

# Texas Commission on Jail Standards

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## Agency at a Glance

The Legislature created the Texas Commission on Jail Standards in 1975 to develop and enforce minimum standards for county jails and other facilities housing county or out-of-state inmates. Today, the agency's mission includes:

- ◆ regulating and supporting the management of county jails by developing jail standards, inspecting jails, investigating complaints, and providing training and technical assistance;
- ◆ reviewing and approving jail construction, renovation, and operational plans;
- ◆ compiling monthly county jail population reports; and
- ◆ monitoring Texas' compliance with federal law regarding the treatment of juveniles in adult jails and lockups.

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## Key Facts

- ◆ **Funding.** In fiscal year 2008, the agency operated with an annual budget of \$948,288, funded mostly from General Revenue.
- ◆ **Staffing.** The agency employs 17 staff, including four full-time jail inspectors.
- ◆ **Jail Population.** The agency's authority extends to 248 jail facilities with 85,719 beds. On January 1, 2009, these jails were at 76 percent capacity.
- ◆ **Jail Standards Compliance.** In fiscal year 2008, the agency completed 350 inspections, including annual, repeat, and special inspections. As of January 1, 2009, 41 jails were non-compliant, and three jails, in Hopkins, San Patricio, and Smith counties, were under a Commission remedial order.

## Commission Members (9)

Sheriff David Gutierrez, Chair (Lubbock)

Judge Donna S. Klaeger, Vice Chair (Burnet)

Irene A. Armendariz (El Paso)

Albert Black (Austin)

Stanley D. Egger (Abilene)

Jerry W. Lowry (New Caney)

Larry S. May (Sweetwater)

Michael M. Seale, M.D. (Houston)

Sheriff Tam Terry (White Deer)

## **Agency Head**

Adan Muñoz, Jr., Executive Director  
(512) 463-5505

## **Recommendations**

1. Continue the Texas Commission on Jail Standards as an independent agency for 12 years.
2. Require the Commission to more effectively target high-risk jails through its inspections process, and request that the Legislature fund an additional jail inspector position.
3. Require the Commission to disseminate best practice information to jails and update its use of technology and internal procedures.
4. Conform the Commission's complaints and public information procedures with commonly applied standards.

# *Issue 1*

## ***Texas Has a Continuing Need for the Texas Commission on Jail Standards.***

### **Key Findings**

- ◆ Texas has a continuing need for jail standards enforcement and other assistance services for county jails.
- ◆ Consolidating the Commission with a larger agency offers no significant benefits over the current independent structure.

Given the high risk associated with operating jails, setting and enforcing minimum standards for their construction and operation, and providing assistance services to counties to help meet the standards, is vital to the State. The Texas Commission on Jail Standards is uniquely positioned and effective in establishing and enforcing jail standards, and providing training and technical assistance to counties. Consolidating the Commission with a larger agency offers no significant benefits from the current structure.

### **Recommendation**

#### **Change in Statute**

##### **1.1 Continue the Texas Commission on Jail Standards for 12 years.**

This recommendation would continue the Texas Commission on Jail Standards for the standard 12-year period.

# *Issue 2*

## ***The Commission Does Not Effectively Use Risk Factors to Target Attention to High-Risk Jails.***

### **Key Findings**

- ◆ The Commission's risk-assessment process does not systematically assess risk factors affecting all jails.
- ◆ The Commission lacks resources to effectively target high-risk jails.

The Texas Commission on Jail Standards annually inspects the 248 jails under its jurisdiction using a standard process that evaluates compliance with life safety, structural, and management standards. The emphasis on compliance status does not provide an assessment of risk based on a range of factors that could indicate impending problems in jails. The Commission also does not have the staff resources and does not make enough use of unannounced inspections to focus attention on high-risk jails. The Commission could make better use of information it already receives to assess risk to help the agency better manage the jail inspection process and use its limited resources to meet the most pressing needs first.

## Recommendations

### Change in Statute

#### **2.1 Require the Commission to develop specific risk factors and a risk-assessment plan to guide the inspections process for all jails.**

This recommendation would require the Commission to develop a list of risk factors affecting jails, and use the factors to determine the overall risk level of each jail under its jurisdiction. Risk factors would include a jail's compliance history; population figures; repeated or multiple complaints; problems with a jail's internal grievance procedures; escapes; recent turnover among sheriffs and jail staff; mental and medical health reports, specifically those relating to infectious disease or pregnant inmates; complaints regarding violations of the 1-to-48 corrections officer-to-inmate ratio; and other criteria as determined by the Commission. The Commission should also actively seek out the results of inmate death investigations to provide additional information about potential risk factors. The Commission would use this information when developing the annual inspection schedule and scheduling unannounced inspections, and would revisit any changes in key risk factors during the monthly risk-assessment meetings.

This recommendation would not require the Commission to change its current practice of inspecting each jail every year. The Commission would still conduct annual comprehensive inspections of all jails but would use risk analysis to schedule high-risk jails earlier, target unannounced and additional special inspections based on risk, and schedule proactive technical assistance earlier in the year. The recommendation would also ensure the Commission anticipates a range of risk factors affecting all jails, instead of focusing narrowly on a jail's current compliance status; more effectively manages its limited resources; and deals with the most pressing issues first.

### Management Action

#### **2.2 The Commission should use risk analysis of jails to more effectively manage its inspection staff and resources.**

The Commission should use the risk factors and risk-assessment plan described in Recommendation 2.1 to guide inspector assignments, travel schedules, and use of technical assistance and training resources. As part of this recommendation, the Commission should consider balancing the number of jails assigned to each inspector based on the jails' risk level, instead of exclusively dividing the number of jail facilities evenly among the four inspectors. Using risk information to manage resources would focus inspector responsibilities, technical assistance, and other attention based on need.

#### **2.3 The Commission should increase the use of unannounced jail inspections.**

The Commission should increase the use of unannounced jail inspections based on its risk-assessment model. The Commission should track its use of unannounced inspections to ensure that they are conducted according to the risk assessment. Increasing the use of surprise inspections for high-risk jails would ensure the Commission focuses its resources on problem areas, and would encourage greater compliance among all jails.

## Change in Appropriations

### 2.4 Request that the Legislature fund an additional jail inspector position.

This recommendation expresses the will of the Sunset Advisory Commission that the Legislature appropriate funding for an additional jail inspector. Providing this additional resource would ensure the Commission has the necessary tools to focus on high-risk jail facilities.

## *Issue 3*

### ***The Commission Does Not Take Full Advantage of Its Position to Improve Jail Operations Through Information Sharing.***

#### **Key Findings**

- ◆ The Commission does not share the useful information it receives about trends in jail operation through a regular, coordinated effort, missing an opportunity to more proactively encourage compliance.
- ◆ Without centralized best practice information, the Commission and counties do not work together productively to resolve common jail issues.

As a uniquely positioned state agency responsible for and in regular contact with county jails, the Commission misses an opportunity to gather and share information about common problems and innovative approaches to those problems and other best practices to improve jail operations. To be more effective in working with jails, the Commission needs an ongoing, cooperative approach to solve difficult problems instead of the harsh step of imposing enforcement sanctions on a governmental entity. Jail officials also need help in contending with the broad range of issues that may not directly relate to jail standards, but have a major impact on jail operations.

#### **Recommendations**

##### **Change in Statute**

### **3.1 Require the Commission to collect and disseminate best practices and other useful information about jail operations.**

This recommendation would require the Commission to develop a policy for collecting and distributing useful information about common issues facing jails, examples of successful strategies for maintaining compliance with minimum standards, and solutions to broader operational challenges facing jails such as caring for mentally ill inmates. The best practices program would capitalize on the Commission's unique position as a state agency focused on jails, ensure the agency makes the best use of the information it receives, and help counties support each other through peer-exchange of information. This recommendation would also complement the Commission's current requirement to provide consultation and technical assistance to counties, and ensure the effectiveness of the agency's efforts in this area.

## Management Action

### **3.2 The Commission should make better use of available technology to regularly share information and communicate with stakeholders.**

The Commission should develop an e-mail list of sheriffs, county officials, and jail staff, use this list to regularly communicate useful information such as results of recent Commission meetings or a general agency newsletter, and improve the resources it provides on its website. The agency should identify counties without access to the Internet and develop alternative communication methods for this small group. The Commission should also provide a forum for county officials, jail staff, and stakeholders to directly communicate and share information with each other. The agency should gather useful information from Commission staff, jails, and stakeholders, and develop a plan to distribute this information to interested parties using the agency's available technology resources. Taking advantage of technology would enable the Commission, through improved communication, to quickly share useful information that could help jails solve common problems.

### **3.3 The Commission should develop and regularly update internal policies and procedures to guide its work.**

The Commission should develop comprehensive internal policies that include a description of key agency functions, the role of individual staff members in carrying out their job responsibilities, and standard procedures for conducting the agency's work, such as inspections, compliance, construction plan review, and technical assistance. The policies should also include a clear explanation of how agency staff should communicate useful information about jails with each other and with stakeholders through a best practice program. Clear and regularly updated internal policies would ensure Commission staff understand their unique job responsibilities, and carry out the agency's mission consistently.

## *Issue 4*

### ***The Commission's Complaints and Public Information Processes Do Not Conform to Commonly Applied Standards.***

#### **Key Findings**

- ◆ The Commission lacks clear procedures to guide complaint filing, investigation, tracking, and analysis.
- ◆ The Commission does not make enforcement information easily available to the public.

The Texas Commission on Jail Standards lacks complaints and public information procedures that are standard to other regulatory agencies in Texas and commonly applied during Sunset reviews. Without clear procedures, the Commission cannot ensure that it receives and uses complaint information in assessing the performance and condition of jails that it oversees. Inmates and their families do not have clear information on how to file a complaint or what to expect once a complaint is filed. The public does not have easy access to information about the results of the Commission's regulatory activities, which can serve to induce greater compliance with broader jail standards. Comparing the Commission's procedures to model standards identified variations that need to be brought in line to improve the Commission's relationship with the public and its stakeholders.

## Recommendations

### Change in Statute

#### 4.1 Require the Commission to develop complaints procedures, track and analyze complaints, and provide better information about how to file a complaint.

The Commission would be required to adopt rules or procedures that clearly lay out policies for all phases of the complaint process, including complaint receipt, investigation, resolution, and disclosure to the public. The procedures would differentiate between complaints against jails versus complaints against the agency's policies or staff, and include a system for prioritizing complaints and a timeframe for responding to complaints.

The recommendation would repeal a statutory provision that exempts the Commission from keeping information about complaints on the jails it regulates. Instead, the Commission would be required to maintain documentation on complaints according to standard, across-the-board requirements generally placed on all agencies undergoing Sunset review. The Commission must develop a simple form for written complaints, and have processes in place to inform the public, inmates, and county officials about complaint procedures, including on the agency's website. The Commission would also be required to track and analyze all complaints according to clear criteria such as the reason or origin of each complaint received, the average time to respond or investigate, the outcome of the investigation or resolution, any disciplinary actions taken, the number of open cases at the end of each fiscal year, and a separate breakdown of non-jurisdictional complaint topics.

Requiring clear and easy-to-find complaints procedures would ensure the Commission's stakeholders understand the Commission's role in accepting and investigating complaints, how to file a complaint, and what to expect after a complaint is filed. Improved tracking and analysis of complaints would help the Commission better understand issues of concern to its stakeholders.

#### 4.2 Require the Commission to make enforcement information more accessible to the public.

This recommendation would require the agency to provide easily accessible information to the public about the compliance status of the jails under its jurisdiction, including on the agency's website, and through other formats such as newsletters or press releases as determined by the Commission. To enhance these new communication efforts, the information must be meaningful to the general public and free of technical jargon or terminology. Providing information in this manner would help the public understand the reasons for the compliance status of jails under the agency's oversight.

## *Fiscal Implication Summary*

One recommendation could have a fiscal impact to the State, but the amount of the impact will depend on whether the recommendation is implemented, as discussed below.

- ◆ **Issue 2** – Appropriating funds to the Commission on Jail Standards for an additional jail inspector position would result in a cost of \$58,500 per year to General Revenue. The Legislature, through the appropriations process, would determine whether to provide this funding. The fiscal impact would not be reflected in the fiscal note for the Commission on Jail Standards Sunset bill.

