

Texas Commission on Jail Standards



2016 Annual Report

February 1, 2017

Empowering local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas.

Brandon Wood
Executive Director

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This report is made pursuant to Chapter 511, Section 511.015 Government Code and covers activities of calendar year 2016.

I. Mission Statement

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.

During its regular session of 1975, the 64th Legislature enacted House Bill 272 creating the Texas Commission on Jail Standards in an effort to end federal court intervention into county jail matters and return jail control to state and local jurisdictions. Formerly through Title 81 of the Civil Statutes and currently through Chapters 499 and 511 of the Government Code, the state has evinced a strong commitment to improving conditions in the jails by granting the Commission the authority and responsibility to promulgate and enforce minimum standards for jail construction, equipment, maintenance, and operation. Related duties and rules are set forth in Chapters 351 and 361 of the Local Government Code, Title 37 of the Administrative Code, and Minimum Jail Standards.

The Commission serves the citizens of Texas with programs and services for the custody, care, treatment, and supervision of adult inmates in county jails. Although we retain the responsibility to regulate privately operated municipal facilities, most of our activities are oriented toward county functions. Our principle operations include on-site inspections of jails to verify compliance with Standards, review of proposed construction and renovation plans to assess conformity to Standards, provision of jail management technical assistance and training, administration of inmate population reports and audits, resolution of prisoner grievances, and various other activities relating to policy development and enforcement. Contrary to popular belief, the Commission does not have authority over the state prison system or juvenile detention facilities. We do have facilities under our authority which contract with the Texas Department of Criminal Justice and federal systems to house state and federal inmates. We also regulate any Texas facility housing out-of-state inmates.

We work closely with city, county, and state government officials in our duties to enforce jail standards. Primary relationships exist with county judges, commissioners, sheriffs and private management companies to provide consultation and technical assistance; review and comment on plans for construction, modification, and renovation of jails; and regular inspections of jails to ensure compliance with state law. Secondary relationships extend to architectural and criminal justice professional associations and to regulatory agencies concerned with fire safety, legal issues, civil liberties, health and mental health. Jail inmates awaiting criminal trial or administrative hearings, serving misdemeanor sentences, or awaiting transfer to the Texas Department of Criminal Justice after felony convictions benefit from our efforts by being housed in safe and sanitary environments. We provide a service to the citizens of Texas communities through our Standards, which mandate secure jail design and operation, effective inmate management, use of accepted correctional methods, and programming based on available resources.

II. 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

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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 as of December 31, 2016 were as follows:

<u>Member</u>	<u>City</u>	<u>Term Expires</u>
Judge Bill Stoudt, Chair	Longview	2019
Ms. Irene A. Armendariz	Austin	2015
Mr. Jerry Lowry	New Caney	2019
Mr. Larry May	Sweetwater	2019
Mr. Allan Cain	Carthage	2017
Sheriff Dennis D. Wilson	Groesbeck	2021
Sheriff Kelly Rowe	Lubbock	2021
Dr. Esmaeil Porsa, M.D.	Parker	2017

At the end of 2016, the staff consisted of the following positions:

Executive Director	Exempt
Manager I	B22
Staff Services Officer III	B19
Accountant III	B17
Inspector V (4 positions)	B19
Planner II	B19
Project Manager I	B20
Program Specialist II	B18
Program Specialist I (4 positions)	B17
Network Specialist II	B18
Receptionist	A06

The Commission on Jail Standards is headquartered in Austin, Texas.

III. Agency Objectives & Funding

In order to fulfill our mission, the Commission allocates its resources and carries out its statutorily-mandated duties through six distinct but related strategies. Although inspection of jail facilities and enforcement of Minimum Jail Standards is our most critical and visible strategy, the

Commission's remaining five strategies are vital as well and assists counties in achieving and maintaining constitutional standards— the primary goal of the agency.

National research, statewide input, and case law are among the resources considered when developing or revising the Standards. The jail standards process reviews and amends minimum standards for the purpose of building and maintaining safe, secure, and efficient jail operations. Proposed revisions to the Standards, after Commission approval, are published in the Texas Register for public comment and these comments are reviewed in order to ascertain whether revision would be appropriate. The final version, whether altered from the original or not, is again presented to the Commission for approval and again published in the Texas Register.

In addition to the appropriated funds, the agency charges inspection fees in order to cover the cost of inspecting facilities housing 30% or more non-Texas sentenced inmates or for conducting a re-inspection if the areas of non-compliance have not been corrected. These inspection fees combined with appropriated receipts from the sale of manuals account for 2% of the agency's budget.

In order to meet agency objectives, each strategy is allocated a specific number of full-time equivalent positions.

A. Inspection & Enforcement

(7 full-time positions) Inspection activities consist of fair and impartial monitoring and enforcing compliance of adopted rules and procedures. This objective includes development and implementation of a uniform inspection process. Uniform inspection reports and procedures for inspecting jail facilities are developed under the provision of Chapters 351 and 361 of the Local Government Code and Chapter 511 of the Government Code.

At least once each fiscal year, each facility that is under the Commission's authority is inspected in order to determine compliance with minimum jail standards. Each of these inspections reviews security, control, general conditions, and takes into account not only the operations of the facility, but the physical plant aspects as well. Special inspections may be conducted on facilities that have either been identified as high-risk or found to be in non-compliance. These unannounced inspections may also be performed when county officials indicate that the non-compliant items have been corrected, in which case the inspector must personally examine the areas that required correction. This is especially critical when the issues involve safety and/or security issues.

Following the Executive Director's review of the inspector's report, a certificate of compliance is sent to facilities found to be in compliance. If deficiencies were noted, however, a notice of non-compliance is issued, which specifies the Standards with which the facility has failed to comply and includes detailed information as to specific steps that must be taken to correct the deficiencies.

B. Construction Plan Review

(2 full-time positions) The construction facility planning staff provides consultation and technical assistance to local governments for jail construction that meets Standards. There is extensive consultation and interaction with state and local officials, design professionals and consultants. Plan documents are reviewed at three phases: schematic design, design development, and construction documents. At each phase, items requiring resolution are noted and satisfied prior to proceeding to the next phase. This process

assists in ensuring that counties understand jail requirements, and also helps to provide more efficient, effective and economic jails that comply with Minimum Standards. On-site consultations are desirable, when possible, and are often a more productive method of consultation with designers, architects, construction contractors, sheriffs and other county officials, once construction has begun. The facility planning staff also conducts facility needs analyses at a county's request, using population projections and other pertinent data to provide assistance to counties in determining their future incarceration needs.

C. Management Consultation

(2 full-time positions) Commission staff also provides needed jail management training and consultation to counties by working with county representatives in our Austin office, on the phone, through written correspondence, regional training classes, and on-site visits. Technical assistance on matters such as structural issues, life safety, and overall jail operation is provided on an on-going basis. Counties also receive assistance with analyses of jail staffing needs to assist counties in operating safe and secure facilities, and in developing and implementing operational plans that meet Minimum Standards. Operational plans include procedures for classification of inmates, health services, discipline and grievance, inmate services and activities, and seven additional areas. This strategy is very important, in that it is focused on assisting counties to achieve and maintain compliance with Standards, transmitting to county jails the knowledge and tools required to run a safe and secure jail – a facility that is less likely to be a liability to the county.

D. Auditing Population & Costs

(1 full-time position) This strategy requires the collecting, analyzing and disseminating of data concerning inmate populations, felony backlog, immigration, licensed jailer turnover and jail operational costs. Counties are assisted in completing their jail population reports, and technical assistance is provided. Statistical data is collected, analyzed and provided to agencies to assist in planning and predicting trends in incarceration at the state and local level. We also receive audits of the commissary and general operations of the county jails. These audits are analyzed by Commission staff to assess jail program costs and to develop Average Daily Cost estimates – information that is often requested by other state agencies and counties, as well as members of the Legislature.

E. Indirect Administration

(5 full-time positions) Indirect administration strategy is to account for functions such as finance, human resources and IT that had previously been allocated among the five existing strategies. This allows for a more accurate representation of the funds and resources utilized not only for each of the five primary strategies, but also allow the agency to properly budget and plan for activities not directly tied to a particular strategy, such as IT needs, which would support employees assigned to several different strategies.

F. Juvenile Justice Survey

The responsibility for administering the juvenile justice survey has been transferred to the Governor's office.

IV. 2016 Operational Performance in Review

A. Changes to Standards

In 2016, there were no changes to standards.

B. Jail Inspections

During Calendar Year 2016, 238 annual jail inspections were conducted. Legislation has exempted certain private jails from annual inspection since September 1, 2003, and this number may fluctuate during the course of any given year as conditions warrant. Staff also completed 76 special inspections on high-risk and/or non-compliant jails during 2016. Out of the combined 314 inspections, 314 were unannounced, representing 100% of all inspections.

14 occupancy inspections on completed construction projects were conducted during 2016.

1. Compliant Counties

At the beginning of 2016, 235 jails (97.1%) complied with Minimum Jail Standards. As of December 31, 2016, 231 jails were certified, comprising 95.4% of the county and private facilities under our regulatory review. No jails fell out of the Commission’s purview during 2016 as a result of the operators electing to hold only Federal inmates.

2. Noncompliant Counties

On December 31, 2016, 11 jails were in a status of noncompliance, representing 4.5% of the facilities on the inspection list. Notices of non-compliance are issued in three categories: Life Safety, Management, and Construction. In most instances, the counties receiving the notices have taken positive and responsible action toward eliminating cited deficiencies to meet the requirements of state law. Counties, which were not believed to be acting expeditiously to resolve deficiencies, were requested to appear before the Commission to address the corrective action necessary in order to prevent remedial action by the Commission. These meetings resulted in firm commitments aimed at eliminating the deficiencies from the counties concerned. Commission staff conducts monthly risk assessment reviews of noncompliant counties to assess the progress and status of these facilities as they move toward compliance with Minimum Jail Standards.

3. Closed Jails

Presently, 19 counties have closed jails. The following counties opted to board their few inmates in an adjacent county rather than maintaining their own facilities:

Glasscock	Cottle	Jeff Davis	McMullen
Borden	Floyd	Kenedy	Motley
Briscoe	Foard	Kent	Throckmorton
Coke	Hartley	King	Sterling
Concho	Irion	Loving	

Construction Plan Review

26 construction/renovation documents were reviewed in 2016. Several counties are embarking upon renovations of ageing facilities, while others are planning new facilities to replace well-worn facilities or to add additional beds to meet local needs.

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1. Construction Completed

6 Counties opened a new facility during the year. These projects represented a total of 106 beds.

List of completed projects	# of beds
Travis County Justice Center, 2 nd Floor	0 - Court Holding
Burleson County Courthouse Annex	0 - Court Holding
Wilson County Criminal Justice Center	0 - Court Holding
Karnes County Jail and Sheriff's Office*	50
Fisher County Law Enforcement Center*	24
Mills County Law Enforcement Center*	32

*Indicates the county closed an existing facility after completion of a new jail.

2. Major Renovations/Additions Completed

6 counties completed major renovations or additions during the year, adding 254 beds. The counties were:

List of Renovations	# of beds
Cameron County Jail	0
Maverick County Jail	0
Reagan County Jail (P)	0
Limestone County Detention Center (P)	254

All construction and renovation/additions projects totaled 360 beds.

3. Jails under Construction or Planning

At the end of 2016, 22 counties were involved in planning or construction projects. These projects are expected to result in an additional 1,385 beds in 2017. This figure is an estimate based on projects identified on January 1, 2017 and scheduled for completion by December 31, 2017; other projects identified during the year may cause this number to be adjusted further. In addition to plan reviews, the Planning Department completed 6 Facility Needs Analyses, which assisted counties in determining their future jail needs.

D. Management Consultation

- Technical assistance on jail matters such as alternative programs, population control, structural issues, life safety, and overall operations was provided to county officials throughout the year. Although telephone calls are not routinely logged, it is estimated that several thousand telephone calls were received during

the year for technical assistance regarding jail management and operations. In addition, 11 in-house management consultations were conducted at the Austin office in 2016. The Commission also conducted 244 management consultations on-site with County Judges, Commissioner's Courts, and Sheriffs concerning the most economical and feasible way to achieve compliance with state law, and in some cases, federal court orders. Finally, 3 counties received assistance with analyses of jail staffing needs, and 1,522 operational plans were reviewed in 2016.

The Commission continued the program of technical assistance to jails on management related issues through regional jail management workshops during the calendar year. The workshops were developed under the direction of the Commission's Education Committee to provide training and credits afforded by the Texas Commission on Law Enforcement.

Municipalities continued to request information and assistance on jail construction or renovation. While municipal jails other than those privately operated under authority of Chapter 351, Local Government Code, are not required to conform to Texas Minimum Jail Standards, municipalities continue to show confidence in the Commission to provide them unbiased information and guidance upon which to base decisions concerning construction or operation.

E. Auditing
1. Population

On January 1, 2016, jails were operating at 64.49% of capacity with a population of 60,151 and a capacity of 93,273. During 2016, the population increased to 65,242 on December 1, 2016 with a capacity increase to 93,325 beds. On December 1, 2015, all Texas jails were collectively operating at 69.91 % of capacity.

Texas counties continue to house out-of-state inmates. On December 1, 2016, three local facilities were housing 348 inmates for New Mexico and Arkansas.

The number of federal inmates held by facilities under the Commission's purview increased from 4,903 on January 1, 2016 to 5,278 on December 1, 2016. The local population increased from 53,381 on January 1, 2016 to 57,375 on December 1, 2016. This represents an increase of 7.48%. Additionally, in 2016 jails continued housing convicted state inmates through contract with the Texas Department of Criminal Justice. Two facilities housed a total of 37 state inmates on December 1, 2016.

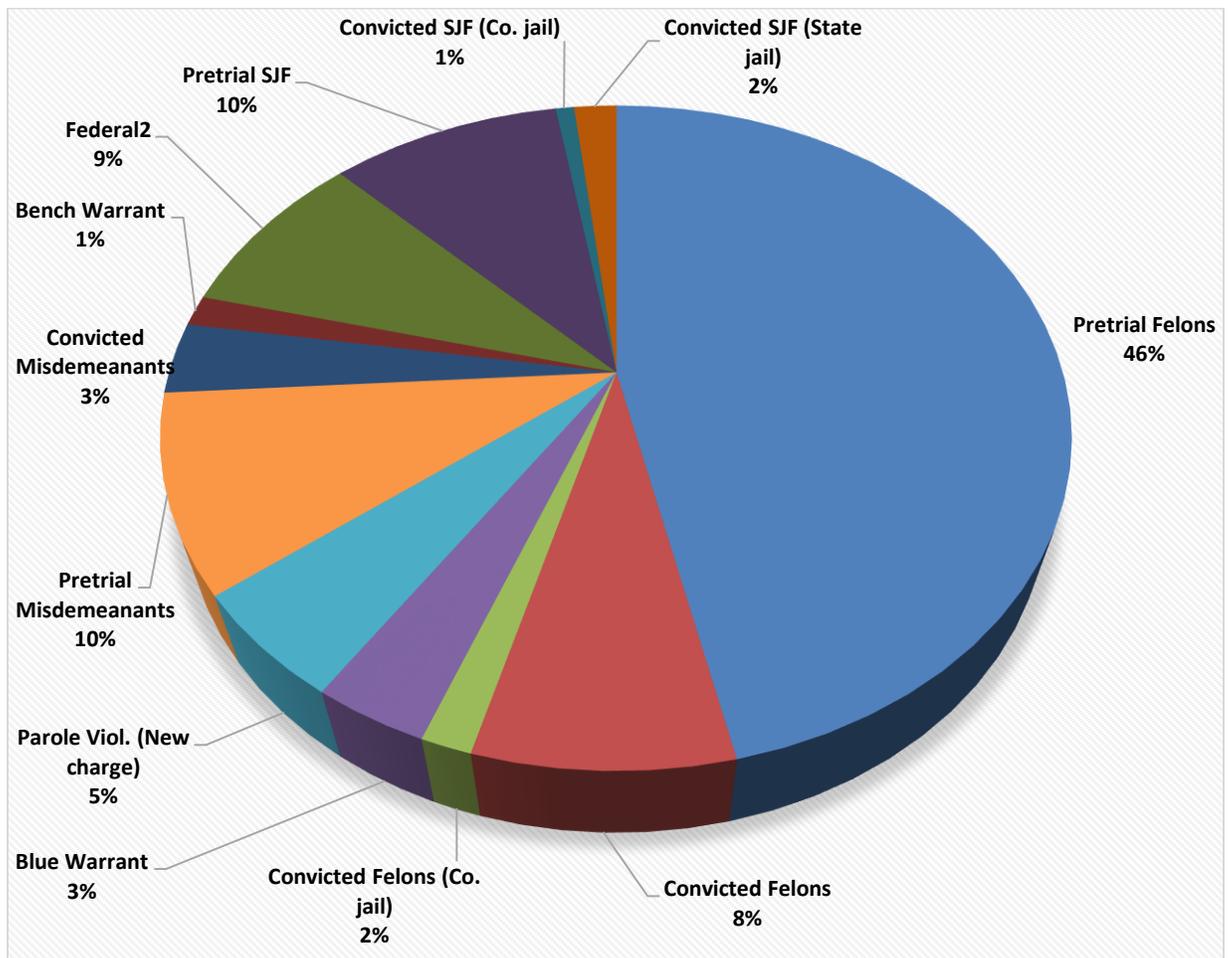
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County Jail Population by Offense Type¹

	12/2011	12/2012	12/2013	12/2014	12/2015	12/2016
Pretrial Felons	39.10%	39.36%	38.70%	41.71%	44.21%	43.8%
Convicted Felons	9.55%	7.42%	8.88%	8.71%	7.64%	7.28%
Convicted Felons (Co. jail)	1.66%	1.89%	1.70%	1.47%	1.31%	1.44%
Blue Warrant	3.46%	2.57%	3.41%	2.5%	2.48%	3.29%
Parole Viol. (New charge)	4.08%	3.81%	4.28%	3.97%	4.47%	4.88%
Pretrial Misdemeanants	9.40%	9.93%	9.31%	9.70%	9.61%	8.99%
Convicted Misdemeanants	5.51%	5.73%	4.60%	3.74%	3.59%	3.27%
Bench Warrant	1.70%	1.47%	1.74%	1.77%	1.45%	1.41%
Federal²	9.87%	10.56%	10.10%	9.10%	7.80%	8.08%
Pretrial SJF	6.97%	8.30%	8.42%	9.14%	9.62%	9.27%
Convicted SJF (Co. jail)	1.10%	1.26%	0.90%	1.09%	0.79%	0.74%
Convicted SJF (State jail)	2.42%	2.20%	2.13%	2.07%	1.97%	1.71%

¹This representation does not include all offense categories so totals may not equal 100%

²This only includes those federal inmates in facilities under purview of the Commission on Jail Standards. Under 511.0094 Government Code, facilities housing only federal inmates do not fall under Commission purview.



2. Immigration

Senate Bill (SB) 1698, 82nd Legislature, requires the reporting of inmates with an immigration detainer and the associated costs. In 2016, the total number of inmates with an immigration detainer in Texas county jails was 45,856 for 1,001,074 days. The collective cost for the entire state was \$60,818,839.27. The monthly average for 2015 was 3,821 inmates for 83,423 days at a cost of \$5,068,236.61.

3. Licensed Jailer Turnover

Senate Bill (SB) 1687, 82nd Legislature, requires county jails to report the number of licensed jailers that leave county jail employment. During 2016, county jails reported an annual average turnover rate of 29.45%. The turnover rate ranged from 0%-182% during 2016.

F Additional Services

1. Research

The primary function of the research personnel in 2016 was to research relevant issues and questions for Texas sheriffs and jail administration regarding recent changes to standards, legislation, statutes, AG opinions, court cases, and best practices. In addition to handling numerous technical assistance and information requests, research staff also provided training on legislative matters and legal developments to county officials, jail administrators, and others in local government.

Research staff actively participated in meetings and presentations with other professionals and academics to address the challenges of incarcerated individuals with mental health issues. Staff represented the Commission on Jail Standards at advisory meetings of the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) and the Texas Coordinating Council for Veterans Services (TCCVS).

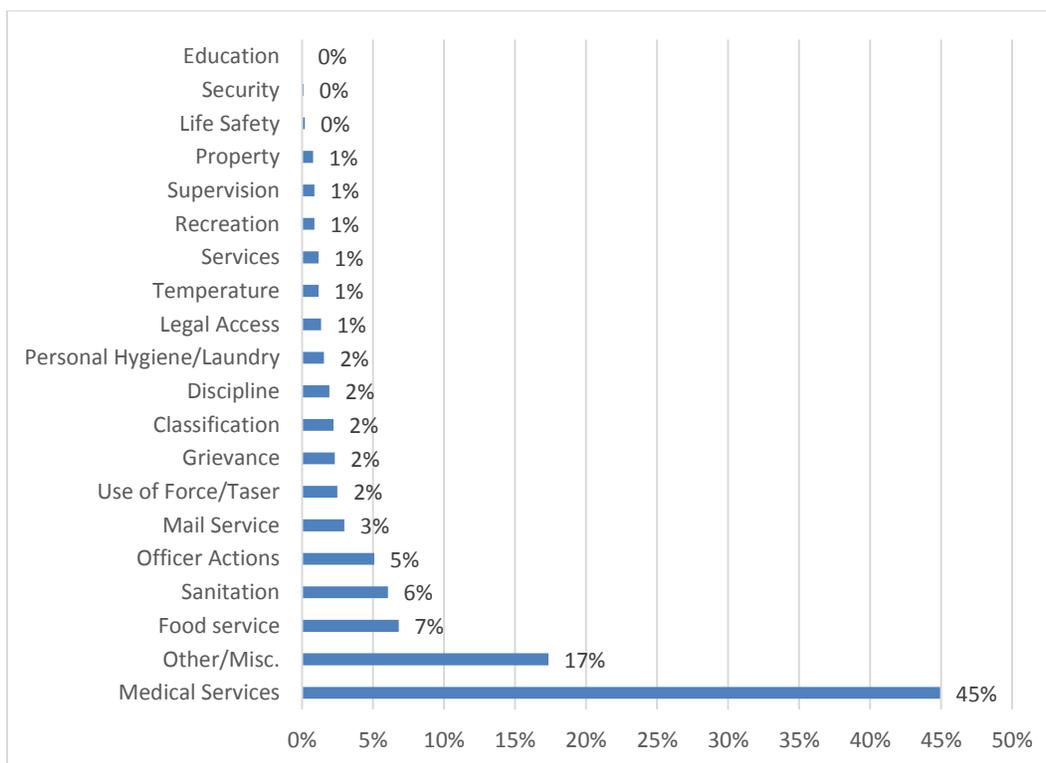
2. Inmate Complaints

The Commission received 1,822 written requests for inmate assistance or grievance investigation in 2016, with 743 requiring a written response by county officials, and possible action by Commission staff. 56 complaints were founded by the Commission. Consistent with previous years, the category most frequently cited in grievances requiring a formal reply was medical services. For 2016, Medical Services constituted 45% of these grievances.

The following chart illustrates the frequencies (from highest to lowest) of complaints received for 20 categories (Note: combined numbers exceed total number of complaints requiring a formal reply due to letters containing more than one complaint category). In cases where more than one complaint category is addressed in a letter, the three most significant complaints are reported in their respective categories.

Inmate Complaints by Category for 2016

Medical Services	469	Personal Hygiene/Laundry	16
Other/Misc.	181	Legal Access	14
Food service	71	Temperature	12
Sanitation	63	Services	12
Officer Actions	53	Recreation	9
Mail Service	31	Supervision	9
Use of Force/Taser	26	Property	8
Grievance	24	Life Safety	2
Classification	23	Security	1
Discipline	20	Education	0



1,079 complaint letters required no response, were beyond the purview of the Commission, or were returned to the sender with instructions to utilize the facility's established jail grievance system. Inquiry into the remainder of the requests either alleviated conditions in need of correction or established the lack of truth in the allegations, and thus aided in eliminating frivolous litigation. Occasionally, areas of concern were addressed with the individual sheriffs involved and recommendations were made to preclude future allegations.

3. Variances

Four new variances and one extension of a variance previously granted were approved by the Commission. At the request of a county, one variances for that facility were cancelled. Each request was individually reviewed and acted upon by the Commission during the year's four regular meetings. (The Commission may grant reasonable variances, except that no variance may be granted to permit unhealthy, unsanitary or unsafe conditions).

V. 2016 Administrative Activity in Review

A. Staff Changes

In 2016, 1 new hire joined the Commission.

B. Staff Turnover

In 2016, 3 staff members left the agency.

C. Training Initiatives

2016 was another successful year for jail training efforts at the Commission. The staff has continued to select timely topics and develop a solid curriculum for the training programs developed in 2001, as evidenced by the positive response all training sessions have received.

The Practitioners' Series Training called the 'Current Trends and High-Impact Areas of Jail Operations' was conducted at 9 regional sites during September, October, November and December. Practitioners who are widely regarded as experts in their field of jail management served as instructors for this training alongside Commission staff, using materials prepared by the agency. This program not only educates those attending the training, but also develops the presentation and leadership skills of the instructors themselves. In 2016, there were 449 participants at the 9 training sessions.

Since creating and maintaining a responsible classification system remains an essential part of county jail management, Objective Jail Classification training by Commission staff continues to be offered to the counties, both on-site and at headquarters. In addition, Commission staff has continued its training for Population and Paper Ready Reports and 'What to Expect During Inspection' for any county that requests assistance, both on-site and at headquarters.

In 2016, the Commission provided 3 classes to 116 participants in Classification training, 3 classes to 12 participants in Population reporting and 7 classes to 254 participants in What to Expect During an Inspection training.

Commission staff continued the "Assessing for Suicide, Medical and Mental Impairments" course. The course was created with multiple state agencies, including the Texas Commission on Law Enforcement, Texas Correctional Office on Offenders with Medical and Mental Impairments, and other state agencies. Unique to this course is the inclusion of staff from local mental health authorities in teaching the course. In 2016, the course provided training to 477 participants in 10 classes.

In addition to the training classes, the Commission conducted training sessions at the annual Texas Jail Association (TJA) Conference in Austin, Texas, the Jail Management

Issues Conference in Galveston, Texas and at the Sheriff's Association Conference in San Antonio. In addition, a "Jailpardy!!" game was conducted at the TJA Conference, as well. All presentations received positive evaluations from the attendees and participants alike.

D. Legislative Actions

The Commission completed House Bill 1140 report about the care of pregnant inmates. No other Legislative action occurred in 2016. The Commission continued to provide assistance and information to county officials with legislation that had impact on county jail operations.

E. Attorney General Action

In 2016, the Commission submitted 12 requests for rulings to the Office of the Attorney General to have certain records excepted from public disclosure under the Public Information Act.

VI. Summary & Forecast

This past year has seen a continued emphasis on dealing with inmates with mental health issues along with our standard operations. The revised intake screening form has been in place for one full year, and the initial results are encouraging. This should be approached cautiously though as additional data for an extended period is necessary before it can be proclaimed as addressing, even partially, the issue. For the Commission, the main issue was initial identification so that services available could be provided if needed. Even this was problematic at times since an initial identification could require additional screening to determine what the next step was and the different service plans across the state resulted in an unequal approach. There remains much work to be done on this subject, and it will never truly be complete as the way mental health services and where they are provided continues to evolve.

Employee retention and adequate compensation continue to be an issue that's hard to address even in the best of economic times. Our staff is well trained, and their expertise is highly sought by counties and private consultants alike. The cost of living in Austin is a barrier to recruiting qualified replacements, and the agency believes long-term success and strategic planning hinges on its ability to address this problem. This issue remains a priority as we work with the Legislative Budget Board and present our position and needs to the 85th Legislature during the session. These efforts are hampered though by periodic hiring freezes that are mandated which then requires shifting of duties on a regular basis when a vacancy occurs.

Federal issues that neither the commission nor the state has any control over continue to impact county jail operations. While many jails in Texas have implemented most of the provisions contained in the Prison Rape Elimination Act, the issue of where and how to best house 17-year-olds remains an issue. Current state law considers a 17-year-old an adult while the Federal Act considers them a juvenile and prohibits their housing with adults. This has created a conflict requiring many counties to either inefficiently dedicate an arbitrary amount of jail space to comply or house additional inmates out of county at a cost. The other federal issue that impacts county jail operations and the Commission is

that of Federal prisoners. With all indicators pointing towards an increase in the number of immigration detentions, county jails will fill the void when it comes to lack of beds available for use by the Federal government. While there are several, dedicated facilities within the state operated by private vendors, the convenience, and location of county jails that we inspect has always been viewed as a necessary part of the program. It is also unknown how soon private detention space that will be needed can be commissioned as the current amount may prove to be inadequate. This will also drive the use of county jail beds and has the potential to stretch the agency's limited resources to the breaking point.

With the added emphasis on technical assistance, the number of jails in non-compliance at any given time remains below twenty. The staff is also making every effort to expedite re-certification of a facility, primarily by continuous communication and follow-up to ensure facilities are implementing their corrective action plans. This has resulted in jails regaining certification much quicker than in years past, but there remain some issues that take longer to resolve than 30 days. These most often involve significant physical plant issues which further reinforces the recommendation that preventative maintenance is critical and when it is not performed, it is always more expensive when the problem is finally addressed.

There is no "down time" when it comes to the environment in which we operate, just days that are less hectic than others. While staff continuously works with county officials to address everyday issues, new ones continue to appear. This is all the more evident every four years when on average, 80 new sheriff's take office after winning an election in their respective counties. The staff made a concerted effort to engage each and every one of these new office holders before conducting their first inspection in an attempt to reinforce the philosophy of the agency. Based on the feedback from our stakeholders, this was well received, and it is our intent to continue this outreach effort any time a new sheriff takes office.