

Texas Commission on Jail Standards



2023 Annual Report February 1, 2024

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 2023.

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 demonstrated 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 and Title 37 of the Texas Administrative Code which serve as 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 inmate complaints, 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. The agency also engages with the inmates that are confined in our county jails, their families and advocacy groups that deal with inmates and their conditions of confinement. We provide a service to the citizens of Texas 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, 2023, were as follows:

Member	City	Term Expires
Judge Bill Stoudt, Chair	Longview	2025
Dr. Esmaeil Porsa, M.D., Vice-Chair	Houston	2029
Mr. Ross Reyes	Melissa	2027
Sheriff Pinky Gonzales	Refugio	2027
Sheriff Kelly Rowe	Lubbock	2027
Mr. Duane Lock	Southlake	2029
Commissioner Ben Perry	Waco	2029
Patricia Anthony	Garland	2025
Monica McBride	Alpine	2025

During 2023, staff consisted of the following 26 positions. We ended 2023 with a Statistician and Program Specialist vacancy. Positions were as follows:

Executive Director	E-086
Systems Analyst VII	B28
Manager II	B23
Compliance Analyst III (Critical Inc.)	B23
Statistician (vacant)	B22
Purchaser V	B21
Accountant IV	B20
Staff Services Officer III	B19
Inspector V (5 positions)	B19
Program Specialist III (2 positions)	B19
Planner II	B18
Program Specialist II (5 positions)	B18
Inspector IV (5 positions)	B17
Mental Health Trainer	B17
System Analyst	B29

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 2023, the Commission began the process of reviewing all jail standards and rules on a 4-year rotating schedule.

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

(14) full-time positions) Inspection activities consist of fair and impartial monitoring and enforcing compliance of adopted rules and procedures. Of these 14 positions, 2 are dedicated to Border Security as part of Operation Lone Star and related activities. This objective includes the 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 has moved from an annual inspection schedule to a "Risk Based" inspection process. The agency has presented at the Sheriffs Association conference and the two Texas Jail Association Conferences explaining the new risk-based inspection process. The agency has also sent TA memos to all counties in regard to the risk-based inspection process. Inspectors have also presented at the Correctional management institute of Texas Jail Administrators Management and Operations class.

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

(2 full-time positions) 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

(5 full-time positions) 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. Commission staff assist counties with completing their jail population reports and provides technical assistance. Commission staff continues to collect, analyze, and provide statistical data to agencies that help them predict and prepare for incarceration trends at the state and local levels. 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.

In addition, effective September 1, 2022, The Commission transitioned to an online portal, which allows counties to submit their population data online. Throughout 2023, The Commission has continued to improve and work on its portal system so counties can directly import their data and forms into the portal and review their historical submissions. However, work on the portal is still ongoing, and The Commission anticipates that all work on the portal will be done by August 2024.

E. Indirect Administration

(4 full-time positions and 1 part-time position) 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. 2023 Operational Performance in Review

A. Changes to Standards

1. § 273.23(5) Duties following Miscarriage or Sexual Assault of Pregnant Inmate

HB 1307 amended Local Government Code below. It did not explicitly require the Commission to adopt rules to implement this law, however, the bill's author

expressed her expectation that we do so. To Implement this law, the Commission adopted the following rule under § 273.2. Health Services Plan:

As soon as practicable after receiving a report of a miscarriage or physical or sexual assault of a pregnant inmate while in the custody of a county jail, the sheriff shall ensure that an obstetrician or gynecologist and a mental health professional promptly:

- (a) review the health care services provided to the prisoner; and
- (b) order additional health care services, including obstetrical and gynecological services and mental health services, as appropriate.

No public comment was received.

2. § 281.5. Staff Supervision – Food Handler License

On October 26, 2022 Collin County Sheriff Jim Skinner submitted a petition to change Minimum Jail Standards § 281.5 to update the reference to 25 Texas Administrative Code (TAC), also known as Texas Food Establishment Rules. Minimum Jail Standards at that time referenced § 228.33, which had been repealed and replaced with § 228.31(d). The agency needed to update this reference. No public comment was received. The agency adopted the change.

3. Repealed § 269 Records and Procedures, Subchapter D. Juvenile Justice Reports; §§ 269.40 through 269.43

As part of its 4-year review of rules, the agency adopted the repeal of this rule because state law had earlier repealed the juvenile justice reports. No public comment was received. The agency adopted the repeal.

4. Proposed New Rule § 255.6 Advisory Committees

The agency adopted rules to govern its advisory committees and to establish the Administrative Rules Advisory Committee.

5. § 265.7 Telephone Use

On 2/9/2023, the agency received a petition to change the minimum jail standards Chapter 265, Rule 265.7 Telephone Use, which states: “A telephone and telephone directory shall be available for inmates’ use within the processing area.” The petitioner believed that, because telephone books are no longer widely available, jails are unable to remain in compliance with this rule. The Administrative Rules Advisory Committee discussed this petition on 4/11/23 and drafted amendments to rule 265.7 to remedy the concerns expressed in this petition. The Commission amended the rule to provide that jail facilities shall allow reasonable access to a written or electronic contact list that is in the inmate’s possession upon booking. These amendments were published in the Texas Register on 6/9/23 for public comment. No public comment was received. The amendment was adopted.

B. Jail Inspections

During Calendar Year 2023, the agency moved from an annual inspection process to a risk-based inspection process. A total of 113 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 2023, staff conducted 62 special inspections of high-risk and/or non-compliant jails. During the year 2023 inspectors conducted 144 Limited Compliance Inspections. In addition, 86 jails were found to be out of compliance during a Comprehensive or special inspection. Of the non-compliant jails, 51 received an administrative reinspection. In total, 370 inspections were conducted, all of which were unannounced.

1. Compliant Counties

At the beginning of 2023, 228 jails (93.44%) complied with Minimum Jail Standards. As of December 31, 2023, we have 227 certified jails, comprising (93.03%) of the county and private facilities under our regulatory review

Staff conducted eighteen (18) occupancy inspections on completed construction projects during 2023.

2. Noncompliant Counties

On December 31, 2023, 17 jails were in a status of noncompliance, representing 6.97% 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 (3) counties/facilities (Harris, Runnels and Stonewall). 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

A. Construction Plan Review

The Commission reviewed 25 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 four (4) counties opened a new facility during the year. These projects represented a total of 164 beds:

List of completed projects	# of beds
Brazoria County Courthouse	0-2 Remote Holding Cells
Chambers County Jail – Temporary Women’s Dormitory	48
Crane County Law Enforcement Center	68
Hopkins County Law Enforcement Center	48

2. Major Renovations/Additions Completed

The following six (6) counties completed major renovations or additions during the year.

List of Renovations	# of beds
Bell County Justice Center – Triage Intake Holding Cells	0-2 Remote Holding Cells
Frio County Jail	48
Kendall County Law Enforcement Center	51
Medina County Jail and Sheriff’s Office	14
Travis County Correction Complex – Building 9	96
Williamson County	0-2 Remote Holding Cells

All construction and renovation/additions projects totaled 373 beds.

3. Jails under Construction or Planning

At the end of 2023, 51 counties were involved in planning or construction projects that will result in 1,762 beds. This figure is an estimate based on projects identified on January 1, 2023, and scheduled for completion by December 31, 2025; other projects identified during the year may cause this number to be adjusted further. In addition to plan reviews, the Planning Department completed six (6) 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 three (3) in-house management consultations at the Austin office; as in previous years, a majority of meetings are being conducted remotely. It also conducted 260 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 analysis of jail staffing needs, staff reviewed 1,466 operational plans.

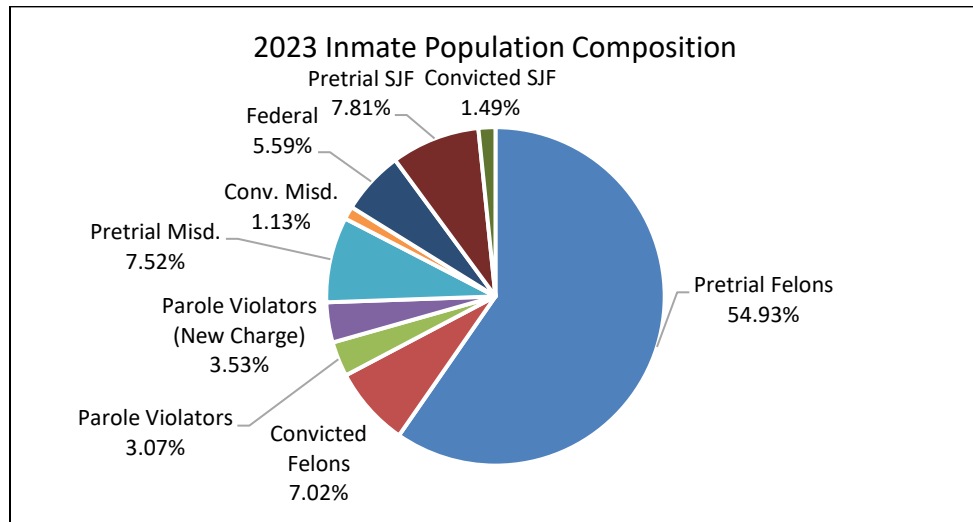
The Commission continued the program of technical assistance to jails on management related issues through regional jail management workshops during the calendar year. The workshops were developed under the direction of the Commission's Education Committee to provide training and credits afforded by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

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

Per Government Code Section 511.0101, each county is required to report the number of inmates housed in their facility jail and other facilities if they are housing inmates elsewhere on the first day of the month. Thus, based on the information reported to The Commission, it was determined that, on average, in 2023, Texas county jails collectively operated at 72% capacity and had approximately 70,325 inmates at a given time. This is only a slight increase from the average of 70,038 inmates housed in Texas County jails in 2022. The following is an approximate breakdown of the composition of the inmates housed in Texas County Jails in 2023:



It was also determined that approximately 11% of the inmates housed in Texas County jails in 2023 were being held on a contract basis for either another county jail in Texas, a federal agency such as the US Marshals Service, or another state. However, the only county that housed out-of-state contract inmates in 2023 was Hudspeth County, and on average, they housed approximately 11 inmates at a given time for New Mexico.

2. Immigration

Senate Bill (SB) 1698, 82nd Legislature, requires each county to report the number of inmates with immigration detainers and the associated cost each month. From January 2023 to August 2023, there were approximately 50,017 inmates with immigration detainers housed in Texas’s County jails and Operation Lonestar Units, making the total cost to house inmates with immigration detainers from January 2023 to August 2023: \$72,945,845.61. The following is a monthly breakdown of these totals:

JANUARY 2023 - AUGUST 2023				
REPORTING PERIOD	NUMBER OF INMATES	NUMBER OF INMATE DAYS	AVERAGE COST PER DAY	MONTHLY COST
January 2023	5,279	122,002	\$66.09	\$8,062,676.49
February 2023	5,978	121,715	\$65.49	\$7,971,339.26
March 2023	6,306	137,993	\$65.00	\$8,970,148.11
April 2023	6,282	128,021	\$65.80	\$8,423,408.07
May 2023	6,319	137,964	\$64.85	\$8,947,168.77
June 2023	6,242	137,650	\$68.79	\$9,468,818.23
July 2023	6,925	151,864	\$68.92	\$10,465,986.96
August 2023	6,686	156,552	\$67.94	\$10,636,299.72

In terms of the number of inmates with immigration detainers and the associated cost for the months of September 2023 – December 2023, the

Commission is currently unable to provide an exact number at this time. However, using statistical forecasting methods and immigration data from January 2022 to August 2023, the Commission anticipates that there were approximately 28,584 inmates with immigration detainers housed in Texas County jails and OLS facilities from September 2023 - December 2023, costing approximately \$43,840,034.87 to house. The following is a monthly breakdown of these projected totals:

SEPTEMBER 2023 - DECEMBER 2023 FORECAST		
REPORTING PERIOD	NUMBER OF INMATES	MONTHLY COST
September 2023	6922	\$10,542,739.14
October 2023	7071	\$10,820,918.86
November 2023	7221	\$11,099,098.58
December 2023	7370	\$11,377,278.30

While this is a forecast, the Commission will be publishing immigration data to our website by May 1, 2024.

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. Throughout 2023, approximately 4,878 licensed jailers left employment in Texas County Jails, making the annual licensed jailer turnover rate 35.18%. On average, approximately 407 jailers left employment each month in 2023, making the average monthly turnover rate 2.93%. This is a slight decrease from the 2022 annual jailer turnover rate of 36.34% and the average monthly turnover rate of 3.04%.

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 the 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 (Val Verde and Jim Hogg) and three 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 out our inspections, resolve complaints and provide technical assistance.

E. Critical Incident Inspection

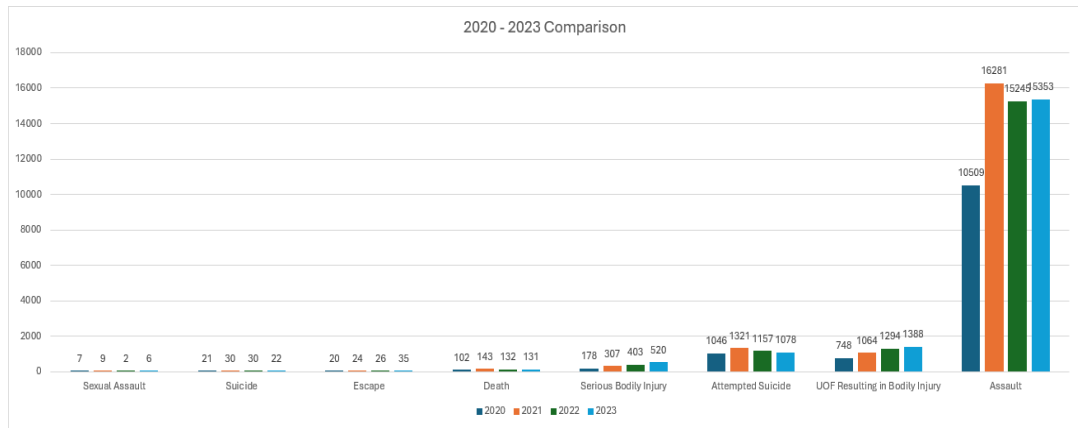
In addition to conducting administrative reviews on reported Escapes from custody and Deaths in Custody, the Commission also receives, on or before the fifth day of each month, reports on the occurrence of any serious incidents involving an inmate in the county jail during the preceding month.

January	243 reports received	all facilities reporting
February	243 reports received	all facilities reporting
March	243 reports received	all facilities reporting
April	243 reports received	all facilities reporting
May	243 reports received	all facilities reporting
June	243 reports received	all facilities reporting
July	244 reports received	all facilities reporting
August	244 reports received	all facilities reporting
September	244 reports received	all facilities reporting
October	244 reports received	all facilities reporting
November	244 reports received	all facilities reporting
December	244 reports received	all facilities reporting

244 Jails included OLS Lopez

Critical Incident Issue	2020	2021	2022	2023
Sexual Assault	7	9	2	6
Suicide	21	30	30	22
Escape	20	24	26	35
Death	102	143	132	131
Serious Bodily Injury	178	307	403	520
Attempted Suicide	1046	1321	1157	1078
UOF Resulting in Bodily Injury	748	1064	1294	1388
Assault	10509	16281	15245	15353

Total 2023 Serious Incident Reports received: 2,922. 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, 2023, 30 individuals have been appointed as a jail administrator since January 1, 2023. Of those 30 individuals, 29 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

In 2023, the Commission received approximately 407 public information requests; this is a decrease from the 462 public information requests the Commission received in 2022. The most frequently requested information was death in custody reports (43%), inspection reports (30%), and copies of complaints regarding county jails (10%).

In 2023, The Commission requested 93 Attorney General rulings regarding the release of this information. This is approximately five times the number of Attorney General rulings The Commission requested in 2022. The most common reason TCJS requested to withhold information was that the release of the information would interfere with the status of an ongoing criminal investigation, prosecution, or pending/anticipated litigation.

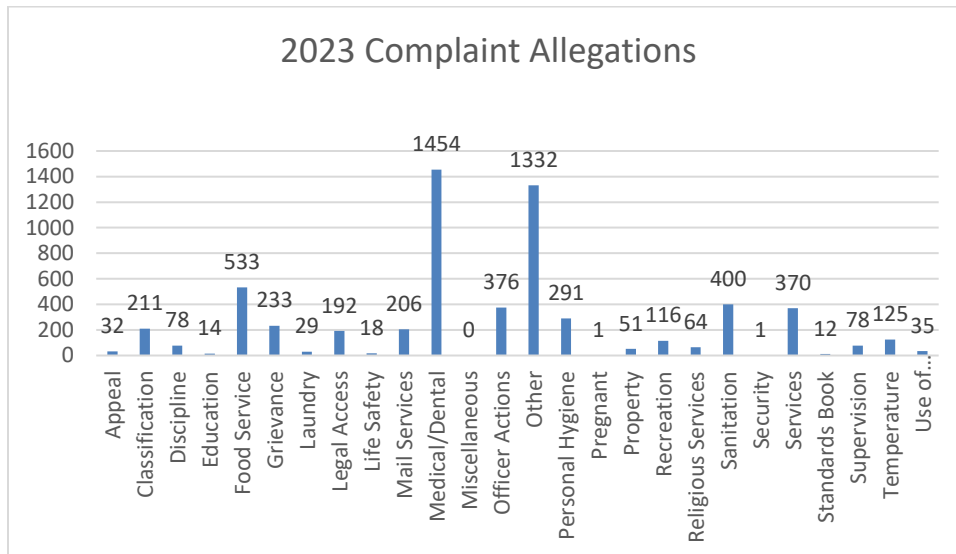
2. Inmate Complaints

The Commission received 4392 written requests for inmate assistance or complaint review. This is an increase of approximately 1.6% from 2022. Of these

complaints, 2648 required a written response by county officials and possible action by Commission staff. The Commission determined that 33 (1.24%) of complaints requiring a response were founded. Medical services constituted 33.10% 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.

Of the 4392 complaints received, 1734 did not require a 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 ten (10) new variances and nine (9) 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. 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). Based upon the recommendation of the Variance Sub-Committee, the Commission approved eight (8) variances.

V. Administrative Activity in Review

A. Staff Changes

7 new hires joined the Commission.

B. Staff Turnover

3 staff members left the Commission.

C. Training Initiatives

Commission staff has continued to select timely topics and develop a solid curriculum for the training programs first developed in 2001, as evidenced by the positive response all training sessions have received.

Although “Current Trends and High-Impact Areas of Jail Operations” was not provided during 2023, we have received requests for this training for 2024. 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 validated 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 Austin Texas, and at the Jail Administration Management and Operations classes at Sam Houston State University in Huntsville, Texas.

Throughout 2023, 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 with 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 49 training classes with a total of 491 participants in attendance.

The agency collaborated with the Correctional Management Institute of Texas (CMIT) to revitalize the Jail Mental Health Officer (JMHO) TCOLE 5900 course. This course was developed in 2017 as a mental health and de-escalation certification course for jailers. The objective is to provide certification in accordance with Texas Occupations Code, Chapter 1701.404.

The Mental Health Trainer assisted in presenting four (4) JMHO classes.

D. Legislative Actions

HB 2183 Stucky, Lynn—Temporary Appointment Of County Jailers

This law amended Occupations Code to provide that a temporary county jailer appointment may be renewed if the sheriff petitions TCOLE to extend the temporary appointment for a period not to exceed six months. The law provides that a person previously appointed as a temporary county jailer and separated in good standing from that position may be subsequently appointed on a temporary basis as a county jailer at the same or a different county jail for only one year. It further provides that a person who has cumulatively served as a temporary county jailer for two years may continue to serve for the remainder of that temporary appointment, not to exceed the first anniversary of the date of the most recent appointment. The person is not eligible for an extension of that appointment or for a subsequent temporary appointment at the same or a different county jail until the first anniversary of the date the person separates from the temporary appointment during which the person reached two years of cumulative service. The law provides that a person whose county jailer license has become inactive may be appointed as a temporary county jailer. The bill became effective September 1, 2023

HB 2620 Geren, Charlie—Inmate Transfer From County Jail to TDCJ

Current law provides that the TDCJ Board must permit the TDCJ to accept inmates within 45 days of processing. This law amended Gov Code 499 to provide that the TDCJ must take custody of an inmate from county jail within 45 days of certifying the transfer documents. The law provides that, if the county delays inmate transfer, then it would not be entitled to compensation and must transfer the inmate as soon as practicable. If TDCJ does not take custody of an inmate within this period, the department, the law requires TDCJ to compensate the county for the daily cost of confinement, as defined.

SB 1659 Schwertner, Charles—TCJS 2035 Sunset review

This law sets TCJS's next Sunset expiration date at 2035.

HB 4559 Darby, Drew—Intel Center Municipal Contracts; Commissaries

Current Gov't. Code § 362.005(a) provides that the sheriff's department of a county with a population 700,000 but not more than 800,000 that borders the Mexico border and the police department of the municipality having the largest population in that county must jointly establish and operate the Texas Transnational Intelligence Center as a central repository of real-time intelligence relating to transnational criminal activity in Texas. This law changed that population range to a threshold of at least 870,000.

Loc. Gov. Code § 351.04155(a) currently provides that a county with a population of one million or more, has two municipalities with a population of 200,000 or more, and is adjacent to a county with a population of one million or more is subject to Loc. Gov. Code that permits sheriffs to operate jail commissaries and gives sheriffs exclusive authority over them. This law raised those population requirements to apply to a county with a population of 2.1 million or more with two municipalities of a population of 250,000 or more that is adjacent to a county with a population of 2.1 million or more.

Loc. Gov. Code 361.042(a) currently provides that, instead of providing and maintaining its own jail, the commissioners court of a county with a population of 110,000 to 113,000 may provide jail facilities for the county by contracting for the facilities with the governing body of the municipality that is the county seat of the county. This bill raised those population requirements from 110,000 to 120,000 and from 113,000 to 123,000.

SB 22 Springer, Drew—Rural SO Salary Assistance Grant Program

This law amended Local Government Code to require the comptroller to establish and administer a rural sheriff's office salary assistance grant program to provide financial assistance to sheriff's office in qualified counties, as defined. It further prohibits counties from reducing sheriff office funding due to the grant.

SB 252 Alvarado, Carol—Veterans as peace officers

This law amended Loc. Gov. Code 370 to provide that local governments may employ as a peace officer a lawful, permanent, U.S. resident, honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge. It amended Occ. Code 1701 to provide that TCOLE shall issue a peace officer license to a lawful permanent resident of the United States if the person:

- 1) Meets the requirements as specified in Local Government Code and the commission's rules; and
- 2) Is an honorably discharged veteran of the U.S. armed forces with at least two years of service before discharge.

The law prohibits a political subdivision from appointing or employing such person to hold a supervisory position until the person becomes a United States citizen.

SB 888 Perry, Charles—Fire escape exemptions courthouses

Holding cells in county courthouses in counties with a population of less than 50,000 will no longer be governed by Health and Safety Code 791, and TCJS will not apply that chapter in its oversight of the construction of such holding cells.

SB 1677 Perry, Charles—Jail Diversion center expansion

This law amended Gov Code 531 to provide that, to the extent money is appropriated to HHSC for this purpose, HHSC shall establish or expand behavioral health centers or jail diversion centers. The centers must provide additional forensic hospital beds and competency restoration services and must provide services to reduce recidivism and the frequency of arrest, incarceration, and emergency detentions among persons with mental illness in the service areas.

SB 2479 Zaffirini, Judith—Notify magistrate

Current law CCP 16.22 provides that not later than 12 hours after the sheriff or municipal jailer must give written notice to the magistrate within 12 hours that they have custody of a defendant for an offense punishable as a Class B misdemeanor or any higher category of offense and receives credible information that may establish reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability. This bill repealed the requirement that the defendant must be alleged to have committed a Class B misdemeanor or higher category of offense. Current law provides that the magistrate is not required to order the interview and collection of other information if the defendant meets specified conditions. This law added the condition that the defendant was arrested or charged with an offense only punishable as a Class C misdemeanor.

The law provides that a peace officer who transports an apprehended person to a competency restoration facility is

- 1) not required to remain at the facility while the person is medically screened or treated or while the person's insurance coverage is verified and
- 2) may leave the facility immediately after the person is taken into custody by appropriate facility staff and the peace officer provides to the facility the required documentation.

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. Local court systems continue to struggle with the case back log created by COVID-19 which 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. The waitlist remains excessively high but has gone down since the last report and currently is at 1.936. 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 partnered with Sam Houston

State University and their Criminal Justice Management Institute of Texas who assisted in reviewing and validating the risk assessment tool. Used in conjunction with a revised inspection schedule matrix, this new process was fully implemented 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, which 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, additional FTEs were requested in the LAR, since the approach of “robbing Peter to pay Paul” would eventually result in the agency falling short of its mandate. At this time, there are now 5 FTEs assigned to address inmate complaints and the decision has been made to assign an additional .5 FTE to supervise this important function.

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. A bill was introduced during the 2023 Legislative Session that instead of providing clear direction, it further clouded and confused the

issue. In discussions with the various stakeholders, it was determined that additional work in this area is needed, and the bill did not pass into law. 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 formally transitioned its work groups to official Advisory Committees this past year. While one was mandated by statute (IDD AC), the other was created by transitioning the rules work group into the Administrative Rules Advisory Committee. These advisory committees are much more structured and bound by all of the same requirements that bind the Commission, making them less flexible. Each advisory committee was required to be established by the adoption of administrative rules resulting in a 6-month delay before they could take formal action. In addition, it appears that the power granted to the IDD AC 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.

As the agency moves into 2024 and the interim, it is well positioned to be successful. Management believes, for the first time, that the agency has been provided the resources necessary to address long-standing needs in regard to the number of professional staff members. Ensuring that all staff members fully understand their role and the importance of their duties while reflecting the culture of the agency and its mission is just as vital as actually having the staff members on board. This will require management to continue its efforts to demonstrate to staff, through their actions, that opportunities and professional development will continue to be provided. While we understand this makes them more attractive to other entities, it also proves to them that we see value in them and want them to succeed and reach their professional goals hand in hand with the agency reaching its goals. It is a balancing act, but one we are committed to and truly believe it will benefit the agency as we align short-term tactical demands with long term, strategic planning.