

# Texas Commission on Jail Standards



## 2018 Annual Report

February 1, 2019

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

**Brandon Wood**  
Executive Director

**TEXAS COMMISSION ON JAIL STANDARDS - CALENDAR YEAR 2018 ANNUAL REPORT**

I. Mission Statement ..... 5

II. Organization..... 6

III. Agency Objectives & Funding ..... 7

    A. Inspection & Enforcement ..... 7

    B. Construction Plan Review ..... 8

    C. Management Consultation ..... 8

    D. Auditing Population & Costs ..... 8

    E. Indirect Administration ..... 9

    F. Prisoner Safety Grants ..... 9

IV. 2018 Operational Performance in Review ..... 9

    A. Changes to Standards ..... 9

        1. Telehealth/Telemental health ..... 9

        2. Electronic Camera Sensor ..... 10

        3. Definition of High Risk..... 10

    B. Jail Inspections ..... 10

        1. Compliant Counties..... 10

        2. Noncompliant Counties ..... 10

        3. Closed Jails ..... 11

    C. Construction Plan Review ..... 11

        1. Construction Completed ..... 11

        2. Major Renovations/Additions Completed ..... 11

        3. Jails under Construction or Planning ..... 12

    D. Management Consultation ..... 12

    E. Auditing..... 13

        1. Population..... 13

        2. Immigration..... 14

        3. Licensed Jailer Turnover..... 14

    F. Prisoner Safety Fund ..... 14

    G. Critical Incident Inspection ..... 15

    H. Jail Administrator Examination ..... 16

    I. Additional Services..... 16

        1. Research..... 16

        2. Inmate Complaints..... 16

**TEXAS COMMISSION ON JAIL STANDARDS - CALENDAR YEAR 2018 ANNUAL REPORT**

3. Variances..... 18

V. 2018 Administrative Activity in Review ..... 18

    A. Staff Changes ..... 18

    B. Staff Turnover ..... 18

    C. Training Initiatives..... 18

    D. Legislative Actions..... 19

    E. Attorney General Action ..... 19

VI. Summary & Forecast..... 19

This report is made pursuant to Chapter 511, Section 511.015 Government Code and covers activities of calendar year 2018.



I. **Mission Statement**

The mission of the Texas Commission on Jail Standards is to empower local government to provide safe, secure, and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas.

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

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

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

II. **Organization**

The Commission on Jail Standards is headquartered in Austin, Texas. Our policy-making body consists of nine Commission members appointed by the governor to staggered six-year terms expiring on January 31 of odd-numbered years. The Commission consists of a sheriff from a county with a population of more than 35,000, a sheriff from a county with a population of 35,000 or less, a county judge, a county commissioner, a practitioner of medicine, and four private citizens, at least one of whom is from a county with a population of 35,000 or less. The chairperson is designated by the governor, with the vice-chairperson elected by the membership. Our Commission holds regular meetings each calendar quarter as required. Special meetings are held as needed. Responsibilities of the Commissioners include promulgation, adoption, revision, amendment, and repeal of rules; enforcement of rules through remedial action or action in district court; and consideration of applications for variances from minimum standards. Members are not compensated for their work except for allowable travel and per diem expenses.

Commission members as of December 31, 2018, were as follows:

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

At the end of 2018, the staff consisted of the following 22 positions:

Executive Director	E-086
Manager I	B22
Staff Services Officer III	B19
Accountant III	B17
Grant Coordinator II	B20
Inspector VI (4 positions)	B19
Inspector VI	B19
Mental Health Trainer (3 positions)	B17
Planner II	B19
Program Specialist I (4 positions)	B17
Program Specialist II (1 positions)	B17
Network Specialist II	B18
Research Specialist II	B17
Receptionist	A-07

**III. Agency Objectives & Funding**

The Commission fulfills its mission by allocating its resources and carrying out its statutorily-mandated duties through six distinct but related strategies. Although inspection of jail facilities and enforcement of Minimum Jail Standards is our most critical and visible strategy, the Commission's remaining five strategies are vital as well and assist counties in achieving and maintaining constitutional standards—the primary goal of the agency.

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

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

In order to meet agency objectives, each strategy is allocated a specific number of Full-Time Equivalent (FTE) positions.

**A. Inspection & Enforcement**

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

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

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

The Executive Director reviews the inspector's report, and if the facility is in compliance, a certificate of compliance is mailed to the facility. However, if the inspector notes deficiencies, a notice of non-compliance is issued, which specifies the standards with which the facility has failed to comply and includes detailed steps the jail must take to correct the deficiencies. The notice of non-compliance is sent via certified mail.

**B. Construction Plan Review**

(2 full-time positions) The construction facility planning staff provides consultation and technical assistance to local governments for jail construction that meets Standards. There is extensive consultation and interaction with state and local officials, design professionals and consultants. Staff review plan documents at three phases: schematic design, design development, and construction documents. At each phase, staff note items requiring resolution and satisfaction prior to proceeding to the next phase. This process assists in ensuring that counties understand jail requirements and also helps to provide more efficient, effective, and economic jails that comply with Minimum Standards. On-site consultations are desirable when possible and are often a more productive method of consultation with designers, architects, construction contractors, sheriffs, and other county officials once construction has begun. Upon a county's request, the facility planning staff also analyze facility needs using population projections and other pertinent data to help counties determine their future incarceration needs.

**C. Management Consultation**

(4 full-time positions) Commission staff also provides needed jail management training and consultation to county representatives in person in our Austin office and by phone, written correspondence, regional training classes, and on-site visits. Staff provide on-going technical assistance on matters such as structural issues, life safety, and overall jail operation. Staff also analyze jail staffing needs to assist counties in operating safe and secure facilities and in developing and implementing operational plans that meet Minimum Standards. Operational plans include procedures for classification of inmates, health services, discipline and grievance, inmate services and activities, and seven additional areas. This strategy is important because it focuses on assisting counties to achieve and maintain compliance with Standards, transmitting to county jails the knowledge and tools required to run a safe and secure jail and thereby reducing county liability.

**D. Auditing Population & Costs**

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

jailer turnover, and jail operational costs. Staff assists counties with completing their jail population reports and provide technical assistance. Staff collects, analyzes, and provides statistical data to agencies that helps them predict and prepare for incarceration trends at the state and local level. They also receive audits of the commissary and general operations of the county jails. Staff analyze these audits to assess jail program costs and to develop Average Daily Cost estimates—information that is often requested by other state agencies and counties as well as members of the Legislature.

**E. Indirect Administration**

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

**F. Prisoner Safety Grants**

(1 full-time position) Administer grants from the Prisoner Safety Fund. This is a new strategy created by SB 1849, commonly called the Sandra Bland Act, of the 85<sup>th</sup> Legislature. Jails with 96 beds or fewer may use this funding by September 1, 2020, to install automated electronic sensors or cameras to ensure in-person checks of cells or groups of cells confining at-risk individuals.

**IV. 2018 Operational Performance in Review**

**A. Changes to Standards**

In 2017, the Commission began adopting several changes to the Minimum Jail Standards that were required by the passage of SB 1849. The following final rules were adopted in 2018:

**1. Telehealth/Telemental health**

These adopted rules add language to Minimum Jail Standards §273.2(13) and (14) to require jails under the Commission’s purview to give prisoners the ability to access a telemental health service within the jail 24-hours per day. The rules also require the jails to provide prisoners access to a health professional either in-person or through a telehealth service. They also require that if a health professional or telehealth service are unavailable at the jail, the jail must provide for a prisoner to be transported to a health professional. This will help ensure the safety of prisoners.

**2. Electronic Camera Sensor**

This new rule amends language to Minimum Jail Standards §275.1 to require jails under the Commission’s purview to install no later than August 31, 2020, electronic sensors or cameras capable of recording the required personal observations of inmates in high-risk cells or groups of cells. This will help ensure that regular observations of inmates is being performed pursuant to Minimum Standards and will thereby help ensure the safety of prisoners.

**3. Definition of High Risk**

This new rule clarifies the rule above by adding a definition of “high-risk” to Minimum Jail Standards §253.1(16) and amends the numbering of the subsequent existing rule numbers 17-35. This definition enables county jails to determine the proper placement of automated electronic sensors and/or cameras required by Government Code Section 511.009(a)(23)(C) and helps ensure the safety of prisoners.

**B. Jail Inspections**

During Calendar Year 2018, inspectors conducted 242 annual jail inspections. Legislation has exempted certain private jails from annual inspection since September 1, 2003, and this number may fluctuate during the course of any given year as conditions warrant. Staff also completed 61 special inspections on high-risk and/or non-compliant jails during 2018. Out of the combined 303 inspections, 303 were unannounced, representing 100% of all inspections.

**1. Compliant Counties**

At the beginning of 2018, 211 jails (87.9%) complied with Minimum Jail Standards. As of December 31, 2018, we certified 216 jails, comprising 89.6% of the county and private facilities under our regulatory review. One (1) jail was added to the Commission’s purview during 2018 due to the private facility contracting to hold inmates from the State of Idaho.

Staff Conducted twenty-four (24) occupancy inspections on completed construction projects during 2018.

**2. Noncompliant Counties**

On December 31, 2018, 26 jails were in a status of noncompliance, representing 10.8% of the facilities on the inspection list. We issue notices of non-compliance in three categories: Life Safety, Management, and Construction. In most instances, the counties receiving the notices have taken positive and responsible action toward eliminating cited deficiencies to meet the requirements of state law. We requested counties to appear before the Commission to address the corrective action necessary by the Commission if the Commission believed the counties were not acting expeditiously to resolve their deficiencies. As a result of these meetings,

the Commission issued remedial orders to three (3) counties (San Patricio, San Saba and Kinney Counties). Commission staff conducts monthly risk assessment reviews of noncompliant counties to assess the progress and status of these facilities as they move toward compliance with Minimum Jail Standards.

**3. Closed Jails**

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

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

**C. Construction Plan Review**

The Commission reviewed 22 construction/renovation documents in 2018. Several counties are embarking upon renovations of ageing facilities, while others are planning new facilities to replace well-worn facilities or to add additional beds to meet local needs.

**1. Construction Completed**

The following 3 Counties opened a new facility during the year. These projects represented a total of 642 beds:

List of completed projects	# of beds
Bexar County - South Tower and PIC	512
Bosque County Law Enforcement Center*	64
McCulloch County Law Enforcement Center	66

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

**2. Major Renovations/Additions Completed**

The following 5 counties completed major renovations or additions during the year, adding no new beds:

List of Renovations	# of beds
Denton County- Pre-trial Booking Area	0 - Holding Area
Harris County Criminal Justice Center 14 <sup>th</sup> and 17 <sup>th</sup> - 20 <sup>th</sup> Floors	0 - Court Holding
Haskell (P) - Rolling Plains Regional Jail*	547
Johnson County Jail, C1 Building - Phase II	18

List of Renovations	# of beds
Kerr County Jail- Addition	144
Limestone County Detention Center	96
Lubbock County Law Enforcement Center	0 - Court Holding
Maverick (P) - Eagle Pass Correctional Facility*	654
Tarrant County, Correctional Center	0 - Court Holding
Tarrant County, Tim Curry Justice Center 7 <sup>th</sup> and 8 <sup>th</sup> East - Phase II	0 - Court Holding

All construction and renovation/additions projects totaled 1,459 beds.

**3. Jails under Construction or Planning**

At the end of 2018, 36 counties were involved in planning or construction projects. These projects are expected to result in an additional 2,875 beds in 2019. This figure is an estimate based on projects identified on January 1, 2018, and scheduled for completion by December 31, 2019; other projects identified during the year may cause this number to be adjusted further. In addition to plan reviews, the Planning Department completed 2 Facility Needs Analyses, which assisted counties in determining their future jail needs.

**D. Management Consultation**

The Commission provided technical assistance to county officials throughout the year on jail matters, such as alternative programs, population control, structural issues, life safety, and overall operations. Although the Commission does not log telephone calls, it estimates that it received several thousand telephone calls during the year for technical assistance regarding jail management and operations. In addition, the Commission conducted 12 in-house management consultations at the Austin office in 2018. It also conducted 277 management consultations on-site with County Judges, Commissioner’s Courts, and Sheriffs concerning the most economical and feasible way to achieve compliance with state law, and, in some cases, with federal court orders. Finally, eight (8) counties received assistance with analyses of jail staffing needs, and staff reviewed 1,055 operational plans in 2018.

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

Municipalities continued to request information and assistance on jail construction or renovation. Although municipal jails that are not operated privately under authority of Local Government Code Chapter 351 are not required to conform to Texas Minimum Jail Standards, municipalities continue to show confidence in the

Commission to provide them unbiased information and guidance upon which to base decisions concerning construction or operation.

**E. Auditing**

**1. Population**

On January 1, 2018, jails were operating at 68.26% of capacity with a population of 62,625 and a capacity of 93,791. During 2018, the population increased to 65,719 on December 1, 2018, with a capacity increase to 95,791 beds. On December 1, 2018, all Texas jails were collectively operating at 68.61% of capacity.

Texas counties continue to house out-of-state inmates. On December 1, 2018, four local facilities were housing 1,038 inmates for Arkansas, Idaho, and New Mexico.

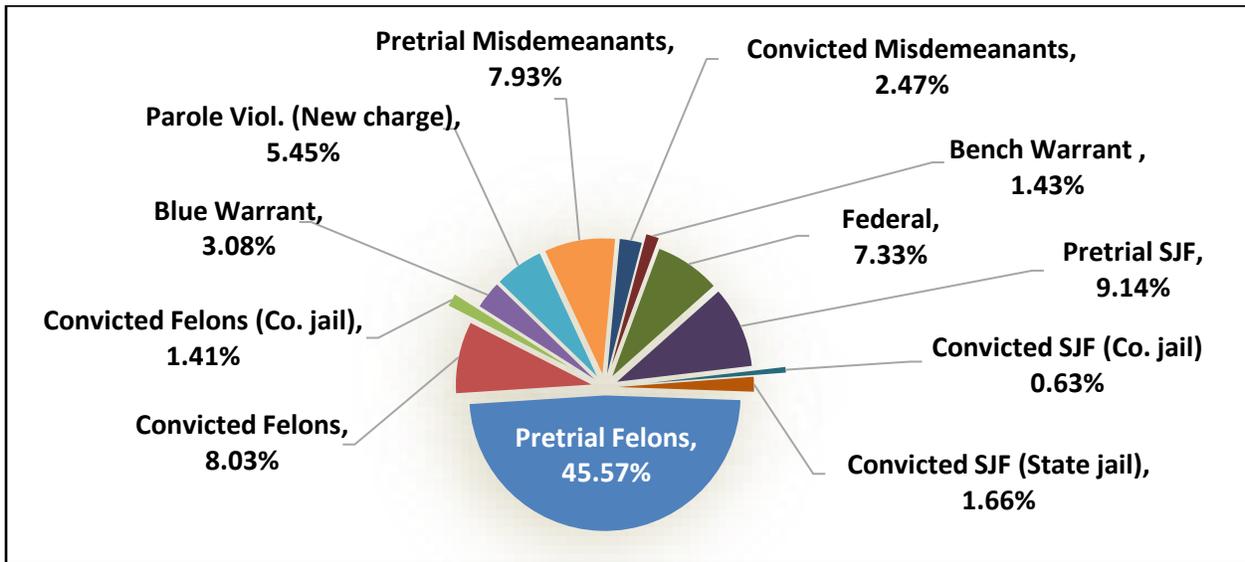
The number of federal inmates held by facilities under the Commission’s purview increased from 4,251 on January 1, 2018, to 4,847 on December 1, 2018. The local population increased from 56,174 on January 1, 2018, to 58,116 on December 1, 2018. This represents an increase of 0.97%. Additionally in 2018, jails continued housing convicted state inmates through contract with the Texas Department of Criminal Justice. Two facilities housed a total of 17 state inmates on December 1, 2018.

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

	12/2013	12/2014	12/2015	12/2016	12/2017	12/2018
<b>Pretrial Felons</b>	38.70%	41.71%	44.21%	43.8%	46.39%	45.57%
<b>Convicted Felons</b>	8.88%	8.71%	7.64%	7.28%	8.48%	8.03%
<b>Convicted Felons (Co. jail)</b>	1.70%	1.47%	1.31%	1.44%	1.33%	1.41%
<b>Blue Warrant</b>	3.41%	2.5%	2.48%	3.29%	3.29%	3.08%
<b>Parole Viol. (New charge)</b>	4.28%	3.97%	4.47%	4.88%	4.97%	5.45%
<b>Pretrial Misdemeanants</b>	9.31%	9.70%	9.61%	8.99%	9.00%	7.93%
<b>Convicted Misdemeanants</b>	4.60%	3.74%	3.59%	3.27%	3.05%	2.47%
<b>Bench Warrant</b>	1.74%	1.77%	1.45%	1.41%	1.51%	1.43%
<b>Federal<sup>2</sup></b>	10.10%	9.10%	7.80%	8.08%	7.08%	7.33%
<b>Pretrial SJF</b>	8.42%	9.14%	9.62%	9.27%	9.75%	9.14%
<b>Convicted SJF (Co. jail)</b>	0.90%	1.09%	0.79%	0.74%	0.87%	0.63%
<b>Convicted SJF (State jail)</b>	2.13%	2.07%	1.97%	1.71%	1.73%	1.66%

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

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



**2. Immigration**

Senate Bill (SB) 1698, 82<sup>nd</sup> Legislature, requires the reporting of inmates with an immigration detainer and the associated costs. In 2018, the total number of inmates with an immigration detainer in Texas county jails was 64,371 for 1,381,920 days. The collective cost for the entire state was \$82,073,944. The monthly average for 2018 was 5,364 inmates for 115,160 days at a cost of \$6,839,495.36.

**3. Licensed Jailer Turnover**

Senate Bill (SB) 1687, 82<sup>nd</sup> Legislature, requires county jails to report the number of licensed jailers that leave county jail employment. During 2018, overall monthly jail turnover rates averaged 2.07%, which is down from 3.2% in 2017. When summed, the monthly turnover rates reached a total turnover of 24.86%, down from 37.18% in 2017. Individual county monthly rates ranged from 0% to 50%.

**F. Prisoner Safety Fund**

SB 1849 created the Prisoner Safety Fund, which appropriated a dedicated amount of funding to facilitate capital improvement projects for county jail facilities with a total capacity of 96-beds or less. These capital improvements include the provision of camera systems or electronic cell check systems to ensure observation of inmates and tele-health or tele-psych equipment to provide 24-hour access to medical professionals. In order to ensure the funds are allocated appropriately, the commission was required to establish a program to oversee the grant funding. Policies and procedures were developed during the earlier part of 2018 to direct the program. The program requires counties to submit estimates or invoices for review prior to determining what funds may be provided on a case by case basis.

At the end of 2018, the Commission granted funding to thirteen (13) counties with the allocated amount of funding totaling \$62,131; six (6) additional counties were

being considered for funding based upon estimates received. Of the remaining 100 counties eligible for funding, forty-eight (48) were determined to currently meet the requirements of SB 1849, and the remaining fifty-two (52) are pending estimates being provided for review.

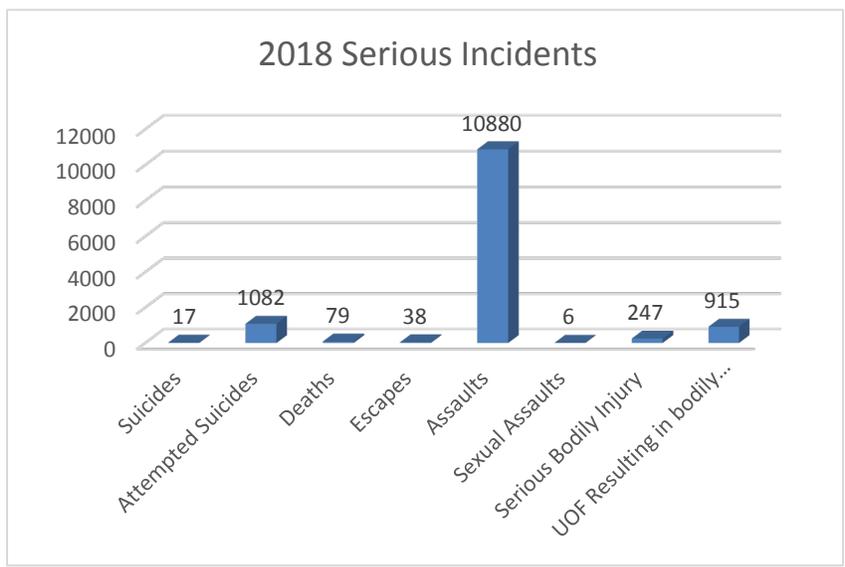
**G. Critical Incident Inspection**

SB 1849 amended Minimum Standard §269.1 (7). The sheriff/operator of each county is now required to report to the Commission on or before the fifth day of each month the occurrence any serious incidents involving an inmate in the county jail during the preceding month.

- January – 239 reports received; all facilities reporting
- February – 239 reports received; all facilities reporting
- March – 239 reports received; all facilities reporting
- April – 239 reports received; all facilities reporting
- May – 239 reports received; all facilities reporting
- June – 239 reports received; all facilities reporting
- July – 239 reports received; all facilities reporting
- August – 239 reports received; all facilities reporting
- September – 240 reports received; Eagle Pass (Maverick County) private facility opened
- October – 241 reports received; Rolling Plains (Haskell County) private facility re-occupied
- November – 241 reports received; all facilities reporting
- December – 241 reports received; all facilities reporting

Total 2018 Serious Incident Reports received: 2,875.

The total number of reported incidents are outlined below:



**H. Jail Administrator Examination**

SB 1849 created a change to Minimum Standard §275.8. It now requires a person appointed to the position of Jail Administrator after March 1, 2018, within 180 days of his/her appointment must satisfy the requirements of a Jail Administrator Examination created by the Texas Commission on Law Enforcement (TCOLE) and approved by the Commission.

As of December 31, 2018, 33 individuals have been appointed as a jail administrator after March 1, 2018.

- Of those 33 individuals, 24 have successfully passed the Jail Administrator Examination, and 8 Jail Administrators still have time remaining of the 180 days provided to pass the exam and meet the requirement.
- One (1) jail administrator was removed from their position after failing to pass the exam within 180 days as required.

Additionally, as of December 31, 2018, 433 individuals have successfully passed the Jail Administrator Examination.

**I. Additional Services**

**1. Research**

The research staffer responded to 275 requests for over 51,000 pages of public information, making this the position's primary function. Staff also conducted research in response to requests from the legislature, sheriffs and jail administration regarding recent changes to standards, legislation, statutes, AG opinions, court cases, and best practices.

Research staff actively participated in meetings and presentations with other professionals and academics to address the challenges of incarcerated individuals with mental health issues. Staff represented the Commission on Jail Standards at advisory meetings of the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI), the Statewide Behavioral Health Coordinating Council (SBHCC), the Behavioral Health Workforce Workgroup, the Judicial Commission on Mental Health, the Outpatient Competency Restoration External Stakeholder Rules Workgroup, and the Texas Coordinating Council for Veterans Services (TCCVS).

**2. Inmate Complaints**

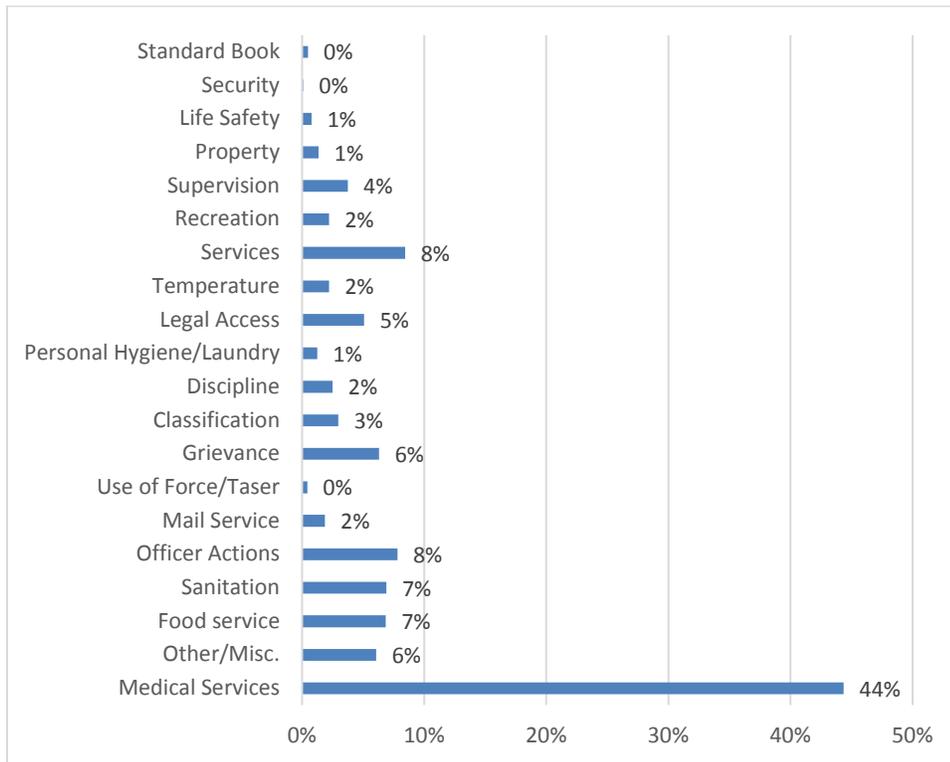
The Commission received 2,286 written requests for inmate assistance or grievance investigation in 2018, with 1,042 requiring a written response by county officials and possible action by Commission staff. The Commission determined that 56 complaints were founded. Consistent with previous years, medical services was the category most frequently cited in

grievances requiring a formal reply. For 2018, Medical Services constituted 44% of these grievances.

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

**Inmate Complaints by Category for 2018**

Complaint Category	# of complaints	Complaint Category	# of complaints
Medical Services	739	Personal Hygiene/Laundry	13
Other/Misc.	101	Legal Access	53
Food service	114	Temperature	23
Sanitation	115	Services	88
Officer Actions	130	Recreation	23
Mail Service	31	Supervision	39
Use of Force/Taser	7	Property	14
Grievance	105	Life Safety	8
Classification	31	Security	1
Discipline	26	Standard Book	5



1,244 complaint letters required no response, were beyond the purview of the Commission, or were returned to the sender with instructions to utilize the facility's established jail grievance system. Inquiry into the remainder of the requests either alleviated conditions in need of correction or established the lack of truth in the allegations and thus helped eliminate frivolous litigation. Occasionally, staff addressed areas of concern with the individual sheriffs involved and made recommendations to preclude future allegations.

**3. Variances**

Two new variances and two extensions of variances previously granted were approved by the Commission. Two existing variances were modified and extended. One variance, which was previously extended, was denied. 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. 2018 Administrative Activity in Review**

**A. Staff Changes**

In 2018, 9 new hires joined the Commission.

**B. Staff Turnover**

In 2018, 7 staff members left the agency.

**C. Training Initiatives**

2018 was another successful year for jail training efforts at the Commission. The staff has continued to select timely topics and develop a solid curriculum for the training programs developed in 2001, as evidenced by the positive response all training sessions have received.

Staff trainers conducted the Practitioners' Series Training called the 'Current Trends and High-Impact Areas of Jail Operations' at 12 regional sites during September, October, November, and December. Practitioners who are widely regarded as experts in their field of jail management served as instructors for this training alongside Commission staff using materials prepared by the agency. This program not only educates those attending the training but also develops the presentation and leadership skills of the instructors themselves. In 2018, there were 490 participants at the 12 training sessions.

Since creating and maintaining a responsible classification system remains an essential part of county jail management, Objective Jail Classification training by Commission staff continues to be offered to the counties—both on-site and at headquarters. In addition, Commission staff continues to offer its training for

Population and Paper Ready Reports, and 'What to Expect during an Inspection' course for any county that requests assistance, both on-site and at headquarters.

In 2018, the Commission provided 3 classes to 40 participants in Objective Jail Classification training, 1 class to 1 participant in Population reporting, and 2 classes to 50 participants in "What to Expect During an Inspection".

In addition to these training classes, the Commission conducted training sessions at the annual Texas Jail Association (TJA) Conference in Austin, Texas, at the annual Chief Deputies Conference in Kerrville, Texas, at the Sheriff's Association Conference in Grapevine, Texas, and at the Jail Management Issues Conference in Galveston, Texas.

SB 1849 amended Occupations Code 1701.310(a) to require the Commission to provide 8 hours of mental health training to all currently licensed jailers by August 31, 2021. On September 1, 2017, the Commission hired three (3) Mental Health Trainers to develop and begin instructing the course. As a result, Commission trainers developed "Mental Health Training for Jailers," which TCOLE certified as class #4900. The objective of this class is to help the jailers identify the signs and symptoms of prominent categories of mental illness commonly observed in the jail setting as well as to gain an understanding of constructive techniques utilized with communicating in a time of crisis in a jail setting.

In 2018, the Mental Health Trainers conducted 208 training classes with a total of 3,526 participants in attendance.

**D. Legislative Actions**

No Legislative action occurred in 2018. The Commission continued to provide assistance and information to county officials related to legislation impacting county jail operations.

**E. Attorney General Action**

In 2018, the Commission submitted 25 requests for rulings to the Office of the Attorney General to have certain records excepted from public disclosure under the Public Information Act.

**VI. Summary & Forecast**

Over the past year, the Commission has faced new challenges while continuing to address what would be considered more traditional issues. The 85<sup>th</sup> Legislative Session brought about major changes in the way county jails are operated and expanded the agency's role. SB 1849 mandated the agency to adopt new standards that address topics such as Continuity of Medications, the reporting and investigating of death's in custody,

electronic/video monitoring of inmates and examination requirements for Jail Administrators. Dealing with inmates who have mental health issues continues to be reported as the primary issue county jails have difficulty managing, and there remains much work to be done in this area. Innovative solutions and a new approach to a long standing problem will hopefully begin to produce results, but these will take time as the manner and location of providing mental health services evolves.

We were moderately successful in the 85<sup>th</sup> Session in addressing employee compensation and are once again attempting to address this issue in the 86<sup>th</sup> Session. If we are not successful, we will no longer be competitive and the turnover rate will remain even higher than the state average. A well trained and competent staff is imperative if we are to serve the counties and the state to the level of expectation. Our staff are highly sought by other state agencies, counties and private consultants, and it is difficult at times to retain them. The cost of living in Austin is a barrier to recruiting qualified replacements, and the agency believes long-term success and strategic planning hinges on its ability to address this problem. However, these efforts are hampered by periodic mandatory hiring freezes, which require shifting duties as positions become vacant but cannot be filled. This shifting of duties places additional burdens on an already overburdened staff and in turn increases the likelihood of departure.

Federal issues that neither the Commission nor the state can control continue to impact county jail operations. While many Texas jails have implemented most of the provisions contained in the Prison Rape Elimination Act, the issue of where and how to best house 17-year-olds remains an issue. Current state law considers 17-year-olds to be adults, but the Federal Act considers them juveniles and prohibits housing them with adults. Compliance creates a conflict in which counties must either inefficiently dedicate an arbitrary amount of jail space or house additional inmates outside the county at a cost. The other federal issue that impacts county jail operations and the Commission is that of Federal prisoners. While there was an expectation that the number of federal inmates would increase, specifically those being detained for immigration violations, this has not been the case. The number of federal inmates has remained steady over the past year, and we have not been apprised of any efforts by the Federal Government that would cause this number to increase, despite media reports to the contrary.

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

The agency has only been able to operate at a fully staffed level for short periods of time. Although the frontline positions have been filled, the added duties have required existing

staff to become pseudo supervisors at times while management has attempted to oversee the creation and implementation of these new programs. For these reasons, the concern that employees are being over extended is real. There is no “down time” when it comes to the environment in which we operate. There are merely days that are less hectic than others. While staff continuously work with county officials to address everyday issues, new issues continue to appear. This is all the more evident every four years when 80 new sheriffs on average take office after winning an election in their respective counties. In an attempt to reinforce the philosophy of the agency, the staff made a concerted effort to engage each and every one of these new office holders before conducting their first inspection. Based on the feedback from our stakeholders this was well received, and it is our intent to continue this outreach effort any time a new sheriff takes office. We also intend to explore the possibility of conducting regional training for new sheriffs in 2020 but have to begin the preparations for that now because we need to allow ourselves sufficient time to prepare and organize this expanded engagement.