



## The Legislature State of Texas

July 26, 2010

Adan Muñoz, Executive Director  
Texas Commission on Jail Standards  
P.O. Box 12985  
Austin, Texas 78711-2985

Mr. Munoz:

We are concerned about the overcrowded conditions at the Harris County Jail. The overcrowding could lead to a lawsuit, Department of Justice oversight, or an inmate death. All of these outcomes would result in added liability for the taxpayers of Harris County and negative publicity for the county we represent.

We would like some clarification on various issues related to Harris County's jail overcrowding.

Over the years, rather than reducing the overcrowding, the county has come to your agency seeking permission to have temporary beds to enable overcrowding. In November 2009, you reviewed and issued for the Harris County Jail a one-year variance for 1,600 temporary beds. We would like to know how many years the Texas Commission on Jail Standards has been issuing variances to Harris County? What have been the variance amounts over the years? How does Harris County compare to other urban counties in terms of the frequency it requests variances and the number of temporary beds requested? What is your criteria for granting variances? For example, do you consider if the county has a long-term plan to reduce jail overcrowding?

Another way in which Harris County has addressed overcrowding is by contracting with other counties in Texas and Louisiana to house its jail inmates. We are particularly concerned with sending Harris County inmates to jails in Louisiana because of the long distances families are forced to travel to visit loved ones in jail, and lack of controls over the conditions of Louisiana jails. Does the Texas Commission on Jail Standards have any regulations pertaining to the treatment and conditions of confinement for Texas inmates housed in other states? Are any reentry or substance abuse treatment services provided? If a Texas jail inmate dies in the custody of a jail in Louisiana, who is liable?

One policy of which we are aware that could ease Harris County's overcrowding problems is the implementation of a good-time and work credit policy that rewards inmates for good behavior, labor, and job training. We have heard that other counties in Texas are rewarding their inmates with 3-for-1 credits for good behavior and work, while Harris County, until recently, was only providing 2-for-1 credits. Can you tell us what other urban counties are offering 3-for-1 credits to their inmates and how those counties' policies may differ from Harris County's? How many inmates are in those counties' 3-for-1 program compared to Harris County's pilot program?


As you know, there are other ways in which jail overcrowding can be alleviated beyond 3-for-1 jail credits. Many of these options to reduce jail overcrowding were outlined in a June 2009 report by the Justice Management Institute (JMI), which was commissioned by Harris County. Some of JMI's

recommendations include: initiating a Jail Population Reduction Program involving key justice system and county government leaders and developing action plans to bring the jail population into compliance with TCJS standards within two years; make greater use of pre-arrest diversion by law enforcement such as "cite and release," as authorized by the legislature in 2007; revise bail schedules and bond-setting policies; and greater use of pretrial diversion in cases involving trace amounts of illegal drugs or mentally ill defendants accused of minor offenses. We would be interested to know to what extent Harris County is following these and other recommendations by the Justice Management Institute, as well as to what extent other urban counties in Texas have implemented similar jail diversion strategies.

These and other issues may be appropriate to address with Harris County officials at the TCJS hearing on August 5.

Thank you for your outstanding work at the Texas Commission on Jail Standards. We look forward to hearing from you at your earliest convenience.

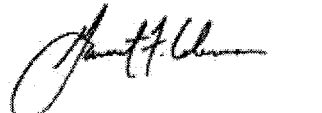
Sincerely,


  
Sen. Rodney Ellis

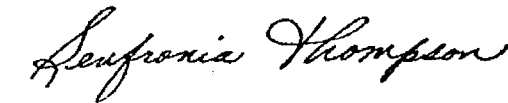
  
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