

Texas Commission on Jail Standards

2007 Self Evaluation Report



Submitted to
Texas Sunset Advisory Commission

August 2007

Instructions

Each agency under Sunset review is required by law to complete a Self-Evaluation Report (SER) on its operations. The SER is designed to provide the Sunset Commission members and staff with a general background description of each agency being reviewed. The SER also gives each agency an opportunity to provide the Commission with a preview of issues and suggested improvements regarding the agency and its functions.

The SER contains 12 sections. Agencies should record their responses to each question directly on this electronic form. Answers should be typed in the white space beneath each question box. Use as little or as much room as needed to answer each question. If the information requested does not apply to your agency, either provide similar information to reflect agency practices, or enter "N/A" in the space provided. In charts, add or delete rows, change column widths, and renumber exhibits as necessary, or rename chart headings to better reflect agency practices. If a chart is not applicable, indicate so and delete the blank chart.

This document also contains examples for certain sections of the SER. Links are provided to jump directly from one part of the document to another, and can be accessed by clicking on the underlined text where the links appear.

Reviewing the background and issues sections of recent Sunset staff reports may also be helpful in preparing certain sections of the SER. Recent Sunset staff reports are available on the Sunset website at www.sunset.state.tx.us. Hard copies can also be obtained by calling the Sunset Commission office at (512) 463-1300.

Once the report is complete, fill in the appropriate page numbers on the table of contents. The text regarding Instructions, Attachments, and Examples can be deleted from the SER that the agency submits to the Sunset Commission.

By **August 24, 2007**, please submit:

- The electronic version of the Self-Evaluation Report to: dawn.roberson@sunset.state.tx.us
- 41 hard copies of the Self-Evaluation Report on 8½ x 11-inch paper (40 bound and one unbound)
- One copy of any attachments to the SER, such as publications by or about your agency, strategic plans, etc, which can be bound and formatted in any manner convenient to you, to:

Sunset Advisory Commission
1501 N. Congress
Robert E. Johnson Bldg., 6th Floor
Austin, TX 78701

Contact Chloe Lieberknecht of the Sunset staff at (512) 463-1300 with any questions, or you can e-mail them to chloe.lieberknecht@sunset.state.tx.us. Every effort will be made to minimize the additional workload this report places on your agency.

Finally, notify Sunset of any major changes or updates to the information provided in the Self-Evaluation Report that occur between submission and January 2009 (e.g., new board members, updated fiscal data for FY 2007, or changes in the organizational structure).

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Commission on Jail Standards
Self-Evaluation Report

I. Agency Contact Information

A. Please fill in the following chart.

Commission on Jail Standards Exhibit 1: Agency Contacts				
	Name	Address	Telephone & Fax Numbers	E-mail Address
Agency Head	Adan Munoz, Jr.	P.O. Box 12985, Austin, TX 78711	512-463 8081 512-463 3185	Adan.munoz@tcjs.state.tx.us
Agency Sunset Liaison	Adan Munoz, Jr.	P.O. Box 12985, Austin, TX 78711	512-463 8081 512-463 3185	Adan.munoz@tcjs.state.tx.us

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.

The mission of the Texas Commission on Jail Standards is to empower local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas.

The 64th Legislature created the Texas Commission on Jail Standards in an effort to end federal court intervention into county jail matters and return jail control to state and local jurisdictions. Through Chapters 499 and 511 of the *Government Code*, the state has exhibited a strong commitment to improving conditions in the jails by granting us the authority and responsibility to promulgate and enforce minimum standards for jail construction, equipment, maintenance, and operations. Texas Minimum Jail Standards are contained in Title 37, Part IX, Chapters 251 – 301 of

the Texas Administrative Code. Related duties and rules are set forth in Chapters 351 and 361 of the *Local Government Code*.

The Commission currently has regulatory authority over 256 facilities with 84,257 beds. As of June 1, 2007, 576 out-of-state inmates and 1,899 Texas state inmates are being held in Texas county jails. Seventeen counties have chosen to close their jails and have contracted to house their inmates in other counties' facilities. The local county jail inmate population increased by 13.4% from 63,686 inmates on July 1, 2002, to 72,241 on June 1, 2007.

The Commissions key functions consist of the following:

Effective Jail Standards. Research, development and dissemination of minimum standards for jail construction and operations.

Inspection and Enforcement. On-site jail inspections are required for each regulated facility at least annually, accomplished by a physical and operational inspection of the facility. On-site inspections are also required upon completion of new construction, additions or renovations. In addition, an inspector is specifically assigned to handle all inmate complaints received by the Commission. Inspections are either announced or unannounced, and are scheduled utilizing a risk management assessment process.

Construction Plan Review. This entails a formal study of proposed new construction and renovation projects at three phases of completion: schematic design, design development, and construction documents. Consultations are held with designers, architects, sheriffs, county judges and commissioners in order to ensure the construction of effective and economical jails that will comply with standards. Facility needs analyses that provide a determination of future incarceration needs based on population projections and historical data are also prepared for counties that request them.

Management Consultation. Assistance in developing and implementing compliant operational plans is provided to the counties through conferences, correspondence, and on-site visits. These plans incorporate inmate classification, health services, sanitation, discipline, grievance procedures, exercise, education, and inmate services and activities. Provision of objective staffing recommendations and jail management training complete this agency activity.

Auditing Population and Costs. The inmate population of each regulated facility is submitted to the agency monthly, after which the data is analyzed and compiled in the monthly jail population report. This report includes various inmate categories such as pre-trial detainees, misdemeanants, parole violators, and felons awaiting transfer to the state prison system. This information is provided to TDCJ and the state's leadership, and provides essential information at both the state and local levels.

Juvenile Justice Survey. All adult jails and lock-ups, including municipal facilities, must be surveyed annually to determine their compliance with the Federal Juvenile Justice and Delinquency Prevention Act. Ten percent of the facilities are audited on-site, and the findings are reported to the Criminal Justice Division of the Governor's Office.

B. Do each of your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

A facility that is not safe, secure and suitable becomes a liability, compromises public safety, gives

rise to unsafe conditions for both staff and inmates, which in turn may increase staff turnover, institutional violence and increased likelihood of recidivism. This diminishes the effectiveness of the local justice system and results in a negative public image of government in general. Significant financial costs are always associated with each of these consequences, which are ultimately paid for by the taxpayer.

Each of the six key functions that are listed continues to serve a clear and ongoing objective and is needed, as described below, in order.

Effective jail standards require on-going work to ensure standards comply with current state and federal law, case law, and construction techniques. If jail standards are not kept current, the counties that rely upon them to effectively operate a constitutional facility are placed at risk.

Inspection and enforcement ensure that the constitutional and statutory provisions are put into operational practice. Without onsite verification to ensure compliance, and enforcement action if necessary, effective jail standards are of no value.

Ensuring that proper materials are utilized to maintain public safety is the primary function of construction plan review. It is also a necessary step to ensure that the physical plant complements the operations so that the highest degree of efficiency is attained. Failure to do so results in a facility that is cost prohibitive to operate.

Management consultation is important because it is focused on assisting counties to achieve and maintain compliance with standards, transmitting to county jail the knowledge and tools required to run a safe and secure jail, a facility that is less likely to be a liability.

The population audits are used not only by the commission to determine basic compliance with capacity requirements as cost efficiently as possible, but are also used by state planners to help gauge criminal justice trends and set policy in regards to state-wide budgetary issues.

In order for the State of Texas to continue to receive federal funds for juvenile programs, the state must first ensure that juveniles are not being held in adult jails and lock-ups. If the state is unable to verify compliance with the JJDP, federal funding for juvenile programs can be jeopardized.

C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

The Commission on Jail Standards has been instrumental in not only preventing additional federal court intervention in the operations of county jails in the state of Texas but all agreed final judgments have been vacated. At this time, there are 209 compliant facilities under the commission's regulatory review.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?

Language in Chapter 499 of the Government Code should be reviewed since it has several date specific passages in the body of the chapter in regards to the Payment to Counties program, which is no longer funded by the legislature and has sat dormant for almost 10 years. We do not recommend elimination of this section though since it enables a reinstatement of the program if the need were to arise in the future with only minimal revision.

As for recommended changes, an attempt was made to modify §511.0094 during the 80th Legislative Session. This section addresses facilities housing only federal inmates and was modified in 2003 during the 78th Legislative Session to exempt them from inspection by the Commission on Jail Standards. Besides the obvious possibility that a facility without any oversight may pose a risk to public safety, the change makes it difficult for facilities that were built without having been reviewed by commission staff during the planning and construction phase to meet minimum standards and house any type of inmate other than federal, regardless of the need or circumstance. The proposed change would have subjected any facility that was operating through an inter-governmental agreement with a county to Commission oversight, but the bill did not make it through the legislative process.

HB 2699 was introduced during the 80th Legislature that would have allowed the Commission on Jail standards to select a "Special Monitor" for placement in a facility that was found to be in non-compliance for three consecutive years. This bill was passed out of committee, but it did not make it through the final stage of the legislative process.

E. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

There is no other state or federal agencies tasked with providing oversight of county jails, county inmates and inmates from another state housed in the state of Texas. The Commission is very cognizant of the responsibilities of other agencies tasked with regulatory responsibilities, and ensures that we do not replicate the functions performed by agencies with expertise in their specific areas. Examples of this include the state and local Health Department, state and local Fire Marshals, TDLR-Elimination of Architectural Barriers Accessibility, and TCLEOSE.

F. In general, how do other states carry out similar functions?

In April of this year, a resource guide, written under the direction of the National Institute of Correction, entitled "**Jail Standards and Inspection Programs**" by Mark D. Martin included the following summary of standards and inspections programs.

State ^a	Mandatory Standards	Inspection Program	Frequency	Administrative Agency	Model ^b	Enabling Statute	Applicability	Facility Types Inspected/ Governed ^c	Sanctioning Authority	Enforcement Options	Assistance to Jails ^d	Coordination With Other Agencies ^e
AL	Yes	Yes	Semiannual	Alabama Department of Corrections	DOC	AL Title 14	Cities over 10,000 population, county	J, HF (city lockups)	None	Closure (Governor)	TR, TA, FP, RM	FM, HD
AR	Yes	Yes	Annual	Correctional Facility Review Committee	Commission	Code, 12-26.10-108	City, county, private	J, HF, JD, WR, PVT	Attorney general	Closure	TR, TA, FP, PR	FM, HD (volunteer inspectors)
CA	No	Yes	Biennial	Corrections Standards Authority	DOC	CA Penal Code, sec. 8030	City, county, state	J, HF, JD, P, WR	Informal	Withholding of funds	TR, TA, FP, PR, RM, FS	FM, HD
DE	No	Yes	Annual	Delaware Department of Correction	DOC	Title 11	State	J, HF, WR	Agency	Corrective action	TR, TA	N/A
FL	Yes	Yes	Annual	Florida Sheriffs' Association, Jail Standards Committee	State sheriffs' association	FL Statutes, ch. 951.23	County	J, HF, WR	None	None	N/A	N/A
IA	Yes	Yes	Annual	Iowa Department of Corrections, Jail Inspections	DOC	Iowa Code, ch. 356	City, county	J, HF	Agency, court	Closure, restricted use	TR, TA, PR, RM	FM, HD
ID	No	Yes	Biannual	Idaho State Sheriffs' Association	State sheriffs' association	na	County	J, HF, WR	Informal	None	TR, TA, PR, RM, AD	None
IL	Yes	Yes	Annual	Illinois Department of Correction, Office of Jail and Detention Standards	DOC	IL Compiled Statutes, ch. 730, 5/3-15-3 (b)	City (V), county (M)	J, HF	Attorney general	Court order	TR, TA, PR, RM	FM, HD, Department of Natural Resources
IN	Yes	Yes	At least annual	Indiana Department of Correction	DOC	IN Code 11-12-4	County, state	J, JD, P, PVT	Court	Grand jury, court order	TR, TA, PR, RM	FM, HD
KY	Yes	Yes	Semiannual	Kentucky Department of Corrections	DOC	KY Rev. Statutes 441.064	County	J, PVT	Agency	Closure	TR, TA, FP, PR, RM, AD, FS	None
LA	Yes	Yes	Quarterly to every 3 years	Louisiana Department of Public Safety and Corrections	DOC	Consent decree	City, county	J, HF	Agency	Restricted use	TR, TA, FS	FM, HD
MA	Yes	Yes	Biannual	Massachusetts Department of Corrections	DOC	103 Code of MA Reg., 900 et seq.	County	J	Agency	None	TR, TA, PR, RM	FM, HD
MD	Yes	Yes	Every 3 years	Maryland Commission on Correctional Standards	Independent commission	20:7 MD R. 642	County, state	J, P, WR	Agency	Reprimand, closure	TR, TA	N/A

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State ^a	Mandatory Standards	Inspection Program	Frequency	Administrative Agency	Model ^b	Enabling Statute	Applicability	Facility Types Inspected/ Governed ^c	Sanctioning Authority	Enforcement Options	Assistance to Jails ^d	Coordination With Other Agencies ^e
MN	Yes	Yes	Annual or biennial	Minnesota Department of Corrections	DOC	MN Title 241.021	County	J, HF, JD, WR, PVT	Agency	Closure (sunset order)	TR, TA, FP, PR, RM, AD	FM, HD
MT	No	No	na	Montana Sheriffs and Peace Officers Association	State sheriffs' association	na	County	J	None	None	N/A	N/A
NC	Yes	Yes	Biannual	North Carolina Department of Health and Human Services, Division of Facility Services, Jail and Detention Section	North Carolina Department of Health and Human Services	General Statutes 143B-153; 153A-221	City, county	J, JD, HF	Secretary, Department of Health and Human Services	Corrective action, closure	PR	N/A
ND	Yes	Yes	Annual	Department of Corrections & Rehabilitation	DOC	12-44.1	N/A	N/A	Agency	Closure	TR, TA, PR,	FM, HD
NE	Yes	Yes	Annual	Nebraska Crime Commission, Jail Standards Division	Independent commission	NE Rev. Statutes, 83-4, 124-134	City, county	J, JD, HF	Attorney general	Depopulation, restricted use, closure,	N/A	FM, HD
NJ	Yes	Yes	Annual	New Jersey Department of Corrections	DOC	N/A	City, county	J, HF	Agency	Limit capacity, closure	TR, TA,	FM, HD
NY	Yes	Yes	Annual	New York State Commission of Correction	Independent agency	Article 3 sec. 45, NY State Corr. Law	City, county	J, HF (city lockups)	Agency, court	Closure	TR, TA, PR, RM	HD
OH	Yes	Yes	Annual	Ohio Department of Rehabilitation and Correction, Bureau of Adult Detention	DOC	OH Rev. Code, 5120.10	City, county	J, HF	Agency	Decertification	TR, TA, PR, RM	N/A
OK	Yes	Yes	Annual (three times per year by practice)	Oklahoma State Department of Health	Oklahoma State Department of Health	OK Admin. Code 310-870	City, county	J, HF	Agency, attorney general, court	Closure	TR, TA, FP, PR, RM	FM, HD
OR	Yes (statutes) No (standards)	Yes	Biennial	Oregon State Sheriffs' Association	State sheriffs' association	na	N/A	N/A	None	None	N/A	N/A
PA	Yes	Yes	Annual	Pennsylvania Department of Corrections	DOC	Title 37, ch. 95	County	J, WR, PVT	Court	Closure, restricted use	TR, TA, FP, PR (on request), RM	FM, HD, Department of Labor and Industry
SC	Yes	Yes	Annual	South Carolina Department of Corrections	DOC	SC Code of Laws 24-9-10	City, county, private	J, HF, JD, WR, PVT	Agency, court	Closure or other, as determined by judge	PR	FM, HD
TN	Yes	Yes	Annual	Tennessee Corrections Institute, Division of Compliance, Standards & Inspections	Independent state agency	TS 1400	City, county, private	J, HF, PVT	None	Withholding of certification	TR, TA, FP, PR, RM, FS, AD	FM, HD
TX	Yes	Yes	Annual	Texas Commission on Jail Standards	Independent state agency	TX Govt. Code, ch. 511	County	J, HF, PVT, county, court holding	Agency, attorney general, court	Closure	TR, TA PR, RM	FM

State ^a	Mandatory Standards	Inspection Program	Frequency	Administrative Agency	Model ^b	Enabling Statute	Applicability	Facility Types Inspected/ Governed ^c	Sanctioning Authority	Enforcement Options	Assistance to Jails ^d	Coordination With Other Agencies ^e
UT	No	Yes	Annual	Utah Sheriffs' Association	State sheriffs' association	na	County	J	None	None	TR, TA, FP, PR, RM, AD	FM, HD
VA	Yes	Yes	Annual	Virginia Department of Corrections	DOC	Code of VA, sec. 53.1.5 et seq.	City, county, state	J, HF, P, WR	Court	Closure (extreme cases)	TA, FR, PR, RM, FS	FM, HD
WI	Yes	Yes	Annual	Wisconsin Department of Corrections, Office of Detention Facilities	DOC	Sec. 301-37(3)	City, county	J, JD, HF	Attorney general	Closure	TR, TA, FP, PR, RM, AD	FM, HD

^a Eighteen states have not adopted standards and have no provision for jail inspection: Alaska, Arizona, Colorado, Connecticut, Georgia, Hawaii, Kansas, Missouri, Mississippi, New Hampshire, New Mexico, Nevada, Rhode Island, South Dakota, Vermont, Washington, West Virginia and Wyoming. Of these states, Alaska, Connecticut, Rhode Island, and Vermont have state-operated jails and West Virginia has a regional jail system.

^b DOC = Department of Correction.

^c HF = holding facilities, J = jails, JD = juvenile detention facilities, P = prisons, PVT = private, WR = work release.

^d AD = advocacy, FP = facility planning, FS = financial subsidies/grants, PR = plans review, RM = resource material, TR = training, TA = consultation/ technical assistance.

^e FM = fire marshal, HD = health department.

G. What key obstacles impair your agency's ability to achieve its objectives?

One key obstacle impairing the agency's ability to achieve its objectives is the lack of enforcement options available to bring jails into compliance. The Commission is limited to either a remedial order or when a jail is found to be out of compliance, it does not receive a certificate of compliance from the Commission on Jail Standards. While most counties strive to achieve compliance, some counties maintain a status of noncompliance for several consecutive years. While this can have an impact on the terms of a county's liability insurance coverage, in some cases, the problem persists without the county achieving compliance for a number of years.

In recent years, a few urban counties had serious medical and overcrowding issues in their jails, which have resulted in numerous complaints and lawsuits. The conditions in one jail prompted a federal investigation, which resulted in a report very critical of the jail. These jails had been inspected and found noncompliant for several years in a row, but the Commission on Jail Standards has a limited set of options for bringing counties back into compliance, short of closing down the jail, which in the case of large urban counties, would necessitate the need to find housing for thousands of county inmates.

During the 80th Legislative Session, a bill was proposed that would have allowed the Commission on Jail Standards to assign a Special Monitor to jails failing to meet compliance for more than three consecutive years. The Special Monitor would have reviewed the operations of noncompliant jails, and assisted the jails in order to achieve compliance. The noncompliant county would have paid the salary of the Special Monitor, and the term of the Special Monitor would have ended once the jail was inspected by the Commission on Jail Standards and achieved compliance. The bill failed to pass during its third reading.

Another obstacle to the ability of the Commission on Jail Standards to achieve its objectives is the notion that the Commission on Jail Standards imposes unfunded mandates on the counties through the promulgation and enforcement of Minimum Jail Standards. While there are no prohibitions on unfunded mandates, for some, the Commission on Jail Standards exemplifies a state agency that imposes its rules, and influences the operations of a county function without compensation from state sources. Indeed, the Commission on Jail Standards develops and enforces Minimum Jail Standards that county jails are required to follow, but the value to the county is not always readily apparent. When counties achieve compliance with Minimum Jail Standards, they reduce their liability exposure from inmate lawsuits, which pervaded the county jail system in Texas prior to the creation of the Commission on Jail Standards. Additionally, the Commission on Jail Standards provides technical assistance and provides free training to jail staff, which regularly benefits the county taxpayers. Nevertheless, the argument against unfunded mandates as it is applied to the agency remains an obstacle to public perception.

A third obstacle to the agency's ability to achieve its functions is the reduction in funding over the past few legislative sessions. From 2002 to 2007, the agency's annual appropriated budget was reduced by 13%. While the budget approved by the 80th Legislature included a \$55,000 increase to pay for a fourth jail inspector¹, the overall historical reduction in appropriations has reduced the number of on-site consultations as well as the number of training sessions provided each year to the counties.

H. Discuss any changes that could impact your agency's key functions in the future (e.g., changes in federal law or outstanding court cases).

The most likely external source of potential change to the agency's functions would be from court decisions in the U.S., with decisions rendered by the Fifth Circuit Court of Appeals most likely to change the way the agency operates. To date, the agency's jail standards have been discussed and referred to by judges in a number of court cases in which jail conditions and practices were at issue, and these standards have been routinely used as a guideline in determining constitutionality of jail operations. Commission on Jail Standards staff members maintains a familiarity with legislative and judicial developments affecting the correctional field. Additionally, the agency occasionally requests that the Attorney General issue an opinion on a particular issue that might affect county correctional practices. Training provided to the counties by the agency reflects recent developments in legislation, case law, and Attorney General Opinions. While there have been no recent case law developments that have caused a change in Minimum Jail Standards, any such development could potentially trigger the agency to review and update its standards.

I. What are your agency's biggest opportunities for improvement in the future?

The agency's biggest opportunity for improvement continues to be in area of enforcement measures. The agency has a very limited spectrum of options in dealing with chronically noncompliant counties. Normally, when a jail is inspected and determined to be noncompliant, a certificate of compliance is not issued. However, when a jail repeatedly fails inspection (particularly on a life-safety related issue), the Commission on Jail Standards board may issue a remedial order requiring the jail to take measures to correct the noncompliant issue. In the most egregious cases, the Commission on Jail Standards board may order a jail to close down, in which case the county would likely have to pay to contract for inmate housing with another county. What is missing in the

¹ This does not include a statewide statutory increase in employee salaries.

limited spectrum of options is a hands-on constructive way to work closely with a county to bring them into compliance. The agency currently maintains only three jail inspectors² for the entire state, and it is not feasible for an inspector to remain with a single noncompliant county for weeks to months in order to provide regular and close assistance to the county with its noncompliant issues. There is a clear need for the provision of intense expert guidance and assistance to counties with a status of continued noncompliance.

Another opportunity for improvement is in the identification of ways to divert certain classes of individuals from confinement in the jail system. While individuals with mental illness are often jailed for reasons stemming from lack of appropriate medical resources, other individuals may be served through community diversion programs. A central and dedicated resource that is available to the counties could help reduce the financial burden of county incarceration, and free up jail space. Further, individuals that are diverted at the local level will not end up filling up space in state prisons. There are opportunities to provide recognition of populations able to be diverted, to identify ways to increase efficiency in the judicial process at the county level, and to provide intensive assistance to counties in developing ways to reduce the number of individuals in the jails.

J. In the following chart, provide information regarding your agency’s key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures. See Example 2 or [click here to link directly to the example](#).

Commission on Jail Standards Exhibit 2: Key Performance Measures — Fiscal Year 2006			
Key Performance Measures	FY 2006 Target	FY 2006 Actual Performance	FY 2006 % of Annual Target
Inspection and Enforcement 1 Annual inspections	256	254	99.22%
1-2-1 Construction Plan Review 4 On-site Consultations	90	66	73.33%
1-2-2 Management Consultation 6 On-site Consultation	230	182	79.13%

2 The 80th Legislature approved funding for a fourth jail inspector beginning September 1, 2007.

1-3-1 Auditing Population & Costs 3 Number of Reports audited	6,300	6,270	99.52%
Monitor Facilities/Enforce Standards 1 Jails in Compliance	215	222	103.26%
Provide Consultation and Training 2 Percentage of Jails with deficiencies	13%	8.66%	66.62%

III. History and Major Events

1925

Title 81-Article 5115 of the Texas Revised Civil Statues is adopted and provided for the operation of a county jail and charged County Commissioners with the responsibility of providing safe and suitable jails that were required to be kept in a clean and healthy condition, properly ventilated, and not overly crowded with prisoners.

1957

The law is amended and provides more specific guidelines for what constituted a safe and suitable jail. Specific areas addressed included space requirements, cell types, plumbing requirements, meal service, sanitation, and the housing of inmates based upon a general classification (first offenders separate from convicted felons, juveniles from adults).

The amended law also required that all jails be inspected by the State Health Department, but a rider was attached to the appropriations bill, which prohibited the State Health Department from using any of its funds or staff for jail inspection.

1969

Beginning of class action suits against counties for jail conditions. Even though no inspection or enforcement of jail standards was provided for, the law requiring safe and suitable jails was still in effect. Federal Court intervention occurs in almost 20 county jails across the state due to the conditions within their jails.

The rider preventing the State Health Department from using funds or staff for jail inspection was not included in the appropriations bill. After inspections were conducted of all 254 county jails, all but six were found to be in violation of state law.

1973

Legislative Council Committee recommends creation of a state commission to prescribe and enforce minimum standards for the sanitation, health, and safety of Texas County jails.

1974-1975

Survey commissioned by the Sheriff's Association and conducted by the Texas Department of Corrections is released, and included the following findings:

68% of the county jails did not provide 24-hour supervision.

121 of the jails left prisoners unattended at night.

40% of the jails slept prisoners on the floor.

Almost 50% had plumbing problems and electrical problems.

1975

The 64th Legislature created the Texas Commission on Jail Standards in an effort to end federal court intervention into county jail matters and return jail control to state and local jurisdictions, but no funds were allocated to support the commission's activities. The first commission meetings were held later that year.

1976

Funding for the agency is secured through a federal grant and the first staff members are hired. Minimum Jail Standards are proposed and adopted following several meetings in various locations across the state in order to receive input and recommendations.

1977

Inspections of all county jails and technical assistance was begun, including cost-saving advice for renovation of existing structures and construction of new facilities, and jail management training.

1978

Confrontation and adversity regarding funding, conflict of interest, and abolishment efforts mired the Commission.

1979

Acceptance of Texas Minimum Jail Standards by Federal Courts and drastic reduction in federal court intervention. Beginning of enforcement efforts with the first issuances of Notices of Non-Compliance

1980

Creation of Discipline and Grievance Procedures. Federal Law giving the Department of Justice the authority to initiate lawsuits on behalf of incarcerated persons is signed, but its effect is minimal due to the acceptance of Texas Minimum Jail Standards by the Federal Courts the previous year.

1981

Inmate Class Action litigation against TCJS initiated (Bush v Viterna) relating to alleged in-action by the Commission to enforce its own rules.

1982

Funding source goes from federal grant monies to completely state general revenue. Certification requirements for jailers were implemented. First moratorium by Texas Department of Corrections on accepting prisoners from county jails occurs.

1983

The Commission is directed by the 68th Legislature to survey and develop standards for municipal jails

1984

Federal law required the removal of juveniles from adult jails and lockups, and the Commission begins an annual survey to monitor county and municipal compliance. Survey and development of standards for municipal jails is completed and submitted to the Legislature for action.

1985

Appropriations reduced by the Legislature and a reduction in funds from the Criminal Justice Fund occur. Senate Bill 929, which addressed municipal jails, is not adopted due to opposition by the Texas Municipal League. Senate Bill 1192, which would abolish the Commission on Jail Standards, is introduced but did not receive a second hearing and did not move out of committee. Mandatory sentencing of DWI offenders and increased use of parole has a detrimental impact on Texas county jail population.

1986

Executive Order 36 causes a reduction in staff. Class Action litigation against the Commission (Bush v Viterna) was dismissed.

1987

Appropriations for all state agencies reduced due to state economic situation. Prison Management Act, which mandates prisons operate at 95% of capacity, affects county jail population. Commission on Jail Standards is involved with the meetings to address acceptance of felons by Texas Department of Corrections from the county jails.

1988

Overpopulation of county jails increases which causes the establishment of conditional certification. Privately operated facilities begin operation in Texas.

1989

Community Corrections Act and requirement to develop physical plant standards and a memorandum of Understanding with the Texas Department of Corrections. Continued overpopulation in county jails and expansion of privately operated facilities. Out of state inmates housed in Texas facilities with excess capacity.

1990

Continued overpopulation of county jails and a further increase in the number of privately operated facilities. Attorney General Opinion JM-1260 affirmed the Commission's authority to regulate privately operated municipal facilities. New standards for life safety and suicide prevention are introduced and adopted, and classification standards were revised to include requiring the use of an objective risk-assessment criteria. Continued housing of out of state prisoners by counties with excess capacity.

1991

Counties sue the state for jail overcrowding (County of Nueces et al v Texas Board of Corrections et al). Government Code §499 is amended and the agency became a clearinghouse for population reports from all county jails and began issuing payments to counties for housing inmates awaiting transfer to the state prison system began. This results in increased responsibilities, the budget and number of staff. Federal court rules Harris County Jail unconstitutional (Alberti et al v Sheriff of Harris County et al). The Americans with Disabilities Act becomes law, but does not yet affect county jails.

1992

The backlog of felony inmates in county jails continued to increase, resulting in an increased workload related to inspection, construction review, management assistance, and inmate requests for assistance, as well as transfers and payments. Temporary facilities introduced to assist in

alleviating the overcrowding after Attorney General Opinion DM-119 solidified the Commissions authority.

HB 93, 72nd Legislature, 2nd C.S. revised statutory requirements regarding the number of single cells and dormitories. Attorney General opinion DM-24 reinforced the Commission's authority to develop additional designs.

1993

Transfer of felony backlog program continues and is expanded to include the transfer of felons from Harris, Bexar and Angelina counties to compliant facilities after federal courts ruled they were unconstitutional.

State Jail Division created by the 73rd Legislature and §511.017 is created requiring the Commission to provide technical assistance and consultation to TDCJ-ID.

1994

Worked with state leadership to bring 6,760 emergency beds on line in 90 days to assist in alleviating overcrowded county jails. Tuberculosis screening in county jail started after Health and Safety Code was amended by the 73rd legislature.

1995

Commission authorized to promulgate classification and segregation standards for jails by the 74th Legislature. State meets its duty to accept by September 1, 1995 and all felony backlogs are transferred from county jails to TDCJ-ID. Almost 4000 inmates from eleven other states were incarcerated in thirteen county facilities. Development of standards and laws to deal with the issue were initiated, and privatization continued to become more popular.

1996

Objective Jail Classification implemented. Number of out of state inmates housed at Texas County jails grows to almost 5,000.

1997

Sunset Commission Review and continuation of the agency. Legislation was passed regarding out of state inmates, and a review of appropriate use of force in correctional facilities is conducted. Senate Bill 939 required that the Commission adopt standards requiring tuberculosis screening for inmates transferred from a facility with at least 100 beds or a facility housing inmates from another state.

1998

A reduction in the number of out of state inmates occurred and the "American with Disabilities Act" requirements were adopted.

1999

Increase in the number of construction projects focused on federal inmate housing

2000-02

Several jails with available beds contracted with TDCJ-ID to house their inmates for a daily fee. The number of contracted inmates from TDCJ-ID who were incarcerated in county jail facilities rose steadily throughout 2000 to a peak of 3978 in April of 2001. However, with a parole approval rate of 25.4% and a 31.5% increase in parole releases in 2001, TDCJ-ID's inmate population fell below the 145,006 benchmark, enabling the state to enact the provisions of Rider 64 in the General Appropriations Act to eliminate the contracted temporary bed spaces in jails. As the number of contracted TDCJ-ID inmates in county facilities reached zero in August 2002, those affected jails attempted to offset the effects of Rider 64 by contracting to house federal inmates.

2003-04

The agency managed under tight fiscal restraints due to the 12% cut in the appropriation for the biennium. The Commission Board agreed to meet quarterly rather than bi-monthly; non-critical staff travel was curtailed, reducing on-site consultations; and non-travel operating expenses were reduced in order to continue operations while remaining within the decreased revenue. While the Agency is still met its critical goals and objectives, a cost became apparent in terms of an increase in non-compliant facilities. In December of 2003, there were 34 non-compliant facilities; in mid-2004, there were 41. This 20% increase was directly attributable to the greater focus on annual inspections alone, with a decrease in the ability to offer on-site technical assistance to the counties, and illustrated the vital need for on-site assistance. It became clear that the jails suffer in their ability to remain compliant when the Commission staff cannot provide a high level of on-site technical assistance – the major factor in the increase of non-compliant facilities. The Agency was also affected by two pieces of legislation from the 78th Legislative Session. House Bill 1, which required a study on mental health screening, identification and treatment practices in county jails, and House Bill 1660, which directed the Commission to submit a report to the Legislature in December 2004 describing the feasibility of installing and operating extensive video surveillance systems in county jails as a means of preventing in-custody suicides. This study was completed on schedule. The mental health study resulted in a change to standards, requiring jails to complete and forward a copy of the Uniform Health Status Update form not only to any criminal justice facility to which an inmate may be transferred, but also to any criminal justice entity, which includes community supervision and parole agencies.

2005-06

The 79th Legislative Session impacted the Commission by further reducing the agency's operating budget by 5%, and reducing the number of FTE positions by one. While the Commission received cuts in its budget and staff, legislation also increased the agency's compensatory obligations to its employees in the form of increased travel reimbursement, longevity pay adjustments, and job reclassification. Combined, these most recent legislative actions created an overall budgetary decrease of about \$60,000 annually. In order to offset some of the budget cuts, management-related training was reduced. The Legislative Session also impacted the Commission through the passage of Senate Bill 1264, which allowed the agency to collect and retain a fee assessed to jails for some repeat inspections. These inspections were requested by the jails following one or more findings of non-compliance, and were costing the agency in travel expenses. While the fee currently assessed mitigates some of the costs involved in conducting the reinspections, it does not completely cover their expense. It does, however, act as a deterrent to compel jails to contact the Commission for a reinspection only after all required corrective actions have been taken to pass inspection. While this legislation does not create a revenue stream for the agency, it is serving to assist the agency in saving money.

2007

The 80th Legislature passed HB1780, which made changes to the Local Government code to allow counties to submit audits of the commissary on an annual basis in lieu of quarterly. In addition, the commission was allocated one FTE and associated funds to fill a request for a fourth inspector.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

Commission on Jail Standards Exhibit 3: Policymaking Body			
Member Name	Term/ Appointment Dates/ Appointed by ____ (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	City
David Gutierrez, Chair	6 Years 3/19/2003- 2/1/2009/Appointed by Governor	Sheriff of county with a county population greater than 35,000.	Lubbock
Albert L. Black	6 Years/2/8/2005- 1/31/2011/Appointed by Governor	Public member	Austin
Stanley D. Egger	6 Years/ 12/23/2004- 1/31/2011/Appointed by Governor	County Commissioner	Abilene
Mark Gilliam	6 Years/06/21/2004- 1/31/2009/Appointed by Governor	Sheriff of county with a county population less than 35,000.	Rockport

Evelyn K. Moyer	6 Years/04/18/2001-1/31/2007/Appointed by Governor	Public Member	Magnolia
Dr. Michael M. Seale	6 Years/09/27/2002-1/31/2011/Appointed by Governor	Medical Doctor	Houston
Member Name	Term/ Appointment Dates/ Appointed by ____ (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	City
Vacant	6 Year term/ Appointed by Governor	Public Member	n/a
Vacant	6 Year term/ Appointed by Governor	Public Member	n/a
Vacant	6 Year term/ Appointed by Governor	County Judge	n/a

B. Describe the primary role and responsibilities of your policymaking body.

Promulgate, adopt, revise, amend and repeal rules as necessary regarding:

- The construction, equipment, maintenance and operation of county jails and privately operated county or municipal jails;
- Standards for the custody, care and treatment of prisoners;
- The number of jail supervisory personnel, programs, and services for prisoners;
- Requirements for programs of rehabilitation, education and recreation.

Enforce compliance with said rules through remedial action or action in district court.

- Consider applications for variance.
- Conduct meetings at least quarterly.
- Elect an assistant presiding officer.
- Employ an executive director to enforce directives and policy direction of the Commission.
- Acts as a body through public meetings when a quorum is present.

C. How is the chair selected?

Chair is appointed by Governor.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The commission consists of nine members appointed by the governor with the advice and consent of the senate. One member must be a sheriff of a county with a population of more than 35,000, one must be a sheriff of a county with a population of 35,000 or less, one must be a county judge, one must be a county commissioner, one must be a practitioner of medicine licensed by the Texas State Board of Medical Examiners, and the other four must be representatives of the general public. At least one of the four citizen members must be from a county with a population of 35,000 or less.

If a sheriff, county judge, or county commissioner member of the commission ceases to be sheriff, county judge, or county commissioner, the person's position on the commission becomes vacant.

A person is not eligible for appointment as a public member of the commission if the person or the person's spouse: (1) is registered, certified, or licensed by an occupational regulatory agency in the field of law enforcement; (2) is employed by or participates in the management of a business entity, county jail, or other organization regulated by the commission or receiving funds from the commission; (3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving funds from the commission; or (4) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses.

The board has the power to order that a county jail be closed and inmates removed. It also has the power to issue a remedial order limiting the population of a facility, which would require the county to transfer the inmates to a compliant facility. Another power given the board is the ability to order out-of state inmates to be removed if the need for detention space for Texas sentenced inmates arises. This would also require that equitable reimbursement be provided, and as of this date, the board has not ordered such action.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2006? In FY 2007?

The Commission meets on a quarterly basis. The Commission met four times in FY2006 and is scheduled to meet four times in FY2007.

F. What type of training do members of your agency's policymaking body receive?

Agency staff in accordance with statute provides a training program for each new board member prior to their first Commission Meeting. The training program includes the following information:

- (1) The enabling legislation that created the Commission;
- (2) The programs operated by the Commission;
- (3) The role and functions of the Commission;
- (4) The rules of the commission with an emphasis on the rules that relate and investigatory authority;
- (5) The current budget for the Commission;
- (6) The results of the most recent formal audit of the Commission;
- (7) The requirements of the:
 - (A) Open meetings law, Chapter 551;
 - (B) Open records law, Chapter 552; and
 - (C) Administrative procedure law, Chapter 2001;
- (8) The requirements of the conflict of interest laws and other laws relating to public officials; and
- (9) Any applicable ethics policies adopted by the Commission or the Texas Ethics Commission.

G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

Agency policy describes the respective roles of the policymaking body and agency staff as follows:

The responsibilities of the Commission are as follows:

Promulgate, adopt, revise, amend and repeal rules as necessary regarding:

The construction, equipment, maintenance and operation of county jails and privately operated municipal jails;

- Standards for the custody, care and treatment of inmates;
- The number of jail supervisory personnel, inmates, programs, and services for prisoners;
- Requirements for programs of rehabilitation, education and recreation.
- Enforce compliance with said rules through remedial action or action in District Court.
- Consideration of Applications for Variance.
- Conduct meetings at least quarterly.
- Elect an assistant presiding officer.
- Employ an Executive Director to enforce directives and guide the policy direction of the Commission.
- Review and act on recommendations of the internal auditor.
- Act as a body through public meetings where a quorum is present.

Overall staff is responsible for:

- Employing personnel as authorized by the General Appropriations Act and providing necessary training to administer statutes;
- Reviewing all construction plans for compliance;
- Inspecting all jails as required by law and Commission mandates;

- Providing consultation and technical assistance for jails to local and state officials;
- Issuing statements of compliance;
- Approving jail operational plans;
- Reviewing, analyzing and determining jail needs as requested;
- Performing staffing audits;
- Receiving auditors' reports;
- Analyzing jail populations;
- Obtaining reports on juvenile incarceration in local facilities;
- Notifying Commission presiding officer if a potential for removal of a Commissioner exists; and
- Preparing agenda and documents for Commission meetings.

H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?

Prior to each commission meeting, an agenda is created and a book is prepared that contains all of the information for each agenda item that is needed in order for the board to make a decision. Additional information may be presented at the time of the meeting, as is testimony, but the information contained within the books provides a history of events leading up to the time of the meeting explaining why the issue is an agenda item. In addition to the commission meeting books, Commission members may request additional information to assist in decision-making or as just a means of keeping abreast of subjects they have an interest in, such as escape reports.

I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

The Commission on Jail Standards conducts quarterly meetings in accordance with the Open Meetings Act. The agenda for each meeting is posted in the Texas Register as well as on the agency website. Public Comment is an item on each agenda. During this time, the Commission gives members of the public an opportunity to speak on any subject. Often members of the public provide the Commission with information or advise the Commission of concerns concerning Commission action or a regulated entity. Additionally, all proposed changes to standards are first published for public comment through the Texas Register prior to consideration by the board for adoption.

J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. See Exhibit 4 Example or [click here to link directly to the example](#).

--

Commission on Jail Standards Exhibit 4: Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee
Education Subcommittee	Three board members appointed by Chairman	To review agency's training materials	§511.009 Government Code
Candidate Review Subcommittee	Three board members selected by Chairman	To interview and select Executive Director candidate	§511.008 Government Code

V. Funding

A. Provide a brief description of your agency's funding.
--

Agency funded by General Revenue Appropriations from State Legislature.

B. List all riders that significantly impact your agency's budget.
--

79th Legislative Session. Contingency Appropriation for Senate Bill 1264. Contingent on the enactment of Senate Bill 1264, or similar legislation establishing a fee for jails that request a re-inspection before previously cited compliance issues have been corrected and for re-inspection of construction found non-compliant in an initial occupancy inspection, by the Seventy-ninth Legislature, Regular Session, the Commission on Jail Standards is appropriated any revenues generated from such fees. In FY 2006, \$3,900 re-inspection fees were collected. To date in FY 2007, \$1,800 in re-inspection fees have been collected.

80th Legislative Session. Appropriation: Inspection Fees. The Commission on Jail Standards is hereby appropriated fees collected to pay only the cost incurred by the commission in performing inspections pursuant to Government Code 511.0091 (estimated to be \$13,000 in FY 2008 and \$13,000 in FY 2009 from the General Revenue Fund and included in the amounts appropriated above.

C. Show your agency's expenditures by strategy. See Exhibit 5 Example or click here to link directly to the example .

Commission on Jail Standards Exhibit 5: Expenditures by Strategy – Fiscal Year 2006 (Actual)		
Goal/Strategy	Total Amount	Contract Expenditures Included in Total Amount

Inspection and Enforcement	319,147	
Construction Plan Review	203,453	
Management Consultation	93,268	
Auditing Population and Costs	183,867	
Juvenile Justice Survey	40,000	28,010.33
Grand Total	839,735	

D. Show your agency's objects of expense for each category of expense listed for your agency in the General Appropriations Act FY 2007-2008. See Exhibit 6 Example or [click here to link directly to the example](#). Add columns and rows as necessary.

Commission on Jail Standards Exhibit 6: Objects of Expense by Program or Function — Fiscal Year 2007				
Object-of-Expense	Inspection & Enforcement	Construction Plan Review	Management Consultation	Auditing Population and Costs
Salaries and Wages	204,335.45	120,489.31	143,559.06	66,563.85
Professional Fees	2,016.77	1,344.51	1,833.43	916.71
Travel	37,796.35	11,605.24	4,509.66	858.22
Materials and Supplies	5,165.20	3,443.47	4,695.64	2,347.82
Communication and Utilities	3,205.51	2,137.01	2,914.10	1,457.05
Rentals and Leases	6,309.11	4,206.08	5,735.56	2,867.78
Printing and Reproduction	53.10	35.40	48.27	24.14
Other Expenditures	917.14	611.43	833.76	416.88

Capital Leases	2,806.58	1,871.06	2,551.44	1,275.72
Subtotal	262,605.21	145,743.49	166,680.92	76,728.17
Operating Costs (Workers' Compensation Claim Payments)	n/a	n/a	n/a	n/a
Total	262,605.21	145,743.49	166,680.92	76,728.17

E. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines. See Exhibit 7 Example or [click here to link directly to the example](#).

Commission on Jail Standards Exhibit 7: Sources of Revenue – Fiscal Year 2006 (Actual)	
Source	Amount
Inspection fees	\$19,000.00
Re-inspection fees	\$2,400.00
Sale of Manuals	\$3,825.00
Sale of Copies	\$467.80
Grand Total	\$25,692.80

F. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 8 Example or [click here to link directly to the example](#).

We do not receive funds from multiple federal programs.

Commission on Jail Standards Exhibit 8: Federal Funds – Fiscal Year 2006 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
N/A				

TOTAL			
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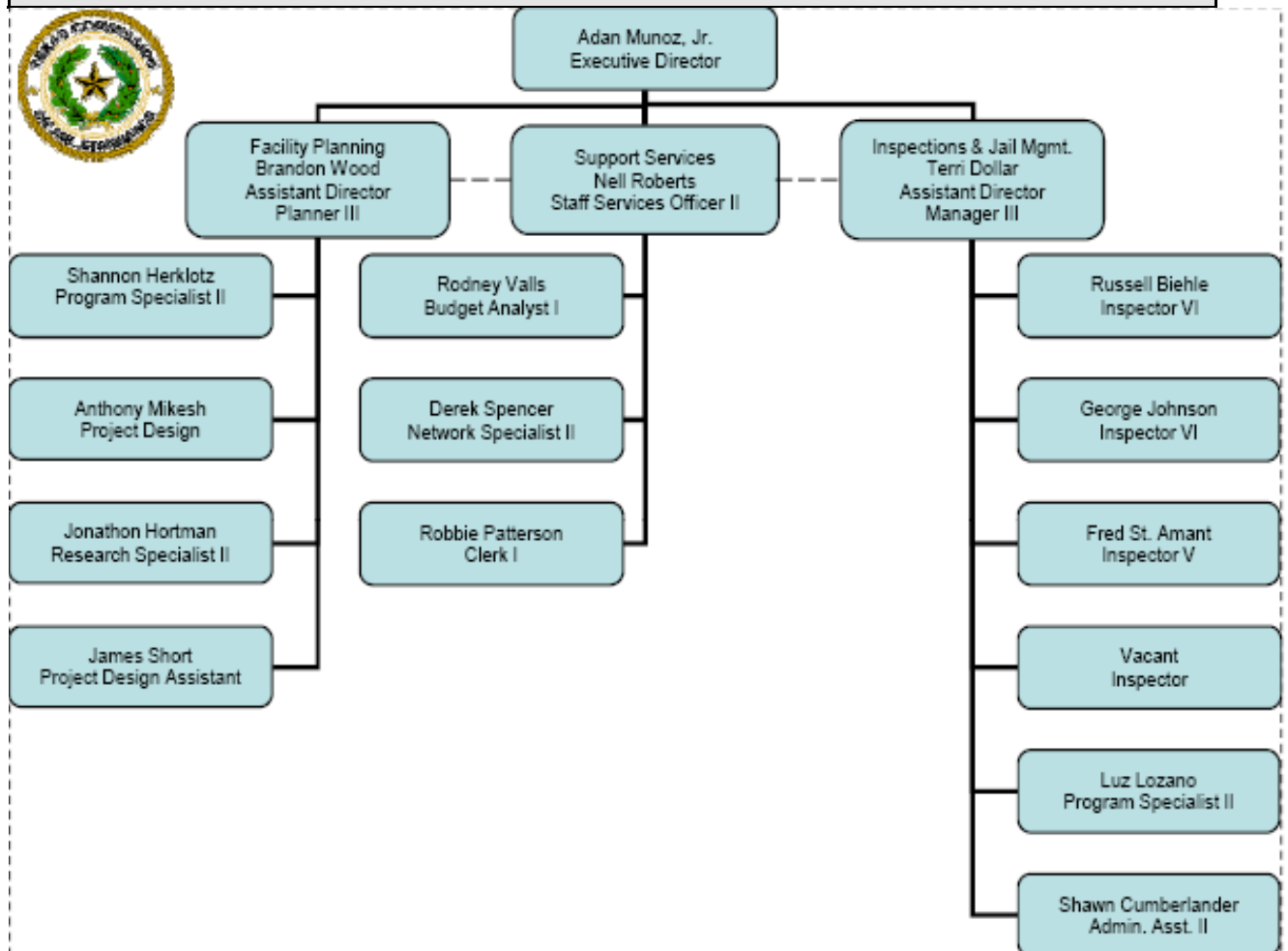
G. If applicable, provide detailed information on fees collected by your agency. See Exhibit 9 Example or [click here to link directly to the example.](#)

Commission on Jail Standards Exhibit 9: Fee Revenue – Fiscal Year 2006				
Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Cost recovery of inspection fees of facilities with a capacity of 100 or more beds holding 30% or more non-Texas sentenced inmates. Government Code Section 511.0091.	Ranges from \$650.00 to \$1500.00 per size of facility	15 entities	19,000.00	Refunded to the Comptroller of Public Accounts General Revenue Fund
Cost recovery of facilities that did not pass re-inspection. Government Code Section 511.0091.	\$300.00 per re-inspection	5 entities	2,400.00	TCJS recovers the cost of the travel expense. The remainder is refunded to the Comptroller of Public Accounts General Revenue Fund
Sale of Manuals. 77 th Leg.	\$35.00 per	31 entities	3,825.00	TCJS

R.S., Art IX, Section 6.16.	paper manual. \$25.00 per CD.			
Cost recovery of open records request. 77 th Leg. R.S., Art IX, Section 6.16.	\$0.10 per page plus postage and personnel fees if applicable.	13 entities	467.80	TCJS

VI. Organization

A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division.



B. If applicable, fill in the chart below listing field or regional offices. See Exhibit 10 Example or [click here to link directly to the example](#).

Commission on Jail Standards Exhibit 10: FTEs by Location — Fiscal Year 2006			
Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2006	Number of Actual FTEs as of August 31, 2006
Headquarters	300 West 15 th Suite 503 Austin, Texas 78711	18.0	15.0
TOTAL		18.0	15.0

C. What are your agency's FTE caps for fiscal years 2006 - 2009?

FY 2006/2007– 18 FTE's
FY 2008/2009 – 17 FTE's

D. How many temporary or contract employees did your agency have as of August 31, 2006?

As of August 31, 2006 the agency had 1 contract employee to conduct the Juvenile Justice Survey.

E. List each of your agency's key programs or functions, along with expenditures and FTEs by program. See Exhibit 11 Example [or click here to link directly to the example.](#)

Commission on Jail Standards Exhibit 11: List of Program FTEs and Expenditures — Fiscal Year 2006		
Program	FTEs as of August 31, 2006	Actual Expenditures
Inspection and Enforcement	4.0	191,499.72

Construction Plan Review	3.0	111,150.65
Management Consultation	3.0	117,093.73
Auditing Population Costs	0.5	35,895.94
Central Administration*	5.5	377,991.26
TOTAL	16.0	833,631.30

*Central Administration supports the functions of each strategy and funding is provided based upon a percentage of each strategy. The Executive Director, Staff Services Officer, Assistant Director, Budget Analysis, Receptionist and part-time Information Technology are included in Central Administration.

VII. Guide to Agency Programs

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste the questions as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. Provide the following information at the beginning of each program description.

Program Description

Name of Program or Function	Inspection and Enforcement
Location/Division	Headquarters
Contact Name	Terri Dollar
Actual Expenditures, FY 2006	271,247.12
Number of FTEs as of August 31, 2006	6.3

B. What is the objective of this program or function? Describe the major activities performed under this program.

Inspection activities, to which 6.3 full-time equivalent positions are assigned, consist of fairly and impartially monitoring and enforcing compliance with adopted rules and procedures. This objective includes development and implementation of a uniform inspection process. Uniform inspection reports and procedures for inspecting jail facilities are developed under the provision of Chapters 351 and 361 of the Local Government Code and Chapter 511 of the Government Code.

All operating jail facilities are inspected at least annually. Newly constructed or renovated jails

require an occupancy inspection, or inspections, to ensure that construction was completed in compliance with Minimum Jail Standards. Not less than once each fiscal year, at least one announced or unannounced inspection for each facility under Commission jurisdiction is performed, inquiring into security, control, conditions, and compliance with the established Minimum Standards.

In addition to regular inspections, special inspections to determine compliance may be conducted. The inspection includes a walk-through of the facility and a review of the books, records, data, documents, and accounts pertaining to the facility and the inmates confined therein.

Following a review of the Inspector's report by the Executive Director, facilities that have been found to be in compliance are issued a certificate of compliance. If deficient items are noted during the inspection, a report is filed by the Inspector and a notice of noncompliance is issued. Counties are provided a reasonable time to respond to the notice and initiate corrective action.

Special inspections may be conducted on facilities that have either been identified as high-risk or found to be in noncompliance. These unannounced inspections may also be performed when county officials indicate that the noncompliant items have been corrected.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

During the year, 254 annual jail inspections were conducted. Legislation has exempted facilities housing only federal inmates from annual inspection as of Sept. 1, 2003, and this number may fluctuate during the course of any given year as conditions warrant. Despite a rising number of constructed jail beds, the Commission continues to operate with three jail inspectors, which are responsible for conducting annual and special inspections, as well as all re-inspections of Texas jails.

Occupancy inspections for completed construction projects totaled 38 for the year. Staff also completed 51 special inspections on high-risk and/or non-compliant jails during 2006. Out of the combined total of 343 inspections, 102 were unannounced, representing 29.7% of all inspections.

1. Compliant Counties

As of August 31, 2005, 211 of 249 jails (84.7%) were in compliance with Minimum Jail Standards. As of August 31, 2006, 222 of 254 jails were certified, comprising 87.4% of the county and private facilities under our regulatory review.

2. Noncompliant Counties

On August 31, 2005, 38 (15.3%), of inspected jails were in a status of noncompliance. At the end of 2006, there were 32 jails (12.6%) in noncompliance. In addition, the number of notices of non-compliance issued decreased from 76 to 58, which represents a 23.7% decrease, a significant reduction. Notices of non-compliance are issued in 3 categories: Life Safety, Management, and Structural. In most instances, the counties receiving the notices have taken positive and

responsible action toward eliminating cited deficiencies to meet the requirements of state law. Counties, which were not believed to be acting expeditiously to resolve deficiencies, were requested to appear before the Commission to address the corrective action necessary in order to prevent remedial action by the Commission. These meetings resulted in firm commitments aimed at eliminating the deficiencies from the counties concerned. Commission staff conducts monthly risk assessment reviews of noncompliant counties to assess the progress and status of these facilities as they move toward compliance with Minimum Jail Standards.

3. Remedial Orders

The following counties are currently operating under a remedial order:

Brazoria	Lubbock
Dimmitt	Parker
Grayson	Reeves
Harris	Smith
Hunt	

On November 16, 2006, a remedial order was enforced by the Commission closing the Howard County Jail due to ongoing life safety issues. This remedial order was rescinded on My 24, 2007 after Howard County repaired the smoke and fume removal system and an on-site inspection was conducted.

4. Closed Jails

Presently, 17 counties have closed jails. The following counties opted to board their few inmates in an adjacent county rather than maintaining their own facilities:

Baylor, Borden, Briscoe, Coke, Concho, Cottle, Floyd, Hartley, Irion, Jeff Davis, Kenedy, Kent, King, Loving, McMullen, Motley, Throckmorton.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

When the agency was first created, there were 6 inspectors assigned for conducting annual inspections. Due to budget cuts, this number was reduced to 3 in 1979. Until 1984, the funding for the 3 inspectors was provided through federal grant monies passed to the agency by the Criminal Justice Division of the Governor's Office. In 1997, a new position was created to review, monitor, investigate and refer complaints concerning county jails. In 2007, the Commission was authorized a 4th inspector position that will become active on 1 September 2007.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of person or entities affected.

The program affects the 257 regulated facilities representing 84,257 beds in the state of Texas, the county officials tasked with funding and operating the facilities, to include the sheriff, judge and commissioner's court, the taxpayer residing in the county and the 72,241 inmates and their relatives. Governmental entities that are affected by this program would be the Texas Department of Criminal Justice-ID, and the states of New Mexico, Wyoming, and Idaho. In addition, several federal agencies to include the Bureau of Prisons, Bureau of Immigration and Customs

Enforcement, and the United States Marshal's Service all contract for bed space that falls under the commission's regulatory authority and are subject to inspection. Included in this number are 19 privately operated facilities and the companies that operate them through inter-governmental agreements between county and municipal governments.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

The state is currently divided into three regions, each with an assigned inspector that report directly to the Assistant Director. There is one administrative technician assigned for support. A fourth inspector, which will redefine the state into four regions, should be in place at the beginning of FY2008.

G. Identify all funding sources and amounts for the program or functions, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funding for this program is provided by appropriations out of general revenue. In accordance with Chapter 511 of the Government Code, the Commission sets and collects fees to recover the cost of performing services provided to privately operated jails and jails with inmate populations comprised of 30% or more non-Texas sentenced inmates. During 2005, \$18,392.00 was collected, and per Subchapter F, Chapter 404 of the Government Code, transferred to the State General Fund.

During the 79th regular Legislative Session, the Commission was granted the authority to collect certain re-inspection fees. SB 1264 allows the Commission to collect fees for performing a re-inspection of a facility that failed an inspection performed at their request, and was effective as of 09/01/05. To date, \$1,800.00 has been collected.

Our FY 2008 – 2009 Appropriations request for this strategy is \$391,887.00 for each year of the biennium, with \$385,887.00 from General Revenue funds and up to \$6,000.00 from Appropriated Receipts. (Actual collections in 2005 were \$4,430.00.)

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

Contract monitors are utilized by other governmental entities that house their inmates in facilities

under the commission's purview and include TDCJ-ID, Wyoming, Idaho, New Mexico, and the federal government. Local and or state fire marshal's and health departments also conduct inspections of facilities, but they are focused on very narrow areas of interest. The contract monitors are there to ensure that the terms of the contract are being met, while the Commission on Jail Standards ensures that facilities are in compliance with Texas Minimum Jail Standards, which are more extensive and cover all areas of the facility. There are accreditation associations on the national level, however very few facilities participate in the program.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Commission on Jail Standards is the only entity that verifies compliance with minimum jail standards, which are somewhat unique and outside the area of expertise of any other entity. A standard may require the regulated facility to receive certification or inspection from another entity, i.e., minimum jail standards 275.2 requires that correctional officers be licensed by TCLEOSE.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

Counties that operate a jail and municipalities that operate a jail under vendor contract are subject to our inspection. Entities that are affected by this program would be the Texas Department of Criminal Justice-ID, and the states of New Mexico, Wyoming, and Idaho. In addition, several federal agencies to include the Bureau of Prisons, Bureau of Immigration and Customs Enforcement, and the United States Marshal's Service all contract for bed space that falls under the commission's regulatory authority and are subject to inspection.

K. If contracted expenditures are made through this program please provide:

- The amount of those expenditures in fiscal year 2006;
- The number of contract accounting for those expenditures;
- A short summary of the general purpose of those contracts overall;
- The methods used to ensure accountability for funding and performance; and
- A short description of any current contracting problems.

Not Applicable

L. What statutory changes could be made to assist this program in performing its functions? Explain

HB 3517 from the 78th Legislature removed facilities that house only federal inmates from the commission's purview. Although this did not change any minimum jail standards in regards to construction, it did make it difficult for programming purposes because an operator has to make a decision at the beginning of a project as to whether the facility will be reviewed for compliance with minimum jail standards. What we have experienced is that most operators will submit construction plans for review to ensure that their investment is protected if they are forced to house other than

federal inmates in the future, which they could easily do since the physical plant meets minimum jail standards. Operators that do not submit construction plans for review face a financial obstacle since meeting minimum jail standards after construction typically requires extensive renovation and modification of the physical plant.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

Agency staff has attempted to provide enough information for a preliminary understanding of this function; however, staff is available to provide additional information as necessary.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- Why the regulation is needed;
- The scope of, and procedures for, inspections or audits of regulated entities;
- Follow-up activities conducted when non-compliance is identified;
- Sanctions available to the agency to ensure compliance; and
- Procedures for handling consumer/public complaints against regulated entities.

Inspection and enforcement ensure that the constitutional and statutory provisions are put into operational practice. Without onsite verification to ensure compliance, and enforcement action if necessary, effective jail standards are of no value. Please find below the policy and procedure for the inspection and enforcement activities of the commission.

1. Scheduling of Regular Annual Inspections

Annual inspections will be scheduled and completed on a fiscal year basis with no more than fourteen months between inspections. Any deviation from this procedure shall be approved by the Executive Director or Assistant Director and a written explanation shall become a part of the inspections records for that facility.

Each inspector shall schedule inspections for the upcoming month and ensure that the schedule is in the Austin office no later than the fifth day of the month preceding the inspection. The notice of annual inspections shall be mailed to the owner/operators on or before the tenth of the month preceding the inspection. This notification provides officials ample time to arrange their schedule for the inspection. Changes in schedules after the notices have been mailed shall be approved by the Executive Director or Assistant Director. Not every inspection will require this notification, however, since approximately 20% of all annual inspections are conducted unannounced. When possible, the inspectors shall arrange their schedules to minimize travel time and distance. All schedules shall be approved by the Assistant Director, or in his/her absence, the Executive

Director.

2. Occupancy Inspections

Prior to a county placing inmates in any facility, an occupancy inspection must be performed and approval for occupancy issued by the Commission. The process begins with the approval of the construction documents, at which time, the architect of record for the project will provide an estimated date of completion for the project. One month prior to the previously provided completion date, make contact with the architect of record in order to update the completion date and set a tentative date for an occupancy inspection, which is then noted on the agency calendar. In addition, request from the architect as-built drawings of all cell layouts with dimensions and provide the architect the occupancy inspection checklist and overview. From that point, make contact once a week to ensure that the facility will be ready for an occupancy inspection, and adjust the inspection date accordingly. Prior to departure, print out blank facility survey sheets and a blank Facility Overview in order to fill them out on-site during the inspection, and a Checklist to ensure that all areas to be inspected are accounted for. The following procedures are to be followed when conducting an occupancy inspection:

Arrival: Arrival by the inspector will be between 8:00 a.m. and 9:00 a.m., unless prior arrangements have been made.

Inspection:

Initial Conference with Officials

Collection of required local inspections and certifications:

Local Fire Marshal

Local Health Department

Local Building Inspector

Certified Test and Balance Report

Selection of one of each cell type within each smoke zone for testing of the smoke and fume management system.

Testing of the emergency generator and half of the smoke zones while on emergency power.

Testing of all door locks and intercoms while on emergency power.

Return to normal power and testing of the remaining smoke zones

Walk through of facility in order to check the following:

Manual operation of doors

Square footage

Fixtures

Furnishings

Materials

Fire Hose Cabinets

Location of Fire Extinguishers

Location of Self-Contained Breathing Apparatuses

Secure exercise areas

Kitchen

Laundry

Visitation

Sally port

Weapons Storage

Control Rooms

Infirmery and/or medical space and equipment

Janitor's Closets

Complete Facility Overview Sheet (attached)

Complete Facility Survey Sheet(s)

Exit Interview with Officials

No interviews with news media will be permitted.

If more than one staff member is present for the inspection, an overlap in the sequence in which items are checked is allowed.

3. Special Inspections

Special inspections may be completed on facilities identified as “high risk”, or due to a number of complaints. The special inspection may be unannounced, unless directed otherwise by the Executive Director or Assistant Director. Circumstances from time to time dictate the necessity for special inspections based on such issues as inmates’ requests for assistance/complaints, management issues, staffing, population and/or classification matters. Special inspections may also be performed when a non-compliant facility indicates that corrections have been completed, or upon the direction of the Executive Director or Assistant Director.

4. Unannounced Inspections or Visits

Unannounced visits to all jail facilities are encouraged and are usually well received by the operator. Inspectors will make 20 percent of their annual inspections unannounced. Unannounced inspections are utilized to encourage compliance with the standards on a year around basis. Inspectors should make as many “drop by” visits to facilities as time permits as well. These “drop by” visits are not considered actual inspections, but should be used to supplement inspections by providing information and assistance to the operators.

5. Unavailability of an Inspector

When for any reason an inspector is not available for an announced scheduled or special inspection, the inspection will be rescheduled and the facility notified of the new date.

6. Counties with both Public and Privately Operated Facilities

When a county contains both a publicly operated jail and a privately operated jail under the regulation of the Commission, each of these facilities shall be individually inspected. Each facility is regarded as a separate entity, with completely separate records for both correspondence and inspections. The county Judge and sheriff shall receive reports and be briefed on all operations. The private operator shall receive reports and be briefed only on the privately operated portion of the system. When feasible, all facilities in one county shall be inspected during the same scheduled time period,

Procedure for Jail Inspection

1. Arrival

Arrival by the inspector will be between 8:00 a.m. and 9:00 a.m., unless prior arrangements have been made. Notify the Sheriff if you will be over thirty minutes late for a scheduled inspection.

2. Inspections will include the following:

a. Initial Conference with Officials

- b. Walk-Through
 - 1. Verify compliance with Standards (see Requirement Review Sheet below)
 - 2. Number of inmates per cell
 - 3. Fire drill, announced
 - 4. Emergency power test under load
 - 5. Actual staffing
 - 6. Number of bunks per cell compared to available information

- c. Records Review
 - 1. Inmate records for proper content
 - 2. Classification records for content and proper placement of inmates

A minimum number of files are to be reviewed, consistent with 10% of the facility's capacity, but not to exceed 50 files.

- 3. Content and implementation of operational procedures
- 4. Adequate and qualified staffing
- 5. Life safety records

- 3. Complete Annual Report Form
- 4. Verify Variances and Compliance with Remedial Orders

Complete Requirement Review Form, a copy of which is included

TEXAS COMMISSION ON JAIL STANDARDS
REQUIREMENTS REVIEW

		REVIEWED BY:	COMMENTS:
259	New Construction	Inspector	Conducted a walk through inspection of the facility.
261	Existing Construction	Inspector	Conducted a walk through inspection of the facility.
263	Life Safety	Inspector	Inspected life safety equipment and conducted and observed emergency drill. Reviewed documentation. Conducted staff interviews.
265	Admission Number of files reviewed should be 10% or no less than 10. In jails of 500 beds or more, no more than 50 files need to be reviewed unless problems exist.	Inspector	Reviewed a random sample of inmate files. Interviewed staff. Reviewed policy.
267	Release Number of files reviewed should be 10% or no less than	Inspector	Reviewed a random sample of inmate files. Interviewed staff.

		REVIEWED BY:	COMMENTS:
	10. In jails of 500 beds or more, no more than 50 files need to be reviewed unless problems exist.		
269	Records and Procedures	Inspector	Reviewed policy and documentation. Interviewed staff and reviewed ADA compliance evaluation.
271	Classification Number of files reviewed should be 10% or no less than 10. In jails of 500 beds or more, no more than 50 files need to be reviewed unless problems exist.	Inspector	Reviewed a random selection of inmate files. Reviewed staff training records. Reviewed internal classification audits. Reviewed policy. Interviewed staff. Technical assistance was provided
273	Health Services & MHMR CARE Check Number of files reviewed should be 10% or no less than 10. In jails of 500 beds or more, no more than 50 files need to be reviewed unless problems exist	Inspector	Reviewed a random selection of inmate medical files. Interviewed staff and inmates. Reviewed training records & policy.
275	Supervision/Staff -Adequate, Qualified Number of licenses reviewed should be 10% of the total number of jailers on staff.	Inspector	Reviewed a random selection of officer TCLEOSE certification records. Reviewed officer documentation. Interviewed staff.
277	Personal Hygiene	Inspector	Conducted a facility walk through. Reviewed facility schedule. Interviewed staff & inmates.
279	Sanitation	Inspector	Conducted a facility walk through. Interviewed staff and inmates. Reviewed policy.
281	Food Service	Inspector	Conducted walk through inspection in kitchen area. Interviewed staff and discussed issues concerning diabetic

		REVIEWED BY:	COMMENTS:
			diets. Reviewed documentation.
283.1	Discipline Number of files reviewed should be 10% or no less than 10. In jails of 500 beds or more, no more than 50 files need to be reviewed unless problems exist.	Inspector	Reviewed disciplinary hearing records. Interviewed staff and inmates. Reviewed policy. Reviewed inmate rules.
283.2	Grievance Number of files reviewed should be 10% or no less than 10. In jails of 500 beds or more, no more than 50 files need to be reviewed unless problems exist.	Inspector	Reviewed inmate grievance/complaints. Reviewed policy. Interviewed staff and inmates.
285	Exercise	Inspector	Walk through of exercise area conducted. Reviewed documentation. Interviewed staff and inmates.
287	Education and Library	Inspector	Reviewed policy and schedule. Interviewed staff and inmates.
289	Work Assignments	Inspector	Reviewed policy and schedule. Interviewed staff and inmates.
291.1	Telephone	Inspector	Reviewed policy and schedule. Interviewed staff and inmates.
291.2	Correspondence	Inspector	Reviewed policy and schedule. Interviewed staff and inmates.
291.3	Commissary	Inspector	Reviewed policy and schedule. Interviewed staff and inmates.
291.4	Visitation	Inspector	Reviewed policy and schedule. Interviewed staff and inmates.
291.5	Religious Practices	Inspector	Reviewed policy and schedule. Interviewed staff and inmates.
xxx	Variances	Inspector	Reviewed facility variances.
xxx	Remedial Orders	Inspector	Not applicable.
xxx	Complaints	Inspector	Not applicable.

Complete Inspection Report and (when applicable) Areas of Non-Compliance Form

7. Exit Interview with Officials
(If officials are available, have them sign the annual report; if not available leave a courtesy copy of the report for them.)
8. No interviews with news media will be permitted.

High-Risk Facility Assessment

The Commission staff shall conduct a monthly meeting scheduled on the last working Monday of each month, to identify “high-risk” facilities. Prior to each meeting, appropriate staff will receive a copy of a report, prepared by the Program Specialist I, containing the following information regarding the facilities considered to be high risk:

- a. Name of facility and capacity
- b. Date of last inspection
- c. Date of the last certification
- d. Reason for non-compliance (security, life safety, management)
- e. Date of letter transmitting notice of non-compliance (NONC)
- f. Date of response to NONC letter
- f. Population’s Percentage of capacity as of last monthly Jail Population Report
- g. Comments; e.g., status of progress toward corrections, status of operational plans (approved or requiring revisions), number of inmate complaints received during previous month, etc.
- h. List of counties removed from high-risk status since the previous meeting

When deemed appropriate, the inspectors shall include these counties into their travel schedules for inspection. This inspection may be announced or unannounced, full annual, or noted as a special inspection where the audit is conducted only in the areas of concern.

Risk Assessment

The Commission conducts a mandatory monthly meeting scheduled on the last working Monday of each month to identify “high risk” facilities. Designated staff provides reports on noncompliant facilities, complaints, population, operations, staffing, construction, and variances at the meeting for review.

Following review, the Inspectors include these counties in their travel schedules for inspection. The schedule is completed by the 5th day of the following month. Inspections may be full inspections or special inspections, where only areas of concern are audited.

The Inspectors use the current Agency Standards Requirements Review Form, which indicates the procedures and tests utilized to determine compliance. The form requires the Inspector’s signature that he/she has reviewed each applicable chapter of the Standards. The Inspectors also utilize the County Jail Inspection Report, Areas on Noncompliance Form, in order to document in greater detail the issues requiring remedy.

Enforcement

Notice of Noncompliance/Administrative Order.

- a. When the Commission finds that a facility is not in compliance with state law, minimum jail standards, or conditions necessitate administrative remedies, it shall issue a notice of noncompliance or an administrative order to the owner and sheriff/operator responsible for the facility that is not in compliance. Such notice of noncompliance or administrative order shall be sent to such officials by certified mail, return receipt requested. A copy of such notice of noncompliance or administrative order shall be sent to the Governor.
- b. The notice of noncompliance or administrative order shall:
 - 1) specify the minimum standards established by state law, or the rules of the Commission with which the facility fails to comply, or administrative remedies;
 - 2) shall provide a reasonable time, not to exceed 30 days, within which appropriate corrective measures shall be initiated;
 - 3) shall provide a reasonable time, not to exceed 1 year, within which appropriate corrective measures shall be completed.

Response by Officials. Upon receipt of a notice of noncompliance or an administrative order, the responsible officials shall initiate appropriate corrective measures within the time prescribed by the Commission (which shall not exceed 30 days), and shall complete the same within a reasonable time (not to exceed 1 year) as prescribed by the notice of noncompliance or administrative order. Within 30 days following receipt of the notice of noncompliance or administrative order, the responsible officials shall report to the Commission the corrective measures initiated and/or completed to correct the deficiency(s) set forth in the notice of noncompliance or administrative order.

Commission Review of Compliance. If a response is not received from the responsible officials or if a response does not offer remedies addressing all the items of noncompliance or an administrative order, the Commission may request that officials appear at a regular or special meeting of the Commission to present evidence of corrective action to be taken. Following the officials' presentation, the Commission may require the officials to appear before the Commission at a future date to report on compliance progress, may issue a remedial order, or may deem that no further action is required.

Remedial order by Commission.

- a. If the Commission determines that the responsible officials receiving a notice of noncompliance or an administrative order fail to initiate corrective measures within the time prescribed, the Commission may, by remedial order, delivered by certified mail, return receipt requested or by personal service to the responsible officials, declare that the facility in question or any portion thereof be closed, that further confinement of inmates or classifications of inmates in the noncompliant facility or any portion thereof be prohibited, that all or any number of inmates then confined be transferred to and maintained in another designated facility, or any combination of such remedies.
- b. The remedial order of the Commission shall be in writing and shall specifically identify each minimum standard with which the facility has failed to comply. Such remedial order shall become final and effective 15 days after its receipt by the responsible officials, provided, however, that if a review of Commission action (§ 297.10 of this title relating to Review of Commission Action) or request for administrative hearing (§297.11 of this title relating to Request for Administrative Hearing) on such remedial order is requested, the enforcement of such remedial order shall be stayed until such time as the Commission has rendered its decision following its hearing.
- c. If a remedial order is issued, the Commission shall furnish the sheriff/operator with a list of qualified facilities to which the inmates may be transferred. The sheriff/operator of the facility shall immediately transfer the number of inmates necessary to bring the facility into compliance to a facility that agrees to accept the inmates. The agreement shall be in writing and shall be signed by the sheriff/operator transferring the inmates and the sheriff/operator receiving the

inmates. A facility transferring inmates under this subsection shall immediately remove the inmates from the receiving facility if the sheriff/operator of the receiving facility requests their removal in writing. The owner responsible for the noncompliant facility shall bear the liability for and the cost of transportation and maintenance of inmates transferred to or from a noncompliant facility by order of the Commission. The costs of transportation and maintenance shall be determined by agreement between the participating jurisdictions and shall be paid into the treasury of the entity providing transportation and/or maintenance.

- d. When a remedial order is issued to terminate a contract for housing inmates not sentenced in a Texas court, the responsible officials shall initiate action to terminate the contract and transfer the affected inmates. A copy of the remedial order shall be provided the sending state.

Other Commission Remedies. In addition to or in lieu of the remedial order remedies described in §297.8 of this title (relating to Remedial Order by Commission) the Commission may institute an action in its own name to enforce or enjoin the violation of its orders, rules, or procedures, or the Local Government Code, Chapter 351. An action brought pursuant to this section is in addition to any other action, proceeding, or remedy provided by law, and may be brought in a district court of Travis County, Texas. A suit brought under this section shall be given preferential setting and shall be tried by the Court, without a jury, unless the responsible officials request a jury, in accordance with the Local Government Code, Chapter 351. The Commission shall be represented by the attorney general in such actions.

Review of Commission Action.

- a. Any responsible official disagreeing with any remedial order or action on an application for variance of the Commission, within 15 days after the date thereof, may request in writing an appearance before the Commission to review the action taken by the Commission. The request shall include information on the circumstances to be reviewed.
- b. The request for review shall be effective if post marked within 15 days from the date of the remedial order or action on application for variance, or if it is otherwise received by the Commission within such 15 day time period. The request for review shall be directed to the Executive Director.
- c. Review of Commission action may determine that the remedial order or application for variance request may continue to be effective as issued, may be amended, or may be rescinded. Any action affected by this section shall be effective immediately.

Request for Administrative Hearing.

- a. If the responsible officials disagree with a Commission action and have exhausted all remedies under §297.10 of this title (relating to Review of Commission Action), the officials may request, within 15 days after the date thereof, an administrative hearing under Chapter 301 of this title (relating to Rules of Practice in Contested Cases), upon any matter of fact or law with which they disagree.
- b. The request for hearing shall be effective if post marked within 15 days from the date of the remedial order or action on application for variance, or if it is otherwise received by the Commission within such 15 day time period. The request for hearing shall be directed to the chair of the Commission and shall contain the following statements:

1. The legal authority and jurisdiction under which the hearing should be held;
 2. The particular statutes, sections of statutes, and rules involved;
 3. A short, plain recital of the errors of fact or law for which review is sought, stating in detail the facts justifying the amendment or reversal of the order or action of the Commission;
 4. The name and address of the person or representative to whom notices or other written communications shall be directed, and the name and address of the person or representative who will appear at the hearing and the name and address of the person or persons on whose behalf he will appear.
- c. While subsections (a) and (b) of this section will be reasonably construed, a request for hearing, if not made in the time and manner herein provided, shall be deemed waived, and in such event the remedial order or action on application for variance of the Commission shall become final.
- d. Upon the receipt of a timely request for hearing, the Commission shall request a hearing be scheduled by the Office of Administrative Hearings.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

The Texas Commission on Jail Standards is responsible for the receipt, tracking and investigation of allegations brought forth by individuals regarding the health, safety, care and custody of inmates incarcerated in Texas Jails regulated by the Commission.

POLICY

All complaints received by the Commission will be date stamped and logged into the log book that will be maintained in the Complaint Inspectors office; referred to appropriate Sheriff / Operator for internal inquiry; assigned to Commission employee for further investigation if necessary; and insure the information is handled in a timely manner.

PROCEDURES

A complaint may be received through a variety of methods. Each complaint will be handled in accordance with policy. Generally, complaints should be processed within two weeks of receipt. Although most complaints are handled by correspondence and telephone calls, some on-site investigations may be necessary. On-site investigations by the Complaint Inspector will be approved by the Executive Director.

Referrals

In cases where the complaint involves a violation of civil rights, a criminal act, or violation of the Fire or Health Code a referral to another agency may be appropriate for further investigation. These agencies may include, but are not limited to:

1. Federal Bureau of Investigation,
2. Department of Public Safety,
3. District Attorney,
4. Any other governmental agency with a regulatory interest.

A referral may be made in addition to the investigation conducted by the Commission.

*Note: A referral list will be provided to the complainant. The complainant will then make the decision whether or not to forward their respective complaints to the agencies provided.

Written Complaints from Outside Entities

An Outside Entity for this purpose is defined as the office of an elected official, a governmental agency, an individual representing the inmate or a party other than the inmate.

Upon the receipt of the letter from an Outside Entity concerning a complaint, the Receptionist will date stamp the complaint and forward it to the Complaint Inspector for assignment. If necessary the Complaint Inspector will advise the Assistant Director or the Executive Director of the nature of the complaint.

The Complaint Inspector will determine if the complaint is of an urgent nature or should be handled routinely.

Matters of an urgent nature, to include but not limited to potential criminal charges or life-threatening situation will be addressed immediately.

It will then be determined if an on-site visit, telephone call or letter to the Sheriff / Operator would be appropriate.

On-site visits. Situations which the complaint inspector believes might warrant an on-site visit should be discussed with the Assistant Director for approval.

Telephone calls are appropriate in situations where life safety is an issue or when issues are best resolved over the phone.

Letters (see below)

Letters. Letters will be the most commonly used communication when investigating complaints. The severity of the allegations range from serious to routine. A Complaint Resolution Inquiry Form or the letter itself will be faxed to the Sheriff/Operator and will request the Sheriff / Operator to respond to the allegations within a specified time frame not to exceed 30 days.

The timeframe for requesting a response varies and should be determined on a case by case basis. The following is a general guideline.

Upon receipt of this notice: Matters of a serious nature (some medical issues, allegations regarding legal correspondence, some supervision issues)

15 days: Matters of a serious nature although not urgent.

30 days: Routine matters not being addressed by grievances.

Entities such as the FBI or Attorney General's office referring matters to the TCJS because they have determined that they do not have jurisdiction will not receive a copy of this letter. In those cases the inmate will be contacted directly.

Responses Upon receipt of the written response indicating the outcome of the investigation conducted at the facility, the Complaint Inspector will review the action and determine all of the allegations were satisfactorily investigated or if further investigation is warranted. If further action is determined necessary, then the Complaint Inspector will contact the facility and further investigation

will be conducted. A follow up letter or phone call from the county will be requested.

If a violation has occurred, the Sheriff/Operator will be notified of the violation by either letter or phone call.

Upon conclusion of the case, the Commission will send a Case Closed letter to the outside entity or inmate from which the allegation originated with the resolution of the investigation. A file will be established by inmate name and county and will be retained in the Commission Offices. All records will be held according to the records retention schedule.

Written Complaints by Inmates

The procedure outlined above will be followed.

If the complaint is not of an urgent nature and the inmate does not indicate that he/she has attempted a grievance locally, a Grievance letter, will be sent stating that these procedures must be followed before any action by the Commission would be taken. Some situations will require that a letter be sent to the sheriff/operator even though no grievance has been filed locally.

If the complainant indicates that a local grievance has already been attempted, it will be determined if an additional action is appropriate. This additional action may consist of an on-site visit, telephone call or letter to the Sheriff / Operator. The following are examples of actions to take in common situations.

Situation: A grievance was attempted and the response is unsatisfactory to the inmate. **Action:** If the response or action described does not violate the Texas Minimum Jail Standards (TMJS), a letter is sent to the inmate indicating the same.

Situation: A grievance has been attempted, however, the county has not responded. **Action:** Check to see that the inmate has waited the 60 days allowed by the TMJS. If the time period has not elapsed, a letter is sent to the inmate indicating that he should allow adequate time to respond. If the time period has elapsed, a letter is sent to the Sheriff/Operator for response.

If a letter is determined to be appropriate, steps 6-8 outlined above are followed.

Telephone Complaints

Complaints are many times received over the telephone from inmates, as well as, friends and families of individuals incarcerated. A telephone complaint may be taken by the following order of individuals depending on availability:

Complaint Inspector
Assistant Director
Executive Director

All telephonic calls are screened to determine if immediate action is necessary. If immediate action is not necessary, the complainant is advised to submit their complaint in writing to include the name of the offender, offender number or date of birth, the county in which he/she is incarcerated, and a basic overview of the alleged jail standard(s). If possible, the complainant is instructed to have the offender utilize the grievance procedure at the facility that the offender is incarcerated prior to submitting the complaint to this office.

Walk-Ins

Walk in complainants will be interviewed by the Complaint Inspector. If the Complaint Inspector is unavailable, then the order of interviewers is: Assistant Director and then the Executive Director. The interviewer will take notes of the interview. A written statement of fact may be taken from the

complainant. If possible, requests to the complainant to have a firsthand witness write the Commission outlining the allegation will be made. If a letter is expected, the complaint will be filed pending receipt. If there is no statement, the Complaint Inspector will write a brief synopsis of the allegation.

Anonymous Complaints

Anonymous letters and calls, depending on the complaint, will be handled in the same manner as other complaints. If necessary a response will be requested from the Sheriff.

In cases where names are mentioned on letters, but the party wishes to remain anonymous, a phone call to the Jail Administrator may be necessary to discuss the issues without giving out names. The findings will be kept in the file folder if no return address is available.

E-Mail and Internet Complaints

With the advancement of technology, the commission is now able to receive complaints via the internet through our webpage: www.tcjs.state.tx.us or through individual e-mail accounts. E-mail complaints are usually received from family and friends of the offenders that are incarcerated. E-mail complaints are screened prior to processing to determine if there is any validity to the allegations. Upon concluding the validity of a complaint, the normal process for written complaints is followed. E-mail complaints from third party interests are handled in a different manner. E-mails from third party interests are returned to the person whom filed the complaint via internet. The individual is provided with the address of the Texas Commission on Jail Standards as well as the telephone and fax number of the agency. The third party individual or agency can then in turn contact the complainant and provide them with the necessary information to either file the complaint with this agency or utilize the internal grievance procedure at the facility in which they are confined.

Open Records Request

Correspondence from parties requesting information concerning complaints will be forwarded to the Open Records Coordinator for handling. The Public Information Act does not require that information be provided to inmates. Other requests will be handled on as required by law. Open Records correspondence is time sensitive and should be handled accordingly. If a complaint is made as well as the Open Records Request, the complaint will be handled as necessary before forwarding.

TYPES OF CORRESPONDENCE

Complaint Resolution Inquiry Form

A letter informing a Sheriff / Operator that allegations of a serious nature have been lodged against their facility. This letter will have a time limit for response. This time limit ranges from upon receipt to 30 days depending on the seriousness of the allegation.

FYI Letter

This type of letter is used when a complaint does not allege a violation of Jail Standards and does not require an investigation but may require the Sheriff / Operator to look into the complaint in order to prevent future allegations. A copy of the FYI letter is sent to the complainant.

Additional Information Letter

This type of letter is used when a second letter concerning another allegation is sent to the Commission. If no response has been received from the county and the given time limit has not expired, then the additional letter is sent without a time limit. If the time limit has not expired, then a response is requested upon receipt of the Additional Letter. A copy of the Additional Information letter is sent to the complainant.

Grievance Letter

This type of letter is written to the inmate informing them that they must go through the internal grievance procedures prior to lodging a complaint with the Commission. This is in order to exhaust the administrative remedies available to them by the county jails. Grievance Letters are not to be used when the allegations include life- threatening situations.

Closed File letter Used when the complaint has been filed, investigated, and subsequently closed.

TDCJ Letter

Used when referring a letter to the Texas Department of Criminal Justice.

Standards Request Letter

Used when a request is made for the Standards manual.

RESPONSES BY SHERIFF / OPERATORS

Responses by the Sheriff/Operator must completely cover the issues brought forth by the complainant.

If the complaint received by the Commission has also been brought to the attention of the Sheriff / Operator in the form of a grievance, and the grievance was heard by a Grievance Officer of Board as mandated by Jail Standards, a copy of the Board results may be sufficient as an investigation into the matter.

If the allegation brought forth results in an internal investigation then a brief synopsis may be written it to the Commission outlining the investigation and the actions taken. A full copy of the investigation is not required, unless requested.

If the complaint results in the filing of criminal charges, the Commission shall be notified promptly and a copy of the report and a synopsis of the investigation and charges filed will be sent to the Commission for documentation.

Any Sheriff or Sheriff / Operator may request assistance from the Commission in the investigation of an allegation brought forth by an inmate incarcerated in their facility. This may range from technical assistance to the conducting of the investigation in its entirety. A Sheriff / Operator must request this type of assistance in writing to the Executive Director.

Incomplete Responses The Complaint Inspector will request additional information in cases of incomplete responses.

No Response. A monthly check will be done to ensure that counties have responded to Sheriff/Operator letters sent by the TCJS.

Texas Commission on Jail Standards
 Inmate and Family Complaints
 Exhibit 12: Information on Complaints Against Regulated Persons or Entities
 Fiscal Years 2005 and 2006

	FY 2005	FY 2006
Total number of regulated beds	65,894	71,047
Total number of regulated entities	249	254
Total number of entities inspected	252	254
Total number of complaints received from family member or associate	93	88
Total number of complaints received from inmate	1182	1240
Number of complaints pending from prior years	12	14
Number of complaints found to be non-jurisdictional	859	935
Number of jurisdictional complaints found to be without merit	243	231
Number of complaints resolved**	80	74
Average number of days for complaint resolution	5-12 days	5-12 days
Complaints resulting in disciplinary action:	N/A	N/A
administrative penalty	N/A	N/A
reprimand	N/A	N/A
probation	N/A	N/A
suspension	N/A	N/A
revocation	N/A	N/A
other	N/A	N/A

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Construction Plan Review
Location/Division	Headquarters
Contact Name	Brandon Wood
Actual Expenditures, FY 2006	180,831.42

Number of FTEs as of August 31, 2006	3.6
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B. What is the objective of this program or function? Describe the major activities performed under this program.

Construction technical assistance, to which 3.6 full-time equivalent positions are assigned, provides consultation and technical assistance to local governments for the most efficient, effective and economic means of jail construction, which meets minimum standards.

Comprehensive facility needs analyses, which include population projections and historical data regarding incarceration trends as well as other pertinent factors, determine incarceration needs of the counties. The counties are furnished recommendations regarding the need for additional or improved jail space or alternatives thereto, based upon the analyses.

Reviews and comments on construction documents for construction projects are also conducted by staff. This includes a formal plan review with design professionals, consultants, county officials and sheriffs. Plan documents 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; it also provides more effective and economic jails that, upon completion, will comply with Minimum Jail Standards.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

Since its inception in 1976, the plan review function has been one of the most extensive and well received services offered by the Commission. Counties are able to realize significant economic benefit from the review comments and planning offered by the agency. As recognition of its value, the OAG-Public Finance Division requires that all projects be reviewed by the agency and a letter of support be issued prior to their approval for the county to issue debt. In addition, several private financing companies require that that Commission review and approve any facility that is built in Texas, even if it will not be subject to the Commission's regulatory authority. This is required by them in order to provide their debt holders a level of security that the facility is indeed safe and secure and will meet any and all applicable standards.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The first staff person dedicated to construction plan review was hired by the agency in 1978 after it was determined that it was not practical or cost effective for the board to act as the review and approval section for county jail construction projects. Since that time, two planning assistants have also been employed due to the increasing number of construction projects that require review and approval. From 1983 to date the number of county jail beds has increased from 19,000 to 84,257, which demonstrates very clearly the number of projects and beds has increased significantly over the years, with each one requiring commission review and approval.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of person or entities affected.

The program affects the county officials, to include the sheriff, judge and commissioner's court, and the taxpayer residing in the county. In addition, this program affects architects and engineers that are responsible for development of the plans, and construction companies and sub-contractors that build the facilities. At this time, there are 49 projects in various stages being undertaken by 43 counties.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

There are two planning assistants that report to an Assistant Director.

G. Identify all funding sources and amounts for the program or functions, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funding for this program is provided by appropriations out of general revenue. In accordance with Chapter 511 of the Government Code, the Commission sets and collects fees to recover the cost of performing services provided to privately operated jails and jails with inmate populations comprised of 30% or more non-Texas sentenced inmates.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

The Commission on Jail Standards is the only entity that verifies compliance with minimum jail standards construction requirements, which are somewhat unique and outside the area of expertise of any other entity.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable,

briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Commission on Jail Standards is the only entity that verifies compliance with minimum jail standards, which are somewhat unique and outside the area of expertise of any other entity. A standard may require the regulated facility to receive certification or inspection from another entity, i.e., minimum jail standards 263.51(f)(2)(A) requires that a facility have a certified Test and Balance Report which can only be conducted by a certified engineer.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

Counties that construct a jail and municipalities that operate a jail under vendor contract are subject to our review.

- K. If contracted expenditures are made through this program, please provide:
- The amount of those expenditures in fiscal year 2006;
 - The number of contract accounting for those expenditures;
 - A short summary of the general purpose of those contracts overall;
 - The methods used to ensure accountability for funding and performance; and
 - A short description of any current contracting problems.

Not Applicable

L. What statutory changes could be made to assist this program in performing its functions? Explain.

The agency believes that the limited direction provided by statute allows for more cost effective and innovative designs to be proposed and approved. However, public safety remains the most important facet of the plan review process, and designs must meet the criteria set forth by minimum jail standards.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

Agency staff has attempted to provide enough information for a preliminary understanding of this function; however, staff is available to provide additional information as necessary.

- N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:
- Why the regulation is needed;
 - The scope of, and procedures for, inspections or audits of regulated entities;

- Follow-up activities conducted when non-compliance is identified;
- Sanctions available to the agency to ensure compliance; and
- Procedures for handling consumer/public complaints against regulated entities.

The plan review process is not a certification process, however, minimum jail standards requires approval of construction documents be issued prior to construction. Upon completion of a project, an occupancy inspection is conducted which is addressed under inspection and enforcement.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not Applicable

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Management Consultation
Location/Division	Headquarters
Contact Name	Terri Dollar
Actual Expenditures, FY 2006	246,588.29
Number of FTEs as of August 31, 2006	4.0

B. What is the objective of this program or function? Describe the major activities performed under this program.

The jail management objective is met through the allocation of 4.0 full-time equivalent positions. Staff reviews and approves jail operational plans related to the standards. Aiding counties in maintaining operational plans which meet Minimum Jail Standards requires on-going assistance in developing and implementing plans for classification of inmates, health services, sanitation, inmate discipline and grievances, recreation and exercise, education and rehabilitation, emergencies, and

inmate privileges such as telephone usage, visitation, correspondence and religious activities. Counties submit their operational plans for staff review, after which approval or comments on how to revise the plans for compliance with standards are provided.

Staff also provides needed jail management training and consultation to counties. This includes clarifying Minimum Jail Standards as well as establishing procedures and documentation consistent with the standards. This assistance includes working with county representatives in the Austin office, on the phone, through written correspondence and by conducting on-site visits and regional training classes. Oral presentations to appropriate groups are also frequently conducted.

As part of technical assistance, staffing analyses are conducted to assist counties in operating safe and secure facilities. Staff reviews facility design, facility capacity, county needs and jail operations, among other issues, when conducting staffing analyses.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

This function is very important in that it is focused on assisting counties achieve and maintain compliance with minimum jail standards. Information that is transmitted to the counties through this function allows them to operate safe and secure facilities that are less likely to be a liability to the county. In 2006, 11 counties requested and received a staffing analysis that helps them determine the most cost effective way to operate a safe and secure facility and 467 operational plans were reviewed to ensure compliance with minimum jail standards. In addition, 182 on-site management consultations were conducted, and 2,484 hours of training was provided to county jail personnel.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

In 1999, using existing resources, a research specialist was employed to perform detailed and specialized research projects affecting county jails. A "Practitioner's Series" was begun in 2001 which utilizes widely regarded experts in the field of jail management to serve as instructors alongside commission staff for training programs that are offered across the state, using materials prepared by the commission. In the same year, the 1st Annual "Courtroom Challenge" was held. This "quiz bowl" style game was designed to test participants' knowledge of Minimum Jail Standards. It has proven to be so educational and entertaining that there was an overwhelming demand to make it an annual event and it is now in its sixth year.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of person or entities affected.

The program affects the 257 regulated facilities representing 84,257 beds in the state of Texas, the county officials tasked with funding and operating the facilities, to include the sheriff, judge and commissioner's court, the taxpayer residing in the county and the 72,241 inmates and their relatives. Included in this number are 19 privately operated facilities and the companies that

operate them through inter-governmental agreements between county and municipal governments.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

Currently, there are two program specialist and one research specialist that work under the close supervision of the Assistant Director. Although only 4 FTEs are dedicated to this function, every member of the agency contributes to the successful implementation of this valuable agency function.

G. Identify all funding sources and amounts for the program or functions, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funding for this program is provided by appropriations out of general revenue. In accordance with Chapter 511 of the Government Code, the Commission sets and collects fees to recover the cost of performing services provided to privately operated jails and jails with inmate populations comprised of 30% or more non-Texas sentenced inmates.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

As part of Minimum Jail Standards, operational plans must meet Minimum Jail Standards and require commission approval. There are several providers of management consultation and training that counties can rely upon to meet their needs. However, the commission offers expertise in the area of compliance with minimum jail standards, and can provide direct assistance without interjecting incorrect interpretations or personal bias.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The Commission on Jail Standards is the only entity that verifies compliance with minimum jail

standards, which are somewhat unique and outside the area of expertise of any other entity. All technical assistance provided by commission staff focuses on attaining and maintaining compliance with Minimum Jail Standards through practical application.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

Counties that operate a jail, private facility operators and municipalities that operate a jail under vendor contract frequently request our assistance and are subject to our operational plan reviews. Intra-and inter-state agencies contact the commission on a regular basis requesting information regarding our agency function and information regarding regulated entities, and technical assistance in our area of expertise. The Executive and Legislative branch also contact the commission on a regular basis regarding issues under our agency function. Although they are not under our purview, municipal jails contact the agency on a regular basis also requesting assistance in the operation of their facilities.

K. If contracted expenditures are made through this program, please provide:

- The amount of those expenditures in fiscal year 2006;
- The number of contract accounting for those expenditures;
- A short summary of the general purpose of those contracts overall;
- The methods used to ensure accountability for funding and performance; and
- A short description of any current contracting problems.

Not Applicable

L. What statutory changes could be made to assist this program in performing its functions? Explain.

The agency believes that the possible expansion of §511 requiring the agency provide technical assistance could be enhanced by the inclusion of diversion programming. The function could be carried out by an agency staff member to assist counties by examining factors driving inmate populations, determining what types of offenders are filling jail bed space, and exploring options that could better serve the jail in terms of optimal utilization of existing jail bed space. This specialist would be able to work with other agencies such as the local courts, TCOOMMI (Texas Correctional Office on Offenders with Medical & Mental Impairments), Texas MH/MR, Veterans Administration, and others in order to determine a disposition most favorable to the potential inmates, and the county jail and state prison systems. This specialist would also serve as a central reference for information on ways to better manage the inmate population. If one jail is found to be successful in addressing a segment of the inmate population, the specialist would in turn work with other counties and trainers to develop the information and promote that success in other jails. Inmates diverted at the county level are unlikely to end up in state prisons.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

Agency staff has attempted to provide enough information for a preliminary understanding of this function; however, staff is available to provide additional information as necessary.

- N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:
- Why the regulation is needed;
 - The scope of, and procedures for, inspections or audits of regulated entities;
 - Follow-up activities conducted when non-compliance is identified;
 - Sanctions available to the agency to ensure compliance; and
 - Procedures for handling consumer/public complaints against regulated entities.

The operational plan review process is not a certification process, however, minimum jail standards requires approval of these plans.

- O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not Applicable

- A. Provide the following information at the beginning of each program description.

Name of Program or Function	Auditing Population Costs
Location/Division	Headquarters
Contact Name	Terri Dollar
Actual Expenditures, FY 2006	123,294.15
Number of FTEs as of August 31, 2006	2.0

B. What is the objective of this program or function? Describe the major activities performed under this program.

The auditing function is met through collecting, analyzing and disseminating data concerning inmate populations, felony backlog, and jail operational costs. Counties are assisted in completing their jail population reports, and technical assistance is provided. Technical assistance activities are also conducted, as circumstances require. Statistical data is collected, analyzed and provided to agencies to assist at the state and local level in planning and predicting trends in incarceration in the state.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

The state and more specifically, the Legislative Budget Board and TDCJ-ID rely upon the information collected, analyzed, and disseminated by our agency to forecast the states incarceration needs and to assist in budgetary preparation in order to effectively meet those needs.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

Although this remains a vital function of the Commission, the number of FTE assigned to this has declined from a high 5.1 to its current number of 2.0. This is due to the state meeting its duty to accept in 1995, prior to which the Commission was used as a clearinghouse for funds being paid to counties operating facilities receiving transferred inmates as part of the "Transfer of Felony Backlog" program. The commission utilized population reports to include the "45-day" reports to determine the amounts to be paid to those counties, which required several auditors reviewing these reports for accuracy. Currently, the commission reviews over 6,000 paper-ready reports annually.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of person or entities affected.

This program affects all local and state planning programs that are involved with criminal justice projections.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

Two staff members are tasked with the collection, analyzing and dissemination of the information. This function is supervised by the Assistant Director.

G. Identify all funding sources and amounts for the program or functions, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funding for this program is provided by appropriations out of general revenue.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

The Commission is the only entity that compiles the information from all 254 counties in the state of Texas.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

There is no duplication of service.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

The units of government that the commission works with are the same as the affected entities.

K. If contracted expenditures are made through this program, please provide:

- The amount of those expenditures in fiscal year 2006;
- The number of contract accounting for those expenditures;
- A short summary of the general purpose of those contracts overall;
- The methods used to ensure accountability for funding and performance; and
- A short description of any current contracting problems.

Not Applicable

L. What statutory changes could be made to assist this program in performing its functions? Explain.

Language in Chapter 499 of the Government Code should be reviewed since it has several date specific passages in the body of the chapter in regards to the Payment to Counties program, which is no longer funded by the legislature and has sat dormant for almost 10 years. We do not recommend elimination of this section though since it enables a reinstatement of the program if the need were to arise in the future.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

Agency staff has attempted to provide enough information for a preliminary understanding of this function; however, staff is available to provide additional information as necessary.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- Why the regulation is needed;
- The scope of, and procedures for, inspections or audits of regulated entities;
- Follow-up activities conducted when non-compliance is identified;
- Sanctions available to the agency to ensure compliance; and
- Procedures for handling consumer/public complaints against regulated entities.

This is not a regulatory program

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not Applicable

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Juvenile Justice Survey
Location/Division	Headquarters
Contact Name	Brandon S. Wood
Actual Expenditures, FY 2006	28,010.33

Number of FTEs as of August 31, 2006	0.5
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B. What is the objective of this program or function? Describe the major activities performed under this program.

Utilizing a contract juvenile justice specialist, the Commission on Jail Standards has responsibility for two separate but related activities concerning juveniles in adult jails and lockups.

The agency has a statutory responsibility for collecting and processing the juvenile jail logs containing information on all juveniles held in secure confinement in adult jails and lockups. That report is collected annually from each sheriff's department and each municipal lockup.

The agency offers technical assistance and is responsible for conducting selected on-site visits at the request of the Governor's Office-Criminal Justice Division through a contract provider. Information provided by the survey and on-site visits are used to determine compliance with the laws concerning the handling of juveniles in adult jails and lockups in the state. Results of the survey are reported to the Criminal Justice Division, which is responsible for monitoring the state's compliance with the Federal Juvenile Justice and Delinquency Prevention Act.

In addition to the activities outlined above, the Commission is responsible for identifying and compiling a directory of all adult jails and lockups with a juvenile detention, correctional, or holdover center collocated in the same building or on the same grounds. The Federal Juvenile Justice and Delinquency Prevention Act provides that states receiving federal funds under the Act must comply with certain requirements concerning juvenile detention facilities and adult jails and lockups collocated within the same building or on the same grounds. The Commission allocates .1 full-time equivalent positions for the Juvenile Justice Survey.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

All funding for juvenile programming in the state of Texas is contingent on completion of this function and the accompanying report compiled from the collected information. To date, the state has not had its juvenile funding placed in jeopardy, and the number of facilities reporting violations has not increased.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

The Juvenile Justice and Delinquency Prevention Act took effect in 1984, at which time the commission was requested by the Criminal Justice Division of the Governor's Office to assist in ensuring that all juveniles were removed from adult jails and lock-ups. This program also included monitoring of municipal facilities for compliance with the act. Since that time, the agency has utilized funds provided by CJD to fund a contract specialist in order to carry out this duty.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of person or entities affected.

The program affects all adult jails and lock-ups in the state of Texas, which currently numbers 583.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. List any field or regional services.

A contract specialist performs the function with contract monitoring provided by the Assistant Director. All progress reports are submitted to CJD to ensure compliance with grant requirements.

G. Identify all funding sources and amounts for the program or functions, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funding for this program is provided by a grant from CJD.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions. Describe the similarities and differences.

The Commission on Jail Standards is the only entity with the statutory responsibility for collection of the juvenile jail logs from all adult jails and lock ups in the state of Texas.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Again, the Commission on Jail Standards is the only entity with the statutory responsibility for collection of the juvenile jail logs from all adult jails and lock ups in the state of Texas. However, CJD has issued an RFP for juvenile grant programs that will rely upon some of the information that

the commission is required to collect. The scope of the RFP and contract has not been finalized at this time, and the commission will review the program in order to ensure no duplication of services occurs.

J. If the program or function works with local, regional, or federal units of government include a brief description of these entities and their relationship to the agency.

The program affects all 583 adult jails and lock-ups in the state of Texas. This function also interacts or affects the State of Texas and the Federal Government.

K. If contracted expenditures are made through this program, please provide:

- The amount of those expenditures in fiscal year 2006;
- The number of contract accounting for those expenditures;
- A short summary of the general purpose of those contracts overall;
- The methods used to ensure accountability for funding and performance; and
- A short description of any current contracting problems.

The amount expended in FY 2006 was \$28,010.33 for the one contract in place. The general purpose of this contract is described in the "Objective" narrative section of this function. The commission and CJD closely monitor all expenditures from the grant to ensure compliance to include submission of all travel receipts, activity reports, and receipts for any supplies purchased for use in carrying out this function. Performance is monitored by reviewing all collected logs and the information that is extracted from them in order to generate the required report. There are no current contracting problems.

L. What statutory changes could be made to assist this program in performing its functions? Explain.

No statutory changes are required; however, since the funds to perform this function are provided exclusively by a grant, it would be a financial hardship for this agency to meet its statutory responsibility to conduct the survey should the grant not be awarded.

M. Provide any additional information needed to gain a preliminary understanding of the program or function.

Agency staff has attempted to provide enough information for a preliminary understanding of this

function; however, staff is available to provide additional information as necessary.

N. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- Why the regulation is needed;
- The scope of, and procedures for, inspections or audits of regulated entities;
- Follow-up activities conducted when non-compliance is identified;
- Sanctions available to the agency to ensure compliance; and
- Procedures for handling consumer/public complaints against regulated entities.

This is not a regulatory program.

O. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Not Applicable

VIII. Statutory Authority and Recent Legislation

A. Fill in the following chart, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2003 - 2007, or earlier significant Attorney General opinions, that affect your agency's operations.

Commission on Jail Standards Exhibit 13: Statutes/Attorney General Opinions	
Statutes	
Citation/Title	Authority/Impact on Agency (e.g., "provides authority to license and regulate nursing home administrators")
Government Code 499	Outlines how the Commission on Jail Standards is to manage jail populations, particularly during periods of significant backlog of convicted inmates awaiting transfer to TDCJ.
Government Code 511	Grants Authority to the Commission on Jail Standards and lays out its structure and duties.
Local Government Code 351	Establishes certain requirements on county jails and other correctional facilities, as well as places certain directives on the Commission on Jail

	Standards.
Local Government Code 361.062	Requires facilities under a municipal contract to maintain compliance with Minimum Jail Standards.
Attorney General Opinions	
Attorney General Opinion No.	Impact on Agency
MW-328	This historical opinion from 1981 advised that city jails holding county prisoners are viewed as county jails, requiring city jailers to be TCLEOSE certified.
MW-398	This historical opinion from 1981 advised that the agency may require a facility under its purview to accept prisoners from a facility, which has been found noncompliant.
MW-539	This historical opinion from 1982 established that the purview of the agency extends to holding cells in courthouses.
MW-559	This historical opinion from 1982 established that the purview of the agency extends to holding cells in county facilities outside of the jail.
JN-1260	This historical opinion from 1990 advised that municipal jails operated under contract with a private vendor fall under the purview of the agency if the contract was entered into on or after August 3, 1987.
GA-0329	This request was sought by the Commission on Jail Standards to determine if a jail may deduct funds from an inmate's commissary account to cover costs for damages to the jail caused by the inmate. The Attorney General determined that a jail may deduct such costs after a disciplinary hearing.
GA-0534	This request was sought by the Commission on Jail Standards to determine if a jail may maintain a negative balance on an inmate's commissary account in order to recover medical costs for services rendered to an inmate during incarceration. The Attorney General determined that jails may indeed retain a negative balance on an inmate's account for services rendered during a previous stay in jail.

B. Provide a summary of recent legislation regarding your agency by filling in the chart below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). See Exhibit 14 Example or [click here to link directly to the example.](#)

Commission on Jail Standards
Exhibit 14: 80th Legislative Session Chart

Legislation Enacted - 80th Legislative Session

Bill Number	Author	Summary of Key Provisions
HB 1780	Harless	This bill changed the requirement that counties provide copies of jail commissary audits to the Commission on Jail Standards from quarterly to annually.

Legislation Not Passed - 80th Legislative Session		
Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
HB 221	King, Phil	This bill would have allowed counties to use tents to house prisoners on an indefinite basis, rather than as a temporary measure. This bill did not make it beyond introduction, and was never heard in any committee.
HB 2244	Turner	This bill would have codified in statute language that already existed in Minimum Jail Standards (Texas Administrative Code) that requires jails to maintain a ratio of one officer for every forty –eight inmates (1:48). This bill failed to pass following third reading. Throughout this bill's legislative process there was significant confusion that led to the belief that this bill would not allow for the Commission on Jail Standards board to grant variances to this ratio once it is put into statute. Despite house members and lobbyists being advised that Government Code §511.009(c) would still permit the Commission board to grant variances to jails not in strict compliance with state law, the sentiment that this bill would remove the variance process contributed to the bill failing to pass the floor vote.
HB 2699	Turner	This bill would have allowed the Executive Director to appoint a Special Monitor to work closely to bring a jail into compliance if the jail had failed inspections three years in a row. The person selected as the Special Monitor would have been required to neither be an employee of the Commission on Jail Standards nor an employee of the jail. The person selected would have been required to be experienced in the area for which the jail was non-compliant, and the cost of the Special Monitor would have been paid for by the county. Once the jail would have been inspected by the Commission on Jail Standards and regained compliance, the term of the Special Monitor would have expired shortly thereafter. This bill failed to pass a floor vote after third reading.

IX. Policy Issues

The purpose of this section is to briefly describe any potential issues raised by your agency, the Legislature, or stakeholders that Sunset could help address through changes in statute to improve your agency's operations and service delivery. This section is intended to give the Sunset Commission a basic understanding of the issues so staff can collect more information during our detailed research on your agency. Some questions to ask in preparing this section may include: (1) How can your agency do a better job in meeting the needs of customers or in achieving agency goals? (2) What barriers exist that limit your agency's ability to get the job done?

Emphasis should be given to issues appropriate for resolution through changes in state law. Issues related to funding or actions by other governmental entities (federal, local, quasi-governmental, etc.) may be included, but the Sunset Commission has no authority in the appropriations process or with other units of government. If these types of issues are included, the focus should be on solutions which can be enacted in state law. This section contains three components:

Brief Description of Issue

Background Include enough information to give context for the issue. Information helpful in building context includes:

- What specific problems or concerns are involved in this issue?
- Who does this issue affect?
- What is the agency's role related to the issue?
- Any previous legislative action related to the issue?

Possible Solutions and Impact Provide potential recommendations to solve the problem. Feel free to add a more detailed discussion of each proposed solution, including:

- How will the proposed solution fix the problem or issue?
- How will the proposed change impact any entities or interest groups?
- How will your agency's performance be impacted by the proposed change?
- What are the benefits of the recommended change?
- What are the possible drawbacks of the recommended change?
- What is the fiscal impact of the proposed change?

Complete this section for each policy issue. Copy and paste boxes A through C as many times as needed to discuss each issue. See Policy Issue Example or [click here to link directly to the example](#).

A. Brief Description of Issue

Perhaps the most significant non-budgetary issue facing the Commission on Jail Standards is the lack of options for intermediate sanctions in dealing with chronically noncompliant county jails.

B. Discussion

Currently, the agency has the ability to find a county jail noncompliant. In serious cases, the agency may issue a remedial order that is enforceable through the Office of the Attorney General. These orders usually direct a jail to comply with existing standards, and do not offer any close guidance to jails that might need a closer analysis and assistance in addressing issues that lead to noncompliance.

Another option in dealing with chronic noncompliance is to close the jail. This has been done in

extreme cases where life safety is at issue, but it would not be conveniently feasible to close down a chronically noncompliant jail in an urban county, where potentially thousands of inmates would be in need of alternative housing.

C. Possible Solutions and Impact

Legislation was proposed in the 80th Legislative Session to give the agency's Executive Director the authority to assign a Special Monitor to county jails that had established a history of consecutive failed inspections. This idea was novel because it provided an outside expert the opportunity to look into the county jail's operations to assess the problem, and propose a solution, all while working closely with the county jail to an extent that staff at the Commission on Jail Standards would not be able to do. This likely would have resulted in jails achieving compliance sooner. Critics to the Legislation pointed out that the county would have been required to pay for the services of the special monitor.

Any option that would permit the Commission on Jail Standards the ability to assess an intermediate sanction on chronically noncompliant jails that result in them achieving compliance sooner would further the mission of the Commission on Jail Standards.

X. Other Contacts

A. Fill in the following chart with updated information on people with an interest in your agency, and be sure to include the most recent e-mail address.

Texas Commission on Jail Standards Exhibit 15: Contacts			
INTEREST GROUPS (groups affected by agency actions or that represent others served by or affected by agency actions)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address

Sheriff Christopher Kirk, President Sheriffs' Association of Texas	1601 South IH 35 Austin, Texas 78741-2503	Phone (512) 445-5888	chriskirk@highsheriff.com
Avery Walker, President Deputy Sheriff's Association of Bexar County	816 Camaron #214 San Antonio, Texas 78212	Phone (210) 223-2213	dsabcpresident@aol.com
INTERAGENCY, STATE, OR NATIONAL ASSOCIATIONS (that serve as an information clearinghouse or regularly interact with your agency)			
Group or Association Name/ Contact Person	Address	Telephone	E-mail Address
Sharese Hurst, Executive Director Texas Jail Association	Correctional Management Institute of Texas George J. Beto Criminal Justice Center Sam Houston State University Huntsville, TX 77341-2296	Phone (936) 294-1687	sharese@shsu.edu
Karen Norris, Executive Director Texas Association of Counties	1210 San Antonio Street Austin, Texas 78701 P.O. Box 2131 Austin, Texas 78768-2131	Phone (512) 478-8753	karenn@county.org
LIAISONS AT OTHER STATE AGENCIES (with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)			
Agency Name/Relationship/ Contact Person	Address	Telephone	E-mail Address
George C. Noelke, Assistant Attorney General Office of the Attorney General	PO Box 12548 Austin, Texas 78711-2548	Phone (512) 475-3206	george.noelke@oag.state.tx.us

Dee Wilson, Director Texas Correctional Office on Offenders with Medical or Mental Impairments	8610 Shoal Creek Blvd. Austin, Texas 78757	Phone (512) 406-5406	dee.wilson@tdcj.state.tx.us
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XI. Additional Information

A. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency's practices.

Texas Commission on Jail Standards Exhibit 16: Complaints Against the Agency – Fiscal Years 2005 and 2006		
	FY 2005	FY 2006
Number of complaints received	0	0
Number of complaints resolved	0	0
Number of complaints dropped/found to be without merit	0	0
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	0	0

B. Fill in the following chart detailing your agency's Historically Underutilized Business (HUB) purchases. See Exhibit 17 Example or [click here to link directly to the example](#).

Texas Commission on Jail Standards
Exhibit 17: Purchases from HUBs

FISCAL YEAR 2004

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	0.00	0.00	0	11.9%
Building Construction	0.00	0.00	0	26.1%
Special Trade	0.00	0.00	0	57.2%
Professional Services	3,944.00	3,944.00	100%	20.0%
Other Services	25,216.00	18,166.00	72.0%	33.0%
Commodities	40,911.00	30,606.00	74.8%	12.6%
TOTAL	70,071.00	52,716.00	75.2%	-

FISCAL YEAR 2005

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	0.00	0.00	0	11.9%
Building Construction	0.00	0.00	0	26.1%
Special Trade	0.00	0.00	0	57.2%
Professional Services	4,975.00	4,975.00	100.0	20.0%
Other Services	35,048.00	22,776.00	64.9	33.0%
Commodities	51,435.00	1,650.00	3.2	12.6%
TOTAL	91,459.00	29,403.00	32.1	-

FISCAL YEAR 2006

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
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Heavy Construction	0.00	0.00	0	11.9%
Building Construction	0.00	0.00	0	26.1%
Special Trade	0.00	0.00	0	57.2%
Professional Services	5,570.00	5,570.00	100.0	20.0%
Other Services	33,945.00	29,890.00	88.0	33.0%
Commodities	40,788.00	5,504.00	13.4	12.6%
TOTAL	80,304.00	40,965.00	51.0	-

C. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy?

Our HUB procedure matches the state performance percentages set by TBPC's HUB program.

D. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Tex. Government Code, Sec. 2161.252; TAC 111.14)

N/A

E. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

N/A

	Response / Agency Contact
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1. Do you have a HUB coordinator? (Tex. Government Code, Sec. 2161.062; TAC 111.126)	n/a
2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Tex. Government Code, Sec. 2161.066; TAC 111.127)	n/a
3. Has your agency developed a mentor-protege program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Tex. Government Code, Sec. 2161.065; TAC 111.128)	n/a

F. Fill in the chart below detailing your agency's Equal Employment Opportunity (EEO) statistics. See Exhibit 18 Example or [click here to link directly to the example.](#)

Texas Commission on Jail Standards Exhibit 18: Equal Employment Opportunity Statistics							
FISCAL YEAR 2004							
Job Category	Total Positions*	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	1	0%	7%	0%	11%	0%	31%
Professional	10	0%	9%	10%	10%	30%	47%
Technical	2	100%	14%	0%	18%	50%	39%
Protective Services	0	0%	18%	0%	21%	0%	21%
Para-Professionals	2	0%	18%	0%	31%	0%	56%
Administrative Support	7	14%	19%	29%	27%	57%	80%
Skilled Craft	0	0%	10%	0%	28%	0%	10%
Service/Maintenance	0	0%	18%	0%	44%	0%	26%

*The total positions sited will exceed actual due to turnover in personnel.

FISCAL YEAR 2005							
Job Category	Total Positions*	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	5	0%	7%	20%	11%	20%	31%
Professional	6	0%	9%	0%	10%	33%	47%
Technical	1	100%	14%	0%	18%	0%	39%
Protective Services	0	0%	18%	0%	21%	0%	21%
Para-Professionals	1	0%	18%	0%	31%	100%	56%
Administrative Support	4	50%	19%	25%	27%	75%	80%
Skilled Craft	0	0%	10%	0%	28%	0%	10%
Service/Maintenance	0	0%	18%	0%	44%	0%	26%

*The total positions sited will exceed actual due to turnover in personnel.

FISCAL YEAR 2006							
Job Category	Total Positions*	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/Administration	6	0%	7%	33%	11%	17%	31%
Professional	2	0%	9%	0%	10%	50%	47%
Technical	1	100%	14%	0%	18%	0%	39%
Protective Services	0	0%	18%	0%	21%	0%	21%
Para-Professionals	5	0%	18%	20%	31%	20%	56%
Administrative Support	3	67%	19%	0%	27%	67%	80%
Skilled Craft	0	0%	10%	0%	28%	0%	10%
Service/Maintenance	0	0%	18%	0%	44%	0%	26%

*The total positions sited will exceed actual due to turnover in personnel.

G. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

The Commission on Jail Standards will provide equal employment opportunities for all employees and individuals seeking employment regardless of race, sex, religion, color, national origin, age, or disability. Further, the Office will utilize principles of affirmative action to attract and retain a labor force representative of the Texas labor pool.

All office employment practices, services, programs, and activities will be free of illegal discrimination and harassment. Employees who are found to have violated this policy will be subject to disciplinary action, up to and including dismissal.

A quarterly EEO report is produced and evaluated to determine if applicant-pool EEO statistics correspond to Office EEO statistics. This enables TCJS to track minority interest in employment with the Office and provide data to assess minority participation. These reports enable TCJS to recruit individuals with certain backgrounds and education. The quarterly EEO report is also used to determine whether the Office EEO figures are reflective of the Texas labor market.

A strong recruitment program promotes an organization as the employer of choice and helps it remain competitive with other state agencies. By following the strategies outlined in this plan, the Office hopes to recruit highly qualified individuals. This, in turn, will increase the diversity of the applicant pool and increase the selection of qualified and diverse applicants.

XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.

Agency staff has attempted to provide enough information to gain a preliminary understanding of the Commission on Jail Standards. Although the agency is tasked with the regulatory oversight of county jails, we have been able to maintain a positive working relationship with most of the counties under our purview. Recent customer service survey responses indicate that county officials, specifically Sheriffs and Jail Administrators find the Commission to be a valued resource. When asked on a 2006 survey whether they agreed or disagreed that their jail received fair treatment from Commission inspectors, 100% of county Sheriffs and Jail Administrators either agreed or strongly agreed. In a similar survey from 2004, 95% agreed or strongly agreed, and in 2002 study, 94% either agreed or strongly agreed. In response to the following question in the 2006 survey whether they agreed or disagreed that Commission staff was courteous and helpful in solving jail management problems, 96% of Sheriffs and Jail Administrators either agreed or strongly agreed. For 2004, 93% either agreed or strongly agreed, and in 2002, 91% either agreed or strongly agreed.

The Commission remains committed to working cooperatively, patiently and fairly with public officials and private citizens while still carrying out its regulatory responsibilities and recognizing the shared commitment to utilize criminal justice resources towards common goals.

Attachments

Submit the following supplemental data or documents with the hard copy of the Self-Evaluation Report. Label each attachment with its number (e.g., Attachment 1). As part of the electronic version, attach a list of items submitted, but do not attach the actual documents to the electronic submission.

Attachments Relating to Key Functions, Powers, and Duties

1. A **copy** of the agency's enabling statute.
2. A **copy** of each annual report published by the agency from FY 2002 - 2006.
3. A **copy** of each internal or external newsletter published by the agency from FY 2005 - 2006.
4. A **list** of publications and brochures describing the agency.
5. A **list** of studies that the agency is required to do by legislation or riders.
6. A **list** of legislative or interagency studies relating to the agency that are being performed during the current interim.
7. A **list** of studies from other states, the federal government, or national groups/associations that relate to or affect the agency or agencies with similar duties or functions.

Attachments Relating to Policymaking Structure

8. Biographical information (e.g. education, employment, affiliations, and honors) or resumes of all policymaking body members. See Attachment 6 Example or [click here to link directly to the example](#).
9. A **copy** of the agency's most recent rules.

Attachments Relating to Funding

10. A **copy** of the agency's Legislative Appropriations Request for FY 2008-2009.
11. A **copy** of each annual financial report from FY 2004 - 2006.
12. A **copy** of each operating budget from FY 2005 - 2007.

Attachments Relating to Organization

13. If applicable, a map to illustrate the regional boundaries, headquarters location, and field or regional office locations.

Attachments Relating to Agency Performance Evaluation

- 14. A **copy** of each quarterly performance report completed by the agency in FY 2004 - 2006.
- 15. A **copy** of any recent studies on the agency or any of its functions conducted by outside management consultants or academic institutions.
- 16. A **copy** of the agency's current internal audit plan.
- 17. A **list** of internal audit reports from FY 2003 - 2007 completed by or in progress at the agency.
- 18. A **list** of State Auditor reports from FY 2003 - 2007 that relate to the agency or any of its functions.
- 19. A **copy** of any customer service surveys conducted by or for your agency in FY 2006.

Examples

Exhibit 2 Example

Agency XYZ Exhibit 2: Key Performance Measures – Fiscal Year 2004			
Key Performance Measures	FY 2004 Target	FY 2004 Actual Performance	FY 2004 % of Annual Target
Number of Properties Protected Through Designations Annually	2,165	4,387	202.63%
Number of Historic Properties Provided Technical Assistance, Monitoring, and Mandated State and/or Federal Architectural Reviews in Order to Encourage Preservation	2,250	1,904	84.62%
Number of Preservation Trust Fund Grants Awarded	35	31	88.57%
Number of Construction Projects Reviewed for Archeological Impact	7,000	5,483	78.33%
Number of Outreach and Technical Materials Distributed through Print or Electronic Media	210,000	204,529	97.39%
Number of Public Presentations and Workshops Given	70	49	70%
Number of Sites, Properties, and Other Historical Resources Evaluated	4,400	7,299	165.89%
Number of Properties and Sites Assisted	1,300	2,337	179.77%

[Click here to return to Exhibit 2](#)

History and Major Events Examples

The Teacher Retirement System of Texas (TRS) was created by an amendment to the Texas Constitution to provide a service retirement program for teachers and administrators of the public school systems of Texas, including the Texas Education Agency and institutions of higher education.

Enabling legislation for a teacher retirement plan and administration of the System was signed into law by the 45th Legislature.

TRS retirement plan membership was expanded to include all employees of public education institutions, including cafeteria workers and bus drivers.

The legislature established the Optional Retirement Program (ORP) as an alternative to TRS designed to offer public higher education faculty more portable retirement programs through individual annuities.

TRS obtained a determination from the U.S. Internal Revenue Service (IRS) that the TRS pension plan is “qualified” under Section 401(a) of the federal tax code. Plan qualification offers certain tax advantages to the member and plan, and imposes certain responsibilities.

The 69th Legislature established TRS-Care, a health benefit program for public school retirees. Most school districts did not extend health insurance coverage upon an employee’s retirement. TRS was given statutory responsibility to administer this new program.

The TRS pension plan was amended to take advantage of the federal tax code “pick up” provision for governmental plans. As amended, the TRS plan provides that compensation earned by TRS members after December 31, 1987 is treated as “picked up” by employers, thus allowing income tax on the member contributions plus interest to be deferred until the time of distribution.

New state law required Texas public retirement systems, including TRS, to make direct payment of the portion of retirement benefits awarded by a court under a Qualified Domestic Relations Order (QDRO) to former spouses of members and other eligible non-participants.

State law was amended to establish a new credit transfer program for members of TRS and the Employees Retirement System (ERS), thus improving portability between these two systems. Following Sunset Reviews in 1993 and 1995, the 74th Legislature passed significant legislation affecting TRS, including:

Legislation clarifying that the purpose of the retirement system is “to invest and protect the funds of the retirement system and to deliver benefits provided by statute, not to advocate or influence legislative action or inaction or to advocate for higher benefits.”

Legislation restructuring the TRS Board of Trustees, which included changing direct appointees of the State Board of Education to gubernatorial appointees selected from a list of candidates submitted by the State Board of Education.

Legislation altering the funding of the TRS operating budget from pension trust funds to General Revenue funds. General Revenue funding was appropriated for two biennia, but has not been provided since FY 1999.

Legislation was enacted authorizing TRS to administer an optional long-term care insurance program for eligible active members and retirees (and certain family members).

The TRS administrative budget for the pension fund no longer received appropriated funds as of the FY 2000-2001 biennium. The funding source was shifted back to the pension trust fund by the General Appropriations Act, even though the statute was unchanged.

Legislation was enacted to:

Create TRS-ActiveCare, a statewide health benefit program for employees of school districts, open enrollment charter schools, regional education service centers, and other educational districts whose employees are members of TRS.

Create a TRS-administered certification program for companies offering 403(b) investment products to Texas public school employees through payroll deduction.

Establish the supplemental compensation program to “pass through” \$1,000 of state funding annually for each eligible public school employee to support health benefit program participation. TRS was designated to administer the payment pass-through.

TRS-ActiveCare was implemented with smaller districts being required to participate. Since that time, additional districts have opted to participate in TRS-ActiveCare, which now provides health benefit coverage to about 247,000 TRS members and their family members.

The supplemental compensation program provisions were amended and replaced by a new Health Reimbursement Arrangement (“HRA”) program to be administered by TRS. However, it was determined by state leadership that the HRA program had not been funded and the supplemental compensation was to remain in place. Due to the determination regarding lack of funding, the TRS Board of Trustees discontinued efforts to put HRAs in place. Other significant legislative changes included a new 90-day waiting period for TRS membership during the biennium, changes to TRS-Care eligibility, and reduction of the supplemental compensation amount from \$1,000 to \$500 annually.

The 79th Legislature passed significant legislation affecting TRS including:

SB 1691, a TRS “omnibus” bill covering administration, retirement benefits, and TRS-Care. This bill also transferred administration of the supplemental compensation program to the Texas Education Agency. Additionally, it requires public education employers to pay the equivalent of the state contribution during the first 90 days of a new employee’s service. In addition, it significantly amended “return to work” laws to require a public education employer that hires a TRS retiree to pay the equivalent of the state and member contribution rate applied to the retiree’s salary, and to pay the difference between the retiree’s contribution for TRS-Care coverage and the actual cost of the coverage.

SB 121, a bill identifying information relating to private equity portfolios that is considered public information, and designating the remainder as confidential.

[Click here to return to the History and Major Events section.](#)

Exhibit 4 Example

Agency XYZ Exhibit 4: Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How members are appointed	Purpose/Duties	Legal Basis for Committee
State Veterans Cemetery Site Selection Committee	Appointed, as needed, by Executive Secretary of VLB. GLO/VLB employees. Size varies from 3-5 individuals. Composition has been a combination of all or some of the following: Attorney, Administration Deputy Commissioner, Project Manager, Director of Cemetery Operations, Director of State Veterans Homes.	From review of the Request for Proposals, the committee makes recommendations to Texas State Veterans Cemetery Committee of the best possible sites for cemeteries to serve the veterans of the state.	None
State Veterans Home Site Selection Committee	Appointed, as needed, by Executive Secretary of VLB. GLO/VLB employees. Size varies from 3-5 individuals. Composition has been a combination of all or some of the following: Attorney, Administration Deputy Commissioner, Project Manager, Director of Cemetery Operations, Director of State Veterans Homes	After review of the Request for Proposals, the committee makes recommendations to the Chief Clerk and Executive Secretary on the sites for the homes. The agency has the authority to make the final decision on the site.	None
State Veterans Cemetery Committee	Six-member committee consisting of the VLB Board, Chairman of Texas Veterans	Charged with establishing guidelines for determining: a)	Section 164, Natural Resources

	Commission, plus two representatives of the veteran community selected by the Chairman of the Texas Veterans Commission. Composition set by statute	location and size of cemeteries, b) eligibility for burial, and the selection of up to 7 cemetery locations across state.	Code
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Exhibit 5 Example

Agency XYZ Exhibit 5: Expenditures by Strategy – Fiscal Year 2004 (Actual)	
Goal/Strategy	Amount
Goal 1.1/Risk Management Program	1,892,363.82
Goal 2.1/Pay Workers' Compensation	4,640,024.10
SUBTOTAL:	6,532,387.92
Goal 1.1/Workers' Compensation Payments (separate appropriation)	55,872,266.11
GRAND TOTAL:	62,404,654.03

[Click here to return to Exhibit 5.](#)

Exhibit 6 Example

Agency XYZ Exhibit 6: Objects of Expense by Program or Function – Fiscal Year 2004 (Actual)		
Object-of-Expense	Workers' Compensation	Risk Management
Salaries and Wages	2,711,875.00	1,394,980.31
Other Personnel Costs	316,788.50	181,932.31
Professional Fees and Services	1,181,744.91	3,211.40
Consumable Supplies	29,435.75	15,740.63
Utilities	5,242.60	1,810.26
Travel	79,008.43	44,704.29
Rent – Building	6,348.00	324.00
Rent – Machine and Other	13,104.47	5,495.23
Other Operating Expense	296,476.44	211,123.19
Capital Expenditures	0.00	33,042.20
Subtotal	4,640,024.10	1,892,363.82
Operating Costs (Workers' Compensation Claim Payments)	55,872,266.11	0.00

Total	60,512,290.21	1,892,363.82
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[Click here to return to Exhibit 6](#)

Exhibit 7 Example

Agency XYZ Exhibit 7: Sources of Revenue – Fiscal Year 2004 (Actual)	
Source	Amount
General Revenue Fund	\$2,211,734,962
Education and Recreation Program Receipts	\$74,955,477
Texas Correctional Industries Receipts	\$10,784,838
GR Dedicated – Compensation to Victims of Crime Account No. 469	\$2,657,869
GR Dedicated – Fugitive Apprehension Account No. 5028	\$10,693,341
GR Dedicated – Private Sector Prison Industry Expansion Account No. 5060	\$500,166
Interagency Contracts – Texas Correctional Industries	\$32,271,477
Federal Funds	\$967,365
Federal Funds for Incarcerated Aliens	\$22,908,878
Criminal Justice Grants	\$6,888,625
Appropriated Receipts	\$40,440,561
Bond Proceeds – General Obligation Bonds	\$28,059,682
Governor’s Emergency and Deficiency Grant	\$3,250,000
Interagency Contracts	\$7,577,968

TOTAL	\$2,453,691,209
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[Click here to return to Exhibit 7](#)

Exhibit 8 Example

Agency XYZ Exhibit 8: Federal Funds – Fiscal Year 2004 (Actual)				
Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
Historic Preservation Fund – National Park Service	40/60	\$491,953	\$737,929	\$1,229,882
Coastal Management Program – General Land Office	40/60	26,885	40,327	67,212
Save America’s Treasures – National Park Service	50/50	\$59,303	\$59,303	118,606
TOTAL		\$578,141	\$837,559	\$1,415,700

[Click here to return to Exhibit 8](#)

Exhibit 9 Example

Agency XYZ Exhibit 9: - Fee Revenue – Fiscal Year 2004				
Fee Description Program Statutory Citation	Current Fee/ Statutory maximum	Number of persons or entities paying fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., general revenue fund)
Cost Recovery of Historical Markers/ HB 1, 78 th Leg., R.S., Article I, Rider 3 & 11/TX Gov’t Code Chap 442, Sec. 442.006 (e)	Ranges from \$150.00 to \$1250.00 per	431	\$260,169.00	Trust and Suspense Fund 0900

	marker			
Registration of Historic Cemeteries/ HB 1, 78 th Leg., R.S., Article I, Rider 5 & 11/TX Gov't Code Chap 442, Sec. 442.017 (d)	\$25.00	139	\$3,475.00	General Revenue Fund as Appropriated Receipts

[Click here to return to Exhibit 9](#)

Exhibit 10 Example

Agency XYZ
 Exhibit 10: FTEs by Location – Fiscal Year 2004

Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs, FY 2004	Number of FTEs as of August 31, 2004
Headquarters / Central	Austin	52.5	49.5
Area 1 – Field Office	Amarillo	9.0	9.0
Area 2 – Field Office	Lufkin	9.5	9.5
Area 3 – Field Office	Fort Worth	17.0	15.0
Area 4 – Field Office	Mt. Pleasant	17.0	17.0
Area 5 – Field Office	Beeville	14.0	14.0
Area 6 – Field Office	Lampasas	18.0	18.0
Area 7 – Field Office	Rockdale	12.5	11.5
Area 8 – Field Office	Hallettsville	13.0	13.0
State/Federal Laboratory	Austin	17.0	17.0
State/Federal Laboratory	Fort Worth	5.0	5.0
State/Federal Laboratory	Lubbock	5.0	5.0
State/Federal Laboratory	Palestine	5.0	5.0
Support Epidemiologist	Cleburne	1.0	1.0
TOTAL		195.5	189.5

[Click here to return to Exhibit 10](#)

Exhibit 11 Example

Agency XYZ Exhibit 11: List of Program FTEs and Expenditures – Fiscal Year 2004			
Program	Number of Budgeted FTEs, FY 2004	FTEs as of August 31, 2004	Actual Expenditures
Field Operations	125.95	121.58	\$12,359,335
Diagnostic/Epidemiological Support	39.00	39.00	\$2,175,917
Promote Compliance/Resolve Violations	4.50	4.50	\$273,979
Central Administration	13.00	10.80	\$985,912
Information Resources	9.00	9.00	\$290,643
Other Support Services	4.00	3.995	\$205,552
TOTAL	195.45	188.875	\$16,291,338

[Click here to return to Exhibit 11](#)

Exhibit 14 Example

Agency XYZ
 Exhibit 14: 79th Legislative Session Chart

Legislation Enacted in the 79th Legislative Session

Bill Number	Author	Summary of Key Provisions/Intent
HB 43	Y. Davis	Requires TDCJ to test all offenders for HIV prior to release from the custody of CID and to notify the Department for State Health Services of any positive results.
SB 679	Duncan	Allows for videoconferencing between the court and a hospital for a defendant who has been committed, allowing the offender to remain in the hospital awaiting a competency hearing until 72 hours prior to the hearing. The bill also allows for time credits for a defendant's time spent in jail, in addition to a mental health facility or residential care facility. Finally, TCOOMMI is required to review examinations for competency to determine the fitness of children to proceed with respect to adjudications of delinquent conduct or conduct indicating a need for supervision.

Legislation Not Passed in the 79th Legislative Session

Bill Number	Author	Summary of Key Provisions/Reason the Bill Did Not Pass
HB 277	Farrar	Restricted registered sex offenders on community supervision, parole or mandatory supervision from residing in the same dwelling, mobile home park, apartment complex or other lodging as another sex offender without written permission from the community supervision or parole officer. Bill was left pending in the House Criminal Jurisprudence Committee.
SB 297	Gallegos	Restricted a registered sex offender on community supervision, parole or mandatory supervision from residing in the same dwelling, mobile home park, apartment complex or other lodging as another sex offender without the written permission of the parole or community supervision officer. Bill did not receive a hearing in Senate Criminal Justice Committee.

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Exhibit 17 Example				
Agency XYZ Exhibit 17: Purchases from HUBs				
FISCAL YEAR 2004				
Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	0	0	0	0
Building Construction	\$39,083.10	\$15,148.10	38.76%	26.1%
Special Trade	\$8,971.51	0	0%	57.2%
Professional Services	\$1,665.14	\$0	0%	20.0%
Other Services	\$188,768.11	\$15,191.45	8.05%	33.0%
Commodities	\$82,872.25	\$16,674.27	20.11%	12.6%
TOTAL	\$274,346.29	\$47,013.82	17.14%	

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Exhibit 18 Example							
Agency XYZ Exhibit 18: Equal Employment Opportunity Statistics							
FISCAL YEAR 2004							
Job Category	Total Positions	Minority Workforce Percentages					
		Black		Hispanic		Female	
		Agency	Civilian Labor Force %	Agency	Civilian Labor Force %	Agency	Civilian Labor Force %
Officials/	499	14.23	7%	8.82%	11%	25.05	31%

Administration		%				%	
Professional	4,557	23.85 %	9%	14.04 %	10%	43.38 %	47%
Technical	109	11.93 %	14%	4.59%	18%	37.61 %	39%
Protective Services	26,084	28.25 %	18%	18.60 %	21%	37.22 %	21%
Para-Professionals	1,477	11.04 %	18%	13.13 %	31%	71.83 %	56%
Administrative Support	2,882	15.86 %	19%	16.79 %	27%	95.49 %	80%
Skilled Craft	1,371	4.67%	10%	10.50 %	28%	3.57%	10%
Service/Maintenance	1,607	24.64 %	18%	13.69 %	44%	34.85 %	26%

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Policy Issue Example

A. Brief Description of Issue

Current law providing for the release of offenders with serious medical conditions to Medically Recommended Intensive Supervision does not apply to state jail inmates.

B. Discussion

The Medically Recommended Intensive Supervision program (508.146 Government Code) provides a process for the release to supervision of offenders who, because of their significant medical issues, do not pose a threat to public safety. TCOOMMI facilitates the release process by gathering necessary information and is coordinates the continuity of care for these offenders. The Board of Pardons and Paroles makes the release decision and the Parole Division provides parole supervision.

A similar process does not exist for offenders sentenced to the state jail system. Consequently the responses to requests for release of state jail felons due to medical conditions vary greatly from jurisdiction to jurisdiction.

C. Possible Solutions and Impact

Amend current statutes to create a uniform process that permits the early release from state jail of offenders who pose no risk to public safety due to their medical condition.

The fiscal impact of this proposal cannot be determined. However, the process will facilitate the release of offenders who because of their serious medical conditions pose no threat to public and who require expensive medical treatment. Once released, however, these offenders become eligible for federal Medicaid benefits, thereby reducing the cost to the state of Texas for their medical care.

Judges and prosecutors may have a significant interest in this proposal, as in lieu of the varying processes, which currently exist from jurisdiction to jurisdiction; it would provide a uniform process to consider releases from state jail due to medical conditions. Groups representing the rights of victims' rights may also have an interest in this proposal, but since the proposal involves state jail felons with serious medical conditions serving time for property and drug offenses, these groups' interest may not be significant.

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Attachment 6 Example

Ms. Smith has a Bachelor of Science degree in Business Administration and Political Science from East Texas State University in Commerce, Texas. She began her career in telecommunications in 1966 while working for General Telephone Company in Texarkana, Texas. After serving in numerous positions in the customer service operations of the company she became Tariff Administrator in 1980. In 1984, she was appointed Revenue Development Manager for Texas. Since 1984 she has served as External Affairs Manager, State Director of Regulatory and Industry Affairs, and Regional Affairs Manager – Regulatory Affairs.

In 1989, Ms. Smith was appointed to the Commission by Governor Bill Clements and was reappointed to a second term in 1994 by Governor Ann Richards. She also served on the Advisory Committee on Dual Party Relay Service, which established the foundation for the Relay Texas System, which serves the hearing-impaired community in Texas today.

Ms. Smith chairs the Commission's Poison Control Implementation Committee and has overseen the establishment and implementation of the Texas Poison Control Network, which serves the people of Texas with six poison control centers providing emergency and non-emergency poison and toxicological information to health care professionals.

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