

MINUTES

Meeting: August 6, 2020

Place: Due to Governor Greg Abbott's March 13, 2020 proclamation of a state of disaster affecting all counties in Texas due to the Coronavirus (COVID19) and the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, the regular August 2020 meeting of the Commission was held by telephonic conference call and internet video conference, as authorized under Texas Government Code section 551.125. Members of the public had access and a means to participate in this meeting by two-way telephone audio conference by calling toll US/Canada Toll Free 1-844-531-0749. Access code 711355173#. Attendee ID: 11#

To obtain a recording of the meeting, contact William Turner, at 512-463- 2690. An electronic copy of this agenda is available at <https://www.tcjs.state.tx.us/meetings>.

Time: 9:15 a.m.

Date: August 6, 2020

I. Call to Order

The meeting was called to order by Chairman Judge Stoudt of the Texas Commission on Jail Standards at 9:15 a.m.

II. Roll Call of Commission Members

Judge Bill Stoudt, Chairman	Ms. Monica McBride
Dr. Esmaeil Porsa	Sheriff Kelly Rowe
Mr. Duane Lock	Ms. Melinda Taylor
Ms. Patricia Anthony	Sheriff Dennis Wilson
Commissioner Ben Perry	

Commission members present at roll call were Judge Bill Stoudt, Dr. Esmaeil Porsa, Mr. Duane Lock, Ms. Patricia Anthony, Commissioner Ben Perry, Ms. Monica McBride, Sheriff Kelly Rowe, Ms. Melinda Taylor and Sheriff Dennis Wilson. Staff members attending included Brandon Wood, Shannon Herklotz, Jennifer Shumake, Jason Jouett, Jon Luna, Wendy Wisneski, Carol Bernhard, and William Turner. Dennis McKinney, Assistant Attorney General, was also present.

Others in attendance were:

James Aldrich, Unit Innovations

Richard Aldrich, Unit Innovations

Alleagra Hill, Governor's Office

Alyssa Anderson

Sheriff Bryan Beavers, Kaufman County

Flint Britton, BSW Architects

Chris Smith, Dallas County

Dalila Reynoso, Texas Jail Project

Danielle Nasr, Sunset Commission

Diana Claitor, Texas Jail Project

Erick Fajardo, Sunset Commission

Chief Fred Robinson, Dallas County

Gabriela Briela

Jaime Puente, Sunset Commission

County Judge Jay Knight, Liberty County

Jay Eason, Lasalle Corrections

Jeff Coombs

Judy Wood

Katy Fallon-Brown, Legislative Budget Board

Kelsey Vela, Legislative Budget Board

Krish Gundu, Texas Jail Project

Krystle Cline, Legislative Budget Board

Jeff Young

Judge Leward J. LaFleur, Marion County

Nicole Ascano, Legislative Budget Board

Natacha Pelaez-Wagner, Griffith Moseley Johnson (GMJ) & Associates

Matthew Lovitt, NAMI

Rachel Gandy, Sunset Commission

Rene Ramirez, Willacy County

Ricky Armstrong, McLennan County

Sheriff Romeo R Ramirez, Duval County

Sarah Morris

Suzanne Bradford, Griffith Moseley Johnson (GMJ) & Associates

Sonja Burns, Health and Human Services Commission

Wayne Gondeck, DRG Architects.com

William Phariss, Smith County

III. Approval of Minutes

By appropriate motion and second, the minutes for the meeting conducted on June 4, 2020 were approved.

IV. Public Comment

Ms. Alissa Anderson

Spoke on the conditions of the Denton County Jail, where her boyfriend is incarcerated.

Ms. Diana Claitor, Texas Jail Project Director

Dawn Burris

Spoke on the conditions in the Williamson County Jail, which is housing her brother.

Sarah Morris, Denton County Attorney

Spoke on behalf of two of her clients who were housed in the A1 Female Pod of Denton County Jail regarding sanitation and COVID-19 housing.

Richard Aldrich, Unit Innovations

Spoke to the commission regarding use of technology available and SB1849.

Gabriela Barahona

Expressed concerns of others regarding the super-spread clusters in Texas jails, and to raise the alarm on the dangerous conditions inside, especially for pregnant mothers.

V. Old Business

A. Duval County

Executive Director Brandon Wood briefed the commissioners on the status of Duval County non-compliance. Duval County has been in non-compliance and on the Commission meeting agenda since May 2019. At the May Commission meeting, the Duval Sheriff Romeo Ramirez and Jail Administrator Kimberly Perez, reported that the electrical issues are the only remaining issues and an electrician was scheduled to make repairs the following week. The Commission granted permission to the Executive Director to issue a remedial order to close the Duval County Jail should Duval County not pass reinspection by July 4, 2020.

The jail was re-inspected on July 8-9, 2020, and it was found to be in compliance with minimum jail standards. For this reason, staff recommended that the remedial order be rescinded. By appropriate motion and second, the remedial order was rescinded.

B. Freestone County

Executive Director Wood provided Commissioners a summary of Freestone County Jail noncompliance. On May 8, 2020, during the annual inspection, the jail was found in non-compliance related to the verification of medications, fire safety, inmate

physical exercise, and overcrowding. The jail had submitted a corrective action plan. During the June 2020 Commission meeting, the Commission was provided an update on the status of the facility required further monitoring and review of Freestone for possible remedial action. An update on their status was provided by staff and Freestone County provided further information demonstrating that all areas of Non-Compliance have been corrected and requested a re-inspection.

No Action

C. Johnson (P) – Notice of Non-compliance

The Executive Director gave the Commissioners a review of Johnson County's non-compliance. The Commission found the facility in noncompliance on April 9, 2020 for not following physicians' medical directives. The facility was placed back into compliance after the annual inspection on May 26th, 2020. Due to the submission deadlines associated with the revised June meeting, an update was provided.

Based upon the fact the facility is now-compliance, no action was taken.

Kinney – Removal of Remedial Order

The Executive Director gave the Commissioners a review of Kinney County Jail non-compliance. At the August 2018 Commission Meeting, the Commission placed a remedial order on the Kinney County Jail that has remained in effect. On May 22, 2019, during its annual inspection the Commission inspector found Kinney County Jail to be in non-compliance with minimum jail standards related to safety paperwork, verification of inmate veteran status, jailer training in suicide prevention, and notification of the magistrate of inmates suspected to be mentally disabled and/or potentially suicidal. The facility was reinspected on May 28, 2020 and found to be in compliance.

At the August 2020 Commission meeting, staff recommended that the remedial order be rescinded. By appropriate motion and second, the Remedial Order was rescinded.

VI. New Business

A. Haskell (P) Notice of Non-compliance

The Executive Director provided the Commissioners with a summary of the Haskell (P) facility non-compliance with minimum jail standards related to checking each inmate upon intake against the Department of State Health Services Continuity of Care Query (CCQ) System to determine whether inmates have previously received state mental healthcare.

The facility submitted a corrective plan of action and the facility was placed back in

compliance on July 23, 2020.

No Action.

B. Liberty (P) Notice of Non-compliance

The Executive Director provided the Commissioners with a summary of the Liberty (P) facility non-compliance with minimum jail standards related to fire official annual inspection of the facility; the inspection, maintenance, and testing of life safety equipment by qualified persons; custody reassessments; following medical instructions; timely completion of the Mental Disabilities/ Suicide Prevention Screening instrument; maintenance and repair of the facility; and the physical exercise and recreation of inmates. The facility was issued a notice of non-compliance on May 22, 2020.

At the August 2020 Commission meeting, Liberty County officials provided an update on the status of the facility. Liberty County officials informed the commission that the county would take over the operation of the facility from the private operator as of October 1, 2020.

Commission staff recommended that Liberty County be allowed begin operations and offered assistance with the transition. No Action.

C. Minor remedial corrections to Minimum Jail Standards:

- Proposal to make non-substantive changes to Rule § 253.1
- Proposal to make non-substantive changes to Rule § 261.167
- Proposal to make non-substantive changes to Rule § 261.262
- Proposal to make non-substantive changes to Rule § 261.357
- Proposal to make non-substantive changes to Rule § 273.7
- Proposal to make non-substantive changes to Rule § 273.8 (4)(A)
- Proposal to make non-substantive changes to Rule § 275.1
- Proposal to make non-substantive changes to Rule § 275.2
- Proposal to make non-substantive changes to Rule § 275.6
- Proposal to make non-substantive changes to Rule § 279.1 (1)

Staff recommended the proposed rules be published in the Texas Register for comment. By appropriate motion and second, the proposed rules were approved to be published in the Texas Register for comment.

VII. Variances

A. Marion County – Additional Beds

The Executive Director reviewed Marion County’s variance granted at the February 2018 Commission meeting that allows the facility to use one additional bed in each of four multiple-occupancy cells that currently contain seven beds each. This provides a total of four additional beds. At the August 2019 Commission meeting, the variance was extended for an additional year.

At the August 2020 Commission meeting, staff recommended to extend the variance for six months and require the county to appear at the February 2021 meeting and provide an update on their proposed building program. If progress cannot be demonstrated, the variance will be canceled. By appropriate motion and second, the variance was extended for six months.

VIII. Staff Report

A. Completed Jail Projects

Comal County courthouse annex – new remote court holding cells
Tom green county- new detention facility 552 beds

B. Jail Planning and Construction List.

21 facilities are in the planning stages and 22 facilities are under construction.

C. Jails in Compliance/Noncompliance - Risk Assessment Report.

223 facilities are in compliance, 16 are in non-compliance.

D. Status of Remedial Orders.

At the August 2018 Commission Meeting, the Commission placed a remedial order on the Kinney County Jail that has remained in effect. At this August 2020 Commission meeting, staff recommended the remedial order be cancelled ...

E. Status and Composition of Jail Population.

On July 1, 2020, the total population in Texas county jails decreased by 1,783 from the previous month. Statewide capacity remained the same at 93,991. County jails are now collectively operating at 65.42% of capacity. As of July 1, 2020, one (1) jail, Trinity County Jail, was operating at 100% or more of capacity. On July 1, 2020, two hundred eighty-seven (287) TDCJ Substance Abuse Facility Program (SAFP) half-way house inmates were housed in county facilities. In addition, local facilities were

housing nine hundred thirty (930) TDCJ and out-of-state inmates in five (5) facilities (Bexar, Bowie (P), Hudspeth, Maverick (P), and Travis). The total number of contract inmates (county, federal, TDCJ and out-of-state) was 12,260.

F. Executive Director's Activities

The Executive Director has performed his duties remotely due to the COVID-19 pandemic with one exception, which was an on-site visit to Comal County Jail on July 20, 2020, regarding a construction matter.

G. Staff Training/Activities

- **JUNE 9, 2020** – MENTAL HEALTH TRAINER DILL CONDUCTED TWO (2), 4 HOUR SUICIDE PREVENTION COURSES (#4901) IN PLAINVIEW, TEXAS FOR 9 DETENTION OFFICERS.
- **JUNE 16, 2020** – MENTAL HEALTH TRAINER BOWSER ASSISTED WITH A TRAINING PREPARED BY MHMRABV FOR PROCEDURES RELATING TO THE SANDRA BLAND ACT (CCP 16.22 FOR JP, DA, AND JAIL ADMIN).
- **JUNE 24, 2020** – MENTAL HEALTH TRAINER SANDERS CONDUCTED AN 8 HOUR MENTAL HEALTH TRAINING FOR JAILERS COURSE (#4900) IN CLEBURNE, TEXAS FOR 2 DETENTION OFFICERS.
- **JUNE 25, 2020** – MENTAL HEALTH TRAINER SANDERS CONDUCTED AN 8 HOUR MENTAL HEALTH TRAINING FOR JAILERS COURSE (#4900) IN CLEBURNE, TEXAS FOR 7 DETENTION OFFICERS.
- **JUNE 30, 2020** – MENTAL HEALTH TRAINER SANDERS CONDUCTED TWO (2), 4 HOUR SUICIDE PREVENTION COURSES (#4901) IN CLEBURNE, TEXAS FOR 12 DETENTION OFFICERS.
- **JULY 1, 2020** – MENTAL HEALTH TRAINER SANDERS CONDUCTED TWO (2), 4 HOUR SUICIDE PREVENTION COURSES (#4901) IN CLEBURNE, TEXAS FOR 12 DETENTION OFFICERS.
- **JULY 7, 2020** – MENTAL HEALTH TRAINER SANDERS CONDUCTED ONE (1), 4 HOUR SUICIDE PREVENTION COURSE (#4901) IN CLEBURNE, TEXAS FOR 9 DETENTION OFFICERS.
- **JULY 8, 2020** – MENTAL HEALTH TRAINER SANDERS CONDUCTED ONE (1), 4 HOUR SUICIDE PREVENTION COURSE (#4901) IN CLEBURNE, TEXAS FOR 10 DETENTION OFFICERS.
- **JULY 9, 2020** – PURCHASER WOehl PARTICIPATED IN A SB 65 IMPLEMENTATION WEBINAR HOSTED BY THE COMPTROLLER OF PUBLIC ACCOUNTS.

- **JULY 9, 2020** – PURCHASER WOEHL PARTICIPATED IN AN EMERGENCY PROCUREMENT & CONTRACTS WEBINAR HOSTED BY THE COMPTROLLER OF PUBLIC ACCOUNTS.
- **JULY 14, 2020** – PURCHASER WOEHL PARTICIPATED IN AN ADVANCED IT NEGOTIATIONS WEBINAR HOSTED BY THE COMPTROLLER OF PUBLIC ACCOUNTS.
- **JULY 15, 2020** – MENTAL HEALTH TRAINER SANDERS CONDUCTED AN 8 HOUR MENTAL HEALTH TRAINING FOR JAILERS COURSE (#4900) IN BONHAM, TEXAS FOR 4 DETENTION OFFICERS.
- **JULY 16, 2020** – MENTAL HEALTH TRAINER SANDERS CONDUCTED AN 8 HOUR MENTAL HEALTH TRAINING FOR JAILERS COURSE (#4900) IN BONHAM, TEXAS FOR 4 DETENTION OFFICERS.
- **JULY 22, 2020** – MENTAL HEALTH TRAINER DILL CONDUCTED AN 8 HOUR MENTAL HEALTH TRAINING FOR JAILERS COURSE (#4900) IN PECOS, TEXAS FOR 10 DETENTION OFFICERS.
- **JULY 9, 2020** – PURCHASER WOEHL PARTICIPATED IN AN UNDERSTANDING THE DIR COOPERATIVE CONTRACTS EXEMPTION PROCESS WEBINAR HOSTED BY THE COMPTROLLER OF PUBLIC ACCOUNTS.
- **JULY 23, 2020** – MENTAL HEALTH TRAINER DILL CONDUCTED TWO (2), 4 HOUR SUICIDE PREVENTION COURSES (#4901) IN PECOS, TEXAS FOR 10 DETENTION OFFICERS.
- **JULY 27, 2020** – MENTAL HEALTH TRAINER DILL CONDUCTED AN 8 HOUR MENTAL HEALTH TRAINING FOR JAILERS COURSE (#4900) IN HASKELL, TEXAS FOR 10 DETENTION OFFICERS.
- **JULY 28, 2020** – MENTAL HEALTH TRAINER DILL CONDUCTED ONE (1), 4 HOUR SUICIDE PREVENTION COURSE (#4901) IN BALLINGER, TEXAS FOR 5 DETENTION OFFICERS.
- **JULY 29, 2020** – MENTAL HEALTH TRAINER DILL CONDUCTED AN 8 HOUR MENTAL HEALTH TRAINING FOR JAILERS COURSE (#4900) IN BALLINGER, TEXAS FOR 9 DETENTION OFFICERS.
- **JULY 29, 2020** – PROGRAM SPECIALIST JOHNS CONDUCTED AN AUDITING JAIL POPULATION REPORT TRAINING FOR BEXAR COUNTY.
- **JULY 30, 2020** – MENTAL HEALTH TRAINER DILL CONDUCTED ONE (1), 4 HOUR SUICIDE PREVENTION COURSE (#4901) IN BALLINGER, TEXAS FOR 5 DETENTION OFFICERS.
- **AUGUST 5, 2020** – MENTAL HEALTH TRAINER DILL ASSISTED WITH A WEBINAR PREPARED BY TEXAS HEALTH AND HUMAN SERVICES FOR TLETS CCQ TRAINING.

- H. Financial Report/Budget.** Commissioners were provided a copy of the Summary of Budget Expenditures for FY 2020 dated May 31, 2020.
- I. Inmate Complaint Report.** Commissioners were provided a list of inmate complaints for the months of April, May, and June.
- J. Sunset Review.** No action.
- K. Strategic Fiscal Review.** No action.

IX. Other Business

Commission Activities

- The office of the commission was reclosed to the public from June 29, 2020, to the present because of COVID-19. As they did previously, staff are using a work-from-home schedule combined with limited in-office hours to ensure the agency continued to operate during this time.

Staff Activities

- Inspector William Phariss resigned effective June 14, 2020.

Off-Duty Employment

- No one is performing off-duty employment that creates a conflict of interest with duties at the Commission.

Miscellaneous Letters of Comment

- Letter of commendation for Inspector Jason Jouett from the Titus County Sheriff's Office

- X.** Next Commission meeting is scheduled for November 5, 2020 in the John H. Reagan Building, 1400 Congress Ave., 1st Floor, Room 120, Austin, Texas.

- XI.** By appropriate motion and second, the meeting was adjourned at 1:00 p.m.

The Board may meet in Closed Session on any item listed above if authorized by the Texas Open Meetings Act, Texas Government Code Ann. Ch. 551.



Brandon Wood, Executive Director

October 19, 2020



Carol Bernhard, Secretary of the Commission

October 19, 2020