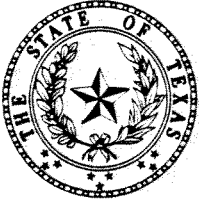


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TEXAS COMMISSION ON JAIL STANDARDS

1990 Annual Report

January 31, 1991

TEXAS COMMISSION ON JAIL STANDARDS



COMMISSION MEMBERS

Kenneth W. Anderson, Jr., Dallas
Ivy T. "Tex" Corley, Houston
Sheriff Joe A. Corley, Conroe

Rolando V. del Carmen, Huntsville
Judge Roy E. English, Fort Worth
Charles R. Hurst, M.D., Tyler

Sheriff John J. Klevenhagen, Houston
J. David Nelson, Lubbock
Roy L. Orr, De Soto

EXECUTIVE DIRECTOR
Jack E. Crump

January 31, 1991

The Honorable Ann W. Richards, Governor

The Honorable Bob Bullock, Lieutenant Governor

The Honorable Gib Lewis, Speaker of the House of Representatives

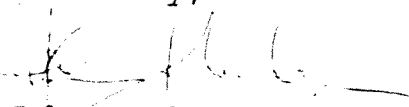
Dear Governor Richards, Lt. Governor Bullock and Speaker Lewis:

This is the 14th annual report to you from the Texas Commission on Jail Standards as required by Section 511.015, Government Code and provides information concerning the creation, duties, accomplishments and activities during 1990.

Jail capacity increased during the year while a slight decrease in population was noted. Both factors, working together, have assisted counties with population, separation, and classification. Jail privatization has continued with several more structures nearing completion. Emphasis has also been placed on the problem of communicable diseases within jails with a view toward resolution. County officials are commended as they strive toward compliant jails. The Texas Commission on Jail Standards continues to work patiently and diligently in achieving this goal through our programs of enforcement and assistance.

The Chairman, Commissioners, and staff are available to discuss the work of the Jail Commission with you or your staff.

Sincerely,


Johnny Klevenhagen
Chairman



Jack E. Crump
Executive Director

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TEXAS COMMISSION ON JAIL STANDARDS
CALENDAR YEAR 1990
ANNUAL REPORT TO THE GOVERNOR
LIEUTENANT GOVERNOR AND SPEAKER
OF THE HOUSE OF REPRESENTATIVES OF TEXAS

JANUARY 31, 1991

INTRODUCTION

This report is made pursuant to Chapter 511, Section 511.015, Government Code and covers activities of calendar year 1990.

I. MISSION STATEMENT

The Texas Legislature created the Commission on Jail Standards in 1975 to implement a declared state policy that all county jail facilities in the state should conform to certain minimum standards of construction, maintenance, and operation. It is the duty of the Commission to adopt reasonable rules and procedures establishing minimum standards for:

- (1) the construction, equipment, maintenance and operation of county jails;
- (2) the custody, care, and treatment of prisoners;
- (3) the number of jail supervisory personnel and for programs and services to meet the needs of prisoners; and
- (4) programs of rehabilitation, education, and recreation in county jails.

The Commission has the responsibility to review and comment on plans for construction and major modification of county jails. It must provide consultation and technical assistance to the counties. It has the authority and responsibility to inspect all county jails of the state and enforce compliance with Commission rules and the provisions of Chapter 351, Local Government Code. Additionally, it has the responsibility to regulate municipal jails designed and operated under provisions of Chapter 361, Local Government Code.

II. ORGANIZATION AND FUNDING

The Texas Commission on Jail Standards consists of nine members appointed by the Governor to staggered terms of six years expiring on January 31 of odd numbered years. Two members are county sheriffs, one from a county with a

population of over 200,000 persons and one from a county with a population of 200,000 or less. One member is a county judge, one is a medical doctor. The other five positions are filled by persons who hold no public office.

Commission members (as of December 31, 1990) are as follows:

Sheriff Johnny Klevenhagen, Chairman	Houston, Texas
Rolando del Carmen, Ph.d., Vice-Chairman	Huntsville, Texas
Kenneth W. Anderson, Jr.	Dallas, Texas
Sheriff Joe Corley	Conroe, Texas
I.T. "Tex" Corley	Houston, Texas
Judge Roy English	Fort Worth, Texas
Charles Hurst, M.D.	Tyler, Texas
J. David Nelson	Lubbock, Texas
Roy Lee Orr	DeSoto, Texas

The agency has an authorization of twelve (12) employees; however, due to funding limitations only ten (10) positions were filled during the year. Positions consist of the following:

Executive Director	Exempt Position
Planner	Group 17
Chief Accountant	Group 17
Planning Assistant	Group 16
Planning Assistant (Vacant), 2	Group 16
Supervising Inspector, 3	Group 16
Administrative Technician	Group 11
Administrative Secretary	Group 9
Secretary (resigned 12/21/90)	Group 7

The Texas Commission on Jail Standards is headquartered in Austin. However, based on geography and travel requirements each supervising inspector operates from his home/office located within the geographical area served. This arrangement has proven cost effective through the reduction of per diem and travel costs. Current locations of supervising inspectors are:

Robert L. Dearing	Pineland, Texas
Charles T. Julian	Sweetwater, Texas
Maurice G. Wood	Port Lavaca, Texas

This agency works with local government officials in its duties to enforce jail standards. Primary relationships exist with commissioners' courts and sheriffs to provide consultation and technical assistance, review and comment on plans for construction, modification, and renovation of jails, and inspections of jails regularly to ensure compliance with State Law. Secondary relationships exist with agencies and associations relating to the primary function. These include

the Texas Association of Counties, Regional Judges' and Commissioners' Associations, Sheriffs' Association of Texas, Texas Jail Association, Texas Society of Architects, as well as other state agencies including State Fire Marshal's Office, Office of Architectural Barriers, and State Purchasing and General Services Commission, Historical Commission, Department of Licensing and Regulation, and Governor's Energy Management Center.

The agency has a fiscal year 1991 budget of \$452,185. General revenue funding is \$332,185 with criminal justice grants of \$120,000 and other funds providing the balance.

III. ACTIVITIES

Texas Commission on Jail Standards performs with four activities, which collectively participate in the regulatory function of the Commission. These activities consist of:

- A. Administration
- B. Inspection
- C. Construction Document Review
- D. Jail Management and Consultation

These activities serve Texas counties through their respective commissioners' courts and sheriffs. No fees or costs are currently charged to counties for the Commission's services.

Each activity participates in the regulatory function of the Jail Commission. The administrative activity evaluates jail inspection reports, reviews inmate complaints, makes recommendations for action by the Commission, and carries out the directives of the Commission in accordance with Chapter 511, Government Code. Current sanctions include issuance of remedial orders with enforcement through a State District Court in Travis County.

Additional functions are described in the following activity narratives.

A. Administration

The administration activity, to which three staff members are assigned, provides services not accounted for in other program activities and coordinates the efforts of these services and activities. It ensures maximum, efficient use of staffing, funds, property resources, and time.

Rules are developed and revised which take advantage of new technologies. This permits officials to construct or operate, at lower costs, jails that are more safe, suitable, secure and

sanitary than previously possible. This effort also incorporates federal case law into the rules which provides the means to avoid costly litigation.

Commission meetings are convened bi-monthly at which counties request variances from standards or present and discuss solutions to jail problems. These meetings also develop policy and guidance for Commission staff so that day-to-day business will be conducted with efficiency and dispatch. Standards are enforced through the use of noncompliance notices and remedial orders.

Prisoners' request for assistance are referred to the county affected. Copies are furnished the appropriate inspector for review at the next inspection.

These functions and activities are coordinated as well as fiscal, personnel, property, legal and clerical support necessary to ensure a responsible, reliable, consistent effort which is indispensable for achieving program objectives.

B. Inspection

The inspection activity, to which three staff members are assigned, is responsible for inspecting, at least annually, all operating county jail facilities and municipal facilities operated under the provision of Chapter 361, Local Government Code. The inspection requires checking 600 items.

Newly constructed or renovated jails require an occupancy inspection, or inspections, to ensure that construction was completed as approved and that the facility complies with minimum jail standards.

After the initial, or occupancy, inspection, some items on the checklist remain constant (cell dimensions, for instance). Thereafter, inspections require re-affirmation that each item exists and is in compliance. Plumbing fixtures, heating and ventilation systems, lighting systems, smoke detection and smoke purge systems, emergency generators, etc. are checked.

Specified life safety drills are observed and timed.

Records and reports are examined to ensure administration and operations are adequate. Population figures are examined to determine if crowded conditions exist. Operational plans are reviewed for compliance with existing jail conditions and minimum jail standards.

Inspectors assist in developing administrative, management, operational and programmatic plans and procedures that are consistent with precedent law, provide efficient functioning

of the jail, minimize costly litigation and capitalize on resources or funds already in place in the community.

Special inspections or re-inspections are conducted, usually at the request of the county, to assure that ongoing construction or renovation is consistent with minimum jail standards or to resolve marginal conditions.

Inspectors, while at the jail being inspected, enquire into prisoner requests for assistance referred by the administration activity.

C. Construction Document Review

The construction document review activity, to which two staff members are assigned, provides review of building plans and specifications. This activity assists counties to make informed decisions on jail design, avoid costly litigation, and avoid unnecessary expense while achieving compliance with minimum jail standards.

An integral part of this activity includes conducting preliminary studies to determine the incarceration needs of the county. These analyses include population projections and historical data regarding incarceration trends as well as other pertinent factors. The counties are furnished recommendations regarding the need for more or improved jail space or alternatives thereto based upon the analyses.

Staff recommendations are discussed with or presented to commissioners' courts or citizens' task forces, private firms and the sheriffs' department.

The review and comment process for jail construction and renovation includes a formal plan review with design professionals, consultants, county officials, and sheriff's department personnel. Plans are reviewed at three phases of completion; schematic design, design development and construction documents. At each phase, items requiring resolution are noted and satisfied prior to proceeding to the next phase. This process assists in ensuring that counties understand jail requirements and provides more effective and economical jails that will comply with minimum jail standards when constructed.

D. Jail Management and Consultation

In order to assist counties in operating safe, secure and efficient means of incarceration, consultations are provided with commissioners' courts, sheriffs' departments, and other involved entities. This form of assistance is provided on a daily basis via telephone, written correspondence, in-house

conferences, and on-site visits. In addition, staff frequently conduct oral presentations to appropriate groups. This assistance involves dealing with overall incarceration needs as well as alternatives thereto.

While reviewing construction and renovation of jails constitutes a large portion of the Commission's functions, the daily operation of facilities, consistent with minimum jail standards, requires on-going assistance to counties.

Assisting counties in providing efficient jail management often entails clarifying minimum jail standards as well as establishing procedures and documentation consistent with the standards. Staffing analysis may also be conducted to assist sheriffs in operating safe and efficient facilities.

In addition, staff assists sheriffs' departments in developing and implementing operational plans for classification of inmates, medical services, sanitation, inmate discipline and grievances, recreation and exercise, education and rehabilitation, emergencies and inmate privileges such as telephone usage, visiting, correspondence and religious activities.

An integral part of the activity includes demonstrating or researching means of identifying and marshalling community resources which provide needed educational, counseling, rehabilitation, library and recreational programs for prisoners as required by the Jail Commission. These programs are important as their existence makes the jail (regardless of size) eligible for the Federal Commodities Program, whereby farm subsidy surplus foodstuffs are given to the jail. Counties realize savings ranging from thousands to over a million dollars a year from this benefit.

IV. FINDINGS

A. Jail Inspections

During the year, 312 jail inspections were conducted. Thirty nine (39) of these inspections were occupancy inspections for completed construction projects. Some jails were inspected more than once, usually at the request of the county. Some 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 in jail matters (structural, life safety, and operations) was provided to county officials on 2,308 occasions. On many occasions, the county authorities or their agents visited the Austin office where the discussions were conducted. One thousand three hundred fifteen (1315) requests for technical assistance were handled by telephone. Seven hundred forty seven (747) consultations and discussions were conducted with county judges, commissioners courts and sheriffs concerning the most economical and feasible way to achieve compliance with state law and, in some instances, federal court orders.

Municipalities continued to request information and assistance on jail construction or renovation. While municipal jails other than those operated under authority of Chapter 361, Local Government Code, are not required to conform with jail standards, these municipalities stated confidence in the Commission to provide them unbiased information and guidance upon which to base decisions concerning construction or operations.

C. Request for Inmate Assistance

The Commission received 279 requests for inmate assistance in 1990. 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 99 instances. This represents a decrease of 11 from the previous year. However, twelve (12) projects, which were reviewed at several phases, included jail capacities of 500 inmates, or more, indicating a trend of larger and more complex jail facilities. (Note: Each project is reviewed formally at least twice and most three times.)

E. Requests for Variance

Requests for variances were received and processed from 8 counties. Each request was individually reviewed and acted upon by the Commission during the year's six meetings. The Jail Commission may grant reasonable variances, except that no

variance may be granted to permit unhealthy, unsanitary or unsafe conditions.

F. Enforcement Proceedings

Notices of Noncompliance were sent to 81 counties (down 4 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 were issued to Delta, Hardin, Polk and Zavala counties.

G. Counties in Compliance

At the beginning of 1990, 172 jails were in compliance with minimum jail standards. Thirty seven additional counties were certified during the year. However, due to deficiencies, a total of 35 jails lost certification. As of December 31, 1990, 174 jails remained certified. (See Attachment B for a list of county jails in compliance.)

Most non-compliant counties are taking action to achieve compliance. Corrective action is being taken by 43 counties through planning and construction.

H. Jails Closed

During 1990, 11 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. Delta County was closed in 1990, due to unsafe conditions. It is interesting to note however, that several of these counties have approached the Commission concerning the re-opening of their jails. Discussions are continuing. Those counties using the jails of adjoining counties are:

Bordon
Briscoe
Concho

Delta
Irion
Jeff Davis

Kent
King
McMullen

Motley
Throckmorton

I. Construction Completed

Thirteen counties opened new jails for operation during the year. These counties are:

Bastrop	Clay	Maverick	Parker
Bexar	Ellis	Midland	Travis
Brazos	Galveston	Nacogdoches	Williamson
Caldwell			

These projects represented 1800 bunks in additional capacity.

J. Major Renovations Completed

Thirteen counties completed major renovations or additions during the year. They are as follows:

Aransas	Denton	Hudspeth	Lubbock
Angelina	Hardin	Lampasas	Willacy
Austin	Hill	Llano	Young
Dallas (2)			

These projects provided 900 spaces at existing facilities.

K. Jails Under Planning or into Construction

Counties continue in a building mode. The number of counties in the planning and construction phase remains relatively constant at 75 to 80 counties. Thirty eight counties are under construction and forty two counties are in the planning phase. See attachment A for a list of jails in construction and planning.

L. Changes in Capacity and Population

At year's end, the county jail capacity was approximately 36,700 with an average daily population of 36,900. At the beginning of the year, our capacity was 35,000 with an average daily population of 39,000. Because of the completion of additional capacity and the reduction of the number of inmates, the ability to classify and separate inmates has improved. The number of convicted felons confined in county jails has decreased. It is estimated that 8000 such inmates are confined there. This represents a decrease of almost 4000 from the previous year. The incarceration rate is 2.09/1000, a slight reduction from the previous year.

V. OTHER 1990 EVENTS

A. Juvenile Justice Survey

A survey of county and city jails was conducted regarding incarceration of juveniles, based upon a request by the Criminal Justice Division, Office of the Governor. In order for the State to receive certain federal funds, juveniles must not be incarcerated in adult facilities. The project was successfully completed utilizing contract services provided through a criminal justice grant and was conducted in March, April, May 1990.

B. Intern Program

An internship program was continued between the Texas Commission on Jail Standards and Stephen F. Austin University. A criminal justice senior student worked in all aspects of the Jail Commission with a reciprocal learning capability shared by the Jail Commission and the individual.

C. Commission Membership

Commission Chairman Bob Uhr completed his period of appointment with the Commission and was replaced as Chairman by Sheriff Johnny Klevenhagen. Commission Member Kenneth Anderson was appointed and Judge Roy English's appointment was vacated in December 31, 1990 since he did not choose to seek re-election as Tarrant County Judge.

D. Sunset Advisory Commission

The Jail Commission is subject to the Sunset Act in 1991. Reports were completed and testimony given to the Sunset Commission. It was recommended that the Commission continue in its present organizational structure. Other recommended changes included the addition of a County Commissioner to the Commission, assessment of fees, and authorizing the Governor to appoint the chair.

E. Changes to Standards

Suicide prevention plan standards were adopted requiring each facility to develop a plan for the recognition and handling of potentially suicidal inmates.

New life safety rules were proposed after one and one-half years of study by staff and outside consultants. These standards are scheduled for adoption in January 1991.

Classification standards were revised, requiring objective risk-assessment to be utilized in evaluating the low risk inmates.

F. Out-of-State Prisoners

Counties continue to house out-of-state prisoners during 1990. Due to an incarceration need in Washington D.C., counties have contracted directly with Washington D.C. Officials to house sentenced felony prisoners. Principal counties contracting for these prisoners include Frio, Guadalupe, Maverick, LaSalle, Scurry and Zavala. Generally, these counties have built jails above current needs and have chosen to meet an economic need through contract arrangement. Although counties have realized an economic advantage, the arrangement has not materially affected the incarceration of Texas inmates and as a result overpopulation does continue.

G. Training, Seminars, and Conference Activities

January 1990 - Annual Judges and Commissioners Training Conference, attended by Executive Director and Planning Assistant.

January 1990 - Criminal Justice Policy Council - Shock Incarceration Seminar, attended by Planning Assistant, San Antonio, Texas.

February 1990 - National Institute of Corrections, Media Relations, attended by Executive Director, Longmont, Colorado.

February 1990 - Bigger and More Expensive Jails, Stephen F. Austin University, Corpus Christi, Texas attended by Executive Director.

February 1990 - Manufacturers of Correctional Modules Conference, attended by Planner, San Antonio, Texas.

March 1990 - West Texas Judges and Commissioners Conference, attended by Executive Director and Planning Assistant, Abilene, Texas.

May 1990 - Texas Jail Association Annual Conference, attended by staff, Austin, Texas.

May 1990 - American Institute of Architects - Committee on Architecture for Justice, attended by Planner, Reno, Nevada.

May 1990 - American Jail Association - Annual Training Conference, attended by Planner, Reno, Nevada.

May 1990 - Criminal Justice Center - Sam Houston State University, Regional Jail Management Seminar, Legal Issues and Jail Suicides, attended by Supervising Inspectors and Planning Assistant, Galveston, Texas.

June 1990 - North and East Texas Judges and Commissioners Conference, attended by Executive Director and Planning Assistant in Killeen, Texas.

June 1990 - South Texas Judges and Commissioners Conference, attended by Planning Assistant, Corpus Christi, Texas.

June 1990 - Texas Chief Deputies Association attended by Executive Director, El Paso, Texas.

July 1990 - Attorney General's Office - Training Seminar on AIDS in the Work Place, attended by Planning Assistant, Austin, Texas.

July 1990 - Sheriffs' Association Conference, attended by staff, Austin, Texas.

July 1990 - National Institute of Corrections - Jail Design, Review and Transition, attended by Planner, Longmont, Colorado.

July 1990 - Southern Regional Training Symposium, attended by Planning Assistant, Hot Springs, Arkansas.

August 1990 - National Institute of Corrections - The Changing Correctional Organization, attended by Planning Assistant, Boulder, Colorado.

August 1990 - Criminal Justice Center - Sam Houston State University, Regional Jail Management Seminar, Legal Issues and Jail Suicides, attended by Planner, New Braunfels, Texas.

September 1990 - National Institute of Corrections - Offender Treatment in an Era of Risk Control, attended by Planning Assistant, Longmont, Colorado.

October 1990 - Annual County Judges and Commissioners Conference, attended by Executive Director and Planning Assistant; Fort Worth, Texas.

October 1990 - Annual Jail Administration Conference, attended by all staff; Huntsville, Texas.

December 1990 - Texas State Agency Business Administrator's Association Conference, attended by Chief Fiscal Officer; Kerrville, Texas.

Much of the training was received through the National Institute of Corrections at minimal cost to the agency. This included on site review of direct supervision facilities and travel to the NIC Academy for classroom instruction in jail management.

H. Privatization

The old Bexar County Jail was renovated, now houses technical parole violators, and is operated by Wackenhut, a private corporation. The facility is housing approximately 550 inmates. Eighty-five are federal prisoners for which the facility receives a daily per diem for each inmate. The Jail Commission staff continues to monitor facility operations and work with Bexar County and Wackenhut officials to ensure compliance with minimum jail standards in this unique concept.

Reeves County continues to operate a low risk detention center and houses federal inmates. The 500 capacity facility is currently operated by Corrections Corporation of America.

Zavala County operated a low risk detention center housing Washington D.C. sentenced prisoners. The facility was originally operated by Detention Services, Inc. However, in September the operation of the facility was assured by the Sheriffs Department. In December all inmates were removed from the facility.

The staff has dealt with firms advocating privately operated and privately funded jails located at sparsely populated counties. Counties include Angelina, Falls, Pecos, Swisher, San Saba, and La Salle. The proposed facilities are 500 capacity units built with bonds issued by a non-profit corporation. Funding was approved and Jail Commission staff reviewed for compliance. Initially it was anticipated the facilities would house county prisoners, other state prisoners, and other agency prisoners. Limestone County also received approval to build a 500 capacity low risk facility. Newton County entered into a 500 capacity private jail contract. Dickens County is building a 150 capacity unit. The facilities are under construction. Other proposals have been considered by private venture firms; however no definitive proposals have been reviewed or approved. Based on current legislation, it is anticipated that additional private facilities, both county and municipal oriented, will be planned and completed.

The licensing of private jailers continues to be questioned and examined by Texas Commission on Law Enforcement Officer Standards and Education.

I. Personnel Changes

Ms. Tonya Peterson, criminal justice student at Stephen F. Austin University was a summer intern for the agency. Ms. Pamela Blackwell was hired as a contract employee and conducted the juvenile justice survey. Ms. Lesli Prine, Secretary, was hired in April 1990. She resigned effective December 1990.

J. Suicides

Emphasis has been placed on suicide prevention. As a result of Jail Commission interest, the Texas Jail Association and Sam Houston State University's Continuing Education Department agreed to include this as a matter of training at scheduled seminars. Documentation has been obtained and presented to staff as part of an in-house training program. Technical assistance was requested from the National Institute of Corrections and approval was received for January 1991 on-site assistance in developing model suicide prevention plans.

K. Municipal Facilities

Attorney General Opinion JM-1260 (1990) affirmed the Commission's authority to regulate privately operated municipal facilities as allowed by VTCA, Local Government Code, Chapter 361. Three such facilities were initiated during the past year. City jails which are operated by the municipality are not regulated by the Jail Commission. However, technical assistance and plans review are provided when requested and time is available. Incidents within city facilities have attracted public attention. Mandated standards, if legislated, would require additional funding and staffing for the Jail Commission.

L. Health Issues

As a result of the 71st Texas Legislature mandate that correctional entities develop policies for handling HIV-infected persons, an AIDS/HIV Resource Guide was developed for jails and five regional workshops were held in conjunction with the Department of Health. This educational effort continues in 1991 with additional workshops scheduled and technical assistance on-going.

Significant educational efforts have also been made toward assisting counties in dealing with the increase of tuberculosis in jails. Those efforts include distributing model policies for dealing with tuberculosis in jails, presentations to increase awareness, review of local policies and improving coordination between jails and local health departments.

Smoking in jails remained an issue during 1990. Issues ranged from a smoke free jail to smoke free areas to the legality of prohibiting smoking altogether. Based on available data the Texas Commission on Jail Standards determined that the matter remained a local issue.

M. Population Reduction Planning

Technical assistance and on-site consultation provided community justice councils planning implementation of local alternative programs to assist in jail overcrowding. Analyses indicated that many alternatives planned by local councils would not impact current jail populations, but should have long range effects on recidivism and future jail populations. In addition, research indicated that most jail populations were comprised primarily of serious offenders not appropriate for most low-risk, alternative programs.

VI. SUMMARY AND RECOMMENDATIONS

The Texas Commission on Jail Standards, since September 1, 1977, has provided its regulatory service with only minor changes in budget and staff. However, jail inmates have increased from 14,000 to 37,000 since 1983 and capacities have increased from 18,000 to a similar figure of 37,000 during the same period. Although the number of counties and jail systems has not changed, the size and number of structures operated by each county has measurably increased. Twenty-eight counties now operate multiple facilities. Fifty-four counties operate jails with a capacity of 100 or more. This reflects our need for a greater staff capability so that quality and timely review of each facility may be provided.

Management concerns for the Jail Commission have increased. This is based on the overpopulation of jails, increased requests for staffing reviews, number of construction projects, classification requirements, and concerns with medical care. The criminal justice system has become more complex requiring continual upgrading of facilities and training of jail personnel. New jail management concepts require continuous education and indoctrination of design firms and county officials. Privatization requires frequent review and understanding of statutes.

All of this, capacity, population, construction, management concepts, and legislative changes, taxes the inspector when inspecting a larger or multi-structure system. It taxes the agency's planner when reviewing complex structures such as Tarrant County's 1440 capacity direct supervision facility or Harris County's 4000 capacity design/build/lease/purchase facility.

Numbers of individuals incarcerated in jails has increased appreciably in the past decade. This has necessitated additional capacities as well as searching for legitimate alternatives. Both will require an expenditure of time and energy by the Jail Commission. The Jail Commission has maintained a consistent level of staff while performing their required functions. As counties continue to work toward achieving full compliance by building new, larger facilities, implementing better management techniques and procedures and as inmate population continues to increase, more emphasis will be applied to economical construction and efficient management by counties and the Jail Commission.

The threat of inmate initiated litigation will continue. Inmate inquiries are currently handled at the rate of 16 per month. Efforts by the Jail Commission to provide management and program concepts must continue. The incarcerated population has become more "legally proficient". The Jail Commission must parallel that effect in an attempt to properly advise county jail personnel.

Jails have become more dangerous. Traditionally about 70% of a jail's inmates were pre-trial confinees. They now represent 47% of the population. One cause is the number of convicted felons. This environment will require the Jail Commission to review management procedures and staff adequacy more carefully and perhaps more often.

Jails are a service unit and must remain so. It must be a place to restrict the movement of individuals in a substance free environment, a safe and secure environment and a place from which individuals can return to the community better than they left it. This effort will require additional emphasis on management, supervision, education and counselling.

Changes to standards will continue. However, most of these will occur in management and operational areas simply because they directly affect the inmate. State of the art facilities will be emphasized demanding a better informed jail staff.

Privatization will require additional plan review, technical assistance and inspection time. The emphasis on county correctional facilities will also increase workloads.

Counties are 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 Jail Commission 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 continue to build additional capacities for our jail and prison systems, it is also incumbent upon the leaders of our criminal justice industry to continue the quest for alternatives to incarceration and reduction in criminal activity.

VII. HISTORICAL OVERVIEW

- 1975 Texas Commission on Jail Standards created
First Commission Meeting
- 1976 First staff hired
Minimum jail standards adopted
- 1977 Jail inspections initiated
Completed inspection of all county jails
- 1978 Confrontation and adversity regarding funding, conflict of interest, and abolishment efforts.
- 1979 Enforcement proceedings (issuance of Notices of noncompliance).
Acceptance of Texas Standards by Federal Courts
- 1980 Creation of Discipline and Grievance Procedures
- 1981 Inmate class action litigation against TCJS initiated
(Bush vs. Viterna)
- 1982 First moratorium by Texas Department of Corrections on accepting prisoners from county jails.
- 1983 TCJS developed model standards for municipal jails
- 1984 Removal of juveniles from jails
- 1985 Mandatory sentencing of DWI offenders and increased use of parole affects jail population
- 1986 Executive Order 36 causes reduction in staff. Class action litigation against Jail Commission was dismissed
(Bush vs. Viterna)
- 1987 Prison Management Act affects jail population (95% prison capacity mandate)
- 1988 Interest in privatization; overpopulation of jails
- 1989 Community Corrections Act; overpopulation and privatization continues
- 1990 Privatization; health issues, and classification requirements.

JAILS UNDER CONSTRUCTION (38)

Angelina	(N)(P)*
Bell	(R)*
Burleson	(N)
Cass	(N)
Collin	(N)*
Coryell	(N)*
Dallas	(R)*
DeWitt	(R)
Dickens	(N)(P)*
El Paso	(R)
Falls	(N)(P)*
Franklin	(N)*
Gray	(N)
Hale	(R)*
Hamilton	(N)
Hardin	(N)
Harris	(N)
Harrison	(N)
Henderson	(N)
Houston	(R)
Jefferson	(N)
Lamar	(N)
La Salle	(N)(P)
Leon	(N)*
Liberty	(N)
Limestone	(N)(P)*
Morris	(N)
Newton	(N)(P)*
Nueces	(R)
Palo Pinto	(N)
Pecos	(N)(P)
Orange	(R)*
Randall	(R)*
San Saba	(N)(P)*
Swisher	(N)(P)*
Tarrant	(N)
Travis	(N)*
Van Zandt	(N)

* = Certified

(R) Renovation or Addition

(N) New Construction

(P) Private Development

JAILS UNDER PLANNING (42)

Angelina	(R)*
Aransas	(N)*
Bandera	(N)
Baylor	(N)*
Bexar	(R)
Bowie	
Brewster	(N)(P)
Camp	(R)
Castro	(N)
Chambers	(R)
Comal	(R)*
Comanche	(R)*
Delta	(N)
Denton	(R)*
Dimmit	(N)*
Donley	(R)*
Ector	(R)
El Paso	(N)
Fannin	(N)
Fort Bend	(R)
Gillespie	(R)
Goliad	(N)
Grayson	(N)*
Harris	(N)
Hidalgo	(N)*
Hopkins	(R)*
Hunt	(R)
Jackson	(N)(P)*
Jeff Davis	(N)(P)
Kerr	(N)
Kleberg	(N)*
Lynn	(R)*
Matagorda	(R)*
Mills	(N)(P)*
Presidio	(N)(P)*
Runnels	(R)*
San Patricio	(R)*
Starr	(R)
Uvalde	(N)
Victoria	(R)
Washington	(N)
Wilbarger	(N)

Additionally, three private municipal facilities, which the Commission oversees, were in the planning phase during the year.

JAILS IN COMPLIANCE

D Anderson	J Dickens	W Kendall	J Reeves CC
D Angelina	W Dimmitt	W Kenedy	J Roberts
J Andrews	J Donley	W Kerr	D Robertson
W Aransas	W Duval	W Kimble	J Runnels
D Archer	D Eastland	W Kinney	D Rusk
J Armstrong	W Edwards	W Kleberg	D Sabine
W Atascosa	D Erath	J Knox	D San Augustine
W Austin	D Falls	J Lamb	W San Patricio
J Bailey	D Fannin	W Lavaca	W San Saba
D Baylor	W Fayette	W Lee	J Schleicher
W Bee	J Fisher	D Leon	J Scurry
D Bell	J Foard	D Limestone	D Shelby
W Blanco	D Franklin	J Lipscomb	J Sherman
D Bosque	D Freestone	W Live Oak	D Somervell
W Brazoria CC	W Frio	W Llano	D Stephens
W Brazos	J Gaines	J Loving	J Sterling
J Brewster	J Garza	J Lubbock	J Stonewall
W Brooks	J Glasscock	J Lynn	J Sutton
W Brown	W Gonzales	D Marion	J Swisher
W Burnet	D Grayson CC	J Martin	J Taylor CC
W Caldwell	D Gregg	W Mason	J Terrell
W Cameron CC	W Grimes	W Matagorda	J Terry
J Carson	W Guadalupe	W Menard	W Travis
D Cherokee	J Hale	D Milam	D Trinity
J Childress	J Hall	W Mills	D Tyler
D Clay	J Hansford	D Montague	D Upshur
J Cochran	J Hardeman	W Montgomery	J Upton
J Coke	J Hartley	J Moore	J Val Verde
W Coleman	J Haskell	W McCulloch	W Walker CC
D Collin	W Hays	D Nacogdoches	W Waller
W Colorado	J Hemphill	D Navarro	J Ward
W Comal	W Hidalgo CC	D Newton	W Wharton CC
D Comanche	D Hill	J Nolan	J Wheeler
D Cooke	J Hockley	J Ochiltree	D Wichita
D Coryell	D Hood CC	J Oldham	W Willacy
J Cottle	D Hopkins	D Orange CC	W Williamson
J Crane	J Howard	D Panola	W Wilson
J Crockett	J Hudspeth	D Parker	J Winkler
J Culberson	J Hutchinson	J Presidio	D Wise
J Deaf Smith	D Jack	D Rains	D Wood
J Dallam	W Jackson	J Randall	J Yoakum
D Dallas CC	D Jasper	W Real	D Young
J Dawson	W Jim Wells	D Red River	
D Denton	W Karnes	W Refugio	

Dearing - 55 Julian - 64 Wood - 55 Total in Compliance - 174

JAILS CLOSED

Borden	Delta	Kent	Motley
Briscoe	Irion	King	Throckmorton
Concho	Jeff Davis	McMullen	

Attachment B

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

1989 STATISTICAL OVERVIEW

- A. JAIL INSPECTIONS CONDUCTED
 - A. ANNUAL: 259
 - B. SPECIAL: 4
 - C. OCCUPANCY: 38
- B. ASSISTANCE PROVIDED TO COUNTIES
 - 1. NEEDS ANALYSIS CONDUCTED: 25
 - *2. CONFERENCES AND CONSULTATIONS - ON SITE; 10
 - *3. CONFERENCES AND CONSULTATION - IN HOUSE: 41
 - *4. MANAGEMENT AND OPERATIONAL PLANS ASSISTANCE - ON SITE: 8
 - *5. MANAGEMENT AND OPERATIONAL PLANS ASSISTANCE - IN HOUSE: 6
- C. INMATE REQUESTS FOR ASSISTANCE: 261
- D. CONSTRUCTION PLANS REVIEWS: 110
- E. VARIANCE REQUESTS DETERMINATION: 11
- F. ENFORCEMENT PROCEEDINGS
 - A. NOTICE OF NONCOMPLIANCE ISSUED: 85
 - B. REMEDIAL ORDER ISSUED: 4
- G. COUNTIES IN COMPLIANCE: 162
- H. COUNTIES NOT OPERATING JAILS: 10
- I. CONSTRUCTION COMPLETED
 - 1. NEW JAILS: 13
 - 2. RENOVATED JAILS: 13
- J. FUTURE JAILS
 - 1. JAILS IN PLANNING STAGES: 42
 - 2. JAILS UNDER CONSTRUCTION: 38
- K. GROWTH IN CAPACITY AND POPULATION
 - 1. ADDITIONAL JAIL SPACE (BEDS) COMPLETED: 1,635
 - 2. TOTAL JAIL CAPACITY: 36,648
 - 3. AVERAGE DAILY POPULATION: 36,881

*These activities were not tracked and reported until September 1, 1989

Attachment D