incarcerated individuals and facility staff.**
- **H.B. 2650 will increase the frequency and opportunity for public input** on important criminal justices to TDCJ, allowing the agency to further its stated mission, resulting in improved public safety.

## CONCLUSION

Thank you again for allowing me the opportunity to testify in favor of this bill. Without the regular unit inspections and policy oversight provided under H.B. 2650, the safety of correctional officers and incarcerated individuals is compromised, operations are susceptible to fiscal inefficiencies, and the state's corrections system remains vulnerable to costly lawsuits.

## Citations

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- <sup>1</sup> Gibbons, John & Katzenback, Nicholas. "Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons." *Federal Sentencing Reporter* 24, no. 1 (2011): 36-41.
- <sup>2</sup> Fathi, David. "The Challenge of Prison Oversight." *American Criminal Law Review* 47 (2010): 1453-62.
- <sup>3</sup> Deitch, Michele. "The Need for Independent Prison Oversight in a Post-PLRA World." *Federal Sentencing Reporter* 24, no. 4 (2012): 236-44.
- <sup>4</sup> Perkinson, Robert, *Texas Tough: The Rise of America's Prison Empire*. Metropolitan Books, Henry Hold and Company, 2010.
- <sup>5</sup> American Bar Association (2008). "Resolution 104B: Prison Oversight and Monitoring of Juvenile and Adult Facilities," <http://www.abanet.org/crimjust/policy/am08104b.pdf>.
- <sup>6</sup> Independent Ombudsman for the Texas Juvenile Justice Department, <http://www.tjjd.texas.gov/ombudsman/index.aspx>.
- <sup>7</sup> Perkinson, Robert. "Ruiz v. Estelle." *Encyclopedia of Prisons & Correctional Facilities*, (2005): 864-67.
- <sup>8</sup> Ward, Mike. "Expert Portrays Texas Prisons as Horrific Home for Mentally Ill." *Austin American Statesman*, June 23, 2002.
- <sup>9</sup> Raimer, Ben; Murray, Owen & Pulvino, John. "Health Care in the Texas Prison System: A Looming Fiscal Crisis." May, 2010.
- <sup>10</sup> Austin, James; Fabelo, Tony; Gunter, Angela; & McGinnis, Ken. "Sexual Violence in the Texas Prison System." National Criminal Justice Reference Service, March 2006.