



**Texas Commission on Jail Standards**  
**2007 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.*

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**Executive Director**

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**TEXAS COMMISSION ON JAIL STANDARDS**  
**CALENDAR YEAR 2007**  
**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 2007.

**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 any Texas facility housing out-of-state inmates.

We work closely with city, county, and state government officials in our duties to enforce jail standards. Primary relationships exist with county judges, commissioners, sheriffs and private management companies to provide consultation and technical assistance, review and comment on plans for

construction, modification, and renovation of jails, and regular inspections of jails to ensure compliance with state law. Secondary relationships extend to architectural and criminal justice professional associations and to regulatory agencies concerned with fire safety, legal issues, civil liberties, health and mental health, 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, 2007 were as follows:

| <u>Member</u>                   | <u>City</u> | <u>Term Expires</u> |
|---------------------------------|-------------|---------------------|
| Sheriff David Gutierrez (Chair) | Lubbock     | 2009                |
| Irene A. Armendariz             | El Paso     | 2009                |
| Albert L. Black                 | Austin      | 2011                |
| Stanley D. Egger                | Abilene     | 2011                |
| Sheriff Mark Gilliam            | Rockport    | 2009                |
| Judge Donna Klaeger             | Burnet      | 2013                |
| Evelyn (Kelly) Moyer            | Magnolia    | 2007                |
| Michael M. Seale, M.D.          | Houston     | 2011                |
| Vacant                          | -           | -                   |

At the end of 2007, the staff consisted of the following positions:

|                              |                 |
|------------------------------|-----------------|
| Executive Director           | Exempt Position |
| Planner III                  | Group B-12      |
| Program Specialist II (2)    | Group B-10      |
| Staff Services Officer II    | Group B-10      |
| Inspector VI                 | Group B-10      |
| Network Specialist II        | Group B-10      |
| Planner I                    | Group B-9       |
| Program Specialist I         | Group B-9       |
| Research Specialist II       | Group B-9       |
| Inspector V (3)              | Group B-8       |
| Budget Analyst I             | 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. Local counties and private facilities may also be charged a fee to cover the costs of performance of re-inspections. This fee is intended to help compensate the Commission for the expense of repeat inspections when county jail facilities fail initial inspections, and request re-inspection.

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.

#### **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**

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. In addition to utilizing a contracted specialist to conduct the annual survey, the agency allocates 0.1 full-time equivalent positions to administer the grant and to provide technical and administrative support.

#### **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 2007, there were four changes to Minimum Jail Standards. The first change allowed court-holding cells that are utilized to hold inmates for less than four hours to calculate their approved capacity by the amount of seating provided. Previously, the capacity of all court holding cells, regardless of the length of time the cell was utilized, was based solely upon the amount of square footage provided.

The second change to Minimum Jail Standards requires jails to notify the commission of an escape within 24 hours of the incident. Prior to this change, a county was required to submit an escape report, but was not required to notify the Commission within 24 hours of the escape.

The third change to Minimum Jail Standards address prisoners in transit. Prisoners that are being transported are at times housed at a facility overnight before completion of a trip. Prior to the change, standards did not adequately address how prisoners in transit were to be processed and housed temporarily at a facility.



The fourth change to Minimum Jail Standards modifies the mental history check jails are required to perform on each inmate upon intake. The change would modify the existing standard by no longer requiring facilities housing out of state or federal inmates to perform the check, change the word offender to inmate, and clarify the documentation requirement that the check has been performed.

## **B. Jail Inspections**

During the year, 246 annual jail inspections were conducted. Legislation has exempted certain private jails from annual inspection since 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 four 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 12 for the year. Staff also completed 44 special inspections on high-risk and/or non-compliant jails during 2007. Out of the combined 349 inspections, 63 were unannounced, representing 18% of all inspections.

### **1. Compliant Counties**

As of January 1, 2007, 213 of 254 jails (84%) complied with Minimum Jail Standards. As of December 31, 2007, 212 of 251 jails were certified, comprising 84% of the county and private facilities under our regulatory review.

### **2. Noncompliant Counties**

On December 31, 2007, 39 (16%), of inspected jails were in a status of noncompliance. At the end of 2006, there were 41 jails (16%) in noncompliance. This is a .5% decrease in the number of notices issued in 2006. Notices of non-compliance are issued in three 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, 17 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 May 24, 2007, the Howard County Jail facility was recertified and placed in compliance with minimum jail standards. This facility had previously been closed via remedial order by the Commission for life safety issues.

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

During the calendar year, the Commission's contracted service provider reviewed all adult jails and lock-ups in the State of Texas for compliance with the Juvenile Justice and Delinquency Prevention Act. This is accomplished through the review of juvenile jail logs to ensure that adult facilities are reporting juveniles held securely longer than six hours, status offenders held securely, and juveniles are sight-and-sound separated from adult offenders. The actual number of facilities may fluctuate during any given year and from year-to-year; for most of 2007, this figure is most accurately represented as 548.

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

Sixty-five construction/renovation documents were reviewed in 2007. Several counties are undertaking renovations of facilities, which were not options in 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.

#### **Construction Completed**

Two Counties opened new facilities during the year. These projects represented 144 additional beds.

|                                |          |
|--------------------------------|----------|
| 1. Young County                | 144 beds |
| 2. Collin County court holding | 0 beds   |

#### **Major Renovations/Additions Completed**

Ten counties completed major renovations or additions during the year, adding 1,941 beds. The counties were.

|                                 |          |
|---------------------------------|----------|
| 1. Val Verde County Addition    | 576 beds |
| 2. Calhoun County court holding | 0 beds   |
| 3. Gregg County addition        | 308 beds |
| 4. Franklin County addition     | 56 beds  |
| 5. Howard County renovation     | 39 beds  |
| 6. Travis County court holding  | 0 beds   |

|  |          |
|--|----------|
| 7. I.A.H. Detention Center addition    | 528 beds |
| 8. Anderson County addition/renovation | 198 beds |
| 9. Collin County addition              | 212 beds |
| 10. Cameron County addition            | 32 beds  |

All construction and renovation/additions projects totaled 2,093 beds.

### **Jails under Construction or Planning**

At the end of 2007, 46 counties were involved in planning or construction on 54 projects. These projects are expected to result in an additional 5,861 beds in 2008. This figure is an estimate based on projects identified in January 1, 2008 and scheduled for completion by December 31, 2008; other projects identified during the year may cause this number to be adjusted further. In addition to plan reviews, the Planning Department completed 13 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, nine in-house management consultations were conducted at the Austin office in 2007. A total of 274 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 648 operational plans were reviewed in 2007.

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, 2007, jails were operating at 82.18% of capacity with a population of 69,286 and a capacity of 84,308. During the year, the population remained somewhat stable, ending at 70,808 on December 1, 2007. By December 2007, the overall jail capacity increased to 85,818 and Texas jails were collectively operating at 82.51% of capacity.

The number of Texas counties housing out-of-state inmates decreased significantly from the previous year. On December 1, 2006, Texas counties were housing 1,353 out-of-state inmates. On December 1, 2007, five local facilities were housing 495 inmates for Idaho and New Mexico. The number of federal inmates decreased slightly from 8,707 on December 1, 2006 to 8,552 on December 1, 2007. The local population increased from 56,483 on January 1, 2006 to 58,328 on December 1, 2006. This represents an increase of 3.27%. Additionally, in 2007 jails continued to house convicted state inmates through contract with the Texas Department of Criminal Justice. The number of TDCJ inmates remained virtually unchanged from the previous year. On December 1, 2007, four privately operated facilities were housing 1,915 TDCJ inmates.

#### **County Jail Population by Offense Type \***

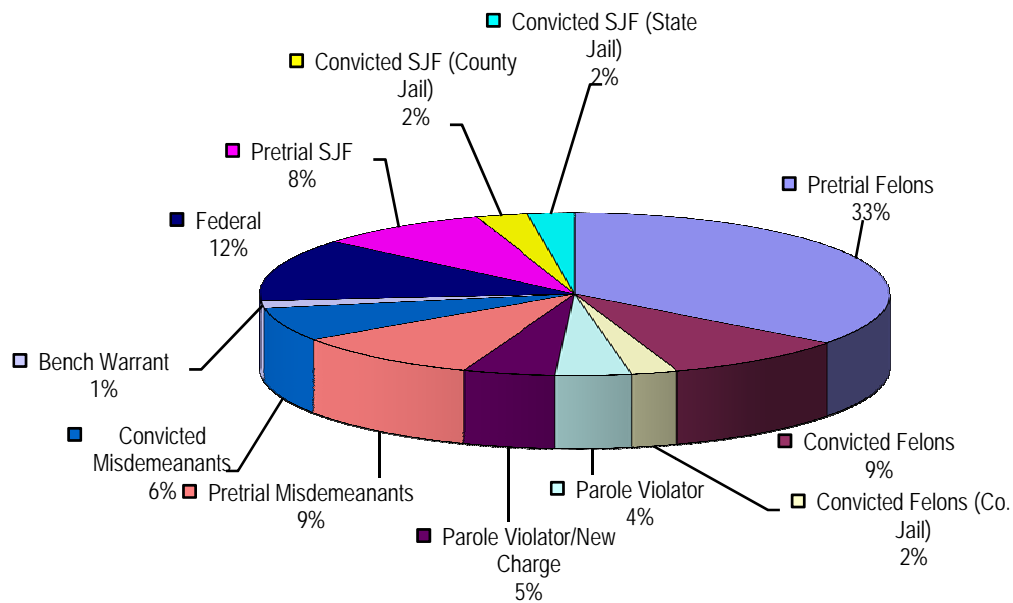
|                             | <b>12/2004</b> | <b>12/2005</b> | <b>12/2006</b> | <b>12/2007</b> |
|-----------------------------|----------------|----------------|----------------|----------------|
| Pretrial Felons             | 30.42%         | 31.65%         | 31.44%         | 32.83%         |
| Convicted Felons            | 8.63%          | 10.62%         | 9.38%          | 8.78%          |
| Convicted Felons (Co. jail) | 2.30%          | 2.27%          | 2.13%          | 2.24%          |
| Blue Warrant                | 4.51%          | 4.54%          | 3.86%          | 3.60%          |
| Parole Viol. (New charge)   | 4.42%          | 4.57%          | 4.34%          | 4.40%          |
| Pretrial Misdemeanants      | 10.06%         | 9.99%          | 8.99%          | 9.12%          |
| Convicted Misdemeanants     | 6.80%          | 6.75%          | 6.07%          | 6.20%          |
| Bench Warrant               | 1.57%          | 1.66%          | 1.36%          | 1.35%          |
| Federal <sup>†</sup>        | 11.60%         | 11.27%         | 11.97%         | 11.65%         |
| Pretrial SJF                | 7.92%          | 8.17%          | 7.96%          | 8.16%          |
| Convicted SJF (Co. jail)    | 1.99%          | 2.37%          | 2.62%          | 2.46%          |
| Convicted SJF (State jail)  | 2.31%          | 2.16%          | 1.86%          | 2.24%          |

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

<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.

## Texas Jail Population as of 12/1/2007



### G. Additional Services

#### 1. Research

During the 80<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 2007, 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**

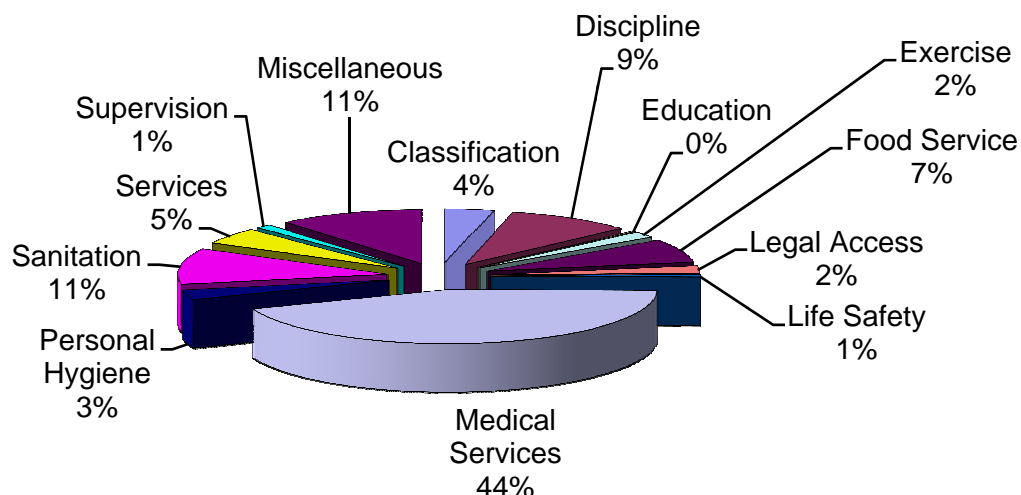
The Commission received 1,096 written requests for inmate assistance or grievance investigation in 2007, with 366 requiring a written response by county officials, and possible action by Commission staff. Consistent with previous years, the category most frequently cited in grievances requiring a formal reply was medical services. For 2007, Medical Services constituted 44% 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: | 224       |
| Miscellaneous:    | 57        |
| Sanitation:       | 55        |
| Discipline:       | 49        |
| Food Service:     | 36        |
| Services:         | 25        |
| Classification:   | 19        |
| Personal Hygiene: | 15        |
| Legal Access:     | 11        |
| Exercise:         | 9         |
| Supervision:      | 6         |
| Life Safety:      | 4         |
| Education:        | 1         |
| Total:            | <hr/> 511 |

### **Inmate Complaints by Category for End of Year 2007**



There were 730 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. There were no other violations of Standards that could not be resolved.

### **3. Variances**

Thirteen variances were approved, one variance was canceled, and thirteen extensions of variances were granted during 2007. 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. 2007 IN REVIEW**

### **A. Staff Changes**

There were seven new hires during 2007. One position was reclassified. One additional FTE was appropriated during the 80<sup>th</sup> Legislation.

## **B. Staff Turnover**

Five staff members left the Commission during 2007.

## **C. Training Initiatives**

2007 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 November and 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 the agency. This program not only educates those attending the training, but also develops the presentation and leadership skills of the instructors themselves. In 2007, there were 158 participants at the six training sessions, which represents a decrease from the previous year's attendance.

Objective Jail Classification training by Commission staff continues to be offered to the counties, both on site and at headquarters, since creating and maintaining a responsible classification system remains an essential part of county jail management. In addition, Commission Staff has initiated training for Population and Paper-Ready Reports at headquarters for any county that requests assistance. Since the training was started in September 2007, the number of inaccurate reports has decreased from a high of 367 per month to 1 per month as of January 1, 2008.

Finally, Commission staff conducted a training session regarding jail escapes at the annual Texas Jail Association Conference in Austin. In addition, "The Courtroom Challenge" was conducted at the Conference, and both presentations received positive evaluations from the attendees.

## **D. Legislative Actions**

In 2007, during the 80<sup>th</sup> Legislative Session, one additional FTE and associated funding was appropriated to the agency for use in FY08. This position was allocated specifically for a fourth jail inspector.

## **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. An opinion by the Attorney General (GA-0534) was rendered on March 26, 2007, which states that after following the due-process requirements, a county may deduct funds from an inmate's account necessary to cover costs incurred during a previous term of incarceration.



## **VI. SUMMARY AND FORECAST**

The year 2007 marked another successful year providing services for Texas counties. 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 continues to present a challenge. In order to address this concern, the Commission requested a fourth jail inspector in the 2008-2009 Legislative Appropriations Request. This request was approved, and for the first time since 1977, the number of employees dedicated to conducting inspections increased from three to four on September 1, 2007. This will allow the agency to provide much needed technical assistance to the counties we serve and decrease the number of management related deficiencies.

The agency continues to meet our objectives in terms of annual inspections and the auditing of population and costs relating to county jail populations. With the addition of a fourth inspector, the agency was able to meet its goal for on-site management consultations for the first time in several years. A concerted effort has been made to increase the number of on-site technical assistance meetings that pertain to construction, but it is still envisioned that a majority of those meetings will occur at headquarters due to the expense that is involved for travel.

Of special note is the fact that the Commission will host its first ever Strategic Planning Session in February of 2008. This will allow us to receive comments from the sheriffs, county judges, and any other interested and affected parties on the mission of the agency. It is imperative that this agency be as transparent as possible, in order to effectively achieve our goals and strategies. State government should work in conjunction with local government on a common goal to reduce liability to county jails.

In addition, several interim legislative committees will be hearing testimony on illegal immigrants and their impact on county jails. At the request of each committee chair, the Executive Director and staff will be providing testimony and serve as resource witnesses as needed.

The most significant event affecting this agency is a review by the Sunset Commission this year and into the 81st Legislative session, which will determine if the Commission on Jail Standards is continued as an agency or abolished.

As Executive Director, it is my responsibility to ensure that we continue to improve on each mandated strategy and provide the necessary documentation that clearly proves that the Texas Commission on Jail Standards should remain an independent agency and funded appropriately for continued success.