

# Texas Commission on Jail Standards



## 2017 Annual Report

February 1, 2018

*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

**TEXAS COMMISSION ON JAIL STANDARDS - CALENDAR YEAR 2017 ANNUAL REPORT**

- I. Mission Statement ..... 4
- II. Organization..... 5
- III. Agency Objectives & Funding ..... 6
  - A. Inspection & Enforcement ..... 6
  - B. Construction Plan Review ..... 7
  - C. Management Consultation ..... 7
  - D. Auditing Population & Costs ..... 7
  - E. Indirect Administration ..... 8
  - F. Prisoner Safety Grants ..... 8
- IV. 2017 Operational Performance in Review ..... 8
  - A. Changes to Standards ..... 8
    - 1. Critical Incident Report ..... 8
    - 2. Continuity of Medication ..... 8
    - 3. Independent Investigation of Death in Custody ..... 9
    - 4. Jail Administrator Exam ..... 9
  - B. Jail Inspections ..... 9
    - 1. Compliant Counties..... 9
    - 2. Noncompliant Counties ..... 9
    - 3. Closed Jails ..... 10
  - C. Construction Plan Review ..... 10
    - 1. Construction Completed ..... 10
    - 2. Major Renovations/Additions Completed ..... 11
    - 3. Jails under Construction or Planning ..... 11
  - D. Management Consultation ..... 11
  - E. Auditing ..... 12
    - 1. Population ..... 12
    - 2. Immigration..... 13
    - 3. Licensed Jailer Turnover..... 13
  - F. Additional Services..... 13
    - 1. Research..... 13
    - 2. Inmate Complaints..... 14
    - 3. Variances..... 15
- V. 2017 Administrative Activity in Review ..... 15

**TEXAS COMMISSION ON JAIL STANDARDS - CALENDAR YEAR 2017 ANNUAL REPORT**

A. Staff Changes ..... 15

B. Staff Turnover ..... 15

C. Training Initiatives..... 16

D. Legislative Actions..... 17

    1. SB 1849 – The Sandra Bland Act ..... 17

    2. SB 1326 ..... 18

E. Attorney General Action ..... 18

VI. Summary & Forecast..... 19

This report is made pursuant to Chapter 511, Section 511.015 Government Code and covers activities of calendar year 2017.

**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 64<sup>th</sup> 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 not have authority over federal facilities or other facilities comprised solely of federal inmates; however, we do have facilities under our authority that contract with the Texas Department of Criminal Justice and with federal systems that house both 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. Our primary relationships are 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 conduct regular jail inspections to ensure compliance with state law. Our 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**

The Commission on Jail Standards is headquartered in Austin, Texas. 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 from minimum standards. Members are not compensated for their work except for allowable travel and per diem expenses.

Commission members as of December 31, 2017 were as follows:

<b>Member</b>	<b>City</b>	<b>Term Expires</b>
Judge Bill Stoudt, Chair	Longview	2019
Mr. Jerry Lowry, Vice Chair	New Caney	2019
Ms. Melinda Taylor	Austin	2021
Mr. Larry May	Sweetwater	2019
Mr. Duane Lock	Southlake	2023
Commissioner Ben Perry	Waco	2023
Sheriff Dennis D. Wilson	Groesbeck	2021
Sheriff Kelly Rowe	Lubbock	2021
Dr. Esmail Porsa, M.D.	Parker	2023

At the end of 2017, the staff consisted of the following positions:

Executive Director	E-086
Manager I	B22
Staff Services Officer III	B19
Accountant III	B17
Grant Coordinator II (new, vacant)	B20
Inspector VI (4 positions)	B19
Inspector VI	B15
Mental Health Trainer (3 positions)	B17
Planner II	B19
Program Specialist I (3 positions)	B17
Program Specialist II (2 positions)	B17
Network Specialist II	B18
Research Specialist II	B17
Receptionist	A-07

**III. Agency Objectives & Funding**

The Commission fulfills its mission by allocating its resources and carrying 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 Minimum Standards 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 (FTE) 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, and 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 or review

documentation demonstrating compliance. This is especially critical when the issues involve safety and/or security issues.

The Executive Director reviews the inspector's report, and if the facility is in compliance, the inspector sends a certificate of compliance to the facility. However, if the inspector notes deficiencies, he/she issues a notice of non-compliance, which specifies the Standards with which the facility has failed to comply and includes detailed steps the jail must take 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. Staff review plan documents at three phases: schematic design, design development, and construction documents. At each phase, staff note items requiring resolution and satisfaction 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. Upon a county's request, the facility planning staff also analyze facility needs using population projections and other pertinent data to help counties determine their future incarceration needs.

**C. Management Consultation**

(2 full-time positions) Commission staff also provides needed jail management training and consultation to county representatives in-person in our Austin office and by phone, written correspondence, regional training classes, and on-site visits. Staff provide on-going technical assistance on matters such as structural issues, life safety, and overall jail operation. Staff also analyze 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 important because it focuses 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 and thereby reducing county liability.

**D. Auditing Population & Costs**

(1 full-time position) This strategy requires the collecting, analyzing and disseminating data concerning inmate populations, felony backlog, immigration, licensed

jailer turnover, and jail operational costs. Staff assist counties with completing their jail population reports, and provide technical assistance. Staff collects, analyzes, and provides statistical data to agencies that helps them predict and prepare for trends in incarceration at the state and local level. We also receive audits of the commissary and general operations of the county jails. Commission staff analyze these audits 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 not only allows for a more accurate representation of the funds and resources utilized for each of the five primary strategies but also allows 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. Prisoner Safety Grants**

(1 full-time position) Administer and research grants from the Prisoner Safety Fund to provide grants to counties to fund electronic sensors and cameras in certain jails. This is a new strategy created by SB 1849 of the 85<sup>th</sup> Legislature. See “Legislative Actions” on page 17 of this report for more information.

**IV. 2017 Operational Performance in Review**

**A. Changes to Standards**

In 2017, passage of SB 1849 required four changes to the Minimum Jail Standards, which the Commission subsequently adopted:

**1. Critical Incident Report**

The Commission adopted a change to the Minimum Standard §269.1 (7) requiring the sheriff/operator of each county to report to the Commission on or before the fifth day of each month the occurrence any serious incidents involving an inmate in the county jail during the preceding month.

**2. Continuity of Medication**

The Commission adopted a change to the Minimum Standard §273.2 (12) requiring jails to provide procedures whereby a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

**3. Independent Investigation of Death in Custody**

The Commission adopted a change to the Minimum Standard §269.1(5) requiring the Commission to appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate a death-in-custody. It also requires that the investigation report to be submitted to the Commission.

**4. Jail Administrator Exam**

The Commission adopted a change to the Minimum Standard §275.8 requiring a person appointed to the position of Jail Administrator after March 1, 2018, within 180 days of his/her appointment, to satisfy the requirements of a Jail Administrator Examination created by the Texas Commission on Law Enforcement (TCOLE) and approved by the Commission.

**B. Jail Inspections**

During Calendar Year 2017, Inspectors conducted 236 annual jail inspections. 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 65 special inspections on high-risk and/or non-compliant jails during 2017. Out of the combined 301 inspections, 301 were unannounced, representing 100% of all inspections.

Staff conducted eight (8) occupancy inspections on completed construction projects during 2017.

**1. Compliant Counties**

At the beginning of 2017, 229 jails (94.2%) complied with Minimum Jail Standards. As of December 31, 2017, we certified 222 jails, comprising 92.5% of the county and private facilities under our regulatory review. Three (3) jails fell out of the Commission's purview during 2017 due to the length of time they were depopulated. A private vendor operated these facilities at one time. Due to lower than projected numbers, there are fewer Federal inmates being housed in the state, and there is little or no need for the beds in these three facilities.

**2. Noncompliant Counties**

On December 31, 2017, 22 jails were in a status of noncompliance, representing 9.2% of the facilities on the inspection list. We issued notices of non-compliance 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. We requested counties that were not believed to be acting expeditiously to resolve their deficiencies 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	

**C. Construction Plan Review**

26 construction/renovation documents were reviewed in 2017. 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.

**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 <sup>nd</sup> 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 2017, 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 (FNA), 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, 9 in-house management consultations were conducted at the Austin office in 2017. The Commission also conducted 247 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, with federal court orders. Finally, 9 counties received assistance with analyses of jail staffing needs, and staff reviewed 1,167 operational plans in 2017.

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 not operated privately under authority of Local Government Code Chapter 351 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, 2017, jails were operating at 68.23% of capacity with a population of 63,679 and a capacity of 93,325. During 2017, the population increased to 64,020 on December 1, 2017 with a capacity increase to 93,791 beds. On December 1, 2017, all Texas jails were collectively operating at 68.26 % of capacity.

Texas counties continue to house out-of-state inmates. On December 1, 2017, one local facility was housing 333 inmates for Arkansas.

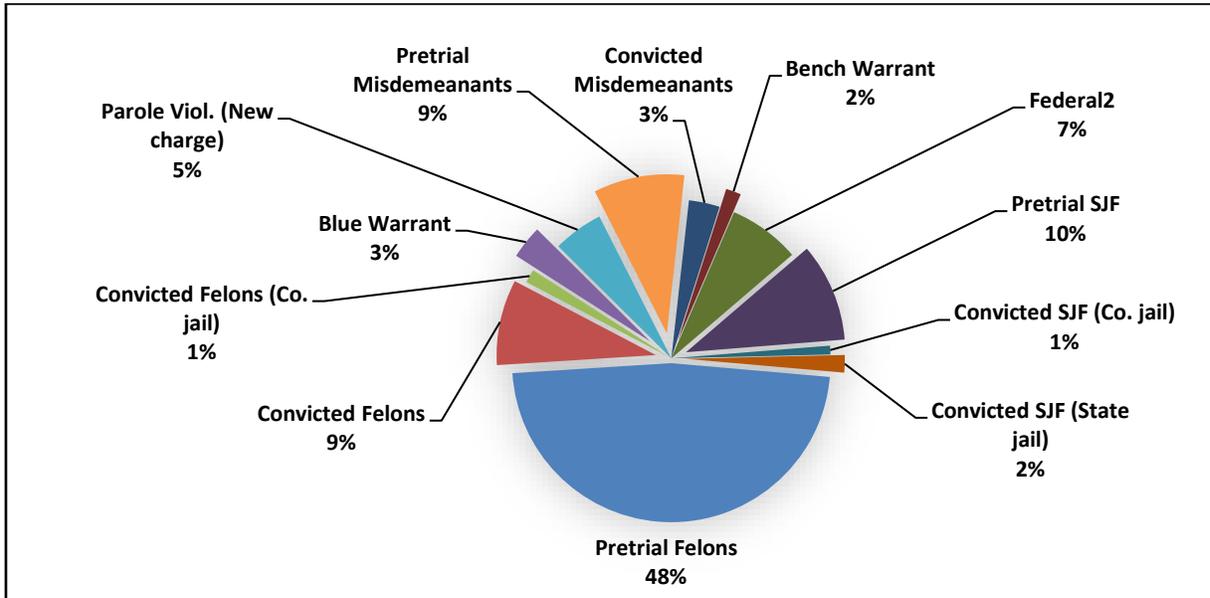
The number of federal inmates held by facilities under the Commission’s purview decreased from 5,033 on January 1, 2017 to 4,434 on December 1, 2017. The local population increased from 56,104 on January 1, 2017 to 57,143 on December 1, 2017. This represents an increase of 1.85%. Additionally in 2017, jails continued housing convicted state inmates through contract with the Texas Department of Criminal Justice. Two facilities housed a total of 26 state inmates on December 1, 2017.

**County Jail Population by Offense Type<sup>1</sup>**

	<b>12/2012</b>	<b>12/2013</b>	<b>12/2014</b>	<b>12/2015</b>	<b>12/2016</b>	<b>12/2017</b>
<b>Pretrial Felons</b>	39.36%	38.70%	41.71%	44.21%	43.8%	46.39%
<b>Convicted Felons</b>	7.42%	8.88%	8.71%	7.64%	7.28%	8.48%
<b>Convicted Felons (Co. jail)</b>	1.89%	1.70%	1.47%	1.31%	1.44%	1.33%
<b>Blue Warrant</b>	2.57%	3.41%	2.5%	2.48%	3.29%	3.29%
<b>Parole Viol. (New charge)</b>	3.81%	4.28%	3.97%	4.47%	4.88%	4.97%
<b>Pretrial Misdemeanants</b>	9.93%	9.31%	9.70%	9.61%	8.99%	9.00%
<b>Convicted Misdemeanants</b>	5.73%	4.60%	3.74%	3.59%	3.27%	3.05%
<b>Bench Warrant</b>	1.47%	1.74%	1.77%	1.45%	1.41%	1.51%
<b>Federal<sup>2</sup></b>	10.56%	10.10%	9.10%	7.80%	8.08%	7.08%
<b>Pretrial SJF</b>	8.30%	8.42%	9.14%	9.62%	9.27%	9.75%
<b>Convicted SJF (Co. jail)</b>	1.26%	0.90%	1.09%	0.79%	0.74%	0.87%
<b>Convicted SJF (State jail)</b>	2.20%	2.13%	2.07%	1.97%	1.71%	1.73%

<sup>1</sup>This representation does not include all offense categories so totals may not equal 100%

<sup>2</sup>This 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, 82<sup>nd</sup> Legislature, requires the reporting of inmates with an immigration detainer and the associated costs. In 2017, the total number of inmates with an immigration detainer in Texas county jails was 57,719 for 1,249,506 days. The collective cost for the entire state was \$71,782,809.68. The monthly average for 2017 was 4,810 inmates for 104,125 days at a cost of \$5,981,900.81.

**3. Licensed Jailer Turnover**

Senate Bill (SB) 1687, 82<sup>nd</sup> Legislature, requires county jails to report the number of licensed jailers that leave county jail employment. During 2017, overall monthly jail turnover rates averaged 3.2%. All monthly rates ranged from 0% to 16.5%, but when summed, the monthly turnover rates reached a total turnover of 37.18%.

**F. Additional Services**

**1. Research**

The primary function of the researcher in 2017 was to track legislation and research relevant issues and questions for legislators, sheriffs and jail administration regarding recent changes to standards, legislation, statutes, AG opinions, court cases, and best practices. Following the legislative session, the researcher’s principle responsibility was to respond to Public Information Act requests. There were an unusually high number of public information requests related to legislation passed earlier in 2017.

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).

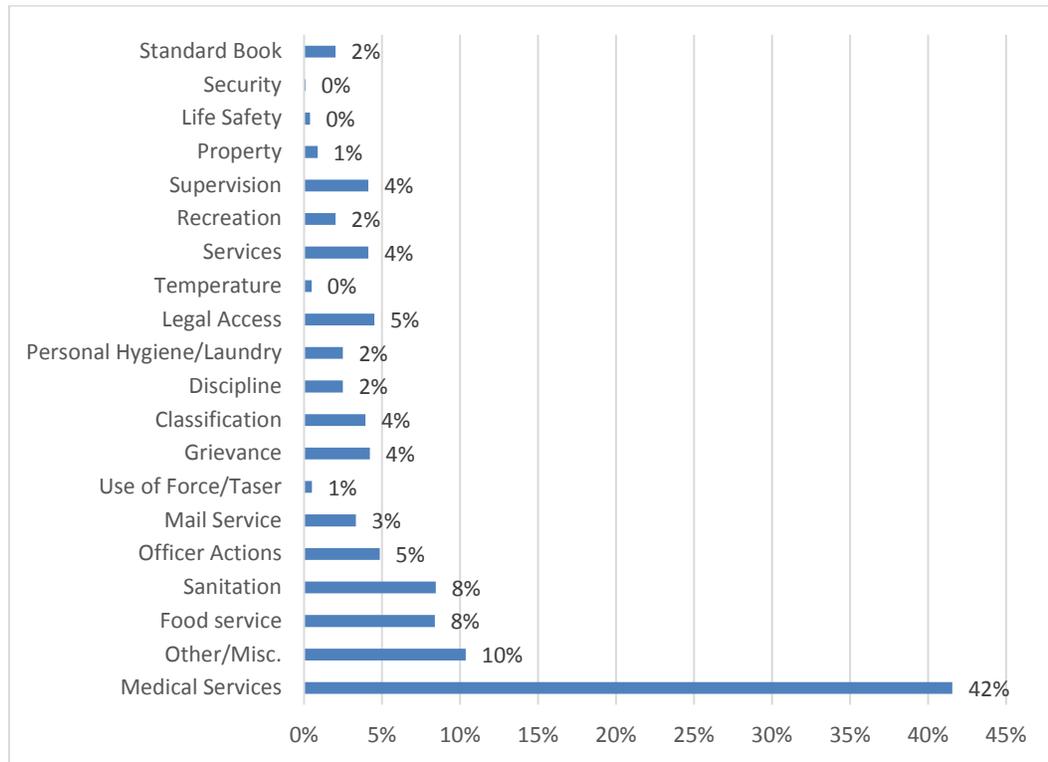
**2. Inmate Complaints**

The Commission received 1,997 written requests for inmate assistance or grievance investigation in 2017, with 1,619 requiring a written response by county officials and possible action by Commission staff. 69 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 2017, Medical Services constituted 42% 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 2017**

<b>Complaint Category</b>	<b># of complaints</b>	<b>Complaint Category</b>	<b># of complaints</b>
Medical Services	650	Personal Hygiene/Laundry	26
Other/Misc.	162	Legal Access	47
Food service	131	Temperature	5
Sanitation	132	Services	43
Officer Actions	76	Recreation	21
Mail Service	52	Supervision	43
Use of Force/Taser	8	Property	9
Grievance	66	Life Safety	4
Classification	41	Security	1
Discipline	26	Standard Book	21



378 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 helped eliminate frivolous litigation. Occasionally, staff addressed areas of concern with the individual sheriffs involved and made recommendations to preclude future allegations.

**3. Variances**

The Commission approved four new variances and one extension of a previous variance. 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. 2017 Administrative Activity in Review**

**A. Staff Changes**

In 2017, 8 new hires joined the Commission.

**B. Staff Turnover**

In 2017, 3 staff members left the agency.

**C. Training Initiatives**

2017 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.

Staff trainers conducted the Practitioners' Series Training called the 'Current Trends and High-Impact Areas of Jail Operations' at 11 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 2017, there were 446 participants at the 11 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 to offer its training for Population and Paper Ready Reports, 'What to Expect during an Inspection' and "Assessing for Suicide, Medical and Mental Impairments" course for any county that requests assistance, both on-site and at headquarters.

Due to a hiring freeze imposed by the Governor's Office, field inspectors that would normally be conducting these trainings were reassigned to the Austin office to assist in performing our statutorily mandated duties. The reassignment of these field inspectors drastically reduced the number of training classes offered. In 2017, the Commission provided 1 class to 43 participants in Classification training and 1 class to 2 participants in Population reporting. In 2017, the Commission did not conduct training classes in "What to Expect During an Inspection" or "Assessing for Suicide, Medical and Mental Impairments."

In addition to these training classes, the Commission conducted training sessions at the annual Texas Jail Association (TJA) Conference in Austin, Texas and at the Sheriff's Association Conference in San Antonio. Due to Hurricane Harvey, we cancelled the Jail Management Issues Conference in Galveston, Texas.

As a result of SB 1849, commonly referred to as the Sandra Bland Act, amended Occupations Code 1701.310(a) required the Commission to provide 8 hours of mental health training to all currently licensed jailers by August 31, 2021. On September 1, 2017, the Commission hired three (3) Mental Health Trainers to develop and begin instructing the course. As a result, Commission trainers developed "Mental Health Training for Jailers," which TCOLE certified as class #4900. The objective of this class is to help the jailers identify the signs and symptoms of prominent categories of mental illness commonly observed in the

jail setting as well as gain an understanding of constructive techniques utilized with communicating in a time of crisis in a jail setting.

In 2017, there were 284 participants at 17 training sessions.

**D. Legislative Actions**

In 2017, two bills were passed during the 85<sup>th</sup> Legislature of direct interest to the Commission: SB 1326 and SB 1849.

**1. SB 1849 – The Sandra Bland Act**

*Continuity of Medication*

SB 1849 requires the Commission to adopt minimum standards to promote the continuity of inmate medication by requiring a qualified medical professional to review “as soon as possible” any prescription medication a prisoner is taking when the prisoner is taken into custody. At its November 2017 meeting, the Commission adopted minimum standard language to this effect. To that end, the Commission adopted a change to the Minimum Standard §273.2 (12).

*Serious Incident Report*

SB 1849 requires sheriffs to report to the Commission by the 5<sup>th</sup> of each month regarding serious incidents involving a county jail prisoner, for example, a suicide, death, serious bodily injury, etc. Staff is in the process of designing and implementing a system for submitting these reports via the internet. To that end, the Commission adopted a change to the Minimum Standard §269.1 (7)

*Independent Investigation of Death In Custody*

SB 1849 requires the Commission to appoint a law enforcement agency other than the local law enforcement agency that operates the county jail to investigate an inmate death as soon as possible and to adopt related rules. To that end, the Commission adopted a change to the Minimum Standard §269.1(5).

*Telemental Health/Telehealth*

SB 1849 impacts the Commission indirectly by requiring county jails, by September 1, 2018, to give prisoners the ability to access telemental health services 24-hours-a-day and also telehealth services 24-hours-a-day if health services are not otherwise available.

*Mental Health Referral*

SB 1849, effective September 1, 2017, reduced from 72 to 12 the hours a jail has to refer to a magistrate an inmate suspected of having mental illness or intellectual disability.

*Jail Administrator Examination*

SB 1849 also requires the Commission to adopt rules requiring jail administrators, beginning March 1, 2018, to pass an examination not later than the 180th day after the date they are assigned to that position. To that end, the Commission adopted a change to the Minimum Standard §275.8.

*Mental Health Training*

SB 1849 also amended the Occupations Code to require permanent jailers to complete a training program approved and delivered by the Commission on Jail Standards consisting of at least eight hours of mental health training. The Commission is already delivering this training. All jailers must receive the training by August 21, 2021.

*Prison Safety Fund/Electronic Monitoring*

SB 1849 requires jails, contingent upon available funding, to install automated electronic sensors or cameras by September 1, 2020, that will ensure in-person checks of cells or groups of cells confining at-risk individuals. It further requires the Commission by September 1, 2018, to establish a program to provide grants to fund the equipment for this purpose to counties with 96 beds or fewer.

*Budget Bill*

Budget bill HB 1 appropriated \$1.376 million to fund the Commission and an additional \$1 million for a Prisoner Safety Fund for the purpose of funding the electronic sensors or cameras required by SB 1849. The budget bill also appropriated for a grant manager position to implement and administer the electronic sensor program and the Prisoner Safety Fund. This appropriation consisted of \$64,745 in General Revenue and 1.0 FTE in fiscal year 2018 and also \$63,645 in General Revenue and 1.0 FTE in fiscal year 2019.

**2. SB 1326**

This bill duplicated many of the provisions of SB 1849 but also limited the 12-hour mental health referral requirement to only those inmates alleged to have committed a Class B misdemeanor offense or higher.

**E. Attorney General Action**

In 2017, the Commission submitted 19 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

Over the past year, the Commission has faced new challenges while continuing to address what would be considered more traditional issues. The 85<sup>th</sup> Legislative Session brought about major changes in the way county jails will be operated and expanded the agency's role in the way they will be operated. SB 1849, commonly referred to as the Sandra Bland Act, mandated the agency to adopt new standards that address topics such as Continuity of Medications, the reporting and investigating of death's in custody, electronic/video monitoring of inmates and examination requirements for Jail Administrators. Dealing with inmates who have mental health issues continues to be reported as the primary issue county jails have difficulty managing, and there remains much work to be done in this area. Innovative solutions and a new approach to a long standing problem will hopefully begin to produce results, but these will take time as the way mental health services and where they are provided continues to evolve.

We were moderately successful in the 85<sup>th</sup> Session in addressing employee compensation but will need to do more in the 86<sup>th</sup> if we intend to remain competitive. A well trained and competent staff is imperative if we are to serve the counties and the state to the level of expectation. Our staff are highly sought by other state agencies, counties and private consultants, and it is difficult at times to retain them. 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. However, these efforts are hampered by periodic mandatory hiring freezes, which require shifting duties as positions become vacant but cannot be filled. This shifting of duties places additional burdens on an already overburdened staff and in turn increases the likelihood of departure.

Federal issues that neither the commission nor the state can control continue to impact county jail operations. While many Texas jails 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 to be an adult, but the Federal Act considers them a juvenile and prohibits their housing with adults. Compliance creates a conflict in which counties must either inefficiently dedicate an arbitrary amount of jail space or house additional inmates outside the county at a cost. The other federal issue that impacts county jail operations and the Commission is that of Federal prisoners. While there was an expectation that the number of federal inmates would increase, specifically those being detained for immigration violations, this has not been the case. The number of federal inmates has remained steady over the past year, and we have not been apprised of any efforts by the Federal Government that would cause this number to increase, despite media reports to the contrary.

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 that further reinforces our 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. There are merely days that are less hectic than others. While staff continuously work 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 sheriffs 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. We also intend to explore the possibility of conducting regional training for new sheriffs in 2020 but have to begin the preparations for that now because we need to allow ourselves sufficient time to prepare and organize this expanded engagement.