

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 February 1, 2024, contact staffer Carol Bernhard, at 512-560-8029.

Time: 9:00 a.m.

Date: February 1, 2024

I. Call to Order

The meeting was called to order by Vice Chairman Doctor Porsa 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. Esmaeil Porsa, Vice Chairman	Ms. Monica McBride
Commissioner Ben Perry	Mr. Duane Lock
Sheriff Raul Gonzales	Ms. Patricia Anthony
Sheriff Kelly Rowe	

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

Others in attendance were:

Kathleen Pokluda, Williamson County SO
Shane Sowell, Bell County SO
Phillip Bosquez, Harris County SO
Mike Lee, Harris County SO
Jana Campbell, Hunt County SO
Cad Stroud, Hunt County SO
Carl Squyer, Runnels County Sheriff
Terry Morgan, Garza County Sheriff
Roselee Bailey, Karnes County
Mace Martinez, Wilson County SO
Yvonne Zamora, Willacy County SO
Roque Romo, Willacy County SO
Victoria Lockhart, Llano County SO
Deborah Winters, Cooke County
Carlota, Torre, El Paso County
Gregorio Torres, El Paso County
Diana Ramirez, Harris County SO
Carol Cunningham
Priscilla Chavez, Willacy County
Shelly Vela, Willacy County
Kaitlyn, Willacy County
Abby Belangeri, Brazos County SO
Justin Marinari, Brazos County SO
Pamela Paz, Travis County SO
Billie Miles, Travis County SO
Christopher Gonzalez, Willacy County
Liberty County Judge Jay Knight
Bobby Rader, Liberty County Sheriff
Daniel Ramos, Harris County OMB
Diana Claitor, Texas Jail Project
Kevin Stuart, Brazos County SO
Dennis Wilson, ICS Jail Supplies
Kysten Smith, Harris County

Michael Starkey, ICS Jail Supplies
Todd Harris, Chambers County SO
Braian Hawthorne, Chambers County Sheriff
Runnels County Judge Julia Miller
Elizabeth Amaya, Hays County
Jenniffer Segura, Travis County SO
Trey Long, Travis County SO
Tom Walsh, DCR Group
David Bayer, KXAN
Madeleine Rubin
Billy Knox, Liberty County SO
Darnell (last name illegible), Travis County SO
Brandon Shanklin, Travis County SO
Ben Hall, Travis County SO
Chad Coruther, Travis County SO
Alycia Castillo, Texas Civil Rights Project
Elle Cross, Mano Amiga
Jacilet Griffen, Fort Bend County
Deborah Smith, Harris County
Amy Kalmin, BCDB
Jennifer Shumake, Bexar County SO
Shannon Kerklotz, Dallas County SO
Jackie Benningfield, Burnet County SO
Bill Mullen, Stonewall County Sheriff
Garza County Judge Lee Norman
Ricardo Martinez, Garza County (P)
John Luna, Garza County (P)
Lance Phillips, Smith County
Amy Ortiz
Dalila Reynoso, Texas Jail Project
Jason Spencer, Harris County SO
Krish Gundu, Texas Jail Project
Andrew Weber, KVT

III. Approval of Minutes

Dr. Porsa moved to approve the minutes for the meeting conducted on November 2, 2023. Executive Director Brandon Wood advised the commission members that an addition to these minutes is suggested; specifically, that the previous meeting minutes reflect that the meeting was not broadcast live. Commissioner Locke moved to approve, and Commissioner Perry seconded the motion. The motion was 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

Christopher Gonzalez was in attendance with “Justice for John Ray”, regarding incidents occurring in Willacy County in February 2022. Mr. Gonzalez discussed concerns regarding his brother, John Zamora, and his arrest, a use of force incident, lack of medical care for his brother at the Willacy County Jail, and the continued employment of the staff members after his brother’s death in custody.

Diana Claitor identified herself as the retired Director of the Texas Jail Project. Ms. Claitor discussed the history between herself and two families in attendance and expressed frustration with their experiences with the mental health and county jail system.

Amy Ortiz identified herself as a high school student in Tyler, Texas (Smith County). Miss Ortiz was in attendance to discuss her brother, Evan Ortiz, an inmate at the Smith County Jail. She discussed her brother’s mental health history, and issues regarding calling a crisis line for help. She stated that she wants TCJS to do its job to keep her brother safe.

Priscilla Chavez was in attendance and discussed the custodial death of Mr. John Ray Zamora. Ms. Chavez discussed issues regarding her brother’s death as well as the compliance level of the Willacy County Jail. She also discussed that she believes tax dollars should be spent on investing in the community and mental health.

Lance Phillips was in attendance to discuss issues regarding the Smith County Sheriff’s Office, the Smith County Jail, and the Smith County Commissioner’s Court. He stated that he is in attendance again because the previous meeting was not broadcast live. He discussed vaccines, custodial deaths at the Smith County Jail, Freedom of Information Act (FOIA) requests, a wish to see Texas implement a “no victim, no crime” policy. Mr. Phillips also discussed his previous incarceration at the Gregg County Jail and his experience on suicide watch.

Maria Ortiz was in attendance with an interpreter. Ms. Ortiz was identified as being from Tyler, Texas (Smith County), and the mother of Evan Ortiz. Ms. Ortiz discussed her son’s experience with

mental health, treatment, and the Smith County Jail. She stated that she is concerned for her son due to other custodial deaths at the Smith County Jail.

Carlotta Torres was in attendance with an interpreter. Ms. Torres was identified as being from El Paso, Texas (El Paso County), and the mother of Julian Torres who passed away in the El Paso County Jail in 2023. She discussed his experience with mental health and the need for more mental health treatment centers, not more jails.

Deborah Winters was in attendance for her son, Jonathan Gumby who passed away in the Kaufman County Jail in 2023. She discussed her son's arrest, intake, and incarceration while in crisis, and issues regarding the local mental health authority (LMHA) and her son's treatment.

Dalila Reynoso identified herself as being the lead mental health advocate for the Texas Jail Project was in attendance to give testimony regarding an inmate who passed away in the Smith County Jail in 2023. She discussed the inmate's experience at a local hospital during a mental health crisis, and his incarceration. Ms. Reynoso alleged that the Smith County Jail staff handled this inmate's crisis inadequately.

Gregorio Torres was identified as having a history of working in the mental health field. Mr. Torres discussed inmates' rights regarding medical care, his son's situation while on full suicide precautions at the El Paso County Jail. Mr. Torres alleged that the El Paso County Sheriff's Office covered up mistakes made by their staff during his son's incarceration.

Elizabeth Amaya discussed a study conducted from 2018 to 2022 on use of force incidents at the Hays County Jail, and described her personal experience at the Hays County Jail inmates. She discussed issues regarding jail staff behavior regarding instigation and response to inmate fights. Ms. Amaya alleged that TCJS is responsible for investigating use of force incidents.

Elle Cross was in attendance on of a friend's husband, previously incarcerated in the Hays County Jail and discussed medical neglect the inmate experienced while at the Hays County Jail. Ms. Cross also discussed the inmate's similar issues at the TDCJ Bird Unit.

Deborah Smith was in attendance with her Grandson, Kylan Smith. Ms. Smith discussed her daughter's custodial death at the Harris County Jail. Ms. Smith stated that her daughter did not receive adequate care for her medical needs, and discussed the way the Harris County Jail staff treated her daughter while in the hospital. Ms. Smith requested TCJS develop a policy regarding diabetic inmates and checking blood glucose.

Reverend Jacelit Griffin was in attendance with Deborah and Kylan Smith. Rev. Griffin was identified as the founder of "Justice for Evan, Custody to Casket", and discussed deaths in the Harris County Jail. Rev. Griffin discussed a need for better training for the Harris County Jail staff, and the Harris County Jail's decision to house inmates out of state to lower their population.

Krish Gundu was identified as the Co-founder and executive director of the Texas Jail Project. Ms. Gundu discussed a report from “Houston Landing” in 2023 regarding people who died of natural causes in counties in the Houston area. Ms. Gundu also discussed the relationship that the Texas Jail Project has with the families in attendance and their family members’ experiences with incarceration and mental health. Ms. Gundu discussed the relationship with Sheriff’s and LMHAs. Ms. Gundu urged County Sheriff’s to take an active part in working with LMHAs to prevent incidents like that involving Nate Lee Johns and Julian Torres. Ms. Gundu also discussed the LMHA practice of refusing services to an incarcerated person, such as Julian Torres and stated that Sheriff’s need to hold LMHAs accountable.

Kylin Smith and his grandmother Deborah Smith provided testimony regarding Mr. Smith’s mother’s custodial death. Mr. Smith’s comments were made in a question-and-answer format with his grandmother. Ms. Winters identified that her daughter’s name is Kristin Smith. Mr. Smith discussed taking care of people in custody.

Shelly Gonzalez was in attendance to represent and provide testimony regarding Mr. John Ray Zamora’s custodial death. She discussed the difficulties her family has experienced since her brother’s custodial death, the difficulties her community has faced, and her own difficulties since her brother’s custodial death. Ms. Gonzalez appealed to TCJS for justice for her brother.

V. **Old Business**

A. Harris County Jail – Notice of Non-Compliance

Dr. Porsa recused himself from the proceedings involving Harris County and appointed Sheriff Rowe to conduct this business.

Harris County is in attendance with representatives Jail Administrator Bosquez, the County Administrator Diana Ramirez, Budget Director Daniel Ramos, and Chief Deputy Mike Lee. Executive Director Wood identified that the Harris County Jail is present regarding noncompliance with minimum jail standards and reminds the Harris County Jail representatives that they are operating under a remedial order which requires them to provide staffing that meets the number of inmates they have in their county jail, and that they are only allowed to operate a capacity commensurate with available staff. TCJS Inspector Garrett reports that most areas that were deficient have been addressed and corrected. However, the Harris County Jail remains in noncompliance due to staffing shortages.

Chief Bosquez addressed the commission and discussed the steps that have been taken to correct previously identified deficiencies. He stated that staffing shortages have been addressed on most shifts and on most days, but some shortages remain. Chief Bosquez reported that there are currently 149 open funded positions for jailers, and that a study was conducted by an outside agency regarding hiring and retaining staff. Budget Director Ramos reported hiring and retention strategies that have been put in place to help with staffing. Chief Bosquez and Director Wood discussed net gain of staff members, to include retirements and other separations. Director Ramos discussed the holistic approach taken by Harris County to

hiring and retention. He also discussed outsourcing of inmates as the county's largest expense, and that any strategy that would remove the need for outsourcing would be worth the cost. Chief Bosquez discussed the outsourcing of inmates (currently 1722 outsourced) to four facilities over three contracts: Louisiana, Mississippi, and a private facility in Garza County. He reported that this is a joint effort across the Sheriff's Office, the courts, and the county. Chief Bosquez also reports that, since the previous commission meeting, approximately 700 beds have been taken offline, and that 150 beds are kept offline through administrative means.

Chief Bosquez discussed factors that affect inmate population that other stakeholders have greater impact upon. He discussed the approximately 280 inmates on a waitlist for state hospital beds, with an average length of stay at 248 days, with the longest wait at 1640 days. He discussed the investment in jail-based competency restoration beds, increasing the total number of available spots from 20 to 50. He reported that 85 inmates were restored through this program in 2023 and their average length of stay before restoration of competency is 58 days. Another factor discussed by Chief Bosquez was parole holds; specifically, inmates with technical violations and no new charges. He reported that the average length of stay for these individuals is 143 days before parole processes them. He also reported that the average length of stay for inmates with parole violations and a new charge is approximately 465 days, but that the length of stay varies. Chief Bosquez also discussed the wait for TDCJ to pick up paper ready inmates as a factor that impacts inmate population. He reported that the Harris County Jail holds, on average, 460 inmates ready to be transferred to TDCJ.

Chief Bosquez provided testimony on deficiencies that have been corrected and stated that visual observations are showing continuous improvement and are at an "on time" rate of 99.58%. Chief Bosquez discussed the previously identified deficiency regarding the requirement to house inmates within 48 hours and identified that only once instance of exceeding 48 hours to house an inmate has occurred since the previous commission meeting and that this incident was documented per medical staff orders.

Director Wood discussed the average length of stay and number of parolee technical violations. Chief Bosquez stated that the average length of stay is approximately 121 days, and that remote hearings can be conducted to help clear these inmates, as well as in-person meetings which occur daily. Director Wood discussed the number of paper ready inmates, and their average pickup time. Chief Bosquez reports holding between 450 and 500 paper ready inmates with an average wait for transfer of 14 to 18 days from TDCJ. Director Wood discussed the report on the state hospital wait list, and Chief Bosquez clarified the information previously provided. Chief Bosquez stated that he would provide additional information regarding the inmates with the longest stays. Director Wood discussed a goal for average length of stay, and Chief Bosquez stated that the goal is 46-56 days.

Budget Director Ramos identified the creation of additional resources, including new courts, additional public defenders, additional interpreters, and additional capacity at the Harris Center. He reported an increase in spending for indigent defense. Director Ramos clarified that new courts were added in September 2023, and that 3 more are expected once facilities and staffing are coordinated. County Administrator Diana Ramirez was in attendance for the Harris County Commissioner's Court and affirmed that the Commissioner's Court is committed to ensuring that the Harris County Jail is compliant with minimum jail standards.

Director Wood recommends that the remedial order previously issued remain in place, and that the current approach of reducing their approved capacity by the disuse of variance beds previously issued at a rate of 144 per month be continued. As of this meeting, the approved

operating capacity is reduced by 432. No action was necessary. The remedial order remained in place.

Commissioner Locke discussed the outsourcing of inmates to Louisiana and Mississippi, and concerns regarding the standards at these facilities. Chief Bosquez discussed the Harris County Jail's approach of mirroring TCJS' inspection method, and inspecting the facilities to which inmates are outsourced. Commissioner Locke requested that Harris County determine an outline of differences in standards at the out of state facilities and Texas.

B. Runnels County - Notice of Non-Compliance

Runnels county was in attendance to provide an update regarding their efforts to regain compliance, with representatives Sheriff Squyres, the Jail Administrator, and County Judge Julia Miller. Director Wood discussed the previously issued remedial order that required the county to vacate portions of their facility due to mold issues. Reports from Runnels County demonstrate that a mold remediation plan was implemented and had been completed by a professional company. Sheriff Squyres reported the issues with the roof, mold, generator, and staff have been corrected. He also reported the creation of a maintenance position specifically for the jail. Director Wood states that Runnels County will likely be ready to request reinspection soon, and upon passing their inspection, they will be placed on the agenda for the next commission meeting to remove the remedial order. Director Wood recommends that the current remedial order stay in place as the Runnels County Jail is not compliant yet. No action taken.

C. Stonewall County Jail – Notice of Non-compliance

Stonewall County was in attendance to provide an update on their efforts to regain compliance, with representative Sheriff Bill Mullen. Director Wood discussed how Stonewall County has addressed all items and their deficiencies have been corrected. Sheriff Mullen reports being fully staffed as of this meeting, and that he will be working to return to full-service status soon. Director Wood recommended no action be taken, and that Stonewall County provide an update at the next commission meeting.

VI. New Business

A. Garza (P) Notice of Non-Compliance

Representatives from the Dalby private Correctional Facility in Garza County were in attendance due to a previously issued notice of noncompliance. The representatives included John Luna, Warden Martinez, Sheriff Morgan, and Judge Norman. Director Wood discussed the areas of noncompliance, and Mr. Luna reported that they expect issues to be addressed within the next two weeks. Director Wood recommended that no action be taken, and that an update be provided at the next commission meeting.

B. Liberty County Notice of Non-compliance

Liberty County Sheriff Rader was in attendance regarding a previously issued notice of noncompliance. Director Wood discussed the August 2023 and January 2024 notices of noncompliance issued, and issues identified during special inspections and death-in-custody investigations. Sheriff Rader provided testimony on actions taken to correct deficiencies,

including training jailers on observation checks and training intake and release staff on CCQ and observation check requirements. Additionally, he identified that a housing unit was set aside for 17-year-old inmates. Sheriff Rader advised the commission that reinspection will be requested soon. Sheriff Rowe requested clarification regarding the classification deficiency, and Sheriff Rader stated that the classification deficiency was separate from the deficiency involving the 17-year-old inmates. Director Wood recommended that no action be taken at this time, but that a remedial order will be requested at the next commission meeting if Liberty County is not compliant at that time.

C. Llano County – Notice of Non-Compliance

Llano County is in attendance regarding a previously issued notice of noncompliance relating to a death-in-custody investigation from July 2023, and a comprehensive inspection in November 2023. Llano County representatives included Sheriff Blackburn, Judge Ron Cunningham, and Jail Administrator Lockhart. Representatives provided testimony regarding achieving and maintaining compliance. Director Wood recommended to action be taken.

VII. Variances

A. Chambers County – Extension of Variance

Chambers County was in attendance to request an extension on a previously approved variance (approved November 2022). County representatives included Sheriff Hawthorne and Captain Harris. Captain Harris provided testimony regarding outsourcing inmates, and inmate population, including details specific to housing female inmates. Director Wood recommends that, of 30 approved variance beds, 24 be continued for 1 year and 6 beds be canceled. Sheriff Rowe moved to approve, and the motion was seconded by Commissioner Anthony, and passed unanimously.

B. Cherokee County – Extension of Variance

Cherokee County did not attend this meeting. Director Wood discussed the previously approved variance adding one single bunk bend to dorms 328, 329, 339, and 340, as well as adding one single bunk bed to dorms P and Q. Director Wood discussed Cherokee County's current efforts to maintain adequate staffing and ensure compliance, and recommended that the variance be extended until the May 2, 2024 meeting of the Texas Commission on Jail Standards. Sheriff Rowe made a motion to approve the recommendation, and the motion was seconded by Commissioner Locke, and passed unanimously.

C. Dallas County – Extension of Variance

Dallas County Chief Deputy Shannon Herklotz was in attendance to request an extension for a previously approved variance regarding classification. Chief Deputy Herklotz provided testimony that this variance has not been needed as of this meeting, but that the potential in case it is needed. Director Wood recommended the variance be continued for six months with plans to cancel the variance if it is not used by that time. Commissioner Locke moved to approve the recommendation, and the motion was seconded by Sheriff Gonzalez, and passed unanimously.

D. Williamson County – Variance Request

a. 291.4 Visitation

Williamson County was in attendance with Sheriff Gleason, Chief Pokluda, Judge Gravel, and the director of facilities and county architect to request a variance regarding visitation during the period of an approved construction project. Williamson County representatives provided testimony regarding the purpose of the construction project, the challenges it creates for current visitation plans, the plan for video visitation during this time, and efforts taken to ensure enough visits are offered to inmate in a sufficient number. Chief Pokluda provided testimony that this project is expected to last approximately 45 days, and that this variance would result in visitation availability similar to current availability. Director Wood recommended that the variance be approved. Sheriff Rowe moved to approve the recommendation, and Commissioner Anthony seconded the motion, and it was passed unanimously.

VIII. Administrative Rules Advisory Committee

A. Rules for Adoption – None

B. Rules for Public Comment – 259.135 and 259.136

C. Public Petition for Change to Minimum Jail Standards – Vier Restraint Form and Video

- a. Director Wood discussed a petition for a change to minimum jail standards from Joseph Viers regarding a restraint form and video. Director Wood recommended referring the petition to the Administrative Rules Advisory Committee. Sheriff Rowe moved to approve the recommendation, Commissioner Locke seconded the motion, and it was passed unanimously.**

D. Four-year Rule Review

- a. Chapter 259. New Construction Rules – None**
b. Chapter 263. Life Safety Rules – None
c. Chapter 265. Admission
d. Chapter 267. Release

IX. IDD Advisory Committee – None

Sheriff Rowe provided testimony regarding the January 2024 meeting of advisory committee, and plans to submit updates to the Governor and Lt. Governor. No action was taken.

X. Staff Report

A. Completed Jail Projects

Director Wood reported that the completed projects are listed in the commission meeting book provided to commission members.

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 13.

D. Status of Remedial Orders

Director Wood explained that three remedial orders are in effect: Harris County, Runnels County, and Stonewall County. This information was provided in the commission members books.

E. Status and Composition of Jail Population

Director Wood advised members that this information is provided in a one-page report in the commission members' books.

F. Staff Training/Activities

- **September 26-28,2023, Mental health trainer Melvin Bowser Conducted three (3) 4-hour IDD training for 30 detention officers in Weatherford Texas.**
- **November 12-15, 2023 Executive Director Brandon Wood, Assistant Director Ricky Armstrong, and Inspector Jason Jouett provided training at the Correctional Management Institute of Corrections for new Jail Administrator Management and Operation class.**
- **October 10-11-2023, Mental health trainer Melvin Bowser Conducted two(2) 4-hour IDD training for 22 detention officers and two (2) 4-hour class for mental health suicide prevention for 14 detention officers in Vernon Texas.**
- **November 8-9, 2023 Mental health trainer Melvin Bowser Conducted two(2) 4-hour mental health suicide prevention training for 19 detention officers in Weatherford Texas.**
- **November 14-15 2023, Mental health trainer Melvin Bowser Conducted two(2) 4-hour IDD training for 20 detention officers and two (2) 4 hour class for mental health suicide prevention for 22 detention officers in Hallettsville Texas.**
- **December 5, 2023, Mental health trainer Melvin Bowser Conducted one (1) 4-hour IDD training for 6 detention officers in Colorado City and one (1) 4-hour suicide prevention for 6 detention officers in Colorado City.**
- **December 11, 2023, Inspector Todd Allen presented one (1) 1.5-hour class on operations of County jails to Howard College Criminal Justice class.**

G. Financial Report/Budget

Director Wood directed all to the current budget expenditures for FY 2024 in their books.

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**

- No events to report.

- **Commission Staffing**

- Two staff members left the agency.

- One staff member was promoted internally.

- **Off Duty Employment**

No events to report.

- **Miscellaneous Letters of Comment**

None

XII. By appropriate motion to adjourn by Commissioner Anthony, with a second by Commissioner Perry, the meeting was adjourned at 11:40 AM.

XIII. Next Commission meeting is tentatively scheduled for:

- **May 2, 2024, Texas State Capitol, Room: E2.028, 1100 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 D. Wood

Brandon Wood, Executive Director

Carol Bernhard

Carol Bernhard, Secretary of the Commission

