



## Texas Commission on Jail Standards

### 2006 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.*

**Adan Munoz, Jr.**

**Executive Director**

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**TEXAS COMMISSION ON JAIL STANDARDS**  
**CALENDAR YEAR 2006**  
**ANNUAL REPORT TO THE GOVERNOR,**  
**LIEUTENANT GOVERNOR AND SPEAKER**  
**OF THE HOUSE OF REPRESENTATIVES OF TEXAS**

**JANUARY 31, 2007**

This report is made pursuant to Chapter 511, Section 511.015, Government Code and covers activities of calendar year 2006.

**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, 2006 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

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\* Commissioner Gallegos died in 2006 and has not been replaced

At the end of 2006, the staff consisted of the following positions:

Executive Director	Exempt Position
Manager III	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
Research Specialist II	Group B-9
Accountant II	Group B-8
Project Design Assistant	Group B-8
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 6.3 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 3.6 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 4.0 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 2.0 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. 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**

In 2006, there were two changes to Minimum Jail Standards. The first change requires that correspondence supplies be provided to indigent inmates upon request. Before that, the language required that supplies be provided to inmates whether they requested them or not.



The second change to Minimum Jail Standards requires jails to contact the local mental health authority to determine if an arrestee has a consumer history in the MHMR database (CARE system) in an effort to identify those arrestees that may have mental deficiencies or suicidal tendencies. This change to standards was prompted by legislative action requiring the Commission to verify these checks as part of the inspection process.

## **B. Jail Inspections**

During the year, 255 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. Despite a rising number of constructed jail beds, the Commission continues to operate with three jail inspectors, which are responsible for conducting annual and special inspections, as well as all re-inspections of Texas jails.

Occupancy inspections for completed construction projects totaled 35 for the year. Staff also completed 56 special inspections on high-risk and/or non-compliant jails during 2006. Out of the combined total of 346 inspections, 82 were unannounced, representing 24% of all inspections.

### **1. Compliant Counties**

As of January 1, 2006, 213 of 249 jails (86%) were in compliance with Minimum Jail Standards. As of December 31, 2006, 211 of 254 jails were certified, comprising 83% of the county and private facilities under our regulatory review.

### **2. Noncompliant Counties**

On December 31, 2006, 43 (17%), of inspected jails were in a status of noncompliance. At the end of 2005, there were 36 jails (14%) in noncompliance. This is a 3% increase in the number of notices issued in 2005. 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, Coke, Concho, Cottle, Floyd, Hartley, Irion, Jeff Davis, Kenedy, Kent, King, Loving, McMullen, Motley, Throckmorton

On November 16, 2006, a remedial order was enforced by the Commission closing the Howard County Jail due to ongoing life safety issues.

**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 30 municipal lock-ups and county jails were visited in 2006, or 5% of the 549 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 2006, this figure is most accurately represented as 549.

**D. Construction Plan Review**

A total of 44 county construction/renovation documents were reviewed in 2006. 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**

Four counties opened new facilities for operation during the year. These projects represented a total of 2,069 additional beds. The counties were:

- 1. I.A.H. Detention center.....526 beds
- 2. Cooke County Jail.....212 beds
- 3. Galveston County Jail.....576 beds
- 4. Calhoun County Jail.....144 beds

Major Renovations/Additions Completed

Fourteen counties completed major renovations or additions during the year, adding 1,326 beds. The counties were:

1. Lamar County court holding	Addition.....	0 beds
2. Van Zandt County	Addition.....	48 beds
3. Zapata County court holding	Renovation.....	0 beds
4. Gregg County	Addition.....	36 beds
5. Dallam County	Addition.....	51 beds
6. Johnson County	Addition.....	292 beds
7. Bell County court holding	Addition.....	0 beds
8. Anderson County	Addition.....	48 beds
9. Tarrant County	Addition.....	681 beds
10. Tarrant County (2 projects)	Renovation.....	0 beds
11. Travis County holding	Renovation.....	0 beds
12. Limestone Detention Center	Addition.....	96 beds
13. Rusk County	Renovation.....	16 beds
14. Caldwell County court holding	Addition.....	0 beds
15. Randall County court holding	Addition.....	0 beds
16. Limestone Detention Center	Renovation.....	10 beds

All construction and renovation/addition projects totaled 4,217 beds.

**2. Jails Under Construction or Planning**

At the end of 2006, 23 counties were involved in planning or construction on 31 projects. These projects are expected to result in an additional 2,340 beds by the end of 2007. This figure is an estimate based on projects identified on January 1, 2007 and scheduled for completion by December 31, 2007; other projects identified during the year may cause this number to be adjusted further. In addition to the plan reviews, the Planning Department completed 8 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, 14 in-house management consultations were conducted at the Austin office in 2006. A total of 187 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, 12 counties received assistance with analyses of jail staffing needs, and a total of 496 operational plans were reviewed in 2006.

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, 2006, jails were operating at 81.4% of capacity with a population of 66,250 and a capacity of 81,398. During the year, the population continued to increase, ending at 72,713 on December 1, 2006. By December 2006, jail capacity increased to 84,290. On December 1, 2006, all Texas jails were collectively operating at 86.3% of capacity.

Texas counties continue to house out-of-state inmates. On December 1, 2006, seven local facilities were housing 1,353 inmates for Arizona, Idaho, New Mexico, and Wyoming. The number of federal inmates held by facilities under the Commission's purview increased from 8,042 on January 1, 2006 to 8,707 on December 1, 2006. The local population also continued to increase from 53,325 on January 1, 2006 to 58,743 on December 1, 2006. This represents an increase of 9.8%. Additionally, in 2006 jails continued housing convicted state inmates through contract with the Texas Department of Criminal Justice. Four private facilities and one county facility housed a total of 1,908 state inmates on December 1, 2006, representing a 90.6% increase over the previous year.

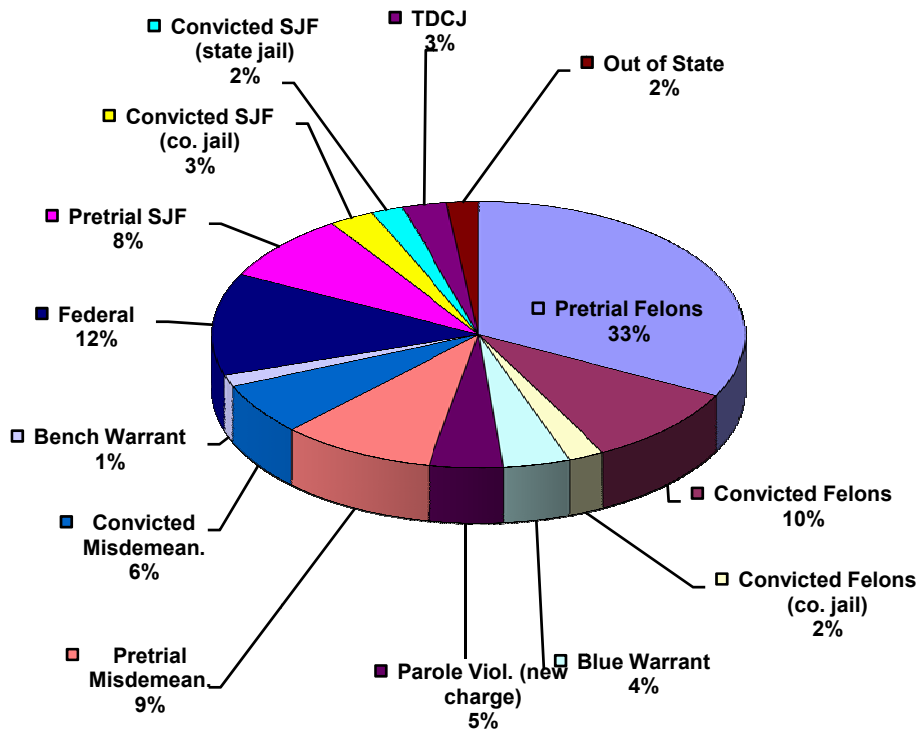
### **County Jail Population by Offense Type<sup>†</sup>**

	<b>12/2003</b>	<b>12/2004</b>	<b>12/2005</b>	<b>12/2006</b>
Pretrial Felons	30.70%	30.42%	31.65%	31.44%
Convicted Felons	9.17%	8.63%	10.62%	9.38%
Convicted Felons (Co. jail)	2.55%	2.30%	2.27%	2.13%
Blue Warrant	4.07%	4.51%	4.54%	3.86%
Parole Viol. (New charge)	4.72%	4.42%	4.57%	4.34%

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

	12/2003	12/2004	12/2005	12/2006
Pretrial Misdemeanants	10.14%	10.06%	9.99%	8.99%
Convicted Misdemeanants	6.80%	6.80%	6.75%	6.07%
Bench Warrant	1.51%	1.57%	1.66%	1.36%
Federal <sup>‡</sup>	14.11%	11.60%	11.27%	11.97%
Pretrial SJF	6.69%	7.92%	8.17%	7.96%
Convicted SJF (Co. jail)	1.42%	1.99%	2.37%	2.62%
Convicted SJF (State jail)	2.01%	2.31%	2.16%	1.86%

## Texas Jail Population December 1, 2006



### G. Additional Services

#### 1. Research

During the 79<sup>th</sup> Special Legislative Sessions, the Commission's research staff researched legislation, and assisted with agency presentations for use in testimony at committee hearings and training sessions. Tracking legislation

<sup>‡</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.

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 2006, 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 on legislative matters and legal developments to county officials, jail administrators, and others in local government.

## **2. Inmate Complaints**

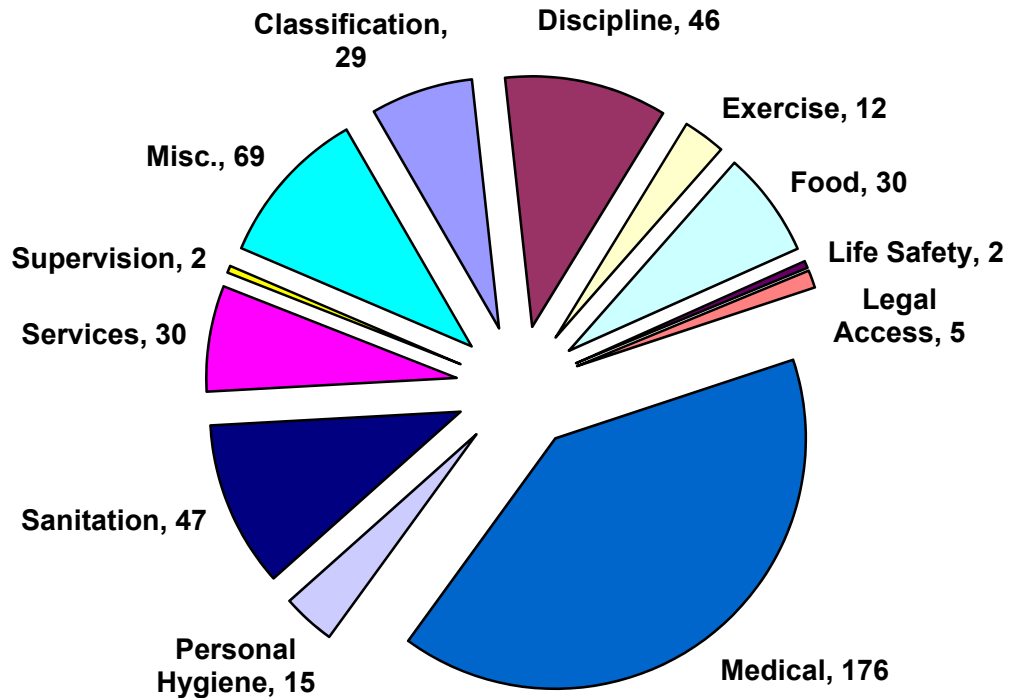
The Commission received 1,184 written requests for inmate assistance or grievance investigation in 2006, with 312 requiring a written response by county officials, and possible action by Commission staff. Consistent with previous years, the category most frequently cited in grievances requiring a formal reply was medical services. For 2006, Medical Services constituted 56% 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:	176
Sanitation:	47
Discipline:	46
Miscellaneous:	45
Food Service:	30
Services:	30
Classification:	29
Personal Hygiene:	15
Exercise:	12
Legal Access:	5
Supervision:	2
Life Safety:	2
Education:	0
Total:	439

## Inmate Complaints for January 2005 to December 2005



There were 872 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

Ten variances were approved, no variances were denied, and 3 extensions of variances were granted during 2006. 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. 2006 IN REVIEW

## **A. Staff Changes**

There no new hires during 2006. One position went from full-time to part-time. One position was reclassified.

## **B. Staff Turnover**

One staff member left the Commission during 2006. Terry Julian, the former Executive Director retired, and was replaced by Adan Munoz, who assumed the position on September 25, 2006

## **C. Training Initiatives**

2006 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 Basics', was conducted at 6 regional sites during October through December. Practitioners who are widely regarded as experts in the field of jail management again served as instructors for this training alongside Commission staff, 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 2006, there were 207 participants from 54 counties and one municipality. These numbers represent a significant increase in local government participation over 2005.

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 Caesar", a live presentation and take-off of the classic, "Julius Caesar" - at the Texas Jail Association Conference in San Antonio. This presentation was devoted to the outgoing Executive Director, Terry Julian, who retired in August 2006. For the fourth consecutive year, the presentation was a "hit", and also proved to be a valuable training tool.

## **D. Legislative Actions**

The 2005 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, as well as a reduction in staff capacity.

Despite the third Special Session occurring in 2006, there was no legislation introduced during this time that impacted the agency.

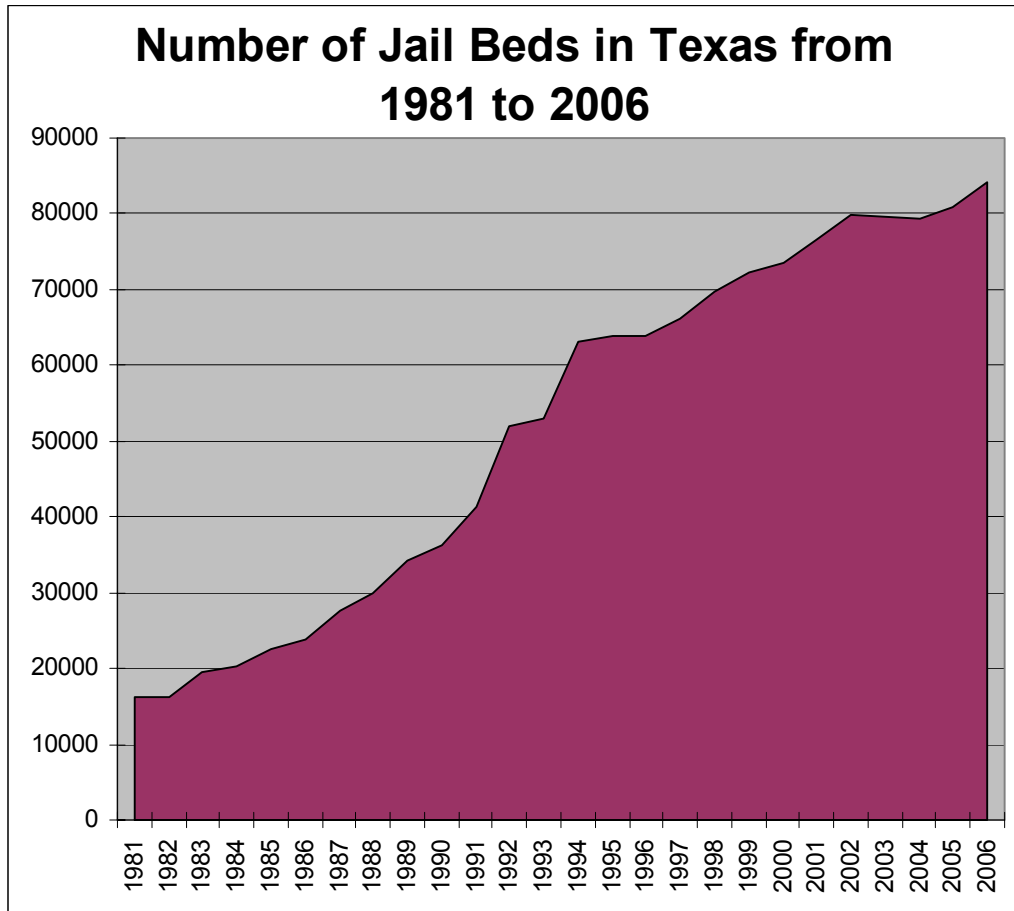
#### **E. Attorney General Action**

On October 2, 2006, the Commission submitted a Request for Opinion to the Attorney General seeking clarification on whether a jail may maintain a persistent negative balance on an inmate's commissary account. This request was received by the Attorney General's office and given the designation RQ-0537-GA. An opinion by the Attorney General was not rendered by the end of 2006, but will likely be delivered in 2007.

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

The Commission staff, working with fewer personnel and appropriated resources, completed another successful year providing services for Texas counties in 2006. 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.

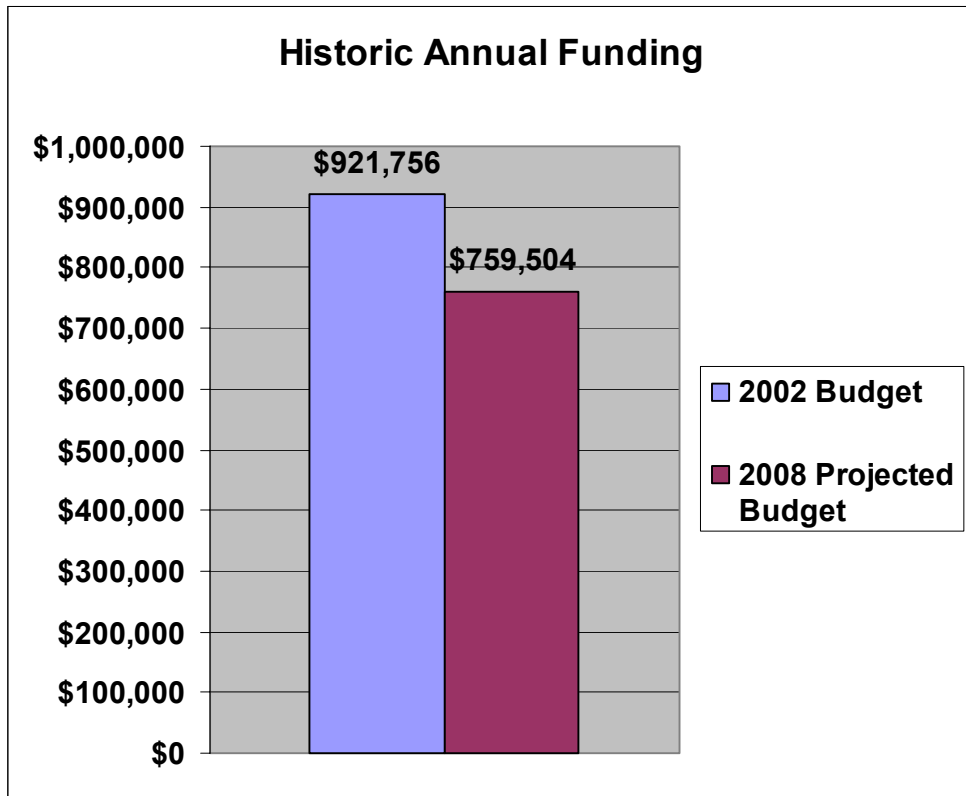
Challenges ahead include an increase in jail beds to be inspected, the increasing jail population, and the ability to maintain a level of service to the counties to prevent federal intervention in the local jails. In order to address the growing number of jail beds requiring inspection, the Commission has made a 2008-2009 Legislative Appropriations Request to include the addition of a fourth jail inspector. The Commission has been operating with three jail inspectors for four decades, while jail beds have been steadily increasing.



In an effort to address the burdens to the jails posed by persons with mental disabilities and other classes of arrestees, the Commission has made a 2008-2009 Legislative Appropriations Request to include funding necessary to support a Jail Diversion Specialist. This position would examine factors driving inmate populations, determine what type of offenders are filling jail bed space, and explore options that could better serve that jail in terms of optimal utilization of jail bed space by taking a look at progressive trends in county correction such as electronic monitoring, docketing, and issues affecting reentry. With the jails and state prisons operating at such high capacities, we believe that the need for this type of assistance has risen to a critical level of importance.

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.



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 2007 in a cooperative effort to keep Texas county jails safe, secure, and suitable.