

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

Legislative Report

**Intellectual and Developmental Disabilities
Advisory Committee**

December 2024

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1. Executive Summary

The Intellectual and Developmental Disability Advisory Committee to the Texas Commission on Jail Standards submit their 2024 Annual Report as required by [House Bill 2831](#) from the 87th 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 people with IDD in the jail setting.
- IDDAC and TCJS should continue to evaluate the screening processes and screening tools for people that are incarcerated to identify the best combination of methods needed to identify people with IDD consistently and accurately in the jail setting.
- The IDDAC recommends additional updates to the current training for jailers on IDD as well as promoting that others working in the criminal justice system to complete this training and increase their knowledge of the special concerns for people with IDD in the jail setting.
- Continue to support to LIDDAs, other community organizations supporting people with IDD, and Texas jails with providing care and resources to people with IDD in the jail setting.
- Ongoing investment into community-based services for people with IDD.

2. Introduction

In the 87th 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 1st 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.

3. Background

IDD Definitions and Prevalence in Texas

Intellectual disability and developmental disabilities¹ 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.² There is a range of abilities for people with IDD, even for people 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 485,000 children and adults with IDD, with a wide array of complex needs being served by several state and local systems for care and support.³

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. Data from the Bureau of Justice Statistics found

¹ IDD was formerly known as "mental retardation", but this terminology is now considered outdated and antiquated.

² The Arc of Texas. (2022). Retrieved from "What is IDD?": <https://www.thearcoftexas.org/what-is-idd/>

³ 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>

among people in jail, as many as 30 percent reported a cognitive disability³. The Texas Legislature recognizes that people with IDD who are incarcerated can face additional difficulties in the jail setting, and in response, during the 87th 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 continues to build upon previous work done by the task force established by TCJS as a result of [House Bill 3116](#) from the 86th Regular Session (2019). This bill created a task force appointed by TCJS which included stakeholders from a variety of organizations across the state. This 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). The TLETs system and the CCQ help jails 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) to provide continuity of care and services. Additionally, this report includes recommendations to the Texas Legislature for best practices and further needs related to persons with IDD in the jail setting, which have been important resources for the IDDAC committee to build upon.

IDDAC Committee

The IDDAC convened on March 24, 2022, and continues to meet quarterly to discuss the most pressing needs for people with IDD who are in the jail system under the purview of the TCJS and to discuss potential recommendations. The committee listens to presentations from subject matter experts, public testimony, subcommittee reports, and input from the IDDAC members who have a variety of expertise, backgrounds, and experiences to create recommendations for the bi-annual report.

There are five subcommittees of the IDDAC:

1. Data Collection

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

The subcommittees meet and discuss potential recommendations for the legislative report and consider what additional resources would be helpful in creating these recommendations. They meet with subject matter experts on topics of interest and report on progress at each quarterly IDDAC committee meeting. Each committee was tasked with determining recommendations that could be put forth in this report for consideration for legislative or other action. Details on the recommendations are in each subcommittee section below. The Legislative report subcommittee is tasked with consolidating the recommendations from the IDDAC and subcommittees into the final legislative report.

4. Committee Recommendations

Data Collection

The TCJS IDD Advisory Committee Subcommittee on Data Collection convened to discuss recommendations on how to continue to refine or enhance the TLETS data collection process to support individuals suspected of or confirmed to have IDD entering Texas jails. During the last year, the larger committee received a recommendation to expand the TLETS matching criteria to expand the current “3 year look back” parameters. The subcommittee had extensive conversation about this recommendation and determined, at this time, there needs to be additional analysis conducted on the current data collection process and parameters, prior to any expansion.

Therefore, the IDDAC makes the following recommendations:

- The TCJS Subcommittee on data collection will explore, with HHSC IDD program and HHSC Information Technology staff, the feasibility of conducting an analysis for the refinement of data that is currently collected through the TLETS matching process including what service codes are matched from the Mental and Behavioral Health Outpatient Warehouse (MBOW), to create a potential or exact match.
- Upon conclusion of any intermediate data analysis project, the subcommittee plans to provide further recommendations about refinement or expansion of data matching parameters.

Identification, via Screening, of Persons with IDD in Texas Jails

The IDDAC 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 LIDDA to provide continuity of care and services. However, because the TLETS CCQ data may not readily identify all people with a history of IDD, there should be complementary systems for

identification of all people with IDD within the jail setting. People at risk of being missed by the TLETS CCQ could potentially include people who have received IDD services not provided by a state agency, or those that received services in another state before moving to Texas, or people who have not received IDD services in the recent past. Therefore, additional methods by which to identify people with IDD within Texas jails are necessary to further supplement the work of the TLETS CCQ system.

Similar to the current screening practice that was enhanced and standardized during the 85th Regular Legislative Session (2017) with [Senate Bill 1326](#) and [Senate Bill 1849](#) for the identification of individuals with mental health needs and notification to magistrates, having questions specifically tailored to the IDD population can be an additional tool to assist jails in identifying people with IDD who may not show up in the TLETS CCQ. The current screening tool used by jails, under jurisdictions of TCJS, primarily focus' questions to mental health and potential suicidal risk identification; additional questions or further revision of existing questions could be helpful in recognizing individuals with IDD needs more readily. The IDDAC recommends:

1. TCJS engage experts to test and evaluate the following questions in a pilot as potential additions to the current screening tool:
 - a. Has anyone ever told you that you have an intellectual or developmental disability (formerly known as mental retardation)? Yes or No
 - b. Have you ever been in special education? Yes or No
 - c. Do people help you manage your money or your health care? Yes or No
2. IDDAC and TCJS should continue to research and evaluate the screening processes and the intake screening tool for people that are incarcerated to identify the best combination of methods needed to consistently and accurately identify people with IDD in the jail setting. If changes are made to the current screening tool, IDDAC recommends additional training be offered to implement the new questions effectively. Additionally, if the screening questions for IDD are positive, clear instructions to the jailers on next steps for positive screens should continue to be a priority in order to ensure a person with IDD in the jail system is connected to appropriate support services.
3. IDDAC should continue to explore additional methods of verification of an IDD diagnosis for people in the jail system to better identify people with IDD who don't have a history of receiving state funded IDD services. Additional sources of information could include: Individual Education Program (IEP)

records from the public education system, family members of those with IDD, or possibly verified medical records.

4. Exploring the use of guardianship as an additional method of verification for IDD diagnosis for people in the jail system.

Training for Jail Staff on IDD

[House Bill 2831](#) from the 87th 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 IDD. 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 TCJS creating the "Intellectual and Developmental Disabilities Training for Jailers" and staff at TCOLE for administering the training with professionalism and care for this important subject matter. The IDDAC committee along with the Training subcommittee, reviewed the current training curriculum and the Training subcommittee has used feedback from the IDDAC committee along with subject matters experts to provide suggestions on updates to the current training. The IDDAC recommends:

1. TCJS along with the IDDAC should elicit feedback for the proposed updates to the current training from additional stakeholders and subject matter experts.
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, the IDDAC recommends considering 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. Promoting 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 people with IDD who are incarcerated.
4. 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 people who are identified with IDD in jail settings and connecting them to appropriate services. Additional work is necessary to identify ways to support LIDDAs, other community organizations focused on supporting people with IDD, and Texas jails to improve access to needed services and supports. The subcommittee's focus is to identify and reenforce existing strategies and recommend best practices for future consideration. To this end, the IDDAC recommends:

1. Continued exploration of best practices for people with IDD in the jail setting and what resources are available within the state to best serve this population.
 - a. The IDDAC will continue to use as a foundation the [IDD Task Force Report](#) to research ways to best connect people with IDD in the jail setting with available resources in jail facilities and the community.
2. Continued research and identification of gaps in community-based services for people with IDD to recommend ways to increase capacity for services and address gaps as they are identified.
3. That LIDDAs and Texas jails continue to strengthen their working relationships to provide continuity of care and resources to people identified with IDD in the jail setting.
4. Ongoing investment into community-based services for people with IDD.

5. 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 people with IDD in the jail setting. The priorities outlined in this report 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 people with IDD and those providing their care in the jail setting with the best possible resources and knowledge to impact outcomes for the better.

List of Acronyms

Acronym	Full Name
CCQ	Continuity of Care Query
DSHS	Department of State Health Services
HHSC	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
MBOW	Mental and Behavioral Health Outpatient Warehouse
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 2024

Name	Committee Position	Professional Affiliation and Location
Sheriff Kelly Rowe (Chair)	TCJS Representative	Lubbock County Sheriff's Office, Lubbock, Texas
Dr. Kelly Fegan-Bohm	DSHS Representative	Department of State Health Services, Austin, Texas
Haley Turner	HHSC Representative	Health and Human Services Commission, Austin, Texas
Cullen Grissom	TCOLE Representative	Texas Commission on Law Enforcement, Austin, Texas
Emily Eisenman	TCOOMMI Representative	Texas Correctional Office on Offenders with Medical or Mental Impairments, Austin, Texas
Sheriff Gerald Yezak	Sheriff of a county with a population of less than 80,000	Robertson County Sheriff's Office, , Texas
Sheriff Bo Stallman	Sheriff of a county with a population of 80,000 or more	Brazoria County Sheriff's Office, , Texas
Ellen Bauman	Representative of a statewide organization that advocates for individuals with intellectual and developmental disabilities	The Arc of Texas Austin, Texas
Lee Johnson	Representative of a statewide organization that advocates for individuals with intellectual and developmental disabilities	Texas Council of Community Centers, Austin, Texas
Bryan Camphire	Representative who is a mental health professional with a focus on trauma and intellectual and developmental disabilities	Integral Care, Austin, Texas
Robin Seale-Guiterrez	Representative from a state supported living center	Lubbock State Supported Living Center, Lubbock, Texas
Dr. Lizdelia Piñón, Ed.D.	Member who has an intellectual or developmental disability or whose	Crowley, Texas

Name	Committee Position	Professional Affiliation and Location
	family member has intellectual or developmental disability	
Gene Terry	Member who represents the public	Dallas, Texas