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Annual Report

2002

Texas Commission
on
Jail Standards



Terry Julian
Executive Director

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**TEXAS COMMISSION ON JAIL STANDARDS
CALENDAR YEAR 2002
ANNUAL REPORT TO THE GOVERNOR,
LIEUTENANT GOVERNOR AND SPEAKER
OF THE HOUSE OF REPRESENTATIVES OF TEXAS
JANUARY 31, 2003**

This report is made pursuant to Chapter 511, Section 511.015, Government Code and covers activities of calendar year 2002.

I. MISSION STATEMENT

The mission of the Texas Commission on Jail Standards is to empower local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas.

During its regular session of 1975, the 64th Legislature enacted House Bill 272 creating the Texas Commission on Jail Standards in an effort to end federal court intervention into county jail matters and return jail control to state and local jurisdictions. Formerly through Title 81 of the Civil Statutes and currently through Chapters 499 and 511 of the Government Code, the state has evinced a strong commitment to improving conditions in the jails by granting us the authority and responsibility to promulgate and enforce minimum standards for jail construction, equipment, maintenance, and operation. Related duties and rules are set forth in Chapters 351 and 361 of the Local Government Code, Title 37 of the Administrative Code, and our own Minimum Jail Standards.

We serve the citizens of Texas with programs and services for the custody, care, treatment, and supervision of adult inmates in county jails. Although we retain the responsibility to regulate privately operated municipal facilities, most of our activities are oriented toward county functions. Our principal operations include on-site inspections of jails to verify compliance with Standards, review of proposed construction and renovation plans to assess conformity to Standards, provision of jail management technical assistance and training, administration of inmate population reports and audits, resolution of prisoner grievances, and various other activities relating to policy development and enforcement. Contrary to popular belief, we do not have authority over the state prison system or juvenile detention facilities. A number of jails under our authority have housed state inmates in the past; however, due to the full implementation of TDCJ Rider 64 of the 2003 Appropriations Act, all state inmate contracts with counties have been cancelled, resulting in all TDCJ inmates being housed in TDCJ units at this time. We do have facilities under our authority which contract with the federal system to house federal inmates. We also regulate county facilities housing out-of-state inmates.

We work closely with city, county, and state government officials in our duties to enforce jail standards. Primary relationships exist with county judges, commissioners, sheriffs and private management companies to provide consultation and technical assistance, review and comment on plans for construction, modification, and renovation of jails, and regular inspections of jails to ensure compliance with state law. Secondary relationships extend to architectural and criminal justice professional associations and to regulatory agencies concerned with fire safety, legal issues, civil liberties, health and mental health, et al. The jail inmates awaiting criminal trial or administrative hearings, serving misdemeanor sentences, or awaiting transfer to the Texas Department of Criminal Justice after felony convictions benefit from our efforts by being housed in safe and sanitary environments. We provide a service to the citizens of Texas communities through our Standards, which mandate secure jail design and operation, effective inmate management, use of accepted correctional methods, and programming based on available resources.

II. ORGANIZATION

Our policy-making body consists of nine Commission members appointed by the governor to staggered six-year terms expiring on January 31 of odd-numbered years. The Commission consists of a sheriff from a county with a population of more than 35,000, a sheriff from a county with a population of 35,000 or less, a county judge, a county commissioner, a practitioner of medicine, and four private citizens, at least one of whom is from a county with a population of 35,000 or less. The chairperson is designated by the governor, with the vice-chairperson elected by the membership. Our Commission holds regular meetings each calendar quarter as required. Special meetings are held as needed. Responsibilities of the Commissioners include promulgation, adoption, revision, amendment, and repeal of rules; enforcement of rules through remedial action or action in district court; and consideration of applications for variances to minimum standards. Members are not compensated for their work except for allowable travel and per diem expenses.

Commission members (as of December 31, 2002) are as follows:

Sheriff Terry G. Box, Chairman	McKinney, Texas
Commissioner Jimmy L. Jackson	Carrollton, Texas
Mr. Gonzalo R. Gallegos	San Antonio, Texas
Marvalette C. Hunter	Houston, Texas
Evelyn (Kelly) McVay	Katy, Texas
Sheriff Horace T. (Ted) Montgomery	Dumas, Texas
Judge William C. Morrow	Midland, Texas
Dr. Michael M. Seale	Houston, Texas
Charles J. Sebesta, Jr.	Caldwell, Texas

At the end of 2002, the staff consisted of the following positions:

new Standards have been established through this process, they are published and distributed to all County Judges and Sheriffs, affected agencies and Minimum Jail Standards subscribers.

B. Inspection

Inspection activities, to which 7.0 full-time equivalent positions are assigned, consist of fairly and impartially monitoring and enforcing compliance with adopted rules and procedures. This objective includes development and implementation of a uniform inspection process. Uniform inspection reports and procedures for inspecting jail facilities are developed under the provision of Chapters 351 and 361 of the Local Government Code and Chapter 511 of the Government Code.

All operating jail facilities are inspected at least annually. Newly constructed or renovated jails require an occupancy inspection, or inspections, to ensure that construction was completed in compliance with Minimum Jail Standards. Not less than once each fiscal year, at least one announced or unannounced inspection for each facility under Commission jurisdiction is performed, inquiring into security, control, conditions, and compliance with the established Minimum Standards. In addition to regular inspections, special inspections to determine compliance may be conducted. The inspection includes a walk-through of the facility and a review of the books, records, data, documents, and accounts pertaining to the facility and the inmates confined therein.

Following a review of the Inspector's report by the Executive Director, facilities that have been found to be in compliance are issued a certificate of compliance. If deficient items are noted during the inspection, a report is filed by the Inspector and a notice of noncompliance is issued. Counties are provided a reasonable time to respond to the notice and initiate corrective action.

Special inspections may be conducted on facilities that have either been identified as high-risk or found to be in noncompliance. These unannounced inspections may also be performed when county officials indicate that the noncompliant items have been corrected.

C. Juvenile Justice Survey

The Commission on Jail Standards has responsibility for two separate but related activities concerning juveniles in adult jails and lockups.

The agency continues to have statutory responsibility for collecting and processing the juvenile jail logs containing information on all juveniles held in secure confinement in adult jails and lockups. That report is collected annually from each sheriff's department and each municipal lockup.

The agency also continues to offer technical assistance and is responsible for conducting selected on-site visits at the request of the Governor's Office-Criminal Justice Division through a contract provider. Information provided by

the survey and on-site visits are used to determine compliance with the laws concerning the handling of juveniles in adult jails and lockups in the state. Results of the survey are reported to the Criminal Justice Division which is responsible for monitoring the state's compliance with the Federal Juvenile Justice and Delinquency Prevention Act.

In addition to the activities outlined above, the Commission is responsible for identifying and compiling a directory of all adult jails and lockups with a juvenile detention, correctional, or holdover center collocated in the same building or on the same grounds. The Federal Juvenile Justice and Delinquency Prevention Act provides that states receiving federal funds under the Act must comply with certain requirements concerning juvenile detention facilities and adult jails and lockups collocated within the same building or on the same grounds.

D. Construction Plan Review

Construction technical assistance, to which 3.1 full-time equivalent positions are assigned, provides consultation and technical assistance to local governments for the most efficient, effective and economic means of jail construction which meets minimum standards.

Comprehensive facility needs analyses, which include population projections and historical data regarding incarceration trends as well as other pertinent factors, determine incarceration needs of the counties. The counties are furnished recommendations regarding the need for additional or improved jail space or alternatives thereto, based upon the analyses.

Reviews and comments on construction documents for construction projects are also conducted by staff. This includes a formal plan review with design professionals, consultants, county officials and sheriffs. Plan documents 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; it also provides more effective and economic jails that, upon completion, will comply with Minimum Jail Standards.

E. Management Consultation

The jail management objective is met utilizing 5.5 full-time equivalent employees. Staff reviews and approves jail operational plans related to the standards. Aiding counties in maintaining operational plans which meet Minimum Jail Standards requires on-going assistance in developing and implementing plans for classification of inmates, health services, sanitation, inmate discipline and grievances, recreation and exercise, education and rehabilitation, emergencies, and inmate privileges such as telephone usage, visitation, correspondence and religious activities. Counties submit their

operational plans for staff review, after which approval or comments on how to revise the plans for compliance with standards are provided.

Staff also provides needed jail management training and consultation to counties. This includes clarifying Minimum Jail Standards as well as establishing procedures and documentation consistent with the standards. This assistance includes working with county representatives in the Austin office, on the phone, through written correspondence and by conducting on-site visits and regional training classes. Oral presentations to appropriate groups are also frequently conducted.

As part of technical assistance, staffing analyses are conducted to assist counties in operating safe and secure facilities. This activity frequently includes on-site consultation. Staff reviews facility design, facility capacity, county needs and jail operations, among other issues, when conducting staffing analyses.

F. Auditing

The auditing objective, to which 4.4 full-time equivalent positions are assigned, is met through collecting, analyzing and disseminating data concerning inmate populations, felony backlog, and jail operational costs. Counties are assisted in completing their jail population reports, and technical assistance is provided. On-site audits are performed to ensure that accurate reporting of "paper-ready" inmates is achieved. Oral presentations and one-on-one technical assistance activities are also conducted, as circumstances require. Statistical data is collected, analyzed and provided to agencies to assist at the state and local level in planning and predicting trends in incarceration in the state.

IV. FINDINGS

A. Changes to Standards

There were 3 changes to standards proposed and adopted by the Commission in 2002:

- 1) 257.10 Accessibility Reviews. Formerly submitted to the Texas Department of Licensing and Regulation-Elimination of Architectural Barriers, ADA-compliant accessibility features will now be reviewed and approved by the TCJS.
- 2) 269.1 (4) Escape from Custody Report. The TCJS should be notified of all escapes from a facility within 24 hours of an escape.
- 3) 279.3 Facility Maintenance. Jails shall conduct preventive maintenance and necessary repairs to ensure a safe, secure, and sanitary facility.

B. Jail Inspections

During the year, 258 annual jail inspections were conducted on the 255 jail facilities we are required to inspect on a yearly basis. Some facilities were inspected twice during the 12-month period of 2002, resulting in a higher number of annual inspections than actual jails under our review. Occupancy inspections for completed construction projects numbered 30 for the year. Staff also completed 69 special inspections on high-risk and/or non-compliant jails during 2002. Out of the combined total of 357 inspections, 117 were unannounced, representing 25% of all inspections.

1. Compliant Counties

At the beginning of 2002, 217 jails were in compliance with Minimum Jail Standards. As of December 31, 2002, 202 jails were certified, representing 79% of the 255 county and private facilities that we inspect.

2. Noncompliant Counties

On December 31, 2002, 52 jails were in a status of noncompliance. Last year at the same time there were 41 jails in noncompliance. During 2002, notices of noncompliance were issued to 82 counties whose jails did not meet minimum jail standards. Notices of non-compliance are issued in 3 categories: Life Safety, Management, and Structural. 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 believed to be acting expeditiously to resolve deficiencies were requested to appear before the Commission to address the corrective action necessary in order to prevent remedial action by the Commission. These meetings resulted in firm commitments aimed at eliminating the deficiencies from the counties concerned. Commission staff conducts monthly risk assessment reviews of noncompliant counties to assess the progress and status of these facilities as they move toward compliance with Minimum Jail Standards.

3. Closed Jails

Presently, 14 counties have closed jails. Prior to 2002, the following 13 counties determined that it was economically burdensome to continue jail operations and opted to board their few inmates in an adjacent county at a lower cost rather than maintaining their own facilities:

Borden	Cottle	King	Throckmorton
Briscoe	Irion	Loving	
Coke	Jeff Davis	McMullen	

Concho Kent Motley

The Calhoun County jail was closed by the TCJS in 2002 as a result of noncompliance issues. The previously closed county jail in LaSalle County opened and began receiving federal inmates during the year.

C. Juvenile Justice Survey

During the calendar year, the Commission's contracted staff member visited the majority of adult facilities reporting juveniles held securely longer than six hours, status offenders held securely, and juveniles not sight-and-sound separated from adult offenders. A total of 71 municipal lock-ups and county jails were visited in 2002. During these visits, compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP) is measured, and operators of these facilities are given technical assistance regarding the proper and legal procedures for handling juveniles in adult facilities.

D. Construction Plan Review

A total of 22 county construction/renovation projects (totaling 43 sets of plans) were reviewed in 2002. Several counties are undertaking renovations of facilities, which was not an option the past several years due to the crowded conditions. In addition, some new facilities have been planned or constructed to replace existing facilities, which are "worn out" due to time, and in many cases, overcrowding. Even though most counties had sufficient space during the year, some counties required additional space to meet local needs, necessitating construction of additional space during the past year.

1. Construction Completed

Eleven counties opened new facilities for operation during the year. These projects represented a total of 6,814 beds. The counties were:

- Bexar (624)
- Burnet (remote holding cells)
- Cameron (624)
- Collin Low Risk (192)
- Denton (466)
- Galveston (remote holding cells)
- Harris (4200)
- Haskell (552)
- Llano (54)
- Lynn (54)
- Travis (48)

Major Renovations/Additions Completed

Three counties completed major renovations or additions during the year. The counties were:

Collin (216)
LaSalle (renovations only)
Tom Green (renovations only)

These projects represented 216 beds.

2. Jails Under Construction or Planning

At the end of 2002, 63 counties were involved in planning or construction on 68 projects. These projects will result in an additional 1,411 beds by the end of 2003. This increase can be partly attributed to a 960 bed addition at the Reeves County Detention Center and the fact that several projects are increasing the capacity of the county by over 100 beds from the previous capacity.

E. Management Consultation

Technical assistance on jail matters such as alternative programs, population control, structural issues, life safety, and overall operations was provided to county officials throughout the year. Although telephone calls are not routinely logged, it is estimated that several thousand telephone calls were received during the year for technical assistance regarding jail management and operations. In addition, 29 consultations and discussions were conducted at the Austin office in 2002. A total of 277 consultations were conducted on-site with County Judges, Commissioner's Courts, and Sheriffs concerning the most economical and feasible way to achieve compliance with state law, and in some cases, federal court orders. Finally, 20 counties received assistance with analyses of jail staffing needs, and a total of 971 operational plans were reviewed in 2002.

The Commission continued the program of technical assistance to jails on management related issues through regional jail management workshops during the calendar year. The workshops were developed under the direction of the Commission's Education Committee to provide training and credits afforded by the Texas Commission on Law Enforcement Officer Standards and Education.

Municipalities continued to request information and assistance on jail construction or renovation. While municipal jails other than those privately operated under authority of Chapter 351, Local Government Code, are not required to conform to Texas Minimum Jail Standards, municipalities continue to show confidence in the Commission to provide them unbiased information

and guidance upon which to base decisions concerning construction or operation.

F. Auditing

Changes in Capacity and Population

On January 1, 2002 the percent of capacity (75.85%) was slightly higher than the previous year (74.71%). The population continued to increase throughout the year ending the year with 62,355 inmates, and a capacity of 79,852 (78.09% of capacity). Overall the population increased by 4,120 and the capacity increased by 3,078.

The following summary provides a brief description of the trends in each category of offenders held (Data based on analyses of 3,215 monthly population reports obtained from counties during CY 2002):

Felons: During the year the number of pretrial and convicted felons increased, peaking in September and October. Both categories showed significant increases by year's end. Convicted felons sentenced to county jail remained stable throughout the year.

Paper Ready Inmates: The number of paper-ready inmates held less than 45 days fluctuated somewhat during the year but ended the year slightly higher. Paper-ready SAFP sentenced inmates and paper-ready inmates held over 45 days remained stable.

Parole Violators: On January 1, 2002 there were 2,701 parole violators in county jails. That number continued to decrease throughout the year to 2,416 on December 1, 2002. Parole violators with a new charge remained fairly stable throughout the year at a level of approximately 3000.

Misdemeanants: The population of pre-trial misdemeanants in county jails on January 1, 2002 was 5,208. Peaking at 6,375 on September 1, this number would drop to 5,664 by year's end. Convicted misdemeanants comprised 4,060 of county jail population on January 1, 2002. This number increased dramatically through June, peaking at 5,051 before steadily declining to 4,266 by the end of the year.

State Jail Felons: Pretrial state jail felons increased significantly throughout the year. Felons sentenced to state jail or county jail remained relatively stable throughout the year.

Bench Warrants: The numbers remained stable throughout the year, at approximately 900.

Local and Contract (Federal and TDCJ) Population: By September 2002, TDCJ had removed all of their inmates from Texas county jails; however, with an increase in the federal inmate population, the overall contract population

during the year remained virtually unchanged, decreasing by only 184, whereas the local population increased by 4,304.

G. Additional Services

1. Research

The Commission's research staff was called upon to provide information and technical assistance in a variety of areas during the year, including such topics as inmate mail procedures, mandatory HIV testing, commissary accounts, tuberculosis procedures, bail bonds, public access to magistration, constitutional freedoms, and good time credit.

2. Inmate Complaints

The Commission received 1167 letters requesting inmate assistance or grievance investigation in 2002, with 331 requiring a formal reply by Commission staff. Consistent with previous years, the topic most frequently cited as an area of concern was medical services, which represented 42% of the complaints (a 24% increase from 2001).

The following chart illustrates the frequencies of complaints received for 13 categories (Note: combined numbers exceed total number of complaints requiring a formal reply due to letters received containing more than one complaint category. In cases where more than one complaint category is addressed in a letter, the 3 most significant complaints are reported in their respective categories.)

INMATE COMPLAINTS

Medical Services:	143
Miscellaneous:	111
Discipline:	78
Exercise:	46
Food Service:	44
Sanitation:	43
Services:	37
Personal Hygiene:	16
Classification:	13
Legal Access:	11
Supervision:	10
Life Safety:	1
Education:	0
Total:	<u>553</u>

There were 836 complaint letters which required no response, were beyond the purview of the Commission, or were returned to the sender with instructions to utilize the facility's established jail grievance system. Inquiry into the remainder of the requests either alleviated conditions in need of correction or established the lack of truth in the allegations, and thus aided in eliminating frivolous litigation. Occasionally, areas of concern have been addressed with the individual Sheriffs involved, and recommendations were made to preclude future allegations. There were no blatant violations of Standards found.

3. Variances

Three variances were approved, one variance was denied, and 12 extensions of variances were granted during 2002. In addition, 4 cases of variances were reviewed and cancelled. Each request was individually reviewed and acted upon by the Commission during the year's six regular meetings. (The Commission may grant reasonable variances, except that no variance may be granted to permit unhealthy, unsanitary or unsafe conditions).

V. 2002 IN REVIEW

A. Staff Changes

Derek Spencer was hired in July 2002 as the agency's Network Specialist II.

B. Staff Turnover

The Commission did not have any significant turnover problems in 2002. Only one staff member left the Commission, reflecting a turnover rate of .05% for the year.

C. Training Initiatives

2002 was another successful year for jail training efforts at the Commission. New training programs developed in 2001 were refined and received excellent reviews for instructional excellence and their innovative approach.

The Practitioner's Series Training (Current Issues in Jail Management) was conducted at 7 regional sessions during November and December. Practitioners who are widely regarded as experts in the field of jail management again served as instructors for this training, using materials prepared by Commission staff. This program not only educates those attending the training, but also develops the presentation and leadership skills of the instructors themselves. The favorable reception to this training effort was reflected in the fact that the attendance numbers far exceeded those of the previous year.

The 2nd Annual Court Room Challenge Game was held during October 2002 at the Sam Houston Jail Management Conference in Huntsville. This "quiz-bowl" style game, designed to test participants' knowledge of Minimum Jail Standards, again proved to be both entertaining and educational. More counties expressed an appreciation for the game's ability to provide incentive to jail staff to learn Minimum Jail Standards, and more counties are discussing plans to participate.

Objective Jail Classification training by Commission staff continues to be offered to the counties, since creating and maintaining a responsible classification system remains an essential part of county jail management.

Finally, Commission staff produced a video addressing an issue that received a high level of media attention during the previous year: escapes. The video was a "hit" at the Texas Jail Association Conference in San Antonio. The approximately one-hour video presented areas that must be considered in providing a secure jail facility, while showing "clips" from a number of popular Hollywood movies. This video is part of the Commission training library and is available for loan to the counties as an adjunct to their local training efforts.

VI. SUMMARY AND FORECAST

The Commission staff completed a productive year in 2002 - providing quality services for Texas counties, improving the infrastructure of the agency, and exercising fiscal discipline in state expenditures. Heading into 2003 and the next biennium, we will continue to meet or exceed our performance objectives while keeping state costs to a minimum. Inspections and technical assistance will remain top priorities. We are strengthening our commitment to ensuring that the state of Texas has safe and secure jail facilities.

In order to achieve the mission of the agency as mandated by the Legislature, we will reduce our expenditures throughout the near future through a variety of cost-cutting measures. The challenge presented is to continue providing counties with a high level of service in the inspection and enforcement areas, as well as technical assistance, by improving the efficiency of the agency in all ways possible. Some of the measures that will contribute to increased efficiency while lowering agency costs are:

- One FTE position will remain vacant.
- A moratorium has been placed on all merit raises for staff.
- Training for staff will be modified for cost reduction.
- Subscription services will be limited.
- All staff travel schedules are being more closely scrutinized for costs prior to approval.
- Commission meetings are now held quarterly instead of bi-monthly.

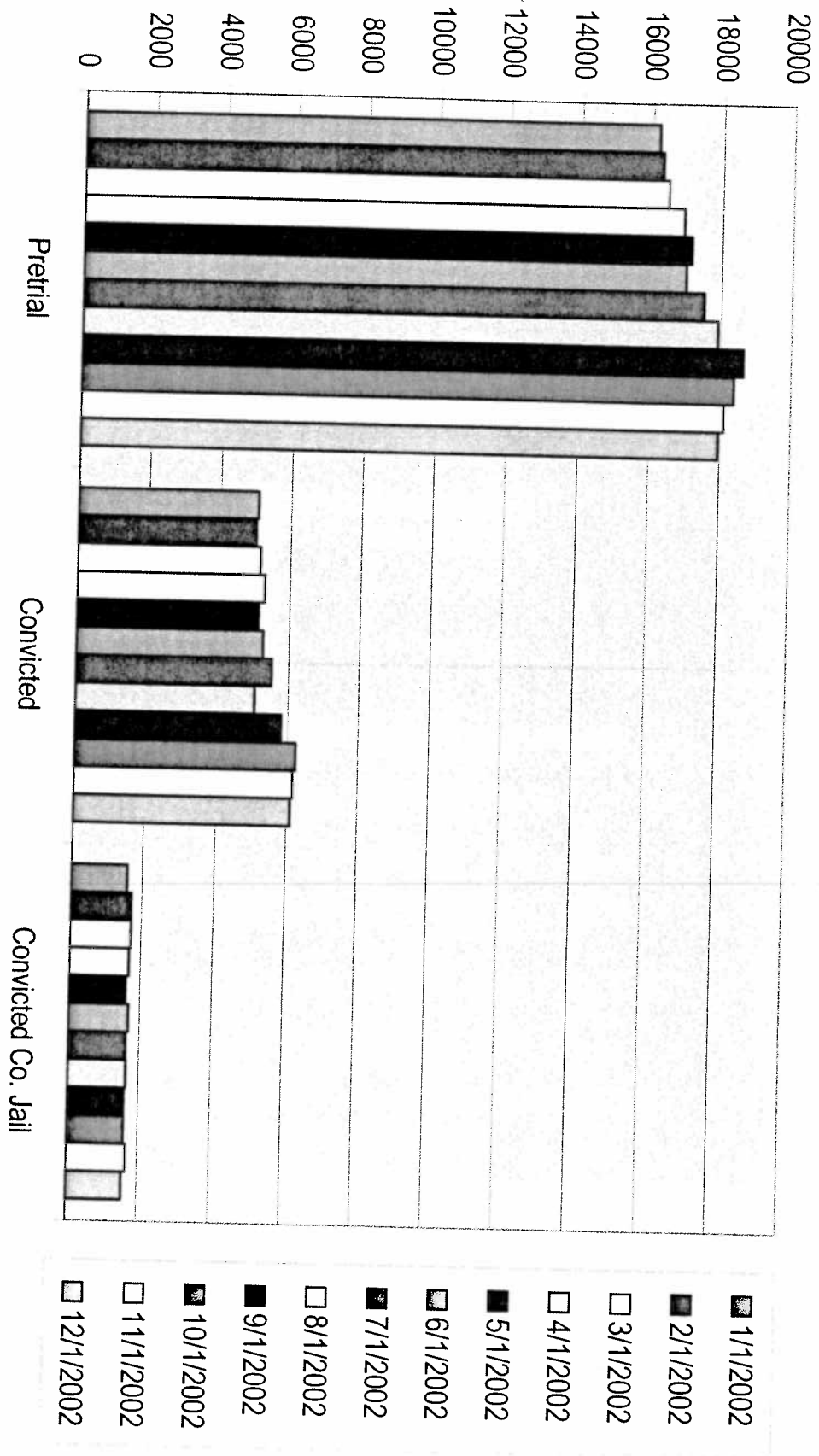
In 2002, jail training was highly successful. In the *Current Issues in Jail Management* training classes, attendance nearly doubled from the previous year. The relatively high turnover of sheriffs and jail administrators creates a vital need for jail training, necessitating the provision of training on a continuing basis. New training courses are being developed for 2003, including one focusing on how counties may prevent inmate lawsuits. In addition to considering an offer to provide counties with training in the staff offices in Austin and thus save staff travel expenses, training that needs to be conducted away from Austin will be scheduled to take advantage of travel that is already required. Reductions in expenditures for training resources such as our Training Lending Library have already been made. Staff will continue the emphasis on the utilization of information technology (IT) for presentations and classes, with the goal of maximizing both the impact and the effectiveness of our training programs.

During the next biennium (2004-2005), we hope to be able to shore up our IT infrastructure and update its internal software system in order to facilitate efficiencies in essential areas of the agency, including Planning & Construction, Human Resources, Accounting, and Inspections. We are hoping to secure "recycled software" from the Governor's Office for some of these needs, eliminating the cost of purchasing new software. By improving the operational efficiencies of the agency network infrastructure, we can better allocate resources and perform our mission in an increasingly IT-oriented government sector.

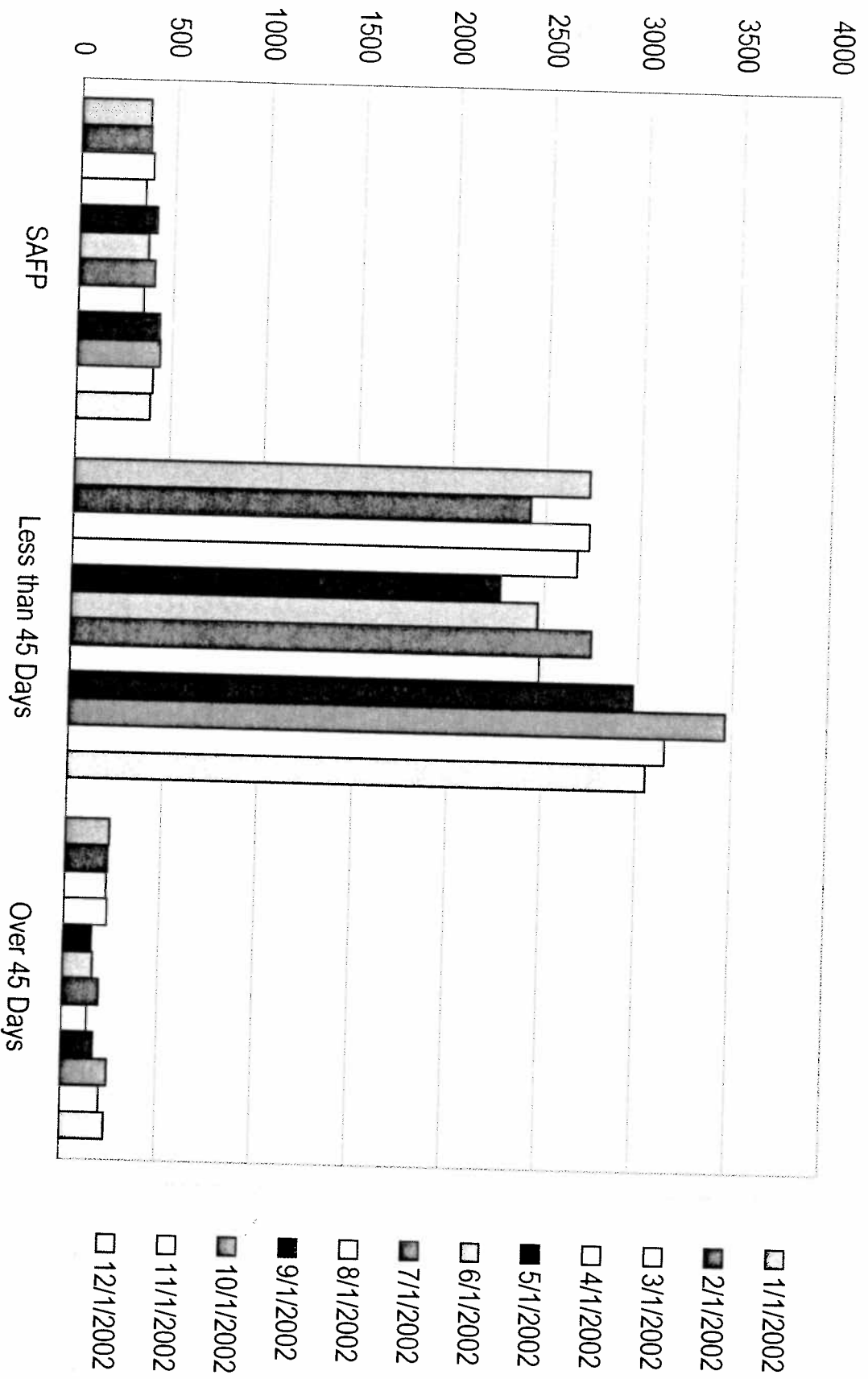
Uncertain financial times also affected county budgets, which has caused a reduction in jail construction projects. We anticipate a continued slow-down of new construction, except in those counties where additional space is urgently required. Three projects will be coming on line in 2003: all privately-run jails designed to house only federal inmates. For counties with construction plans on hold, jail management issues such as classification and population control will be a top priority. Every effort will be made to work with these counties as they search for ways to utilize their limited bed space and jail staff with the most effective means possible.

Since its creation by the Legislature in 1975, the Commission has been building a partnership with Texas counties based on mutual cooperation and dedication to providing all Texas citizens with safe and secure jails. As this partnership continues to grow, we remain deeply committed to answering the evolving needs of county jails and the Legislature. We are confident that a high level of service can be maintained for Texas counties while accepting the challenges put forth by our Legislature to reduce costs through greater efficiencies.

Felons



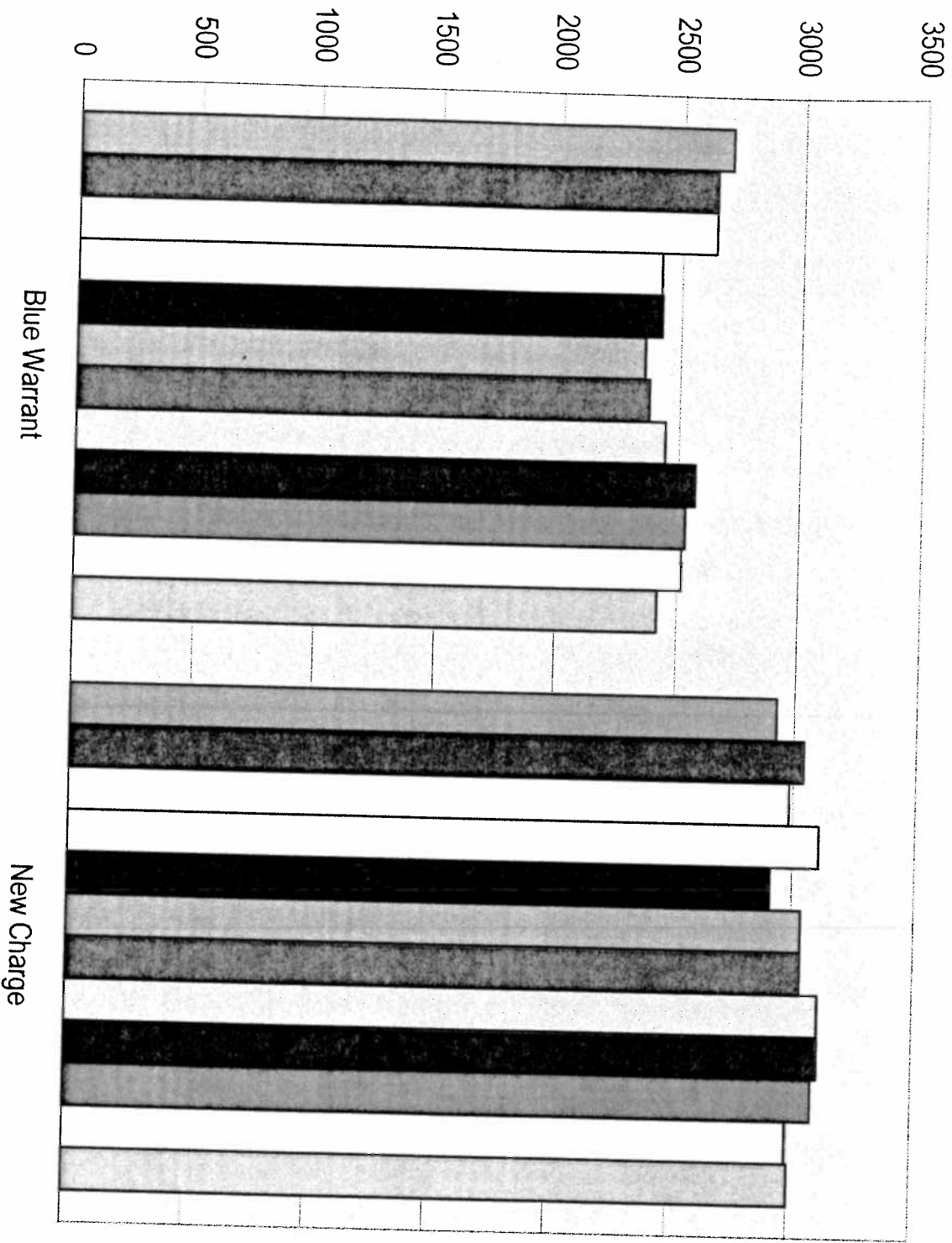
Paper Ready Inmates



Attachment B

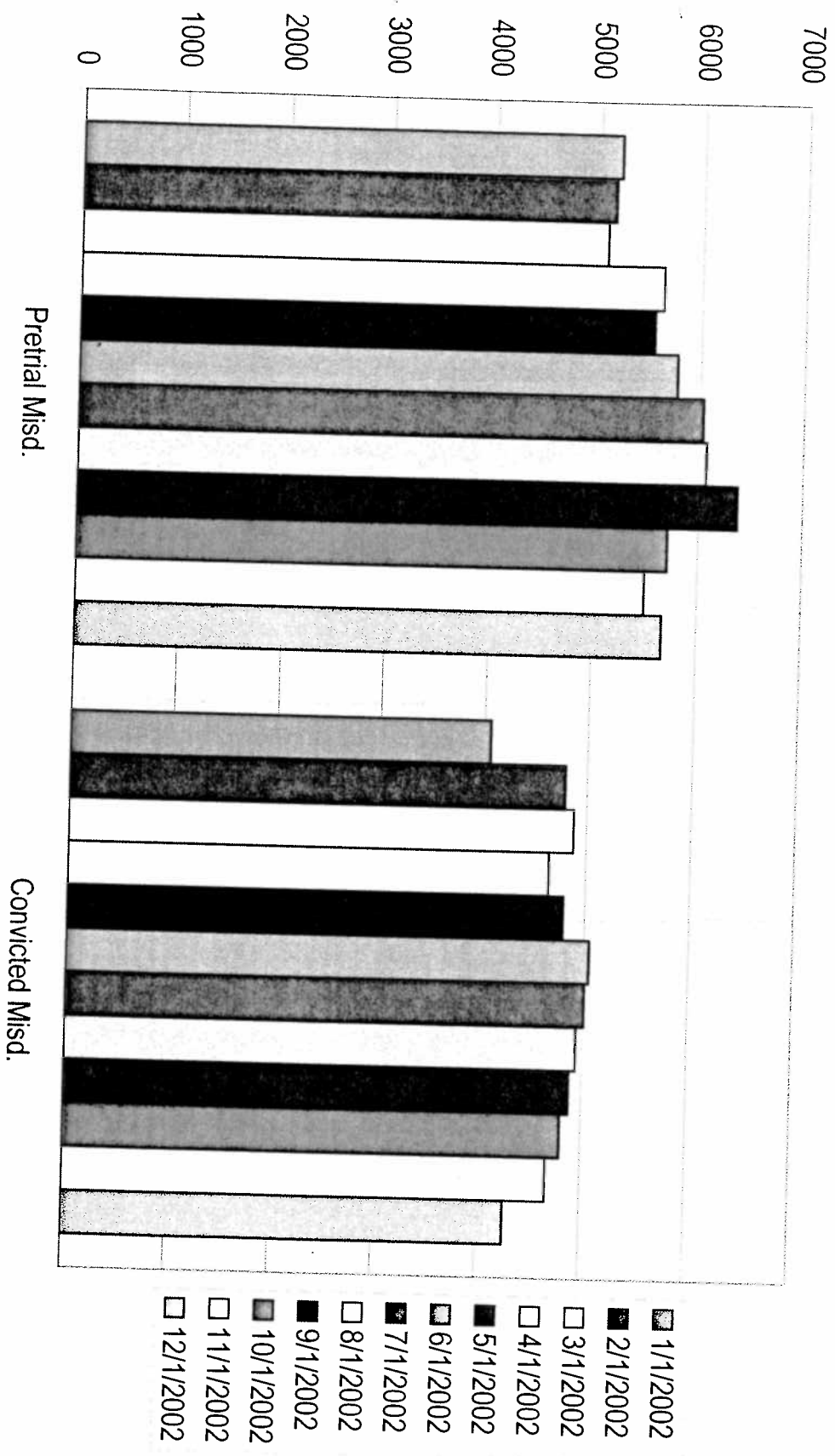


Parole Violators



- 1/1/2002
- 2/1/2002
- 3/1/2002
- 4/1/2002
- 5/1/2002
- 6/1/2002
- 7/1/2002
- 8/1/2002
- 9/1/2002
- 10/1/2002
- 11/1/2002
- 12/1/2002

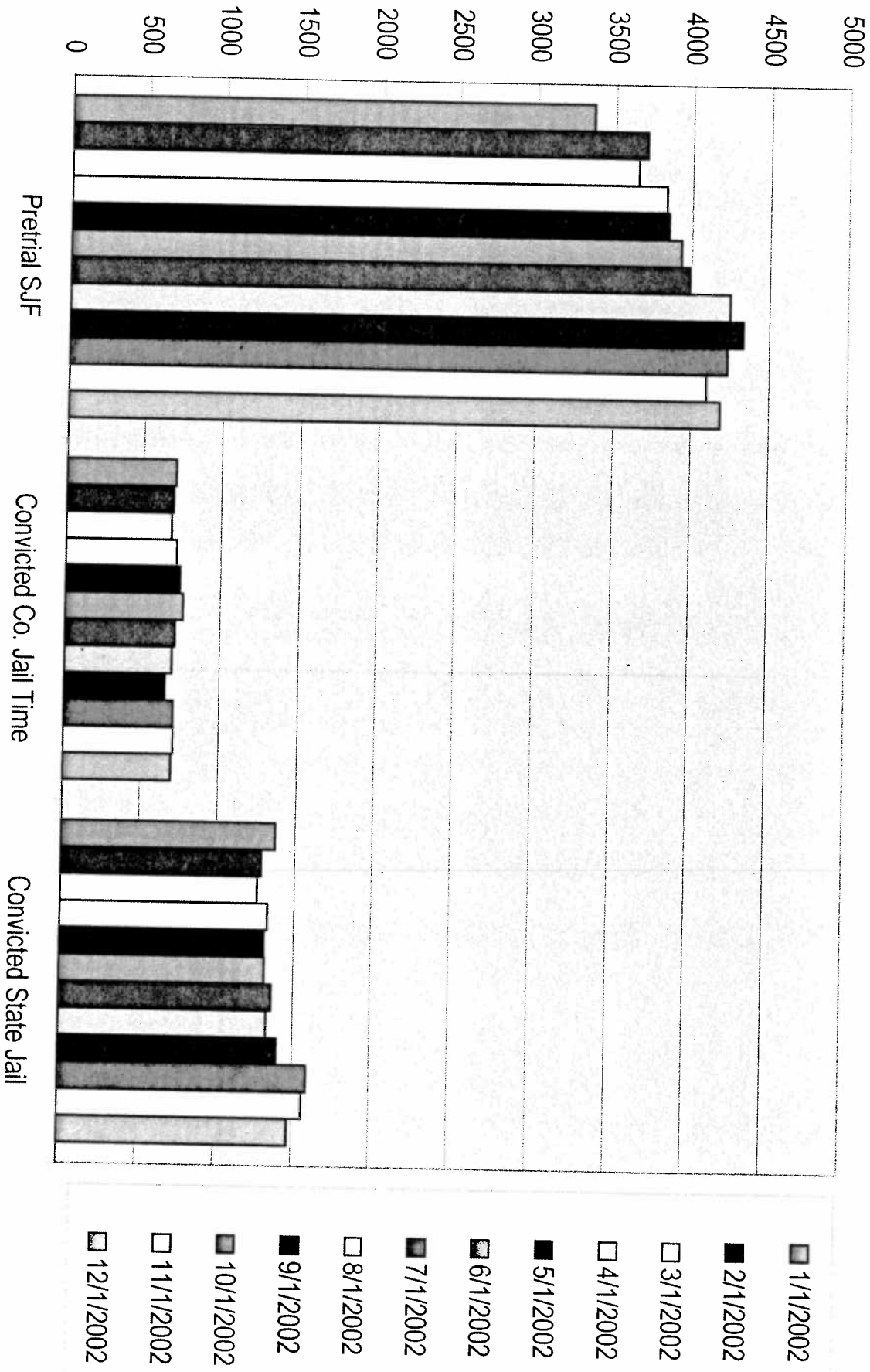
Misdemeanants



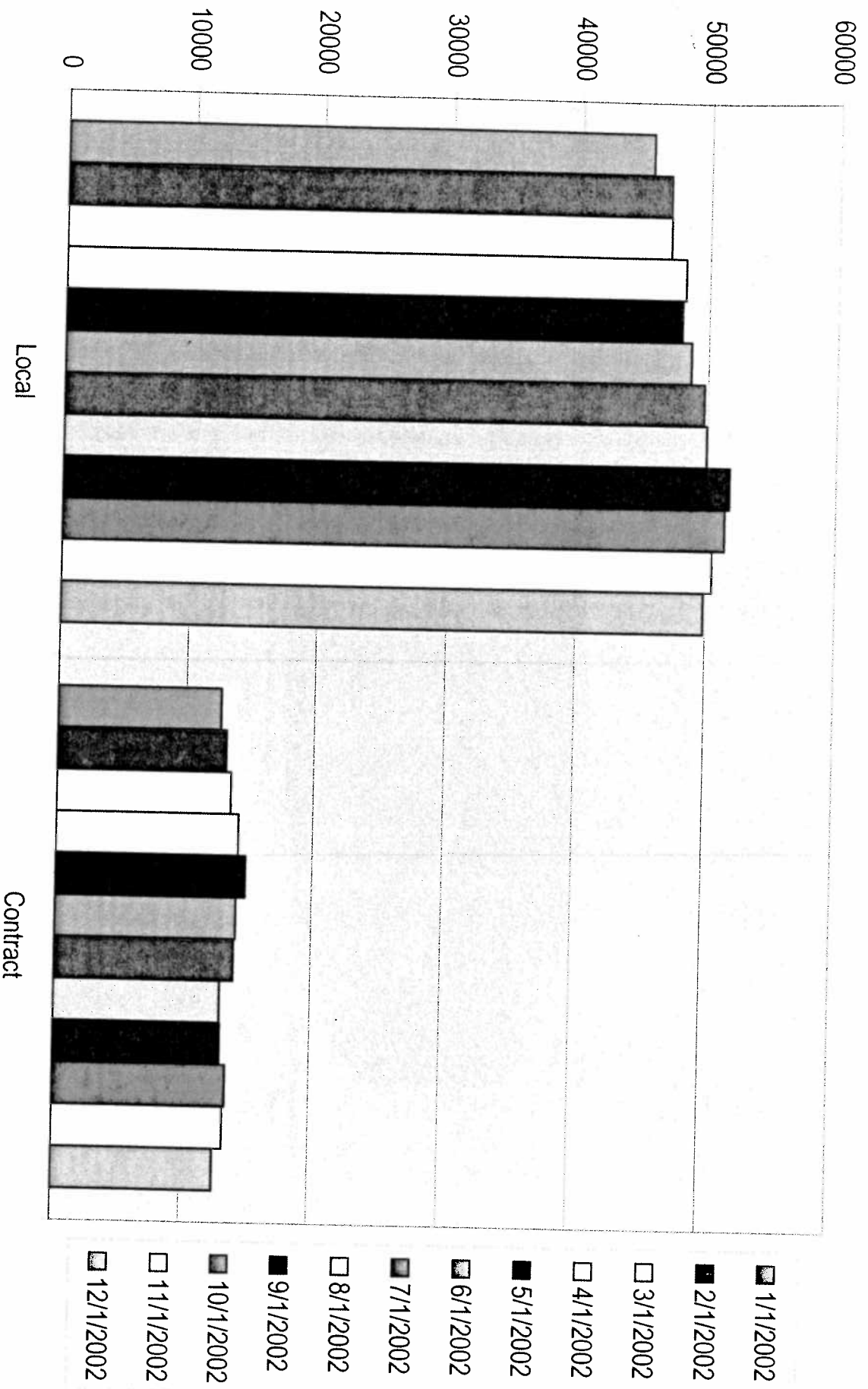
Attachment D



State Jail Felons



Local and Contract Population



Attachment F



December 1, 2002

