

# Texas Commission on Jail Standards



## House Committee on County Affairs

### 84<sup>rd</sup> 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.

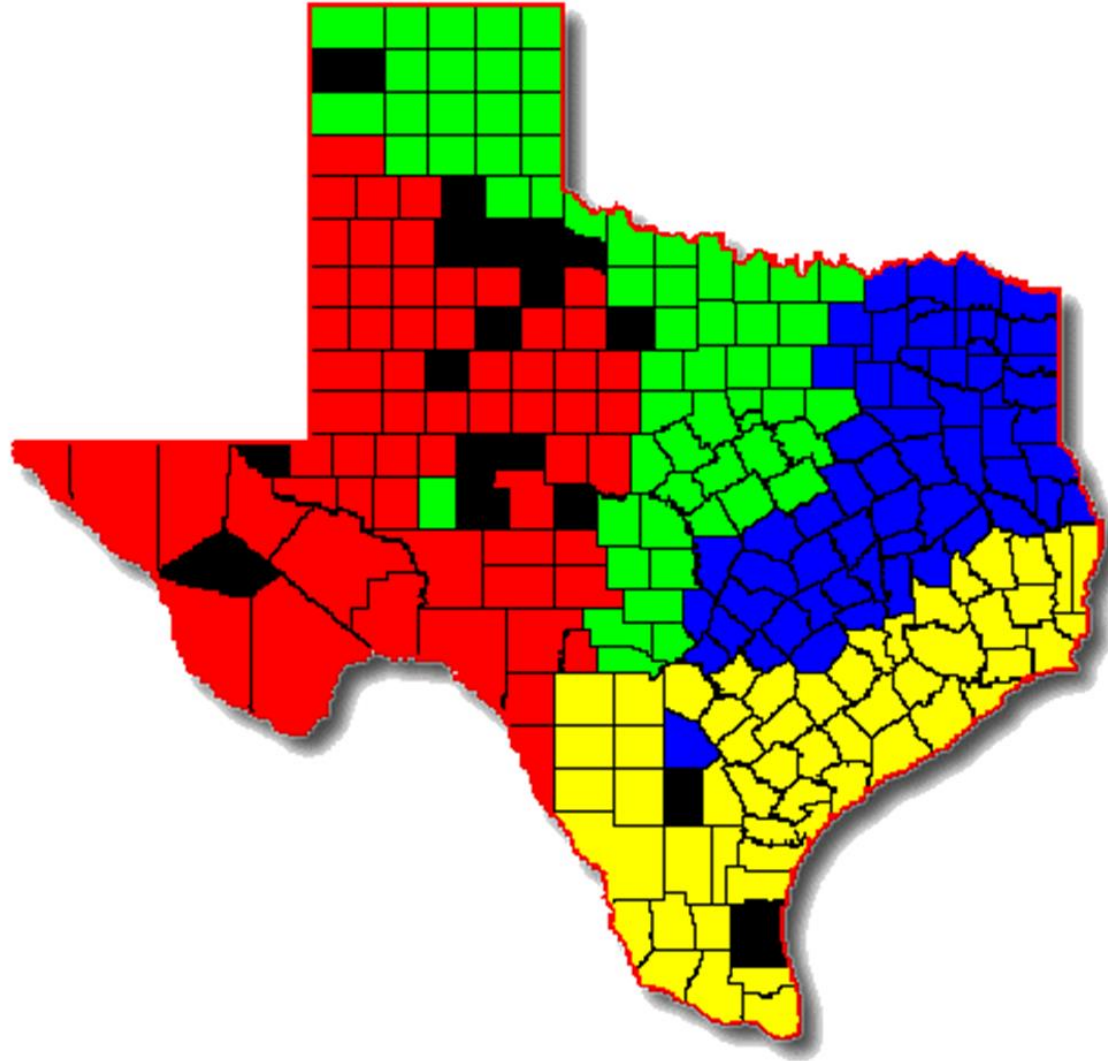
## **Organization**

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-chair 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:

<b><u>Member</u></b>	<b><u>City</u></b>	<b><u>Term Expires</u></b>
County Judge-VACANT	VACANT	VACANT
Commissioner Stanley D. Egger	Abilene	2017
Ms. Irene A. Armendariz	Austin	2015
Michael M. Seale, M.D.	Houston	2017
Mr. Jerry Lowry	New Caney	2019
Mr. Larry May	Sweetwater	2019
Mr. Allan Cain	Carthage	2019
Sheriff Dennis Wilson	Groesbeck	2019
Sheriff Gary Painter	Midland	2015

# Inspection Territories FY2015



## **Agency Objectives**

Currently, there are 244 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

## **Appropriations**

The agency's baseline this biennium is \$956,659 per FY

The agency's has two exceptional items that total \$15,000 per year. These two items consist of an additional 5,000 per year to address increased travel costs and commissioner travel and \$10,000 per year that would be used for target employee pay raises.

## **Issues**

### **1. Mental Health**

**Inmates with mental health issues continue to be one of the most difficult challenges facing county jails. To give you an idea, the CCQ (Continuity of Care Query) is a database maintained by DSHS. Each time an inmate is booked into a county jail, that person's name is automatically checked against the database. Last year, there were 1,079,238 queries of the CCQ database. Of those, 76,561 exact matches and 386,591 possible matches were reported. That is over 40% of inmates. Even after they are identified, the expertise to properly handle inmates with mental health issues far outstrips what is available at the local level. Even worse, those in crisis are often forced to wait until a bed is open at the state hospitals before receiving proper care.**

## **2. Veteran's Issues**

**Almost 10 years ago, the commission amended the intake screening form to include a question regarding prior military service in the hopes that after identification, services ALREADY available for veterans, such as counseling, housing and employment assistance would be provided or at least make the inmate aware of them. There is no follow up by the agency, and without a way to verify the self-reported information, this segment of the inmate population is not being addressed as well as it could. We would urge counties to coordinate their efforts in this area and use their VSOs and federal VJOs assigned to assist veterans as much as they can. In 2009, the first Veterans Courts were authorized and there are now over 20 in operation across the state today. These courts offer counties the opportunity to address a segment of the inmate population that I believe the citizens of the state of Texas would support.**

### **3. Retaining Qualified Jailers**

**Possibly one of the least understood and appreciated positions in county government is that of jailer. Most operate under a misconception of what it is they actually do and the environment they operate in is unique to say the least. Currently the statewide turnover rate is 36%, which should give you some indication as to the challenges counties face in retaining qualified staff. Some areas of the state have had difficulty just recruiting candidates due to positive economic conditions and realize that they do not pay enough to be competitive. However, low pay is traditionally not the primary reason cited for separation, though it is a major factor. Training, opportunity for advancement, and professionalism are usually cited before the issue of salary is.**

#### **4. Blue Warrants**

**A common term that is used often when the topic of county jails and inmate populations are discussed is “Blue Warrant.” Blue Warrants refer to parole violators that are those individuals that have been released from the state prison system but then violated the conditions of their parole. There are actually two types of parole violators, those that committed a new crime and then had a warrant issued, and those that committed a technical violation of their parole, such as a failed drug test or failure to report. Chart 4 represents the number of parole violators in county jails over the last three years.**

#### **5. Paper Ready**

**The other term often used when discussing county jail populations is paper ready. This simply refers to inmates that have been convicted and sentenced to the state prison system but have not yet been transferred. The state is required to accept these inmates within 45 days. Currently the average is 20 days.**

## **6. PREA & 17 Year Olds/certified Juveniles**

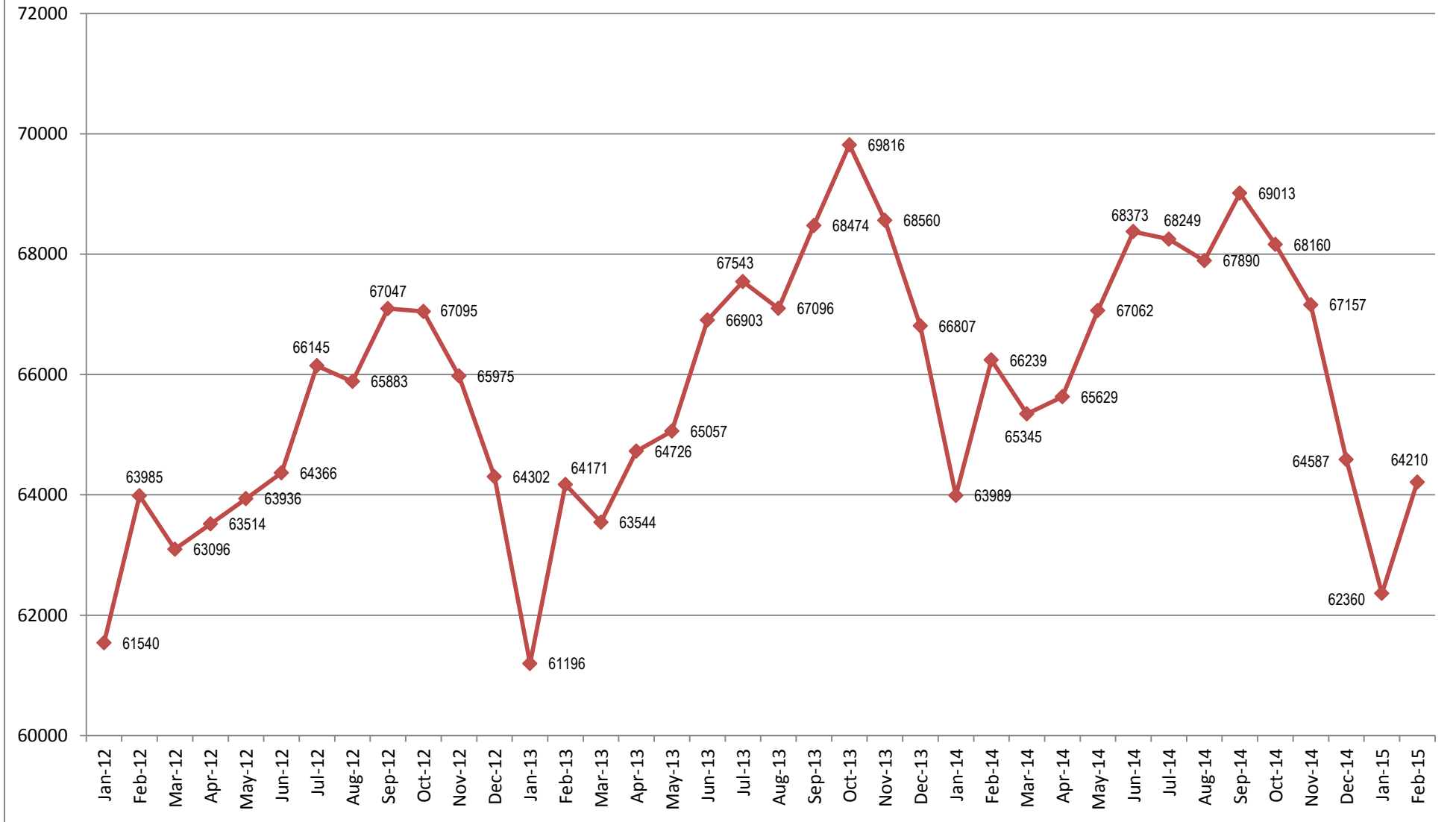
**The Prison Rape Elimination Act is a federal act that is usually referred to as PREA and its purpose is clearly stated in its title. Although not part of minimum jail standards, the commission has worked with counties to assist them in meeting a majority of the federal requirements, such as cross gender viewing or searches. The main area of conflict between the federal act and how Texas operates is the 17 year old issue. PREA prohibits the detention of anyone under the age of 18 in an adult county jail unless very costly and strict measures are taken, such as separate staff and housing areas.**

## **7. Video Visitation**

**There are currently two bills filed, one in each chamber, that would prohibit the use of video visitation only in county jails. Currently there are about 20 counties that use video visitation and the first one came on line in 2003 or so. Counties are still required to provide space at the jail for attorney visits, and those that use a web based system that allows visitation from home for a fee are required to provide two 20 –minute visits free of charge. Visitation standards were part of the first edition of standards, and some case law has viewed it as a privilege and not a right which allows for more flexibility in how visitation has been accomplished.**

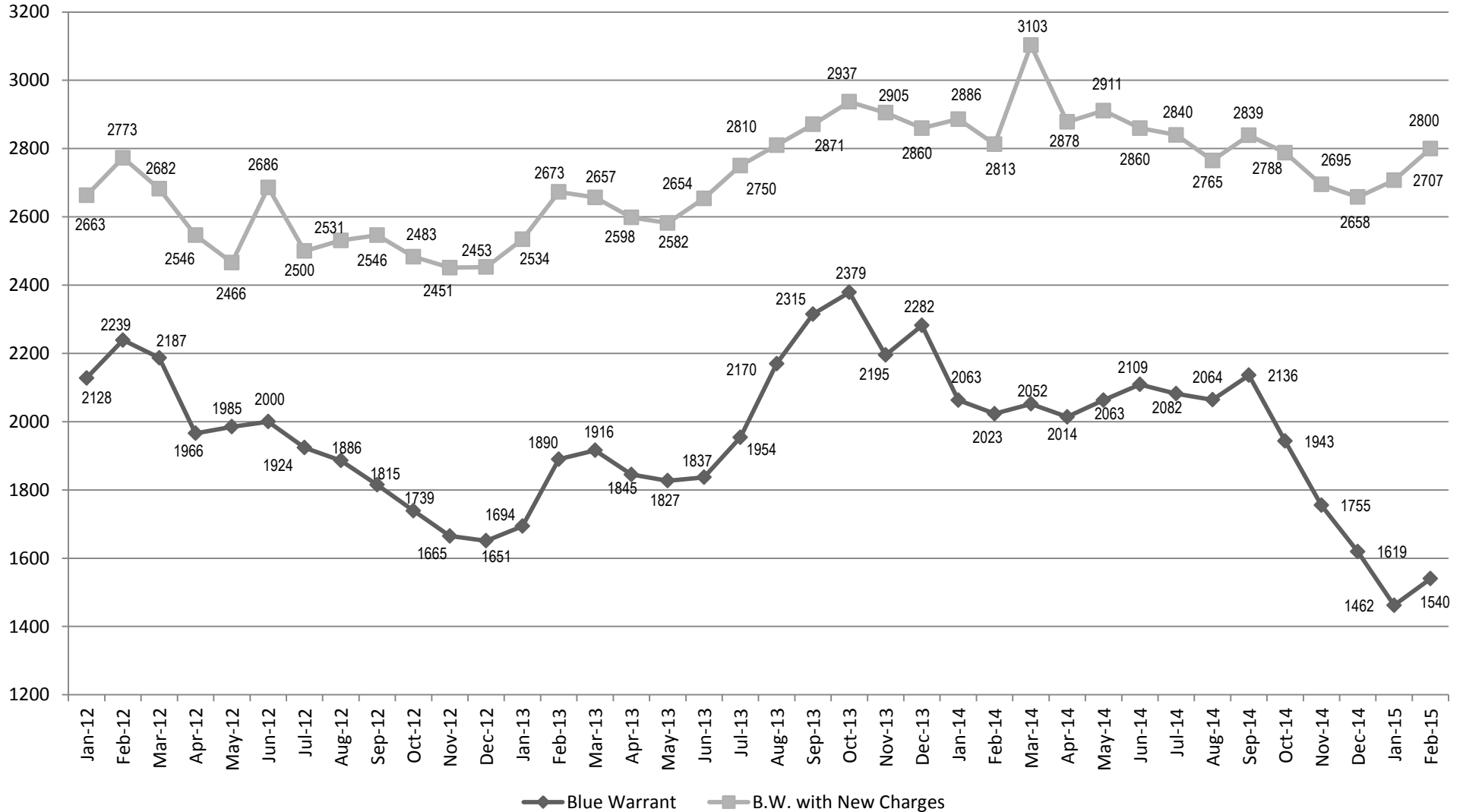
# Chart 1

## Total Inmate Population 2012-2015



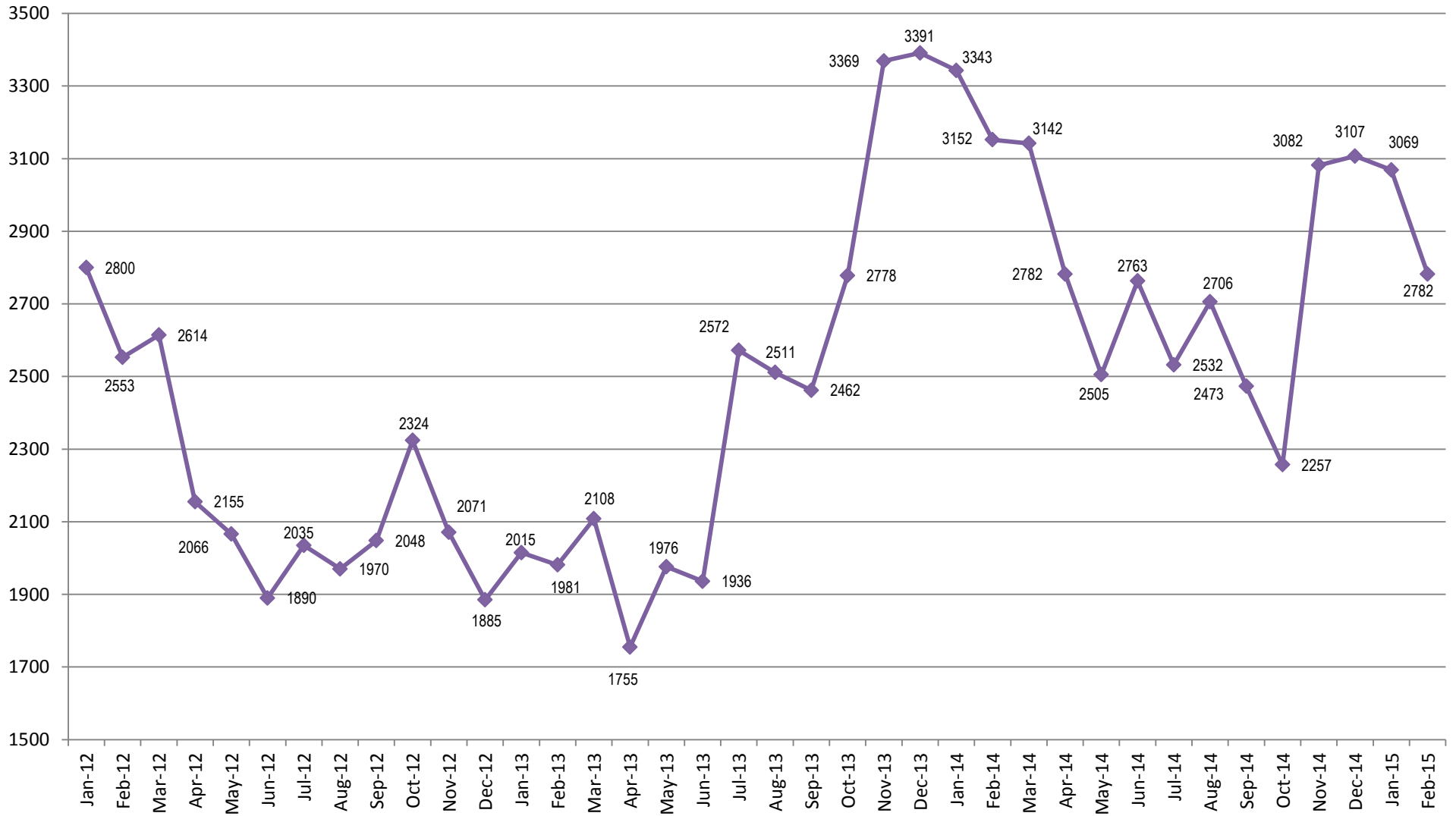
## Chart 2

### Total Parole Violators 2012-2015



### Chart 3

## Total Paper Ready Inmates 2012-2015



## Chart 4 Inmates with Immigration Detainers 2012-2015

