

## MINUTES

**Meeting:** Commission on Jail Standards

**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 (COVID-19) and the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, this regular February 2021 meeting of the Commission will be held by internet video conference, as authorized under Texas Government Code section 551.125.

Members of the public may access the meeting through the internet by at this link: <https://tcjs.webex.com/meet/tcjs> . No access code is required.

To obtain a recording of the meeting after February 4, 2021, contact staffer William Turner, at 512-463-2690. An electronic copy of this agenda is available at: <https://www.tcjs.state.tx.us/meetings>.

**Time:** 9:00 a.m.

**Date:** February 4, 2021

### **I. Call to Order**

The meeting was called to order by Chairman Judge Stoudt of the Texas Commission on Jail Standards at 9:00 a.m.

### **II. Roll Call of Commission Members**

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

Commission members present at roll call were Judge Bill Stoudt, Dr. Esmaeil Porsa, Mr. Duane Lock, Ms. Patricia Anthony, Commissioner Ben Perry, Sheriff Kelly Rowe, Ms. Melinda Taylor, Ms. Monica McBride via telephone, and Sheriff Bryan Weatherford. Staff members attending included Brandon Wood, Wendy Wisneski, Jason Ross, Byron Shelton, William Turner, Jason Jouett, Michael Gravitt, Jon Luna, Jennifer Shumake, Alicia Soto-Barker, Elizabeth Thomas, Kaitlin Hickner. Dennis McKinney, Assistant Attorney General, was also present.

Others in attendance were:

Andrew R. Aguilar	Jenny Catchings
Sage	Jeff Neal
Andrea Chavez, Lt. Governor's Office	Krish Gundu
Ann Marie Mitchell	Krystle Cline
Sheriff Bryan Beavers, Kaufman County	Kevin Stuart, Brazos County
Ben Marshall	Judge Leward J. LaFleur, Marion County
Bobby Howell	Sheriff Larry R. Smith, Smith County
Steve Buntyn, Harris County	Melissa Shannon
Flint Britton, BSA Architect	Micah Harmon, Lavaca County
W J Bryan	Jennifer Michie
Carla Stone, LaSalle Corrections	Rachel Gandy, Sunset Commission
Cathi Cross	Ricky Armstrong, McLennan County
Cindy Vanlandingham, Bosque County	Carolyn Moore
Carol Saldana	Sheriff Ray Scifres, Hockley County
Dalila Reynoso	Rufo Reyes
David Bryant	Santiago Gonzalez
Diana Claitor	Shane Poole
Erick Fajardo, Sunset Commission	Shannon J. Herklotz, Harris County
Gabriela Barahona	Sheriff Bill Mills, Aransas County
Henry Le	Jim Mele
Jay Knight	Sonja Burns
Jay Eason, Lasalle Corrections	Tami DeClercq, GHC Architects
Jean Skinner	William T. Phariss, Smith County

### **III. Approval of Minutes**

The minutes for the meeting conducted on November 5, 2020 were unanimously approved.

### **IV. Public Comment**

Cathi Cross discussed her concerns that her daughter, a county jail inmate, was not being fed adequately. She stated her daughter is very health conscious and knows the calorie count of foods and asserts she is not receiving enough calories.

Jean Skinner discussed her concerns regarding the death of her brother who at the time of his death was not convicted. She described a timeline of her brother's incarceration, hospitalization, and passing. She stated he should have received better health care treatment.

Krishnaveni Gundu, Co-Founder & Executive Director of the Texas Jail Project, spoke on behalf of Diana Claitor, Co-Founder & Communications Director of the Texas Jail Project. Ms. Gundu expressed concern about a lack of response to sick inmates, specifically that ill or symptomatic inmates may not ask for a COVID-19 test because of the cost and that, because of the pandemic, inmates are not receiving adequate treatment of inmate illnesses unrelated to the pandemic. Ms. Gundu asked that TCJS inspectors ensure they address these concerns.

**V. Old Business**

**A. Bosque County - Notice of Non-compliance**

Executive Director Brandon Wood explained that the final unresolved item is that there are not automatic sprinkler heads in the housing areas. TCJS is set to meet with the State Fire Marshall 2/17/21 to discuss the issue. The inspection has found the issue to be corrected. However, the State Fire Marshall believes the local Fire Marshall rather than the State Fire Marshall should be involved. Bosque County Judge Vanlandingham gave testimony that every issue has been addressed. Mr. Wood recommended that no action be taken at this time pending the meeting with the State Fire Marshall. Commissioner Lock moved to take no action at this time. Commissioner Dr. Porsa seconded. The Commissioners agreed unanimously.

**B. Falls County - Notice of Non-compliance**

Executive Director Wood stated Falls County Jail was on the previous agenda because they had not submitted to TCJS a commissary audit in four years, including the most recent audit. The new Sheriff they have provided the information to the county auditor so that the audit may be performed. No one representing Falls County was available to testify. However, because the county has not submitted the audit, the Commission has issued them a notice of non-compliance. At the November Commission meeting, it was decided that if by the February meeting Falls County did not submit the audit, that the Commission would issue a remedial order. For that reason, staff recommends a remedial order be issued. Commissioner Anthony moved to issue the remedial order. Sheriff Rowe seconded the motion. All commissioners agreed unanimously.

**C. Freestone County - Notice of Non-compliance**

Mr. Wood stated that Freestone County was reinspected on December 21, 2020, and placed back in compliance then. For that reason, Mr. Wood recommended that no action be taken.

**D. Liberty County - Notice of Non-compliance**

Executive Director Wood stated that the Liberty County Jail had been operated under a private contractor and found non-compliant for some time. However, the county

resumed operation of the jail and is now working to correct the issued that led to non-compliance. Billie Bryan, President of Detain Inc., consulting to Liberty County and representing the county testified. He stated the county has spent \$200,000 on repairs thus far. He stated the repairs would be completed the first week of March. Shane Poole of Liberty County also testified regarding the intercom system. Commissioners Lock and Porsa asked about specific items of non-compliance. They requested a weekly report from the jail whether it is complying with the two issues of following physician directives and completing the suicide screening form. Mr. Wood assured the Commissioners he would provide this additional information and would schedule additional onsite visits. Mr. Wood recommended that staff be allowed to continue working with the county but that, if the facility is not in compliance by the May 2021 Commission meeting, that a remedial order be imposed reducing the capacity of the facility to a level at which it can operate in full compliance. Commissioner Lock moved to accept the recommendation, and Commissioner Dr. Porsa seconded. The Commissioners agreed unanimously to accept the recommendation.

**E. Midland County - Notice of Non-compliance**

Mr. Wood stated that the jail was in non-compliance due to not performing preventative maintenance. They were reinspected January 21, 2021 and certified in compliance. Mr. Wood recommended no action.

**F. Shelby County - Notice of Non-compliance**

Mr. Wood explained that the county had been non-compliant with regard to notifying the magistrate when an inmate was suspected of having mental illness and with regard to performing preventative maintenance. The facility was reinspected and placed back in compliance December 31, 2020. Mr. Wood recommended no action be taken.

**G. For adoption: change to standards §273.5 Mental Disabilities/Suicide Prevention Plan**

Executive Director Wood explained that the rule was published in the Texas Register and that no public comments were received. The Continuity of Care Query (CCQ) system, which is used at booking to identify inmates who have a recorded history of mental illness, is now capable of also identifying individuals who have a recorded as having an Intellectual or Developmental Disability (IDD). This will help ensure that the Local Mental Health Authority is notified according to state law. Mr. Wood proposed the rule be published in the Texas Register for adoption. Commissioner Sheriff Rowe moved to adopt. Commissioner Dr. Porsa seconded. All Commissioners agreed unanimously.

**H. For adoption change to standards §281.5 Staff Supervision (Food handling)**

Executive Director Wood explained that the rule was published in the Texas Register and that no public comments were received. Mr. Wood proposed the rule be published

in the Texas Register for adoption. Commissioner Dr. Porsa moved to adopt. Commissioner Perry seconded. All Commissioners agreed unanimously.

**I. 2021 Commission Meeting Schedule**

Mr. Wood recommended that the Commission meet again remotely in May at a minimum so that the meeting participants do not contribute to the pandemic. The Commissioners agreed to accept the following schedule:

- May 6, 2021
- August 5, 2021
- November 4, 2021

**VI. New Business**

**A. Bowie (P) – Notice of Non-compliance**

Mr. Wood stated that Bowie County Jail was on the agenda because it is a privately operated jail and was issued a notice of non-compliance upon the November 2020 annual inspection. The county returned to compliance December 30, 2020. The county will resume operation of the jail February 15, 2021. Mr. Wood recommended no action.

**B. Crockett – Notice of Non-compliance**

Executive Director Wood explained Crockett County Jail was inspected and placed in non-compliance September 2020. The jail is transitioning to a new Sheriff and administration. The county has remedied one issue, but others remain. Representatives of Crockett County were not present at the meeting. Inspector Jennifer Shumake stated that the new administration is developing its own plan of action rather than relying on the previous administration's. She explained that the jail is in good working condition, but the issues of non-compliance were administrative in nature. Mr. Wood recommended that staff be allowed to continue working with the jail, provide technical assistance, and monitor compliance, but, if it does not return to compliance by the May Commission meeting, that the Commission issue a remedial order requiring it to comply. Commissioner Dr. Porsa so moved and Commissioner Sheriff Weatherford seconded. The Commissioners agreed unanimously.

**C. Terrell – Notice of Non-compliance**

Mr. Wood stated that Terrell County Jail is currently in non-compliance. They are having issues with their doors and door locks. The county expects to obtain the locks in March and can replace them then. Given that the jail has been depopulated until it returns to compliance, Mr. Wood recommend no action at this time.

**D. Legislative Update**

Mr. Wood pointed out key legislative dates and explained generally the list of bills that staff are tracking. He stated that the Sunset bill related to TCJS had not yet been submitted. He also stated that the Commission had not been slated for a reduction in funding.

**VII. Variances**

**A. Marion County – Variance Cancellation**

Mr. Wood explained that Marion County Jail has a variance that allows them to install additional bunks. This is the third year of the variance. The variance was conditioned on the county expanding the facility; however, the county has not taken steps to do so. Given that Marion County Jail was found in non-compliance in December 2020, Judge Leward J. LaFleur testified that the Sheriff will submit this same day a plan for coming into compliance. He further stated that the county commissioner passed recently and that this has delayed progress of taking steps to build a new facility. Captain Stokes from the jail explained the status of remedying the non-compliance issues. Commissioner Lock asked for clarification. Sheriff David Capps gave specific explanations and testimony of how they are correcting the issues. Chairman Stoudt asked about the present construction of a new courthouse in Marion County. Judge LaFleur confirmed that the new courthouse is redirecting staff time away from building a new jail. Because of the state of non-compliance and because the county has not taken steps to replace the jail, Mr. Wood recommended the Commission cancel the variance until the jail can return to compliance and demonstrate steps toward building a new jail. Commissioner Perry so moved, and Commissioner Dr. Porsa seconded. All Commissioners agreed unanimously.

**VIII. Staff Report**

**A. Completed Jail Projects**

Lampasas County completed a new 112-bed jail and a sheriff office.  
Waller County completed a 225-bed criminal justice center and courthouse.  
Hays county complete an addition of 271 beds.

**B. Jail Planning and Construction List.**

21 facilities are in the planning stages and 19 facilities are under construction.

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

223 facilities are in compliance, 19 are in non-compliance.

**D. Status of Remedial Orders.**

No active remedial orders.

**E. Status and Composition of Jail Population.**

Mr. Wood explained that jail populations continue to raise due to the fact that courts are not conducting jury trials in order to avoid juries contributing to the pandemic. The Commission is working with counties, other entities, the Office of the Governor and the Legislature to identify possible solutions.

On February 1, 2021 the total population in Texas county jails increased by 590 from the previous month. Statewide capacity decreased by 559 due to Robertson, Nacogdoches and Lampasas adding to their facilities and Maverick (P) no longer being under our purview. Jails are now collectively operating at 67.90% of capacity. As of February 1, 2021, there was one jail at 100% or more of capacity. On February 1, 2021, eight (8) TDCJ Half-Way House inmates were housed in county facilities. In addition, local facilities were housing thirty-one (31) out-of-state inmates (New Mexico) in one (1) facility. The total number of contract inmates (county, federal, TDCJ and out-of-state) was 6,450.

**F. Executive Director's Activities**

The Executive Director continues to perform many of his duties remotely due to the COVID-19 pandemic. Nevertheless, he has attended several facility open houses, and also attended some training. He attended the January 15, 2021 conference as a panel member.

**G. Staff Training/Activities**

- **November 9, 2020** – Accountant Spier completed online Comptroller's of Public CAPPs Financials Fundamentals training.
- **November 9, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 18 detention officers.
- **November 10, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 17 detention officers.
- **November 10, 2020** – Mental Health Trainer Sanders conducted two (2), 4-hour Suicide Prevention courses (#4901) in Texarkana, Texas for 31 detention officers.
- **November 11, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Bandera, Texas for 4 detention officers.
- **November 11, 2020** – Mental Health Trainer Sanders conducted two (2), 4-hour Suicide Prevention courses (#4901) in Texarkana, Texas for 41 detention officers.
- **November 12, 2020** – Mental Health Trainer Sanders conducted two (2), 4-hour Suicide Prevention courses (#4901) in Texarkana, Texas for 32 detention officers.

- **November 16, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Cuero, Texas for 6 detention officers.
- **November 17, 2020** – Mental Health Trainer Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Meridian, Texas for 5 detention officers.
- **November 18, 2020** – Mental Health Trainer Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Meridian, Texas for 6 detention officers.
- **November 24, 2020** – Mental Health Trainer Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Bryan, Texas for 8 detention officers.
- **December 1, 2020** – Mental Health Trainer Bowser conducted two (2), 4-hour Suicide Prevention courses (#4901) in Bandera, Texas for 18 detention officers.
- **December 3, 2020** – Mental Health Trainer Bowser conducted two (2), 4-hour Suicide Prevention courses (#4901) in Bandera, Texas for 20 detention officers
- **December 3, 2020** – Mental Health Trainer Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Lufkin, Texas for 10 detention officers.
- **December 7-9, 2020** – Inspectors Gravitt, Jouett, Shelton, Shumake, and Executive Director Wood attended the Sheriff’s Association of Texas Conference to present New Sheriff’s Training in San Marcos, Texas.
- **December 8, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 14 detention officers.
- **December 8, 2020** – Program Specialist Valerie Woehl completed online Comptroller’s of Public Accounts, DIR COVID-19 Technology and Procurement training.
- **December 9, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 12 detention officers.
- **December 10, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 14 detention officers.
- **December 10, 2020** – Program Specialist Valerie Woehl completed online Comptroller’s of Public Accounts, WorkQuest/TPPD Reporting 2020 training.
- **December 13, 2020** – Program Specialist Valerie Woehl completed online Comptroller’s of Public Accounts, Governing Bodies 2020 training.
- **December 13, 2020** – Program Specialist Valerie Woehl completed online Comptroller’s of Public Accounts, Procurement Oversight & Delegation training.
- **December 14, 2020** – Program Specialist Valerie Woehl completed online Comptroller’s of Public Accounts, Enhanced Contract Monitoring 2020 training.
- **December 14, 2020** – Program Specialist Valerie Woehl completed online Comptroller’s of Public Accounts, Ethics Laws and Professional Standards training.
- **December 15, 2020** – Mental Health Trainer Sanders conducted two (2), 4-hour Suicide Prevention courses (#4901) in Colorado City, Texas for 17 detention officers.
- **December 16, 2020** – Mental Health Trainer Sanders conducted two (2), 4-hour Suicide Prevention courses (#4901) in Colorado City, Texas for 14 detention officers.
- **December 22, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 14 detention officers.
- **December 23, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 17 detention officers.



- **January 5, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 10 detention officers.
- **January 5-7, 2021** – Accountant Leslie Spier completed online Comptroller’s of Public Appropriations Management training.
- **January 6, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 5 detention officers.
- **January 6, 2021** – Mental Health Trainer Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Archer City, Texas for 2 detention officers.
- **January 7, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 9 detention officers.
- **January 12, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Caldwell, Texas for 6 detention officers.
- **January 13, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Caldwell, Texas for 8 detention officers.
- **January 13, 2021** – Program Specialist Melissa Johns conducted Population Report training at the Lee County Sheriff’s office in Lexington, Texas.
- **January 14, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Caldwell, Texas for 6 detention officers.
- **January 19, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 10 detention officers.
- **January 19, 2021** – Mental Health Trainer Sanders conducted two (2), 4-hour Suicide Prevention courses (#4901) in Sulfur Springs, Texas for 9 detention officers.
- **January 20, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 10 detention officers.
- **January 20, 2021** – Mental Health Trainer Sanders conducted two (2), 4-hour Suicide Prevention courses (#4901) in Sulfur Springs, Texas for 9 detention officers.
- **January 21, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 10 detention officers.
- **January 26, 2021** – Mental Health Trainer Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Palo Pinto, Texas for 13 detention officers.
- **January 27, 2021** – Mental Health Trainer Sanders conducted two (2), 4-hour Suicide Prevention courses (#4901) in Palo Pinto, Texas for 8 detention officers.
- **January 28, 2020** – Mental Health Trainer Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Monahans, Texas for 10 detention officers.
- **January 29, 2020** – Mental Health Trainer Bowser conducted two (2), 4-hour Suicide Prevention Training for Jailers course (#4901) in Monahans, Texas for 16 detention officers.

**H. Financial Report/Budget.** Commissioners were provided a copy of the Summary of Budget Expenditures for FY 2021.

**I. Inmate Complaint Report.** Commissioners were provided a list of inmate complaints for the months of October, November, and December. Complaints have declined slightly. The main issue continues to be related to the provision of medical care.

- J. Sunset Review.** The staff report of the Sunset Commission was published and the Sunset Commission adopted the staff report. TCJS will make itself available to the author of its Sunset bill to answer questions.

**IX. Other Business**

**Commission Activities**

- The IDD Taskforce completed its work. Mr. Wood thanked Sheriff Rowe for shepherding the IDD Taskforce. Commissioner Rowe thanked Mr. Wood and staff for making the taskforce possible. Mr. Wood expressed the compliments of the bill's author who established the taskforce.

**Staff Activities**

- Jeff Canning resigned as assistant planner, effective November 4, 2020
- Kaitlin Lopez Cano Hickner was hired as a Program Specialist II, effective February 1, 2021

**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 Byron Shelton from Commissioner Ben Perry, McLennan County Precinct 4

**X. Next Commission meeting is tentatively scheduled for:**

- May 6, 2021
- August 5, 2021
- November 4, 2021

**X. By appropriate motion to adjourn by Commissioner Dr. Porsa and second by Commissioner Sheriff Rowe the meeting was adjourned at 11:51 a.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  
Brandon Wood, Executive Director

February 9, 2021

Carol Bernhard  
Carol Bernhard, Secretary of the Commission

February 9, 2021