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TEXAS COMMISSION ON JAIL STANDARDS

ANNUAL REPORT TO THE GOVERNOR  
LIEUTENANT GOVERNOR AND SPEAKER OF  
THE HOUSE OF REPRESENTATIVES OF TEXAS

JANUARY 31, 1989

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# TEXAS COMMISSION ON JAIL STANDARDS



## COMMISSION MEMBERS

Bert J. Uhr, Chairman, New Braunfels

Sheriff John J. Klevenhagen, Vice-Chairman, Houston

Charles R. Hurst, M.D., Tyler

Sheriff Joe A. Corley, Conroe

Rolando V. del Carmen, Huntsville

Ivy T. "Tex" Corley, Amarillo

Judge Roy E. English, Fort Worth

Roy L. Orr, De Soto

## EXECUTIVE DIRECTOR

Jack E. Crump

January 31, 1989

The Honorable William Clements, Governor

The Honorable William Hobby, Lieutenant Governor

The Honorable Gib Lewis, Speaker of the House of Representatives

Gentlemen:

This is the 12th annual report to you from the Chairman of the Texas Commission on Jail Standards as required by Sec. 10, Art. 5115.1, Vernon's Revised Civil Statutes.

The report will provide background information concerning the creation of the Commission, the duties of the Commission intended by the Legislature, and its accomplishments and activities during 1988.

Jail capacity increased this year, however jail population increased significantly more. Texas counties are building and renovating jail facilities attempting to provide adequate space and required classification capability. Further counties are striving to operate jails in accordance with minimum jail standards.

The chairman, commissioners and staff are available at any time to discuss the work of the Jail Standards Commission with you or your staff.

Sincerely,

A handwritten signature in cursive script that reads "Jack E. Crump".

Jack E. Crump  
Executive Director

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JANUARY 31, 1989

INTRODUCTION

This report is made pursuant to Texas Revised Civil Statutes, annotated, Article 5115.1 (1975).

This report covers activities of calendar year 1988.

CREATION OF THE COMMISSION

The Commission was created by act of the 64th Legislature (1975) in recognition of the necessity for the State of Texas to regulate its counties' jails and thus prevent federal court intrusion into state and local matters. The 64th Legislature was encouraged in this creation by the organizations listed in Appendix I.

DUTIES OF THE COMMISSION

Article 5115.1 Vernon's Annotated Texas Statutes and Vernon's Texas Codes Annotated, Section 351.002 requires the Texas Commission on Jail Standards to:

- (1) Promulgate reasonable rules establishing minimum standards for:
  - (a) Construction, equipment, maintenance and operation of jails
  - (b) custody, care and treatment of prisoners
  - (c) number of jail supervisory personnel
  - (d) programs and services for prisoners
- (2) revise, amend or change rules
- (3) provide consultation and technical assistance on jail matters
- (4) review and comment on plans for jail construction or renovation
- (5) inspect each jail at least annually
- (6) determine compliance annually for each jail inspected

## EARLY ACCOMPLISHMENTS OF THE COMMISSION

### A. Drafting of Minimum Standards

The nine member commission, appointed on October 30, 1975, working as a full group and in subcommittees met thirty-six times in public meetings over a period of 400 days throughout the state. Standards were drafted and published for public comment. The comments were heard and were reviewed and minimal standards in final form were redrafted and republished. The final standards incorporated suggestions from over 1,000 expert witnesses and public attendees. The Texas Minimum Jail Standards were published in the Texas register (Volume I, Number 97, December 17, 1976). The Standards became effective December 23, 1976.

### B. Staffing

The hiring of a staff commenced in July, 1976, and that task was completed by January 17, 1977. A period of training ensued. Inspections commenced February 7, 1977, and have since continued on a regular annual basis.

### C. Assistance to County Officials

Consultation and technical assistance to county authorities on jail matters was begun in September, 1976. Throughout the remainder of 1976, assistance and consultation was rendered on 34 occasions to 26 counties. Because jail facilities are as complex as hospitals (with administrative, medical, laundry and supervisory functions as well as sophisticated equipment and safety systems) technical assistance has continued to be an important ongoing activity, demanding significant effort, and accounting for a large portion of the agency's resources.

### D. Plan Reviews

Review of construction and renovation plans of county jail facilities

began in 1976 as well. Comments and suggestions had been furnished to 21 counties and their architectural agents by December 20, 1976. This service has become one of the most extensive and best received by county authorities and their architects. Counties have realized significant economic benefit from the suggestions and coordinated planning efforts of the Commission, other appropriate state agencies, (State Fire Marshal; State Purchasing and General Services, Historical Commission) architects, county commissioners and sheriffs.

### 1988 EVENTS

#### A. Jail Inspections

During the year, 281 jail inspections were conducted. As in 1987, some jails were inspected more than once, at the request of the county, i.e. Anderson, Bexar, Bosque, Cooke, Dallas, Guadalupe, Hays, Lubbock, Montgomery, Navarro, Nueces, Tarrant, Titus, Wood and Zavala. Some of these counties requested additional inspections to ensure construction plans previously approved were being adhered to by contractors. Other counties experiencing difficulty in achieving compliance were inspected more frequently to encourage their effort to achieve compliance. Other counties requested inspections or assistance to review corrective action taken in an effort to achieve compliance with standards.

#### B. Assistance to Counties

Technical assistance provided to counties in jail operations during 1988 was limited due to funding. Technical assistance in jail matters (structure, life safety, operations) however was provided to county officials on 113 occasions. On most occasions, the county authorities or their agents visited the Austin office where the discussions were conducted. Two hundred and sixty eight (268) requests for technical

assistance were handled by telephone. While this is one of the best received commission programs, it was severely restricted as budget cuts reduced this program by eliminating travel funds associated with the position. Three hundred and thirteen (313) consultations and discussions, up 31 from last year, were also conducted with county judges, commissioners court and sheriffs concerning the most economical and feasible way to achieve compliance with the state law and in some instances existent federal court orders.

Municipalities continued to request information and assistance on jail construction or renovation. While municipal jails are not required to conform with jail standards, these municipalities all stated confidence in the Commission to provide them unbiased information and guidance upon which to base decisions concerning construction or operations.

C. Investigation and Resolution of Requests for Inmate Assistance

The Commission received 122 requests, down 6 from last year, for inmate assistance in 1988. Some requests were redundant or ones over which the Jail Commission has no purview. These were referred to an appropriate agency for response. Additionally, some requests were referred back to the originator with instructions to use the grievance procedures which the jail had established to address such matters. Inquiry into the remainder of the requests either alleviated conditions in need of correction or established the fallaciousness of the allegation and aided in eliminating frivolous litigation.

D. Construction Plan Review

Construction/renovation plans for counties were reviewed in 133 instances. This represents an increase of 62 from the previous year. Approximately 1330 staff hours were devoted to this task, up from 720

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staff hours the previous year. (Note: Each project is reviewed formally at least twice and most three times).

E. Determination of Reasonable Variance Requests

Requests for variances were received and processed from 25 counties. Each of the 25 separate requests were individually reviewed and acted upon by the Commissioners during the year's six meetings. Twenty three of the requests were granted.

F. Enforcement Proceedings

Notices of Non-Compliance were sent to 71 counties, down 32 from last year, whose jails were not in compliance. 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. Counties which were not, in the opinion of the Commission, acting expeditiously to resolve deficiencies, were requested to attend public commission meetings. These meetings resulted in firm commitments from the county concerned, or a Remedial Order being issued by the Commission, which eliminated the deficiencies.

Remedial Orders, 6 in all, 4 less than last year, were issued to:

- Baylor County - closed
- Clay County - limiting population
- Comanche County - closed
- Lamar County - limiting population
- Maverick County - closed
- Young County - limiting population

G. Counties in Compliance

At the beginning of 1988, 168 jails were in compliance with minimum jail standards. Twenty seven additional counties were certified during



the year. However due to deficiencies a total of 20 jails lost certification. As of December 31, 1988, 176 jails remained certified.

JAILS IN COMPLIANCE

Anderson	Andrews	Angelina	Aransas
Armstrong	Atascosa	Austin	Bailey
Bandera	Bell	Blanco	Bowie
Brazoria	Brazos	Brewster	Brooks
Brown	Burnet	Caldwell	Calhoun
Callahan	Carson	Castro	Chambers
Childress	Coke	Coleman	Collingsworth
Colorado	Comal	Coryell	Cottle
Crane	Crockett	Crosby	Culberson
Dallam	Dallas	Dawson	Deaf Smith
Denton	Dickens	Dimmitt	Donley
Duval	Eastland	Falls	Fannin
Fayette	Fisher	Floyd	Foard
Fort Bend	Franklin	Freestone	Frio
Gaines	Garza	Gillespie	Glasscock
Gonzales	Gray	Grayson	Gregg
Grimes	Guadalupe	Hall	Hansford
Hardeman	Hartley	Haskell	Hemphill
Hill	Hockley	Hood	Hopkins
Houston	Howard	Hunt	Jack
Jasper	Jim Hogg	Jim Wells	Jones
Karnes	Kaufman	Kenedy	Kerr
Kimble	Kinney	Kleberg	Knox
Lamb	Lampasas	La Salle	Lavaca
Lee	Leon	Liberty	Limestone
Lipscomb	Live Oak	Llano	Loving
Marion	Martin	Mason	Matagorda
Maverick	Medina	Menard	Midland
Milam	Mills	Montgomery	Moore
Morris	McCulloch	Nacogdoches	Navarro
Newton	Nolan	Ochiltree	Oldham
Orange	Palo Pinto	Panola	Parmer
Pecos	Polk	Presidio	Rains
Real	Red River	Refugio	Roberts
Robertson	Rockwall	Runnels	Rusk
Sabine	San Augustine	San Jacinto	San Patricio
San Saba	Schleicher	Scurry	Shackelford
Shelby	Sherman	Somervell	Starr
Sterling	Stonewall	Sutton	Terrell
Tom Green	Trinity	Tyler	Upshur
Upton	Val Verde	Van Zandt	Walker
Waller	Ward	Washington	Wharton
Wheeler	Wichita	Wilbarger	Wilson
Winkler	Wise	Yoakum	Zapata

Twenty jails in compliance during 1988, 5 less than last year, lost certification because of deficiencies found.

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Camp - Classification  
Cochran - Staffing  
Deaf Smith - Structural and Staffing  
DeWitt - Classification and Structural  
Ector - Staffing  
Hamilton - Classification and Staffing  
Hardin - Classification and Staffing  
Henderson - Staffing  
Hidalgo - Structural  
Jackson - Staffing  
Jefferson - Classification  
Kendall - Classification and Structural  
Lynn - Communication  
Reeves - Classification  
Smith - Classification  
Swisher - Classification  
Taylor - Staffing  
Uvalde - Communication  
Victoria - Classification  
Zavala - Life Safety and Lighting

Action is being taken by all of the above twenty (20) counties to correct the deficiencies and achieve compliance.

H. Jail Closings

During 1988, 12 counties had closed jails. In most instances, these jails were marginally operational. Average daily populations were very small. These counties determined that it was economically burdensome to continue jail operations and opted to board their few prisoners in an

adjacent county at a lower cost than maintaining their own facilities. One jail, Edwards County, was closed by Remedial Order in 1985 and remains closed but is building a new facility. Comanche County Jail was closed by Remedial Order in 1988. A new facility is under construction and should be completed in 1989. It is interesting to note however that several of these counties have approached the Commission concerning the re-opening of their jail. Discussions are continuing. Those counties using the jails of adjoining counties are:

Borden	Edwards	King
Briscoe	Irion	McMullen
Comanche	Jeff Davis	Motley
Concho	Kent	Throckmorton

I. NEW JAILS OPENED

Twenty counties, five more than last year, opened new jails for operation during the year.

Anderson	Bexar	Dallas	Frio
Guadalupe	Hays	Montgomery	Navarro
Nueces	Polk	Potter	Robertson
Rockwall	Rusk	Tarrant	Travis
Tyler	Wise	Wood	Zavala

\*  
(N)  
(R)

J. MAJOR RENOVATIONS COMPLETED.

Thirteen counties, six more than last year, completed major renovation during the year.

Andrews	Bosque	Collin
Cooke	Crane	Delta
Floyd	Kinney	Lubbock
Milam	Midland	Titus
Wichita		

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K. JAILS UNDER PLANNING OR INTO CONSTRUCTION

Fifty (50) counties commenced planning new jails or renovation during the year, 2 more than last year. Thirty-two (32) counties entered into construction during the year, six less than last year.

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Planning

Aransas (N)*	Archer	Angelina *	Bandera
Brazos (N)*	Brewster *	Burleson (R)	Camp (R)
Cass (N)	Castro (N)	Clay (R)	Collin (N)
Coryell (N)*	Dallas (N)*	Dimmit (N)*	Eastland (R)*
Ector	Franklin (N)*	Goliad (N)	Hale (R)
Hamilton (N)	Harris (N)	Harrison	Henderson (N)
Hidalgo (N)	Hill (R)*	Houston (R)*	Hudspeth (N)
Jasper (R)*	Karnes (R)*	Kerr (N)*	Kleberg (N)
Lamar (R)	Lampasas (R)*	LaSalle (N)*	Leon (N)*
Llano *	Nueces (R)	Orange (R)*	Palo Pinto (R)*
Randall (N)	Swisher (R)	San Patricio(R)*	Uvalde
Van Zandt (N)	Victoria (R)	Washington (N)*	Wilbarger (N)*
Yoakum (R)*	Young (R)		

Construction

Atascosa (R)*	Bastrop (N)	Bee (N)	Bexar (R)
Caldwell (N)*	Cherokee (N)	Comanche (N)	Dallas (R)*
Edwards (N)	Ellis (N)	Erath (N)	Freestone (R)*
Galveston (N)	Harris (R)	Hutchinson (R)	Johnson (N)
Jones (R)*	Live Oak (R)*	Lubbock (R)	Madison (R)
Midland (N)*	Montague (R)	Moore (R)*	Nacogdoches (N)*
Nueces (R)	Parker (N)	Smith (N)	Tarrant (N)
Travis (N)	Willacy (N)	Williamson (N)	Zapata (R)*

\* = Certified  
(N) = New Construction  
(R) = Renovation or Addition

OTHER 1988 EVENTS

A. Growth in Capacity and Population.

At year's end the county jail capacity was approximately 30,000 with an average daily population of 31,500. At the beginning of the year our capacity was 26,700 with an average daily population of 23,500. This has resulted in 3300 beds but 8000 more inmates. The number of beds has increased 12% but the population has increased by 34% which resulted in the use of all available space. Further, the incarceration rate went from 1.36/1000 to 1.83/1000.

B. Modular Construction.

This form of construction was noted during the year. Proponents of the system indicate a saving in cost and time, i.e. Rockwall, Robertson,

and Edwards Counties. Additions to existing facilities were completed at Milam County, with planning at Comanche, Clay, and Freestone Counties.

C. Interest in Privatization.

This authorized form of financing and operation received a growing interest. Reeves County Detention Center, an existing structure that was financed through a lease purchase arrangement transferred management to Corrections Corporation of America. The existing Bexar County Detention Center was closed when the new detention center was completed. Major renovation occurred with operation being assumed by Wackenhut, Inc. and inmates being primarily parole violators transferred from overpopulated facilities. Zavala County completed a 226 capacity facility that is privately operated. Other proposals were reviewed; however none come to fruition in 1988. Some examples are Red River and Hill counties.

D. Development of Conditional Certification.

Due to the current population crisis and the unresolved prison overcrowding problem the Commission voted to accept and implement the Conditional Certification concept. Conditional Certification may be awarded a county when the facility is in compliance with all requirements but is overpopulated due to an inability to move convicted felons into the Texas Department of Corrections. Presently three counties have received Conditional Certification; Dallas, Houston and Wharton Counties. All three jails are clean and well managed but are overcrowded due to the backlog of convicted felons awaiting transfer to TDC.

E. Criminal Justice Summit.

On January 7, 1988 a Criminal Justice Summit was hosted by the Governor's Office of Criminal Justice to discuss the prison overcrowding problem. Present were members from Texas Department of Corrections, Board

of Pardons and Paroles, and Texas Commission on Jail Standards. County Judges from the 24 most populated counties were also invited. No decisions were made at this meeting. In February another meeting was held to address the jail and prison problems. At this meeting it was recommended that Texas Commission on Jail Standards develop a technical assistance program to help counties establish alternatives to incarceration to reduce jail population, however no monies are available to implement this recommendation.

F. Training.

January 1988 - ACA Midwinter Conference, attended by Executive Director - Phoenix, Arizona.

March 1988 - How to Build a Jail & Survive, attended by Executive Director - Dallas, Texas.

March 1988 - Annual Judges and Commissioners Conference, attended by Executive Director - College Station, Texas.

March 1988 - West Texas Judges and Commissioners Conference, attended by Executive Director - El Paso, Texas.

May 1988 - Annual Jail Association Conference, attended by Executive Director - Los Angeles, California.

July 1988 - North and East Texas Judges and Commissioners Conference, attended by Executive Director - Denton, Texas.

July 1988 - South Texas Judges & Commissioners Conference, attended by Executive Director - South Padre Island, Texas.

July 25 - 27, 1988 - Sheriff's Association of Texas, 110th Annual Conference attended by Executive Director and staff - Lubbock, Texas.

August 1988 - American Correctional Association Conference, attended by Executive Director - Denver, Colorado.

August 9 - 10, 1988 - National Institute of Corrections, Jail

Inspector Training Development, attended by Planner - Boulder, Colorado.

September 16, 1988 - Texas Society of Architects, Nuts & Bolts II, attended by Executive Director and Planner - Austin, Texas.

October 1988 - Judges and Commissioners Conference, attended by Executive Director and Supervising Inspector Joe Slater - Lubbock, Texas.

October 26 - 28, 1988 - 1988 Annual Conference of Jail Administration attended by Executive Director and Supervising Inspectors - Huntsville, Texas.

December 1, 1988 - National Career Writing Skills Workshop, attended by Administrative Secretary - Austin, Texas.

December 5 - 6, 1988 - National Institute of Corrections Jail Inspector Training, attended by Executive Director - San Antonio, Texas.

December 7, 1988 - Texas Notary Law and Procedure Seminar, attended by Secretary III - Austin, Texas.

G. Double-Bunking.

Due to the current population crisis two counties requested that they be allowed to install additional bunks in their jail facilities so inmates would not have to sleep on the floor. Harris County was granted a variance to install 600 metal double bunks in the large dormitory cellblocks of the Harris County Central Jail. Travis County requested and was granted permission to double bunk all single cells in the Travis County Jail. In both instances the bunks are to be removed when additional construction is completed and the jail population crisis is over.

H. Personnel Change.

The Texas Commission on Jail Standards experienced major changes in its managerial staff in 1988. Mr. Robert O. Viterna, Executive Director

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since May, 1979 retired effective September 30, 1988. Mr. Jack E. Crump, formerly Planner for the Texas Commission on Jail Standards was appointed as the Executive Director and currently fills that position. Recruitment and selection of a suitable planner required three months which necessitated additional efforts by the Director and administration staff. Supervising Inspector Joseph Slater requested retirement which was approved for January 1989. Administrative personnel changes have also occurred. This in effect, has resulted in a 38% change in personnel and created an undue burden on an already taxed staff, and will require time, patience, and training to retain the historical knowledge and competence previously experienced by the Texas Commission on Jail Standards.

#### CONCLUSION

1988 began with hope and promise. The state ADP was 23,500 and bunk availability was 26,700. Although this represented 110% of functional capacity, projects nearing completion would bring new bunks on line. And although the population exceeded functional capacity it did not yet exceed actual capacity. It appeared that at the time county jails were if not getting ahead were staying even with the jail population growth. However, at year's end the jails were at 132% of functional capacity and still expanding.

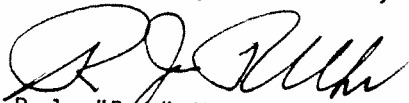
Although additional construction projects are in planning or construction that may increase bunk availability by 1400 in 1989 this will be insufficient to close the gap between prisoners and bunk availability. In succeeding years building will increase bunk space and by 1992 45,000 beds should be available.

Counties are currently being encouraged to practice a host of alternatives to incarceration available to them. The climate for acceptance of innovative, creative ways to solve the population problems



in Texas has never been better. The Commissioners Courts and Sheriffs are anxious to avoid litigation caused by, or compounded by, jail overpopulation. The Texas Commission on Jail Standards continues to work closely, cooperatively, and patiently with county officials toward achieving full compliance in all counties of the State. Though it is evident we must build additional capacity for our jail and prison systems it has become more encumbent upon the leaders of our criminal justice industry to continue the quest for alternatives to incarceration and alternatives to crime.

Respectfully submitted,



R.J. "Bob" Uhr, Chairman  
P.O. Box 310703  
New Braunfels, Texas 78131-0703  
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APPENDIX I

ORGANIZATIONS INSTRUMENTAL IN CREATING  
THE TEXAS COMMISSION ON JAIL STANDARDS

1. American Civil Liberties Union
2. Baptist General Convention of Texas
3. Citizens United to Rehabilitate Errants
4. Concerned Parents
5. League of Women Voters
6. Sheriffs Association of Texas
7. Social Action Diocese
8. State Bar of Texas
9. Texas Association of Counties
10. Texas Civil Liberties Union
11. Texas Commission on Humanities
12. Texas Junior Bar Association
13. Texas Library and Historical Commission
14. Texas Rural Legal Aid
15. Women in Action