



TEXAS JAIL PROJECT

www.texasjailproject.org

Listening, informing, and advocating for people in county jails.

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Thank you committee, my name is Krish Gundu, co-founder and Executive Director of Texas Jail Project, and I'm presenting written testimony on behalf of Texas Jail Project, Disability Rights Texas, and Prosumers International in opposition to SB 6.

As organizations focused primarily on people with disabilities, the bill's "Completion of Bail Form" requirement raises serious questions for us regarding implementation (Section 14). In our experience, *currently* codified reporting requirements (particularly mandatory 16.22 mental health screenings at booking that are required to be reported to magistrates) are routinely ignored. As of [today](#), Bee, Freestone, Gaines, Harrison, Liberty, and Titus counties are all actively non-compliant with the Texas Commission on Jail Standards because of 16.22 reporting violations and/or screening failures.

Pretrial detention in a county jail setting is uniquely dangerous and non-therapeutic for people with disabilities, evidenced by the volume of non-compliant findings around *adjacent* issues like medication administration and restraint chair practices. In our [report](#) presented by Texas Jail Project to the Governor's Committee on Persons with Disabilities in April 2021, we found that approximately 30% of people in a Texas county jail were being held in a facility found [non-compliant](#) because of practices related to disabilities.

Further, we know from experience that the bill's opportunity for defendants to submit a sworn affidavit regarding their financial situation, is an opportunity **inaccessible to** people with disabilities (Section 4, d). In a jail setting (known to accelerate decompensation, especially for people with Intellectual and Developmental Disabilities), expecting people with disabilities to first, understand that they have this right and second, act upon it -- providing reliable information to an assessment that asks income, employment history, cash holdings, non-cash assets, monies owed, and a series of itemized expense reports -- is preposterous. This is a burdensome expectation for an average defendant - who may struggle preparing this information under the *best* of circumstances - but a wholly **unreasonable** one for the most vulnerable people in our jails.

We are troubled that the bill outright prohibits magistrates from issuing personal bonds to people ever previously convicted of *any* offense involving violence (Section 5, b). In Montgomery county, violence charges were used against a young man with severe Tourette's syndrome whose muscular tics were taken as aggression. It's a hard but important truth, that often symptoms of mental illness, traumatic brain injury, and disabilities manifest as what police call, label and charge as violence. But a symptom is a symptom and an illness is an illness. They should be treated as such, not criminalized, and certainly not used as blanket disqualifications for moneyless release.

We're further troubled by SB 6's insistence that only the court where the case is pending, not a magistrate, may consider a personal bond for people charged with burglary (Section 5b1). We see burglary charges disproportionately associated with unhoused populations with disabilities - including in the case of Michele Goodwyn in Smith county - a Black woman with decades-long history of mental health treatment in state

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facilities, who under the less-restrictive status quo, has already been in jail pretrial for more than 3 years after being arrested in a psychiatric episode where she allegedly stole a 30 cent nail polish.

In [Texas](#), in 2013 “over 40% of bookings into local Texas county jails were for individuals who had ... some prior contact with the [Texas] public mental health system.” [As](#) the Texas Judicial Commission on Mental Health noted in 2016: “adults with untreated mental health conditions are eight times more likely to be incarcerated than the general population.” And the waitlist for transfer to a state hospital is currently over 1,450 deep - nearly a year and a half long. Last year, 111 people died in a Texas county jail. That is 27 times more than the number of people this state *sentenced* to death in the previous year.

The crisis is upon us, committee. While we commend good faith efforts to reform bail policy, SB 6 would expand *carceral* responses to *clinical* problems, exacerbate existing outcome disparities for people with disabilities, and in our analysis, significantly grow rural county jail populations.

SJR 3

Texas Jail Project, Prosumers International and Disability Rights Texas are also opposed to SJR 3. SJR 3 provides the constitutional amendment necessary to enact the changes articulated in SB 6.

Those changes include the authorization to deny bail to people ever previously convicted of any offense including violence (Section 5,b). As stated previously in this testimony, disproportionately individuals with disabilities are convicted due to alleged violent behavior resulting from interactions with law enforcement. While we are invested in the safety of all individuals, including law enforcement, such charges and convictions could be prevented if there is a more comprehensive understanding and use by law enforcement on symptoms of disability and use of de-escalation techniques. The focus should be on modifying interactions to accommodate individuals with disabilities rather than criminalizing individuals with disabilities due to symptoms related to their diagnosis.

We ask for your opposition, and thank you for your time.

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