

WORKSHOP MINUTES

Meeting: Texas Commission on Jail Standards

Place: John H. Reagan Building
105 W. 15th Street, Room 120
Austin, TX

Time: 9:00 a.m.

Date: August 3, 2017

I. Meeting called to order by Judge Stoudt of the Texas Commission on Jail Standards.

II. Roll Call of Commission Members

Judge Bill Stoudt, Chairman
Mr. Jerry W. Lowry, Vice Chair
Mr. Duane Lock
Mr. Larry S. May
Commissioner Ben Perry

Dr. Esmaeil Porsa
Sheriff Kelly Rowe
Ms. Melinda Taylor
Sheriff Dennis Wilson

All Commission members were present at roll call. Staff members included Brandon Wood, Shannon Herklotz, Fred St. Amant, Jackie Benningfield, Phillip Bosquez, Jason Ross, Lupe Moreno, Rodney Valls and Ebony Holley. Dennis McKinney, Assistant Attorney General, was also present.

Others in attendance were:

Laura Balditt, Sheriff's Office, Bexar County
Tammy Flores, Sheriff's Office, Bexar County
Michael Garcia, Sheriff's Office, Bexar County
Keith Klepac, Sheriff's Office, Bexar County
Graciela Luna, Sheriff's Office, Bexar County
Mark Padilla, Sheriff's Office, Bexar County
Joseph Vela, Sheriff's Office, Bexar County
Jennifer Shumake, Sheriff's Office, Blanco County
Wayne Dicky, Sheriff's Office, Brazos County
Belinda Jackson, Sheriff's Office, Brazos County
Mark Brown, Sheriff's Office, Caldwell County
Joe Larivee, Sheriff's Office, Caldwell County
James Short, Sheriff's Office, Caldwell County
Brian Hawthorne, Sheriff, Chambers County
Terry McCraw, Sheriff's Office, Collin County
Tommy Richter, Sheriff's Office, Colorado County

Bubba Mikesh, Sheriff's Office, Colorado County
Jesse Flores, Sheriff's Office, Dallas County
Jesse Herrera, Sheriff's Office, Dallas County
Carl R. Bowen, Sheriff, DeWitt County
Pamela Elliott, Sheriff, Edwards County
Derick Johnson, Sheriff's Office, Falls County
Ricky Scaman, Sheriff, Falls County
Larry Pearson, Sheriff's Office, Frio County
Jennifer Cagnon, Sheriff's Office, Galveston County
James Stephenson, Sheriff's Office, Galveston County
Maxey Cerliano, Sheriff, Gregg County
Mark North, Sheriff's Office, Gregg County
Gary C. White, Sheriff's Office, Gregg County/Smith County
William Phariss, Sheriff's Office, Grimes County
Don Sowell, Sheriff, Grimes County
Robert Hernandez, Sheriff's Office, Guadalupe County
Greg Martin, Sheriff's Office, Guadalupe County
John R. Martin, Sheriff's Office, Harris County
Ronny Taylor, Sheriff's Office, Harris County
Cody Barnett, Sheriff's Office Henderson County
Michael Starkey, Sheriff's Office, Henderson County
David Flores, Sheriff's Office, Hidalgo County
Belinda Madrigal, Sheriff's Office, Hidalgo County
Jose R. Vasquez, Sheriff's Office, Hidalgo County
AJ Louderback, Sheriff, Jackson County
Bryan Beavers, Sheriff, Kaufman County
Christopher Brister, Sheriff's Office, Lampasas County
Lex Jones, Judge, Marion County
David McKnight, Sheriff, Marion County
Ricky Armstrong, Sheriff's Office, McLennan County
Stacy King, Sheriff's Office, McLennan County
Ralph Caraway, Sheriff's Office, Smith County
Ryan Edmonds, Sheriff's Office, Smith County
Deal Folmar, Sheriff's Office, Smith County
Michael Gravitt, Sheriff's Office, Tarrant County
Todd Allen, Sheriff's Office, Tom Green County
Anthony Aranda, Sheriff's Office, Travis County
Frances Dembowski, Sheriff's Office, Travis County
Jonathan Ede, Sheriff's Office, Travis County
Michael Gottner, Sheriff's Office, Travis County
Sally Pena, Sheriff's Office, Travis County
Shana Poole, Sheriff's Office, Travis County
Wes Priddy, Sheriff's Office, Travis County
Juan Sandoval, Sheriff's Office, Travis County
Daniel Smith, Sheriff's Office, Travis County
Roy Boyd, Sheriff's Office, Victoria County
Larry Don Cook, Sheriff's Office, Waller County
Trey Duhon, Sheriff's Office, Waller County

R. Glenn Smith, Sheriff, Waller County
Stuart J. Yoffe, M.D., Sheriff's Office, Washington Co./Burleson Co./Milam CO.)
Kathleen Pokluda, Sheriff's Office, Williamson County
Mitch Netterville, Sheriff's Office, Young County
Travis Babcock, Sheriff, Young County
Craig Pardue, Bedrock Strategy
Kenny Burns, Burns Architecture
Jim Allison, County Judges & Commissioners Association
Nicolas Kalla, Representative Coleman's Office
Wayne Gondeck, DRG Architects
Suzanne Bradford, GMJ Inc.
Donna Klaeger, GMJ Inc.
Natacha Pelàez-Wagner, GMJ, Inc.
Seth W. Christensen, Governor's Office
Ben Kirk, ICS Jail Supply
Darren Jackson, Texas Association of Counties
Thomas Kerss, Texas Association of Counties
Terry Pickering, Texas Association of Counties
Lee Johnson, Texas Council of Community Centers
Kelsey Bernstein, Texas House of Representatives, County Affairs
Diana Claitor, Texas Jail Project
Krish Gundu, Texas Jail Project
Allison Franklin, Texas Jail Project
Tushar Desai, Texas Juvenile Justice Department
Rebecca Bredt, Texas Medical Board
Robert Bryant, Texas Medical Board
Amy Swanholm, Texas Medical Board
Jeffrey T. Collins, Texas Rangers
Tim Quintana, Southern Health Partners
Stephanie Self, Southern Health Partners

III. Workshop Review of Goal and Process

Mr. Wood provided information on the process for reviewing preliminary rules before final adoption.

IV. Review & Discussion of Proposed Changes to Standards

After review and public comments, the following amendments are recommended: The proposed text is bolded. The recommendation is to publish the proposed changes to standards in the Texas Register for comment.

A. 269.1 (7) Serious Incident Reports

Information on Serious Incidents Report. On or before the fifth day of each month, the sheriff/operator of each county shall report to the Commission, on a form prescribed by the Commission, regarding the

occurrence during the preceding month any incidents involving an inmate in the county jail as required by §511.020.

B. 269.1 (5) Independent Investigation of Death in Custody

(A) The Texas Commission on Jail Standards shall be notified of all death of inmates while in the custody of sheriff/operator within 24 hours of the death. (B) **The Commission shall appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death.** (C) ~~The report on the death shall be made available for review by Commission staff upon request.~~ **Upon conclusion of the investigation by the designated law enforcement agency, the report shall be submitted to the Texas Commission on Jail Standards.**

C. 273.2 (12) Continuity of Prescription Medications

Each facility shall have and implement a written plan, approved by the Commission, for inmate medical, mental, and dental services. The plan shall: (1) provide procedures for regularly scheduled sick calls; (2) provide procedures for referral for medical, mental, and dental services; (3) provide procedures for efficient and prompt care for acute and emergency situations; (4) provide procedures for long-term, convalescent, and care necessary for disabled inmates; (5) provide procedures for medical, mental, nutritional requirements, special housing and appropriate work assignments and the documented use of restraints during labor, delivery and recovery for known pregnant inmates. A sheriff/operator shall notify the commission of any changes in policies and procedures in the provision of health care to pregnant prisoners. A sheriff/operator shall notify the commission of any changes in policies and procedures in the placement of a pregnant prisoner in administrative separation; (6) provide procedures for the control, distribution, secured storage, inventory, and disposal of prescriptions, syringes, needles, and hazardous waste containers; (7) provide procedures for the distribution of prescriptions in accordance with written instructions from a physician by an appropriate person designated by the sheriff/operator; (8) provide procedures for the control, distribution, and secured storage of over-the-counter medications; (9) provide procedures for the rights of inmates to refuse health care in accordance with informed consent standards for certain treatments and procedures (in the case of minors, the informed consent of a parent, guardian, or legal custodian, when required, shall be sufficient); (10) provide procedures for all examinations, treatments, and other procedures to be performed in a reasonable and dignified manner and place; and (11) provide that adequate first aid equipment and patient evacuation equipment be on hand at all times; **and (12) provide procedures that shall require that a qualified medical professional shall review as soon**

as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

V. Meeting adjourned at approximately 11:05 a.m.



Brandon Wood, Executive Director

August 3, 2017



Luz Lozano, Secretary of the Commission

August 3, 2017

MINUTES

Meeting: August 3, 2017

Place: John H. Reagan Building
105 W. 15th Street, Room 120
Austin, TX

Time: 10:00 (Actual start time was 11:20 a.m.)

Date: August 3, 2017

- I.** Meeting called to order by Judge Stoudt of the Texas Commission on Jail Standards. Prayer, Pledge of Allegiance and Pledge to the Texas flag.
- II. Roll Call of Commission Members**

Judge Bill Stoudt, Chairman	Dr. Esmaeil Porsa
Mr. Jerry W. Lowry, Vice Chair	Sheriff Kelly Rowe
Mr. Duane Lock	Ms. Melinda Taylor
Mr. Larry S. May	Sheriff Dennis Wilson
Commissioner Ben Perry	

All Commission members were present at roll call. Staff members included Brandon Wood, Shannon Herklotz, Fred St. Amant, Jackie Benningfield, Phillip Bosquez, Jason Ross, Lupe Moreno, Rodney Valls and Ebony Holley. Dennis McKinney, Assistant Attorney General, was also present.

Others in attendance were:

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Brian Hawthorne, Sheriff, Chambers County
Terry McCraw, Sheriff's Office, Collin County
Tommy Richter, Sheriff's Office, Colorado County
Bubba Mikesh, Sheriff's Office, Colorado County
Jesse Flores, Sheriff's Office, Dallas County
Jesse Herrera, Sheriff's Office, Dallas County
Carl R. Bowen, Sheriff, DeWitt County
Pamela Elliott, Sheriff, Edwards County
Derick Johnson, Sheriff's Office, Falls County
Ricky Scaman, Sheriff, Falls County
Larry Pearson, Sheriff's Office, Frio County
Jennifer Cagnon, Sheriff's Office, Galveston County
James Stephenson, Sheriff's Office, Galveston County
Maxey Cerliano, Sheriff, Gregg County
Mark North, Sheriff's Office, Gregg County
Gary C. White, Sheriff's Office, Gregg County/Smith County
William Phariss, Sheriff's Office, Grimes County
Don Sowell, Sheriff, Grimes County
Greg Martin, Sheriff's Office, Guadalupe County
Robert Hernandez, Sheriff's Office, Guadalupe County
John R. Martin, Sheriff's Office, Harris County
Ronny Taylor, Sheriff's Office, Harris County
Cody Barnett, Sheriff's Office Henderson County
Michael Starkey, Sheriff's Office, Henderson County
David Flores, Sheriff's Office, Hidalgo County
Belinda Madrigal, Sheriff's Office, Hidalgo County
Jose R. Vasquez, Sheriff's Office, Hidalgo County
AJ Louderback, Sheriff, Jackson County
Bryan Beavers, Sheriff, Kaufman County
Christopher Brister, Sheriff's Office, Lampasas County
Lex Jones, Judge, Marion County
David McKnight, Sheriff, Marion County
Ricky Armstrong, Sheriff's Office, McLennan County
Stacy King, Sheriff's Office, McLennan County
Ralph Caraway, Sheriff's Office, Smith County
Ryan Edmonds, Sheriff's Office, Smith County
Deal Folmar, Sheriff's Office, Smith County
Michael Gravitt, Sheriff's Office, Tarrant County
Todd Allen, Sheriff's Office, Tom Green County
Anthony Aranda, Sheriff's Office, Travis County
Frances Dembowski, Sheriff's Office, Travis County
Jonathan Ede, Sheriff's Office, Travis County
Michael Gottner, Sheriff's Office, Travis County
Sally Pena, Sheriff's Office, Travis County
Shana Poole, Sheriff's Office, Travis County
Wes Priddy, Sheriff's Office, Travis County
Juan Sandoval, Sheriff's Office, Travis County

Daniel Smith, Sheriff's Office, Travis County
Roy Boyd, Sheriff's Office, Victoria County
Larry Don Cook, Sheriff's Office, Waller County
Trey Duhon, Sheriff's Office, Waller County
R. Glenn Smith, Sheriff, Waller County
Stuart J. Yoffe, M.D., Sheriff's Office, Washington Co./Burleson Co./Milam CO.)
Kathleen Pokluda, Sheriff's Office, Williamson County
Mitch Netterville, Sheriff's Office, Young County
Travis Babcock, Sheriff, Young County
Craig Pardue, Bedrock Strategy
Kenny Burns, Burns Architecture
Jim Allison, County Judges & Commissioners Association
Nicolas Kalla, Representative Coleman's Office
Wayne Gondeck, DRG Architects
Suzanne Bradford, GMJ Inc.
Donna Klaeger, GMJ Inc.
Natacha Pelàez-Wagner, GMJ, Inc.
Seth W. Christensen, Governor's Office
Ben Kirk, ICS Jail Supply
Darren Jackson, Texas Association of Counties
Thomas Kerss, Texas Association of Counties
Terry Pickering, Texas Association of Counties
Lee Johnson, Texas Council of Community Centers
Kelsey Bernstein, Texas House of Representatives, County Affairs
Diana Claitor, Texas Jail Project
Krish Gundu, Texas Jail Project
Allison Franklin, Texas Jail Project
Tushar Desai, Texas Juvenile Justice Department
Rebecca Bredt, Texas Medical Board
Robert Bryant, Texas Medical Board
Amy Swanholm, Texas Medical Board
Jeffrey T. Collins, Texas Rangers
Tim Quintana, Southern Health Partners
Stephanie Self, Southern Health Partners

III. Mr. May made a motion to approve the minutes for the meeting conducted on May 4, 2017. Sheriff Rowe seconded the motion. The motion passed unanimously.

V. Public Comment

None

VI. Old Business

Legislative Update

Commissioners were provided a copy of a summary and Mr. Wood gave an overview of the House Bills and Senate Bills which affect the Commission and which are currently under consideration. No action was taken.

Waller County – Notice of Non-compliance

On December 12, 2016, Inspectors Phillip Bosquez, Shane Sowell and Jackie Benningfield conducted the annual inspection of the Waller County Jail and the jail was found to be in non-compliance with minimum jail standards. The areas of non-compliance noted on the December 12, 2016 report are: 1. Ensure that staff training for emergency situations to include fire, emergency, evacuation drills, and location and use of equipment is provided immediately upon employment and no less than once each calendar quarter; 2. Ensure provisions are being made to allow at least a twenty-four hour written notice to be given to the inmate of the claimed violation or charges against him/her before sanctions are levied; 3. Ensure that each inmate is allowed one hour of supervised physical exercise or physical recreation at least three days per week. The official Notice of Non-compliance was mailed to county officials on December 19, 2016. County officials actually responded to the notice on December 15, 2016 before they received the official Notice of Non-compliance. On January 31, 2017, Inspector Phillip Bosquez conducted a re-inspection and the jail was issued a certificate of compliance. On March 20, 2017, Assistant Director Shannon Herklotz was contacted by Waller County Chief Deputy Craig Davis that an incident had occurred on Friday March 17, 2017 where a female inmate alleged that she was sexually assaulted by a male inmate via the food port. On March 21, 2017, Inspector Phillip Bosquez conducted an on-site special inspection of the Waller County Jail and the jail was found to be in non-compliance with minimum jail standards. The areas of non-compliance noted on the March 21, 2017 special report were: 1. Ensure lockable shutters on the food passes are secured to prevent the passage of contraband; 2. Ensure female inmates are separated by sight and sound from male inmates as required by standards; and 3. Ensure that inmate work is assigned by staff and all inmate work activity is properly supervised by jailers. The official Notice of Non-compliance was mailed to county officials on March 23, 2017. County officials responded to the notice on April 11, 2017 with a plan of action to address the deficiencies. A new jail administrator was hired and the deficiencies noted on the December 12, 2016 and the March 21, 2017 special report have been addressed. On May 30, 2017, Inspector Phillip Bosquez conducted an unannounced stop-by visit to the Waller County Jail. A walk-through of the facility and inspection of practices put in place as corrective action was conducted. Inspector Bosquez remains in frequent contact with county officials and another stop-by visit was conducted on August 1, 2017 during which the focus was on review of documentation. Technical assistance was also provided to staff on inmate observations. County officials addressed the Commission. Sheriff Wilson made a motion to not take any action. Sheriff Rowe seconded the motion. The motion passed unanimously.

VI. New Business

Proposed Change to Standards – 269.1 (7) Serious Incident Reports. The Commission is proposing to add 269.1 (7) Serious Incidents Report Chapter in response to Senate Bill 1849, 85th Legislature. SB 1849 amends Chapter 511, Local Government Code, Section 511.020. As a result, the Commission is proposing the following rule change. The proposed change is to improve data collection by ensuring the data Texas collects is robust, clear, and accurate. **Senate Bill 1849 Specific Statute – Sec. 511.020 – SERIOUS INCIDENTS REPORT.** (a) On or before the fifth day of each month, the sheriff of each county shall report to the Commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail: (1) a suicide; (2) an attempted suicide; (3) a death; (4) a serious bodily injury, as that term is defined by Section 1.07, Penal Code; (5) an assault; (6) an escape; (7) a sexual assault; and (8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code. (b) The commission shall prescribe a form for the report required by Subsection (a). (c) The information required to be reported under Subsection (a) (8) may not include the name or other identifying information of a county jailer or jail employee. (d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552. **Proposed Standard Language -- §269.1 (7). Serious Incidents Report. Information on Serious Incidents Report. On or before the fifth day of each month, the sheriff/operator of each county shall report to the Commission, on a form prescribed by the Commission, regarding the occurrence during the preceding month any incidents involving an inmate in the county jail as required by §511.020.** Mr. May made a motion to publish the proposed change for comment. Mr. Lowry seconded the motion. The motion passed unanimously.

Proposed Change to Standards – 269.1 (5) Independent Investigation of Death in Custody. The Commission is proposing to change 269.1 (5) Death in Custody Chapter in response to Senate Bill 1849, 85th Legislature. SB 1849 amends Chapter 511, Local Government Code, Section 511.020. As a result, the Commission is proposing the following rule change. The proposed change is required in order to comply with SB 1849 which mandates that the Commission will appoint an outside Law Enforcement Agency to investigate death in custody. **Senate Bill 1849 Specific Statute – 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. **Proposed Standard Language -** - §269.1 (5). Independent Investigation of Death in Custody. Proposed change in bold. (5) Deaths in Custody – (A) The Texas Commission on Jail Standards shall be notified of all death of inmates while in the custody of sheriff/operator within 24 hours of the death. (B) **The Commission shall appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death.** (C) ~~The report on the death shall be made available for review by Commission staff upon request.~~ **Upon conclusion of the investigation by the designated law enforcement agency, the report shall be submitted to the Texas Commission on Jail Standards.** Mr. Lowry made a motion to publish the proposed change for comment. Dr. Porsa seconded the motion. The motion passed unanimously.

Proposed Change to Standards – 273.2 (12) Continuity of Prescription Medications

– The Commission is proposing to add 273.1 (12) Continuity of Prescription Medications Chapter in response to Senate Bill 1849, 85th Legislature. SB 1849 amends Chapter 511, Local Government Code, Section 511.009. As a result, the Commission is proposing the following rule change. The proposed change is to ensure inmates receive timely medical care with the efficient continuance of medications when taken into custody. **Senate Bill 1849 Specific Statute** – The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody. **Proposed Standard Language** -- §273.2 (12) Continuity of Prescription Medications. Proposed change in bold. Each facility shall have and implement a written plan, approved by the Commission, for inmate medical, mental, and dental services. The plan shall: (1) provide procedures for regularly scheduled sick calls; (2) provide procedures for referral for medical, mental, and dental services; (3) provide procedures for efficient and prompt care for acute and emergency situations; (4) provide procedures for long-term, convalescent, and care necessary for disabled inmates; (5) provide procedures for medical, mental, nutritional requirements, special housing and appropriate work assignments and the documented use of restraints during labor, delivery and recovery for known pregnant inmates. A sheriff/operator shall notify the commission of any changes in policies and procedures in the provision of health care to pregnant prisoners. A sheriff/operator shall notify the commission of any changes in policies and procedures in the placement of a pregnant prisoner in administrative separation; (6) provide procedures for the control, distribution, secured storage, inventory, and disposal of prescriptions, syringes, needles, and hazardous waste containers; (7) provide procedures for the distribution of prescriptions in accordance with written instructions from a physician by an appropriate person designated by the sheriff/operator; (8) provide procedures for the control, distribution, and secured storage of over-the-counter medications; (9) provide procedures for the rights of inmates to refuse health care in accordance with informed consent standards for certain treatments and procedures (in the case of minors, the informed consent of a parent, guardian, or legal custodian, when required, shall be sufficient); (10) provide procedures for all examinations, treatments, and other procedures to be performed in a reasonable and dignified manner and place; ~~and~~ (11) provide that adequate first aid equipment and patient evacuation equipment be on hand at all times; **and (12) provide procedures that shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.** Mr. May made a motion to publish the proposed change for comment. Sheriff Wilson seconded the motion. The motion passed unanimously.

Bee County – §511.0097

Bee County is currently in the planning stages for a new jail facility. The local fire code requires that all areas of the facility be equipped with an automatic sprinkler system. Bee County officials have submitted a request that sprinkler heads not be required at the inmate holding and housing cells. All other areas of the jail would be equipped with sprinkler heads and all other code requirements would be met or exceeded. The sheriff's

department's opinion is that an automatic sprinkler system should not be required in these areas due to the opportunity for vandalism or suicide. Minimum jail standards do not require jail structures to be equipped with an automatic sprinkler system. Life safety standards have been developed based on early detection and alarm, smoke control and removal systems, and means of egress and door control requirements. Fire detection and automatic smoke removal systems will be provided at all of the areas that the county has requested not be equipped with sprinkler heads and NFPA 14 Class III standpipe hose systems will be located throughout the facility to provide coverage of all inmate occupied areas. The Commission historically has regarded Chapter §511.0097 of the Texas Government Code to be the determining criteria for a sheriff and court to equip a new facility with sprinkler heads or not. Sheriff Rowe made a motion to approve the county's request that an automatic sprinkler system not be required at inmate holding and housing cells. Sheriff Wilson seconded the motion. The motion passed unanimously.

Ector County – §511.0097

Ector County is currently in the planning stages for a new addition to the existing jail facility. The local fire code requires that all areas of the facility be equipped with an automatic sprinkler system. Ector County officials have submitted a request that sprinkler heads not be required at the inmate holding and housing cells. All other areas of the jail would be equipped with sprinkler heads and all other code requirements would be met or exceeded. The sheriff's department's opinion is that an automatic sprinkler system should not be required in these areas due to the opportunity for vandalism or suicide. Minimum jail standards do not require jail structures to be equipped with an automatic sprinkler system. Life safety standards have been developed based on early detection and alarm, smoke control and removal systems, and means of egress and door control requirements. Fire detection and automatic smoke removal systems will be provided at all of the areas that the county has requested not be equipped with sprinkler heads and NFPA 14 Class III standpipe and hose systems will be located throughout the facility to provide coverage of all inmate occupied areas. The Commission historically has regarded Chapter §511.0097 of the Texas Government Code to be the determining criteria for a sheriff and court to equip a new facility with sprinkler heads or not. Mr. Lowry made a motion to approve the county's request that an automatic sprinkler system not be required at inmate holding and housing cells. Sheriff Rowe seconded the motion. The motion passed unanimously.

Lampasas County – §511.0097

Lampasas County is currently in the planning stages for a new jail facility. The local fire code requires that all areas of the facility be equipped with an automatic sprinkler system. Lampasas County officials have submitted a request that sprinkler heads not be required at the inmate holding and housing cells. All other areas of the jail would be equipped with sprinkler heads and all other code requirements would be met or exceeded. The sheriff's department's opinion is that an automatic sprinkler system should not be required in these areas due to the opportunity for vandalism or suicide. Minimum jail standards does not require jail structures to be equipped with an automatic sprinkler system. We have developed life safety standards based on early detection and alarm, smoke control and removal systems, and means of egress and door control requirements.

Fire detection and automatic smoke removal systems will be provided at all of the areas that the county has requested not be equipped with sprinkler heads and NFPA 14 Class III standpipe and hose systems will be located throughout the facility to provide coverage of all inmate occupied areas. The Commission historically has regarded Chapter §511.0097 of the Texas Government Code to be the determining criteria for a sheriff and court to equip a new facility with sprinkler heads or not. Sheriff Wilson made a motion to approve the county's request that an automatic sprinkler system not be required at inmate holding and housing cells. Mr. May seconded the motion. The motion passed unanimously.

VII. Variances

Marion County

Marion County officials are requesting that they be allowed to install two additional beds within four, 6-bed multiple occupancy cells for a total of eight additional beds. The additional beds will result in a deficiency of required clear floor space and seating within the dayrooms of each cell. Multiple occupancy cells CB – A, B, C & D located on the first floor of the jail were originally designed as 6-bed multiple occupancy cells with dayrooms. The requested variance will allow the county to operate these four multiple occupancy cells as 8-bed multiple occupancy cells. The variance will create a deficiency of approximately 25 to 40 square feet within each of the variance cells. The cells would also be deficient of table and seating for the two additional beds. Marion County would utilize the variance for a period of 12 months and hire additional staff to ensure a minimum of three jailers are on duty at all times. If the county has not provided documentation verifying they have engaged an architect to begin planning for a new jail facility by the end of the 12 month period, the variance will be cancelled. Upon cancellation of the variance the county would be required to vacate the second and third floors of the jail facility. All other minimum standards would be met and the 1 officer to 48 inmate ratio will be maintained at all times throughout the facility. County officials addressed the Commission. No action was taken.

Travis County

Travis County officials are requesting a continuation of the variance granted in August 2016, allowing the county to operate 4, 60-bed direct supervision housing units. Minimum standards do not allow facilities to congregate more than 48 inmates within a dayroom. Housing Units A, B, C & D located within Building 1, were originally designed with 48 single occupancy cells served by a common dayroom. Each of these cells was previously granted a variance for one additional bed, making them 2-bed multiple occupancy cells. Due to the insufficient amount of square footage and only enough table and seating for one inmate within each cell, the additional beds were eventually surrendered bringing the total capacity of the housing units back down to 48 beds. The requested variance will allow the county to continue to operate 12 single occupancy cells within each of the four housing units as 2-bed multiple occupancy cells and congregate more than 48

inmates within each direct supervision dayroom. The maximum capacity of these four housing units would be temporarily raised to 60-beds, creating a deficiency of one inmate shower within the dayroom and approximately 7 square feet within each of the variance cells. Additional seating for the variance cells is provided within the dayrooms. The total number of variance beds would be 48, divided between the four housing units. Travis County will provide information, specifying which cells are to be designated for the variance. At no time will any of the specified cells be double bunked unless the total population of the housing unit exceeds the capacity of 48 inmates. All other minimum standards would be met and the 1 officer to 48 inmate ratio will be maintained at all times throughout the facility. County officials addressed the Commission. Sheriff Wilson made a motion to extend the variance for 12 months. Sheriff Rowe seconded the motion. The motion passed unanimously.

VIII. Staff Report

Completed Jail Projects

- None

Jail Planning and Construction List. Seven (7) jails are in the planning stages and fifteen (15) are under construction.

Jails in Compliance/Noncompliance - Risk Assessment Report. Two-hundred twenty-eight (228) jails are compliant, fifteen (15) are non-compliant, and nineteen (19) are closed.

Status of Remedial Orders. There were no remedial orders. No action required.

Status and Composition of Jail Population. On July 1, 2017, the total population in Texas county jails increased by 882 from the previous month. Statewide capacity stayed the same. County jails are now collectively operating at 70.95% of capacity. As of July 1, 2017, there were four (4) jails at 100% or more of capacity. On July 1, 2017, thirty-eight (38) TDCJ half-way house inmates were housed in county facilities. In addition, local facilities were housing three hundred forty-five (345) out-of-state inmates (New Mexico and Arkansas) in two (2) facilities. The total number of contract inmates (county, federal, TDCJ and out-of-state) was 6,727. No action required.

Executive Director's Activities

- **May 4, 2017.** Met with DPS-Texas Rangers to discuss death in custody investigations.
- **May 10, 2017.** Attended Conference of Urban Counties legislative updates.
- **May 15-18, 2017.** Attended and spoke at Texas Jail Association Conference.
- **May 23, 2017.** Attended Bell County ceremony for 30 years of compliance in Belton, TX.

- **May 24, 2017.** Met with Harris County representatives to discuss operational issues.
- **May 25, 2017.** Met with Bexar County representatives to discuss South Tower addition.
- **June 2, 2017.** Met with San Saba representatives to discuss jail issues in San Saba, TX.
- **June 9, 2017.** Met with Meadows Mental Health Foundation to discuss mental health initiatives.
- **June 12, 2017.** Met with Legislative Budget Board to discuss 2018-2019 appropriations.
- **June 16, 2017.** Met with Texas Association of Counties to discuss legislative impact.
- **June 20, 2017.** Met with Bee County representatives to discuss new jail project.
- **June 23, 2017.** Met with Texas Association of Counties to discuss liability issues facing counties.
- **June 23, 2017.** Met with Texas Criminal Justice Coalition to discuss impact of legislation.
- **June 26, 2017.** Met with representatives from TCOOMMI to discuss SB 1326.
- **June 28, 2017.** Met with Ector County representatives to discuss jail addition.
- **June 28, 2017.** Met with Office of Court Administration to discuss SB 1849.
- **June 30, 2017.** Met with Conference of Urban Counties to discuss SB 1849.
- **July 5, 2017.** Met with Travis County representatives to discuss variance request.
- **July 12, 2017.** Met with Lampasas County representatives to discuss new jail project.
- **July 14, 2017.** Attended Health and Human Services Commission Jail Based Competency Restoration work group.
- **July 18, 2017.** Met with Department of State Health Services to coordinate SB 1849 training.
- **July 26, 2017.** Met with DPS-Texas Rangers to discuss death in custody investigations.
- **July 27, 2017.** Met with TCOLE to discuss mental health training requirements.
- **July 30-August 1, 2017.** Attended Sheriff's Association Conference.

Staff Training/Activities

- **May 15-18, 2017.** Executive Director Wood, Assistant Director Herklotz, Program Specialist Moreno, Inspectors St. Amant, Bosquez, Sowell and Benningfield attended and presented at the Texas Jail Association Conference in Austin, TX.
- **May 30-June 2, 2017.** Inspector Sowell attended a Crisis Intervention Training class in Huntsville, TX hosted by the National Institute of Corrections.

- **June 6, 2017.** Staff Services Officer Valls and Accountant Holley participated in the HealthSelect transition to Blue Cross and Blue Shield of Texas webinar presented by the Employee Retirement System of Texas.
- **June 6, 2017.** Inspector Benningfield conducted an Objective Jail Classification class in the Austin office for 2 jailers from Smith County.
- **June 8, 2017.** Staff Services Officer Valls and Accountant Holley participated in the 2017 Benefits Coordinator's Summer Enrollment Q & A webinar presented by the Employee Retirement System of Texas.
- **June 20-22, 2017.** Inspector Benningfield attended a TCOLE Basic Jailer Course Curriculum Committee meeting in Austin, TX.
- **June 30, 2017.** Inspector Bosquez attended a Crisis Intervention/Mental Health Training class hosted by the Poteet Police Department in Poteet, TX.
- **July 6, 2017.** Accountant Holley participated in the 2017 Summer Enrollment webinar presented by the Employees Retirement System of Texas.
- **July 6, 2017.** Staff Services Officer Valls and Accountant Holley attended the Annual Financial Report Training hosted by the Comptroller's Office in the William B. Travis Building in Austin, TX.
- **July 10-14, 2017.** Inspector Sowell attended a Crisis Intervention Training class in New Orleans, Louisiana hosted by the National Institute of Corrections.
- **July 17-20, 2017.** Assistant Director Herklotz and Inspector Sowell attended the Chief Jail Inspector's Meeting in Aurora, Colorado hosted by the National Institute of Corrections.
- **July 25-27, 2017.** Inspector Benningfield attended a TCOLE Basic Jailer Course Curriculum Committee meeting in Austin, TX.
- **July 30-August 1, 2017.** Executive Director Wood and Inspector Sowell attended and presented at the Sheriff's Association of Texas Annual Conference in Grapevine TX.

Financial Report/Budget. Commissioners were provided a copy of the Expenditure Report dated July 21, 2017 for the current fiscal year.

Inmate Complaint Report. Commissioners were provided a list of inmate complaints for the months of April, May, and June.

IX. Other Business

Commission Activities

- None

Staff Activities

- None

Off Duty Employment

- No one is performing off-duty employment that creates a conflict of interest with duties at the Commission.

Miscellaneous Letters of Comment

X. Executive Session – Personnel Matter

- At 12:50 p.m. the Board went into Executive Session in accordance with Section 551.074(a) (1), Government Code, Personnel Matters, to deliberate the employment, evaluation and duties of the Executive Director.

Reconvene in Open Session

- At 12:56 p.m., the open meeting reconvened. No action was taken during the executive session. Mr. Lowry commended Executive Director Wood and staff on the job they do and requested authorization to put into writing those things that were discussed during Executive Session. This document will be put into Executive Director Wood’s personnel file. Mr. Lowry made a motion to raise Mr. Wood’s salary to maximum level. Mr. May seconded the motion. The motion passed unanimously.

XII. Next Commission meeting is scheduled for November 2, 2017 in the John H. Reagan Building.

XIII. Sheriff Wilson made a motion to adjourn the Commission meeting. Sheriff Rowe seconded the motion. The motion was unanimously passed and the meeting was adjourned at approximately 12:57 p.m.

The Board may meet in Closed Session on any item listed above if authorized by the Texas Open Meetings Act, Texas Government Code Ann. Ch. 551.



Brandon Wood, Executive Director

August 3, 2017



Luz Lozano, Secretary of the Commission

August 3, 2017

VARIANCES

Travis County

Section:	259.133	Single Cells
	259.134	Multiple Occupancy Cells
	259.136	Dayrooms

A motion was made and seconded to approve the temporary use of 12 bunks within four separate housing units, a total of 48 bunks, for a 12 month period. The county shall provide adequate staffing to meet the 1:48 officer to inmate ratio at all times.

Sheriff Wilson
Seconded by Sheriff Rowe
Unanimously passed