

Texas Commission on Jail Standards



County Affairs
83rd Legislature

The mission of the Texas Commission on Jail Standards is to empower local government to provide safe, secure, and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas.

Introduction

At the urging of various stakeholders such as the Sheriff's Association of Texas, the State Bar and the ACLU, the Legislature in 1975 created the Texas Commission on Jail Standards to put a halt to the intrusion of the federal court system into the operation of Texas County Jails. At the time of the agency's creation, the 10 largest counties were under some form of federal court oversight with more lawsuits filed. By 1980, the federal courts had accepted the Commission's administrative rules and authority as providing a minimum constitutional level of confinement, and, as a result of their compliance with minimum jail standards, Lubbock County was the first county to have their federal court order vacated.

Organization

Our policy-making body consists of nine Commission members appointed by the governor to staggered six-year terms expiring on January 31 of odd-numbered years. The Commission consists of a sheriff from a county with a population of more than 35,000, a sheriff from a county with a population of 35,000 or less, a county judge, a county commissioner, a practitioner of medicine, and four private citizens, at least one of whom is from a county with a population of 35,000 or less. The chairperson is designated by the governor, with the vice-chairperson elected by the membership. Our Commission holds regular meetings each calendar quarter as required. Special meetings are held as needed. Responsibilities of the Commissioners include promulgation, adoption, revision, amendment, and repeal of rules; enforcement of rules through remedial action or action in district court; and consideration of applications for variances to minimum standards. Members are not compensated for their work except for allowable travel and per diem expenses.

Commission members are as follows:

<u>Member</u>	<u>City</u>	<u>Term Expires</u>
Judge Donna Klaeger (Chair)	Burnet	2019

Commissioner Stanley D. Egger	Abilene	2017
Ms. Irene A. Armendariz	El Paso	2015
Michael M. Seale, M.D.	Houston	2017
Mr. Jerry Lowry	New Caney	2019
Mr. Larry May	Sweetwater	2019
Mr. Allan Cain	Carthage	2017
Sheriff Tam Terry	Panhandle	2015
Sheriff Gary Painter	Midland	2015

Agency Objectives

Currently, there are 245 facilities under the commission's purview with over 94,000 inmate beds, and we carry out our mandated duties through four strategies with 16 employees:

Inspection & Enforcement:

All jails are inspected at least once per fiscal year with special inspections and re-inspections conducted as needed. The agency also investigates complaints against facilities under our purview.

Construction Plan Review:

All new construction or renovations are reviewed and approved to include occupancy inspections.

Facility Needs Analyses are also conducted under this strategy.

Management Consultation:

Technical assistance, training, operational plans & staffing analysis

Auditing Population and Costs:

Population reports, paper ready inmate information, and immigration

A fifth strategy, Indirect Administration accounts for agency support services and administration.

Appropriations

The agency's baseline request for this biennium is the same as the amount appropriated during the previous legislative session: \$900,710 per FY for a total of a little over \$1.8 million

The agency's lone exceptional item is to request \$19,560 over the biennium for additional travel funds.

Currently, to ensure that funds are available to conduct all inspections for the entire year, agency staff

must share hotel rooms during large jail inspections or training conferences. The additional travel funds will allow the agency to end the practice of double bunking.

Current Agency Initiatives

In addition to its required duties and responsibilities, the agency is currently undertaking several initiatives to assist county officials with their jail operation.

Mental Health Screening training module

Agency staff is in the process of creating a training module specifically to address issues with a mandated mental health screening form. Agency staff are seeing an area of concern of jailers not properly referring inmates suspected of having a mental illness or a developmental disability to a magistrate as required under Code of Criminal Procedure 16.22. The agency was giving the duty of enforcing this statute during the 81st Legislature.

The training module has been evaluated by TCOOMMI, UTMB and TCLEOSE and the agency received laudatory reviews for the training module and the agency's efforts to address this issue. The agency will

be forming a committee of stakeholders for further input and evaluation and have the training module finalized in the coming weeks.

Small Jail Outreach Program

The Commission has long been aware of the challenges of county officials that operate a small rural jail in Texas; however, the challenges were brought to unique light after an unfortunate incident at a small jail in the panhandle. The incident involved an 18-bed jail that normally operates with one employee working as jailer and dispatcher. In this incident, the jailer/dispatcher suffered a stroke and lay unresponsive on the floor for five hours. A deputy was on duty; however, the deputy had to travel to a neighboring county to pick up an inmate. Another law enforcement agency tried to get it into the jail, however, the only set of keys to the jail were with the incapacitated employee. Eventually, personnel were able to access the jail and gave assistance to the employee.

After the incident, the Commission sent a letter to all county officials of small jails to share the incident, with permission from the county, and asked county officials to review their contingency plans.

However, the Commission wanted to do more to assist small jails and created the Small Jail Outreach program. The outreach program will consist of a conference call held every quarter or as needed with Commission staff, sheriffs, and jail administrators of small jails (defined as 25 beds or less). During the call, county officials will have an opportunity to share, discuss, and help solve problems associated with operating a small jail. Several sheriffs have expressed interest in leading the discussion.

New Sheriff Training Initiative

Similar to the Small Jail Outreach Program, the Commission will be making many efforts to provide assistance to this year's 67-newly elected sheriffs. Some of the efforts include stop-by visits by jail inspectors, agency presence at training conferences, and a quarterly conference call with new sheriffs. The goal is to provide as much assistance and prevent any non-compliance issues from occurring.

Veterans Issues

As a member of the Texas Coordinating Council for Veteran's Services, the Commission is actively engaged in learning about all available resources for justice-involved veterans and passing that information on to county jails. The Commission sent out a technical assistance memo about the Department of Veterans' Affairs Veterans Justice Outreach (VJO) Program with contact information and is working with local, state and federal veterans' officials to garner additional information on behalf of counties.

Facts and Figures

- As of 02/20/2013, 236 County jails are in compliance with minimum jail standards; 8 county jails are non-compliant.
- In January 2013, the county jail inmate population stood at 61,183 inmates with statewide capacity at 94,839, resulting in a 64.51% capacity rate. 11 counties have inmate populations at 90% of capacity; 2 of the 11 are at 100% capacity.

- Continuity of Care Query (CCQ) - The CCQ was created by Senate Bill 839, 80th Legislature and allows jailers to access the Department of State Health Services database through DPS' TLETS system. The CCQ will notify a county jailer if an inmate has received prior state mental health services, which should allow the jail to continue the inmate's mental health care. The Commission is required to check a jail's compliance of utilizing the CCQ system.
 - In FY 2012, the CCQ received 1,000,669 requests. Of the 1 million requests, 6.7 % or 67,376 resulted in exact matches with the DSHS database and 33.4% or 333,968 were probable matches.
- Immigration Detainer report-SB 1698, 82nd Legislature requires counties to report to the Commission the number of inmates with an immigration detainer and the associated costs.
 - In FY 2012, 69,313 inmates with an immigration detainer were housed in Texas county jails for a total of 1,395,016 days resulting in a cost statewide of \$84,765,768.00
- Blue Warrants In FY 2012-parole violators (technical violations only) housed in county jails averaged 2,161 inmates; parole violators with new charges averaged 2,654.

That concludes my prepared remarks and I will be happy to answer any questions you may have.

Thank you.