

Governor Greg Abbott
PO Box 12428
Austin, TX 78711-2425

April 12, 2025

Failure of the Texas Commission of Jail Standards

Dear Governor Abbott:

I write to you today about serious problems occurring in county jails in the State of Texas. These problems are resulting in civil rights violations for inmates that could bankrupt many of our Texas counties. Sick inmates- those with both mental and physical health conditions- are suffering from mistreatment, maltreatment, and lack of treatment while in state custody. Many of them have not yet been convicted of any crime and are awaiting their day in court, as is their right. Regardless of what brought them to jail, the state must uphold their right to life.

The loss of life in these jails has cast a shadow on the Texas Commission on Jail Standards and caused multiple counties to settle millions of dollars in lawsuits.

Failure of the Texas Commission of Jail Standards To enforce Texas Law

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible. Except as otherwise provided by Subsection (b), the appointed law enforcement agency shall conduct the investigation.

This section was a direct result of the Sandra Bland Act passed in 2017. This was passed to ensure that in custody death investigations are an independent, unbiased, objective investigation. Something that the public could trust, that policymakers could trust, that it is not self-interested the way it would be if it is an agency investigating itself.

Unfortunately, it appears the Commission has not been in step with the law since the beginning. TCJS Executive Director Brandon Wood issued a memo to Texas Sherriff's and Jail Administrators to send a list of agencies they would approve to do their investigations [memo to Texas sheriffs and jail administrators](#). This appears to be a misinterpretation of the law and violates both the letter and the spirit of that statute. It is allowing agencies to figure out who is going to investigate them. That defeats the entire point of independence. The whole idea is that you do not want it to be tainted by any appearance of impropriety, any appearance that there is a conflict of interest.

As such, it is entirely possible that no in custody death, save perhaps where the Texas Rangers have had a direct investigation, have been properly investigated since the inception of the Sandra Bland Act in 2017.

This failure of the Commission is leading to in custody deaths around the state and allowing jails to operate in a non-compliant manner. While the state has issues with counties all over, Tarrant County Jail appears to be avoiding a non-compliance finding despite many examples of TCJS violations.

Death of Mason Yancy

My brother Mason Yancy died in Tarrant County Jail December 27, 2024. Mason Yancy was in custody

inmate death 9 in 2024. By comparison, Harris County had 10 in custody deaths with over double the inmate population. Harris County is a non-compliant jail per the Commission <https://www.tcjs.state.tx.us/non-compliant-jails/>. Mason Yancy was a diabetic. It is our family's position he was having medical issues related to diabetes when he was arrested. According conversations with his mother on December 24 & 25, 2024, he received insulin shots. They cannot confirm if he received any more in his two remaining days of life. Several inmates have been able to reach the Yancy's and provide a story of mistreatment of Mason in Tarrant County Jail. These statements are in contradiction to the "glowing" report provided by Sherriff Waybourn of Mason's care – care that he eventually died from at age 31.

Tarrant County

According to testimony provided by Sherriff Waybourn on the death of Mason Yancy on January 14, 2025 at the regular meeting of the Tarrant County Commissioners Court [Commissioners Court](#) (see 1:15:00 start time on the Sherriff), 80% of Tarrant County inmates have underlying health issues. From witness testimony of Sherriff's from all over the State at the February 6, 2025 Texas Commission of Jail Standards meeting, most Sherriff's do NOT want medical inmates in their jails.

However, Sherriff Waybourn maintains a jail population with a very high percentage of health problems and does not transfer them out. The Sherriff has created an inmate population protocol that is unsustainable. Tarrant County Jail has had 71 deaths since the election of Sherriff Waybourn in 2017. Most have been blamed on the health of inmates and families are denied access to jail records and data.

According to testimony provided by John Peter Smith Executive Director Zelia Baugh on protocols January 14, 2025 at the regular meeting of the Tarrant County Commissioners Court [Commissioners Court](#) (see 1:35:00 start time on the Ms. Baugh), JPS Network provides inmate intake to determination condition. The care is that of outpatient and NOT a hospital in jail. If an inmate's needs are greater need than the jail can provide, they are transferred to a hospital. According to recorded testimony by Sherriff Waybourn, Mason Yancy was a "high priority" inmate and required 9 medical visits in 4 days. On his final day when Mason Yancy died, he was never transferred to JPS Hospital.

The oversight authority is the Texas Commission of Jail Standards. The Commission is an Executive Committee under Chapter 511 of the Texas Constitution <https://statutes.capitol.texas.gov/docs/GV/htm/GV.511.htm>.

Based on documented actions and recorded statements in Commissioners Court regarding their protocols, the Tarrant County Jail appears to be out of compliance from jail actions and recorded statements of protocols recorded in Commissioners Court to violations of Chapter 511 itself in some of the recent death before Mason Yancy.

Chasity Congious – gave birth to her daughter in her cell in 2020. She was unattended and her daughter died.

- **Section 511.009 General Duties** 19 (B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional;

- **Sec. 511.0104. RULES REGARDING RESTRAINT OF PREGNANT PRISONER** – lays out specific rules that were not followed in this case. The Texas Commission of Jail Standards did not issue a report of non-compliance on this case. [Woman who gave birth unattended in Tarrant County jail arrested again after mental health crisis | KERA News](#)

Anthony Johnson Jr- a veteran and an inmate with mental issues who was killed by detention officers during a mental episode by violent restraint that led to his death. Sherriff Waybourn has refused to release restraint policies, but terminated the two jailers responsible for Johnson’s death. However, due to public statements on restraint policies *re-hired these men and placed them on administrative leave.* [Amid scrutiny of Tarrant County Jail deaths, internal records reveal scrapped policy | KERA News.](#)

- **Sec. 511.009. GENERAL DUTIES (2)** adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;

It would appear whatever policy the Jail has, it is out of compliance with the law. Somehow, the Texas Commission of Jail Standards has not been able to produce a finding on non-compliance on Tarrant County Jail.

A Non-Functioning Commission

It is clear the Texas Commission on Jail Standards has failed the State of Texas and all the inmates who may not have died had the Commission followed the law.

I call upon the Governor’s office to seek the termination and replacement of Executive Director Brandon Wood for disobeying the Sandra Bland Act and allowing Texas jails to select their own investigative bodies.

Proposed Bills that will hurt Texas Residents

There are several pending bills, that if allowed to become law will hurt Texas residents as they are based on a functional and compliant Commission on Jail Standards.

- [SB 781](#) by Senator Phil King and [HB 2486](#) by Representative Hefner (Identical)
 - This bill was introduced last session by Senator Drew Springer. You may recall this bill being brought to your attention in order to stop it.
 - This bill creates a secret misconduct file for any person in law enforcement, including jailers, that will be inaccessible to “any state agency,” including the legislature.
- [SB 1199](#) by Senator Brian Birdwell
 - Would eliminate independent investigations for in-custody inmates who were transferred to a hospital and died of “natural causes.” There are many such cases that would fall under this category despite there being ample evidence that the inmate would otherwise be alive if they had received the medical care they are required to receive by law.

These proposed bills are designed to thwart the efforts of those seeking answers regarding concerns of abuse or death of their loved ones while in custody. These are repugnant and have no place in the statutes of American society in 2025. They must be stopped.

Sincerely,

Darren G Yancy Sr