

Texas Commission on Jail Standards



2020 Annual Report

February 1, 2021

Empowering local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas.

Brandon Wood
Executive Director

TEXAS COMMISSION ON JAIL STANDARDS - CALENDAR YEAR 2020 ANNUAL REPORT

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This report is made pursuant to Chapter 511, Section 511.015 Government Code and covers activities of calendar year 2020.

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 the Commission 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 Minimum Jail Standards.

The Commission serves 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 principle 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, the Commission does not have authority over the state prison system, or juvenile detention facilities. The commission does regulate facilities that house inmates from other states on a contract basis, but we do not have authority to inspect facilities housing only federal inmates, regardless of who operates it.

We work closely with city, county, and state government officials in our duties to enforce jail standards. Our primary relationships are 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 conduct regular jail inspections to ensure compliance with state law. Our 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. 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**

The Commission on Jail Standards is headquartered in Austin, Texas. 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 from minimum standards. Members are not compensated for their work except for allowable travel and per diem expenses.

Commission members as of December 31, 2020, were as follows:

Member	City	Term Expires
Judge Bill Stoudt, Chair	Longview	2025
Dr. Esmaeil Porsa, M.D., Vice-Chair	Parker	2023
Ms. Melinda Taylor	Austin	2021
Sheriff Dennis D. Wilson	Groesbeck	2021
Sheriff Kelly Rowe	Lubbock	2021
Mr. Duane Lock	Southlake	2023
Commissioner Ben Perry	Waco	2023
Patricia Anthony	Garland	2025
Monica McBride	Alpine	2025

During 2020, staff consisted of the following 23 positions. We ended 2020 with 2 vacant Program Specialist positions:

Executive Director	E-086
Manager I (2 positions)	B22
Staff Services Officer III	B19
Accountant III	B17
Grant Coordinator II	B20
Inspector V (2 positions)	B19
Inspector IV (3 positions)	B19
Mental Health Trainer (2 positions)	B17
Planner II	B19
Program Specialist I (4 positions)	B17
Program Specialist II (2 positions)	B17
Network Specialist II	B18
Research Specialist II	B17
Receptionist	A-09

III. Agency Objectives & Funding

The Commission fulfills its mission by allocating its resources and carrying out its statutorily-mandated duties through six distinct but related strategies. Although inspection of jail facilities and enforcement of Minimum Jail Standards is our most critical and visible strategy, the Commission's remaining five strategies are vital as well and assist counties in achieving and maintaining constitutional standards—the primary goal of the agency.

National research, statewide input, and case law are among the resources considered when developing or revising the Standards. The Commission reviews, creates, and amends minimum standards for the purpose of building and maintaining safe, secure, and efficient jail operations. The Commission approves proposed revisions to the Standards and publishes them in the Texas Register for public comment. The Commission then considers the public comments to determine whether the proposed standards need further amendment. The Commission then reviews the final version for adoption and, if adopted, again publishes it in the Texas Register.

In addition to the appropriated funds, the agency charges inspection fees in order to cover the cost of inspecting facilities housing 30% or more non-Texas sentenced inmates or for conducting a re-inspection if the areas of non-compliance have not been corrected. These inspection fees combined with appropriated receipts from public information requests and the sale of Minimum Standards manuals account for 2% of the agency's budget.

In order to meet agency objectives, each strategy is allocated a specific number of Full-Time Equivalent (FTE) positions.

A. Inspection & Enforcement

(8 full-time positions) Inspection activities consist of fair and impartial monitoring and enforcing compliance of 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.

At least once each fiscal year, each facility that is under the Commission's authority is inspected in order to determine compliance with minimum jail standards. Each of these inspections reviews the jail security, control, and general conditions and takes into account not only the operations of the facility but the physical plant aspects as well. Special inspections may be conducted on facilities that have either been identified as high-risk or found to be in non-compliance. These unannounced inspections may also be performed when county officials indicate that the non-compliant items have been corrected, in which case the inspector must personally examine the areas that required correction or review

documentation the demonstrates compliance. This is especially critical when the issues involve safety and/or security issues.

The Executive Director reviews the inspector's report, and if the facility is in compliance, a certificate of compliance is mailed to the facility. However, if the inspector notes deficiencies, a notice of non-compliance is issued, which specifies the standards with which the facility has failed to comply and includes detailed steps the jail must take to correct the deficiencies. The notice of non-compliance is sent via certified mail.

B. Construction Plan Review

(2 full-time positions) The construction facility planning staff provides consultation and technical assistance to local governments for jail construction that meets Standards. There is extensive consultation and interaction with state and local officials, design professionals and consultants. Staff review plan documents at three phases: schematic design, design development, and construction documents. At each phase, staff note items requiring resolution and satisfaction prior to proceeding to the next phase. This process assists in ensuring that counties understand jail requirements and also helps to provide more efficient, effective, and economic jails that comply with Minimum Standards. On-site consultations are desirable when possible and are often a more productive method of consultation with designers, architects, construction contractors, sheriffs, and other county officials once construction has begun. Upon a county's request, the facility planning staff also analyze facility needs using population projections and other pertinent data to help counties determine their future incarceration needs.

C. Management Consultation

(6 full-time positions) Commission staff also provides needed jail management training and consultation to county representatives in person in our Austin office and by phone, written correspondence, regional training classes, and on-site visits. Staff provide on-going technical assistance on matters such as structural issues, life safety, and overall jail operation. Staff also analyze jail staffing needs to assist counties in operating safe and secure facilities and in developing and implementing operational plans that meet Minimum Standards. Operational plans include procedures for classification of inmates, health services, discipline and grievance, inmate services and activities, and seven additional areas. This strategy is important because it focuses on assisting counties to achieve and maintain compliance with Standards, which transmits to county jails the knowledge and tools required to run a safe and secure jail and thereby reduces county liability. Staff also provides Mental Health training for jailers in response to mandated training required by SB 1849, to include required annual Suicide Prevention training.

D. Auditing Population & Costs

(1 full-time position) This strategy requires collecting, analyzing, and disseminating data concerning inmate populations, felony backlog, immigration, licensed jailer turnover, and jail operational costs. Staff assists counties with completing their jail population reports and provide technical assistance. Staff collects, analyzes, and provides statistical data to agencies that helps them predict and prepare for incarceration trends at the state and local level. They also receive audits of the commissary and general operations of the county jails. Staff analyze these audits to assess jail program costs and to develop Average Daily Cost estimates—information that is often requested by other state agencies and counties as well as members of the Legislature.

E. Indirect Administration

(5 full-time positions) Indirect administration strategy accounts for functions such as finance, human resources, and IT, which had previously been allocated among the five existing strategies. This not only allows for a more accurate representation of the funds and resources utilized for each of the five primary strategies but also allows the agency to properly budget and plan for activities not directly tied to a particular strategy, such as IT needs, which would support employees assigned to several different strategies.

F. Prisoner Safety Grants

(1 full-time position) Administers grants from the Prisoner Safety Fund. This strategy was created by SB 1849, commonly referred to as the Sandra Bland Act, of the 85th Legislature. The 86th Legislature passed HB 4468, amending Government Code 511.019(d), to increase the size of county jails eligible for grant funding from 96-beds or less, to 288-beds or less. Jails with 288-beds or fewer were able to submit requests for funding prior to September 1st, 2020, to install automated electronic sensors or cameras to ensure in-person checks of cells or groups of cells confining at-risk individuals. The program was approved for funding up to August 31, 2020.

IV. 2020 Operational Performance in Review

A. Changes to Standards

In 2020, the Commission adopted non-substantive and substantive changes to the Minimum Jail Standards. Previously, the Minimum Jail Standards as found in the Texas Administrative Code referred to county jailers as “corrections officers,” or “guards.” These titles are no longer correct. County jails employ “jailers” in those positions. This change corrects language to make it consistent with proper and current usage in rules §253.1(11), §253.1(15), §261.167, §261.262, §261.357, §273.7, §273.8(4)(A), §275.1, §275.2, §275.6, §279.1(1).

B. Jail Inspections

During Calendar Year 2020, inspectors conducted 234 annual jail inspections. Legislation has exempted certain private jails from annual inspection since September 1, 2003, and this number may fluctuate during the course of any given year as conditions warrant. Additionally, due to the COVID-19 pandemic, inspections were cancelled from mid-March until May 2020, for the safety of the jail inspectors. Staff also completed 63 special inspections on high-risk and/or non-compliant jails during 2020. Out of the combined 297 inspections, 297 were unannounced, representing 100% of all inspections.

1. Compliant Counties

At the beginning of 2020, 224 jails (93.7%) complied with Minimum Jail Standards. As of December 31, 2020, we certified 220 jails, comprising 92% of the county and private facilities under our regulatory review.

Staff conducted fourteen (14) occupancy inspections on completed construction projects during 2020.

2. Noncompliant Counties

On December 31, 2020, 19 jails were in a status of noncompliance, representing 7.9% of the facilities on the inspection list. We issue notices of non-compliance in three categories: Life Safety, Management, and Construction. 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. We requested counties to appear before the Commission to address the corrective action necessary by the Commission if the Commission believed the counties were not acting expeditiously to resolve their deficiencies. As a result of these meetings, the Commission issued a remedial order to one (1) county/facility (Duval). Commission staff conducts monthly progress reviews of noncompliant counties to assess the status of these facilities as they move toward compliance with Minimum Jail Standards.

3. Closed Jails

Presently, 19 counties have closed jails. The following counties opted to board their few inmates in an adjacent county rather than maintaining their own facilities:

Glasscock	Cottle	Jeff Davis	McMullen
Borden	Floyd	Kenedy	Motley
Briscoe	Foard	Kent	Throckmorton
Coke	Hartley	King	Sterling
Concho	Irion	Loving	

C. Construction Plan Review

The Commission reviewed 21 construction/renovation documents in 2020. Several counties are embarking upon renovations of ageing facilities while others are planning new facilities to replace well-worn facilities or to add additional beds to meet local needs.

1. Construction Completed

The following seven (7) counties opened a new facility during the year. These projects represented a total of 1,184 beds:

List of completed projects	# of beds
Andrews County Sheriff’s Office and Jail	147
Bee County Law Enforcement Center	145
Comal County Jail*	585
Comal County Courthouse Annex	0 - Court Holding
Lampasas County Jail and Sheriff’s Office	112
Ochiltree County Law Enforcement Center*	48
Tom Green County Detention Center	552
Waller County Criminal Justice Center	225
Waller County Courthouse Annex	0 - Court Holding

*Indicates the county closed an existing facility after completion of a new jail.

2. Major Renovations/Additions Completed

The following three (3) counties completed major renovations or additions during the year, adding 683 new beds:

List of Renovations	# of beds
Ector County Law Enforcement Center - Addition	412
Hays County Jail - Addition	271
Midland County Courthouse - 5 th and 10 th Floor Renovations	0 - Court Holding

All construction and renovation/additions projects totaled 1,867 beds.

3. Jails under Construction or Planning

At the end of 2020, 36 counties were involved in planning or construction projects. These projects are expected to result in an additional 1,242 beds in 2021. This figure is an estimate based on projects identified on January 1, 2019 and scheduled for completion by December 31, 2021; other projects identified during the year may cause this number to be adjusted further. In addition to plan reviews, the Planning Department completed four (4) Facility Needs Analyses, which assisted counties in determining their future jail needs.

D. Management Consultation

The Commission provided technical assistance to county officials throughout the year on jail matters, such as alternative programs, population control, structural issues, life safety, and overall operations. Although the Commission does not log telephone calls, it estimates that it received several thousand telephone calls during the year for technical assistance regarding jail management and operations. In addition, the Commission conducted five (5) in-house management consultations at the Austin office in 2020; this number was greatly impacted by the COVID-19 pandemic. The agency decided to conduct the majority of its meetings with counties via conference calls or video conferences. It also conducted 262 management consultations on-site with County Judges, Commissioner’s Courts, and Sheriffs concerning the most economical and feasible ways to achieve compliance with state law, and, in some cases, with federal court orders. Finally, four (4) counties received assistance with analyses of jail staffing needs, and staff reviewed 1,322 operational plans in 2020.

The Commission continued the program of technical assistance to jails on management related issues through regional jail management workshops during the beginning of 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. However, this effort was impacted back the COVID-19 pandemic resulting in fewer classes than normal.

Municipalities continued to request information and assistance on jail construction or renovation. Although municipal jails that are not operated privately under authority of Local Government Code Chapter 351 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.

E. Auditing

1. Population

On January 1, 2020, jails were operating at 70.25% of capacity with a population of 65,825 and a capacity of 93,704. During 2020, the population decreased to 64,188 on December 1, 2020, with a capacity increase to 95,038 beds. On December 1, 2020, all Texas jails were collectively operating at 67.54% of capacity.

Texas counties continue to house out-of-state inmates. On December 1, 2020, one (1) local facility was housing 16 inmates for New Mexico.

The number of federal inmates held by facilities under the Commission’s purview increased from 4,713 on January 1, 2020, to 4,759 on December 1,

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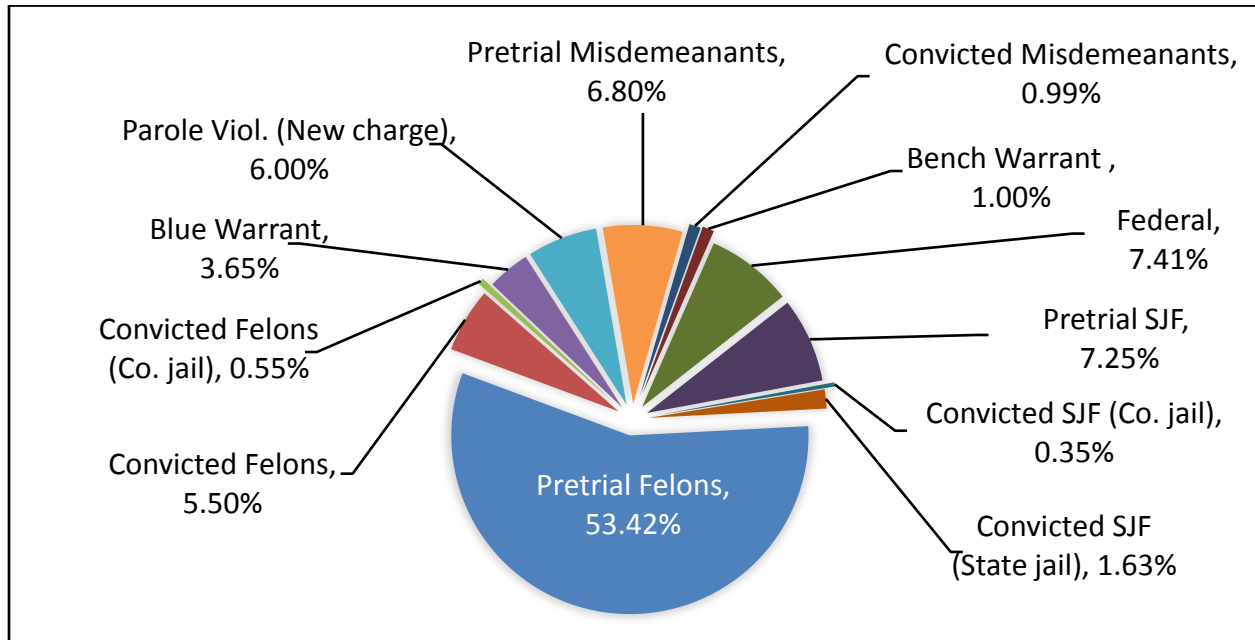
2020. The local population decreased from 65,825 on January 1, 2020, to 64,188 on December 1, 2020. This represents a decrease of 0.98%. Additionally, in 2020, jails continued housing convicted state inmates through contract with the Texas Department of Criminal Justice. Two facilities housed a total of nine (9) state inmates on December 1, 2020.

County Jail Population by Offense Type¹

	12/2015	12/2016	12/2017	12/2018	12/2019	12/2020
Pretrial Felons	44.21%	43.8%	46.39%	45.57%	47.40%	53.42%
Convicted Felons,	7.64%	7.28%	8.48%	8.03%	6.54%	5.50%
Convicted Felons (Co. jail)	1.31%	1.44%	1.33%	1.41%	0.61%	0.55%
Blue Warrant	2.48%	3.29%	3.29%	3.08%	3.59%	3.65%
Parole Viol. (New charge)	4.47%	4.88%	4.97%	5.45%	4.59%	6.00%
Pretrial Misdemeanants	9.61%	8.99%	9.00%	7.93%	7.72%	6.80%
Convicted Misdemeanants	3.59%	3.27%	3.05%	2.47%	1.80%	0.99%
Bench Warrant	1.45%	1.41%	1.51%	1.43%	1.32%	1.00%
Federal²	7.80%	8.08%	7.08%	7.33%	7.96%	7.41%
Pretrial SJF	9.62%	9.27%	9.75%	9.14%	9.18%	7.25%
Convicted SJF (Co. jail)	0.79%	0.74%	0.87%	0.63%	0.61%	0.35%
Convicted SJF (State jail)	1.97%	1.71%	1.73%	1.66%	1.41%	1.63%

¹This representation does not include all offense categories so totals may not equal 100%

²This includes only those federal inmates in facilities under purview of the Commission on Jail Standards. Under Government Code 511.0094, facilities housing only federal inmates do not fall under Commission purview.



2. Immigration

Senate Bill (SB) 1698, 82nd Legislature, requires the reporting of inmates with an immigration detainer and the associated costs. In 2020, the total number of inmates with an immigration detainer in Texas county jails was 50,172 for 1,208,293 days. The collective cost for the entire state was \$74,524,937.61. The monthly average for 2020 was 4,181 inmates for 100,691 days at a cost of \$6,210,411.47.

3. Licensed Jailer Turnover

Senate Bill (SB) 1687, 82nd Legislature, requires county jails to report the number of licensed jailers that leave county jail employment. During 2020, overall monthly jail turnover rates averaged 2.05%, which is down from 3.0% in 2019. When summed, the monthly turnover rates reached a total turnover of 26.64%, down from 34.96% in 2019. Individual county monthly rates ranged from 0% to 100%.

F. Prisoner Safety Fund

SB 1849 created the Prisoner Safety Fund, which appropriated a dedicated amount of funding to facilitate capital improvement projects for county jail facilities with a total capacity of 96-beds or less. The 86th legislature passed SB 4468, which amended Government Code 511.019(d). This increased the size of county jails eligible for grant funding from 96-beds or less to 288 beds or less. These capital improvements include the provision of camera systems or electronic cell check systems to ensure observation of inmates and tele-health or tele-psyche equipment to provide 24-hour access to medical professionals. In order to ensure the funds are allocated appropriately, the commission was required to establish a program to oversee the grant funding. Policies and procedures were developed during the earlier part of 2018 to direct the program. The program required counties to submit estimates or invoices for review, prior to determining what funds may be provided on a case by case basis. Funding for the program was available until September 1, 2020. Since lapse of the grant funds, agency staff has been verifying installation of the approved equipment over the latter part of 2020 and will continue to do so during 2021.

During 2020, the Commission granted funding to twelve (12) counties with the allocated amount of funding for the year totaling \$79,403.86. When the program concluded on August 31, 2020, a total of seventy-seven (77) counties received funding over the life of the program, with the final amount of allocated of funding totaling \$373,782.91.

G. Critical Incident Inspection

In addition to conducting administrative reviews on reported Escapes from custody and Deaths in Custody, the Commission also receives, on or before the

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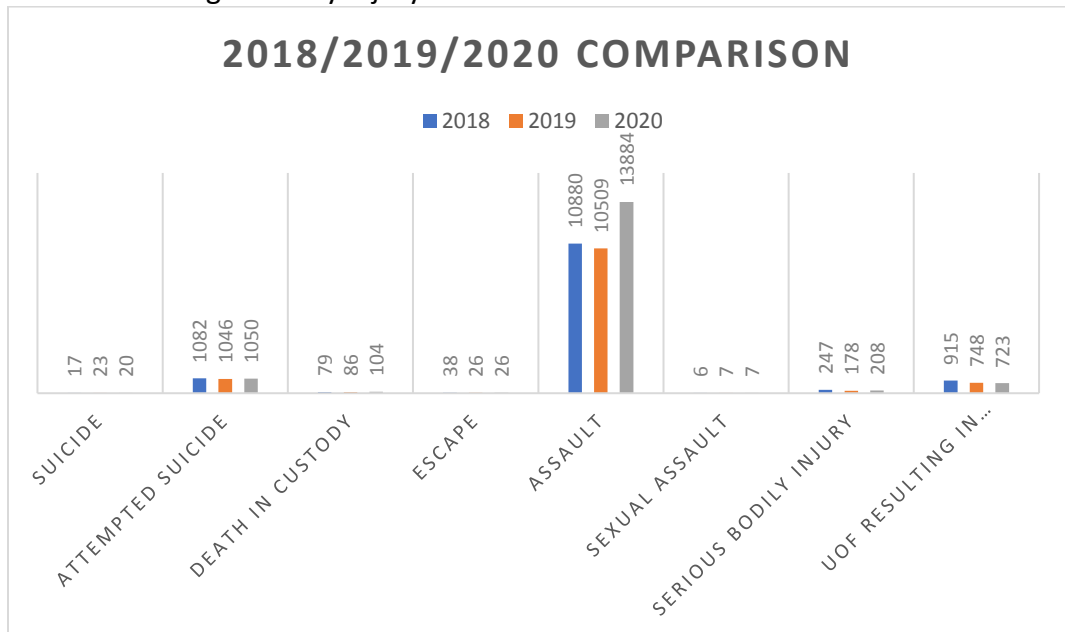
fifth day of each month, reports on the occurrence of any serious incidents involving an inmate in the county jail during the preceding month.

- January – 239 reports received; all facilities reporting
- February – 239 reports received; all facilities reporting
- March – 239 reports received; all facilities reporting
- April – 239 reports received; all facilities reporting
- May – 239 reports received; all facilities reporting
- June – 239 reports received; all facilities reporting
- July – 239 reports received; all facilities reporting
- August – 239 reports received; all facilities reporting
- September – 239 reports received; all facilities reporting
- October – 239 reports received; all facilities reporting
- November – 239 reports received; all facilities reporting
- December – 239 reports received; all facilities reporting

Total 2020 Serious Incident Reports received: 2,868.

The total number of reported incidents are outlined below:

Incident	2018	2019	2020
Suicide	17	24	20
Attempted Suicide	1082	1046	1050
Death in Custody	79	86	104
Escape	38	26	26
Assault	10880	10539	13884
Sexual Assault	6	7	7
Serious Bodily Injury	247	178	208
UOF Resulting in Bodily Injury	915	748	723



H. Jail Administrator Examination

SB 1849 created a change to Minimum Standard §275.8. It now requires a person appointed to the position of Jail Administrator after March 1, 2018, within 180 days of his/her appointment must satisfy the requirements of a Jail Administrator Examination created by the Texas Commission on Law Enforcement (TCOLE) and approved by the Commission.

As of December 31, 2020, 95 individuals have been appointed as a jail administrator after March 1, 2018.

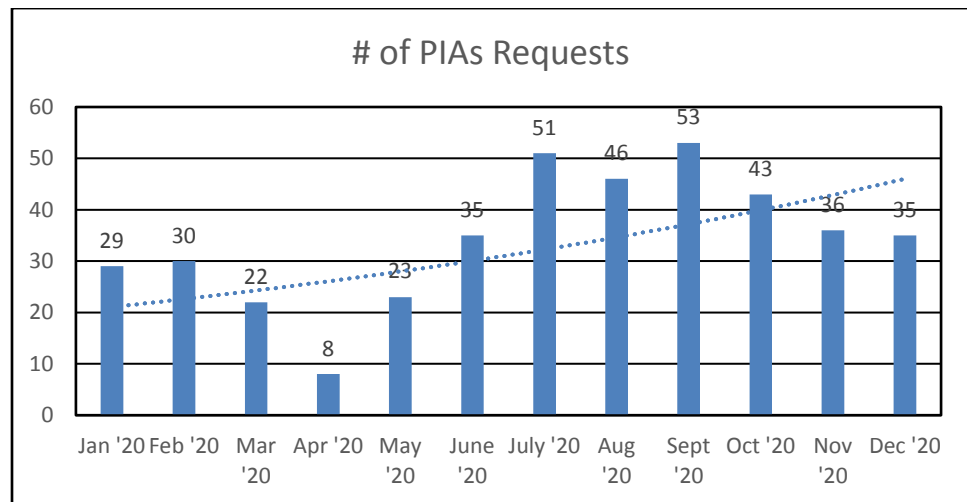
- Of those 95 individuals, 93 have successfully passed the Jail Administrator Examination, and the two Jail Administrators still have time remaining of the 180 days provided to pass the exam and meet the requirement.

Additionally, as of December 31, 2020, 1,130 individuals have successfully passed the Jail Administrator Examination.

I. Additional Services

1. Research

In 2020, the Research Specialist responded to 411 requests for over 341,967 pages of public information. In 2019, there were 304 requests for over 40,327 pages of public information, and in 2018, there were 275 requests for 51,000 pages of information. This makes public information requests the primary function of this position. Public Information requests averaged 40 requests per month between May and December 2020. Prior to 2020, the Commission averaged 25 public information request per month, which is a 160% increase in requests. The Research Specialist developed and implemented a more sophisticated database for processing and tracking public information requests that has greatly enhanced the ability to handle the significant increase in this workload.



Staff conducted research in response to requests from the legislature, sheriffs and jail administration regarding standards, legislation, statutes, attorney general opinions, court cases, and best practices.

The Research Specialist actively participated in meetings and presentations with other professionals and academics to address the challenges of incarcerated individuals with mental health issues. Staff represented the Commission on Jail Standards at advisory meetings of the Statewide Behavioral Health Coordinating Council (SBHCC), the Behavioral Health Workforce Workgroup, the Judicial Commission on Mental Health, the Behavioral Health Workforce Workgroup, and the Cross Systems Trauma Informed Care Workgroup.

2. Inmate Complaints

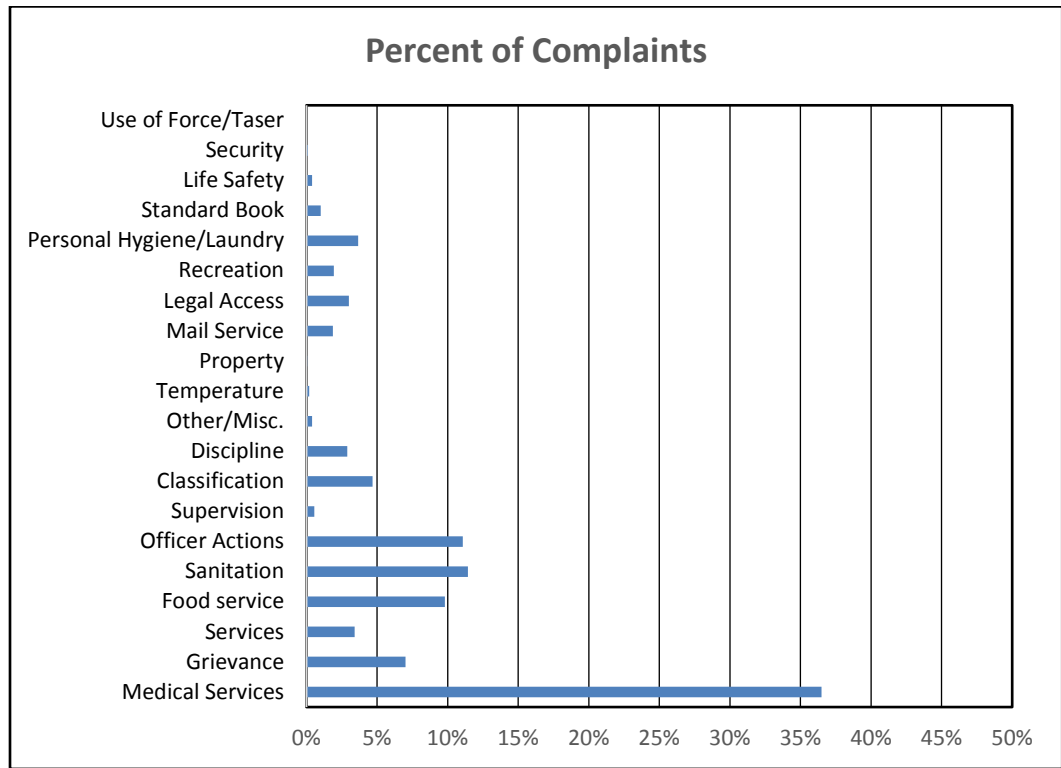
The Commission received 2,127 written requests for inmate assistance or grievance investigation in 2020, with 994 requiring a written response by county officials and possible action by Commission staff. The Commission determined that 49 complaints were founded. For 2020, Medical Services constituted 62% of these grievances, which makes this category most frequently cited in grievances requiring a formal reply. This is consistent with previous years.

The following chart illustrates the frequencies (from highest to lowest) of complaints received for 20 categories (Note: combined numbers exceed total number of complaints requiring a formal reply due to letters containing more than one complaint category). In cases where more than one complaint category is addressed in a letter, the three most significant complaints are reported in their respective categories.

Inmate Complaints by Category for 2020

Complaint Category	# of complaints
Medical Services	718
Other/Misc.	8
Food service	193
Sanitation	225
Officer Actions	218
Mail Service	37
Use of Force/Taser	0
Grievance	138
Classification	92
Discipline	57

Complaint Category	# of complaints
Personal Hygiene/Laundry	72
Legal Access	59
Temperature	4
Services	67
Recreation	38
Supervision	11
Property	1
Life Safety	8
Security	2
Standard Book	20



1,133 complaint letters 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 helped eliminate frivolous litigation. Occasionally, staff addressed areas of concern with the individual sheriffs involved and made recommendations to preclude future allegations.

3. Variances

Three (3) new variances and one (1) extension of a previously granted variance were approved by the Commission. Each request was individually reviewed and acted upon by the Commission during the year’s four regular meetings. (The Commission may grant reasonable variances, except that no variance may be granted to permit unhealthy, unsanitary, or unsafe conditions).

4. COVID-19 Reporting

In response to the COVID-19 pandemic, the agency developed a reporting program and began tracking the impact of the virus on county jails. Any facility with an inmate or staff member that tested positive for the virus was asked to report daily population information to the commission. Those facilities with any positive inmate cases were compiled into a daily report, which was then published to the agency’s website and disseminated to various agencies.

To further assist counties impacted by the COVID-19 pandemic, the agency began tracking the population of paper-ready inmates weekly. Counties exceeding 80 and 90 percent of the facilities capacity were asked to provide weekly population information. This information was used to prioritize TDCJ transfers for facilities nearing capacity in order to prevent overcrowding.

These efforts remain in place going into 2021, to continue assisting counties with reducing the impact to jail facilities under the agencies purview and is expected to carry through 2021.

V. 2020 Administrative Activity in Review

A. Staff Changes

In 2020, 5 new hires joined the Commission.

B. Staff Turnover

In 2020, 6 staff members left the agency.

C. Training Initiatives

2020 training efforts at the Commission, were greatly impacted by the COVID-19 pandemic. The staff has continued to select timely topics and develop a solid curriculum for the training programs developed in 2001, as evidenced by the positive response all training sessions have received.

Staff trainers conducted the Practitioners' Series Training called the 'Current Trends and High-Impact Areas of Jail Operations' at four regional sites during January and February. Practitioners who are widely regarded as experts in their field of jail management served as instructors for this training alongside Commission staff using materials prepared by the agency. This program not only educates those attending the training but also develops the presentation and leadership skills of the instructors themselves. In 2020, there were 158 participants at the four training sessions.

Since creating and maintaining a responsible classification system remains an essential part of county jail management, Objective Jail Classification training by Commission staff continues to be offered to the counties, both on-site and at headquarters. In addition, Commission staff continues to offer its training for Population and Paper Ready Reports, and 'What to Expect during an Inspection' course for any county that requests assistance, both on-site and at headquarters.

In addition to these training classes, the Commission conducted training sessions at the annual Texas Jail Association (TJA) Conference in Galveston, Texas, at the annual Chief Deputies Conference in Kerrville, Texas, at the Sheriff's Association

Conference in San Marcos, Texas, at the Jail Management Issues Conference in Galveston, Texas and at the Jail Administration: Management and Operations classes at Sam Houston State University in Huntsville, Texas.

SB 1849 amended Occupations Code 1701.310(a) to require the Commission to provide 8 hours of mental health training to all currently licensed jailers by August 31, 2021. On September 1, 2017, the Commission hired three (3) Mental Health Trainers to develop and begin instructing the course. As a result, Commission trainers developed “Mental Health Training for Jailers,” which TCOLE certified as class #4900. The objective of this class is to help the jailers identify the signs and symptoms of prominent categories of mental illness commonly observed in the jail setting as well as to gain an understanding of constructive techniques utilized with communicating in a time of crisis in a jail setting.

In 2020, the Mental Health Trainers conducted 73 training classes with a total of 833 participants in attendance.

During the latter part of 2019, the agency developed another TCOLE certified training course which is proprietary to TCJS. Suicide Prevention Training for Jailers, TCOLE class #4901. The objective of this class is to help jailers identify inmates who are a suicide risk and provide them the questions and actions necessary to help prevent suicide attempts. This class is also intended to help counties satisfy annual training requirements.

In 2020, the Mental Health Trainers conducted 117 training classes with a total of 1,065 participants in attendance.

D. Legislative Actions

No Legislative action occurred in 2020. The Commission continued to assist and inform county officials regarding legislation impacting county jail operations.

E. Attorney General Action

In 2020, the Commission submitted to the Office of the Attorney General three requests for rulings on having certain records excepted from public disclosure under the Public Information Act. This is a significant decrease from fifteen in 2019. This is attributable to a decrease in requests requiring such rulings, which was in turn a result of collaboration with frequent requestors and deft navigation of the complex PIA statutes.

VI. Summary & Forecast

Traditionally, even numbered years are less hectic periods. With no regular legislative session to contend with, the year is often a period of transition. Changes in statute that require modification of existing administrative rules or adoption of new ones are

completed and new procedures developed to implement them. Existing programs are reviewed and potential topics that could benefit county jail operations are reviewed to determine if they should be incorporated into our operations. Although the first two months of 2020 were normal in regard to operations, by the middle of March, it was evident that we were all facing an unprecedented challenge.

The Texas Commission on Jail Standards was no different than any other state agency when COVID-19 impacted our operations. On February 28, 2020, the agency issued its first Technical Assistance memo to jails regarding the matter and recommended precautions for them to take. Throughout the course of the year, we issued additional TA memos to keep our stakeholders informed of the ever-changing situation. This would not have been possible if we had not completed the upgrade to our IT/network the agency just as the pandemic began. This proved invaluable because it allowed us to implement a work-from-home schedule without interrupting service to our stakeholders. With employees using their agency laptops and VPN, almost every function that they performed in their office was able to be performed from home. This included continuing to respond to inmate complaints and reviewing operational and construction plans submitted for approval. Administrative functions performed by members of the staff services team continued uninterrupted.

As the state entered the initial stages of the lockdown, the agency temporarily suspended on-site inspections. Management believed that the best course of action was to identify potential and known “hot spots” and to ensure that field staff had sufficient Personal Protective Equipment (PPE) in order to carry out their duty. One of the issues that we considered was the very real possibility that one of our inspectors could, in fact, become a “super spreader.” If they were to be exposed early in that week’s inspection cycle, they could then potentially expose staff at three or four additional jails before concluding that week’s cycle. After the agency provided guidance and PPE to our inspectors, they resumed on-site inspections in May and continue their inspections to this day.

From the middle of May 2020 until July 10, 2020, the agency was involved in the Mass Testing Program offered to Texas county jails. Serving as a liaison and initial coordinator, the agency worked with The Texas Division of Emergency Management (TDEM) and the Texas Department of Criminal Justice (TDCJ) to provide on-site mass testing for over 40 county jails that requested the service. After July 10, the program was delegated to the Local Health Department, but the agency continued to provide counties with contact information for test kit suppliers until December 2020.

One of the challenges that occurred early on was the closure of the state prison system to new intakes. At first, this did not create a problem because county jails were able to accommodate the increased number of inmates sentenced to prison who were waiting in their county jails. This was only due to the sharp decrease in the number of individuals arrested and booked into county jails for the first two months. However, at the beginning of June, the number of bookings increased, and county jails began experiencing capacity issues. Notified that TDCJ would begin accepting inmates on July 1, the agency coordinated with TDCJ to identify which counties were considered priority and should be

allowed to transport their inmates to prison first. This process occurred each week, and the only difficulty was that some county jails failed to provide the agency with updated population data after the agency requested that they do so.

As we enter the second year of dealing with the pandemic, our next issue will be the lack of action by the local courts. Although the use of technology can address portions of judicial proceedings, in person jury trials are still either limited or non-existent. This lack of movement is beginning to cause capacity issues, and unless the courts are able to function, counties will soon be over-populated with little recourse. Agency staff is exploring alternatives and solutions, but the choices appear to be “pick the least-worst scenario and hope for the best.” This is unnerving and will require innovative approaches and solutions at the local level other than simply warehousing more and more inmates indefinitely while they await trial.

One of the new mandates for TCJS was the creation of a task force to study and issue a report on the subject of inmates with intellectual or developmental disabilities (IDD.) Created by HB3116, the task force met in person January 2020, after which it was forced to conduct business virtually. Thankfully, the appointed members demonstrated their dedication and professionalism and were able to finalize their report in December 2020. Submitted to the Governor, LtGovernor, House and Senate, it can be expected that some of the recommendations contained in the report will result in legislative change.

Changes to the Sandra Bland Act required by HB3440 were implanted in 2020. The first change dealt with expanding the number of counties eligible for grant funding to purchase tele-med equipment. The second changed the requirement regarding 24-hour access to a mental health professional via tele-health. Instead, counties can provide this access onsite, via tele-health, or by transporting an inmate. This greatly increased the options available to counties and recognized the realities of the challenge jails face each and every day in operating.

Staff turnover was higher than the previous year, but nowhere near the rate experienced in 2018. Management believes that the targeted salary increases have assisted in the retention efforts but believes that we will continue to face competition for our staff. They are highly sought after.

The unusually high turnover rate experienced by the agency in 2018 was not repeated in 2019. An attempt at increasing staff salaries was only partially successful, and this area of concern will remain a priority for management as the next appropriations request is created. A well-trained and competent staff is imperative if we are to serve the counties and the state to the level of expectation. Our staff are highly sought by other state agencies, counties and private consultants, and it is difficult at times to retain them. The cost of living in Austin is a barrier to recruiting qualified replacements, and the agency believes long-term success and strategic planning hinges on its ability to address this problem. If there is a silver lining to the pandemic, traffic in Austin was reduced considerably. Coupled with the ability to work from home for a majority of the week, it can almost be considered a cost-free benefit that can be employed to retain staff.

However, it comes with a different cost. The lack of interaction makes it difficult to relate with fellow team members and be as effective as possible. This is especially noticeable when it comes to mentoring the next generation of leaders. There truly is no substitute to working side by side and ensuring less-senior staff members are exposed to all of the different functions the agency performs and what it actually takes to run a state agency. We may pay a very high price in the next five years if we do not manage this properly and it will be incumbent upon management to do so.

Our county jails continue to grapple with the issue of dealing with inmates who have mental illness. We await positive movement regarding this issue following additional resources being allocated, but it is difficult to determine what success will actually look like. Our concern is that, by simply holding the line and maintaining the current status quo without reducing the number of mentally ill inmates in our county jails, this will become the new norm. If this is accepted as the best possible outcome, commission staff fears that the cost of operating county jails will increase to the point of consuming an overwhelming majority of local government's budget at the expense of other services our citizens expect and demand local government to provide. As addressed above, the closure of the state hospitals to new intakes for most of 2020 has set this effort back extensively, and it will take several years to recover.

Federal issues that neither the Commission nor the state can control continue to impact county jail operations. While many Texas jails have implemented most of the provisions contained in the Prison Rape Elimination Act, the issue of where and how to best house 17-year-olds remains an issue. Current state law considers 17-year-olds to be adults, but the Federal Act considers them juveniles and prohibits housing them with adults. Compliance creates a conflict in which counties must either inefficiently dedicate an arbitrary amount of jail space or house additional inmates outside the county at a cost. The other federal issue that impacts county jail operations and the Commission is that of Federal prisoners. While there was an expectation that the number of federal inmates would increase, specifically those being detained for immigration violations, this has not been the case. The number of federal inmates has remained steady over the past year, and we have not been apprised of any efforts by the Federal Government that would cause this number to increase, despite media reports to the contrary.

After the general election in November 2020, the agency initiated our outreach efforts to the new sheriffs who entered office on January 1, 2021. Every four years, approximately 80 new sheriffs on average enter office after winning an election in their respective counties. In an attempt to reinforce the philosophy of the agency, the staff will make a concerted effort to engage each and every one of these new office holders before conducting their first inspection. Our first opportunity to reach this group en masse occurred in December 2020 at the New Sheriff's Training presented by the Sheriff's Association of Texas in San Marcos. Those new sheriffs not in attendance have been specifically targeted for an on-site visit to introduce the agency staff they will work most closely with and reinforce to them our mission of assisting them in operating a constitutional jail.

One of the issues that the agency continues to deal with is the requirements regarding the investigation of deaths in custody. There are interpretations of the various statutes and codes involved with what constitutes a death in custody. If an inmate is released through the issuance of a personal recognizance bond, they are no longer in custody, but the bond must be signed. We have experienced on several occasions a county not reporting a death because in the jail's opinion the individual had been released, even though the inmate had not signed the bond. Without being notified, the agency has had to rely upon secondary sources to inform it of these deaths. The issue was brought up in the Self Evaluation Report prior to our Sunset Review but was not addressed by Sunset staff. The final report issued by the Sunset Commission did amend the report to address the issue surrounding the appointment of an outside law enforcement agency to conduct the investigation but did not go any further. Until this issue can be resolved, the possibility remains that a county will release an inmate in the hospital to circumvent the requirement to report their death.

It is hard to predict what challenges 2021 will bring. The legislature will convene in January but will also be operating with restrictions. How much they are able to accomplish is unknown, but there will be plenty for them to consider. The agency will await to see if changes recommended by the Sunset Review are adopted in part or whole. Some of the recommendations will be implemented as they have value. Others that will be more difficult to implement will be held until the legislature determines which ones that they are willing to include. Regardless of the challenges presented by the pandemic, the legislature, or anything else that comes our way, the agency will continue to carry out its mandate to the best of its ability.