



# AGENDA COORDINATION FORM

## Bexar County Commissioners Court

|                                     |  |  |  |   |                       |   |    |
|-------------------------------------|--|--|--|---|-----------------------|---|----|
| Type of Agenda Item (Choose one):   |  | Ceremonial <input type="checkbox"/>                              | Special Presentation <input type="checkbox"/>                                | Time Certain <input type="checkbox"/>                             | Consent               | Individual X  |    |
| Sponsoring Office/Department:       |  | Govt. Affairs/Criminal Justice                                   |  | Recipient Agency / Individual Name:                               |                       | Melissa Shannon                                       |    |
| Contact Person:                     |  | Mike Lozito  | Phone Number:  | 210-335-8981  | Court Date Requested: | November 15, 2022                                     |    |
| Presenter:                          |  | Melissa Shannon  |  | Phone Number:   |                       |   |    |
| Audio / Visual Presentation:        |  | Y <input type="checkbox"/> N <input checked="" type="checkbox"/> | PowerPoint? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> | ADA Assistance Required (type):                                   |                       |   | no |
| Official/Department Head Signature: |  |  |  | Small, Minority, Women-owned Business Enterprise (SMWBE): Impact: |                       | Y <input type="checkbox"/> N <input type="checkbox"/> |    |

**CAPTION:** Discussion and appropriate action to submit a letter signed by the County Judge and Commissioners to the Bexar County Legislative Delegation regarding the increase in jail population due to restrictive bail policies and the inaction of State agencies to comply with their statutory requirements. The increase in jail population without proper state reimbursements places a hardship on Sheriff's Office, County Government and the Citizens of Bexar County.

**ESTIMATED PRESENTATION TIME:** 10 minutes

**BACKGROUND:** In the 87<sup>th</sup> Texas Legislative Session, Senate Bill 6 was passed addressing the bail bond system. This legislation has severely restricted judicial discretion for individuals in jail on non-violent charges and who have not been convicted from receiving Personal Bond (for those individuals not having the financial ability to post money bail to be released from jail). Whereas, an individual who has the financial means and is charged with a heinous violent crime can be released on money bail. With the enactment of SB6, more individuals charged with non-violent offenses are staying in jail. Statewide data shows a significant increase in the pretrial misdemeanor population growing from 4,368 in April, 2022 to 5,109 in August, 2022 a 17% increase, the Bexar County Jail misdemeanor pretrial population has increased from 284 in April 2022 to 419 in November, 2022 a 32% increase in misdemeanor jail population, costing the county over \$4 million per year. A number of these individuals who are unable to post money bail, have mental health issues; previously judges would have been able to place them in programs to address their mental health conditions.

The State of Texas is statutorily required to pick up defendants found by the courts to be incompetent to stand trial, to restore competency and return to the county for the individual to stand trial. In Texas, there are 2,540 inmates found incompetent waiting to be transferred to a state facility, in Bexar County we have 310 inmates pending transfer to a state facility, with 53% of them waiting over 200 days for a state bed, some as long as two years. The cost for housing inmates with severe mental health conditions is \$416 per day, the combined time pending a state bed in Bexar County is 75,684 days costing the county over \$31,484,544. The increases in jail population with no state relief continues to place a hardship on the Sheriff's Office, County Government and the Citizens of Texas.

**RECOMMENDED MOTION:**

Approval to submit a letter signed by the County Judge and Commissioners to the Bexar County Legislative Delegation regarding the increase in jail population due to restrictive bail policies and the inaction of State agencies to comply with their statutory requirements. The increase in jail population without proper state reimbursements places a hardship on Sheriff's Office, County Government and the Citizens of Bexar County.

**FISCAL ASSESSMENT: APPLICABLE**      Yes       No       Fiscal Note

|    |   |                                  |                                  |
|----|---|----------------------------------|----------------------------------|
| 1  | Is this a revenue or expense?   | Revenue <input type="checkbox"/> | Expense <input type="checkbox"/> |
| 2  | Dollar amount of revenue or expense associated with item?                   |                                  |                                  |
| 3  | Is this a budgeted revenue or expense?                                      | Yes <input type="checkbox"/>     | No <input type="checkbox"/>      |
| 4  | Does this item require additional staff?                                    | Yes <input type="checkbox"/>     | No <input type="checkbox"/>      |
| 5  | Will this increase your current budget?                                     | Yes <input type="checkbox"/>     | No <input type="checkbox"/>      |
| 6  | Impact on future Budget? If Yes, Explain in Comments.                       | Yes <input type="checkbox"/>     | No <input type="checkbox"/>      |
| 7  | Current End-of-Year Expenditure Estimate-for impacted Object Code(s)?       |                                  |                                  |
| 8  | If an expense, what is the current Object Code budget amount?               |                                  |                                  |
| 9  | If an expense, are sufficient funds currently budgeted in the Object Code?  | Yes <input type="checkbox"/>     | No <input type="checkbox"/>      |
| 10 | If an expense, are sufficient funds currently budgeted in the Appropriation | Yes <input type="checkbox"/>     | No <input type="checkbox"/>      |
| 11 | List impacted offices or departments or note if countywide:                 |                                  |                                  |
| 12 | Fund number:  |                                  |                                  |
| 13 | Org number and Agency Code:   |                                  |                                  |
| 14 | Object Code number:   |                                  |                                  |
| 15 | If this is a grant, what is the estimated amount of program income?         | N/A                              |                                  |
| 16 | If this is a grant, what is the amount of Grantor funding?                  | N/A                              |                                  |
| 17 | If this is a grant, what is the required County cash match?                 | N/A                              |                                  |
| 18 | If this is a grant, what is the required County in-kind/allocation match?   | N/A                              |                                  |
| 19 | If this is a grant, was item approved by the Grant Review Committee?        | Yes <input type="checkbox"/>     | No <input type="checkbox"/>      |
| 20 |   |                                  |                                  |
| 21 | Coordinated by: _____   | Verified By: _____               |                                  |



November 15, 2022

Dear Bexar County Delegation,

The Bexar County Commissioners Court in solidarity are writing to express our concerns about actions created at the state level that have severely impacted our sworn officers, their families, jail operations, jail population, denial of services for the mentally and an increased financial burden to the citizens of Bexar County. As a legislative member and as a delegation in bipartisan unity with other county delegations you have the ability to address these issues in an impactful way to make sure the State makes sound criminal justice policies and addresses the financial burdens the State has placed on every county in Texas.

***States inability to meet its statutory obligations:***

The State is statutorily required to pick up defendants found by the courts to be incompetent to stand trial, to restore competency and return to the county for the individual to stand trial. In Texas, there are 2,540 inmates found incompetent waiting to be transferred to a state facility, in Bexar County we have 310 inmates pending transfer to a state facility, with 53% of them waiting over 200 days for a state bed, some as long as two years. A recent statewide study showed the average wait time for a maximum-secure bed was 699 days and 241 days for a non-maximum secure bed. The cost for housing inmates with severe mental health conditions is \$416 per day, the combined time pending a state bed in Bexar County is 75,684 jail bed days costing the county over \$31,484,544. Besides, inmates pending state placement that are found incompetent, Other state agencies also contribute to our jail capacity issues such as parole violators, convicted inmates and inmates pending treatment beds. Prior to the pandemic in November 2019, Bexar County had 443

state inmates pending transfer, in November 2022, Bexar County has 819 state inmates, a 46% increase, another unfunded state action costing Bexar County citizens an additional \$32,336 per jail day or \$11.8 million per year, with state responsibilities being pushed down to our county, our jail is nearing 93% capacity. This has caused jail staffing issues, requiring Mandatory Overtime for jail staff and the use of law enforcement to assist in coverage in non-jail related functions to address state shortfalls.

***States legislation and its unfunded mandate consequences:***

During the 87<sup>th</sup> Texas Legislative Session, Senate Bill 6 was passed addressing the bail bond system. This legislation has severely restricted judicial discretion for individuals in jail on non-violent charges and who have not been convicted from receiving Personal Bond. Whereas, an individual who has the financial means and is charged with a heinous violent crime can still be released on money bail. With the enactment of SB6, more individuals charged with non-violent offenses are staying in jail. Statewide data shows a significant increase in the pretrial misdemeanor population growing from 4,368 in April, 2022 to 5,109 in August, 2022 a 17% increase, the Bexar County Jail misdemeanor pretrial population has increased from 284 in April, 2022 to 419 in November, 2022 a 32% increase in misdemeanor jail population, costing the county over \$4 million per year. A number of these individuals who are unable to post money bail, have mental health issues; previously judges were able to place them in programs to address their mental health conditions.

Besides the burden of cost to the counties, we also face the guaranteed right to a speedy trial in both federal and Texas constitutions, which not only impacts the defendant, it impacts the victim and their families. These unwanted state statues such as SB6 has caused counties to fully adhere to the Sandra Bland Act for those in jail who suffer from mental illness. We must act to properly and timely dispense justice.

It is our understanding that Dallas County has submitted a similar letter to their delegation to address these issues. We ask legislators to apply the resources necessary to address state hospital inadequacies, fix SB6 to give back judicial discretion and fund Bexar County to make up the financial burden that has been placed on our citizens. The Commissioners Court of Bexar County and our staff are committed to work with you to enact legislation and resources to address all the issues in this letter so our jail does not hit capacity, stress our detention and law enforcements resources and end up making decisions that could end up impacting community safety.

The Bexar County Commissioners Court,

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Nelson W. Wolff  
County Judge

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Rebeca Clay-Flores  
Commissioner, Precinct 1

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Justin Rodriguez  
Commissioner, Precinct 2

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Marialyn Barnard  
Commissioner, Precinct 3

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Tommy Calvert  
Commissioner, Precinct 4