

SUBJECT: Review of and report regarding the use of administrative segregation

COMMITTEE: Corrections — committee substitute recommended

VOTE: 4 ayes — Parker, White, Riddle, J.D. Sheffield

0 nays

3 absent — Allen, Rose, Toth

SENATE VOTE: On final passage, April 29 — 31-0

WITNESSES: (*On companion bill, HB 1266:*)

For — Cindy Eigler, Texas Interfaith Center for Public Policy; Greg Hansch, National Alliance on Mental Illness Texas; Christopher Scott, House of Renewed Hope; (*Registered, but did not testify:* Ray Allen, Texas Probation Association; Yannis Banks, Texas NAACP; Rebecca Bernhardt, Texas Defender Service; Jennifer Carreon and Travis Leete, Texas Criminal Justice Coalition; Robert Elzner; Jennifer Eschabek, Texas Inmate Families Association; Lauren Johnson; Kathryn Lewis, Disability Rights Texas; Susan Pintchovski; Lauren Rose, Texans Care for Children; Sarah Shaney, Sending Solidarity; Matt Simpson, American Civil Liberties Union of Texas; Gyl Switzer, Mental Health America of Texas)

Against — (*Registered, but did not testify:* Brent Connett, Texas Conservative Coalition; Brian Hawthorne, Sheriff's Association of Texas)

On — Rick Thaler, Texas Department of Criminal Justice

DIGEST: SB 1003 would require the Criminal Justice Legislative Oversight Committee, subject to the availability of funds from gifts, grants, and donations, to appoint an independent third party to conduct a review of Texas facilities regarding the facilities' use of adult and juvenile administrative segregation and related statistics, including:

- classification to administrative segregation and release from administrative segregation;
- security threat group classification;

- notification of release and release procedures;
- access of adults and juveniles in administrative segregation to services available to the general adult and juvenile population, such as mental health and health care services, substance abuse programs and reentry resources and transitional programs;
- access of adults confined in administrative segregation to programs and services for veterans;
- the number of adults and juveniles confined in administrative segregation who were referred to mental health professionals;
- the average length of time adults and juveniles were continuously confined in administrative segregation; and
- the rate of recidivism among adults and juveniles who were confined in administrative segregation at any time.

Under the bill “facility” would mean:

- a facility operated by or under contract with the Texas Department of Criminal Justice (TDCJ);
- a facility operated by a municipality, or a private vendor on behalf of a municipality, for the confinement of a person arrested for, charged with, or convicted of a criminal offense; or
- a public or private juvenile secure detention facility.

For the purpose of funding this review, the Criminal Justice Legislative Oversight Committee would be able to accept donations from an individual or private entity and to apply for and accept:

- federal grants; and
- gifts, grants, and donations from any 501(c)(3) or 501(c)(4) organization.

These gifts, grants, and donations would need to be reported in the public records of the Criminal Justice Legislative Oversight Committee with the name of the donor and the purpose of the gift, grant or donation.

No later than December 31, 2014, the independent third party would need to provide a report of its findings and recommendations to the governor, the lieutenant governor, the speaker of the House of Representatives, and the standing legislative committees with primary jurisdiction over criminal justice matters. At a minimum, the report would need to contain detailed recommendations to:

- reduce the administrative segregation population in facilities in Texas;
- divert adults and juveniles with mental illness from administrative segregation; and
- decrease the length of time adults and juveniles were confined in administrative segregation in facilities in Texas.

The Public Information Act would apply to the review conducted by the independent third party under the bill, all information gathered and analyzed for that review, and the report submitted by the independent third party.

The bill would take effect September 1, 2013, and would expire February 1, 2015.

**SUPPORTERS
SAY:**

SB 1003 would provide Texas government officials the information they need to fix problems with the administrative segregation process in Texas prisons, jails, and juvenile detention facilities. Texas's administrative segregation policies have significant implications and effects not only on the mental health of thousands of individuals, but also on the communities that must deal with the fallout of the system after individuals who were held in administrative segregation have been released. Legislators, watchdog groups, and government officials currently do not have the information they need to ensure that administrative segregation is used appropriately and to ensure that its negative impacts are mitigated. This report would provide that information as a crucial first step in this process.

SB 1003 would not waste state resources. Under the provisions of the bill, the study would be carried out using only money from gifts, grants, and donations gathered for the purpose of this review.

**OPPONENTS
SAY:**

SB 1003 would waste resources investigating administrative segregation in county jails. County jails are already subject to oversight by the Commission on Jail Standards and have a process for reviewing every individual placed in segregation. The problems this review is intended to investigate exist primarily in TDCJ facilities, so resources would be better spent investigating TDCJ and ensuring that the Commission on Jail Standards had adequate funding to inspect county jails.