

Texas Commission on Jail Standards



2019 Annual Report

February 1, 2020

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 2019 ANNUAL REPORT

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This report is made pursuant to Chapter 511, Section 511.015 Government Code and covers activities of calendar year 2019.

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 64th 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, 2019, were as follows:

Member	City	Term Expires
Judge Bill Stoudt, Chair	Longview	2025
Dr. Esmaeil Porsa, M.D., Vice-Chair	Parker	2023
Ms. Melinda Taylor	Austin	2021
Sheriff Dennis D. Wilson	Groesbeck	2021
Sheriff Kelly Rowe	Lubbock	2021
Mr. Duane Lock	Southlake	2023
Commissioner Ben Perry	Waco	2023
Patricia Anthony	Garland	2025
Monica McBride	Alpine	2025

At the end of 2019, the staff consisted of the following 22 positions:

Executive Director	E-086
Manager II	B23
Manager I	B22
Staff Services Officer III	B19
Accountant III	B17
Grant Coordinator II	B20
Inspector V (4 positions)	B19
Inspector V	B19
Mental Health Trainer (3 positions)	B17
Planner II	B19
Program Specialist I (3 positions)	B17
Program Specialist II (1 positions)	B17
Network Specialist II	B18
Research Specialist II	B17
Receptionist	A-09

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 Commission reviews, creates, and amends minimum standards for the purpose of building and maintaining safe, secure, and efficient jail operations. The Commission approves proposed revisions to the Standards and publishes them in the Texas Register for public comment. The Commission then considers the public comments to determine whether the proposed standards need further amendment. The Commission then reviews the final version for adoption and, if adopted, again publishes it 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 public information requests and 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 the jail 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 the demonstrates 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

(5 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, which transmits to county jails the knowledge and tools required to run a safe and secure jail and thereby reduces 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) Administers grants from the Prisoner Safety Fund. This strategy was created by SB 1849, commonly referred to as the Sandra Bland Act, of the 85th Legislature. The 86th Legislature passed HB 4468, amending Government Code 511.019(d), to increase the size of county jails eligible for grant funding from 96-beds or less, to 288-beds or less. Jails with 288-beds or fewer may use this funding by September 1st, 2020, to install automated electronic sensors or cameras to ensure in-person checks of cells or groups of cells confining at-risk individuals.

IV. 2019 Operational Performance in Review

A. Changes to Standards

In 2019, the Commission adopted several changes to the Minimum Jail Standards that were required by the passage of Legislation during the 86th Legislature. The following rules were adopted in 2019:

1. Changes to Jail Operational Plans

The Commission held workshops on October 31, 2019, to draft rule language to implement the following new legislation:

a) OBGYN Care

Standards require jails to maintain operational plans that cover a range of jail operations. Public concern for the welfare of pregnant inmates prompted the passage of HB 1651 to require jails to amend their Health

Services Plan to include obstetrical and gynecological care in their medical care procedures. To implement this law, the Commission adopted an amendment to rule §273.2.

b) Mental Health Access

SB 1849 of the 85th Legislature necessitated a change to the Standards to require that a mental health professional at the jail through a telemental health service 24 hours a day. This created some compliance confusion for jails that already employed mental health professionals onsite or that provided prompt access outside the jail. To address this confusion, HB 4468 required jail operational plans to require that, if a mental health professional is not present at the county jail or available by telemental health services, the jail must provide access to, at a minimum, a qualified mental health professional within a reasonable time. To implement this law, the Commission adopted an amendment to rule §273.2(13).

c) Staff Training in Labor Identification

Public concern for the welfare of pregnant inmates also prompted HB 4468 to require jails to amend their operational plans to require that jails provide procedures to train staff to identify when a pregnant inmate is in labor, to provide access to appropriate care, and to promptly transport the inmate to a local hospital when they state that they are in labor or are determined by a person at the level of emergency medical technician or above to be in labor. This does not mean jailer staff will make the determination of labor themselves, but that they will be trained in the procedures whereby a medical professional will make that determination. To implement this law, the Commission adopted rule §273.2(15).

d) Use of Restraints on Pregnant Inmates

The 86th Legislature heard testimony that the use of restraints on a pregnant prisoner poses indirect health risks to pregnant prisoners and new mothers. HB1651 added Government Code §511.0104 to address that need by limiting the use of restraints on pregnant inmates in county jails. To implement this law, the Commission adopted rule §273.6(6) to require jails to amend their operational plans to prohibit the use of restraints on pregnant inmates and on specific female inmates, except under specified conditions. The Commission adopted rule §273.6(7) to require jails to amend their operational plans to require that, when jails use restraints on these inmates, the jails must use the least restrictive restraints that will still prevent escape and ensure health and safety. The Commission adopted rule §273.6(8) to require jails to amend their operational plans to require jail staff to refrain from using restraints on these inmates when so requested by health care professional responsible for the inmate's health and safety.

The Commission received one public comment related to this rule. This comment sought to specify the type of restraints that should never be used on a pregnant inmate. This commenter was present at the rule workshop, but the suggestion was not adopted.

2. Inmate Release Times

86th Legislature hearings found that that nighttime inmate release from jail increases opportunities for traffickers to prey on them, which endangers the inmates. SB 1700 created Code of Criminal Procedure Article 43.13(c)-(d) to address this problem and permit the Commission to monitor compliance. The Commission adopted new rule §267.6(a) to require county jails to release between 6 a.m. and 5 p.m. those inmates who have discharged their sentences. The Commission adopted new rule §267.6(b) to allow jails to credit inmates with no more than 18 hours of time served and then release such inmates on the day preceding the day they discharge their sentence. The Commission adopted new rule §267.6(c) to permit jails, under specified conditions, to release inmates during the hours outside of from 6 a.m. and 5 p.m. No comments were received related to the new rule.

3. Electronic Reporting

86th Legislature hearings identified the need to promote efficiency in county jail reporting by requiring the Commission to establish a system for the electronic submission of forms, data, and documents. For that purpose, HB 3440 added Government Code §511.1404 to require county jails to submit their monthly reports to the Commission in electronic format and by electronic means. It also permits the Commission to set and collect a reasonable fee from those jails that do not submit their documents in accordance with this rule. The rule amendments add §269.1(8) to Texas Administrative, Title 37 to require county jails to submit specified reports to the Commission in electronic format. Amendments also add §269.1 (9) to permit jails to submit these forms in non-electronic format and permits the Commission to impose a fee on jails that submit them in non-electronic format. Public comments were received at the Commission meeting.

4. Restraint Report

The 86th Legislature heard testimony that the use of restraints on a pregnant prisoner poses indirect health risks to pregnant prisoners and new mothers. HB 1651 added Government Code §511.0104 to address that need by expanding the documentation of the use of restraints on pregnant inmates in county jails. The Commission adopted new rules §269.50-53 to require that jails report annually on their use of restraints on pregnant inmates. No later than February 1 of each year, each facility under the Commission's purview shall report to the Commission regarding the facility's use, during the preceding calendar year, of any type of restraints to control or restrict the movement of an inmate, including a limb or other part of the inmate, who is

confirmed to be pregnant or who gave birth in the preceding 12 weeks. The commission prescribed a form for the report. Members of the public attended the workshop, but no public comments were received otherwise.

5. Feminine Hygiene Products

86th Legislature hearings received concerns that female inmates in county jails are not sufficiently supplied with feminine hygiene products, and that this creates health care risks and humiliation. HB2169 added Government Code §511.009(a)(24) to require the Commission to establish minimum standards related to feminine hygiene products. In 2019, the Commission adopted new rule §277.11 to require jails to provide to female inmates quality feminine hygiene products, as specified, and to make them available at all times and upon request. The commission held a workshop to draft the rule language. This new rule was also discussed at the workshop. Public comments were otherwise not received.

6. Commission Review of Private Jail Non-Compliance

86th Legislature hearings identified the need to give additional scrutiny to private jail compliance with Minimum Jail Standards. HB 4468 added Gov. Code 511.011(b) to require TCJS to adopt rules that require the Commission to review non-compliant private county jails at the Commission meeting that occurs subsequent to the private county jails being found in non-compliance. The Commission adopted §297.7(b), which requires that, whenever the Commission finds private jail facilities to be in non-compliance with Minimum Jail Standards, the Commission must review the facility at its next quarterly meeting. No public comments were received regarding adoption of the amendment.

B. Jail Inspections

During Calendar Year 2019, inspectors conducted 244 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 78 special inspections on high-risk and/or non-compliant jails during 2019. Out of the combined 322 inspections, 322 were unannounced, representing 100% of all inspections.

1. Compliant Counties

At the beginning of 2019, 217 jails (90.8%) complied with Minimum Jail Standards. As of December 31, 2019, we certified 224 jails, comprising 93.7% of the county and private facilities under our regulatory review. Two (2) jails were removed from the Commission's purview during 2019 due to one (1) private facility electing to contract only federal inmates and one (1) private operator not having its contract renewed and the county taking control of the facility.

Staff conducted seventeen (17) occupancy inspections on completed construction projects during 2019.

2. Noncompliant Counties

On December 31, 2019, 15 jails were in a status of noncompliance, representing 6.2% 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/facilities (Frio, Falls and McLennan-P). Commission staff conducts monthly progress reviews of noncompliant counties to assess the 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 36 construction/renovation documents in 2019. 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 7 Counties opened a new facility during the year. These projects represented a total of 813 beds:

List of completed projects	# of beds
Atascosa County Justice Center	0 - Court Holding
Castro County Jail*	49
Coleman County Jail*	48
Crockett County Jail*	24
Harris County Joint Processing Center	552
Kendall County Law Enforcement Center*	102
Martin County Law Enforcement Center*	38

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

2. Major Renovations/Additions Completed

The following 7 counties completed major renovations or additions during the year, adding 240 new beds:

List of Renovations	# of beds
Atascosa County Jail - Addition and Renovation	144
Fort Bend County Courthouse	0 - Court Holding
Ector County Jail - Kitchen Addition	0
Harris County Criminal Justice Center Floors 8-11, 15, and 16	0 - Court Holding
Nueces County, McKinzie Annex Renovation	96
Presidio County Jail - Smoke and Fume Removal	0
Travis County, Heman Marion Sweatt 4 th Floor Courts	0 - Court Holding

All construction and renovation/additions projects totaled 1,053 beds.

3. Jails under Construction or Planning

At the end of 2019, 31 counties were involved in planning or construction projects. These projects are expected to result in an additional 2,811 beds in 2020. This figure is an estimate based on projects identified on January 1, 2019, and scheduled for completion by December 31, 2020; other projects identified during the year may cause this number to be adjusted further. In addition to plan reviews, the Planning Department completed 10 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 fourteen (14) in-house management consultations at the Austin office in 2019. It also conducted 271 management consultations on-site with County Judges, Commissioner's Courts, and Sheriffs concerning the most economical and feasible ways to achieve compliance with state law, and, in some cases, with federal court orders. Finally, four (4) counties received assistance with analyses of jail staffing needs, and staff reviewed 1,700 operational plans in 2019.

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, 2019, jails were operating at 68.61% of capacity with a population of 65,719 and a capacity of 95,791. During 2019, the population increased to 66,696 on December 1, 2019, with a capacity decrease to 93,704 beds. On December 1, 2019, all Texas jails were collectively operating at 71.18% of capacity.

Texas counties continue to house out-of-state inmates. On December 1, 2019, three (3) local facilities were housing 996 inmates for Arkansas, Idaho, and New Mexico.

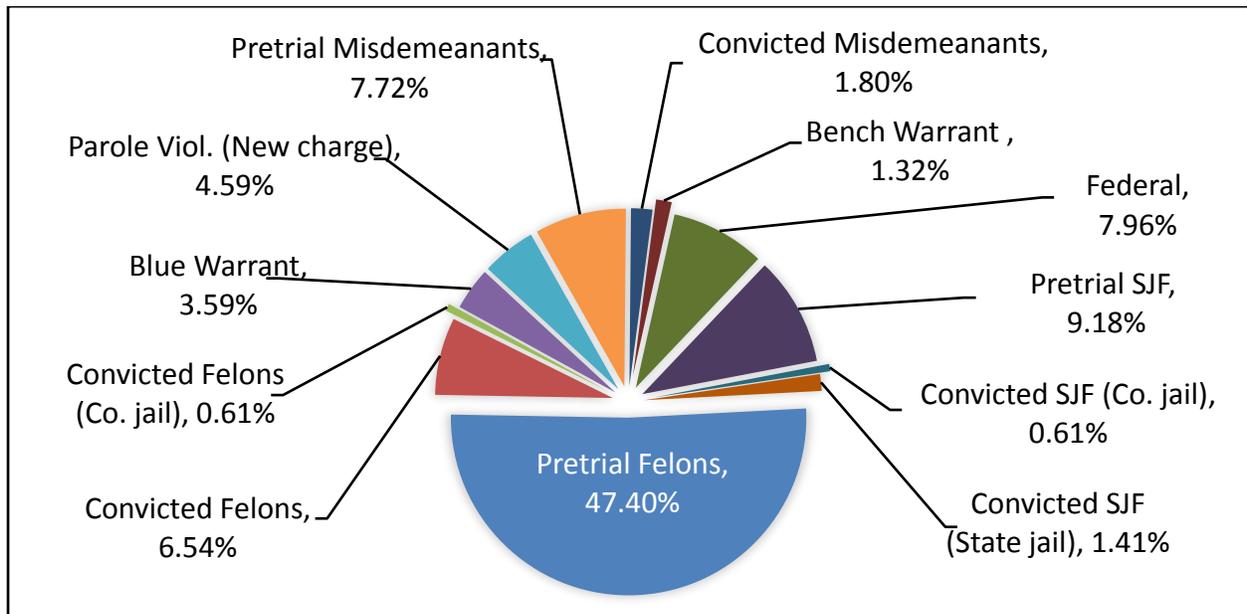
The number of federal inmates held by facilities under the Commission's purview increased from 4,702 on January 1, 2019, to 5,264 on December 1, 2019. The local population increased from 65,719 on January 1, 2019, to 66,696 on December 1, 2019. This represents an increase of 0.97%. Additionally, in 2019, jails continued housing convicted state inmates through contract with the Texas Department of Criminal Justice. Two facilities housed a total of 38 state inmates on December 1, 2019.

County Jail Population by Offense Type¹

	12/2014	12/2015	12/2016	12/2017	12/2018	12/2019
Pretrial Felons	41.71%	44.21%	43.8%	46.39%	45.57%	47.40%
Convicted Felons,	8.71%	7.64%	7.28%	8.48%	8.03%	6.54%
Convicted Felons (Co. jail)	1.47%	1.31%	1.44%	1.33%	1.41%	0.61%
Blue Warrant	2.5%	2.48%	3.29%	3.29%	3.08%	3.59%
Parole Viol. (New charge)	3.97%	4.47%	4.88%	4.97%	5.45%	4.59%
Pretrial Misdemeanants	9.70%	9.61%	8.99%	9.00%	7.93%	7.72%
Convicted Misdemeanants	3.74%	3.59%	3.27%	3.05%	2.47%	1.80%
Bench Warrant	1.77%	1.45%	1.41%	1.51%	1.43%	1.32%
Federal ²	9.10%	7.80%	8.08%	7.08%	7.33%	7.96%
Pretrial SJF	9.14%	9.62%	9.27%	9.75%	9.14%	9.18%
Convicted SJF (Co. jail)	1.09%	0.79%	0.74%	0.87%	0.63%	0.61%
Convicted SJF (State jail)	2.07%	1.97%	1.71%	1.73%	1.66%	1.41%

¹This representation does not include all offense categories so totals may not equal 100%

²This 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, 82nd Legislature, requires the reporting of inmates with an immigration detainer and the associated costs. In 2019, the total number of inmates with an immigration detainer in Texas county jails was 59,695 for 1,356,775 days. The collective cost for the entire state was \$85,629,301.43. The monthly average for 2019 was 4,974 inmates for 113,065 days at a cost of \$7,135.775.12.

3. Licensed Jailer Turnover

Senate Bill (SB) 1687, 82nd Legislature, requires county jails to report the number of licensed jailers that leave county jail employment. During 2019,

overall monthly jail turnover rates averaged 3.0%, which is up from 2.04% in 2018. When summed, the monthly turnover rates reached a total turnover of 34.96%, up from 24.44% in 2018. 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. The 86th legislature passed SB 4468, which amended Government Code 511.019(d). This increased the size of county jails eligible for grant funding from 96-beds or less to 288 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-psyche 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 2019, the Commission granted funding to sixty-four (64) counties with the allocated amount of funding totaling \$294,304.59; three (3) additional counties were being considered for funding based upon estimates received. Of the remaining 109 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 that the Commission will review.

G. Critical Incident Inspection

In addition to conducting administrative reviews on reported Escapes from custody and Deaths in Custody, the Commission also receives, on or before the fifth day of each month, reports on the occurrence of any serious incidents involving an inmate in the county jail during the preceding month.

January –	241 reports received; all facilities reporting
February –	241 reports received; all facilities reporting
March –	241 reports received; all facilities reporting
April –	241 reports received; all facilities reporting
May –	241 reports received; all facilities reporting
June –	241 reports received; all facilities reporting
July –	240 reports received; Limestone County private facility no longer under TCJS purview
August –	240 reports received; all facilities reporting
September –	240 reports received; all facilities reporting

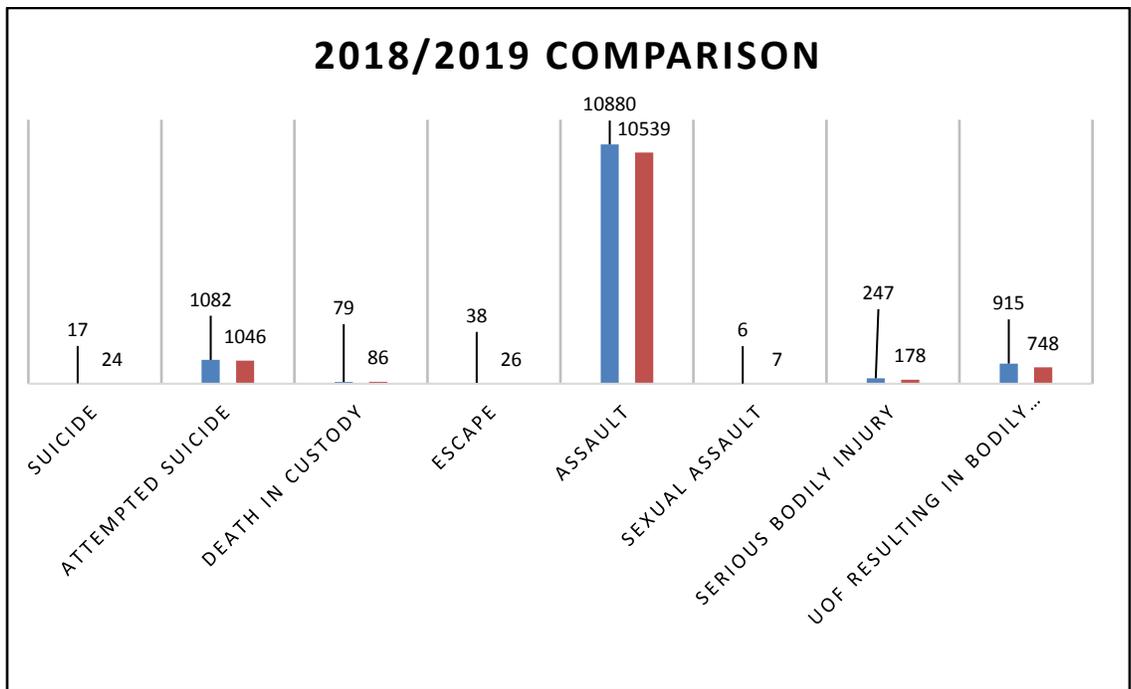
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- October – 239 reports received; McLennan County private facility no longer operating under LaSalle Corrections.
- November – 239 reports received; all facilities reporting
- December – 239 reports received; all facilities reporting

Total 2019 Serious Incident Reports received: 2,883.

The total number of reported incidents are outlined below:

Incident	2018	2019
Suicide	17	24
Attempted Suicide	1082	1046
Death in Custody	79	86
Escape	38	26
Assault	10880	10539
Sexual Assault	6	7
Serious Bodily Injury	247	178
UOF Resulting in Bodily Injury	915	748



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, 2019, 69 individuals have been appointed as a jail administrator after March 1, 2018.

- Of those 69 individuals, 61 have successfully passed the Jail Administrator Examination, and 6 Jail Administrators still have time remaining of the 180 days provided to pass the exam and meet the requirement.
- Two (2) jail administrators were removed from their position after failing to pass the exam within 180 days as required. Currently, the Sheriff of each of those counties is the Jail Administrator.

Additionally, as of December 31, 2019, 749 individuals have successfully passed the Jail Administrator Examination.

I. Additional Services

1. Research

The Research Specialist responded to 304 requests for over 40,327 pages of public information, compared to 275 requests and 51,000 pages in 2018. This makes public information requests the primary function of this position. Staff also conducted research in response to requests from the legislature, sheriffs and jail administration regarding recent changes to standards, legislation, statutes, attorney general opinions, court cases, and best practices.

The Research Specialist 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, the Behavioral Health Workforce Workgroup, and the Texas Coordinating Council for Veterans Services (TCCVS).

2. Inmate Complaints

The Commission received 2,110 written requests for inmate assistance or grievance investigation in 2019, with 845 requiring a written response by county officials and possible action by Commission staff. The Commission determined that 80 complaints were founded. For 2019, Medical Services constituted 74% of these grievances, which makes this category most frequently cited in grievances requiring a formal reply. This is consistent with previous years.

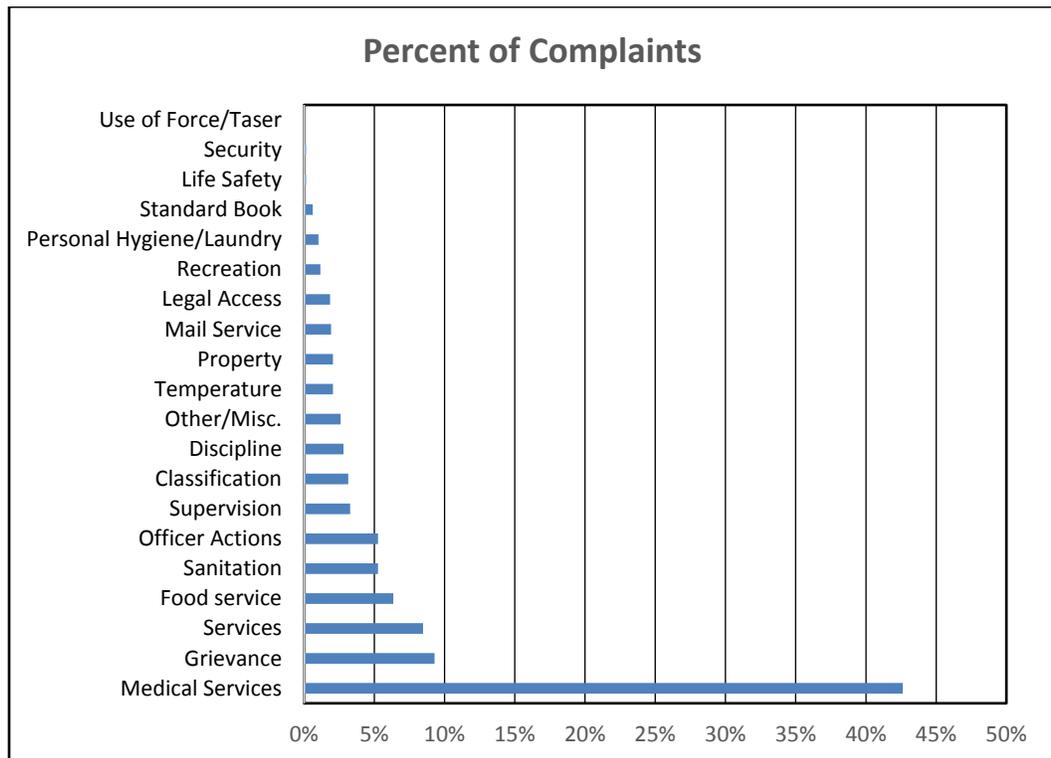
The following chart illustrates the frequencies (from highest to lowest) of complaints received for 20 categories (Note: combined numbers exceed

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 2019

Complaint Category	# of complaints
Medical Services	624
Other/Misc.	38
Food service	93
Sanitation	77
Officer Actions	77
Mail Service	28
Use of Force/Taser	0
Grievance	136
Classification	46
Discipline	41

Complaint Category	# of complaints
Personal Hygiene/Laundry	15
Legal Access	27
Temperature	30
Services	124
Recreation	17
Supervision	48
Property	30
Life Safety	2
Security	2
Standard Book	9



1,265 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

One new variance and one extension of a previously granted variance were approved by the Commission. 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. 2019 Administrative Activity in Review

A. Staff Changes

In 2019, 3 new hires joined the Commission.

B. Staff Turnover

In 2019, 3 staff members left the agency.

C. Training Initiatives

2019 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 17 regional sites during January, March, September, October and November. 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 2019, there were 835 participants at the 17 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 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 San Antonio, Texas, at the Jail Management Issues Conference in Galveston, Texas and at the Jail Administration: Management and Operations classes at Sam Houston State University in Huntsville, 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 2019, the Mental Health Trainers conducted 117 training classes with a total of 1,600 participants in attendance.

D. Legislative Actions

New Laws Specifically Directing TCJS

HB 1651, Gonzalez

Subject: Pregnant Inmate Restraints

Requires TCJS to adopt minimum standards:

- 1) to ensure obstetrical and gynecological care be addressed in jail health service plans, and
 - 2) to identify when a pregnant prisoner is in labor and provide appropriate care to the prisoner, including promptly transporting the prisoner to a local hospital
 - 3) to prohibit restraints on pregnant inmates during pregnancy and 12 weeks thereafter unless the restraints would prevent escape or harm, as defined
- Requires the least restrictive restraints necessary on pregnant inmates.
 - Requires the restraints must also be, if applicable, for the health and safety of the unborn child.
 - Requires jailers to remove or refrain from using the restraints at the request of a health care professional responsible for the health and safety of the prisoner.
 - Requires jails to submit to TCJS a report, as specified, not later than Feb 1 every year on the use of restraints on pregnant inmates during pregnancy and for 12 weeks after giving birth.
 - Requires TCJS to prescribe the form for the annual report described above.

Effective 9/1/2019. The Commission adopted rule §273.6(6) to require jails to amend their operational plans to prohibit the use of restraints on pregnant inmates and on specific female inmates, except under specified conditions. The Commission adopted rule §273.6(7) to require jails to amend their operational

plans to require that when jails use restraints on these inmates that the jails use the least restrictive restraints that will still prevent escape and ensure health and safety. The Commission adopted rule §273.6(8) to require jails to amend their operational plans to require jail staff to refrain from using restraints on these inmates when so requested by health care professional responsible for the inmate's health and safety. Rules were adopted into the Texas Register, effective November 28, 2019.

HB 2169, Allen

Subject: Feminine Hygiene Products

Amends Gov. Code 511 to require TCJS to adopt rules and procedures for minimum standards for quantity, quality, type, and size of feminine hygiene products. Requires TCJS to count female prisoners. Effective 9/1/2019. Rule §277.11 was adopted into the Texas Register, effective November 28, 2019, and subsequently republished to correct Texas Register error in effective date.

HB 3116, White

Subject: TCJS Study: IDD Detention Best Practices

Establishes a task force and requires TCJS to appoint 8 members, including one representative of a county jail, to conduct a comprehensive study on best practice standards for the detention of a person with an intellectual or developmental disability, specifically:

- (1) current policies and procedures
- (2) barriers to accommodations and justice
- (3) best practices used in other states
- (4) policies that would improve jail standards; and
- (5) any other issue the task force considers appropriate

Requires the task force to prepare and submit to the governor, lieutenant governor, speaker of house, and presiding officer of criminal justice-related standing committees of both houses a written report, as defined.

Effective 9/1/2019; written report due: 12/1/2020.

HB 3440, Capriglione

Subject: TCJS Electronic Report Submission

Amends Gov. Code 511 to require TCJS to develop and establish a system for jails to submit information to TCJS electronically and in electronic format. Allows TCJS to charge jails a reasonable fee for not using its electronic system.

Effective 9/1/2019. Implementation by 9/1/2020. Rules were adopted into the Texas Register, effective November 28, 2019.

HB 4559, Fierro

Subject: LMHA may request inmate health coverage beneficiary information.

Amends Gov. Code to add §511.0098 to allow an LMHA or other health insurance or health benefits coverage to collect specified health coverage information, such as policyholder name, policy number, a copy of the coverage card, etc. TCJS

adopted a policy and disseminated it to jails by Technical Assistance memo. Effective 9/1/2019.

HB 4468, Coleman

Subject: Inmate mental health access, temp jailer 90-day training, Prisoner Safety Fund 288 Bed Threshold

Extant law required jails to give prisoners the ability to access a mental health professional at the jail through telemental health service 24 hours per day, beginning 9/1/2020. This law amended Gov. Code 511.009(a) to give jails three options for providing mental illness treatment:

- 1) In-person treatment in the jail
- 2) 24/7 telemental health treatment in the jail
- 3) If in-person or 24/7 telemental treatment are not available at the county jail, then the jail must use all reasonable efforts to arrange for the inmate to have access to a mental health professional within a reasonable time
 - Required TCJS to adopt rules requiring commission meeting review of non-compliant private jails
 - Amended Occ. Code 1701 to require temporary county jailers be enrolled in preparatory training on or before the 90th day after hire
 - Repealed existing law that allows sheriffs to petition TCOLE to reinstate a temporary jailer after their first anniversary of hire
 - Prevented temporary county jailers from being promoted to supervisory position.

Effective 9/1/2019. If a jail is going to implement 24/7 telemental health access, then it must be in place by 9/1/2020. Rule 297.7 was adopted into the Texas Register, effective November 28, 2019, and subsequently republished to correct Texas Register error in effective date.

SB 346, Zaffirini

Subject: Inmate reimbursement fee for medical care

Extant Criminal Code of Procedures required that current or former county jail inmates who received medical, dental, or health related services from a county or a hospital district to pay for such services when they are rendered. This law now requires inmates to pay instead a reimbursement fee for such services. TCJS may require jails to revise their Health Service Operations Plans.

Effective 1/1/2020

SB 1700, Whitmire

Subject: Discharge inmates from 6:00 AM to 5:00 PM

Amends Criminal Code of Procedures 43 to require jails to release defendants, mentally ill inmates excepted, between 6 A.M. and 5 P.M. on the day of discharge, as specified and with exceptions. Permits the jail to release inmates the day before the defendant's sentence ends. When the inmate requests it, this law permits the jail to release inmates before 6 A.M. or after 5 P.M. TCJS will adopt rules.

Effective 9/1/2019. Rules were adopted into the Texas Register, effective November 28, 2019.

New Laws Directing All State Agencies, Including TCJS – No Standards Required

HB 7, Morrison

Subject: Disaster suspension of rules

This bill mended Gov. Code to require the governor's office to compile a list of statutes and rules that may need to be suspended during a disaster. Requires state agencies impacted to advise the governor's office on the list. TCJS may be required to advise on the list.

Effective 9/1/2019

HB 2042, Stucky

Subject: Postpayment audits conducted by comptroller

Current law permits the comptroller and a state agency to contract for the comptroller to audit post-payment claims. This bill amended Gov. Code 403 to permit the comptroller to audit state agency post-payment claims regardless whether it has entered into a contract with the state agency to do so. Applies to only post-payment audits initiated on or after the Act's effective date. TCJS must permit comptroller to access its records for the audit.

Effective 9/1/2019

HB 2110, Shaheen

Subject: Customer Service survey standardization

Current law requires state agencies to collect information regarding the quality of service of the agency and requires the LBB to develop means for state agencies to accomplish that. This bill amended Gov. Code to require both the LBB and the Governor's Office of Budget and Policy to develop jointly a standardized method and standardized performance measures for this purpose. The bill will change the TCJS biennial customer satisfaction survey.

Effective 9/1/2019

HB 2340, Dominguez

Subject: Emergency disaster management

This bill amended Gov. Code to encourage state agencies, local governments, nongovernmental organizations, private entities, and individuals to adopt the goals of the strategic plan of FEMA for preparing for, responding to, and recovering from a disaster and emphasizes cooperation among all interested entities.

Effective 9/1/2019

HB 3834, Capriglione

Subject: Requires state employees to take cybersecurity training

This bill amended Gov. Code to require state employees who use a computer to complete at least 25% of their duties to complete a cybersecurity training program, as defined. The bill contains other related provisions. It requires agency heads to conduct periodic (undefined) audits to ensure compliance. It permits local governments to offer specified cybersecurity training.

Effective immediately

HB 3875, Capriglione

Subject: Automated info systems cloud compatible

Extant law required a state agency to consider cloud computing service options for an automated information system or major information resources projects, as defined, and requires they ensure the system or project is capable of being deployed and run on cloud computing services, with exceptions as specified. This law requires that the agencies ensure that an automated information system project is capable of being deployed and run on cloud computing services. Would impact TCJS only if TCJS commences an automated info system.

Effective 9/1/2019

HB 3980, Hunter

Subject: SBHCC suicide report

Requires the State Behavioral Health Coordinating Committee (SBHCC) to prepare a summary report on the prevalence of suicide in Texas and state policies and programs to prevent suicides and submit the report by 12/1/2019 to the governor, lieutenant governor, speaker of the house, and each standing health-related committee. Requires the SBHCC by 12/1/2020 to prepare a legislative report that makes recommendations for state agencies to improve suicide data collection, develop policy related to reducing suicide. May impact TCJS and stakeholders, depending on the SBHCC report. TCJS serves on SBHCC.

Effective immediately; Expires 12/1/2020

SB 64, Nelson

Subject: IT breach notification to DIR

This bill requires state agencies to cooperate with the Department of Information Resources (DIR) in its report to the Legislative Budget Board (LBB) that prioritizes cybersecurity projects and projects to modernize or replace legacy systems. Requires state agencies to notify DIR within 10 days of an IT security breach, etc.

Effective 9/1/2019

SB 68, Nelson

Subject: Strategic fiscal reviews agencies programs

This bill amended Gov. Code 322 to require the LBB to perform a strategic fiscal review for each state agency currently the subject of Sunset review. Requires LBB to submit the review, as specified, by 9/1 of the even-numbered year to the Governor, Lieutenant Gov., Speaker, Senate Finance Committee and House

Appropriations. The bill specifies the report must include justification for and effectiveness of the agency activities, a quantitative impact of eliminating each activity, an itemized account of activity expenditures, a ranking of each activity's importance, and recommendations whether to continue each activity.

Effective 9/1/2019

SB 562, Zaffirini

Subject: Jails must include mental health documents when transferring inmates to TDCJ

When counties transfer defendants to TDCJ, current law requires the counties to include specified documents and information, including health information. This law amends Code of Criminal Procedure 42 to require that the county also transfer the inmate's mental health records, mental health screening reports, or similar mental health information.

Effective immediately upon governor's signature 6/14/2019.

SB 943, Watson

Subject: Makes contracting info public

This bill amended the Public Information Act to make contracting information, as defined, public unless specially excepted in Gov. Code 522. It excepts from disclosure any information if release would harm an agency's interests by providing an advantage to a competitor or bidder. TCJS has already made its Prisoner Safety Fund information public.

Effective 1/1/2020

SB 944, Watson

Subject: Relating to the public information law.

This bill amended Gov. Code 522 to create a definition of "Temporary Custodian" as a governmental officer or employee who creates or receives public information they have not provided to the officer for public information. The term includes current or former government employees and would require them to preserve official info on personal devices or transfer the info to governmental body server or to preserve the info on the private device. The bill amended Gov. Code 552 to provide that protected health information as it is defined in HS Code 181.006 is not public and not disclosable. For a covered entity that is a governmental unit, an individual's protected health information includes any information that reflects that an individual received health care from the covered entity, is not public information, and such information is not subject to disclosure under Gov. Code 552. The Committee analysis states the law would thereby create a new exception to disclosure for sensitive healthcare information and address any concerns that an exception in HIPAA will lead to the release of private patient records in Texas. The bill allows governmental bodies to designate a single e-mail address and a single mailing address to receive PIA requests. TCJS employees/officers must transfer or preserve work information on private devices.

Effective 9/1/2019

E. Attorney General Action

In 2019, the Commission submitted to the Office of the Attorney General 15 requests for rulings on having certain records excepted from public disclosure under the Public Information Act.

VI. Summary & Forecast

This past year was an extremely busy one for the Commission's office and field staff. Effective September 1, 2019, the Agency moved to CAPPs Financials. This is the relatively new Texas "Centralized Accounting and Payroll/Personnel System". This 2019 change required months of staff training and testing and has allowed TCJS to move to a more transparent and paperless environment with regards to voucher payments and purchasing. Purchase orders, payment vouchers, approvals and related invoices are now created in and uploaded to the State's CAPPs system and available for auditing and review anytime to appropriate Comptroller's staff or those with the credentials to access data. The Agency will transition to the Personnel/Payroll module of CAPPs in September of 2021.

While implementation of SB 1849 from the 85th Session continued, changes made by HB 3340 from the 86th Session required the original plan be modified to address the differences. These adjustments have been made and ensuring that our stakeholders are aware remains a priority. This was occurring simultaneously with new requirements established by SB 1700 that addressed inmate release times, HB 1651 that further restricted the use of restraints on pregnant inmates, and a new reporting requirement when restraints are used. In addition, HB 3116 created a formal Task Force that is charged with reviewing the treatment of inmates with an intellectual developmental disorder and submission of a report on its findings to the Governor and Legislature. The Task Force's first meeting occurred in January 2020.

The unusually high turnover rate experienced by the agency in 2018 was not repeated in 2019. An attempt at increasing staff salaries was only partially successful and this area of concern will remain a priority for management as the next appropriations request is created. 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. One additional position was provided during the 86th Session and it is believed this will reduce some of the burden on an overtaxed staff and provide opportunity for advancement for staff in the future.

Our county jails continue to grapple with the issue of dealing with inmates who have mental illness. We await positive movement regarding this issue following additional resources being allocated, but it is difficult to determine what success will actually look like. Our concern is that by simply holding the line and maintaining the current status quo

without reducing the number of mentally ill inmates held in our county jails will become the new norm. If this is accepted as the best possible outcome, commission staff fears that the cost of operating county jails will increase to the point of consuming an overwhelming majority of local government's budget at the expense of other services our citizens expect and demand local government to provide.

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.

After the general election in November 2020, the agency will begin outreach efforts to the new sheriffs that will take office on January 1, 2021. Every four years, approximately 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 will make a concerted effort to engage each and every one of these new office holders before conducting their first inspection. Our first opportunity to reach this group en masse will occur in December 2020 at the New Sheriff's Training presented by the Sheriff's Association of Texas in Austin. Those new sheriffs not in attendance will then be specifically targeted for an on-site visit to introduce the agency staff they will work most closely with and reinforce to them our mission of assisting them in operating a constitutional jail.

Although 2020 will be a non-legislative year, the agency will be very busy. Continued oversight of the requirements of SB 1849 from the 85th Session combined with the new mandates from the 86th Session will keep the agency stretched thin. In addition to these tasks, the agency will undergo its Sunset Review and the accompanying Strategic Fiscal Review. Both of these require extensive time dedicated to document gathering and provision of information to the teams from Sunset and the Comptroller's Office as they prepare their reports. Staff will also prepare the next Legislative Appropriations Request for the 87th Session while performing our statutory duty to assist our county jails operate at a level that meets constitutional muster. This is only possible due to the efforts of the agency's dedicated and professional staff members, which continue to be recognized by the audits conducted by other state agencies and by the customer service reviews. Without these team members, the agency would not be half as effective as it is today. We ask much of them, and time after time they deliver. It is hoped that their hard work and dedication will be recognized by more than just their peers.

