

**SUBJECT:** Setting a ratio of correctional officers to prisoners in county jails

**COMMITTEE:** Corrections — favorable, without amendment

**VOTE:** 5 ayes — Madden, Hochberg, McReynolds, Dunnam, Jones  
1 nay — Haggerty  
1 absent — Oliveira

**WITNESSES:** For — Jeff Allan Baumgaertner, Robert Casares, Hector M. Garcia Delgado, David Ott, Dorian Saldana, Avery Walker, Deputy Sheriff's Association of Bexar County; Nicole Porter, American Civil Liberties Union of Texas; (*Registered, but did not testify:* Abel Anthony Alvarado, Wendell Busby, Roger Dovalina, Debra Fernandez, Elisa R. González, Perry Hyden, Corey Maciel, Marc R. Medley, Arnold F. Menchaca, Richard Ramos, Eric Salazar, Victor Villalón, Deputy Sheriff's Association of Bexar County; Joel Janssen; Mark Anthony Waits)

Against — Kristie J. Blust, Bexar County Criminal Justice Planning Department; Donald Lee, Texas Conference of Urban Counties; Craig Pardue, Dallas County; David Smith, Bexar County Commissioners Court; (*Registered, but did not testify:* Jim Allison, County Judges and Commissioners Association of Texas; Mark Mendez, Tarrant County Commissioners Court)

On — Jonathon Hortman, Adan Munoz, Jr., Commission on Jail Standards

**BACKGROUND:** Local Government Code, ch. 351 requires counties to provide safe and suitable jails and governs operations of jails.

In 1975, the Commission on Jail Standards was created 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 implement Local Government Code, ch. 351.

**DIGEST:** HB 2244 would add Local Government Code, sec. 351.005 to require at least one county jail correctional officer be stationed on each floor where 10 or more prisoners were housed and for every 48 prisoners housed on that floor.

The bill also would require sufficient supervisors and other support staff to meet Commission on Jail Standards rules and would require that the county commissioners court provide a sufficient budget to meet staffing requirements.

The bill would take effect on September 1, 2007.

**SUPPORTERS  
SAY:**

HB 2244 would ensure that adequate levels of safety and security be provided in all county jails to protect both inmates and jail staff. The bill merely would maintain the ratio of one officer per 48 inmates that has been in Commission on Jail Standards rules since 1983. The lack of adequate staffing creates a hazardous and stressful working environment and increases turnover among correctional officers. The need to constantly recruit and train new staff exacerbates security and management difficulties and ultimately costs taxpayers money.

The bill could head off potential liability problems caused by insufficient staffing. The Legislature and counties should not have to wait until conditions worsen or something tragic happens to take action. Lawsuits will be filed on jail conditions whether this legislation passes or not, but HB 2244 would place the counties in a better position to prevail in those legal challenges.

Making changes always incurs some cost and risks, but the jail staff, prisoners, and the public would benefit in the long-term from HB 2244. Turnover and potential legal liabilities also pose financial burdens on county taxpayers, and the state needs to take steps to reduce those costs. The bill would allow for existing variances granted by the commission to remain in place and would allow counties to seek future variances on the standard.

**OPPONENTS  
SAY:**

Putting into statute the Commission on Jail Standards rule on correctional officer to prisoner ratios would make that standard too rigid and would not account for differences in jail construction and populations. HB 2244 would not take into account the staff needs created by holding various classifications of inmates. Those circumstances vary widely among the

jails maintained by the 254 counties and can change rapidly even in the same jail. The commission has worked well with sheriffs and commissioners courts during the past decades not only to enforce state law and regulation on jails but to encourage innovative approaches to jail management.

Implementation of HB 2244 could be expensive for some counties, especially if they operate many or large jails. Decisions on jail management and allocation of county tax money should be made locally by sheriffs and county commissioners courts rather than by the Legislature. Those officials are directly accountable to county voters. Enactment of this bill would be just another unfunded mandate for counties. Also, placing the ratio in state law would invite further litigation should counties fail to meet the standard.

**NOTES:**

The companion bill, SB 1763 by Gallegos, has been referred to the Senate Criminal Justice Committee.

According to the fiscal note, two county jails in Dallas County currently receive a variance on the Commission on Jail Standards staffing requirement, and HB 2244 could require hiring 42 correctional officers at \$2 million if the variance were eliminated. Fort Bend County also reports having a variance from the staffing requirement. Adding 15 correctional officers would cost \$691,000 annually and additional construction costs to change housing units and jail towers could cost \$4.2 million.