

REPORT TO THE
SUNSET ADVISORY COMMISSION
BY
TEXAS COMMISSION ON JAIL STANDARDS

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REPORT TO THE
SUNSET ADVISORY COMMISSION
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August 21, 1989

TEXAS COMMISSION ON JAIL STANDARDS

PART I

BACKGROUND

Creation and Powers

In 1975, believing that a Texas agency, rather than various federal courts, was the proper place to work on solutions to the problems that pervaded the operation of Texas county jails, the Sheriffs' Association joined the State Bar of Texas in drafting and organizing support for passage of a comprehensive bill creating the **Texas Commission on Jail Standards (TCJS)**. With the active assistance and support of these two organizations, as well as the Baptist General Convention of Texas, the League of Women Voters and many other concerned groups, the 64th Legislature passed House Bill 272, creating the commission. Governor Dolph Briscoe signed the bill into law in **June of 1975**.

Under the terms of the enabling legislation, a nine member Commission was to:

- promulgate reasonable rules for construction, equipment, maintenance and operation of county jails;
- provide consultation and technical assistance to county officials concerning jails;
- review and comment on plans for the construction or renovation of jails; and
- inspect each county jail at least annually in order to insure compliance with State law and Commission rules.

On October 2, 1975, Governor Briscoe appointed nine persons as members of the Texas Commission on Jail Standards (see Atch. 1). On November 5, 1975, the Commission held its first meeting in Austin.

A chairman and vice-chairman were elected. The chairman appointed five subcommittees through which the work was to begin:

- Budget and Finance
- Construction Standards
- Care, Custody, and Treatment of Inmates
- Rules and Procedures
- Personnel

- Personnel

A Criminal Justice Division grant (through Law Enforcement Assistance Administration) of approximately \$91,000 was obtained in January, 1976. This provided funding for an executive director, a financial officer and secretary, as well as the expenses of Commission meetings.

On June 24, 1976, Mr. Guy Forrest Van Cleave of Arvada, Colorado was hired as the first Executive Director of the Texas Commission on Jail Standards.

A preliminary draft of minimum jail standards was proposed at the January 27, 1976 meeting of the Commission. Following public hearings the Commission unanimously adopted the rules which became effective December 23, 1976.

Commencing in January, 1977, the Commission had 1) minimum standards for county jails 2) permanent office space in the Texas Law Center Building and 3) a staff of 14.

Jail inspections began on February 6, 1977 and by August 31, 1977 all jails had been inspected.

A chronology of significant events affecting the Texas Commission on Jail Standards:

- 1978 Confrontation and adversity regarding funding, conflict of interest, and abolishment efforts.
- 1979 Enforcement proceedings (issuance of Notices of Non-compliance). Acceptance of Texas Standards by Federal Courts.
- 1980 Creation of Discipline and Grievance Procedures.
- 1981 Inmate Class Action litigation against TCJS initiated (Bush vs. Viterna)
- 1982 First moratorium by Texas Department of Corrections on accepting prisoners from county jails.
- 1983 TCJS developed model standards for municipal jails.
- 1984 Removal of juveniles from jails.
- 1985 Mandatory sentencing of DWI offenders and increased use of parole affects jail population.
- 1986 Executive Order 36 causes reduction in staff. Class action litigation against Jail Commission was dismissed (Bush vs. Viterna).
- 1987 Prison Management Act affects jail population (95% prison capacity mandate).
- 1988 Interest in privatization; overpopulation of jails.

Policy-Making Body

The Texas Commission on Jail Standards consists of nine members appointed by the Governor to staggered terms of six years expiring on January 31 of odd numbered years. Two members are county sheriffs, one from a county with a population of over 200,000 persons and one from a county with a population of 200,000 or less. One member is a county judge, one is a medical doctor. The other five positions are filled by persons who hold no public office.

The Commission biennially elects one of its members chairman and one vice-chairman for a term of two years beginning on February 1 of each odd-numbered year. Members of the Commission are not entitled to compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing their official duties.

The Commission must hold regular meetings each calendar quarter and may hold special meetings at the call of the chairman or on the written request of three members. The chairman, or in his absence, the vice-chairman presides at all meetings of the commission. Based on work load requirements and in order to better serve each county the commission by policy currently meets every other month.

A critical feature of the enabling legislation was the Commission's authority and responsibility for enforcing compliance with the Standards.

The significance of the Commission having the authority to promulgate standards is important. The Commission can do necessary research on a continuing basis. It can modify wording, which experience indicates is misleading. It can change the substance of a rule found to be unreasonable or unworkable in practice. And, unlike the legislature, it needn't wait until a busy biennial meeting to do these things. As with many other State regulatory bodies, the legislature gave the Commission rulemaking authority so that the problem would be dealt with promptly, and so the action taken would be fair, reasonable and flexible, even though the problem is complex.

Attached is a list of the original commissioners outlining date of confirmation and expiration of appointment.

Funding and Organization

The agency has a fiscal year 1989 budget of \$343,865. General revenue funding is \$225,593 with criminal justice grants of \$118,272 providing the balance.

The agency has an authorization of nine (9) employees; however due to funding limitations only eight (8) positions are currently filled. Positions consist of the following:

Executive Director

Exempt Position

Planner	Group 17
Chief Accountant	Group 17
Planning Assistant (vacant)	Group 16
Supervising Inspector, 3	Group 16
Administrative Secretary	Group 9
Secretary	Group 7

The Texas Commission on Jail Standards is headquartered in Austin. However, based on geography and travel requirements each Supervising Inspector operates from their home/office located within the geographical area served. This arrangement has proven cost effective through the reduction of per diem and travel costs. Current locations of Supervising Inspectors are:

Robert L. Dearing	Pineland, Texas
Charles T. Julian	Sweetwater, Texas
Maurice G. Wood	Port Lavaca, Texas

This agency works with local government officials in its duties to enforce county jail standards. Primary relationships exist with commissioners courts and sheriffs to provide consultation and technical assistance, review and comment on plans for construction, modification, and renovation of jails, and inspection of jails regularly to insure compliance with State law. Secondary relationships exist with agencies and associations relating to the primary function. These include Texas Association of Counties, Regional Judges and Commissioners Associations, Sheriff's Association of Texas, Jailers Association of Texas, Texas Society of Architects as well as other state agencies including State Fire Marshal's Office, Office of Architectural Barriers, and State Purchasing and General Services Commission.

Programs and Functions

TCJS operates with three activities, which collectively participate in the regulatory function of the Commission. These activities consist of:

- Administration
- Inspection
- Technical Assistance

These activities serve Texas counties through their respective commissioners' courts and sheriffs. No fees or costs are charged to counties for the Commission's services.

Each activity participates in the regulatory function of TCJS. The administrative activity evaluates jail inspection reports and plan review

comments, makes recommendations for action by the Commission, and carries out the directives of the Commission in accordance with Article 5115.1 VCTS. Current sanctions include issuance of Remedial Orders with enforcement through a State District Court in Travis County.

Additional functions are described in the following activity narratives.

Administration:

The Administration activity, to which three staff members are assigned, provides services not accounted for in other program activities and coordinates the efforts of these services and activities. It ensures maximum, efficient use of staffing, funds, property resources and time in behalf of the counties jail improvement efforts. Paramount among these services are:

1. Development and revision of rules which take advantage of new technologies. This permits counties to construct or operate, at lower cost, jails that are more safe, suitable, secure and sanitary than previously possible. This effort also incorporates Federal case law into the rules which provides counties the means to avoid costly litigation.
2. Convene frequent Commission meetings at which counties request variances from standards or present and discuss solutions to jail problems. These meetings also develop policy and guidance for commission staff so that day to day business will be conducted with efficiency and dispatch.
3. Response to prisoner requests for assistance on a priority or routine basis. Priority inquiries are determined to be those which have the greatest potential for creating litigation. These requests are immediately referred to an inspector for resolution. Routine requests are referred for resolution at the time of the jail's inspection or when the inspector is in the vicinity of the jail.
4. Coordination of all these functions and activities as well as the fiscal, personnel, property, legal and clerical support necessary to ensure a responsible, reliable, consistent effort which is indispensable for achieving the program objective(s).

In 1988, the Administration activity provided 298 consultations, analyzed 258 inspection reports, issued 92 notices of non-compliance and acted on Commission directives in 19 request for variances and 5 remedial orders. The TCJS processed 330 requests for technical assistance, most of which were further addressed under the Technical Assistance activity. Fiscal functions included 67 requisitions and processing of 128 travel vouchers.

Consultations and requests for technical assistance have increased dramatically in recent years due to the increase of inmate population and counties' attempt to timely construct facilities for those incarcerated.

Inspection:

The Inspection activity, to which three staff members are assigned, is responsible for inspecting, at least annually, all operating county jail facilities. The inspection requires the use of a 600 item checklist.

Newly constructed or renovated jails require an occupancy inspection, or inspections, to insure that construction was completed as approved and that the facility complies with Texas Minimum Jail Standards.

After the initial (or occupancy) inspection, some items on the checklist remain constant (cell dimensions, for instance). Thereafter, inspections require reaffirmation that each item exists and is in compliance. Plumbing fixtures, heating and ventilation systems, lighting systems, smoke detection and smoke purge systems, emergency generators, etc. are checked.

Specified life safety drills are observed and timed.

Records and reports are examined to ensure administration and operations are adequate. Population figures are examined to determine if crowded conditions exist. Operational plans are reviewed for consistency to existing jail conditions and minimum jail standards.

When requested, inspectors will assist sheriff's personnel in developing administrative, management, operational and programmatic plans and procedures that are consistent with precedent law, provide efficient functioning of the jail, minimize costly litigation and capitalize on resources or funds already in place in the community.

Special inspections or reinspections are conducted, usually at the request of the county, to assure that ongoing construction or renovation is consistent with Texas Minimum Jail Standards or to resolve marginal conditions.

Inspectors, while at the jail being inspected, inquire into prisoner requests for assistance referred to them by the Administration activity.

Inspections were conducted by the three inspectors on 291 occasions, in 1988, at facilities ranging in capacity from 2 to 4,800 beds with a total inmate population of 35,000. Of these inspections 24 were conducted for occupancy inspections of completed projects.

Technical Assistance:

The Technical Assistance activity, to which two staff members are assigned, provides consultation with counties, review of building plans and specifications, and review of facility operational plans. This activity assists counties to make informed decisions on jail matters, avoid costly litigation, and avoid unnecessary expense while achieving compliance with minimum jail standards.

Review and comment on jail construction and renovation documents includes formal plan review against standards checklist and consultation or review with design professionals, consultants, county officials, and sheriff's

department personnel. Plans are reviewed at three phases of completion; schematic design, design development and construction documents. At each phase items requiring resolution are noted and satisfied prior to proceeding to the next phase. This process assists in ensuring that counties understand jail requirements and provides more effective and economical jails that will comply with minimum jail standards when constructed.

Additionally, the following functions are provided to counties under this activity.

1. Discussions and advice to counties on current or future jail sites, jail design, jail construction and jail management.
2. Discussion or presentations to counties on the need for more or improved jail space or alternatives thereto.
3. Public presentations on jail matters generally and specifically addressing county needs to assist commissioners courts and sheriffs in gaining public support for improved jails.
4. Analysis of needs studies whereby county populations are projected for 20 years; past jail populations in terms of numbers, offenses and gender are analyzed and matched with the population projections, variables are factored and the county is furnished a recommendation as to capacity and internal configuration of the proposed jail to meet county needs for a generation.
5. Establishing procedures and forms consistent with Texas Minimum Jail Standards and national Life Safety Codes to ensure life safety equipment is present, maintained and used properly. Assisting a sheriff in developing operating plans and drills for riots, hostage taking and other inmate disturbances as well as for natural disasters such as hurricanes, tornadoes, floods, fires, power outages, etc.
6. Demonstrating or researching means of identifying and marshalling of community resources which provide needed educational, counseling, rehabilitation, library and recreational programs for prisoners as required by TCJS. These programs are important as their existence makes the jail (regardless of size) eligible for the Federal Commodities Program, whereby farm subsidy surplus foodstuffs are given to the jail. Counties realize savings ranging from thousands to over a million dollars a year from this benefit.
7. Consultation with commissioners courts, sheriff's department, design firms, and private vendors on ways and means to achieve compliance with minimum jail standards in the least expensive, most efficient and effective manner.

In performing this activity, 269 construction plans have been reviewed in 1987 and 1988 with comments to the commissioners court, sheriff, and design firm. Analysis of needs was prepared for 36 counties and staff

addressed public forums on 59 occasions during these two years.

Summary and Trends:

Texas Commission on Jail Standards has maintained a consistent level of staff while performing the listed activities. This has required some previously provided on-site technical assistance functions to be discontinued. However, counties continue to work toward achieving full compliance by building new, larger facilities, implementing better management techniques and procedures. Inmate population will continue to increase and construction will continue in efforts to meet demand. More emphasis will be applied to economical construction and efficient management by counties and Texas Commission on Jail Standards.

Incarceration rates will continue to increase. Based on historical precedent, it is conceivable that in the near future county jails will be locking up three inmates per 1000 of general population. That being the case, more jail space is appropriate.

Jails have become more dangerous. Traditionally about 70% of a jail's inmates are pre-trial confinees. However, it is now 38%. This is caused by the backlog of convicted felons and housing out of state inmates. This will require the Jail Commission to review management procedures and staff adequacy more carefully and perhaps more often.

Jails must remain a service unit; a place to restrict the movement of individuals in a substance free environment, a safe and secure environment and a place where individuals can re-enter the community better than they left it. This effort will require additional emphasis on management, supervision, education and counselling.

Changes to standards will continue. However most of these will occur in management and operational areas simply because they directly affect the inmate. Direct supervision and minimum security facilities will be emphasized demanding a better informed jail staff.

Privatization will require additional plan review, technical assistance and inspection time. The emphasis on county correctional facilities will also increase workloads.

In the next two years most of the twenty-seven counties now in the construction phase will have completed current projects. One half of the fifty counties now in the planning stage will complete jail projects by the end of 1991. This building mode represents about 200 million dollars in construction cost and provides an additional capacity of 7000 beds.

Attachment 1
Report to the Sunset Advisory Commission by TCJS.

Original Commission members:

Sheriff T.L. Baker Sheriff of Potter County Amarillo, Texas	Appointed October 2, 1975, for a term expiring 1/31/79
Dr. Hanes Hanby Brindley Chief of Orthopedics Scott and White Clinic Temple, Texas	Appointed October 2, 1975 for a term expiring 1/31/81
Gayle R. Carden Attorney-at Law Greenville, Texas	Appointed October 2, 1975, for a term expiring 1/31/79
The Honorable Fidencio Garza, Jr. County Judge, Brooks County Falfurrias, Texas	Appointed October 2, 1975, for a term expiring 1/31/77
James Greenwood, III Attorney at Law Houston, Texas	Appointed October 2, 1975, for a term expiring 1/31/77
Sheriff Jack Heard Sheriff of Harris County Houston, Texas	Appointed October 2, 1975 for a term expiring 1/31/79
Steve Suttle Attorney at Law Abilene, Texas	Appointed October 2, 1975 for a term expiring 1/31/81
R.J. "Bob" Uhr New Braunfels, Texas	Appointed October 2, 1975 for a term expiring 1/31/77
David Hull Youngblood San Antonio, Texas	Appointed October 2, 1975 for a term expiring 1/31/81

TEXAS COMMISSION ON JAIL STANDARDS

PART II

POLICY ISSUES

Issue 1:

Should the Texas Commission on Jail Standards respond to overpopulation by using enforcement action?

Background:

The Prison Management Act generated as a result of litigation styled Ruiz vs. Lynam creates a severe overpopulation within most county jails. Court directed action requires that Texas Department of Corrections maintain a population of 95% or less. County jails, especially metropolitan facilities, are operating at 122% of capacity. Of this number 33% are convicted felons that are awaiting transfer to TDC. This creates a substantial economic and management burden on individual counties. Efforts to deal with this by the TCJS has consisted of conditional certification, acceptance of temporary facilities, temporary bunking and shortage of support space. (Attached is a list of county jails having a capacity of 100 or more beds indicating population by status of inmates.)

Arguments For/Against:

Counties desire either immediate removal of convicted felons or financial remuneration. The TCJS is authorized by statute to enforce standards to maintain safe and suitable jails. It is difficult for counties to operate a facility in compliance with state law when the population exceeds its capacity. Counties argue that this volatile area creates a burden on local tax payers which should be shared by state government. The TCJS, in working with county officials is striving for alternatives while creating safe facilities. However, continued crowding taxes abilities to find solutions with the ultimate alternative being one of failure to incarcerate.

Interest Groups:

Individual counties, county associations, incarcerated individuals.

Previous Legislation:

N/A

TEXAS COMMISSION ON JAIL STANDARDS
 JAIL POPULATION REPORT
 JAILS WITH A MINIMUM CAPACITY OF 100 (47)
 08/07/89

COUNTY	PRETRIAL MISDE- MEANOR	CONVICTED MISDE- MEANOR	PRETRIAL FELON	CONVICTED FELON	BENCH WARRANT	BLUE WARRANT	FEDERAL	OTHER	TOTAL	CAPACITY	PERCENT CAPACITY
ANDERSON	10	7	18	19	3	5	0	0	62	129	48
SELL	43	26	120	203	16	17	44	0	469	523	90
BEXAR	202	97	908	771	40	257	1	42	2318	1811	128
BOWIE	59	1	118	71	4	4	0	10	267	160	167
BRAZORIA	38	52	187	113	3	25	0	8	426	356	120
BRAZOS	21	41	49	86	1	24	4	0	226	167	135
CAMERON	41	32	226	37	1	12	116	5	470	546	86
CHEROKEE	8	5	45	8	2	2	0	0	70	102	69
COLLIN	19	28	133	64	6	9	0	1	260	207	126
COMAL	13	12	28	16	0	4	54	4	131	148	89
DALLAS	240	277	1880	2542	89	222	91	487	5828	3731	156
DENTON	34	4	151	78	4	13	0	3	287	233	123
ECTOR	23	14	129	22	2	15	0	0	205	165	124
EL PASO	131	6	377	332	115	142	122	13	1238	1024	121
ELLIS	6	5	67	26	0	3	0	0	107	108	99
FORT BEND	9	8	146	86	30	15	0	0	294	232	127
FRIO	1	7	10	9	0	1	0	126	154	169	91
GALVESTON	33	20	256	76	10	15	0	94	504	330	153
GREGG	29	28	100	54	4	12	0	0	227	199	114
GUADALUPE	9	3	28	11	0	4	6	87	148	192	77
HARRIS	383	1006	2323	3789	61	385	124	62	8133	4804	169
HAYS	11	10	32	73	2	5	92	7	232	358	65
HIDALGO	49	9	240	108	17	16	88	9	536	549	98
HUNT	12	5	44	55	5	16	0	3	140	115	122
JEFFERSON	45	15	361	184	10	135	54	23	827	502	165
JOHNSON	23	3	57	51	7	5	63	53	262	288	91
LUBBOCK	67	36	218	156	6	60	8	11	562	445	126
MCLENNAN	115	30	223	48	0	13	50	5	484	431	112
MIDLAND	6	8	66	42	4	5	0	2	133	104	128
MONTGOMERY	25	15	135	87	1	19	219	4	505	580	87
NAVARRO	10	12	36	15	1	3	0	43	120	168	71
NUECES	22	40	152	237	5	95	82	13	646	675	96

TEXAS COMMISSION ON JAIL STANDARDS
 JAIL POPULATION REPORT
 JAILS WITH A MINIMUM CAPACITY OF 100 (47)
 08/07/89

COUNTY	PRETRIAL MISDE- MEANOR	CONVICTED MISDE- MEANOR	PRETRIAL FELON	CONVICTED FELON	BENCH WARRANT	BLUE WARRANT	FEDERAL	OTHER	TOTAL	CAPACITY	PERCENT CAPACITY
PARKER	8	4	57	42	0	3	0	0	114	107	107
POTTER	18	34	131	80	5	16	4	4	292	315	93
REEVES	10	5	15	5	0	0	508	0	543	584	93
SMITH	52	36	173	76	12	23	14	6	392	323	121
STARR	6	1	29	4	0	2	57	6	105	116	91
TARRANT	90	40	1485	978	73	63	0	28	2757	2217	124
TAYLOR	41	15	138	77	3	28	0	17	319	292	109
TOM GREEN	38	6	52	17	0	16	0	7	136	163	83
TRAVIS	157	217	421	609	18	93	9	4	1528	1611	95
VAL VERDE	3	3	16	27	0	4	63	0	116	177	66
VICTORIA	15	25	28	21	0	7	0	0	96	133	72
WEBB	5	5	123	75	7	24	592	6	837	852	98
WICHITA	36	17	107	22	4	18	0	0	204	254	80
WILLIAMSON	12	18	104	23	4	15	0	1	177	115	154
ZAVALA	0	0	7	34	0	2	26	220	289	291	99
Subtotal	2228	2288	11749	11559	575	1872	2491	1414	34176	27101	126
PAROLE VIOLATOR FACILITY	0	0	0	0	0	385	149	0	534	621	86
TOTAL	2228	2288	11749	11559	575	2257	2640	1414	34710	27722	125

Issue 3:

Should present statutes on inmate classification in county jails be changed to reflect current management principles?

Background:

Local Government Code Title II, Ch. 351 requires inmates be properly classified and separated: witnesses from all classes of prisoners, males from females, juveniles from adults, first offenders awaiting trial from all classes of convicted prisoners, and prisoners with communicable diseases from all other classes of prisoners. The requirement to separate first offenders from convicted inmates is often difficult to comply with in small facilities, overcrowded facilities and podular/direct supervision facilities. Most administrators advocate a classification system based on objective information such as escape history, prior incarceration, and charges.

Arguments For/Against:

Jail administrators and corrections officers who deal with classification support modifying current statutes to allow classification on the basis of behavior and criminal sophistication. This method would allow greater flexibility in smaller crowded facilities and more efficient utilization of podular/direct supervision jails. No opposition has been presented to Texas Commission on Jail Standards.

Interest Groups:

Sheriffs Association of Texas, Association of Jail Administrators.

Previous Legislation:

None

Issue 2:

Should privatization efforts be prioritized to assist county government with local inmates rather than federal or out-of-state prisoners?

Background:

Privatization of county jails or detention facilities is authorized by statute and several facilities are operational. The enabling legislation provides for private financing, design, construction, leasing, operation, purchase, maintenance, or management of a jail. The facilities were conceived to alleviate overcrowded conditions within the state. However, many of the facilities are housing either federal inmates or out-of-state prisoners which does not appreciably assist in reducing county jail population. Counties are not fully utilizing private facilities due to competition with federal monies, long term contracts for out-of-state prisoners, and transportation requirements.

Arguments For/Against:

The private facility, because of its staff and maintenance costs, provides an economic support to the community. However, the effect on population reduction is questionable and places a burden on the Texas Commission on Jail Standards because of additional work requirements in reviewing plans, inspecting jails and providing technical assistance. Further, it is questionable whether the efforts at privatization releases the county from its requirement to provide safe and suitable jails thus subjecting it to continued liability.

Interest Groups:

Design firms, financial investors, development groups.

Previous Legislation:

HB 1992, Private Corrections Contracts, 71st Legislative Session.

Issue 4:

Should the TCJS be required in statute to develop staffing ratios that vary according to design of jail facilities?

Background:

Currently, Minimum Jail Standards require that jails be staffed at a ratio of one corrections officer to 48 inmates for inmate supervision, and that staffing in other areas be sufficient to perform required functions. Live in jailers are accepted at small facilities. Staffing ratios for inmate supervision, originally established at one per 45 inmates, were developed during the drafting of minimum jail standards in 1975. Input was provided by consultants, county officials, facility users, and a review of military structure. In implementing minimum jail standards it was found that 1:48 was more workable with building design elements such as maximum congregate statutes (24 inmates) and plumbing fixture ratios of 1:8 and 1:12. Specific ratios have not been developed for support staff performing other required functions, i.e. booking, visitation, exercise, laundry, food service, etc. The number of persons necessary to perform these functions varies widely with facility design and size.

Arguments For/Against:

A static staffing ratio is helpful in maintaining an adequate level of jail personnel. However, each facility is designed uniquely and one may in reality be staff intensive while another may not. The ratio of 1:48 is required in all cases regardless of work load. Counties will not normally staff above this minimum level. Further, staffing needs vary from shift to shift. Ideally each facility should be dealt with separately. This effort would require a continuing review by the TCJS.

Sheriff's departments typically support an established staffing ratio which provides personnel for all jail functions. Commissioners courts, which must appropriate funding for jailer positions while attempting to maintain a balanced budget, typically prefer a minimal number of jail personnel.

Interested Groups:

County officials, and inmate advocacy groups.

Previous Legislation:

N/A

Issue 5:

Should the TCJS promulgate reasonable rules and procedures establishing minimum standards for municipal jails?

Background:

Texas Commission on Jail Standards was charged with drafting model minimum standards for municipal jails by the 68th Legislature. Standards were drafted and public hearings were held in seven locations throughout the State. Consensus gathered from public hearings indicated a financial burden would be placed on the approximate 300 municipal facilities to bring their facilities into compliance with mandatory standards. The TCJS presented its findings to the 69th Legislature and no further action has been taken.

The TCJS receives approximately 10 requests for applicable standards and technical assistance from municipalities each month.

Arguments For/Against:

Municipalities planning to construct a new jail facility or renovate existing facilities often request guidelines for construction and management of facilities to reduce possible litigation. Many municipalities favor a non-mandatory minimum standard.

Opposition has been expressed by municipalities which operate existing facilities since upgrading the physical structures to minimum standards could be costly.

Interest Groups:

Texas Municipal League, Inmate Advocacy Groups.

Previous Legislation:

N/A

Issue 6:

Should the TCJS develop objective criteria for testing smoke deflection and removal equipment.

Background:

Minimum Jail Standards require that each jail be equipped with a smoke removal system that changes the air each four minutes. The TCJS tests such equipment through a performance test i.e., does the system remove the smoke? Design specialists argue that a system is difficult to engineer to meet subjective criteria and testing the system at its exhaust is sufficient and should be the criteria for acceptance. This complex system continues to be an area of debate.

Arguments For/Against:

A visual review of inmate housing during a timed test indicates whether smoke has in fact been removed from the area. However, the test is subjective and can depend upon the inspecting official's judgment. It does insure that smoke from the area is detected and it can be ascertained if the system provides a liveable environment. Scientific testing equipment could cost the Texas Commission on Jail Standards in excess of \$100,000 for equipment and an unknown amount in training, operation, and maintenance. Additional questions have been raised as to the validity of scientific testing if it is not performed by a certified technician.

Interested Groups:

Design firms, fire officials, owners and operators.

Previous Legislation:

N/A

Issue 7:

Should salaries for jailers be regulated so that it is equal to other criminal justice workers?

Background:

The Minimum Jail Standards originally mandated similarity of pay: However, an attorney general's ruling advised that this is not the function of a regulatory agency but the responsibility and authority of county government. (See AG Opinion H-1161, May 3, 1978.) Jailer's salaries have remained low with minimal steps of progression.

Arguments For/Against:

Equivalency of pay standards would result in more selectivity of applicants and form a career field where individuals could advance professionally. It is obvious that such action would increase the immediate cost of jail operation and require additional budgetary action by county officials.

Interested Groups:

Employee associations, county government.

Previous Legislation:

N/A

Issue 8:

Should the TCJS require jails to maintain legal libraries?

Background:

Currently the Minimum Jail Standards do not reference access to courts which could include attorneys, paralegals, law libraries, etc. Law libraries are normally maintained in metropolitan areas. However, due to economic constraints, law libraries do not normally exist in smaller jails.

Arguments For/Against:

Court decisions have indicated that TCJS may regulate the law selectively i.e., it may deal with law libraries or leave it as a local option. Law libraries are expensive to establish and maintain. It does reduce the need for attorneys and should provide direct access to the courts.

Interest Groups:

Individual counties, publishing firms, inmate advocacy groups.

Previous Legislation:

N/A

Issue 9:

What impact will Community Corrections have on the TCJS?

Background:

The 71st Legislature restructured the State's Criminal Justice System and created Community Corrections through H.B. 2335. The TCJS is mandated by this legislation to assist the Texas Adult Probation Commission in developing standards and certifying county correctional facilities.

Historically, county jails have been operated as short-term facilities holding primarily pre-trial inmates. In recent years the overpopulation of county jails with convicted felons has caused most pre-trial detainees to be released through alternatives to incarceration.

Arguments For/Against:

The requirements of H.B. 2335 could increase TCJS workload in the development of standards, plans review and comment, inspections (occupancy and annual), and administrative functions related to these activities.

The Texas Commission on Jail Standards has the expertise in developing standards for the construction and operation of detention facilities which can be utilized in meeting the mandates of H.B. 2335. Preliminary considerations in developing a memorandum of understanding between the TCJS and Texas Adult Probation Commission are listed below:

- Texas Commission on Jail Standards will be involved only with County Correctional Facilities.
- County sheriffs need to know which agency to contact with regard to county correctional facilities operation and construction.
- Some facilities may be proposed utilizing common support areas for two types of facilities: Jail and county correctional facilities.
- The new Department of Criminal Justice will adopt standards for county correctional facilities.
- Facilities will require inspection of both physical plant and operation procedures.
- Appropriation of funding is contingent upon compliance with standards.

Workload and costs incurred by TCJS will not be assessable until program requirements have been established.

Interested Groups:

County government, inmate advocacy groups.

DOCUMENT COVER SHEET

CBC- _____

NCJ- 117005

Order no: _____

V# _____

Date Received

For Related Material, see NCJ #'s:

Notes:

Subject Screening: IN. OUT NON-DOC By af

Comments and Out Reasons

POL

JUV

CTS

CCP

COR

Previous Legislation:

HB 2335, Criminal Justice Omnibus Reform Legislation, 71st Legislature.

TEXAS COMMISSION ON JAIL STANDARDS

PART III

ADDITIONAL DATA

Following are charts required in Part III of the Self Evaluation Report. Chart A, Complaints is not applicable because no complaints have been received.

Chart B
COMMERCIAL ACTIVITIES CONTRACTED

Services Currently Contracted	Competitively Bid? Y/N	Contract Amount	Renewal Period	Contractor Name and City
1. Code review of construction documents	N	16,000	9/1/89	SP & GSC
2. Computer maintenance	N	1,291	1/1/89	Micro Express
3. Personal Services Contract (Juvenile Survey)	N	15,340	9/1/89	Pam Blackwell
4. Printing Standards	Y	3,498	As needed	Mirrorimage

COMMERCIAL ACTIVITIES PERFORMED
IN-HOUSE

Commercial Services Performed In-House	Program or Department where Service is Performed
None	

TEXAS COMMISSION ON JAIL STANDARDS

Chart C

Board Members
August 31, 1989

<u>Board Member/Term</u>	<u>Mailing Address</u>	<u>Telephone Number</u>
R.J. "Bob" Uhr January 31, 1989	P.O. Box 310703 New Braunfels, Texas 78131-0703	512/629-1192
Sheriff Johnny Klevenhaven January 31, 1991	1301 Franklin Houston, Texas 77002	713/221-6044
Dr. Rolando del Carmen January 31, 1993	Sam Houston State University Huntsville, Texas 77341-2296	409/294-1656
Sheriff Joe Corley January 31, 1991	#1 Criminal Justice Drive Conroe, Texas 77301	409/756-0571
I.T. "Tex" Corley January 31, 1993	11500 Northwest Freeway Houston, Texas 77008	713/686-4307
Judge Roy English January 31, 1995	Tarrant County Courthouse Fort Worth, Texas 76102	817/334-1441
Dr. Charles Hurst January 31, 1993	911 S. Beckam Tyler, Texas 75701	214/597-1521
Roy Orr January 31, 1991	P.O. Box 10 De Soto, Texas 75115	214/224-1010
Florence Shapiro January 31, 1995	400 Chisholm Place, Ste. 212 Plano, Texas 75075	214/578-0566

<u>Executive Director</u>	<u>Address</u>	<u>Telephone Number</u>
Jack E. Crump	P.O. Box 12985 Austin, Texas 78711	512/463-5505

<u>Agency Designated Liaison</u>	<u>Address</u>	<u>Telephone Number</u>
Jack E. Crump (p)	P.O. Box 12985 Austin, Texas 78711	512/463-5505
Howard B. Allen (a)	P.O. Box 12985 Austin, Texas 78711	512/463-5505
Wayne Gondeck (a)	P.O. Box 12985 Austin, Texas 78711	512/463-5505

Chart D
MEETINGS OF POLICY-MAKING BODY
Held Outside of Austin
FISCAL YEARS 1987 - 1989

Total number of board meetings held in FY 1987 6; FY 1988 6; FY 1989 (Projected) 6. Indicate meetings held outside of Austin in the chart below.

Meeting Date	Location of Meeting	Purpose of Meeting
None		

TEXAS COMMISSION ON JAIL STANDARDS

Chart E

BOARD/COMMISSION MEMBER COMPENSATION

Fiscal Years 1987 - 1989 YTD

Board/Commission Member	Amount Expended for Compensatory Per Diem and Other Travel Expenses		
	Fiscal Year 1987	Fiscal Year 1988	Fiscal Year 1989 (YTD)
1. Mrs. William R. Cree	564		
2. Rolando del Carmen	246	530	406
3. Mrs. Dean Newhouse	608		
4. Roy L. Orr	394	443	293
5. Robert J. Uhr	205	175	234
6. C.R. Hurst, M.D.		612	790
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

TEXAS COMMISSION ON JAIL STANDARDS

Chart F
EQUAL EMPLOYMENT DATA
Staff Analysis*
FY 1984

Total Agency Employees This Classification	ANGLO		HISPANIC		BLACK		OTHER		TOTAL	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Exempt	1								1	
Group 17-21	2								2	
Group 12-16	3								3	
Group 7-11		2								2
Group 2-6										
TOTAL	6	2							6	2

*Two charts should be prepared: one reflecting the agency's ethnic profile as of August 31, 1984 and the other reflecting the agency's ethnic profile as of August 31, 1988.

TEXAS COMMISSION ON JAIL STANDARDS

Chart F
EQUAL EMPLOYMENT DATA
Staff Analysis*
FY 1988

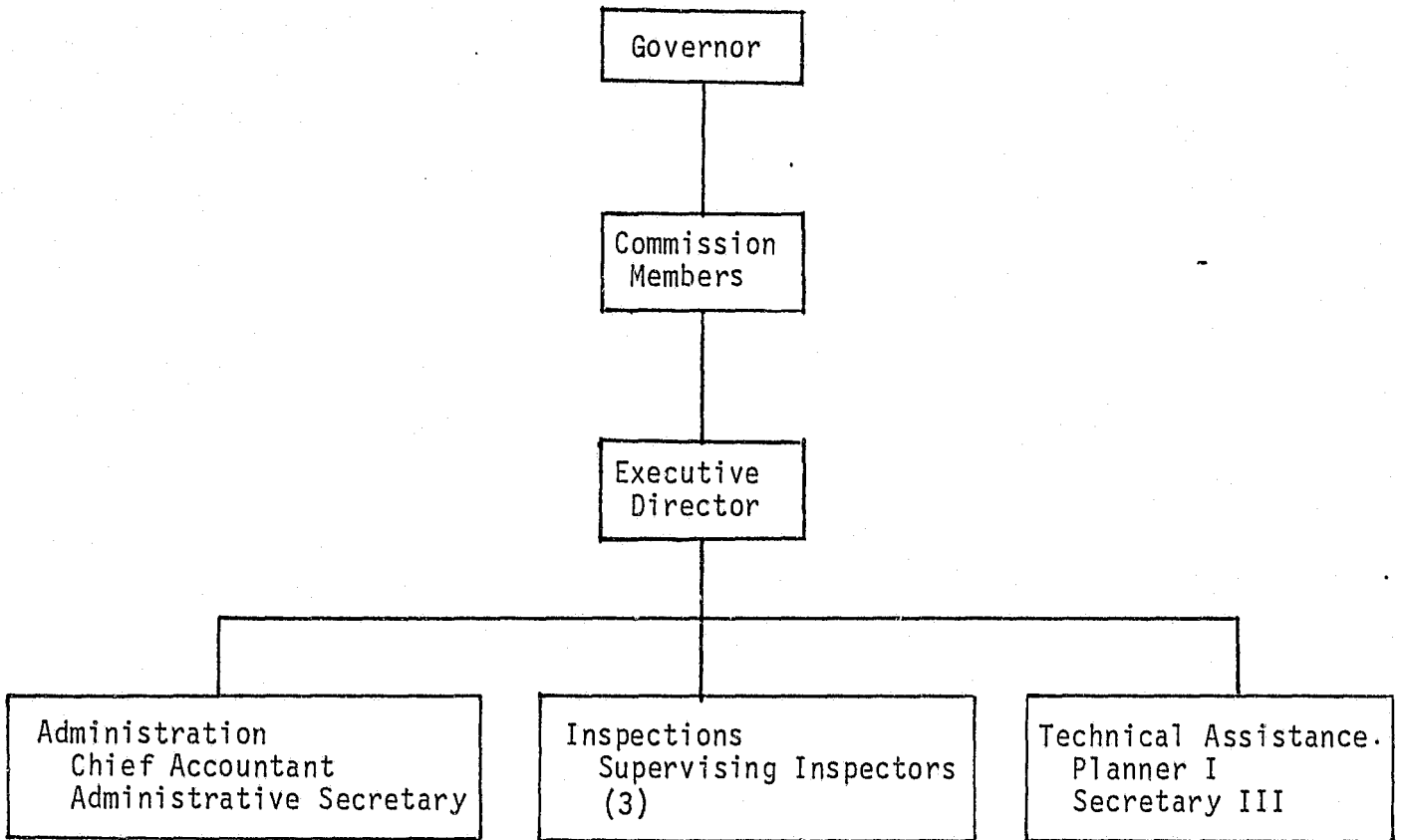
Total Agency Employees This Classification	ANGLO		HISPANIC		BLACK		OTHER		TOTAL	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Exempt	1								1	
Group 17-21	2								2	
Group 12-16	3								3	
Group 7-11		2								2
Group 2-6										
TOTAL	6	2							6	2

*Two charts should be prepared: one reflecting the agency's ethnic profile as of August 31, 1984 and the other reflecting the agency's ethnic profile as of August 31, 1988.

TEXAS COMMISSION ON JAIL STANDARDS

PART III; G

ORGANIZATIONAL CHART



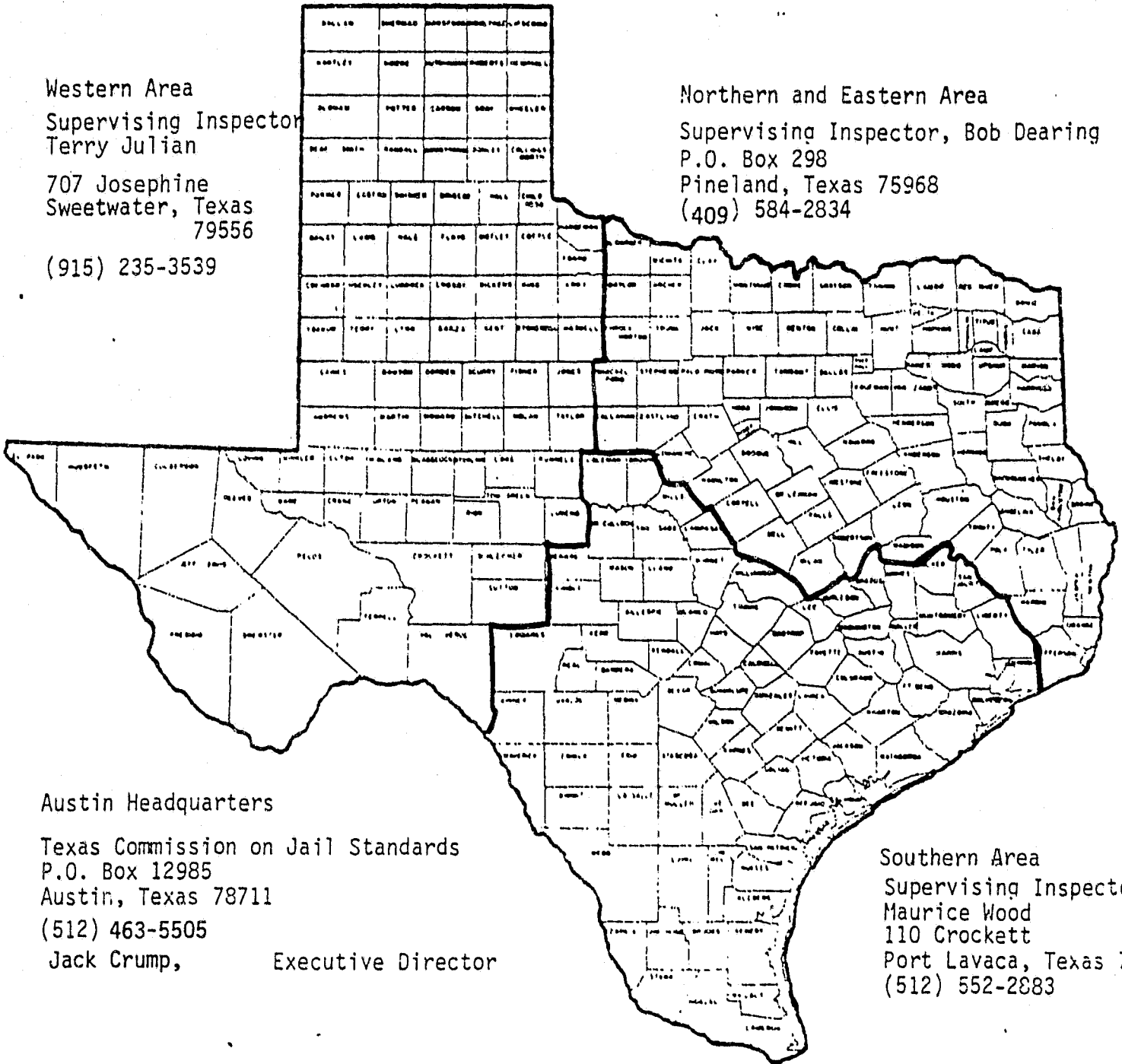
TEXAS COMMISSION ON JAIL STANDARDS

CHART H

REGIONAL OFFICES
INSPECTION AREAS

Western Area
Supervising Inspector
Terry Julian
707 Josephine
Sweetwater, Texas
79556
(915) 235-3539

Northern and Eastern Area
Supervising Inspector, Bob Dearing
P.O. Box 298
Pineland, Texas 75968
(409) 584-2834



Austin Headquarters
Texas Commission on Jail Standards
P.O. Box 12985
Austin, Texas 78711
(512) 463-5505
Jack Crump, Executive Director

Southern Area
Supervising Inspector
Maurice Wood
110 Crockett
Port Lavaca, Texas 7797
(512) 552-2883

TEXAS COMMISSION ON JAIL STANDARDS

PART III; I

INTEREST GROUPS

Conference of Urban Counties

Tom Vickers, President
200 N. Comal
San Antonio, Texas 78207-3505
512/220-2441

County Judges & Commissioners Association of Texas

Douglas H. Smith, President
County Courthouse
Gatesville, Texas 76528
817/865-5911

Architects for Justice

Ron Dailey, President
407 E. 6th, Suite 200
Austin, Texas 78701
512/476-4586

Texas Society of Architects

David Lancaster
114 W. 7th Street
Austin, Texas 78701
512/478-7386

Sheriff's Association of Texas

Bill Webster, President
Sutton County Courthouse
Sonora, Texas 76950
915/387-2288

Texas Sheriff's Association

Gordon Johnson, Executive Director
P.O. Box 4488
Austin, Texas 78765

West Texas Judge and Commissioners Association

Jay Johnson, President
County Courthouse
Tulia, Texas 79088
806/995-3326

North and East Texas Judges and Commissioners Association

Tommy Kessler, President
Cass County Courthouse
Linden, Texas 75563

South Texas Judges and Commissioners Association

Claude Franklin, Jr., President
McMullen County Courthouse
Tilden, Texas 78072

Texas Association of Counties

Adolph Thomae, President
P.O. Box 2131
Austin, Texas 78768

Jail Administrators Association

John Godfrey, President
300 E. 26th Street, Suite 105
Bryan, Texas 77801

Jail Administrators Association

Billy Bryan, Vice President
Bell County Courthouse
Belton, Texas 76513

Texas Chief Deputy's Association

Morris Brown, President
Andrews County Courthouse
Andrews, Texas 79714

Texas District & County Attorney's Association

Tom Krampitz, Executive Director
1210 Nueces, #200
Austin, Texas 78701

TEXAS COMMISSION ON JAIL STANDARDS

PART III, J

NATIONAL ASSOCIATIONS

American Correctional Association
1321 Hartwick Road, Suite L-208
College Park, Maryland 20740
301/699-7600

American Jail Association
162 W. Washington Street
Hagerstown, Maryland 21740
301/790-3930

National Fire Protection Association
Batterymarch Park
Quincy, Maryland 02269

National Institute of Corrections
1790 30th Street, Suite 440
Boulder, Colorado 80301
303/939-8866

American Society for Testing and Materials
1916 Race Street
Philadelphia, Pennsylvania 19103

Southern Building Code Congress
900 Montclair Road
Birmingham, Alabama 35213
205/591-1853

TEXAS COMMISSION ON JAIL STANDARDS

PART IV

COMMENTS:

The Texas Commission on Jail Standards, since September 1, 1977, has provided its regulatory service with essentially the same budget and staff. It can be stated that the number of jail systems has remained constant, that inspections and plan reviews have remained constant.

However, it must be recognized that jail inmates have increased from 14,000 to 34,000 since 1983, capacities have increased from 18,000 to 31,000 during the same time period. Although the number of counties and jail systems has not changed, the size and number of structures operated by each county has measurably increased. Some examples: Bell County has increased in size from 110 to 523. Twenty-eight counties now operate multiple facilities. Travis County, since the inception of the TCJS has enlarged its capacity from 250 to 1,611 through a total of 10 distinct units.

Management concerns for the TCJS have increased. Much of this is based on the overpopulation of jails, increased requests for staffing reviews, classification requirements based on overpopulation, and concerns with medical care.

The Criminal Justice System has become more complex requiring continual upgrading of facilities and training of jail personnel. New jail management concepts require continuous education and indoctrination of design firms and county officials. Privatization requires a frequent review and understanding of statutes.

All of this: capacity, population, management concepts, and creative legislation taxes the inspector when inspecting a multi-structure system, it taxes the agency's planner when reviewing complex structures such as: Tarrant County's 1440 capacity direct supervision facility or Harris County's 4000 capacity design/build/lease/purchase facility.

Incarceration rates will continue to increase. This will necessitate continued building as well as searching for legitimate alternatives. Both will require an expenditure of time and energy by the TCJS.

The threat of inmate initiated litigation will continue. Inmate inquiries are currently handled at the rate of 30 per month. Efforts by the TCJS to provide management and program concepts must continue. The incarcerated population has become more "legally proficient". The TCJS must parallel that effect in an attempt to properly discuss and advise county jail personnel.

The TCJS is currently dealing with these areas of concern. Attachments are included to outline the current status and growth in county incarceration.

Attachment 1: Counties operating more than one facility.

Attachment 2: Facilities currently in construction or planning.

Attachment 3: Statewide capacity and population statistics.

Attachment 4: Inmate population at 10 most populated jails.

Attachment 5: Growth in incarceration rate.

TEXAS COMMISSION ON JAIL STANDARDS
COUNTIES OPERATING MORE THAN ONE JAIL STRUCTURE

ATTACHMENT 1

Bexar	2
Brazoria	2
Caldwell	2
Cameron	2
Collin	2
Dallas	4
Ellis	2
Harris	10
Henderson	2
Hidalgo	5
Jefferson	2
Lamar	2
Liberty	2
Lubbock	2
Montgomery	3
McLennan	3
Nueces	2
Palo Pinto	2
Parker	2
Potter	6
Reeves	2
Smith	2
Tarrant	10
Travis	10
Webb	5
Willacy	2
Williamson	2
Zavala	2

TEXAS COMMISSION ON JAIL STANDARDS

CONSTRUCTION/PLANNING

ATTACHMENT 2

JAILS UNDER CONSTRUCTION (37)

Atascosa	(R)*
Bastrop	(N)
Bell	(R)
Caldwell	(N)*
Clay	(N)
Coryell	(N)*
Dallas	(R)*
Ellis	(N)
El Paso	(R)
Galveston	(N)
Hale	(R)
Hamilton	(N)
Harris	(R)(N)
Hendeson	(N)
Hill	(R)*
Hudspeth	(R)
Jones	(R)*
Lamar	(N)
Lampasas	(R)*
Leon	(N)*
Limestone	(N)
Llano	(R)*
Lubbock	(R)
Maverick	(N)*
Midland	(N)*
Montague	(R)
Nacogdoches	(N)*
Nueces	(R)
Parker	(N)
Smith	(N)
Swisher	(R)
Tarrant	(N)
Travis	(N)
Willacy	(R)
Williamson	(N)
Young	(R)
Zapata	(R)*

JAILS UNDER PLANNING (41)

Aransas	(N)*
Angelina	(R)*
Bandera	(R)*
Brazos	(N)*
Burleson	(R)
Camp	(R)
Cass	(N)
Castro	(N)
Collin	(N)
Comal	(R)
Dallas	(N)*
Delta	(N)
Denton	(R)
Eastland	(R)*
Ector	(R)
El Paso	(N)
Fort Bend	(R)*
Franklin	(N)*
Gray	(N)
Hardin	(N)
Harrison	(N)
Hidalgo	(N)
Hopkins	(R)
Houston	(R)*
Hunt	(R)
Jefferson	(N)
Karnes	(R)*
Kerr	(R)*
Kleberg	(N)
Orange	(R)*
Palo Pinto	(R)*
Polk	(R)
Randall	(R)
San Patricio	(R)*
Starr	(R)
Uvalde	(N)
Van Zandt	(N)
Victoria	(R)*
Washington	(N)*
Wilbarger	(N)*
Yoakum	(R)*

* = Certified

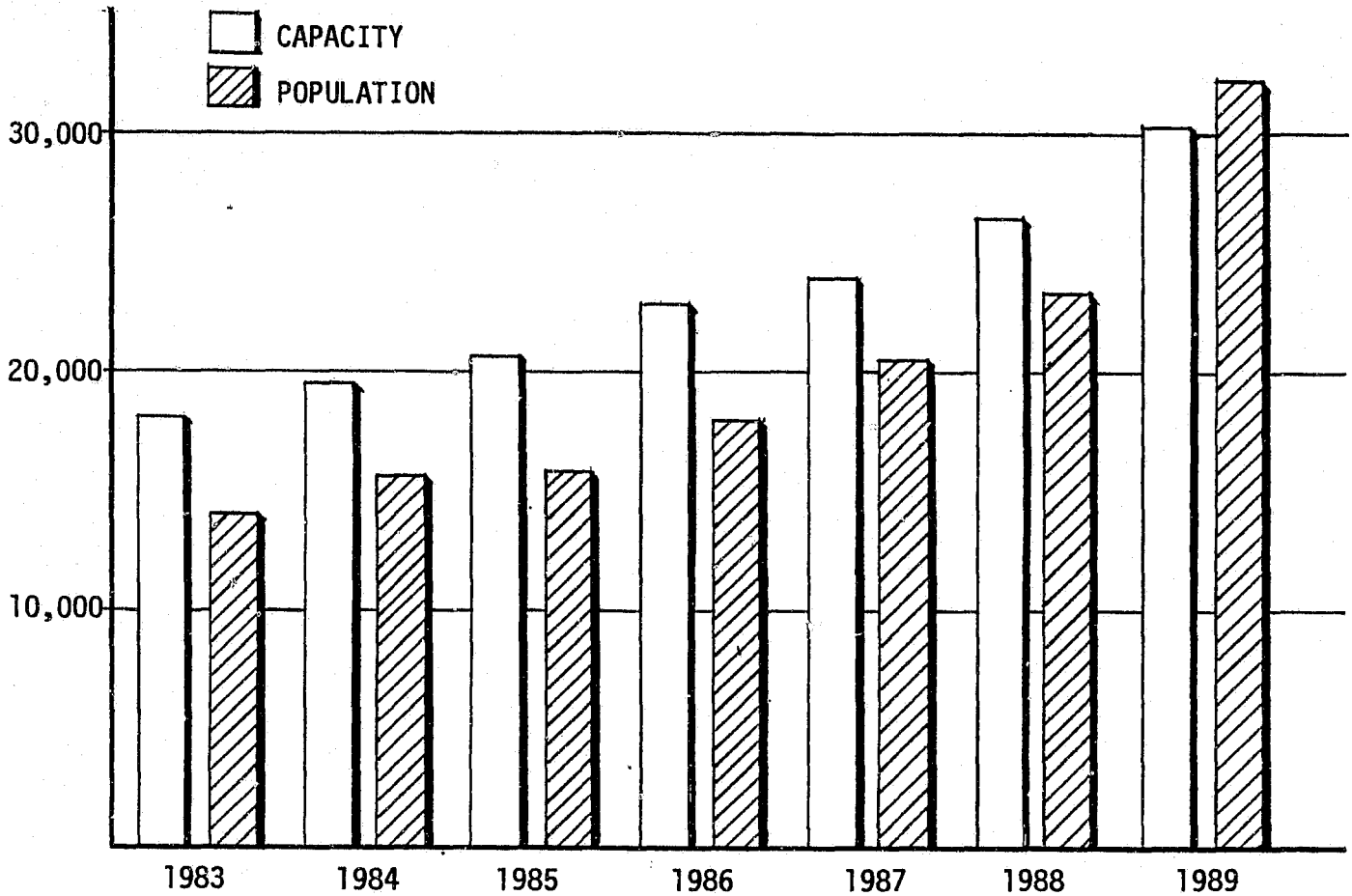
(N) = New Construction

(R) = Renovation or Addition

TEXAS COMMISSION ON JAIL STANDARDS

PART IV

ATTACHMENT 3



STATEWIDE COUNTY JAIL STATISTICS

Capacity and Population

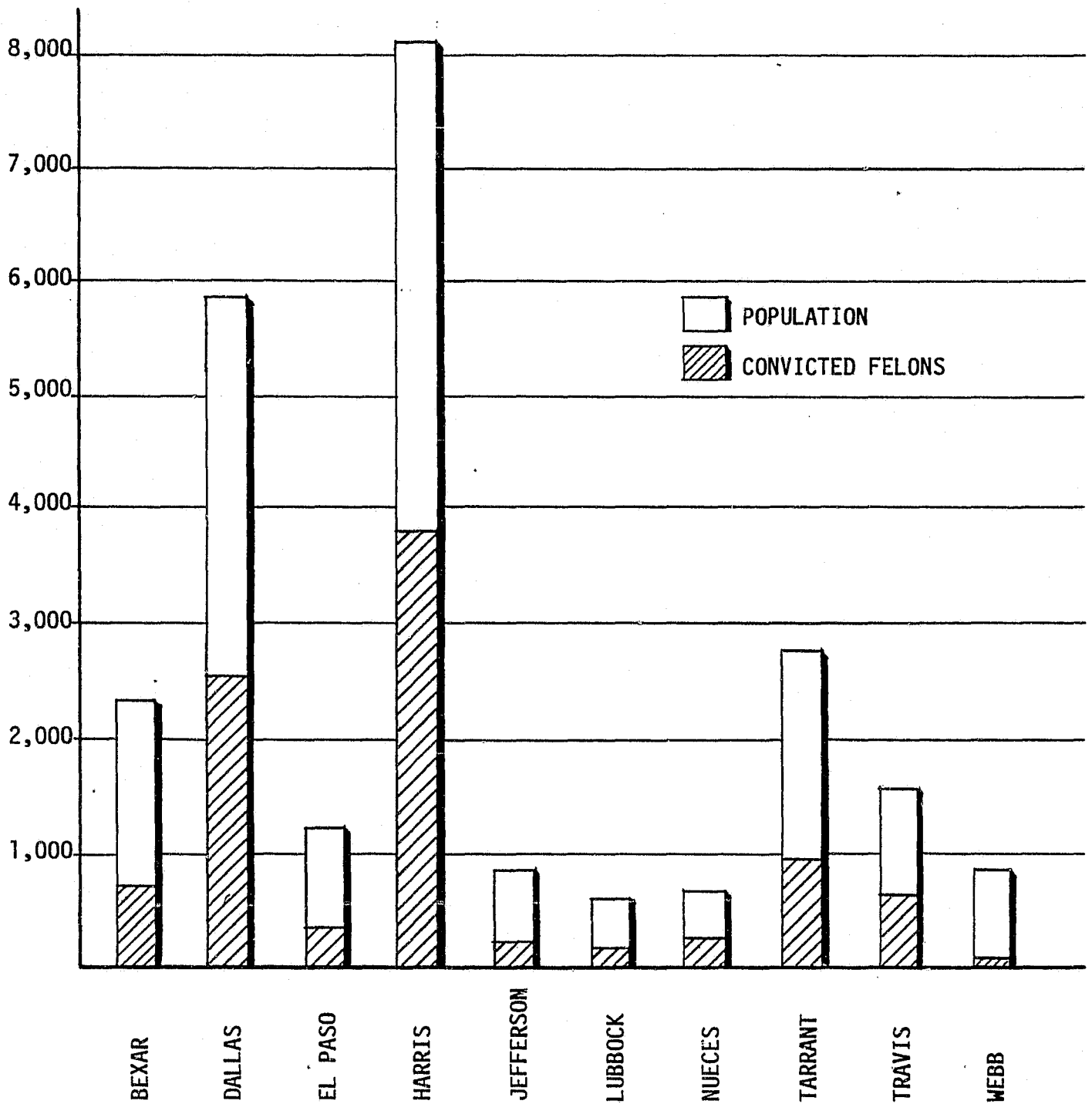
1983 - 1989

(January 1 each year)

TEXAS COMMISSION ON JAIL STANDARDS

PART IV

ATTACHMENT 4



INMATE POPULATION

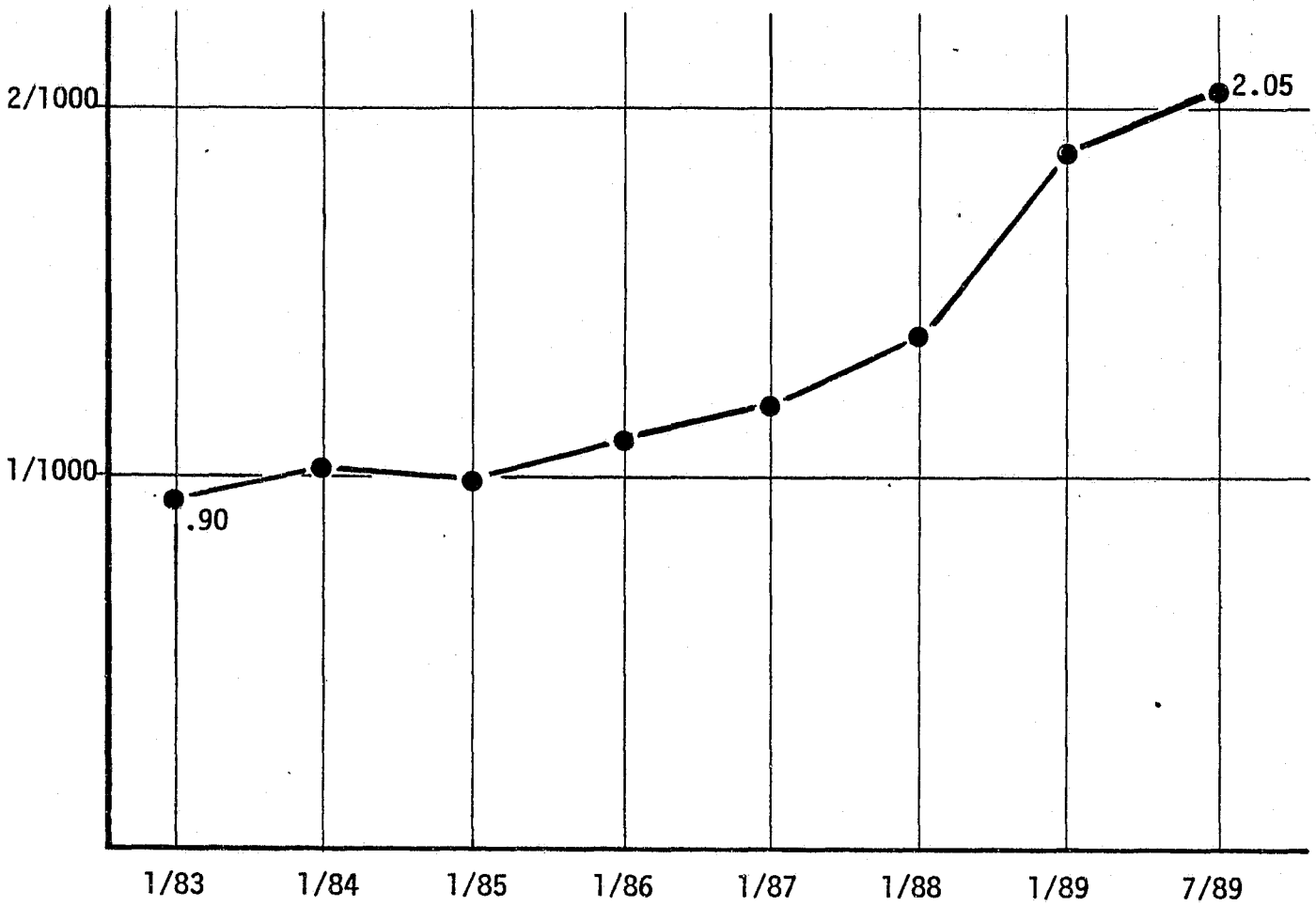
Ten Most Populated Jails

August 7, 1989

TEXAS COMMISSION ON JAIL STANDARDS

PART IV

ATTACHMENT 5



INCARCERATION RATE

Inmates per 1000 Population