

**Intellectual and Developmental  
Disabilities Advisory Committee  
to Texas Commission of Jail  
Standards**

Legislative Report

**Intellectual and Developmental Disability  
Advisory Committee**

**December 2022**

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## Executive Summary

The Intellectual and Developmental Disability Advisory Committee to the Texas Commission on Jail Standards submit their 2022 Annual Report as required by [House Bill 2831](#) from the 87<sup>th</sup> Regular Session (2021). This report contains the recommendations from the IDDAC on matters related to the confinement in county jail of person with intellectual of developmental disabilities.

### Summary of Recommendations:

- The IDDAC will continue to explore data from the TLETs CCQ system and its ability to correctly identify those with IDD in the jail setting. Additional research and evaluation is needed to determine what additional changes could be made to improve the correct identification of inmates with IDD using the TLETs CCQ system.
- IDDAC recognizes that additional data collection may be useful in better understanding the needs of those with IDD in the jail setting and will continue to explore potential methods of data collection for this purpose.
- IDDAC, TCJS and relevant stakeholder groups should continue to research and evaluate the screening processes for those that are incarcerated to identify the best combination of methods needed to consistently and accurately identify those with a IDD in the jail setting.
- The IDDAC recommends additional updates to the current training for jailers on IDD as well as expanding the groups of people within the criminal justice system who are able to complete this training and increase their knowledge of the special concerns for those with IDD in the jail setting.
- Identify and increase the support to LIDDAs, other community organizations supporting those with IDD, and Texas jails with providing care and resources to those with IDD in the jail setting.
- TCJS recommends that IDD treatment data be maintained indefinitely, so all inmates with a history of IDD can be properly identified. IDD is a lifelong disorder but TLETs CCQ data only identifies persons with IDD who received services in Texas in the past three years; thus, persons treated prior to three years will not be identified as IDD.
- TCJS recommends a monthly (or quarterly report) be produced by HHSC detailing the number of positive CCQ matches or IDD inmates in Texas's County Jails. Currently, there is no widespread data available to the public,

or other governmental agencies, regarding the number of positive CCQ matches or IDD inmates in Texas's County Jail system.

- TCJS recommends extending the work of the IDD Advisory Committee for an additional two years. Continuation of The IDD Advisory Committee is necessary to evaluate the problem's scope, determine best practices, and make modifications to the IDD screening form as necessary.

## Introduction

In the 87<sup>th</sup> Regular Session (2021), [House Bill 2831](#) required the Texas Commission on Jail Standards (TCJS) to establish a 13-member Intellectual and Developmental Disabilities Advisory Committee (IDDAC) to “advise the commission and make recommendations on matters related to the confinement in county jail of persons with intellectual or developmental disabilities”.

The advisory committee consists of 13 members appointed by the TCJS presiding officer, with the commission’s approval as follows:

1. One representative of TCJS;
2. One representative of the Department of State Health Services (DSHS);
3. One representative of the Health and Human Services Commission (HHSC) with expertise in Intellectual and Developmental Disabilities (IDD);
4. One representative of the Texas Commission on Law Enforcement (TCOLE);
5. One representative of the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI);
6. One sheriff of a county with a population of 80,000 or more;
7. One sheriff of a county with a population of less than 80,000;
8. Two representatives of statewide organizations that advocate for individuals with intellectual and developmental disabilities;
9. One representative who is a mental health professional with a focus on trauma and intellectual and developmental disabilities;
10. One representative from a state supported living center
11. One member who has an intellectual or developmental disability or whose family member has intellectual or developmental disability; and
12. One member who represents the public.

The advisory committee duties include:

- Gather and review data regarding the confinement in county jails of persons with IDD; and
- Provide recommendations and guidelines to sheriffs and counties regarding the confinement of persons with intellectual or developmental disabilities
- Submit a report by December 1<sup>st</sup> of each even-numbered year that include recommendations for legislative or other action related to the confinement of persons with intellectual or developmental disabilities in county jails to:
  1. The governor;
  2. The lieutenant governor;
  3. The speaker of the house of representatives; and
  4. Each standing committee of the legislature with primary jurisdiction over the commission.

## Background

### IDD Definitions and Prevalence in Texas

Intellectual disability and developmental disabilities are a wide array of disorders with multiple potential underlying causes. Intellectual disabilities are disabilities present before age 18 and are distinguished by significant limitations in both intellectual functioning and adaptive behaviors, such as social and practical everyday living skills. Developmental disabilities are severe, chronic disabilities, present before the age of 22, that can affect a person's cognitive ability, physical functioning, social skills, or any combination of these. (The Arc of Texas, 2022). There is a range of abilities for people with IDD, even for those with the same underlying cause for their intellectual disability and/or developmental disability, and people can be diagnosed with both an Intellectual Disability and a Developmental Disability as they are not mutually exclusive. Texas is home to an estimated 500,000 children and adults with IDD, with a wide array of complex needs being served by several state and local systems for care and support (Texas Statewide Behavioral Health Strategic Plan Update, 2019).

### Persons who are Incarcerated with IDD

Persons with IDD are more likely to face additional challenges while incarcerated. These include an increased risk of being arrested, convicted, incarcerated, and/or to serve a longer sentence without equal opportunity for probation or parole when compared to peers without IDD (Texas Statewide Behavioral Health Strategic Plan Update, 2019) . The Texas Legislature recognizes that those with IDD who are incarcerated can face additional difficulties in the jail setting, and in response, during the 87<sup>th</sup> Regular Session (2021) created the Texas IDDAC, established by [House Bill 2831](#) to advise the Texas Commission on Jail Standards and make recommendations on matters related to the confinement in county jail of persons with intellectual or developmental disabilities.

The IDDAC built upon previous work done by the task force established by TCJS as a result of [House Bill 3116 from the 86<sup>th</sup> Regular session](#) (2019). This bill created a

task force appointed by TCJS which included stakeholders from a variety of organizations across the state. The task force developed the [Detention of Persons with IDD Report](#), published in December of 2020. This report includes valuable information, including important definitions, a summary of community services and support for persons with IDD in Texas, a detailed background on the Texas Law Enforcement Telecommunications System (TLETs) system and the Continuity of Care Query (CCQ) to determine if a person who is incarcerated is currently being served by a Local Mental Health Authority (LMHA), Local Behavioral Health Authority (LBHA), or Local Intellectual and Developmental Disability Authority (LIDDA) in order to provide continuity of care and services, and recommendations to the Texas Legislature for best practices and further needs related to persons with IDD in the jail setting.

## **IDDAC Committee**

The IDDAC convened on March 24, 2022 to discuss the committee's purpose, rules, schedule, procedures, and products. The committee then spent subsequent meetings determining the most pressing needs for persons with IDD who are in the jail system under the purview of the TCJS. The committee used the recommendations from the previous [IDD Task Force Report](#) as a foundation for the committee's ongoing work along with the variety of expertise, backgrounds, and experiences brought together by IDDAC members.

The committee determined there were 5 areas of focus which were subsequently formed into subcommittees:

1. Data Collection
2. Identification of those with IDD in the jail system (Intake Screening Form),
3. Training for Jail Staff on IDD
4. Service Connection (for those that are identified with IDD in the jail system),
5. Legislative Report

The subcommittees began meeting in the Spring of 2022 to further discuss potential recommendations for this legislative report and consider what additional resources would be helpful in creating these recommendations. Each committee was tasked with determining recommendations that could be put forth in this report for consideration for legislative or other action. The IDDAC members recognized the short time frame between subcommittee formation and the required legislative

report, and in an effort to minimize potential negative downstream effects of inadequately researched or vetted recommendations, worked to include for this initial report those recommendations which were recognized early in the committee meetings as ongoing priorities from the [IDD Task Force Report](#) or those priorities that had strong consensus from the majority of the of the IDDAC membership.



# Committee Recommendations

## Data Collection

The [IDD Task Force Report](#) contains an thorough summary of the TLETS CCQ process and the addition in August 2020 of a new system functionality that allowed for the identification of inmates with a history of receiving intellectual disability services within the state of Texas. The Data Collection Committee was able to examine CCQ data and gathered together potential recommendations regarding the TLETS CCQ system with regards to IDD diagnoses. The committee continues to explore those recommendations to determine which may potentially improve the capability of the TLETS CCQ system to match more efficiently with individuals who received IDD services and reduce the number of probable matches that do not turn out to have an IDD diagnosis.

The committee also recognizes that there is currently no system that exists to monitor or collect information on those identified with IDD in the jail setting in Texas. This information could be helpful to guide future recommendations specific to the population of people in Texas with IDD in the jail setting. The committee will continue to explore potential ways that this information could be collected that would be useful and not cost-prohibitive. The IDDAC recommends that:

1. TLETS CCQ data continue to be used in a collaborative manner by jails and LIDDAs to identify those with suspected or confirmed IDD and provide support appropriate for those with IDD in the jail setting.
2. The Data Collection committee along with TCJS and relevant stakeholders should continue to explore additional modifications to the TLETS CCQ system with regards to IDD diagnoses that could potentially optimize the identification of inmates with IDD diagnoses.
3. IDDAC should continue with TCJS to explore potential methods of data collection for the IDD population in the jail setting and what additional support would be necessary for both the data collection and interpretation of that data to be implemented.

## Identification of Persons with IDD in Texas Jails

The committee recognizes there can be difficulties in easily recognizing that a person who is incarcerated may have been diagnosed previously with an IDD.

Texas has the benefit of the TLETs system with CCQ to assist with determining if a person who is incarcerated is currently being served by a Local Mental Health Authority (LMHA), Local Behavioral Health Authority (LBHA), or Local Intellectual and Developmental Disability Authority (LIDDA) in order to provide continuity of care and services. However, because the TLETs CCQ data only identifies persons with IDD who received services in Texas in the past 3 years, there can be gaps in identification using this system alone. People at risk of being missed by the TLETs CCQ could potentially include those who received private IDD services (not through a state agency), received services in another state before moving to Texas, or those who have not received IDD services in the recent past. Therefore, additional methods by which to identify those with IDD within Texas jails are necessary to further supplement the work of the TLETs CCQ system.

Per the previous [IDD Task Force Report](#), screening specifically tailored to identify individuals with IDD can be an additional tool to assist jails in identifying those with IDD who may not show up in a TLETs CCQ. The current screening tool used by jails under the jurisdiction of TCJS has some questions related to identifying a history of IDD, but ongoing evaluation of the screening tool and what modifications may be helpful in better identifying those with IDD in the jail setting will continue to be explored by this committee.

Furthermore, the IDDAC recognizes that there may be additional sources of information that could potentially be helpful in identifying persons with IDD in the jail system, such as the Individual Education Program (IEP) records from the public education system or possibly verified medical records. The IDDAC committee recommends:

1. IDDAC, TCJS and relevant stakeholder groups should continue to research and evaluate the screening processes for those that are incarcerated to identify the best combination of methods needed to consistently and accurately identify those with a IDD in the jail setting.
2. IDDAC should continue to explore the training jailers receive related to the use of the current screening form and if modifications or additions to this training would assist in the recognition of those with IDD in the jail setting.
3. IDDAC should continue to explore additional methods of verification of an IDD diagnosis for those in the jail system outside of the TLETs CCQ system to ensure those with IDD who have never received state IDD services are able to be identified.
  - a. IEPs in the school setting can have invaluable information with regards to IDD diagnoses. The committee should continue to explore the feasibility

of using these records for those with IDD as an additional method of identification/verification of IDD diagnoses in jails.

## **Training for Jail Staff on IDD**

[House Bill 2831](#) from the 87<sup>th</sup> Regular Session (2021), under Section 1701.269, also required the creation of a training program for county jailers that consists of at least 4 hours of education and training on interacting with a person with an intellectual or developmental disability who is confined in a county jail, including techniques to assess a person for an intellectual or developmental disability. A county jailer who completes the training program may count the hours towards the jailer's continuing education requirements. The committee recognizes the hard work from TJCS creating the [Intellectual and Developmental Disabilities Training for Jailers](#) and those at TCOLE for administering the training with professionalism and care for this important subject matter. The IDDAC committee as a whole, along with the Training subcommittee, reviewed the current training curriculum and had the following recommendations for ongoing improvement:

1. The current training for IDD should be updated using stakeholder input from organizations with subject matter expertise in IDD best practices and services. These updates would include additional practical advice on methods for interacting with those with IDD, additional methods/strategies for identifying those with IDD, additional clarification on definitions, and additional information on best practices for those with IDD in the jail setting.
2. Although mental health disorders and IDD can co-occur in individuals, the committee recognizes there are specific needs for persons with IDD and trainings specifically to address these needs are important in and of themselves. However, since the training on IDD is not currently required, consider adding it as a supplement to the required training on mental health disorders so that the state ensure this training is given to all corrections officers working in the jail systems under TCJS purview.
3. Consider making the training on IDD available to additional members of the judicial system that interact with persons with IDD in the judicial system (such as magistrates, public defenders, etc) to strengthen their skills in assisting those with IDD who are incarcerated.
4. The committee recommends this training be taken in person whenever possible, as the subject matter lends itself better to in-person instruction. However, maintaining this as an online training is vitally important, as this

may be the only practical way for a portion of the state's correctional officers to learn this information, which is preferable to not receiving the training at all.

## **Service Connection**

The Service Connection subcommittee recognizes and appreciates the work the LIDDAs and jails under TCJS jurisdiction are already doing to assist those who are identified with IDD in jail settings and connecting them to appropriate services. The committee is focused on continued research to identify ways to support LIDDAs, other community organizations supporting those with IDD, and Texas jails with providing support and resources to those with IDD in the jail setting. The IDDAC recommends:

1. For the IDDAC to continue to explore best practices for those with IDD in the jail setting and what resources are available within the state to this population.
2. The legislature should continue to research and identify gaps in community-based services for people with IDD and continue to work to increase capacity for services to address these gaps as they are discovered.
3. Recommend that LIDDAs and Texas jails continue to strengthen their working relationships to provide continuity of care and resources to those identified with IDD in the jail setting.

## TCJS Recommendations

The Texas Commission on Jail Standards (TCJS) agrees with the Advisory Committee's recommendations. Additional consideration of the following items is requested.

1. TCJS recommends that IDD treatment data be maintained indefinitely, so all inmates with a history of IDD can be properly identified. IDD is a lifelong disorder, and as previously mentioned, TLETs CCQ data only identifies persons with IDD who received services in Texas in the past three years; thus, persons who have not received services within the past three years will not be identified via TLETs CCQ.
2. TCJS recommends a monthly (or quarterly report) be produced and made available by HHSC detailing the number of positive CCQ matches or IDD inmates in Texas's County Jails. Currently, there is no widespread data available to the public, or other governmental agencies, regarding the number of positive CCQ matches or IDD inmates in Texas's County Jail system. It is necessary to understand the size and scope of the IDD population in Texas's county jails to ensure that the necessary resources are being properly allocated. Additionally, having access to this data would also further the mission and assist the Advisory Committee in its development and continuation.
3. TCJS recommends extending the work of the IDD Advisory Committee for an additional two years. Continuation of the IDD Advisory Committee is necessary to evaluate the problem's scope, determine best practices, and make modifications to the IDD screening form as necessary.

## Conclusion

The IDDAC brings together a diverse group of professionals who are committed to working with TCJS to find solutions to address the many needs of those with IDD in the jail setting. The priorities set in this first report have set the groundwork for this committee to continue to research solutions and best practices and determine where innovation or change may be needed in current standards/processes in the jail setting and beyond. The committee will continue to work with stakeholder groups, committee members, other state agency representatives, and others to present solutions to the challenges presented in this report and monitor for new challenges that should be addressed. The IDDAC recognizes that ongoing work is needed to continue to support both those with IDD and those providing their care in the jail setting with the best possible resources and knowledge to impact outcomes for the better.

## References

### References

*Texas Statewide Behavioral Health Strategic Plan Update*. (2019, February).

Retrieved from HHS Texas:

<https://www.hhs.texas.gov/sites/default/files/documents/laws-regulations/reports-presentations/2019/hb1-statewide-behv-hlth-idd-plan-feb-2019.pdf>

*The Arc of Texas*. (2022). Retrieved from "What is IDD?":

<https://www.thearcoftexas.org/what-is-idd/>

## List of Acronyms

<b>Acronym</b>	<b>Full Name</b>
CCQ	Continuity of Care Query
DSHS	Texas Department of State Health Services
HHSC	Texas Health and Human Services Commission
IDD	Intellectual or Developmental Disability
IDDAC	Intellectual or Developmental Disability Advisory Committee
IEP	Individualized Education Program
LBHA	Local Behavioral Health Authorities
LIDDA	Local Intellectual and Developmental Disability Authority
LMHA	Local Mental Health Authority
TCJS	Texas Commission on Jail Standards
TCOLE	Texas Commission on Law Enforcement
TCOOMMI	Texas Correctional Office on Offenders with Medical or Mental Impairments
TLETS	Texas Law Enforcement Telecommunication System



## Appendix A. Committee Members

**Table A-1: Texas Commission on Jail Standards Intellectual and Developmental Disability and Advisory Committee Members as of October 2022**

Name	Committee Position	Professional Affiliation and Location
<b>Sheriff Kelly Rowe</b>	TCJS Representative	Lubbock County Sheriff’s Office
<b>Dr. Fagen-Bohm</b>	DSHS Representative	Texas Department of State Health Services
<b>Haley Turner</b>	HHSC Representative	Health and Human Services Commission
<b>Cullem Grissom</b>	TCOLE Representative	Texas Commission on Law Enforcement
<b>Sherii Cogbill</b>	TCOOMMI Representative	Texas Correctional Office of Offenders with Medical or Mental Impairments
<b>Sheriff Wayne Dickey</b>	Sheriff of a county with a population of 80,000 or more	Brazos County Sheriff’s Department
<b>Sheriff Gerald Yezak</b>	Sheriff of a county with a population of less than 80,000	Robertson County Sheriff’s Department
<b>Kirk Noaker</b>	a representative of statewide organizations that advocate for individuals with IDD	Arc of Texas
<b>Bryan Camphire</b>	a representative who is a mental health professional with a focus on trauma and IDD	Integral Care

Name	Committee Position	Professional Affiliation and Location
<b>Lee Johnson</b>	a representative of statewide organizations that advocate for individuals with IDD	Texas Council of Community Centers, Inc.
<b>Robin Seale-Gutierrez</b>	a representative from a state supported living center	Lubbock State Supported Living Center
<b>Nedra Cheatham</b>	a member of the public who has a family member with IDD or who themselves have IDD	N/A
<b>Krish Gundu</b>	Ad Hoc member	Texas Jail Project