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FACT SHEET 2017

HB 1421

## Oversight of Texas' Corrections System Is Critical for Transparency, Efficiency, and Accountability

*HB 1421 will create an independent, external ombudsman's office to identify systematic issues before they lead to crisis, and protect the safety and rights of incarcerated individuals and staff.*

### BENEFITS OF INDEPENDENT, EXTERNAL OVERSIGHT

The philosophy of the Texas Department of Criminal Justice (TDCJ) states "the Department will be open, ethical, and accountable to our fellow citizens and work cooperatively with other public and private entities."<sup>1</sup> The establishment of an independent, external ombudsman's office will complement TDCJ's philosophy by increasing systematic accountability and cooperation.

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.<sup>2</sup> Ultimately, independent oversight allows state agencies to develop public trust and transparency.

An independent, external ombudsman's office for TDCJ will provide oversight that:<sup>3</sup>

- focuses on how and where improvements can be made — not on finding fault;
- acknowledges demonstrated model practices and policies;
- is preventive rather than reactive;
- works cooperatively and collaboratively with state agencies;
- conducts routine monitoring of prisons; and
- includes full access to prisons, correctional data, staff, and incarcerated individuals.

### IN SHORT

- HB 1421 will create an independent, external ombudsman's office for TDCJ.
- HB 1421 will increase public trust and transparency while preventing perilous incidents and costly litigation.

### COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 1421 BY REPRESENTATIVE JARVIS JOHNSON

Texas should establish an independent, external ombudsman's office over TDCJ to systematically improve safety in facilities and reduce expensive litigation. Specifically, the ombudsman's office will investigate, evaluate, and secure the rights of inmates and prison staff.

A 2012 study found that 56 percent of Texas corrections officers found their overall work environment to be unsafe; 46 percent did not think safety concerns were addressed adequately; 45 percent did not find current safety policies and procedures to be effective; and 79 percent believed that TDCJ's current programs should be improved.<sup>4</sup>

Additionally, 91 percent of incarcerated individuals and 95.3 percent of their families identified the need for an independent corrections ombudsman as a highly important issue.<sup>5</sup>

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

## Citations

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<sup>1</sup> Texas Department of Criminal Justice, “Annual Review,” (2015).

<sup>2</sup> Michele Deitch, “The Need for Independent Prison Oversight in a Post-PLRA World,” *Federal Sentencing Reporter* 24, no. 4 (2012): 236–244.

<sup>3</sup> Michele Deitch, “Distinguishing the Various Functions of Effective Prison Oversight,” *Pace Law Review* 30, no. 5 (2009–2010): 1438–1445.

<sup>4</sup> Texas Criminal Justice Coalition, “Perceptions of Texas Criminal Justice and Corrections Agencies: Incarcerated Individuals and Their Loved Ones,” Survey Findings: 2012. See also: Texas Criminal Justice Coalition, “Perceptions of the Texas Department of Criminal Justice: Correctional Officers,” Survey Findings: 2012.

<sup>5</sup> *Ibid*