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# The Texas Commission on Jail Standards

## The State’s Solution for Implementing A Strong County Jail System, While Protecting Counties From Liability



## ACKNOWLEDGEMENTS

We would like to extend our sincerest appreciation to the staff of the Texas Commission on Jail Standards for their commitment to safe, well regulated, legally compliant, and professionally run county jails throughout Texas.

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## DECEMBER 2012

The Texas Criminal Justice Coalition (TCJC) works with peers, policy-makers, practitioners, and community members to identify and promote smart justice policies that safely reduce the state's costly over-reliance on incarceration – creating stronger families, less taxpayer waste, and safer communities.

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# Message from the Executive Director

Dear reader,

The Texas Criminal Justice Coalition has long supported the efforts of the Texas Commission on Jail Standards (“Commission”), which is committed to promoting realistic, cost-effective strategies that assist Texas counties in meeting the challenges associated with managing their local jail populations.

By setting jail standards and enforcing compliance with such standards, the Commission protects Texas counties from costly federal lawsuits. Equally important, the Commission provides counties with much-needed and frequently requested technical assistance on the creation and operation of their jails and services.

**Over time, the Commission has established a strong working relationship with local Sheriffs and jail administrators, building a comprehensive network of local and agency leadership who continually collaborate to ensure that Texas’ county jail system is strong, efficient, cost-effective, and well managed.** Their collective efforts relieve taxpayers of the financial burden associated with growing jail populations, while boosting public safety through effective management and reentry strategies.

The Commission’s work to support counties cannot be accomplished without a continuing commitment from the Legislature to deliver taxpayers a return on their investment. **While Texas struggles in the midst of an ongoing budget shortfall, we urge policy-makers and county leadership to support and protect the Commission on Jail Standards, which is truly serving the needs of our communities,** keeping local jail staff and inmates in safe environments, and facilitating safer reentry to our neighborhoods.

Please join us in continuing to help our local Sheriffs effectively run county jails in our communities.



Respectfully,

A handwritten signature in black ink that reads "Ana Yáñez-Correa".

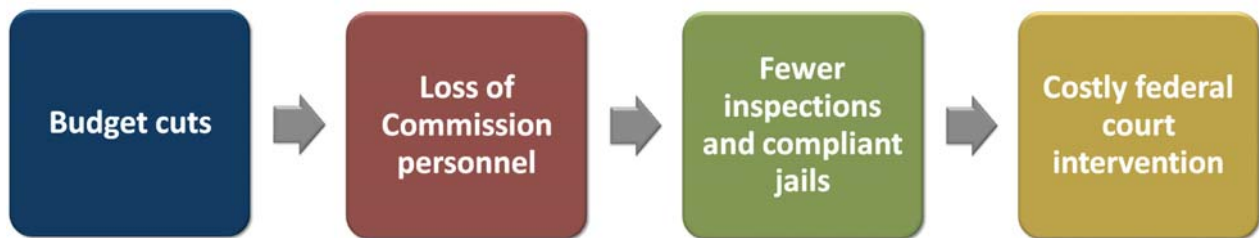
Dr. Ana Yáñez-Correa



# Why Must Texas Continue to Support the Commission on Jail Standards?

With a staff of just 16 people and an annual budget of less than \$1 million,<sup>1</sup> the Texas Commission on Jail Standards (“the Commission”) guards Texas counties from damaging lawsuits, specifically by **setting constitutional jail standards** for counties to follow, **conducting facility inspections**, and **enforcing compliance** with rules and procedures. *(These activities are discussed more fully under “Key Commission Duties.”)* The Commission’s purview extends to 244 jail facilities;<sup>2</sup> as of October 1, 2012, Texas’ county jails held more than 67,000 inmates,<sup>3</sup> though nearly a million individuals cycle through local jails every year.<sup>4</sup>

Given the state’s ongoing budget shortfall, leadership are asking agencies to factor in various cuts to their upcoming budgets. Such **cuts to the Commission would be shortsighted, jeopardizing long-term county stability**. Indeed, a 10% agency cut **could result in the Commission losing up to 3 staff members, possibly inspectors**, and pose retention problems should the Commission lose the ability to provide merit pay or travel expenditures. **Budget cuts would also threaten the agency’s crucial functions** – not only inspections and enforcement of standards that help keep jail staff and inmates safe, but vital technical assistance and training for counties, and facility needs analyses.<sup>5</sup> **This opens the door to costly federal lawsuits against counties** for failure to properly operate their county jails or adequately manage inmates, **which could devastate counties** already struggling to meet the needs of their community members.



**The Commission must be assured a level of funding adequate to provide valuable assistance to Texas counties.** Already, the Commission and local Sheriffs have developed a close relationship in furtherance of effective jail operation and management practices; counties continually seek out Commission staff for guidance in providing cost-efficient services that meet Texas’ public safety needs. With budget allocations at the same level as the previous biennium, the Commission can continue to work productively with jail administrators and staff, county leadership, treatment providers, and reentry specialists to create an infrastructure that promotes success for counties and the families who live there.

## Why the Commission was Established: A Response to Costly Lawsuits

In the early 1970’s, lawsuits were filed against 12 Texas counties for the poor conditions of confinement in local jails, as well as for the lack of regulated and funded inspections of those jail facilities.<sup>6</sup> In 1975, with the urging and support of various groups including the Sheriffs’ Association of Texas and Baptist General Convention of Texas, the 64<sup>th</sup> Texas Legislature passed House Bill 272, which was signed into law by Governor Dolph Briscoe. This bill created the nine-member Texas

The Commission keeps Sheriffs “out of trouble and out of the courtroom.”

~ LBJ Professor Michele Deitch

Commission on Jail Standards, tasked with ensuring the proper management of county jails.<sup>7</sup> Possibly the most crucial features of the new law were the Commission’s authority and responsibility for not only inspecting but enforcing compliance with the standards that were set forth, thus protecting the state and counties from costly lawsuits.

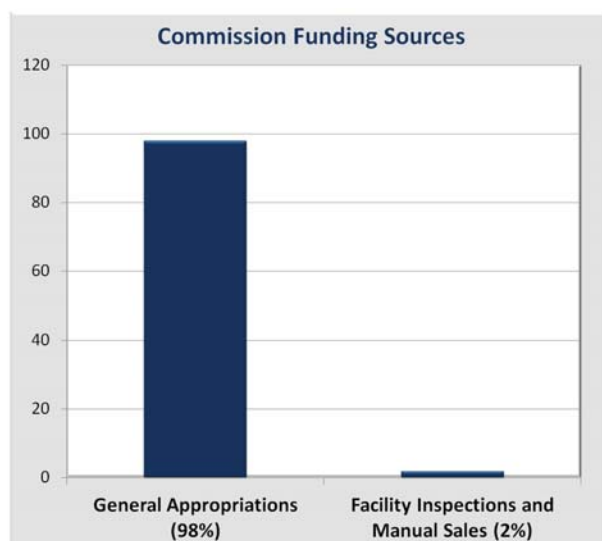
**We cannot allow the state to roll back the progress it has made since the mid 1970’s – and risk inviting federal court intervention.** Sufficient funding is critical to Commission operations, personnel, and services.

## How is the Commission Funded?

To carry out its mission, the Commission relies primarily on appropriations by the Legislature from the state General Revenue Fund.

In addition to these appropriated funds, the Commission is allowed to charge a fee to cover the costs associated with (a) inspecting facilities housing 30% or more non-Texas-sentenced inmates, and (b) conducting a facility re-inspection if the areas of non-compliance have not been corrected. However, these inspection fees – combined with appropriated receipts from the sale of resource manuals – account for only 2% of the Commission’s budget.<sup>8</sup>

Given the Commission’s heavy reliance on general appropriations, **it is critical that the State continues its commitment to public safety through allocations to protect the Commission’s bottom line.**



## What are the Commission’s Key Duties?

“As resources allow, [Commission] inspectors are making a point to spend as much time as possible to provide technical assistance in an effort to help [counties] in opening a safe and secure facility.”

~ “The Brief Out,” February 2011

Since its creation, the basic role of the Commission has not changed, but the number of inmates and the size of facilities have increased dramatically. One of the contributing factors is Texas’ incarceration rate (the percentage of individuals incarcerated), which has increased from approximately 1.2 per 1,000 in 1987 to 2.3 per 1,000 in 2012.<sup>9</sup>

While each of the strategies on the following page contribute to the regulatory function of the Commission, **the inspection process provides the monitoring capability necessary to (a) identify counties in need of planning or management assistance, and (b) initiate appropriate enforcement action.**

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## Critical Duties of the Texas Commission on Jail Standards

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### Conduct Facility Inspections and Enforce Jail Standards

Maintaining constitutional standards is the primary goal of the Commission. The jail standards process involves reviewing and amending the Minimum Jail Standards for the purpose of building and maintaining safe, secure, and efficient jails.

Each of Texas' 244 county jail facilities is inspected at least annually, inquiring into security, control, conditions, and compliance with the established Standards. In addition to regular inspections, special unannounced inspections may be conducted on facilities that have either been identified as high-risk or found to be noncompliant.

### Provide Construction Plan Review

The Commission provides consultation and technical assistance to local governments for the most efficient, effective, and economic means of jail construction that meet Minimum Jail Standards. Comprehensive facility-needs analyses – which include population projections, incarceration trends, and other pertinent factors – determine counties' incarceration needs. The Commission offers recommendations regarding the need for additional or improved jail space (or alternatives) based on such analyses. These processes better ensure that counties understand jail requirements.

### Provide Management Consultation

To aid counties in meeting Minimum Jail Standards, Commission staff review, comment on, and approve standard-qualified jail operational plans. This feedback covers the classification of inmates, health services, sanitation, inmate discipline and grievances, recreation and exercise, education and rehabilitation, emergencies, and inmate rights and privileges (such as visitation and religious activities).

Staff also provide jail management training and consultation to counties to assist counties in operating safe and secure facilities. This includes clarifying Minimum Jail Standards, as well as establishing procedures and documentation consistent with the Standards.

### Conduct Data Analysis and Audits

The Commission collects, analyzes, and disseminates data concerning inmate populations, felony backlogs, and jail operational costs. Staff assist counties in completing their jail population reports and provide technical assistance. Additionally, staff collect and analyze statistical data to provide to state and local agencies, which assists with planning and predicting incarceration trends in Texas.

### Indirect Administration

The Commission provides finance, human resource, and technological assistance to staff, many of whom work across strategy areas.

*Source: Commission Budget Request For Fiscal Years 2014 and 2015, August 2012.*

## What Steps Should You Take to Continue to Support the Commission and Our County Jails?

### ☑ **PRIORITY 1: Provide the Commission its Baseline Budget Request to Maintain Operations**

Fully supporting the Commission’s baseline budget request is the least that Texas can do to continue to help counties cost-effectively meet the state’s public safety needs. While counties strive to slow jail overcrowding through population management strategies, the Commission must be provided sufficient resources to assist in the overall effort and to keep Texas jails safe, well regulated, legally compliant, and run by educated, professional leadership.

We especially support funding levels necessary to protect the following:

- **General operations** to continue the valuable services offered to local governments, jail staff, inmates, and the general public.

- **Staff and inspectors.** As of November 1, 2012, the Commission has only 4 inspectors to comprehensively examine each of the 244 jails under its jurisdiction, as well as provide localized jail personnel with much-requested technical assistance, complaint investigations, oversight of medical and mental

Among many other duties, Commission inspectors review complaints that arise at county jail facilities to gather information on how to better train county jailers.

health practices, clarifications on standards, and assistance with aging facilities’ compliance with current standards. These inspector positions must be kept intact, and staff retention must be prioritized. Doing so will guarantee that Texas county jails continue to meet minimum standards (which, in turn, will help to retain jail staff), thus better serving the needs of our communities in the long term.

- **Training and resource availability.** The better trained Texas’ jail staff are, the more equipped they are to perform at high and professional standards. Unfortunately, in many counties – big and small – budgets are often stretched thin, preventing jail administrators and personnel from attending trainings, including in such critical areas as classification, population reports, and paper-ready processes. Sufficient funding for the Commission will ensure that it can continue to offer free, on-site trainings to jail personnel in regards to safety and compliance standards, both during and outside of their inspections.

Adequate funding will also ensure the Commission can distribute educational materials or reports as necessary, as well as offer timely information to counties regarding rules changes and legislative updates.

*The Commission’s annual budget is approximately \$1 million.*

*The Texas Department of Criminal Justice spends \$1 million every 2.5 hours.*



The Commission is well known for its professionalized approach to training and education. When new jail-related regulations are issued, Commission staff are immediately trained to educate jail personnel across the state as soon as possible. According to one jailer, “Every Jail Inspector I have been in contact with has been very good at providing new standards and going through records and [information] effectively.”

**PRIORITY 2: Provide the Commission with Funding for Exceptional Items to Improve its Assistance to Counties**

Fully supporting the Commission’s two exceptional item requests is also critical to facilitate agency efficiency.

- **One staff person.** One exceptional item would reinstate a full-time staff person at a total annual cost of \$28,450, who could provide support for all staff members. This would increase the Commission’s staffing total to 17 – still below the 19 staff members employed by the Commission prior to budget cuts in FY 2011 and 2012.<sup>10</sup>
- **Technology upgrades.** The Commission’s second exceptional item would cover costs associated with technology improvements and replacing 2 servers, at a cost of \$7,500 annually.<sup>11</sup> Criminal justice agencies can best respond to elected officials, practitioners, the public, and those under their supervision when they increase information accessibility and streamline information dissemination. Commission staff must have the capacity to make operations-related and other crucial decisions based on real-time data and information that impacts staff and jail administrators.

**PRIORITY 3: Promote the Commission’s Long-Term Strategic Planning**

Like many other state agencies that are permitted to keep unexpended funds for various agency responsibilities, **the Commission should be allowed to keep money not fully spent on inspections and other strategies. Instead, the state should allow those funds to be used for later inspections or technical assistance to counties**, with amounts not spent down in one fiscal year allowed to carry over to the next fiscal year. In 2012, the Commission will be forced to reimburse the state \$2,386 that it has been able to maintain due to frugal travel expenses and inspection efficiencies.<sup>12</sup> That money, a drop in the bucket compared to the state’s general revenue, would have a critical impact on the Commission’s ability to assist counties in meeting standard compliance in the coming fiscal year.

**PRIORITY 4: Fully Equip the Commission to Expand its Role in the Prevention of Jail Overcrowding and the Facilitation of Successful Reentry**

Although the Commission is a regulatory agency, its purview also includes assisting counties in identifying strategies for managing their inmate populations. And indeed, **counties clamor for help in this area.** With fuller support from the state, the agency can sit alongside local stakeholders during

the planning stages of such strategies, helping counties bring down costly overcrowding and, in turn, creating safer, more manageable jail environments – a benefit to staff and inmates alike.

With lawmaker support, the Commission can also better assist counties in preparing individuals for a more seamless reentry to our communities. As per Texas Administrative Code, Section 287.1, each of Texas’ county jail facilities must implement a written plan, approved by the Commission, for inmate rehabilitation and education. These plans should include voluntary-participation programs in areas of alcohol and drug abuse, education, employment and job placement, family problems, and psychological or psychiatric problems.

These in-jail programs are critical. A large number of individuals exiting Texas’ county jails are incarcerated for periods long enough to lose their employment, their housing, and, ultimately, the ability to support themselves and their families. Programming options can assist the hundreds of thousands of individuals who cycle through jails every year and return to live in our neighborhoods.

To boost the efficacy and participation levels of these programs – thereby reducing the number of reentering individuals who return to crime – the Commission should be given additional staff who can provide counties technical assistance in program development and implementation.

The Harris County Jail offers inmates access to drug, psychiatric, education, faith-based, and reentry services. According to Alan Bernstein, Director Public Affairs of the Harris County Sheriff’s Office, “Volunteer inmate attendance at religious services has skyrocketed.” These programs offer jailed individuals the tools to help them more successfully return to society.

## Final Thoughts

The Texas Commission on Jail Standards helps counties maintain safe, secure, and efficient jail systems across Texas, a critical service to our communities and to the men and women working in our jails. The Commission’s value is also measurable in cost savings to the state and counties, not only through avoided lawsuits, but by minimizing inefficiencies and reducing costs associated with jail operations and construction.

**Support from state and county leadership is imperative in protecting the Commission from destructive budget cuts that would undermine its work to create a strong county jail system in Texas.** Hand in hand with county Sheriffs and jail administrators, Commission staff have been building a system of accountability and effective resource allocation. We must continue to support this agency in its crucial efforts to help local governments make smart choices about jail operations and management.

## References

- <sup>1</sup> Texas Commission on Jail Standards (TCJS), “Legislative Appropriations Request (LAR) For Fiscal Years 2014 and 2015,” August 2012, pp. 1. (3 of 3) and 2.A. (2 of 2); available at [www.tcjs.state.tx.us/docs/LAR2012.pdf](http://www.tcjs.state.tx.us/docs/LAR2012.pdf).
- <sup>2</sup> *Ibid.*, p. 1. (1 of 3).
- <sup>3</sup> Texas Commission on Jail Standards, “Texas County Jail Population,” October 1, 2012; total population: 67,047. Available at [www.tcjs.state.tx.us/docs/POPSUMCurrent.pdf](http://www.tcjs.state.tx.us/docs/POPSUMCurrent.pdf).
- <sup>4</sup> Texas Department of Criminal Justice (TDCJ), “H.B. 1711 Implementation Report,” Submitted to Governor, Lieutenant Governor, Speaker of the House, Senate Criminal Justice & House Corrections Committees, September 1, 2010, p. 4: “One million plus offenders are processed in local jails on an annual basis.”
- <sup>5</sup> TCJS, *LAR For Fiscal Years 2014 and 2015*, p. 1. (3 of 3).
- <sup>6</sup> Brandon Wood, Texas Commission on Jail Standards, in presentation at American Bar Association, Criminal Justice Section, *Roundtable on Pretrial Detention in Texas*, held in Austin, Texas, March 30, 2012.
- <sup>7</sup> Texas Commission On Jail Standards, “Report to the Sunset Advisory Commission,” August 1989, p. 2; available at <https://www.ncjrs.gov/pdffiles1/Digitization/119865NCJRS.pdf>.
- <sup>8</sup> TCJS, *LAR For Fiscal Years 2014 and 2015*, pp. 2.B. (1-5 of 6).
- <sup>9</sup> *Ibid.*, p. 1. (1 of 3).
- <sup>10</sup> *Ibid.*, pp. 1. (1 of 3) and 2.B. (5 of 6).
- <sup>11</sup> *Ibid.*, pp. 1. (1 of 3) and 2.E. (1 of 1).
- <sup>12</sup> Brandon Wood, Texas Commission on Jail Standards, in communication with Texas Criminal Justice Coalition, November 5, 2012.



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