



November 1, 2016

The Texas Commission on Jail Standards
P.O. Box 12985
Austin, Texas 78711-2985

Dear Members of the Commission on Jail Standards,

It has come to our attention that the Harris County Sheriff's Office is requesting another bed variance for its county jail, and we would like to share our concerns. Since August 2006, Harris County has been on the Texas Commission on Jail Standards' (Commission) quarterly agenda eleven times regarding variance beds, including requests to increase and decrease the total number of beds approved for use. At some point, even if the Commission were to continue granting variance beds, the jail will literally run out of places to install them and be forced to either house inmates out of county at substantial taxpayer cost or construct additional space at even greater taxpayer cost. As the county's population continues to grow, it is incumbent upon us to make wise decisions now to prevent the unnecessary expenses associated with over-incarceration in the future.

Our primary concern is that Harris County leadership is not fully utilizing "alternatives to incarceration, including diversion initiatives and reentry efforts to reduce recidivism," as required on a request for a variance under 37 Tex. Admin. Code § 299.3(8). Variances are unnecessary when there are numerous, effective solutions that can be implemented to not only reduce jail population and eliminate the need for variances, but also increase public safety through more effective and efficient crime reduction strategies.

Over the past few years, problems in Harris County's criminal justice system, which have contributed to its jail overpopulation, have been well documented. The most widely cited report documenting these problems was requested by Harris County and published by the Justice Management Institute (JMI) in June 2009. The JMI report found two overarching issues resulting in Harris County's jail overcrowding: 1) over-incarceration of drug possession offenders and those with mental illness combined with overreliance on jail as the primary — and often sole — resource for handling persons whose law-breaking is basically a result of substance abuse and mental illness, and 2) underutilization of pre-trial tools.

Historically, the jail has been able to reduce overcrowding by expanding the use of good time credit for eligible inmates and taking advantage of now-overturned policy changes regarding prosecution. Despite the progress made, persistent problems remain, and numerous readily available solutions to

those problems — many of which were outlined in detail over four years ago in the JMI report — have not been utilized.

At the very least, County leadership must consider implementing front-end diversion programs and process like pre-arrest diversion and greater use of cite and release, evidence-based programs that divert drug use arrestees and the mentally ill, greater use of pre-trial release options that move away from the reliance on money bail practices that result in the pre-trial incarceration far too many people simply because they are poor, and reentry programs and services that will keep exiting individuals from re-offending.

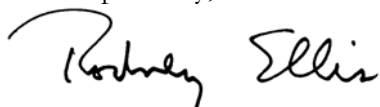
As recommended by the JMI report, reducing the number of persons booked into the jail — or even brought to the inmate processing center prior to formal booking — is the first stage to help alleviate crowding. Pre-arrest diversion of persons who have committed relatively minor nonviolent offenses is one obvious way to reduce the intake of new inmates.

There are also thousands of low-level drug possession arrestees who could be more effectively addressed through pre-trial diversion, deferred adjudication, probation based on accurate assessments, and various other means of diversion available. These methods of diversion are more effective at reducing crime, a more efficient use of resources, avoid giving these non-violent offenders felony records, and reduce the county jail population. Further, revising intake, charging, and plea negotiation policies and practices in cases involving persons who are accused of relatively low-level offenses and whose conduct does not pose a danger to others will also help with overcrowding and encourage pre-trial diversion. Lastly, bail bond practices and pre-trial services need to be modernized to reduce pre-trial jail populations.

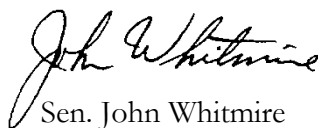
As the largest county in Texas housing the fourth largest city in the nation, Harris County should be at the forefront of implementing and perhaps even creating programs that ensure a safe and secure community and the efficient use of taxpayer dollars.

The continued granting and use of variance beds may prevent immediate crises, but it is not a long-term solution. In addition, it may prevent true collaborative efforts at the local level that could foster real, lasting reform. With that in mind, we urge you to thoroughly review the current variance request, take into consideration the above-mentioned issues, and recognize that more capacity is not the only solution. Ideally, this variance request process should motivate key criminal justice stakeholders in Harris County to reevaluate the options available to them and take steps to implement real jail reduction strategies.

Respectfully,



Sen. Rodney Ellis



Sen. John Whitmire



Sen. Sylvia Garcia



Rep. Garnet F. Coleman



Rep. Senfronia Thompson



Rep. Gene Wu



Rep. Jessica Farrar



Rep. Borris Miles



Rep. Armando Walle



Rep. Hubert Vo



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