

Texas Commission on Jail Standards



2022 Annual Report February 1, 2023

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

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This report is made pursuant to Chapter 511, Section 511.015 Government Code and covers activities of calendar year 2022.

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 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 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, 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 quarterly meetings 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, 2022, were as follows:

Member	City	Term Expires
Judge Bill Stoudt, Chair	Longview	2025
Dr. Esmaeil Porsa, M.D., Vice-Chair	Houston	2023
Mr. Ross Reyes	Melissa	2027
Sheriff Pinky Gonzales	Refugio	2027
Sheriff Kelly Rowe	Lubbock	2027
Mr. Duane Lock	Southlake	2023
Commissioner Ben Perry	Waco	2023
Patricia Anthony	Garland	2025
Monica McBride	Alpine	2025

During 2022, staff consisted of the following 23 positions. We ended 2022 with a new Compliance Monitor (Inspector IV), 2 Program Specialist vacancies (one of which is OLS related) and a vacant Receptionist position. Positions were as follows:

Executive Director	E-086
Systems Analyst VII	B28
Manager II	B23
Manager I	B22
Analyst IV	B22
Compliance Analyst III	B22
Staff Services Officer III	B19
Accountant IV	B19
Inspector IV (3 positions)	B19
Inspector V (4 positions)	B19
Program Specialist III (2 positions)	B19
Program Specialist II (5 positions)	B18
Program Specialist I (2 positions)	B17

Mental Health Trainer	B17
Receptionist (Vacant)	A09

III. Agency Objectives & Funding

The Commission fulfills its mission by allocating its resources and carrying out its statutorily-mandated duties through five 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 four 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 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, publishes it again in the Texas Register.

In addition to the appropriated funds, the agency charges inspection fees 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 .11% of the agency’s budget.

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

A. Inspection & Enforcement

(12 full-time positions) Inspection activities consist of fair and impartial monitoring and enforcing compliance of adopted rules and procedures. Of these 12 positions, 2 are dedicated to Border Security as part of Operation Lone Star and related activities. 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.

As a result of this agency’s Sunset Review, the agency is moving from an annual inspection schedule to a “Risk Based” inspection process. The agency has conducted workshops and met with inspectors as well as Sam Houston State University. The updated process is expected to be implemented by September 2023.

The frequency and extent to which facilities under Commission jurisdiction are inspected will be determined by the risk level of each facility. Commission staff shall perform at least one comprehensive inspection of each facility under Commission jurisdiction every twenty-four months. Limited compliance inspections and special inspections shall be used when deemed appropriate by the risk level of the jail.

The comprehensive inspection will determine compliance with minimum jail standards. The inspectors review the jail's security, control, and general conditions, and they look at not only the operation of the facility, but also its physical plant. Special inspections are 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 will personally examine the areas that require correction or review documentation that demonstrates compliance. This will prove crucial when the issues involve safety and/or security issues.

The Executive Director reviewed all Comprehensive inspection reports, and, if the facility was in compliance, a certificate of compliance was mailed to the facility. However, if the inspector noted deficiencies, a notice of non-compliance was issued, which specified the standards with which the facility had failed to comply and included detailed steps the jail was required to take to correct the deficiencies. The notice of non-compliance was sent via certified mail.

B. Construction Plan Review

(1 full-time position and 1 part-time position) The construction facility planning staff provides consultation and technical assistance to local governments for jail construction that meet 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 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

(4 full-time positions and 1 part-time position) Commission staff also provide 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 part-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. September 1, 2022, The Commission transitioned to an online portal, which allows counties to submit all population reports online. Commission staff continues to collect, analyze, and provide 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.

IV. 2022 Operational Performance in Review

A. Changes to Standards

1. Publish and Post Complaints Procedure in Jails

HB 1545 of the 87th Legislature § 511.0071(g) provided that the Commission shall adopt rules requiring jail administrators to include in any inmate handbook and prominently display throughout the jail information regarding the procedure for complaint investigation and resolution.

The agency consequently adopted an amendment to § 251.6, concerning the handling of complaints against jails that are regulated by the agency. The amendment moved 37 TAC § 251.6(c) to (d) and in place of (c) added language to require county jail administrators to include in any inmate handbook and to prominently display throughout the jail information relating to the procedure for complaint filing, investigation, and resolution.

Public comments were received that recommended the rule language include specific examples of places where the complaint rules be posted, and that the language require jails to clarify the ways to appeal/follow-up on a complaint. During the February 24, 2022, quarterly Commission meeting, the Commission mentioned that the matter was discussed at a recent workshop where it was agreed it was best to let each facility determine where to place them because the wide variation in facility design and the fact that inmates often tear down or deface such postings precluded the Commission from trying to specify or suggest in administrative code where these postings should be placed. The comments did not affect the rule language, which was passed unanimously by the Commission. The adopted rule was published in the 3/25/2022 issue of the Texas Register.

2. Continuity of Medications

SB 49 of the 87th Legislature amended Government Code § 511.009(d) to provide that the commission shall adopt reasonable rules and procedures establishing minimum standards, as specified, regarding the continuity of prescription medications for the care and treatment of prisoners. To implement that statute, the agency adopted an amendment to § 273.2. concerning continuity of medications.

The amendment added language to 37 TAC § 273.2(12) to require that a county jail inmate with a mental illness be provided with each prescription medication that a qualified medical professional or mental health professional determines is necessary for the care, treatment, or stabilization of a county jail inmate. The amendment also made a non-substantive change to replace the word “prisoner” with “inmate.” The latter is the currently accepted term used in Texas county jails.

Public comments were received said the existing language of that statute and of the new rule was too vague because it required medical professionals to act “as soon as possible.” One comment suggested the language include a time limit by which mental health medications be prescribed. The comments also said that the proposed language did not instruct intake medical personnel to give any deference to prior mental health medication prescriptions and suggested the language should direct the jail medical/mental health professionals to contact current/previous providers for medical records & prescriptions. The Commission

noted that rules workshops in prior years deliberated on the matter of requiring the continuity of medication “as soon as possible,” and the workshops determined then and presently agree that it would be impossible for some jails to meet specified time limits. Furthermore, medical professionals are already required to consult with current or prior medical providers, making the recommendation superfluous. Because the Commission does not employ medical professionals, it would exceed its professional capacity to attempt to insert itself into medical matters by prescribing time limits on medical prescriptions. Inmates are in the care of the medical and mental health professionals that treat them while incarcerated. The Commission does not question or regulate the professional judgement or course of action of medical or mental health professionals who treat inmates. The commission adopted the rule unanimously, and it was published in the 3/25/2022 issue of the Texas Register.

3. Certified Fire Inspections

Since 2009, Government Code § 419.909 (originally § 419.908 but changed in 2011 to § 419.909) has required that “Only an individual certified by (The Commission on Fire Protection) as a fire inspector may conduct a fire safety inspection required by a state or local law, rule, regulation, or ordinance.” In a memo on November 20, 2009, the agency informed county jails of this requirement as a condition of compliance certification; however, TCJS did not add this requirement to its minimum jail standards. It does so now with this amendment.

The Texas Commission on Jail Standards adopted amendments to Texas Administrative Code, Title 37, § 263.42. concerning Fire Inspections in county jails by Certified Fire Inspectors. The amendments added language to 37 TAC § 263.42 to require that the local fire official who performs fire inspections in jails shall either be certified by the Texas Commission on Fire Protection or shall meet the alternative criteria provided in Government Code § 419.909. The amendments also required that jails shall pass the fire inspection. The Commission also clarified with this adopted language that it is TCJS and not the Commission on Fire Prevention that approves the written plan for fire prevention and a fire hazard inspection checklist.

The agency received no public comments were received. The rule was adopted unanimously and published in the 7/1/2022 issue of the Texas Register.

4. Reinspections and Graduated Enforcement

HB 1545 of the 87th Legislative Session, which added Gov. Code § 511.00902 to concerning the frequency of jail inspection and methodology for determining frequency. To implement this bill, the agency amended existing rules and created 3 new rules within chapter 297 of the minimum jail standards. These

new rules amended the numerical order of existing rules. Because rule numbers may not be amended but must be repealed and readopted with new numbers, the change had the effect of repealing and replacing the entire contents of § 297. The agency repealed 37 TAC §§ 297.1 - 297.14 and adopted new rule §§ 297.1 - 297.17, concerning compliance and enforcement.

The rule change required that all inspections be unannounced and that 10% of re-inspections be selected randomly for a comprehensive inspection.

HB 1545 also requires the agency to expand enforcement strategies to mitigate inconsistencies across jails and encourage prompt and sustained compliance with state standards. This is accomplished by adopting a graduated action system against non-compliant jails so that the agency can focus its resources on jails with the highest risk of failure. As a result of the revised enforcement rule, the following changes have been made.

- A jail that has been issued two or more notices of non-compliance within a period of eighteen consecutive months will be subject to increased monitoring to include:
- Submission of monthly status reports
- Two unannounced comprehensive inspections within twelve months
- If the jail fails to submit the monthly reports or fails one of these two full inspections, the jail will be subject to immediate enforcement action.

B. Jail Inspections

During Calendar Year 2022, the agency moved from an annual inspection process to a risk-based inspection process. A total of 169 comprehensive jail inspections were performed by inspectors. 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. During the year 2022, staff conducted 100 special inspections of high-risk and/or non-compliant jails. In addition, 71 jails found to be out of compliance during an annual or special inspection were re-inspected. In total, 240 inspections were conducted, of which 240 were unannounced, representing 100% of all inspections.

1. Compliant Counties

At the beginning of 2022, 217 jails (91.18%) complied with Minimum Jail Standards. As of December 31, 2022, we have 228 certified jails, comprising (94.21%) of the county and private facilities under our regulatory review.

Staff conducted fourteen (14) occupancy inspections on completed construction projects during 2022.

2. Noncompliant Counties

On December 31, 2022, 14 jails were in a status of noncompliance, representing 5.7% 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 two (2) counties/facilities (Smith and Coryell). 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, 20 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	Armstrong

A. Construction Plan Review

The Commission reviewed 27 construction/renovation documents. 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 six (6) counties opened a new facility during the year. These projects represented a total of 196 beds:

List of completed projects	# of beds
Austin County Justice Center	0-3 Remote Holding Cells
Deaf Smith County Jail and Sheriff's Office	196
Jim Hogg Temporary Processing Center- Operation Lone star	0-6 Remote Holding Cells
Kaufman County Justice Center	0-9 Remote Holding Cells
Montgomery County District 4 Patrol Expansion	0-4 Remote Holding Cells

Travis County Civil and Family Court Holding	0-24 Remote Court Holding Cells
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2. Major Renovations/Additions Completed

The following four (4) counties completed major renovations or additions during the year.

List of Renovations	# of beds
Fannin County Jail Expansion	129
Garza County Giles W. Dalby Correctional Facility	870
Harris County 1307 Baker Street Jail	528
Rockwall County Jail Expansion	248

All construction and renovation/additions projects totaled 1,775 beds.

3. Jails under Construction or Planning

At the end of 2022, 29 counties were involved in planning or construction projects. These projects are expected to result in an additional 1,933 beds in 2024. This figure is an estimate based on projects identified on January 1, 2024, and scheduled for completion by December 31, 2024; other projects identified during the year may cause this number to be adjusted further. In addition to plan reviews, the Planning Department completed eight (8) Facility Needs Analyses, which assisted counties in determining their future jail needs.

B. 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 two (2) in-house management consultations at the Austin office; as in 2020, and 2021 meetings are being conducted remotely. The agency has continued to conduct most of its meetings with counties via conference calls or video conferences. It also conducted 207 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, one (1) county received assistance with analysis of jail staffing needs, staff reviewed 1,466 operational plans.

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. This year, the Commission conducted more training than the previous year. This effort is, however, still impacted by the COVID-19 pandemic, the county population, and staffing levels, resulting in fewer classes than usual.

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.

C. Auditing

1. Population

On average, Texas county jails collectively operated at 74% capacity and had approximately 70,038 inmates at a given time. On January 1, 2022, county jails collectively operated at 68.59% and had a population of 65,132 inmates. From January to August, Texas county jail population increased by nearly 1,000 per month before reaching 72,840 inmates on September 1, 2022. From October to December, the population began to slowly decrease again. By December 1, 2022, Texas county jails were collectively operating at 74% and had a population of 70,762 inmates.

Over half of the inmates in Texas county jails were pre-trial inmates. On average, approximately 49,792 pre-trial inmates were being held in Texas per day. 10% of those pre-trial inmates were being held on misdemeanors charges, 12% on state jail felony charges, and 79% on felony charges. On the other hand, approximately 6,393 post-trial or convicted inmates were being held daily in Texas County Jails. 11% of those inmates had been convicted of a misdemeanor, 18% had been convicted of a state jail felony, and 71% had been convicted of a felony. Of those convicted felons, approximately 2,728 or 43% were paper ready and waiting to be transferred to TDCJ.

Texas County Jails also held approximately 4,413 federal inmates and 22 out-of-state inmates during a single day. Four of Texas County Jails (Harris, Wilbarger, Loving, Liberty) also housed approximately 566 inmates a day in out-of-state facilities in Louisiana, Oklahoma, and Colorado.

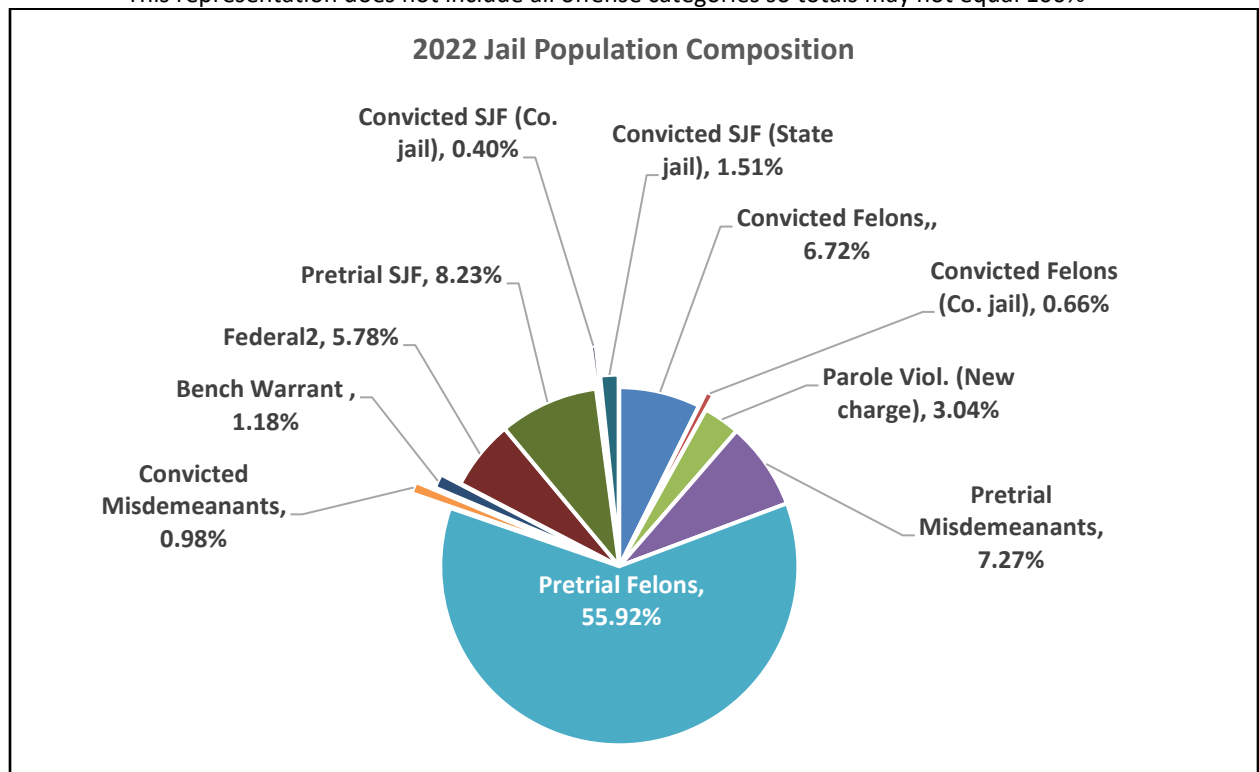
County Jail Population by Offense Type

	Dec-17	Dec-18	Dec-19	Dec-20	Dec-21	Dec-22
Pretrial Felons	46.39%	45.57%	47.40%	53.42%	56.16%	55.92%

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Convicted Felons,	8.48%	8.03%	6.54%	5.50%	6.86%	6.72%
Convicted Felons (Co. jail)	1.33%	1.41%	0.61%	0.55%	0.54%	0.66%
Parole Viol. (New charge)	4.97%	5.45%	4.59%	6.00%	4.23%	3.04%
Pretrial Misdemeanants	9.00%	7.93%	7.72%	6.80%	6.54%	7.27%
Convicted Misdemeanants	3.05%	2.47%	1.80%	0.99%	0.99%	0.98%
Bench Warrant	1.51%	1.43%	1.32%	1.00%	1.04%	1.18%
Federal ²	7.08%	7.33%	7.96%	7.41%	6.80%	5.78%
Pretrial SJF	9.75%	9.14%	9.18%	7.25%	8.29%	8.23%
Convicted SJF (Co. jail)	0.87%	0.63%	0.61%	0.35%	0.34%	0.40%
Convicted SJF (State jail)	1.73%	1.66%	1.41%	1.63%	1.36%	1.51%

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. The total number of inmates with immigration detainers in Texas county jails was 45,097. This is a 32.8% increase from the 33,958 inmates 2021. On average the state housed 3,758 immigration detainers a month. Housing inmates with immigration detainers collectively cost the state \$66,372,477.55.

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 2022, overall monthly jail turnover rates averaged 3.04%, which is up from 2.40% in 2021. When summed, the monthly turnover rates reached a total turnover of 36.34%, which is a marked increase from 28.78% in 2021. **BW: DO YOU WANT TO ATTRIBUTE THIS TO SOMETHING?** Individual county monthly rates ranged from 0% to 100%.

D. Operation Lone Star

The Commission on Jail Standards was named a member of the Governor’s Task Force on Border and Homeland Security upon its formation on June 10, 2021. The primary task the Commission and its staff have taken part in is supporting Operation Lone Star which is the state effort to secure the border. Since its inception, commission staff has provided technical assistance and assisted with the establishment of two temporary processing facilities and the re-purposing of three units of the Texas Department of Criminal Justice (TDCJ) units to serve as temporary housing for county jail inmates. This has required agency staff to assist Texas Division of Emergency Management and the Texas Department of Criminal Justice in all aspects of county jail operations to ensure compliance. Agency staff traveled and provided onsite technical support, which included inspections for the approved temporary processing facilities and repurposed TDCJ facilities housing inmates arrested as part of Operation Lone Star. These efforts proved worthwhile when conditions of confinement and authority to hold county inmates in these re-purposed facilities were challenged in court and dismissed, allowing the operation to continue. With funding provided by Operation Lone Star, the agency has allocated two full-time equivalents to the program to carry our inspections, resolve complaints and provide technical assistance.

E. 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 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	241 reports received	all facilities reporting
February	242 reports received	all facilities reporting
March	242 reports received	all facilities reporting
April	242 reports received	all facilities reporting
May	242 reports received	all facilities reporting
June	242 reports received	all facilities reporting
July	242 reports received	all facilities reporting
August	242 reports received	all facilities reporting

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September	242 reports received	all facilities reporting
October	243 reports received	all facilities reporting
November	243 reports received	all facilities reporting
December	243 reports received	all facilities reporting

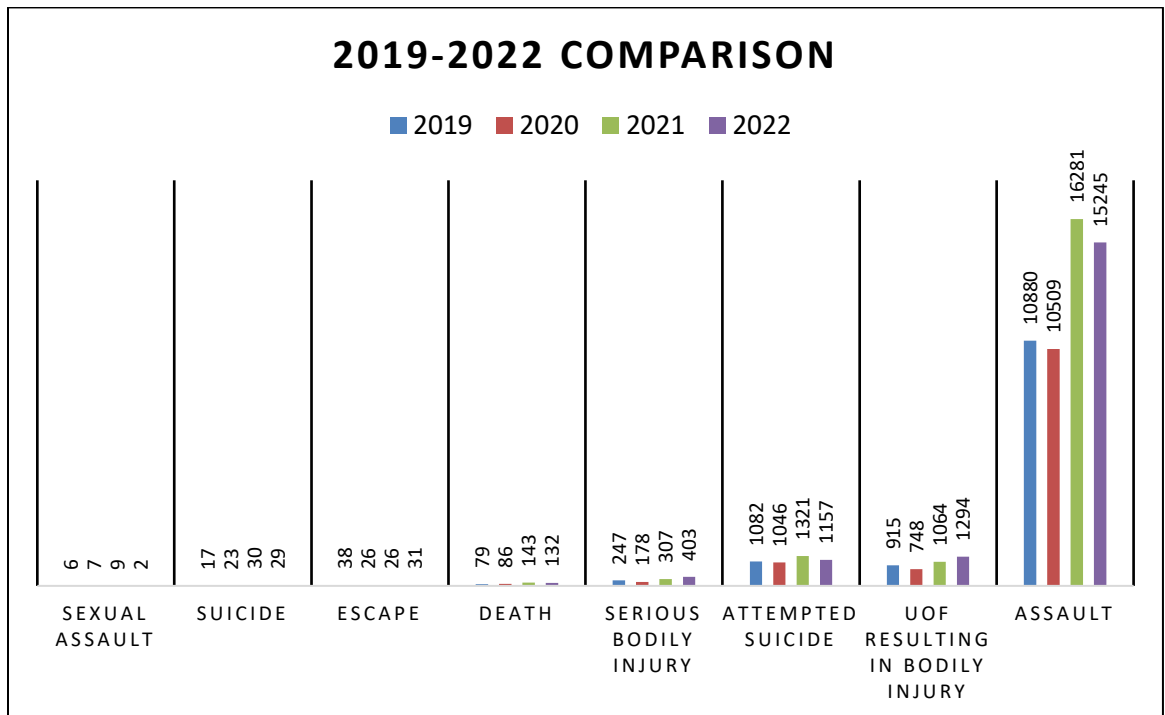
241 Jails included OLS VVPC, OLS Dolph Briscoe and OLS Segovia

242 Jails included OLS JHPC

243 Jails included Garza (P)

Critical Incident Issue	2019	2020	2021	2022
Sexual Assault	6	7	9	2
Suicide	17	23	30	29
Escape	38	26	26	31
Death	79	86	143	132
Serious Bodily Injury	247	178	307	403
Attempted Suicide	1082	1046	1321	1157
UOF Resulting in Bodily Injury	915	748	1064	1294
Assault	10880	10509	16281	15245

Total 2021 Serious Incident Reports received: 2,906. The total number of reported incidents are outlined below by order of frequency:



F. Jail Administrator Examination

SB 1849 amended Government Code 511 and requires that an individual appointed to the position of Jail Administrator after March 1, 2018, must satisfy the requirements of a Jail Administrator Examination created by the Texas Commission on Law Enforcement (TCOLE) and approved by the Commission within 180 days of his/her appointment. In an effort to ensure our stakeholders would be able to locate this requirement more easily, a new standard, §275.8 was adopted.

As of December 31, 2022, 47 individuals have been appointed as a jail administrator since January 1, 2022. Of those 47 individuals, 45 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.

G. Additional Services

1. Research

The Commission received and filled 462 public information requests. These requests comprised 44,195 pages of information. On average the Commission received 39 requests a month. This is a significant increase from the 392 requests received by the Commission in 2021. The most frequently requested documents were inspection reports (159) and death in custody reports (121).

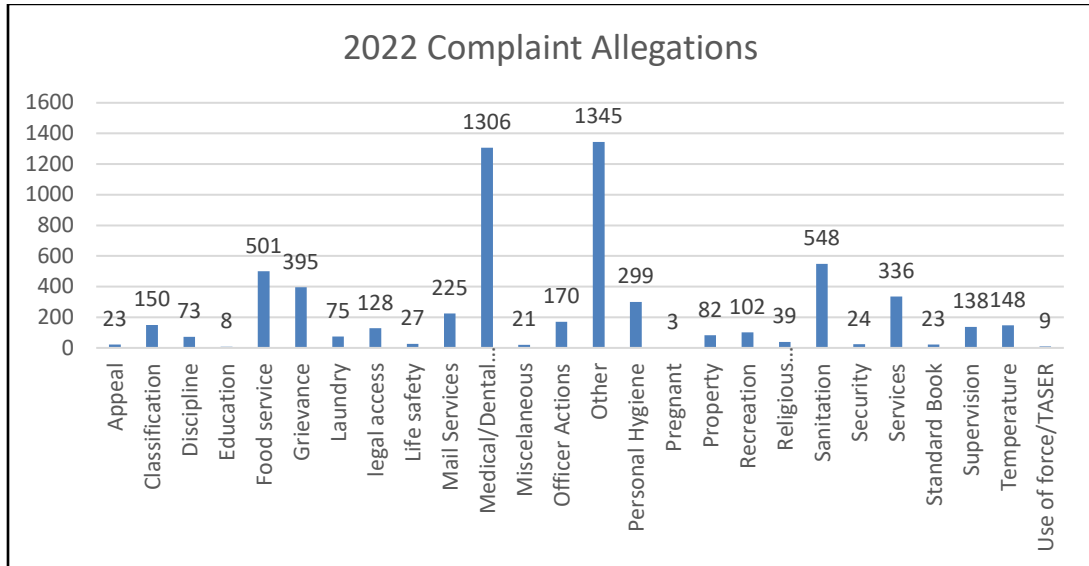
The Commission requested 19 rulings from the Office of the Attorney General regarding the release of information. This is nearly four times the number of requests the Commission sent to the Attorney General in 2021; in 2021, the Commission only sent five requests to the Attorney General. The most common requests for rulings from the Attorney General pertained to death in custody reports (12), complaints (4), and interagency correspondence (3). The primary reason TCJS requested to withhold information was that release of the information would interfere with the status of an ongoing criminal investigation, prosecution, or pending/anticipated litigation. This occurred in 15 cases.

2. Inmate Complaints

The Commission received 4320 written requests for inmate assistance or complaint review. This is an increase of approximately 45.81% from 2021. 2906 complaints required a written response by the county officials and possible action by Commission staff. The Commission determined that 68 (1.57%) of complaints requiring a response were founded. Medical services constituted 30.23% of complaints received, making this category the most frequently cited complaint requiring a formal reply.

The following graph illustrates the frequencies of complaints received for 26 categories. In cases where more than one complaint category is addressed in a letter, the three most significant complaints are reported in their respective categories.

1,132 complaint letters required no response from county officials, 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.



3. Variances

The Commission approved six (6) new variances and two (2) extensions of a previously granted variance. Additionally, a Variance Sub-Committee was created by the Commission at the May 2022, meeting for a period not to exceed one year unless extended by the Commission. The variance requests, under the Variance Sub- committee are applicable to any county experiencing overcrowding which requests a variance from minimum jail standards after the agenda for the next regularly scheduled meeting of the Commission. With the Variance Sub Committee, the Commission approved four (4) variances. Each request is individually reviewed and acted upon by the Commission during the four quarterly meetings. (The Commission may grant reasonable variances, except that no variance may be granted to permit unhealthy, unsanitary, or unsafe conditions).

V. Administrative Activity in Review

A. Staff Changes

6 new hires joined the Commission.

B. Staff Turnover

6 staff members left the agency.

C. Training Initiatives

Commission 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 two regional sites during 2022. 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.

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 continue to offer training on-site and at headquarters for Population and Paper-Ready Reports and the "What to Expect during an Inspection" course for any county that requests assistance.

In addition to these training classes, the Commission conducted training sessions at the annual Texas Jail Association (TJA) Conference in San Marcos, Texas, at the annual Chief Deputies Conference in College Station, Texas, at the Sheriffs' Association Conference in Fort Worth, Texas, at the Jail Management Issues Conference in Galveston, Texas at the CMIT Mental Health Conference in Allen, 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. As of September 1, 2021, the Commission currently employs one Mental Health Trainer who has continued to instruct this course. In addition, the Mental Health Trainer teaches the TCOLE certified #4900 class, "Mental Health Training for Jailers". The objective of this class is to help 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.

Throughout 2022, the agency continued to provide Suicide Prevention Training for Jailers, TCOLE class #4901, which it developed in 2019. 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.

HB 2831, 87th Legislature, amended the Occupations Code, 1701.269 to require the Commission and TCOLE, by December 31, 2021, to develop a four (4) hour training (TCOLE Course 2831) for county jail personnel on interactions with persons with intellectual or developmental disabilities who is confined to a county jail. The training program was developed for both classroom instruction and online training. The classroom version is being offered as regional trainings by the Commission throughout the state.

The Mental Health Trainer conducted 106 training classes with a total of 1,288 participants in attendance.

The agency collaborated with the Correctional Management Institute of Texas (CMIT) to revitalize the Jail Mental Health Officer (JMHO) course, TCOLE 5900 course. This course was developed in 2017 as a mental health and de-escalation certification course for jailers. The objective is Certification of Officers for Mental Health Assignments, Texas Occupations Code, Chapter 1701.404. The agency trainer assisted in presenting three (3) JMHO classes and led a Master Trainer class at Sam Houston, CMIT, certifying 17 students as Master Trainers.

D. Legislative Actions

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

VI. Summary & Forecast

In addition to the agency's traditional duties, this past year saw the agency continuing to support Operation Lone Star while also implementing the changes required by the Sunset Report and HB1545. The lingering effects of COVID-19 continue to impact our county jails as court systems across the state struggle to address case back log. This is exacerbated by the waitlist for admission to a state hospital for competency restoration in accordance with Chapter 46 of the Code of Criminal Procedure. It was reported last year that the wait list had just exceeded 2,000 inmates with an average wait time approaching one year. The wait list is now over 2,500 and the average wait time exceeds one year. This is a burden placed on our county jails that they were never envisioned to fulfill as they operate as de facto mental health facilities but without the specialized staff or resources to do so successfully. These challenges in turn increase pressure on the agency as it attempts to assist our county jails to operate in a safe and secure manner while still regulating them.

As mentioned above and within this annual report, the agency continued down the path of implementing the changes required by Sunset. The most obvious and visible change deals with inspections and the migration from an annual schedule to one that is determined by risk level. To accomplish this, the agency has partnered with Sam Houston State University and their Criminal Justice Management Institute of Texas who has assisted in reviewing and validating the risk assessment tool. Used in conjunction with a revised inspection schedule matrix, this new process is currently being tested and refined with full implementation to begin 1 September 2023. At the same time, agency staff redesigned the inspection process, incorporated aspects of Generally Accepted Governmental Auditing Standards, and created an Inspection Manual to ensure inspection consistency. The move towards a risk-based approach is viewed as a more efficient model for conducting inspections, and its success will depend on it having the ability to predict non-compliance.

One of the requirements contained with the Sunset Bill (HB1545) required jails to include in their inmate handbook and to also post in common areas how an inmate can file a complaint. This resulted in the number of complaints submitted to the agency doubling but no additional staff were provided. This has required management to repurpose staff to address complaints, which removed them from their original role. As this function directly impacts and addresses inmates, the decision was made to prioritize this over data collection and other ancillary duties that have value but are more long-term as opposed to other issues that require immediate action and resolution. To address this, we have requested additional FTEs in the current LAR, since the approach of “robbing Peter to pay Paul” would eventually result in the agency falling short of its mandate.

During 2022, we completed the transition to Capps Human Resources (HR) and all staff were trained and now submit their leave and time through the system. The controls built into the application are helpful in avoiding errors and allowing schedule questions to be answered online. Staff now can retrieve W-2's and other records electronically. The Agency can track time spent for various activities such as inspections v. drive-time. The implementation of Capps HR required agency upgrades including security and dual factor authentication, which are now completed.

Staff turnover continues to be a challenge as our employees remain highly sought after, and the demands that we place on them must be addressed as soon as possible. While the utilization of flex and work-from-home schedules was seen as a benefit when first introduced, it has lost much of its retention value because it is commonplace and expected. The other issue with flex and work from home approach is the lack of in-person interaction, which hinders teamwork as well as individual effectiveness. Although there are some duties and functions that can be carried out remotely, this does not apply to all functions. 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 the different functions the agency performs and what it actually takes to run a state agency. We will 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.

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 governing the definition of 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. Absent such notification, 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 so that it may avoid reporting to the Commission the inmate's anticipated death.

The agency also began utilizing Advisory Committees this past year. While one was mandated by statute (IDD AC), the other was created by transitioning a work group into a formal advisory committee. These committees are much more structured and bound by all of the same requirements that bind the Commission, making them less flexible. Each advisory committee is required to be established by the adoption of administrative rules resulting in a minimum 6-month delay before they can begin formal action. In addition, it appears that the power granted to the IDDAC by its enabling statute exceeds the role of the Commission in that it mandates specific action. This issue should be addressed at the earliest possible opportunity to preserve the role of the Commission and its members.

To address identified shortcomings, the agency prepared a Legislative Appropriations Request that contained exceptional items related to additional staff and funding. The request for additional funding will be used to better align current salaries with duties currently assigned and comparable positions in other state agencies and county jails. If this is not successful, it will directly impact the ability to successfully overhaul the agency as planned and needed.

