

MINUTES

Meeting: Commission on Jail Standards

Place: Texas State Capitol Building Extension
Room E2.028
1100 Congress Avenue
Austin, TX 78701

To obtain a recording of the meeting November 2, 2023, contact staffer Carol Bernhard, at 512-560-8029.

Time: 9:00 a.m.

Date: November 2, 2023

I. Call to Order

The meeting was called to order by Chairman Judge Stoudt of the Texas Commission on Jail Standards at 9:00 a.m.

II. Roll Call of Commission Members

Judge Bill Stoudt, Chairman	Mr. Ross Reyes
Dr. Porsa, Vice Chairman	Ms. Monica McBride
Mr. Duane Lock	Sheriff Raul Gonzales
Ms. Patricia Anthony	Sheriff Kelly Rowe

Commission members present at roll call were Judge Bill Stoudt, Dr. Porsa, Mr. Duane Lock, Sheriff Kelly Rowe, Sheriff Raul Gonzales, Ms. Patricia Anthony and Ms. Monica McBride. Mr. Dennis McKinney, Assistant Attorney General, was also present. Staff members attending in-person included Brandon Wood, Ricky Armstrong, Jason Jouett, Todd Allen, Michael Garrett, William Turner, Michael Gravitt, Leslie Speir, Martin Arnold, Richard Morgan, Jason Davis, Chris Keith, Clarissa Fasci, Zachary Aguirre, Lindsey Bailey, Stephanie Reneau, Courtney Elrod, Gabriel Farley, and Matt Burke.

Others in attendance were:

Michael Starkey, Henderson County S.O.
Steve Herrera, Hidalgo County S.O.
Sherrie Shorten, Montgomery County
Shannon Srubar, Whorton County S.O.
Jason Mican, Whorton County S.O.
Dennis Wilson, Retired Limestone Co. Sheriff
Michele Basart, Runnels County Jail
Shannon Herklotz, Dallas County S.O.
Maxey Cerliano, Gregg County S.O.
Julia Miller, Runnels County
Matt Garry, Harris County
Megan Milas, CGL
Jeremiah Richards, Montgomery County S.O.
Ms. Brenda Bamburg, Tyler area
Michael Page, Montgomery County S.O.
Karen Muñoz Treviño, LatinoJustice PRLDEF
Juan Sandoval, Travis County S.O.
Wayne Gondeck, DRG Architects
Raul Banasco, Travis County S.O.
Deborah Smith, Houston TX
Dianne Bailey-Rijsenburg, Harris County
Lee Norman, Garza County
Jennifer Shumake, Bexar County
Chad Stroud, Hunt County S.O.
Joshua Lunsk, Hunt County S.O.
Amy Kalmin, BCDB

Ron King, Parker County JA
Stacy Sellers, Wilson County
Scott A. Williams, Coryell County S.O.
Krish Gundu, Texas Jail Project
Juan Ornelas, Runnels County
Tom Walsh, DCR Group
Jason Spencer, Harris County S.O.
Brandon K. Poehls, Runnels County
Lance Phillips, Smith County
Derek Phillips, Smith County
Sheriff Russ Authier, Parker County S.O.
Kevin Stuart, Brazos County
Pamela Paz, Travis County S.O.
Haley Ewing, Legislative Budget Board
Phillip Bosquez, Harris County S.O.
Yolanda Avila, Texas Jail Project
Jennifer Segura, Travis County
Otis R. Eging, Harris Health System
Roger Miller, Coryell County
Elle Cross, Mano Amiga
Sheriff Ed Gonzales, Harris County S.O.
Adrian Garcia, Harris County Commissioner
Juan Carlos Guerra, Jim Hogg County Judge
Reyes Espinoza, Jim Hogg County S.O.
Erasmus Alarcon, Jr., Jim Hogg County S.O.
Tom Maddox, Sabine County S.O.
Amanda Rodriguez, Rep. Jarvis Johnson's office

III. Approval of Minutes

Dr. Porsa moved to approve the minutes for the meeting conducted on August 3, 2023. Sheriff Rowe seconded the motion, which was subsequently approved unanimously.

IV. Public Comment

Stacy Sellers, from Wilson County spoke about her brother Anthony who had numerous run-ins with the law starting at a young age. She said he was 25 years old when he was arrested for a drug deal in Indiana before he was transferred to Texas. She said he did well during his 5 years of probation, but he was introduced to meth which began his numerous stays in Bexar County Jail. She said he would often be in jail for possession and unauthorized use, was sentenced to prison for 3 years and after serving 19 months, he was released. She said in Bexar County he was often in solitary confinement and was hospitalized for a month while incarcerated. In 2020, he was charged in another county and a drug dealer who was being watched by the DEA overdosed her brother on fentanyl and attempted to kill him. She said a bystander found him and he was transported to a hospital in Bexar County to receive medical attention. She said he was arrested two days later and found himself in the Guadalupe County Jail. She said he went into the jail with 127 staples and the jail doctor left in the staples and neglected care, leaving her brother in organ failure and leaking spinal fluid. She said he was given incorrect medicine.

Sherrie Shorten, from Montgomery County spoke about her husband who's been incarcerated in the Montgomery County Jail since July 26th, 2023. She said she took all of her husband's medications to the jail the same day he was arrested, and that it took over 24 hours for him to receive his first dose. She said the number of pills he received in the med cart were incorrect. She said that when her husband complained of chest pains, the guards laughed at him and didn't give him the medicine prescribed by his cardiologist. She said at one point he made multiple requests regarding constipation over a 12-day period. She said by the time he got to see someone, he was bleeding and unable to pee. She said the Sheriff is outsourcing medical to cut costs and reduce jail liabilities and that someone needs to provide oversight to Well Path to ensure they are providing adequate care. She said the jail is inhibiting privileged conversations with hired attorneys. She said at one point her husband's attorney set up a 2-hour block to meet, but the jail did not have enough attorney-client rooms for the number of inmates they have, so they had to cancel. She said another time the attorney set up zoom calls, but the jail staff could not remember the password to connect him with his attorney. She said her husband is not receiving the newspaper subscriptions that she provides him and that most of the staff in the jail are not wearing name badges. She said when someone in the jail tells him something, he'll ask them their name and tells her. She says the Sheriff then reports he doesn't have any staff by those names.

Derek Phillips, from Smith County introduced himself as an ex-law enforcement officer and K9 handler on SWAT Patrol for nearly a decade. He reported he was a former employee of Smith County, where both of his parents are current elected officials and have been for the past 15 years. He said he was falsely arrested by Smith County by guys he went to SWAT school with. He said there is corruption in Smith County from both sides, inside and out and includes the jail standards. He said that when he was falsely arrested/taken in, the intake deputies were screaming, ridiculing, and calling names to those in the jail. He said he remembers one specific woman who was 18 years old named Elizabeth, crying. He said she

was a domestic abuse victim, had called 911 to assist yet they arrested her. He said while in the booking area, the staff were calling her names and put her down. He said he spoke up for her and the deputy stopped calling her names. He said he was deathly afraid of the two deputies who brought him in and he made staff aware of this during booking. He said two deputies came inside his home, arrested him, beat him up, and kidnapped him even though no crime was committed. He reported that he told them recording an event on his property while standing inside his home was not a crime. He said he was tortured. He said he was shortly transferred to Gregg County because he was an ex-employee of Smith County. He said he didn't have any problems with Gregg County. He said when he transferred back to Smith County, to get booked out, they made him sign a screen, but they wouldn't allow him to see what he had to sign. He said as he was leaving, an employee handed him some trash to take out. He said this man threatened to put him back in the cell if he didn't take the trash out with him. He identified this man as the same man that arrested almost every member of his family. He said the employee arrested his brother on a misdemeanor charge with a \$4,000 maximum fine and set his bail at \$550,000. He commented that he doesn't think we have an overcrowding issue but that they are arresting too many people for non-violent and non-criminal issues. He said both he and his mother were arrested and charges were never filed.

Lance Phillips from Smith County spoke about the issues they are dealing with in Smith County. He said they have had at least 8 deaths in custody in the last two years. He said two of the men that he knows of from this year are Charlie Humphries and Nate Lee Johns. He said Nate had serious mental health issues and was getting help at the hospital but they arrested him and allowed him to commit suicide inside the jail. He said this is an enormous problem not only because innocent people are being killed, but because it leads to lawsuits costing taxpayers millions. He said at one of their commissioner's court hearings, he tried to bring up issues of jail overcrowding and people with mental illness being incarcerated instead of being provided healthcare in the community, but Sheriff Larry Smith had him dragged from the commissioner's court and arrested. He said he was held on a \$550,000 bond for a misdemeanor charge. He said he was transported to Gregg County, and he was never told why he was being housed there. He said during his time at Gregg County, he never received an inmate handbook, I-60's were impossible to come by and he only got one jumper during booking. He said it took 2 weeks of asking the officer who booked him in to receive a second. He said the inmates were punished and had tv privileges revoked while getting laundry done because they did not possess any other clothes to wear while cleaning the only ones they had. He said the tv being turned off caused physical altercations between several of the inmates. He said people suffering from mental illness are being housed in solitary confinement with terrible conditions and in turtle smocks because they answered one question wrong during screening. He said the jail is holding people well over 90 days without PR bonds despite their eligibility. He said they refuse to allow anyone from the public to attend hearings that should be open. He said his bond was on a digital screen and once he signed, he couldn't read it or review it. He said they do not have an understaffing problem, but an over-arresting, over-charging and an over-detention problem.

Brenda Bamburg, from Smith County said she has lived in Smith County for 46 years. She says Sheriff Smith needs to be investigated. She said they run a "felon-factory." She said she is an advocate for inmates. She said the news reports exactly what the Sheriff tells them to

say. She said the inmates tell her their families to write to try and get help, but they never receive responses. She said her son Samuel Bamburg has been arrested several times. She said Sheriff Smith falsely arrested her son and kept him until they had to let him go. She said it was three days before her son could call her and tell her he was in jail. She said her son keeps getting arrested because in 2015 he had a list of names of those that witnessed a beating by guards that resulted in the death of Robert Rowen. She said the Sheriff knew about his list of names and took it from her son. She said ever since then her family has been harassed. She said at one point they came and searched her house without a warrant. She said she's been stalked. She said when she went to visit with her son, they were trying to secretly record her. She said her son is currently in Smith County jail. She said her son was looking after another inmate who suffered from mental health issues and his mattress was contaminated with urine. She said her son helped another inmate who had had medical issues pertaining to his foot. This man had come in on Monday, but the jail didn't get him medical help until Saturday. She said the staff mistreated and threatened the man.

Yolanda Avila, spoke about her husband incarcerated in Coleman County. She said he'd been struggling with mental health problems for years. He was diagnosed with bipolar, schizophrenia, multiple personality disorder and suffered high anxiety. She said he was provided no mental care and was convicted on a drug charge and sentenced to thirty years. She said he did 15 years in TDCJ. She said seven of those years he was in solitary confinement. She said in order for him to be eligible for parole, he had to give up his mental health medication. She said he suffers from night terrors and voices in his head. She said he kept receiving new parole officers, but none would take the time to help him, so he turned to self-medicating which made things worse. She said in 2022 he received a new parole officer who listened to him. She said the officer contacted the state to receive help, but MHMR said he had no insurance. She said with time he couldn't function anymore. She said the officer got approval to send him to counseling. She said he was supposed to meet with doctors for medication August 16th, but was arrested that day. She said he asked for help inside the jail but there's been no response. MHMR told her they would not provide services for him anymore. She said an advocate came to give him medication at the jail. He was given an anti-psychotic pill which helped. She said he's not getting enough food to sustain the medication. She said he needs to be in a mental health facility and not a jail.

Aaryce Hayes, a Policy Specialist with Disability Rights Texas spoke about being at the August 8th meeting and the \$500,000 that was allocated for continuation of psychiatric medications. Specifically for individuals returning to jail from state hospitals, who are incompetent to stand trial. She said \$3,000 in reimbursements have been requested and that \$13,000 was the most annually requested in prior years. She said this is the first month of the first quarter of the fiscal year, and this could help them ask for an increase in funds at the next legislative session. They identified some other barriers to accessing services for individuals in jails with mental illness during the research round. She said the LMHA has refused to provide crisis services on many occasions. She said there was pushback from the Texas Council. She said they can handle the pushback but want to get real information about what is happening when the jails are contacting the LMHA's about crisis services. She asked the Sheriffs to develop a paper trail. She said it is difficult to push back against the Texas Council's concerns about these allegations when they don't have any data. She said HHSC

has agreed to work with the Commission on a project to gather more data and to do an educational campaign.

Krish Gundu, with the Texas Jail Project said the 16.22 screening process and the CCQ checks are supposed to ensure continuity of care but the stories she hears are painting a different picture. She spoke about what Robin Wilson, a behavioral health specialist in a neighboring county had to say about the continuity of care in their jail that had a supplemental contract with LMHA. She said her concern is for people who are unable to access the behavioral health care that they need while in jail. She said the state has made sure the programs are all in place only to have it fall apart at the county level. She said people are left unhoused, untreated, and unmedicated. She said she believes the Commission could help with accountability, help with the counties' mental health crises', create collaborations that offer person-centered solutions, hold the LMHA's accountable and collect data that the jails need. Data that could indicate where the continuity of care is failing. She indicated this would help taxpayers make informed decisions about public safety in our communities.

V. Old Business

A. Coryell County – Status Update and Remedial Order Enforcement

Executive Director Brandon Wood explained that Coryell County is on the agenda due to the existing Remedial Order that remains in place. Director Wood said he is pleased to report that the county had been complying since June 2023 and that they have been able to manage their population. He said they are also working on an addition to their existing county jail and are requesting that the remedial order be canceled as the jail has maintained compliance since June of 2023. He said there are representatives of Coryell County present who can provide additional information regarding their ongoing efforts to maintain compliance and to provide an update on the addition to the existing jail. The Sheriff thanked everyone for the support they'd been given. The county judge said he was encouraged to say they have been complying for over 90 days and that monitoring their weekly reports showed a high count of 87 with average being 81 in their 92-bed facility. He said they just renewed a housing agreement with Johnson County where they keep a large majority of their inmates. He said they have narrowed it down to two counties, Johnson, and Bosque. He said they are continuing with their 47-bed addition and are about 60% complete. He said they anticipate being able to occupy by the end of February. He asked for a suspension on the remedial order. Judge Stout asked if there were any questions from the Commission. Dr. Porsa made a comment thanking Coryell County for their hard work. Commissioner Lock agreed with Dr. Porsa's comment and reiterated that it has been tough, but he appreciates their work. Judge Stoudt asked for comments from the Commission. Director Wood addressed Judge Stoudt and explained that standards allow cancellation if they remain in compliance. Director Wood recommended that the remedial order be cancelled. Mr. Lock made the motion to approve the cancellation and Sheriff Rowe seconded. The motion passed unanimously.

B. Harris County Jail - Non-compliance

Judge Stoudt made a note for the record that Dr. Porsa would be abstaining from discussion. Harris County Sheriff Gonzales stated that their current total population is approximately 9,300. He said that of those, they had 7,900 on-site. He said approximately 1,200 are outsourced to various facilities. He said the approx. average daily outsourced population from August to October was 1,324. He said they're currently reviewing proposals from an additional vendor to possibly outsource more inmates, which will directly affect two deficiencies pertaining to staffing ratio and inmate supervision. He said since the last meeting they increased the outsourced bed count an extra 100. He said that the county created 6 new criminal courts that started this month to help with processing cases and approved a 12% increase for detention officers. This began in October to attempt to help with retention and hiring. He said they currently have 204 open positions. He said the county authorized a \$1,000 retention incentive with the first payments being made to their officers in October and the next payment in April 2024. He also stated that they are working with a consulting firm to conduct a strategic recruiting and retention campaign to attract people to the profession. He said their county commissioners also granted funding to create a team of five general population specialists tasked with ensuring their operation is safe and efficient while identifying specific cases that could be considered for alternatives outside the jail while awaiting trial. He said the team is producing positive results. He said of all 8350 total bookings into the jail in October, they identified just two in total that missed the 48-hour mark. He said 1 inmate was not processed within the required 48 hours by 1 hour. He said this inmate became combative during the mental screening and was placed on suicide watch causing the delay. He said they feel they have corrected this deficiency with their new process and tracking. He said they have also seen a 33% decrease in deaths in custody so far this year, although like other facilities across the nation they have seen an uptick in the number of narcotic related overdoses. He said some have been fatal, and to combat this they have implemented various strategies and are seeing good results. He said they are also assigning body cameras to all detention officers to increase transparency and to ensure all use of force incidents are well-documented. He said they have also partnered with their mental health provider to launch a zero-suicide initiative. He said they continue to meet with the Harris County Criminal Justice Coordinating Council to address jail overpopulation and racial and ethnic disparities in the system. He said they've asked this group to make this a priority as they have nearly 900 people within the jail that are charged with capital murder. He points out that before Harvey in 2017, that number was around 364, so they have about three times more than what they had. He explains that on average these inmates spent about 500 days in the jail before their cases were adjudicated leaving these inmates more of a threat to staff and others in custody. Sheriff Gonzales said they are committed to improvement and are making sure they come back into full compliance. Judge Stoudt asked if there are any questions or comments from the Commission, and then asked Sheriff Gonzales if he has anyone else who would like to speak. Sheriff Gonzales introduced County Commissioner and former Sheriff Adrian Garcia. Mr. Garcia stated they are there to convey the message

that they are united as a court in the support of the Sheriff. He also applauded Dr. Porsa for his leadership. He said commissioners are making tremendous amounts of investments in the backlog process and have instituted pilot projects for jail diversions through the District Attorney's Office and others. Judge Stoudt thanked Mr. Garcia and asked if there were any questions from the Commission. Director Wood stated that they do have questions with regards to status updates. He mentioned staffing vacancies were short 182, followed by 187 in June and 191 in August and asked the Sheriff where they are today. Sheriff Gonzales said they are at 204. Director Wood mentioned that one of the other areas of concern was the length of stay for their capital murder suspects. It was reported to be 178 days and Mr. Wood asked if they had an update on the overall length of stay. Sheriff Gonzales stated that he believed it is still in the same range. Director Wood then asked Sheriff Gonzales how many additional courts are being created. Sheriff Gonzales stated that six were brought online October 2nd. Director Wood asked if they are currently in operation and the Sheriff confirmed they are. Director Wood then asked if they are tasked with addressing the population backlog. Sheriff Gonzales said they are criminal courts. Director Wood asked if Sheriff Gonzales can provide their Criminal Justice Planning Committee guidance to focus on their in-custody inmate population versus addressing cases regarding individuals who are out on bond and not in custody. Deputy Bosquez stated that they can put that as an agenda item for the committee. Director Wood recommended that be their focus due to the importance of the right to a speedy trial and to make sure that it is not impacting the ones currently in custody. Director Wood stated that regarding their staffing, while they are still struggling with their vacancies, it seems to be going in the wrong direction and may take time to implement the county commissioners' solutions. Director Wood stated that until that time arrives, there are remaining concerns. The Harris County representative stated that their county purchasing agent has multiple proposals from a third-party vendor and they have been reviewing those. Director Wood said this is all to get Harris County compliant with 1 to 48 at all times, but also to ensure they are conducting the observation rounds as required. Director Wood said that as inspectors reviewed the occupation rounds, there appeared to be a gap in between shifts from time to time. Director Wood requested that Harris County provide staffing and mentioned that Harris County said they engaged a consultant to assist in a strategic staffing plan. The Harris County representative said that this was completed and sent to TCJS. Director Wood requested they sit down with Harris County's team to develop and receive a staffing plan by floor and facility examining the staff that they have available. Mr. Wood stated they'll examine where staff are reporting to work and how they're being utilized to ensure nothing is being missed. Director Wood mentioned another area to be discussed was the number of authorized variance beds. Director Wood stated that Harris County currently has a total of 580 variance beds that are split between two facilities with 310 at 1200 Baker Street facility and 270 at the 701 facilities. He reiterated that a condition of the variance is that they maintain compliance with minimum jail standards. Director Wood explained the agency has been reluctant to remove the variance beds because it could exacerbate the overcrowding situation. Director Wood stated that they are also dealing with a staffing problem that they need to get a handle on and it is his recommendation that a portion of the variance beds be cancelled until the county is compliant with standards. This

would require the county to ensure the efficiency of the staff they have available. Director Wood asked the county to request and consider the variance cancellation by facility or by floor as they are allocated based on the type of housing areas they are authorized for. Deputy Bosquez stated that they have closed multiple dorms in both buildings, which along with outsourcing, is what they currently do to help relieve staffing. He said they probably have a few hundred beds in both buildings offline, 250-300 in the 701 facility and 300+ in the 1200 facility. Director Wood asked if they are able to close an entire floor, and if it would gain them any staffing efficiencies. Deputy Bosquez answered that this has been their goal, but they process 300 inmates a day leaving them about 200 short from being able to close an entire floor. The deputy said that the outsource contracts are before the purchasing director. Director Wood asked if they have a timeline on additional contracts and if they have a number on the number of additional beds that those contracts would provide them. Deputy Bosquez said one proposal had 350 beds almost immediately. One facility had to “un-mothball” making it unfeasible at two years out. Director Wood asked Deputy Bosquez if they moved 350-400 inmates out, if they would be able to meet the staffing requirements. The Sheriff answered that they believed it would and that they’d be able to make the case that the outsourcing was an emergency for life safety in order to expedite it. The Sheriff answered that it was ultimately the commissioner court’s decision, however they would try to make it happen and would like to get it done before year end. Director Wood stated that he would like to acknowledge that the remaining areas of non-compliance had decreased. He said they had addressed being able to process individuals into the system within 48 hours, and that Harris County continues to address the areas of non-compliance identified. Furthermore, they’ve provided information to address the pay issues which all counties face on an ongoing basis. He is hopeful that the additional courts will assist in the backlog that they continue to fight with. Director Wood asked how many observation rounds per day they conduct. Harris County answered that in a month they conduct half a million. Director Wood stated that their deaths in custody have reduced in comparison to previous years. Director Wood then turned it over to Chairman Stout to ask if any other members have questions. Mr. Lock stated that he had several questions, the first being, if their staffing ratio is not the compliant 1 to 48, what the ratio is. Director Wood stated that continues to be a moving target and that a lot of their force is going to be based on the inmate population at the time. Director Wood then stated that the County said they are 204 short, and asked if that is based on actual authorized positions. Harris County said that was correct. Director Wood then asked if they could provide the number of authorized positions. Harris County said they do not have that. Director Wood said that they would like to be able to say 714 officers would allow them to operate at a capacity of X. Director Wood said that that is one of the numbers that they are trying to get to as it fluctuates day to day based upon their inmate population. Harris County said that roughly, they have about 1600 uniformed officers. Commissioner Lock and the Sheriff discussed the shutdown of floors, the partial variance discontinuance and the outsourcing of inmates and they reiterated how it affects the jail. The Sheriff stated that they are relying and hoping on efficiencies from the six new courts. The Sheriff re-stated that the court granted a 12% raise, and Harris County is still actively recruiting which he’s optimistic will help. Mr. Locke then raised a final question, in

which Harris County mentioned body cameras for detention officers and asked if this had been implemented. Harris County answered “no”. Mr. Locke asked what they expect the body cameras to solve. Harris County answered that the body cameras may help several things such as more transparency for situations such as deaths in custody or assault behaviors to ensure they are holding everybody accountable. They said with the technology challenges of the facility and the number of personnel, it takes a while to get it started but they are moving in the right direction. Chairman Stoudt asked if there are any more questions from the board. **Commissioner Anthony raised a comment** and stated that the number of staff had gone down, and asked, if they were able to determine why the number had gone down after the consulting firm report. She also asked if there were recommendations to deter these factors excluding retirement and if Harris County is recruiting at colleges/universities and if they are recruiting frequently. The Sheriff answered that they are recruiting daily from different local community colleges and job fairs as well as advertising through social media. He said they are actively hiring. He said the separation report typically shows a number of factors such as retirement, moving on to other opportunities, and a variety of different reasons. He said the consultant had not been hired yet and that it is being reviewed. The Sheriff mentioned that they are very proud to say they have taken steps for additional pay and have created two Captain positions to provide a track for promotion and career advancement. Chairman Stoudt asked the Commission if there were any other comments. Director Wood stated that based upon the information provided, and the fact that Harris County has remained in Non-Compliance for an extended period, he recommended authorization to begin the cancellation of the variance beds in increments of 144 beds per month beginning December 1st until all variance beds are removed and if the county has not yet secured a contract to house inmates. Director Wood requested the flexibility to work with the county to determine the best way to reduce population. He said the county had talked about the fact that the variance beds are spread throughout two facilities, and they are closing out dorms at times, and they should ensure the efficiency gained is worth the investment that is put in place. Director Wood gave the example that if the county decided they wanted to close down something that is equal to 144 beds rather than reduce the number of variance beds within an existing housing area, the Commission would be receptive to that, as that would be a county decision. Director Wood said the issue would be the removal of the variance beds if they do not secure an additional outsourcing contract. Chairman Stoudt asked if there were any questions or comments from the Commission. Director Wood restated his recommendation. Chairman Stoudt asked, per the recommendation, if there was motion to approve. Mr. Locke made the motion, and Sheriff Rowe seconded. The motion passed unanimously.

C. Runnels County - Notice of Non-Compliance

Director Wood explained that Runnels County is currently on the agenda due to a notice of non-compliance that was initially issued in August 2022. He said during that inspection there were multiple areas of non-compliance identified, and the county has continued to work through those issues over the past year and has regained compliance. He said at this time, they corrected all areas of non-compliance except

for mold remediation and there are efforts currently ongoing in the facility. Julia Miller, Runnels County Judge, stated that their Sheriff was unable to be at the meeting. She said their generator is up and running. She said they have had numerous town hall meetings to get the information out to the public to be able to make an informed decision. She said their commissioners are making random visits to the jail every month. Runnels County's Jail Administrator Shelly Basart stated that they are currently fully staffed, with only one half a part-time person short. She said the kitchen is fully staffed, and this is the first month that they haven't had any shifts not covered. The jail administrator stated they've been pressure-washing their empty cells with a mold treatment. She said they are also spraying the pipe chases once a week as well as painting them. Judge Miller stated that the court is fully supportive of all they're doing. She said that they will know within a week where they stand with regards to the bond passing. Chairman Stoudt asked if there were any questions from the Commission. Dr. Porsa made a comment to congratulate Runnels County on their decision to have the Commissioners visit the jail. Director Wood asked Judge Miller if she would give an overview of the bond issue that is currently being voted on and what areas it would affect within the county jail. Judge Miller answered that it is a \$9.175 million bond election that if passes, will allow them to renovate their jail addressing the mold, plumbing, hvac, roof and other issues pertaining to their non-compliance. Director Wood asked questions related to mold and whether it's safe for human habitation. He said that staff recommends a remedial order requiring a mold survey outlining the safety of the structure within the next 30 days. The order should require they provide a copy to the Commission. Director Wood said staff recommends the order mandate the county vacate any areas of the jail the report identifies as unsafe for utilization. Sheriff Rowe made the motion to approve the remedial order recommendation and Dr. Porsa seconded. The motion passed unanimously.

D. Stonewall County Jail – Non-compliance

Director Wood explained that Stonewall County is on the agenda due to a notice of noncompliance that was originally issued in 2022. He said since then they have continued to work on the areas of noncompliance previously identified and still have one area of noncompliance remaining. He said staff is scheduled to be on site for additional training with the county however because they have been in noncompliance for over a year and continue to have issues with intake, VRSS, and several other initial screening processes, action is necessary regarding a remedial order. Director Wood reported that the county did not attend this meeting or last. Director Wood recommended that until the February meeting, the facility be reclassified as a lock up, sending all inmates to a different facility within 24 hours. He also recommended the county be required to attend the February meeting and provide a progress report. Director Wood said that it would be recommended the remedial order close the jail should the county continue in noncompliance. Commissioner Anthony made the motion to approve staff recommendations and Dr. Porsa seconded it. The motion carried unanimously.

VI. New Business

**A. Wood County -Automatic Sprinkler System, Deletion of sprinklers;
Gov. Code § 511.0097**

Executive Director Wood explained that the county is requesting deletion of sprinklers in the inmate housing areas of their newly renovated and constructed building. Wayne Gondeck of DRG Architects spoke and said all life safety measures are active in all other areas and this is consistent with their other building areas. Director Wood recommended approval of the variance and Dr.Porsa motioned to approve. Sheriff Rowe seconded the motion, and it was carried unanimously.

B. Legislation

Director Wood directed Commissioners to the list in their book outlining the current legislation moving through the special session called by the Governor. Despite there being two bills categorized as high on this list, they have not been scheduled in the session. He called their attention to HB4 regarding prohibition of illegal entry into Texas. This bill received a hearing, and a summary of the committee substitute is on page 5 of their handout and describes the potential impact on our agency. No action taken.

VII. Variances

**A. Cherokee (up for review) – re approved at VSC 259.143(c), (d) Furnishings For
Inmate Housing Areas**

Executive Director Wood explained that the variance subcommittee approved their Cherokee county's request to add single bunks in the designated areas. Director Wood related that the county is requesting the variance subcommittee's recommendation be approved and he reported that staff will be reviewing the facility for noncompliance with the variance requirements. Sheriff Rowe motioned to approve and Dr. Porsa seconded the motion. The motion passed unanimously.

B. Dallas

a. 259.136(b) Toilets and Lavatories

Director Wood reported this variance was approved by the subcommittee for six months and it allows an additional 4 (four) bunks in the South Tower of the facility. Dallas county representative Chief Shannon Herklotz explained that they have not used the variance however, they'd like to keep it in place in case something goes awry. Director Wood confirmed the 1:48 ratios are being met and recommended the six-month approval. Dr. Porsa motioned to approve the variance for six months, Sheriff Rowe seconded the motion and it passed unanimously.

C. Garza (P)

a. 259.738 Dayrooms

Director Wood related that Garza (P) county is on the agenda as it is a six-month review of the previously approved variance. The existing variance added additional beds that are being utilized to accommodate overflow from other counties. Jon Luna, a warden at the Garza (P) correctional facility in Post, Texas spoke and said they are currently housing for Tarrant and Harris counties assisting in the overflow situation. He reported that they house 1005 total inmates: 523 for Harris and the rest for Tarrant. He said they are currently at 1:56, which is approved by the Commission and are possibly looking at opening two more units to address more Texas overcrowding situations. The Judge for Garza County, Lee Norman, spoke and said he supports Mr. Luna and they entered into an agreement with their Operator in October and are waiting on those commitments coming from the two counties. He said that in the contract, the county is committing to a substantial security equipment upgrade. Mr. Wood clarified with Mr. Luna that they always meet the 1:48 ratio with the exception of the direct supervision areas. Mr. Wood said they've had no issues and recommended the variance be extended for six months at which time the county will report to the Commission. Commissioner Lock asked Mr. Luna about the Harris County contract. Mr. Luna said it was entered into in August 2022 and they are now awaiting a pending Harris Co. and MTC finalized contract. Dr. Porsa motioned to extend the variance for six months and Sheriff Rowe seconded. The motion passed unanimously.

D. Hidalgo

a. 259.114 (d) Segregation

b. 259.135 Dormitories

c. 259.143(b)-(d) Furnishings for Inmate Housing Areas

Director Wood said this county is on the agenda to review a previously issued variance allowing them to increase the capacity of their facility. He explained the county is along the border and that the overcrowding issues are pertinent. He said the variance ensures that each inmate is not on the floor and has a bed. He also reported that the county houses out a substantial number of inmates and that inspections have revealed no additional noncompliance issues with these additional beds. Jail Administrator Steve Herrera spoke and said they request to keep the variance beds in case they get another spike. He related they are working with the purchasing office of the commissioners' court to finish the off-site lease for an additional 568 beds, which would allow them to bring back the out of county inmates and have sufficient room. Director Wood addressed the Chief and asked him when the 568-bed facility would come online. Mr. Herrera answered he hoped no later than March and confirmed with Mr. Wood that they are still housing out 350 inmates in Jim Hogg, Starr and Brooks counties. Mr. Wood recommended continuance of the variance for one year, due to the fact that even when they weren't using the variance beds, they had no issues. Commissioner Lock motioned to extend the variance and Dr. Porsa seconded it. The extension passed unanimously.

E. Jim Hogg

a. 259.136 Dayrooms

b. 259.143 (d) Furnishings for Inmate Housing Areas

Director Wood explained that the county was previously approved for the additional beds and that the variance is different because they are part of the declared disaster area and operate with Operation Lone Star. He explained they have been utilizing these beds, have assisted Hidalgo County with housing and inspections have shown no issues. Chief Deputy Espinosa spoke and explained that they assist Hidalgo, Starr, and Brooks counties by housing their inmates and stated they have not encountered any major issues and intend to continue assisting them. Director Wood recommended no action be taken and the variance remain in place. Commissioners agreed.

F. Parker (P)

a. 259.134 Multiple Occupancy Cells

Director Wood explained they are a private facility acting on behalf of the county and on the agenda requesting a variance that would allow the facility to operate as 8-bed multiple occupancy cells as originally intended. During the occupancy inspection it was found each was 1.6 sq ft deficient for the originally designed 8 bed slots. Sheriff Russ Authier and Jail Administrator Ron King spoke to make the request. He said the variance would be for a total of six (6) cells and currently they are housing inmates for Denton and Hood counties. He said their county is fast-growing and they are trying to be proactive. The Sheriff explained to Director Wood that they have not had Marshalls since last year. Director Wood recommended assisting the county and the surrounding counties by approving the variance for the additional 6 beds. Dr. Porsa made the motion to approve, and Commissioner Lock seconded. The approval was carried unanimously.

G. Sabine

a. 259.134 Multiple Occupancy Cells

Director Wood explained that Sabine is on the agenda to review an existing variance that provides additional beds for use at key times. Sheriff Tom Maddox explained the current variance and said they currently run between 30 and 40 inmates with a 17-bed facility. He said they house most of their inmates in Louisiana because there are no other beds in the area. He said they've utilized the variance approximately 12 times, usually only when they have court and then the inmates are transported back. The Sheriff explained to Mr. Wood that the Judge got very sick and couldn't attend but he is discussing land acquisition for building a new jail. The Sheriff noted that there is no place to expand the existing jail except for maybe one or two cells. Mr. Wood explained that on-site reviews found no issues and therefore he is recommending continuance of the variance for a period of six months in order to assist the county. Sheriff Rowe wondered about the length of the continuance and Mr. Wood explained that the county will be asked to report on future plans. Sheriff Rowe motioned to extend the variance for six months and Sheriff Gonzales seconded. The motion carried unanimously.

H. Wharton

- a. 259.134 Multiple Occupancy Cells**
- b. 259.143(b)-(d) Furnishings for Inmate Housing Areas**

Director Wood explained that the Variance subcommittee approved of a variance allowing Wharton County to add beds to their existing facility. Sheriff Shannon Srubar of Wharton County spoke and explained that a year ago he was before them requesting the variance and that it has helped keep their inmates in house. He related that the county Judge has said the time is coming when they will have to add on to the facility or build a new addition and that the commissioner's court is proactive. The Sheriff said they're lucky they have additional property surrounding their current jail but that at this time they have not engaged an architectural firm. Director Wood recommended a six-month extension with the county reporting on their future plans at its expiration. Dr. Porsa motioned to grant the extension and Sheriff Rowe seconded. The motion carried unanimously.

VIII. Administrative Rules Advisory Committee

- A. Rules for Adoption – None**
- B. Rules for Public Comment – None**
- C. Public Petition for Change to Minimum Jail Standards – None**
- D. Four-year Rule Review**
 - a. Chapter 259. New Construction Rules – None**
 - b. Chapter 263. Life Safety Rules – None**
 - c. Chapter 267. Release**
- E. Committee Membership**

Director Wood told the Commission that staff will be providing a list of proposed committee member names to ensure the agency abides by the rules for the specific positions required for the Advisory Committee. No action required at this time.

IX. IDD Advisory Committee – None

Director Wood related that the Commissioners have been provided a copy of the minutes from the last meeting in their packets as well as a list of names of public members for service on the committee. Mr. Wood explained that advocacy groups are named in statute as to who will serve on the advisory committee. Sheriff Rowe serves as chair of the committee and reported that the primary focus to date has been directed to the review of the assessment instrument that could better assist counties to identify those with serious mental illness. He said they've also discussed potential areas of training that can enhance these operations.

X. Staff Report

A. Completed Jail Projects

Director Wood reported that the completed projects are listed in their packets with Brazoria holding cells and Travis County's building 9 being completed.

B. Jail Planning and Construction List

The 4-page construction report is included in the packets.

C. Jails in Compliance/Noncompliance

Director Wood referred Commissioners to the list in their book and explained that Noncompliance continues to hover around 19.

D. Status of Remedial Orders

Director Wood explained that during this meeting the Commission voted to cancel the remedial order for Coryell County and Harris County's remedial order was amended. Counties listed in Old and New Business during this meeting will be added to this list for the next meeting.

E. Status and Composition of Jail Population

Director Wood reported inmate Populations have trended down a little bit which is a good sign.

F. Staff Training/Activities

- **August 22-23, 2023**, Mental Health Trainer Melvin Bowser conducted three (4) 4-hour IDD and Mental Health Suicide Prevention Training for 50 detention officers in Canadian Texas.
- **August 23, 2023**, Brandon Wood, Ricky Armstrong, Michael Gravitt, Jason Jouett, Martin Arnold, and Mike Garrett, attend 4 hours of training at Sam Houston State University on the new Inspection Priority Assessment tool.
- **August 29-30, 2023**, Mental Health Trainer Melvin Bowser conducted four (4) 4-hour Mental Health, Suicide Prevention for 31 detention officers in Haskell Texas.
- **September 5, 2023**, Mental Health Trainer Melvin Bowser conducted four (2) 4-hour Mental Health, Suicide Prevention for 26 detention officers in Haskell Texas.
- **September 10-15, 2023**, Brandon Wood, Ricky Armstrong, Michael Gravitt, Jason Jouett, Martin Arnold, Mike Garrett, Todd Allen & Melvin Bowser attended/presented at the TJA JMI conference.
- **September 20, 2023**, Valerie Woehl attended 1.5 hours of training on Work Quest Texas Workforce Commission Purchasing from People w/Disabilities Overview
- **September 20, 2023**, Mike Garrett Attended 4 hours of training on Objective Jail Classification through TEEX
- **September 25, 2023**, Carol Bernhard attended Capital complex WebEoc training for Agency Risk Safety Managers.
- **September 26-28,2023**, Mental health trainer Melvin Bowser Conducted three (3) 4-hour IDD training for 30 detention officers in Weatherford Texas.

G. Financial Report/Budget

Director Wood directed all to the final Fiscal Year budget report for Fiscal Year 2023 in their book.

H. Inmate Complaint Report

Included in their book is the three-month report on complaints. We continue to exceed 400 complaints a month with approximately 10 determined to be founded.

XI. Other Business

- Commission-sponsored Events and Workshops

- October 11, 2023, Sheriff Rowe, along with Executive Director Brandon Wood, Assistant Director Ricky Armstrong, Public Information Officer William Turner, Program Specialist Matt Burke, held the Intellectual & Developmental Disability Advisory Committee meeting.
- October 12, 2023, Executive Director Brandon Wood, Assistant Director Ricky Armstrong, Public Information Officer William Turner, Planner Courtney Elrod, Program Specialist Matt Burke, held the Administrative Rules Advisory Committee.

- Commission Staffing

- Michael Garrett was hired as a Field Inspector effective August 10, 2023
- Todd Allen was hired as a Field Inspector effective September 5, 2023
- Jason Davis was hired as an Inspector IV effective September 5, 2023
- Gabriel Farley was hired as a Program Specialist II effective September 6, 2023
- Lindsey Bailey was hired as a Program Specialist II effective September 12, 2023
- Matthew Burke was hired as a Program Specialist II effective September 12, 2023

- Off Duty Employment

Clarissa Fasci submitted a letter outlining a part time position on Saturdays that does not interfere with her TCJS job responsibilities.

- **Miscellaneous Letters of Comment**
None

XII. By appropriate motion to adjourn by Sheriff Rowe with a second by Commissioner Anthony, the meeting was adjourned at 12:56 p.m.

XIII. Next Commission meeting is tentatively scheduled for:

- **February 1, 2024, Texas State Capitol, Room: E2.028, 1100 Congress Ave**
- **May 2, 2024, Stephen F. Austin Bldg, Room #170, first floor, 1700 Congress Ave.**
- **August 1, 2024, TBD**
- **November 7, 2024, TBD**

XIV. Adjourn

The Board may meet in Closed Session on any item listed above if authorized by the Texas Open Meetings Act, Texas Government Codd Ann. Ch. 551.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters or persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Carol Bernhard (512) 568-8029 two (2) working days prior to the meeting so that appropriate arrangements can be made.



Brandon Wood, Executive Director



Carol Bernhard, Secretary of the Commission