

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 May 6, 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: May 6, 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	Sheriff Dennis Wilson
Ms. Monica McBride	

Commission members present at roll call were Judge Bill Stoudt, Dr. Esmaeil Porsa, Mr. Duane Lock, Ms. Patricia Anthony, Sheriff Kelly Rowe, Commissioner Ben Perry, Ms. Melinda Taylor and Ms. Monica McBride. 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 and Elizabeth Thomas. Dennis McKinney, Assistant Attorney General, was also present.

Others in attendance were:

Abigail Belangeri	Greg Pilkington
Ann Marie Mitchell	Juan Sandoval
Anthony Aranda	Kevin Stuart
Bill Burke	Kenny Burns
Brandon Belt	Lawonda Bradley
Bobby Rader, Sheriff	Maria Velasquez
Brian Rodeen, LaSalle	Pinky Gonzales, Sheriff
Carla Stone, LaSalle	Rachel Gandy
Charles Goodman	Ricky Armstrong
Chad Stroud	Ross Reyes
Crystal Royal	Shannon Poe
David Cochran, Sheriff	Shannon J. Herklotz
Dionicio Cortez	Suzanne Bradford
Eric Schroeder	Tamara Aronstein
Erick Fajardo	Tammy Seymore
Flint Britton	Terry McCraw
Fredrick Robinson	Tracy Wilson
	W J Bryan, Detain Inc.

III. Approval of Minutes

The amended minutes for the meeting conducted on February 4, 2021 were approved unanimously.

IV. Public Comment

No Public Comment took place.

V. Old Business

A. Bosque County - Notice of Non-compliance

Executive Director Brandon Wood brought meeting attendees up to date with regards to the ongoing Bosque County issues and explained that the final two unresolved items, Staff Training and the State Fire Official Inspection have both been addressed and found acceptable. Mr. Wood recommended no action as Bosque County was placed back into compliance with minimum jail standards on March 10, 2021. Dr. Porsa motioned to accept Mr. Wood's recommendation and Commissioner Anthony seconded the motion. The Commissioners agreed unanimously.

B. Crockett County - Notice of Non-compliance

Executive Director Wood explained that a new County administration took over on January 1, 2021 and has taken ownership of the previous year's non-compliance issues. New officials reviewed the previous Administration's plan of action and worked to address and correct each area of concern. As of April 19, 2021, the county addressed all non-compliance issues and was placed back into compliance. No action is required according to staff. Sheriff Rowe moved to accept staff recommendation, and Dr. Porsa seconded the motion. The commissioners agreed unanimously.

C. Falls County - Notice of Non-compliance and Remedial Order

Mr. Wood reminded Commissioners that Falls County had a remedial order issued due to failure to submit annual Audits of their Inmate Commissary System. The remedial order required the county to submit audits of the current and two prior fiscal years. The new County jail administration took over, and Inspector Shelton conducted a reinspection on April 5, 2021. Another unannounced Annual Inspection was then conducted on April 19, 2021, and the county was placed back into compliance. Staff recommends the Remedial Order be rescinded. Dr. Porsa moved rescission of the remedial order, and Commissioner Perry seconded the motion. The motion passed unanimously.

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 in seven (7) various areas for some time. The county since has resumed operation of the jail and, with technical assistance and on-site visits by TCJS staff, the new administration has been making progress correcting the issues that led to the non-compliance. Liberty County also hired a private consultant, Billie (W.J.) Bryan, President of Detain Inc., to consult with and to assist them with the necessary compliance measures. Sheriff Bobby Rader introduced Mr. Bryan who stated that the county has made weekly reports to TCJS totaling approximately 650 pages of documents and spent over \$250,000 on repairs thus far. He reported that nearly all of the repairs have been completed, including the issues identified on the Technical Assistance memos (barring a couple of "lock" issues). Mr. Bryan reported the county has addressed the staff-to-inmate ratio deficiencies. He confirmed that the county would be ready for Inspection during the month of June. Mr. Wood confirmed that inspection staff have received samplings of medical reports and directives to evaluate and that random samplings have been pulled during inspection and found to be in compliance. Inspectors verified through a thorough examination that Liberty has improved with regards to medical compliance issues. Director Wood recommended that Liberty remain in their current non-compliant status until the August meeting at which time non-compliance and remedial order options will be evaluated. Sheriff Rowe moved to accept the recommendation, and Dr. Porsa seconded the motion. The Commissioners agreed unanimously to accept staff recommendation.

E. Terrell County - Notice of Non-compliance

Mr. Wood stated that the jail was in non-compliance due to not performing preventative maintenance with regards to inoperable locks. The locks have been repaired, re-inspected, and found to be in compliance. Mr. Wood recommended no action. Commissioner Locke motioned to accept the recommendation, and Dr. Porsa seconded. The motion was unanimously approved.

VI. New Business

A. Hale – Notice of Non-compliance

Mr. Wood stated that Hale County Jail was on the agenda because they were issued a notice of non-compliance after their January 4th, 2021 annual inspection. The three (3) areas of non-compliance noted included proper notification of the Magistrate, use of required screening instruments for mental disabilities/suicide prevention and observation of inmates every 15 minutes. A March special inspection found another area of non-compliance regarding failure to secure doors and maintain a secure perimeter. Sheriff Cochran spoke and addressed the issues of non-compliance and reported on the progress towards compliance with the help of the new jail administrator. Inspector Jouett reported on the county’s magistrate notification and issues progress. Commissioner Locke requested attention to the documentation tracking of the implementation of the Sandra Bland Act and its related requirements. Mr. Wood spoke on the Technical Assistance memo regarding restraints. Mr. Wood recommended no action at this time in light of the progress made toward compliance and the county’s request for reinspection. Sheriff Rowe motioned to approve staff recommendation, and Commissioner Lock seconded. The motion passed unanimously.

B. Sutton – Notice of Non-compliance

Executive Director Wood explained Sutton County was inspected January 29th and placed in non-compliance in February with regards to mental health screening measures. The county immediately submitted a corrective action plan and has since been reinspected and found to be in compliance. Mr. Wood recommended no action be taken due to the county’s progress and current compliance. Commissioner Dr. Porsa so moved, and Commissioner Perry seconded. The Commissioners agreed unanimously.

C. Willacy – Notice of Non-compliance

Mr. Wood stated that Willacy County Jail was inspected December 11, 2020, and found to be in non-compliance with regards to fire safety and preventative maintenance/sanitary issues. Sheriff Salazar, the County Judge and other staff spoke and submitted a lengthy, descriptive, and detailed PowerPoint presentation that

outlined the facility's past condition and the preventative maintenance progress made. Dr. Porsa expressed concern regarding the 13-month timeframe in which the facility's condition regressed. Commissioners Perry, Lock, Taylor and Judge Stoudt commended the county for the corrective maintenance actions in the jail facility. Inspector Shumake conducted a stop by visit on February 1, 2021. The county related that they have spoken with Inspector Shumake and will be requesting a reinspection after today's Commission meeting. Mr. Wood recommend no action at this time while staff await the reinspection results. Commissioner Lock motioned to approve the staff recommendation, and Dr. Porsa seconded. The motion passed unanimously.

D. Proposed New Standard § 276.3 Clarifying Prohibition of Temporary Jailer Supervisors

Staff recommended publishing in the Texas Register and a move towards approval and adoption of the new rule as outlined below.

In accordance with Occupations Code §1701.310(f), a county jailer with a temporary license shall not be appointed as Jail Administrator or to any other supervisory position and shall not be assigned supervisory duties.

Dr. Porsa motioned to approve staff recommendation. Commissioner Perry seconded the motion, and it passed unanimously.

E. Legislative Update

Mr. Wood pointed out key legislative dates and explained the agenda's presentation list of bills that staff are tracking. He stated that the Sunset bill related to TCJS has been passed out of the House and has been received by the Senate. The Senate's version is identical and has made it out of Committee. It is on the local consent calendar. Mr. Wood commented that the agency is monitoring all bills with special interest given to the proposed training legislation. He also stated that the Commission had not been slated for a reduction in funding.

VII. Variances

A. Collin County – Variance Request

Mr. Wood explained that Collin County is requesting a variance for construction of two, 72-bed direct supervision dormitories. Director wood cited the county's history of compliance and its ability to maintain inmate ratios and recommended that the variance request be granted. Sheriff Rowe motioned to approve staff's recommendation as presented. Dr. Porsa seconded the motion, and the motion passed unanimously

VIII. Staff Report

A. Completed Jail Projects

Ector County's new Law Enforcement Center and Booking and Intake facility have been completed.

Travis County's new Blackwell Thurman Criminal Justice Center has been completed with the Remote Court Holding cells in this new Courthouse.

B. Jail Planning and Construction List.

16 facilities are in the planning stages and 18 facilities are under construction.

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

220 facilities are in compliance, 23 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 statewide are still a little low compared to two years ago but continues to rise as the pandemic is waning. The fact that courts are not conducting as many jury trials has contributed to a rise in the pretrial populations. It is anticipated that the summer months may present some capacity issues. The Commission is working with counties, other entities, the Office of the Governor, and the Legislature to identify possible solutions.

On April 1, 2021, the total population in Texas county jails decreased by 2,006 from the previous month. Statewide remained the same. Jails are now collectively operating at 66.44% of capacity. As of April 1, 2021, there were two jails at 100% or more of capacity. On April 1, 2021, five (5) TDCJ Half-Way House inmates were housed in county facilities. In addition, local facilities were housing fourteen (14) out-of-state inmates (New Mexico) in one (1) facility. The total number of contract inmates (county, federal, TDCJ and out-of-state) was 6,312.

F. Executive Director's Activities

The Executive Director has spent quite a bit of time at the Capitol during the current legislative session at various Senate or House Committee meetings and hearings and has served as a resource witness as necessary. On March 29, 2021, Mr. Wood presented at the New Sheriff's JAMO Training in Huntsville, Texas.

G. Staff Training/Activities

- **February 2, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Bryan, Texas for 23 detention officers.
- **February 3, 2021** - Inspector Jason Jouett conducted regional Training on What to Expect During a Jail Inspection at the Correctional Management Institute of Texas at Sam Houston State University.
- **February 4, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Bryan, Texas for 18 detention officers.
- **February 9, 2021** - Program Specialist Valerie Woehl completed online Comptroller's of Public Accounts, Legislative Updates for 2019 training.
- **February 9, 2021** - Mental Health Trainer Earnestine Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Cleburne, Texas for 8 detention officers.
- **February 10, 2021** - Mental Health Trainer Earnestine Sanders conducted two (2), 4-hour Suicide Prevention for Jailers courses (#4901) in Cleburne, Texas for 11 detention officers.
- **February 10, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Burnet, Texas for 9 detention officers.
- **February 24, 2021** - Mental Health Trainer Earnestine Sanders conducted a 4-hour Suicide Prevention for Jailers course (#4901) in Weatherford, Texas for 4 detention officers.
- **February 25, 2021** - Mental Health Trainer Earnestine Sanders conducted a 4-hour Suicide Prevention for Jailers course (#4901) in Weatherford, Texas for 9 detention officers.
- **March 2, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Kerrville, Texas for 9 detention officers.
- **March 3, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Kerrville, Texas for 5 detention officers.
- **March 3, 2021** - Staff Services Officer Bernhard attending CAPPS Close Ledger Training with the CPA CAPPS team representative.
- **March 9, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Floresville, Texas for 11 detention officers.
- **March 9, 2021** - Mental Health Trainer Earnestine Sanders conducted two (2), 4-hour Suicide Prevention for Jailers courses (#4901) in Texarkana, Texas for 40 detention officers.
- **March 10, 2021** - Mental Health Trainer Earnestine Sanders conducted two (2), 4-hour Suicide Prevention for Jailers courses (#4901) in Texarkana, Texas for 29 detention officers.
- **March 10, 2021** - Mental Health Trainer Melvin Bowser conducted two (2), 4-hour Suicide Prevention for Jailers course (#4901) in Floresville, Texas for 28 detention officers.
- **March 11, 2021** - Mental Health Trainer Earnestine Sanders conducted two (2), 4-hour Suicide Prevention for Jailers courses (#4901) in Texarkana, Texas for 37 detention officers.
- **March 16, 2021** - Mental Health Trainer Earnestine Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Seminole, Texas for 6 detention officers.
- **March 17, 2021** - Mental Health Trainer Earnestine Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Seminole, Texas for 4 detention officers.
- **March 17, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Karnes City, Texas for 3 detention officers.

- **March 18, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Galveston, Texas for 6 detention officers.
- **March 18, 2021** - Assistant Director Wendy Wisneski, Inspectors Jason Jouett, Byron Shelton, and Mental Health Trainers Earnestine Sanders, Melvin Bowser completed online Driver's Safety Training.
- **March 23, 2021** - Mental Health Trainer Earnestine Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Mount Pleasant, Texas for 7 detention officers.
- **March 23, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Anderson, Texas for 4 detention officers.
- **March 24, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Anderson, Texas for 8 detention officers.
- **March 25, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Anderson, Texas for 6 detention officers.
- **March 24, 2021** - Mental Health Trainer Earnestine Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Mount Pleasant, Texas for 9 detention officers.
- **March 29, 2021** - Executive Director Brandon Wood spoke at the Jail Administration meeting for New Sheriffs in Huntsville, Texas.
- **March 30, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Cameron, Texas for 4 detention officers.
- **March 31, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Cameron, Texas for 7 detention officers.
- **April 1, 2021** - Mental Health Trainer Melvin Bowser conducted a 4-hour Suicide Prevention for Jailers courses (#4901) in Cameron, Texas for 5 detention officers.
- **April 1, 2021** - Inspector Jennifer Shumake conducted a New Sheriff's JAMO Training Session for the Correctional Management Institute of Texas at Sam Houston State University.
- **April 5, 2021** - Staff Services Officer Carol Bernhard and Research Specialist William Turner attended Fiscal Note Training.
- **April 6, 2021** - Mental Health Trainer Earnestine Sanders conducted two (2), 4-hour Suicide Prevention for Jailers courses (#4901) in Texarkana, Texas for 16 detention officers.
- **April 6, 2021** - Inspector Jennifer Shumake completed online Driver's Safety Training.
- **April 6-7, 2021** - Staff Services Officer Carol Bernhard attended the Society of Human Resource Manager's Legal Issues Training.
- **April 7, 2021** - Mental Health Trainer Earnestine Sanders conducted two (2), 4-hour Suicide Prevention for Jailers courses (#4901) in Texarkana, Texas for 12 detention officers.
- **April 7, 2021** - Staff Services Officer Carol Bernhard attended the IAM/TDIS Kickoff Session for the multi-factor authentication statewide security system.
- **April 8, 2021** - Mental Health Trainer Earnestine Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Texarkana, Texas for 12 detention officers.
- **April 8, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Boerne, Texas for 10 detention officers.
- **April 9, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Boerne, Texas for 4 detention officers.
- **April 12, 2021** - Staff Services Officer Carol Bernhard attended Delegated Admin Training for the Comptroller's CAPPs/TDIS Security System.

- **April 13, 2021** - Mental Health Trainer Earnestine Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Plains, Texas for 5 detention officers.
- **April 13, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Dallas, Texas for 20 detention officers.
- **April 13, 2021** - Program Specialist Melissa Johns conducted Population Report training via zoom for Bosque County Sheriff's Office.
- **April 14, 2021** - Mental Health Trainer Earnestine Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Plains, Texas for 5 detention officers.
- **April 14, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Dallas, Texas for 17 detention officers.
- **April 14, 2021** - Program Specialist Melissa Johns conducted Population Report training via zoom for Dallas County Sheriff's Office.
- **April 14, 2021** - Inspector Jennifer Shumake conducted Regional Training on What to Expect During a Jail Inspection at the Karnes County Sheriff's Office in Karnes City.
- **April 15, 2021** - Inspector Jennifer Shumake conducted regional Training on What to Expect During a Jail Inspection at the Harris County Jail.
- **April 15, 2021** - Inspector Gravitt completed online Driver's Safety Training.
- **April 20, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Dallas, Texas.
- **April 20, 2021** - Inspector Jennifer Shumake conducted regional Training on What to Expect During a Jail Inspection at the Reeves County Civic Center.
- **April 21, 2021** - Mental Health Trainer Earnestine Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Canadian, Texas.
- **April 21, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Dallas, Texas.
- **April 22, 2021** - Mental Health Trainer Earnestine Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Canadian, Texas.
- **April 27, 2021** - Mental Health Trainer Earnestine Sanders conducted an 8-hour Mental Health Training for Jailers course (#4900) in Mount Pleasant, Texas.
- **April 27, 2021** - Mental Health Trainer Melvin Bowser conducted an 8-hour Mental Health Training for Jailers course (#4900) in Crockett, Texas.
- **April 28, 2021** - Inspector Jennifer Shumake conducted regional Training on What to Expect During a Jail Inspection at the Uvalde County Sheriff's Office.
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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 January, February, and March. Complaints have declined slightly. The main complaint 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 has reviewed the Sunset recommendations and

has been in contact with the National Institute of Corrections who provides consulting and technical assistance. NIC offers training and is helping TCJS develop risk assessment tools that will assist staff in making modifications to a more risk-based approach to the jail inspections we conduct. TCJS continues to make itself available to the author of its Sunset bill to answer questions as they present themselves.

IX. Other Business

Commission Activities

- The TCJS Overcrowding Task Force met twice by WebEx: March 5, 2021 and March 26, 2021.

Staff Activities

- Bobby Ratra resigned as Grant Administrator effective April 30, 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

- Titus County Sheriff's office recommendation letter concerning Mr. Jouett.

X. Next Commission meeting is tentatively scheduled for:

- August 5, 2021 –
meeting room reserved in the William P. Clements building
- November 4, 2021
- February 3, 2022

XI. By appropriate motion to adjourn by Dr. Porsa and seconded by Commissioner Anthony, the meeting was adjourned at 10:51 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, Executive Director

May 20, 2021



Carol Bernhard, Secretary of the Commission

May 20, 2021