



## Texas Commission on Jail Standards

### 2005 Annual Report

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

A handwritten signature in black ink that reads "Terry Julian". The signature is written in a cursive style with a large, looped "J" and "L".

**Terry Julian**

**Executive Director**

## Table of Contents

I. Mission Statement .....	2
II. Organization .....	3
III. Agency Objectives & Funding .....	4
A. Jail Standards .....	5
B. Inspection .....	5
C. Juvenile Justice Survey .....	6
D. Construction Plan Review .....	6
E. Management Consultation .....	7
F. Auditing .....	7
IV. Findings .....	7
A. Changes to Standards .....	7
B. Jail Inspections .....	8
1. Compliant Counties .....	8
2. Noncompliant Counties .....	8
3. Closed Jails .....	8
C. Juvenile Justice Survey .....	9
D. Construction Plan Review .....	9
1. Construction Completed .....	9
2. Jails Under Construction or Planning .....	10
E. Management Consultation .....	10
F. Auditing .....	11
G. Additional Services .....	12
1. Research .....	12
2. Inmate Complaints .....	13
3. Variances .....	14
V. 2005 In Review .....	15
A. Staff Changes .....	15
B. Staff Turnover .....	15
C. Training Initiatives .....	15
D. Legislative Actions .....	15
E. Attorney General Action .....	16
VI. Summary & Forecast .....	16

**TEXAS COMMISSION ON JAIL STANDARDS**  
**CALENDAR YEAR 2005**  
**ANNUAL REPORT TO THE GOVERNOR,**  
**LIEUTENANT GOVERNOR AND SPEAKER**  
**OF THE HOUSE OF REPRESENTATIVES OF TEXAS**

**JANUARY 31, 2006**

This report is made pursuant to Chapter 511, Section 511.015, Government Code and covers activities of calendar year 2005.

**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 us 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 our own Minimum Jail Standards.

We serve 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 principal 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, we do 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 county facilities 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, et al. The 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 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, 2005 were as follows:

<u>Member</u>	<u>City</u>	<u>Term Expires</u>
Sheriff David Gutierrez (Chair)	Lubbock	2009
Charles J. Sebesta, Jr. (Vice)	Caldwell	2007
Albert L. Black	Austin	2011
Stanley D. Egger	Abilene	2011
Gonzalo R. Gallegos	San Antonio	2009
Sheriff Mark Gilliam	Rockport	2009
Judge William C. Morrow	Midland	2007
Evelyn (Kelly) Moyer	Magnolia	2007
Michael M. Seale, M.D.	Houston	2011

At the end of 2005, the staff consisted of the following positions:

Executive Director	Exempt Position
Manager III (1)	Group B-15
Planner III	Group B-12
Staff Services Officer III	Group B-10
Inspector VI (3)	Group B-10
Network Specialist II	Group B-10
Program Specialist II (2)	Group B-10
Executive Assistant	Group B-9
Planner I	Group B-9
Accountant II	Group B-8
Project Design Assistant	Group B-8
Research Specialist I	Group B-7
Administrative Technician II	Group A-11
Clerk	Group A-4

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

### **III. AGENCY OBJECTIVES & FUNDING**

The Texas Commission on Jail Standards performs its functions statewide, serving Texas counties through their respective commissioners' courts and sheriffs, using appropriated funds.

Fees are charged to privately operated municipal jails and to counties with a rated capacity of 100 or more prisoners which operate or contract for the operation of facilities with inmate populations comprised of 30% or more prisoners sentenced by jurisdictions other than Texas courts. Under recent legislation, local counties and private facilities may also be charged a fee to cover the costs of performance of reinspections. This fee is intended to help compensate the Commission for the expense of repeat inspections when county jail facilities fail initial inspections, and request reinspection.

While each of the following strategies contributes to the regulatory function of the agency, the inspection process provides the monitoring capability necessary to identify counties in need of planning or management assistance and to initiate appropriate enforcement action.

In order to meet agency objectives, each strategy is allocated a specific number of full-time equivalent positions. It should be noted that, due to decreases in appropriated funding in the current biennium, these strategies are being implemented by fewer actual staff than previous fiscal years' funding.

## **A. Jail Standards**

The jail standards process establishes reviews and amends minimum standards for the safe, secure, and economic construction, equipment, maintenance and operation of jails. Maintaining constitutional standards which encourage effective and efficient construction and operation of jails is the primary goal of the agency. National research, statewide input and case law are among the resources considered when developing or revising the Standards.

Proposed revisions to the Standards, after Commission approval, are published in the Texas Register for public comment. 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.

## **B. Inspection**

Inspection activities, to which 6.0 full-time equivalent positions are assigned, consist of fairly and impartially monitoring and enforcing compliance with 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.

All operating jail facilities are inspected at least annually. Newly constructed or renovated jails require an occupancy inspection, or inspections, to ensure that construction was completed in compliance with Minimum Jail Standards. Not less than once each fiscal year, at least one announced or unannounced inspection for each facility under Commission jurisdiction is performed, inquiring into security, control, conditions, and compliance with the established Minimum Standards. In addition to regular inspections, special inspections to determine compliance may be conducted. The inspection includes a walk-through of the facility and a review of the books, records, data, documents, and accounts pertaining to the facility and the inmates confined therein.

Following a review of the Inspector's report by the Executive Director, facilities that have been found to be in compliance are issued a certificate of compliance. If deficient items are noted during the inspection, a report is filed by the Inspector and a notice of noncompliance is issued. Counties are provided a reasonable time to respond to the notice and initiate corrective action.

Special inspections may be conducted on facilities that have either been identified as high-risk or found to be in noncompliance. These unannounced inspections may also be performed when county officials indicate that the noncompliant items have been corrected.

### **C. Juvenile Justice Survey**

Utilizing 0.1 full-time equivalent positions, the Commission on Jail Standards has responsibility for two separate but related activities concerning juveniles in adult jails and lockups.

The agency continues to have statutory responsibility for collecting and processing the juvenile jail logs containing information on all juveniles held in secure confinement in adult jails and lockups. That report is collected annually from each sheriff's department and each municipal lockup.

The agency also continues to offer technical assistance and is responsible for conducting selected on-site visits at the request of the Governor's Office-Criminal Justice Division through a contract provider. Information provided by the survey and on-site visits are used to determine compliance with the laws concerning the handling of juveniles in adult jails and lockups in the state. Results of the survey are reported to the Criminal Justice Division which is responsible for monitoring the state's compliance with the Federal Juvenile Justice and Delinquency Prevention Act.

In addition to the activities outlined above, the Commission is responsible for identifying and compiling a directory of all adult jails and lockups with a juvenile detention, correctional, or holdover center collocated in the same building or on the same grounds. The Federal Juvenile Justice and Delinquency Prevention Act provides that states receiving federal funds under the Act must comply with certain requirements concerning juvenile detention facilities and adult jails and lockups collocated within the same building or on the same grounds. The Commission allocates .1 full-time equivalent positions for the Juvenile Justice Survey.

### **D. Construction Plan Review**

Construction technical assistance, to which 4.0 full-time equivalent positions are assigned, provides consultation and technical assistance to local governments for the most efficient, effective and economic means of jail construction which meets minimum standards.

Comprehensive facility needs analyses, which include population projections and historical data regarding incarceration trends as well as other pertinent factors, determine incarceration needs of the counties. The counties are furnished recommendations regarding the need for additional or improved jail space or alternatives thereto, based upon the analyses.

Reviews and comments on construction documents for construction projects are also conducted by staff. This includes a formal plan review with design professionals, consultants, county officials and sheriffs. Plan documents are reviewed at three phases of completion: 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; it also provides more effective and economic jails that, upon completion, will comply with Minimum Jail Standards.

#### **E. Management Consultation**

The jail management objective is met through the allocation of 5.3 full-time equivalent positions. Staff reviews and approves jail operational plans related to the standards. Aiding counties in maintaining operational plans which meet Minimum Jail Standards requires on-going assistance in developing and implementing plans for classification of inmates, health services, sanitation, inmate discipline and grievances, recreation and exercise, education and rehabilitation, emergencies, and inmate privileges such as telephone usage, visitation, correspondence and religious activities. Counties submit their operational plans for staff review, after which approval or comments on how to revise the plans for compliance with standards are provided.

Staff also provides needed jail management training and consultation to counties. This includes clarifying Minimum Jail Standards as well as establishing procedures and documentation consistent with the standards. This assistance includes working with county representatives in the Austin office, on the phone, through written correspondence and by conducting on-site visits and regional training classes. Oral presentations to appropriate groups are also frequently conducted.

As part of technical assistance, staffing analyses are conducted to assist counties in operating safe and secure facilities. Staff reviews facility design, facility capacity, county needs and jail operations, among other issues, when conducting staffing analyses.

#### **F. Auditing**

The auditing objective, to which 2.6 full-time equivalent positions are assigned, is met through collecting, analyzing and disseminating data concerning inmate populations, felony backlog, and jail operational costs. Counties are assisted in completing their jail population reports, and technical assistance is provided. On-site audits are performed to ensure that accurate reporting of "paper-ready" inmates is achieved. Oral presentations and one-on-one technical assistance activities are also conducted, as circumstances require. Statistical data is collected, analyzed and provided to agencies to assist at the state and local level in planning and predicting trends in incarceration in the state.

### **IV. FINDINGS**

#### **A. Changes to Standards**

There were no changes to Minimum Jail Standards during 2005.

## **B. Jail Inspections**

During the year, 248 annual jail inspections were conducted. Legislation has exempted certain private jails from annual inspection as of Sept. 1, 2003, and this number may fluctuate during the course of any given year as conditions warrant. The Commission has three jail inspectors responsible for conducting annual and special inspections, as well as all re-inspections of Texas jails

Occupancy inspections for completed construction projects totaled 29 for the year. Staff also completed 51 special inspections on high-risk and/or non-compliant jails during 2005. Out of the combined total of 328 inspections, 98 were unannounced, representing 30% of all inspections.

### **1. Compliant Counties**

As of January 1, 2005, 197 of 247 jails (80%) were in compliance with Minimum Jail Standards. As of December 31, 2005, 213 of 249 jails were certified, comprising 86% of the county and private facilities operating in the state that we are currently required to inspect.

### **2. Noncompliant Counties**

On December 31, 2005, 36 (14%), of inspected jails were in a status of noncompliance. At the end of 2004, there were 49 jails (20%) in noncompliance. During 2005, notices of noncompliance were issued to 64 counties whose jails did not meet minimum jail standards. This is a 7% decrease in the number of notices issued in 2004. Notices of non-compliance are issued in 3 categories: Life Safety, Management, and Structural. 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, 18 counties have closed jails. The following counties opted to board their few inmates in an adjacent county rather than maintaining their own facilities:

Baylor, Borden, Briscoe, Calhoun, Coke, Concho, Cottle, Floyd, Hartley, Irion, Jeff Davis, Kenedy, Kent, King, Loving, McMullen, Motley, Throckmorton

**C. Juvenile Justice Survey**

During the calendar year, the Commission’s contracted staff member visited selected adult facilities reporting juveniles held securely longer than six hours, status offenders held securely, and juveniles not sight-and-sound separated from adult offenders. A total of 44 municipal lock-ups and county jails were visited in 2005, or 8% of the 546 facilities in the state. During these visits, compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP A) is measured, and operators of these facilities are given technical assistance regarding the proper and legal procedures for handling juveniles in adult facilities. The actual number of facilities may fluctuate during any given year and from year-to-year; for most of 2005, this figure is most accurately represented as 546.

**D. Construction Plan Review**

A total of 23 county construction/renovation projects were reviewed in 2005. Several counties are undertaking renovations of facilities, which was not an option the past several years due to the crowded conditions. In addition, some new facilities have been planned or constructed to replace existing facilities, which are “worn out” due to time, and in many cases, overcrowding. Even though most counties had sufficient space during the year, some counties required additional space to meet local needs, necessitating construction of additional space during the past year.

**1. Construction Completed**

Three counties opened new facilities for operation during the year. These projects represented a total of 832 additional beds. The counties were:

- 1. Aransas County Jail.....160 beds
- 2. Burleson County Jail.....96 beds
- 3. Lavaca County Jail.....576 beds

Major Renovations/Additions Completed

Eleven counties completed major renovations or additions during the year, adding 1,316 beds. The counties were:

- |                              |                         |
|------------------------------|-------------------------|
| 1. Anderson County holding   | Addition.....0 beds     |
| 2. Bexar County security     | Renovation.....0 beds   |
| 3. Calhoun County holding    | Addition.....0 beds     |
| 4. Hidalgo County private    | Renovation.....288 beds |
| 5. Lamb County Littlefield   | Renovation.....96 beds  |
| 6. McLennan County F-wing    | Renovation.....96 beds  |
| 7. Tarrant County Green Bay  | Addition.....528 beds   |
| 8. Tarrant County Family Law | Addition.....0 beds     |
| 9. Tarrant County smoke/fume | Renovation.....0 beds   |
| 10. Willacy County Jail      | Renovation.....96 beds  |
| 11. Wise County Jail         | Addition.....212 beds   |

All construction and renovation/addition projects totaled 2,148 beds.

## **2. Jails Under Construction or Planning**

At the end of 2005, 30 counties were involved in planning or construction on 35 projects. These projects are expected to result in an additional 8,215 beds by the end of 2006. This figure is an estimate based on projects identified on January 1, 2006 and scheduled for completion by December 31, 2006; other projects identified during the year may cause this number to be adjusted further. In addition to the plan reviews, the Planning Department completed 19 Facility Needs Analyses which assisted counties in determining their future jail needs.

## **E. 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, 27 in-house management consultations were conducted at the Austin office in 2005. A total of 168 management consultations were conducted 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, 18 counties received assistance with analyses of jail staffing needs, and a total of 604 operational plans were reviewed in 2005.

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 Officer Standards and Education.

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.

## F. Auditing

### Changes in Capacity and Population

On January 1, 2005, jails were operating at 77.2% of capacity with a population of 61,279 and a capacity of 79,372. During the year, the population continued to increase, ending at 68,891 on December 1, 2005. By December 2005, jail capacity increased to 80,883, partly due to two private detention facilities located in McLennan and Jefferson counties falling under the purview of the Commission on Jail Standards. The facilities had previously only housed federal inmates. On December 1, 2005, all Texas jails were collectively operating at 85.2% of capacity.

Texas counties continue to house out-of-state inmates. On December 1, 2005, six local facilities were housing 1,606 inmates for Arizona, New Mexico, and Wyoming. The number of federal inmates held by facilities under the Commission's purview increased from 6,862 on January 1, 2005 to 7,394 on December 1, 2005. The local population also continued to increase from 51,244 on January 1, 2005 to 56,148 on December 1, 2005. This represents an increase of 8.7%. Additionally, in 2005 jails began housing convicted state inmates through contract with the Texas Department of Criminal Justice. Three private facilities and one county facility housed a total of 1,001 state inmates on December 1, 2005.

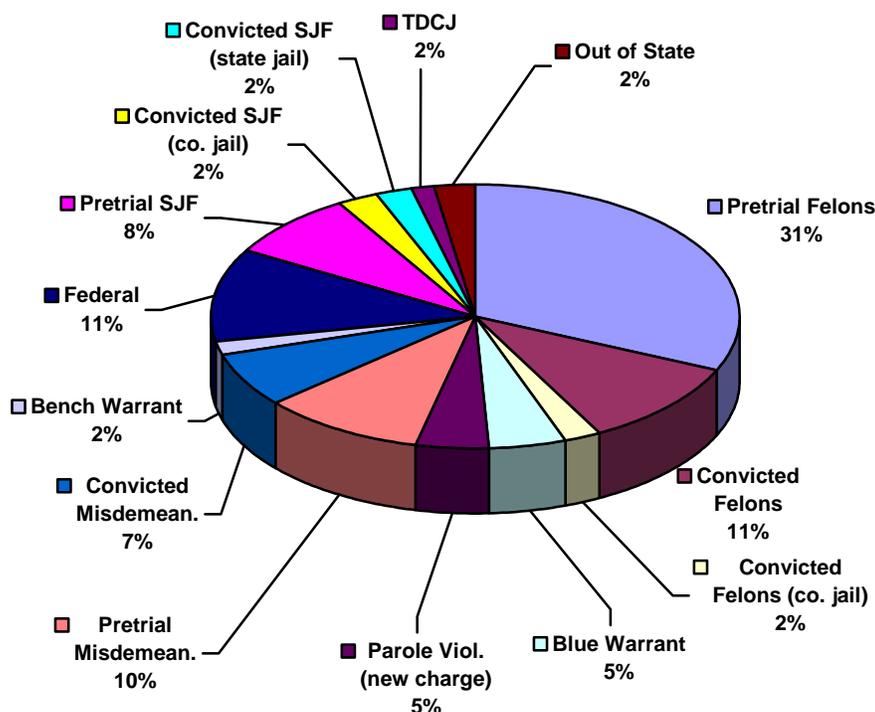
During 2005, the numbers of pretrial felons, blue warrants, misdemeanants (pretrial and convicted), state jail felons (pretrial, convicted – sentenced to county jail and convicted – sentenced to state jail), and others increased. The most notable increase occurred in the number of convicted felons, which increased by 28.5%.

### County Jail Population by Offense Type

	12/2002	12/2003	12/2004	12/2005
Pretrial Felons	28.78%	30.70%	30.42%	31.65%
Convicted Felons	9.78%	9.17%	8.63%	10.62%
Convicted Felons (Co. jail)	2.50%	2.55%	2.30%	2.27%
Blue Warrant	3.87%	4.07%	4.51%	4.54%
Parole Viol. (New charge)	4.81%	4.72%	4.42%	4.57%
Pretrial Misdemeanants	9.08%	10.14%	10.06%	9.99%
Convicted Misdemeanants	6.84%	6.80%	6.80%	6.75%
Bench Warrant	1.57%	1.51%	1.57%	1.66%
Federal	17.05%	14.11%	11.60%	11.27%
Pretrial SJF	6.72%	6.69%	7.92%	8.17%
Convicted SJF (Co. jail)	1.11%	1.42%	1.99%	2.37%
Convicted SJF (State jail)	2.36%	2.01%	2.31%	2.16%
Other (TDCJ/Out-of-State)	5.40%	5.86%	7.39%	3.98%

Due to rounding, totals may not equal 100%.

## Texas Jail Population December 1, 2005



### G. Additional Services

#### 1. Research

During the 79<sup>th</sup> Legislative Session, the Commission's research staff researched legislation, and assisted with agency presentations for use in testimony at committee hearings and training sessions. Tracking legislation and preparing correspondence were primary functions of research staff during the legislative session.

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.

An ongoing function of research staff is to answer questions that local jails might have about recent legislation, Jail Standards, statutes, court cases, and best practices. This continued in 2005, with numerous questions being

answered, as well as relevant statutes, court cases, and Attorney General Opinions being researched and provided to the jails. In addition to handling numerous technical assistance and information requests, research staff also provided training concerning legislative matters to county officials, jail administrators, and others in local government.

## **2. Inmate Complaints**

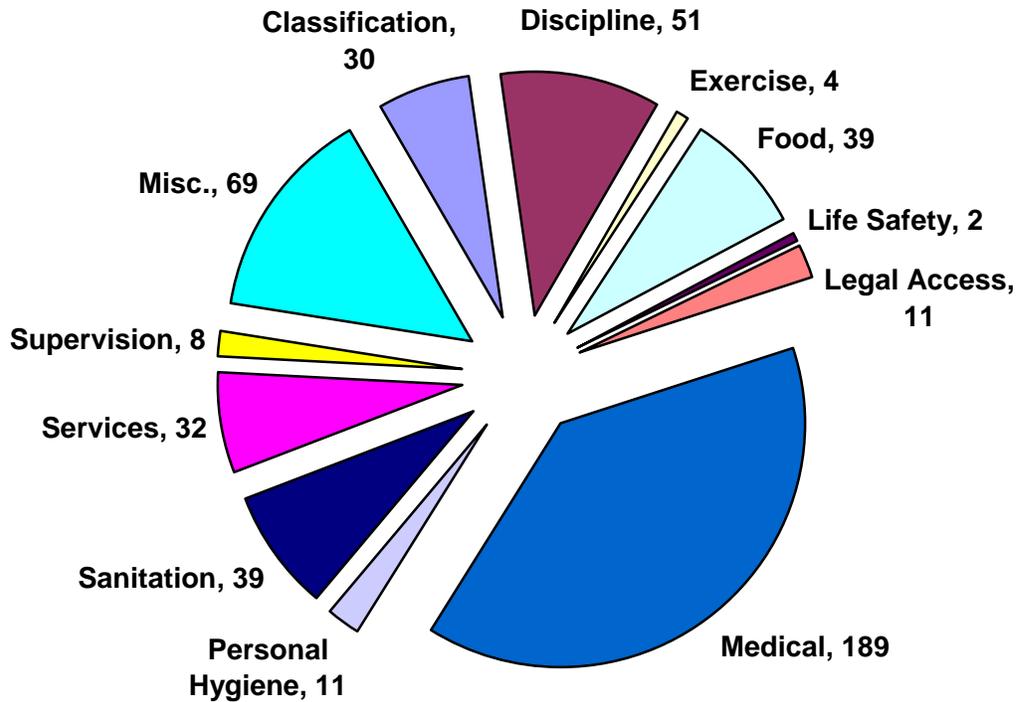
The Commission received 1,238 written requests for inmate assistance or grievance investigation in 2005, with 342 requiring a formal reply by Commission staff. Consistent with previous years, the category most frequently cited in grievances requiring a formal reply was medical services. For 2005, Medical Services constituted 55% of these grievances.

The following chart illustrates the frequencies (from highest to lowest) of complaints received for 13 categories (Note: combined numbers exceed total number of complaints requiring a formal reply due to letters received containing more than one complaint category). In cases where more than one complaint category is addressed in a letter, the 3 most significant complaints are reported in their respective categories.

### INMATE COMPLAINTS

Medical Services:	189
Miscellaneous:	69
Discipline:	51
Food Service:	39
Sanitation:	39
Services:	32
Classification:	30
Legal Access:	11
Personal Hygiene:	11
Supervision:	8
Exercise:	4
Life Safety:	2
Education:	0
Total:	485

### Inmate Complaints for January 2005 to December 2005



There were 896 complaint letters which 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. Complaints regarding overcrowding in Harris County Jail continue to be assessed and monitored for progress by the Commission Board. There were no other violations of Standards that were not able to be agreeably resolved.

### 3. Variances

Eight variances were approved, no variances were denied, and six extensions of variances were granted during 2005. 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. 2005 IN REVIEW**

### **A. Staff Changes**

There no new hires during 2005. There were three job reclassifications, two of which were legislatively mandated.

### **B. Staff Turnover**

One staff member left the Commission due to retirement during 2005.

### **C. Training Initiatives**

2005 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 (Current Issues in Jail Management) was conducted at 6 regional sites during November and December. Practitioners who are widely regarded as experts in the field of jail management again served as instructors for this training, using materials prepared by Commission staff. This program not only educates those attending the training, but also develops the presentation and leadership skills of the instructors themselves. In 2005, there were 95 participants from 32 counties.

Objective Jail Classification training by Commission staff continues to be offered to the counties, since creating and maintaining a responsible classification system remains an essential part of county jail management.

Finally, Commission staff produced and performed "Julian's Island", a live presentation and take-off of the popular television show, "Gilligan's Island" - at the Texas Jail Association Conference in San Antonio. For the fourth consecutive year, the presentation was a "hit", and also proved to be a valuable training tool.

### **D. Legislative Actions**

The 79<sup>th</sup> Legislature enacted several bills that affected the Commission on Jail Standards and jail management. The following are some of the bills:

- House Bill 2120 – expanded the ways in which jails may spend the proceeds from their commissary funds
- House Bill 129 – allowed the use of inmate labor for nonprofit organizations
- House Bill 549 – addressed the introduction of contraband in jails

- House Bill 1095 – established accountability for jail inmates that assault correctional officers
- Senate Bill 1264 – established that the Commission on Jail Standards may collect a fee to cover the cost of repeat inspections when jails fail inspections and request that jail inspectors return to reinspect

The 79<sup>th</sup> Legislative Session also brought budget cuts to most state agencies. The Commission on Jail Standards was no different. The Commission received a 5% cut to its operating budget, as well as a loss of one full-time employee position. While the Commission received a cut in its budget and staff, legislation also increased the agency's compensatory obligations to its employees in the form of increased travel reimbursement, longevity pay adjustments, and job reclassification. Combined, these legislative actions created an overall budgetary decrease of about \$60,000 annually.

#### **E. Attorney General Action**

The Commission on Jail Standards received Attorney Opinion GA-0329 in June of 2005. This opinion was rendered following a request by the Commission to determine whether a jail may deduct costs for damages caused by an inmate from that inmate's commissary account. The Attorney General determined that costs for damages may be deducted only after an institutional due process (or disciplinary) hearing had determined that the inmate was responsible.

### **VI. SUMMARY AND FORECAST**

The Commission staff, working with fewer personnel and appropriated resources, completed another successful year providing services for Texas counties in 2005. We continue to meet our objectives in terms of annual inspections and population and costs; however, technical assistance activities that require travel by office staff, such as construction on-site consultations and management on-site consultations, are below target.

One consequence of the legislatively-mandated budget reductions is significantly less funding for staff travel. A reduced travel budget for the Commission means fewer opportunities for staff to conduct on-site visits for management consultations, training, technical assistance, and some inspections. Fewer on-site visits appear to have a significant impact on jail compliance. We anticipate some budget-related setbacks with jail staff training that may contribute to both short-term and long-term problems with jail compliance. While the Commission staff is making all attempts to provide effective training without the use of site visits (e.g., utilizing IT resources) we believe that these attempts will be less than optimal in meeting the demands of jail administration staff training. Commission staff will continue to respond

to these challenges in 2006 and beyond, constantly exploring new ways to assist jails in achieving compliance.

Improvements continue to be made on the Commission internet site. We have noticed a higher level of user traffic to our site and we expect the "hits" to our site to continually increase as upgrades are added. Technology added in 2005 allows the jail inspectors to maintain communication with supervisors and other staff members while they are in the field.

Fiscal concerns of the state have mirrored concerns at the county level. Counties budgets are stretched equally thin, and we hear their concerns every day. Travel funds for many county jail administrators and staff has been reduced, which will likely result in fewer training opportunities for them. Operating budgets have similarly been cut at the county level, which may result in staff hiring and retention problems, and compliance issues in general. One concern is that as jail noncompliance increases, so will the liability to the counties. We are keenly aware that counties are struggling with meeting the demands placed upon them, and we are doing everything we can to assist them. Our top priority remains doing everything we can to empower our counties by giving them the tools and guidance they need to run safe and secure jails. We continue looking forward to working diligently with county leaders, legislators, and citizens in 2006 in a cooperative effort to keep Texas county jails safe, secure, and suitable.