

Texas Commission on Jail Standards

2019 Self Evaluation Report



Submitted to
Texas Sunset Advisory Commission

August 2019

TABLE OF CONTENTS

I.	Agency Contact Information	1
II.	Key Functions and Performance	1
III.	History and Major Events	15
IV.	Policymaking Structure	23
V.	Funding	26
VI.	Organization	30
VII.	Guide to Agency Programs	32
	Inspection and Enforcement.....	32
	Management and Consultation.....	51
	Auditing and Population Reports.....	57
	Construction Plan Review.....	60
	Grant Program- Prisoner Safety Fund.....	69
VIII.	Statutory Authority and Recent Legislation.....	77
IX.	Major Issues	83
	Facilities Unable to Maintain Compliance.....	83
	Death In Custody Investigations.....	84
	Inmates with Mental Health Issues or Intellectual and Developmental Disabilities.....	85
	Access to Medical Records.....	86
	Veterans In the Criminal Justice System and County Jails.....	87
X.	Other Contacts	88
XI.	Additional Information	91
XII.	Agency Comments	97

Texas Commission on Jail Standards Self-Evaluation Report

I. Agency Contact Information

A. Please fill in the following chart.

**Texas Commission on Jail Standards
Exhibit 1: Agency Contacts**

	Name	Address	Telephone & Fax Numbers	Email Address
Agency Head	Brandon S. Wood	300 W15th, Suite 503, Austin, Texas 78711	(512)463-8236 (512)463-3185	brandon.wood@tcjs.state.tx.us
Agency's Sunset Liaison	Alicia Soto-Barker	300 W15th, Suite 503, Austin, Texas 78711	(512)463-3236 (512)463-3185	alicia.barker@tcjs.state.tx.us

Table 1 Exhibit 1 Agency Contacts

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 240 facilities with 96,578 beds. As of June 1, 2019, 992 out-of-state inmates and 36 State of Texas ISF contracted inmates are being held in Texas county jails. Twenty counties have chosen to close their jails and have contracted to house their inmates in other counties' facilities. The local county jail inmate population decreased by 3.38% from 68,373 inmates on June 1, 2014, to 66,059 on June 1, 2019.

The Commission's 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. Critical Incidents, such as deaths in custody or escapes are assigned to a Critical Incident inspector. All annual and on-site special inspections are unannounced and are scheduled utilizing a combination of risk management/assessment and a 14-month schedule.

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, which includes mandated training for jailers regarding Mental Health, completes 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. TCJS provides this information to TDCJ and the state's leadership and provides essential information at both the state and local levels.

Prisoner Safety Fund. The 85th Legislature created the Prisoner Safety Fund as part of SB1849(85R). The original purpose of the fund was to assist counties that operate a jail with a capacity of 96 beds or less with meeting the technology requirements set forth in the bill. There were two areas specifically targeted. The first was the ability to verify observation checks of the inmates by staff in high-risk areas by an electronic means. This can be accomplished via camera or electronic sensor. The second was the provision to allow access to mental health services 24 hours a day via tele-mental health services. The 86th Legislature amended the criteria in HB4468(86R) and increased the number of counties eligible to those that operate a facility with a capacity of 288 beds or less.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed.

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

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. Effective jail standards are of no value without onsite verification to ensure compliance. Enforcement action is only taken when necessary.

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 assists counties in achieving and maintaining compliance with standards by communicating to county jails the knowledge and tools required to run a safe and secure jail. This reduces the liability associated with operating a jail.

The population audits are not only used by the Commission to determine basic compliance with capacity requirements as cost efficiently as possible but are also used by state planners to gauge criminal justice trends and establish state-wide budget policy.

C. What, if any, functions does your agency perform that are no longer serving a clear and ongoing purpose? Which agency functions could be eliminated?

The agency has been unable to identify any function that does not serve a clear and ongoing purpose. Reports that are required to be submitted to the agency often draw scrutiny. However, based upon bills that were introduced and passed during the most recent legislative session, the desire for more information for policy makers appears to be growing. Reducing data available that is currently generated by these reports would be counterproductive to that desire.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?

The agency's enabling statute continues to correctly reflect our mission and objectives. Over the past decade, the agency has expanded the amount of technical assistance provided to jails to reduce potential areas of non-compliance. This approach has been well received by county officials and has allowed staff to focus on larger issues while correcting minor ones at the time of inspection.

When first created, the agency's enabling statute allowed a county up to one year to regain compliance. This provision has recently come under criticism as being too long. One of the bills from the 86th Legislative session now requires facilities that are operated by a private vendor and fail an inspection to appear before our board at the next regularly scheduled meeting. These meetings take place on a quarterly basis, which significantly reduces the amount of time we would expect a facility to remain in non-compliance.

E. Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?

Management has made interaction and open communication with members of the legislature a priority. By serving as a resource to the members not only during the session but in the interim, we are able to ensure they have the information they need to make the best decisions possible. However, management is mindful not to lobby the members or even be perceived as doing so.

The most recent example regarding proposed changes was the passage of HB3440(86R) regarding the electronic submission of required reports. As a small state agency, it is imperative that staff operate as efficiently as possible. The mandated duty of auditing population reports has been expanded to include additional information almost every legislative session since 2007. Due to the fact that there is no statewide computer system associated with this reporting requirement, each county has been allowed to submit their reports in whatever format they choose. This has in turn resulted in the 1 FTE assigned to this section spending an inordinate amount of time performing basic data entry. In the past, this FTE was used to assist with other functions required to be carried out, but it was no longer possible to plan for a percentage of their time be utilized for anything other than population reports. While not ideal, it was recommended that jails submit their required reports in an electronic format that could then be imported into a database. This will result in significant time savings and not require the agency to request additional FTEs in the future to carry out additional mandates the legislature may implement.

F. 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?

The agency's functions and duties do not overlap with any other state or federal agency. Commission staff has also ensured that we do not duplicate efforts even when it would be possible. The most likely area for this to occur is within the construction plan review strategy.

The various trades such as plumbing, electrical and mechanical have their own codes, which we have adopted or incorporated by reference. Local code officials ensure they are being met, and we accept this approval rather than conduct our own review and inspection which would be a prime example of duplication. Other programs or codes that the agency uses include Texas Accessibility Standards and the National Fire Protection Agency Life Safety codes. Approvals issued by other entities satisfy our requirements and do not require that they be re-inspected. This same approach is also used for the inspection and enforcement strategy. Approvals by local code officials for compliance with fire codes are accepted as are inspections by local health departments regarding kitchen operations. This allows staff to focus on jail specific issues that are not covered in other codes.

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

Regulation of county or local jails is carried out in several different ways in other states. In several states, county or local jails are part of the state prison system and are inspected by that entity's own internal review teams. In other states, the inspection process is carried out by statewide organizations, but there is limited enforcement capability, making them somewhat ineffective.

The state of Ohio offers a very good case study regarding the inspection of county jails. Prior to 2012, the 315 local and county jails were inspected by the Ohio Bureau of Adult Detention, which was a division of the Ohio Department of Rehabilitation and Correction. Although provided only 3 inspectors and 1 admin support position, they were tasked with inspecting and advising local jails on complying with jail standards for the state. Resistance to the system resulted in a review that recommended different levels of compliance status and an ineffective program.

In 2012, the Bureau was reduced to 1 FTE and effectively ceased operations. An additional FTE was assigned in 2013 and again in 2014. In October 2014, the Bureau was reconstituted but was not provided additional support. This was exacerbated by the lack of cooperation from local governments during inspections and true enforcement capability. Following major incidents within the state culminating in the highly publicized events at the Cuyahoga County Jail, the program has been completely revamped. This was the result of an inspection by the Federal government and the U.S. Marshals Service in which they found inhumane conditions and civil rights violations, despite the state routinely finding little wrong at the jail. A review of the proposed changes indicates that, for all practical purposes, Ohio will be attempting to emulate what the state of Texas already has in place to ensure local governments are providing constitutional jails.

Self-Evaluation Report

Existing Standards and Inspections Programs

State ^a	Mandatory Standards	Inspection Program	Frequency	Administrative Agency	Model ^b	Enabling Statute	Applicability ^c	Facility Types Inspected/ Governed ^d	Sanctioning Authority	Enforcement Options	Assistance to Jails ^e	Coordination With Other Agencies ^f
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. 6030	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	Biennial	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,	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	Biennial	Massachusetts Department of Corrections	DOC	103 Code of MA Reg., 900 et seq.	County	J	Agency	None	TR, TA, PR, RM	FM, HD

na = not applicable, N/A = not available (the information was not included in the survey information collected for the state).

^a The following states have not adopted standards and have no provision for jail inspection: Alaska, Arizona, Colorado, Connecticut, 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. Georgia adopted standards but did away with its inspection program years ago; the state still has standards but does not actively enforce them.

^b DOC = Department of Correction.

^c M = misdemeanors, V = ordinance violations.

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

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

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

Existing Standards and Inspections Programs (continued)

State ^a	Mandatory Standards	Inspection Program	Frequency	Administrative Agency	Model ^b	Enabling Statute	Applicability ^c	Facility Types Inspected/ Governed ^d	Sanctioning Authority	Enforcement Options	Assistance to Jails ^e	Coordination With Other Agencies ^f
MD	Yes	Yes	Every 3 years	Maryland Commission on Correctional Standards	Independent commission	20:7 MDR. 642	County, state	J, P, WR	Agency	Reprimand, closure	TR, TA	N/A
ME	Yes	Yes	Biannual	Maine Department of Corrections	DOC	ME Title 34	City, county, regional, state	J, HF, P, WR	Agency	Closure	TR, TA	FM, HD
MI	Yes	Yes	Annual	Michigan Department of Corrections	DOC	MI Compiled Laws, 791.262	County	J, WR	Attorney general, court	Closure (court order)	TA, PR, RM	FM, HD
MN	Yes	Yes	Annual or biennial	Minnesota Department of Corrections	DOC	MN Title 241.021	County	J, HF, JD, WR, PVT	Agency	Closure (sun-set 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,		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

na = not applicable, N/A = not available (the information was not included in the survey information collected for the state).

^a The following states have not adopted standards and have no provision for jail inspection: Alaska, Arizona, Colorado, Connecticut, 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. Georgia adopted standards but did away with its inspection program years ago; the state still has standards but does not actively enforce them.

^b DOC = Department of Correction.

^c M = misdemeanors, V = ordinance violations.

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

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

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

Self-Evaluation Report

Existing Standards and Inspections Programs (continued)

State ^a	Mandatory Standards	Inspection Program	Frequency	Administrative Agency	Model ^b	Enabling Statute	Applicability ^c	Facility Types Inspected/ Governed ^d	Sanctioning Authority	Enforcement Options	Assistance to Jails ^e	Coordination With Other Agencies ^f
OK	Yes	Yes	Annual (three times per year by practice)	Oklahoma State Department of Health	Oklahoma State Department of Health	OK Admin. Code 310:670	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	TN Statute 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
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

na = not applicable, N/A = not available (the information was not included in the survey information collected for the state).

^a The following states have not adopted standards and have no provision for jail inspection: Alaska, Arizona, Colorado, Connecticut, 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. Georgia adopted standards but did away with its inspection program years ago; the state still has standards but does not actively enforce them.

^b DOC = Department of Correction.

^c M = misdemeanors, V = ordinance violations.

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

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

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

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

The primary objective of the agency is to ensure that county jails are safe, secure, and, at a minimum, meet a constitutional level of confinement. Obstacles that impair the agency's ability to achieve this primary objective and all secondary objectives that support the primary objective fall within two categories: external and internal. However, the two categories often overlap, and the line between them can become blurred. A prime example of this is staff retention, which is traditionally considered internal but is directly impacted by external pressure. Two factors that play a part in this are the agency's small size and recognition by other entities that our staff members are subject matter experts in a specialized field. The small size of the agency requires that staff members in the Support Services/Administration division possess, at a minimum, a working knowledge of Purchasing, Human Resources and Accounting (Budgeting/Expenditures/Payroll). These are duties that in a larger agency would be performed by separate divisions or at the very least by separate individuals. We do not have this luxury, and personnel assigned to Support Services/Administration are exposed to multiple disciplines. This in turn makes them very attractive candidates to larger agencies that can recruit an individual who can fill multiple positions if necessary while allowing them to focus on one assigned area.

Staff in certain program areas, such as Inspectors and Planners, are presented with multiple offers per year from county government. Due to their multidisciplinary roles with the agency, counties see these employees as possessing an unrivaled knowledge of minimum jail standards and as effective communicators. A county hoping to improve their operations will often target these employees for recruitment based upon their interaction with them during the inspection or planning process. To overcome this, management has made efforts to raise salaries, ensure flexible schedules and provide an environment in which the employees are empowered. For the time being, this seems to have slowed a turnover rate that, if left unchecked, would have otherwise made it difficult for the agency to effectively and efficiently carry out its mission and achieve its objectives.

Another obstacle the agency faces is the ability to hire qualified and competent staff that are willing to work in the Capitol Complex area due to increased traffic on the main thoroughfares as well as due to lengthy commute times. This issue has been exacerbated by the move to make the Capitol Complex area a green space, which resulted in the closure of several commonly utilized streets. Also, several lanes have been repurposed as "bus only" lanes, which further adds to the congestion and commute times. Austin, Texas, and Travis County also have a higher than normal cost of living, which has forced most staff members to live outside of the immediate area. To reduce the excessive commute times, agency staff were offered the option to work flex schedules and compressed work weeks.

External factors

Until recently, sufficient funding to conduct more thorough inspections had not been provided. Over the past two legislative sessions, this has been addressed, and inspectors are able to spend additional time on-site. This allows inspectors to provide technical assistance and to resolve issues while they're still at the jail in lieu of simply identifying issues and then leaving in order to work within a compressed schedule.

Every four years, there is approximately 33% turnover of the sheriffs from the previous cycle who are taking office for the first time. Depending upon their background and previous experience, their understanding of jail operations and the role of the agency varies greatly. Early outreach and education occasionally alleviate some of the issues but not always and not with all the issues.

Efforts to educate members of the legislature about our ability to carry out certain tasks they would like accomplished are sometimes met with “dismissiveness.” Most of this is related to data collection and information submitted by the counties. At this time, there is no central database or portal into which counties can enter and submit information “real time.” The monthly population reports are simply a snap-shot of the inmate population on the first of the month. The other reports required by statute are daily counts but deal with specific segments of the inmate population not the entire population. Part of the issue with this inability to tie the 240 county jails into a network is that each county has purchased or developed their own software with varying levels of compatibility and capability.

With each county jail owned, funded, and operated by local government, they are the ones that decide how much to allocate for jail staff salaries. In an overwhelming majority of counties, the starting pay is a major drawback and jails have a difficult time recruiting and retaining qualified staff. This is an underlying factor in almost every instance of non-compliance and makes it difficult for Jail Administrators to manage and operate a jail. This results in a wide range of professionalism amongst the jails that we regulate. This in turn requires agency staff to provide additional technical assistance to county jails to assist them in operating safe and secure facilities.

I. Discuss any changes that could impact your agency’s key functions in the near 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 staff members maintain 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.

J. Aside from additional staff or funding, what are your agency's biggest opportunities for improvement in the future? For example, are there other programs or duties the agency could take on to better carry out its mission?

As for additional programs or duties, the agency has been very careful to not be seen as "growing our kingdom." With limited staff and resources, we have focused on ensuring that we carry out our statutorily mandated duties to the best of our ability. This includes not duplicating services or programs carried out by other regulatory or compliance entities. These include accepting local code inspections (fire, health, building) rather than conducting these inspections ourselves.

With the passage of HB3440 (86R) by Caprigilone, over the next two-year cycle, the agency will be phasing in electronic reporting. This will consist of counties submitting to the agency each month a "locked" excel spreadsheet containing the statutorily mandated data. Prior attempts had been met with resistance from counties, but it is no longer feasible or even responsible to have one FTE assigned to nothing but data entry in 2019. By having the counties submit this data electronically, the FTE previously assigned will now perform quality control checks and simply import the data into the agency database. From there, the data can be used to run multiple reports that we are required to create. It is anticipated that the FTE previously assigned can now assist with other duties and functions of the agency as assigned.

One area that we are exploring for possible expansion is mental health training. Interaction with an individual with mental illness is challenging even in the best of circumstances. Once a person with a mental illness enters the criminal justice system, that challenge is exacerbated by a factor that is simply hard to quantify. With insufficient mental health providers to service the general public, the need in jails is even greater. With an estimated 30% of the inmate population either diagnosed or exhibiting signs of mental illness, the demand far exceeds supply. By default, the result is that our county jails have become mental hospitals, and jailers have become social workers. Neither the facilities nor the staff that operate them are properly equipped to handle this continuing issue, and no long-term solution is in sight. Recognizing this, the agency has utilized existing staff and resources to expand the roles of the mental health trainers. By Sept 1, 2021, the original program (TCOLE 4900) will be officially complete. During the second year of the program, it was recognized that a majority of those who are required to take the class will have done so by the third year. One of the most common comments on evaluation sheets submitted at the end of each class was the request for more training. With that in mind, agency staff has created a shorter four (4) hour class that will deal specifically with the procedures for the recognition, supervision, documentation, and handling of inmates who are mentally disabled and/or potentially suicidal. This will assist counties to meet the requirement contained in the Health Services Plan but which they rarely adhere to when it comes to continuing education. Staff is also exploring other topics within this area that could be helpful to smaller, rural counties that do not have the same community resources available that are found in larger, metropolitan counties.

K. Overall, how does the agency measure its effectiveness in carrying out its objectives?

In the following chart, provide information regarding your agency’s key performance measures, including outcome, input, efficiency, and explanatory measures. *See Exhibit 2 Example.* Please provide both performance measures listed in the agency’s appropriated bill pattern and other performance indicators tracked by the agency. Please provide information regarding the methodology used to collect and report the data.

**Texas Commission on Jail Standards
Exhibit 2: Key Performance Measures — Fiscal Year 2018**

Key Performance Measures	Dataset Reference Number* (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Annual Inspections	1-1-1.1	242	240	99.17%
Special Inspections	1-1-1.2	90	61	67.78%
Construction Plan Review, On-Site Consultation	1-2-1.4	60	57	95%
Management On-site Consultations	1-2-2.5	371	260	70.08%
Auditing Reports	1-3-1.3	6,158	6,773	109.99%

Table 2 Exhibit 2 Key Performance Measures *See Exhibit 3

This data is reported quarterly on the Legislative Budget Board, Automated Budget and Evaluation System of Texas (ABEST) website. Following is the methodology:

Inspector Activity Logs are maintained by the inspector and provided to the Assistant Director no later than the fifth day of the following month. The inspector’s note the following:

- (1) Annual inspections conducted
- (2) Special Inspections conducted
- (3) Occupancy Inspections conducted
- (4) Unannounced Visits conducted
- (5) Seminars, workshops, training attended.
- (6) Presentations at training activities sponsored by outside agency.
- (7) Presentations at training activities sponsored by TCJS.
- (8) Operation and Management Assistance conducted on site.
- (9) Construction Planning Assistance conducted on site.

If an event occurred that resulted in On-Site Technical Assistance being provided that was not part of an annual inspection, and no inspection report or requirements review was conducted, then the inspector submits a memorandum to their supervisor in order to document the activity.

The Assistant Director authenticates the reports and data submitted. The following is authenticated to ensure accurate reporting of measures:

- (1) Agency Calendar. Each entry is required to have an associated memorandum prepared by the staff member involved in the activity. The staff member submits these memorandums to the Assistant Director, who reviews each entry on the calendar to ensure that a memorandum is available.

- (2) Inspector Activity Log. Each inspector is required to submit a monthly activity report. The Assistant Director compiles these reports into the Inspector Activity Log and verifies them for accuracy by reviewing a master log maintained by the Assistant Director. Any discrepancies are checked against the county's inspection files, which are maintained in the agency file room.
- (3) Planning and Construction Log. The planner submits a log. Any activity that is designated as a key measure is reviewed by the Assistant Director to verify that the activity is denoted on the calendar or monthly activity report and that a memorandum is available.

The Planning and Construction Log is maintained by the Planning and Construction Division and provided to the Assistant Director no later than the fifth day of the following month. The Planning and Construction Division notes the following:

- (1) Technical Assistance provided to counties on site.
- (2) Occupancy Inspections conducted (pass or fail should be noted).
- (3) Special Inspections conducted.
- (4) Training Attended/Conducted.

Memorandums are submitted in order to document activities designated as key measures.

Number of Annual Inspections Conducted Methodology

Each inspection as verified through the data sources is counted as one, even though the inspection may have required more than one day and/or more than one inspector. All annual inspections completed during the reporting period are counted. The result (compliant/not compliant) of the inspection is not a determining factor.

Number of Special Inspections Conducted Methodology

Each inspection as verified through the data sources is counted as one, even though the inspection may have required more than one day and/or more than one inspector. All special inspections are counted. A facility may receive a special inspection more than once a fiscal year. The result (compliant/not compliant) of the inspection is not a determining factor.

Construction Plan Review, On-Site Consultation Methodology

The total is summed from the database.

Management On-site Consultations Methodology

Automatic calculation on a monthly basis utilizing a query of agency database to produce the Master Monthly Activity Report. Data is entered into the database from Inspection Requirements Reviews and individual staff member's monthly activity report. Database queries that will sum the number of consultations during the reporting period will specify a date range that is only applicable to the reporting period.

Auditing Reports Methodology

Population reports, immigration detainer reports, and paper-ready reports are received from the counties and entered into the jail population database. Reports are cross-referenced for accuracy. Corrected reports are received and entered. Each completed report is analyzed along with any corrected reports from previous months and provided to the Assistant Director.

- L. Please list all key datasets your agency maintains. Why does the agency collect these datasets and what is the data used for? Is the agency required by any other state or federal law to collect or maintain these datasets? Please note any “high-value data” the agency collects as defined by Texas Government Code, Section 2054.1265. In addition, please note whether your agency has posted those high-value datasets on publicly available websites as required by statute.**

Texas Government Code 511 requires that the Commission collects this data. No other states or federal laws require the Commission to collect this data. All the datasets below may be considered high-value data because they can be used to increase state agency accountability and responsiveness, improve public knowledge of the agency and its operations, further the core mission of the agency, or respond to need and demand as identified through public consultation. These datasets do not include information that is confidential or protected from disclosure under state or federal law except as noted.

**Texas Commission on Jail Standards
Exhibit 3: Key Datasets**

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
	Report of Jail Escape	Report of an escape from jail. Gov. Code 511.0085; 511.0092(f)(4).	Critical Incident Inspector	Not publicly available on website.	N
	Serious Incidents Report	The monthly number of suicides, attempted suicides, deaths in custody, escapes, assaults, sexual assaults, serious bodily injuries, and uses of force resulting in bodily injury. Gov. Code 511.020	Critical Incident Inspector	Not publicly available on website.	N
	Inmate death reporting form	Information identifying the deceased inmate, location of death, last known contact with inmate, whether inmate prior to death was under influence of drugs/alcohol or under suicide watch, etc. Gov. Code § 511.0085; 511.020	Critical Incident Inspector	Not publicly available on website.	Y, if investigator or county litigator objects to disclosure during active criminal investigation or litigation
	Monthly paper-ready report	Number of inmates during prior month for which all paperwork and processing were complete. Gov. Code § 511.0085(a)(2).	Program Specialist	https://www.tcis.state.tx.us/index.php?linkID=325	N
	Jail Population Report	Monthly jail inmate population broken down of offense type, conviction type, parole status, whether federal inmate, state-jail felon, housing location, incarceration rate, etc. Gov. Code § 511.0085(a)(2); 511.0101	Program Specialist	https://www.tcis.state.tx.us/index.php?linkID=325	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
	Inmates with immigration detainer	Monthly report of daily immigration detainer inmate count. Gov. Code § 511.0101(a)(M)	Program Specialist	https://www.tcis.state.tx.us/index.php?linkID=325	N
	Pregnant female inmates	Monthly report of pregnant Females Booked In Texas County Jails, by county jail. Gov. Code § 511.0101(a)(3).	Program Specialist	https://www.tcis.state.tx.us/index.php?linkID=325	N
	Jail turnover	Number of jailer positions when fully staffed, number of jailers separated from employment during month, etc. Gov. Code § 511.0085(a)(6); 511.0102.	Program Specialist	https://www.tcis.state.tx.us/docs/TurnoverReportCurrent.pdf	N
	Complaints	Number of complaints received per county, whether the complaints merited further investigation, whether the complaints were founded. Gov. Code § 511.0071	Complaint Inspector	Not publicly available on website.	Y, if complaint contains legally mandated confidential/private information.
	Jail Inspections	Whether jail inspections result in compliance or non-compliance, when they occur.	Assistant Director		N

Table 3 Exhibit 3 Key Datasets

III. History and Major Events

Provide a timeline of your agency's history and key events, including

- the date your agency was established;
- the original purpose and responsibilities of your agency; and
- major changes in responsibilities or statutory authority.

Also consider including the following information if beneficial to understanding your agency

- changes to your policymaking body's name or composition;
- significant changes in state/federal legislation, mandates, or funding;
- significant state/federal litigation that specifically affects your agency's operations; and
- key changes in your agency's organization (e.g., the major reorganization of the Health and Human Services Commission and the Department of State Health Services' divisions and program areas, or the Legislature moving the Prescription Monitoring Program from the Department of Public Safety to the Texas State Board of Pharmacy).

1925

Title 81-Article 5115 of the Texas Revised Civil Statutes 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 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

Technical assistance and inspections of all county jails began, including cost-saving advice for renovation of existing structures and construction of new facilities, and jail management training.

1978

The Commission became mired in controversy regarding funding, conflict of interest, and agency abolishment.

1979

Acceptance of Texas Minimum Jail Standards by Federal Courts and drastic reduction in federal court intervention. The Commission issued the first notices of non-compliance, marking the beginning of enforcement efforts.

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 moves from federal grant monies to entirely state source 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 started 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 are reduced by the Legislature and funds from the Criminal Justice Fund are reduced. 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, the Commission 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. This results in increased responsibilities, the budget, and the 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 related to inmate requests for assistance, transfers, and payments. Temporary facilities introduced to alleviate the overcrowding after Attorney General Opinion DM-119 solidified the Commission's 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 is 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 3,978 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 re-inspections, it does not completely cover their expense. However, it does act as a deterrent to compel jails to contact the Commission for a re-inspection only after all required corrective actions have been taken to pass inspection. Though this legislation does not create a revenue stream for the agency, it is serving to assist the agency in saving money.

2007-08

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. To improve customer service, the Commission held two Strategic Planning Sessions in 2008 in which sheriffs, county judges, and other partners and stakeholders commented on the mission of the agency.

2009-10

Legislative mandates included utilizing risk analysis to detect jails at-risk for noncompliance, improving information sharing with the public, and improving complaints procedures.

2011-12

82nd Legislature, Senate Bill (SB) 1687 required county jails to report the number of licensed jailers that leave county jail employment. Senate Bill (SB) 1698 required the reporting of inmates with an immigration detainer and the associated costs. For four consecutive years, the agency met or exceeded each of its objectives in the areas of annual inspections, on site consultations and population report audits. In 2012, the Commission proposed and adopted changes to Minimum Jail Standards addressing the documented use of restraints when pregnant inmates were in active labor or delivery.

2013-14

An expanded emphasis on technical assistance resulted in the highest number of compliant jails in the agency's history. The Commission finished its comprehensive review of minimum jail standards and proposed 66 changes to standards with 65 adopted.

2015-16

An unusually high number of suicides in county jails across the state peaked in 2015 and placed a spotlight on the tough subject of mental health and county jail inmates. This coincided with a nationwide suicide spike.

2017-18

The 85th Legislative Session expanded the Commission's role and brought about major changes in county jail operation. SB 1849, known as the Sandra Bland Act, required new standards to address continuity of medications, serious incident reports, independent investigation of custodial death, telemental health/telehealth, 12-hour mental health referral, mental health training, electronic/video monitoring of inmates, and Jail Administrator exams. New staff were

hired to implement these initiatives. The number of annual suicides declined by 50% from 35 in 2015 to 17 in 2018.

2019

Eight bills were signed by the Governor that directly impacted the Commission. Topics included pregnant inmate restraints, feminine hygiene products, TCJS electronic report submission, inmate mental health access, temporary jailer 90-day training, inmate reimbursement fee for medical care, and discharging inmates from 6:00 AM to 5:00 PM. HB 3116 required the Commission to appoint eight members to a task force to conduct a comprehensive study on best practice standards for the detention of a person with an intellectual or developmental disability

IV. Policymaking Structure

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

**Texas Commission on Jail Standards
Exhibit 4: Policymaking Body**

Member Name	Term / Appointment Dates / Appointed by (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	City
Judge Bill Stoudt, Chairman	Jan 31, 2025 Appointed by Governor Oct 28, 2016 Reappointed Mar 22, 2019	County Judge	Longview
Dr. Esmail Porsa, Vice-Chair	Jan 31, 2023 Appointed by Governor Oct 28, 2016 Reappointed Apr 18, 2017	Practitioner of Medicine	Parker
Sheriff Dennis D. Wilson	Jan 31, 2021 Appointed by Governor May 10, 2013 Reappointed Oct 28, 2016	County Sheriff, less than 35K pop	Groesbeck
Sheriff Kelly Rowe	Jan 31, 2021 Appointed by Governor Oct 28, 2016	County Sheriff, more than 35K pop	Lubbock
Ms. Melinda E. Taylor	Jan 31, 2021 Appointed by Governor Apr 18, 2017	Public Member	Austin
Mr. Duane Lock	Jan 31, 2023 Appointed by Governor Apr 18, 2017	Public Member	Southlake
Commissioner Ben Perry	Jan 31, 2023 Appointed by Governor Apr 18, 2017	County Commissioner	Waco
Ms. Monica McBride	Jan 31, 2025 Appointed by Governor Mar 22, 2019	Public Member	Alpine
Ms. Patricia M. Anthony	Jan 31, 2025 Appointed by Governor Mar 22, 2019	Public Member	Garland

Table 4 Exhibit 4 Policymaking Body

Members are appointed to six-year terms. If a vacancy occurs, the replacement appointee completes the unexpired term, after which they may be appointed to a full term. Appointees serve until replaced, unless they hold a position that requires qualification, and they no longer meet the criteria. At that time, they become ineligible to serve and a vacancy remains until a replacement is appointed.

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

The primary role and responsibilities of our policy making body is to set policy direction for the agency and employ an executive director to serve as the chief executive of the agency. The executive director is employed at will and is subject to the policy direction of the body. In order to establish the policy direction, the board is authorized to adopt reasonable rules and procedures that establish minimum standards for all aspects of county jail operations. If

necessary, the board is authorized to issue subpoenas to gather information and refer non-compliant jails to the Office of the Attorney General for enforcement action in district court.

Other responsibilities include approval of a fee schedule, granting of variances from minimum jail standards and termination of contracts for the housing of out of state inmates if it is determined the state of Texas has a need for those beds. These official Commission actions are presented by staff to the board for action in order maintain a clear definition of the duties and responsibilities between the board and staff.

C. How is the chair selected?

In accordance with Gov. Code §511.005, the Governor designates one member of the Commission as the presiding officer of the Commission to serve in that capacity at the pleasure of the governor.

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

As the policymaking body for a state agency that is regulatory in nature, it is tasked with ensuring that the operations of one of the state's political subdivisions provide a minimum constitutional level of confinement. There are other instances of state regulatory agencies that have purview over individuals holding professional licenses but very few that are tasked with regulating an entire division or department of local government. This requires an understanding of the role and responsibilities of local government and their relationship with the state in several areas.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2017? In FY 2018?

The policy making body of the Commission is required to meet at least once each calendar quarter. In FY 2017 and FY 2018, the Commission met four times per year. Prior to 2003, due to the number of agenda items, the Commission met every other month in order to conduct business in a timely manner. Since that time, the Commission has met on a quarterly basis.

F. Please list or discuss all training members of the agency's policymaking body receive. How often do these members receive training?

As required by Government Code §511.004 (H), a person who is appointed to and qualifies for office as a member of the Commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the Commission until the person completes four (4) hours of training program concerning the following:

- (1) Government Code §511
- (2) the programs, functions, rules, and budget of the Commission;
- (3) the results of the most recent formal audit of the Commission;

(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and

(5) any applicable ethics policies adopted by the Commission or the Texas Ethics Commission.

G. What information is regularly presented to your policymaking body to keep them informed about the agency's operations and performance?

For each Commission meeting, a reference book is created that includes information on any issue that comes before them. In addition, this book contains current financial statements, copies of any audits or reviews that are periodically conducted by outside entities, and a listing of staff activities during the previous three months. There is also a section that contains the compliance status of all jails under our purview, number of complaints received against jails under our purview, population trends, and construction projects.

H. 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?

At each meeting, a public comment period is provided to allow any member of the public to speak on any topics that falls under our purview. Any correspondence addressed to board members is forwarded as are any materials that interested parties request to be sent to them. Public comment on proposed new rules or rule changes is included in the Commission meeting reference book described above.

I. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. See Exhibit 5 Example. For advisory committees, please note the date of creation for the committee, as well as the abolishment date as required by Texas Government Code, Section 2110.008.

In addition, please attach a copy of any reports filed by your agency under Texas Government Code, Section 2110.007 regarding an assessment of your advisory committees as Attachment 25.

The Commission creates and facilitates workgroups as needed to create rules related to implementing legislative mandates or fulfilling the agency mission. HB 3116, White, of the 86th Legislature established a task force (IDD Task Force) requiring the Commission to appoint 8 members to it, including one representative of a county jail, to conduct a comprehensive study on best practice standards for the detention of a person with an intellectual or developmental disability.

Texas Commission on Jail Standards
Exhibit 5: Subcommittees and Advisory Committees

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Jail Administrator Exam Workgroup	11 members, comprised of some Commissioners, sheriffs, legislative staff, and advocates selected by the Commission.	Determine which jail administrators will not be required to take the jail administrator exam as required by SB 1849 and which will be considered "grandfathered."	Gov. Code 511.00905, as amended by SB 1849.	Created 11/1/2017 and abolished 1/24/2018
Continuity of Medication Workgroup	18 members, comprised of some Commissioners, sheriffs, legislative staff, and advocates selected by the Commission.	Establishing minimum standards regarding the continuity of inmate prescription medications.	Gov. Code § 511.009 and TAC 37, Chapter 273.2	Created 8/3/2017 and abolished 10/19/2017
Telemental/health and "high-risk cell" workgroup	18 members, comprised of some Commissioners, sheriffs, legislative staff, and advocates selected by the Commission.	Define the term "high-risk" as required by ... in relation to providing telemental health.	In response to SB 1849, 85 th legislature, impacting TAC 37 Chapters 253.1 and 273.2.	Created 8/2/2018 and abolished 7/16/2018

Table 5 Exhibit 5 Subcommittees and Advisory Committees

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.

FEES

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 2018, \$300 in re-inspection fees were collected. To date in FY 2019, \$2,100 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 Revenue was \$20,000 in FY 2018 and \$20,000 in FY 2019 from the General Revenue Fund and included in “D” Exhibit 7. Actual Inspection Fee Revenue was \$23,387 in FY 2018. To date in FY 2019, \$19,626.00 in inspection fees have been collected.

PRISONER SAFETY FUND RIDER

GAA, Senate Bill 1, 85th Legislature, Regular Session, page V-24.

“The Sandra Bland Act”, commonly referred to as “**The Prisoner Safety Fund**, or PSF” required changes to Minimum Jail Standards. As part of these changes, Section 3.05 reenacts Government Code 511.009 (a) (23) (C), requiring installation of automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals. All facilities are required to comply by September 1, 2020.

This Dedicated Fund is limited to funding or reimbursing counties for capital improvements, specifically for tele-mental health video equipment and cameras or sensors for verifying observation checks of high-risk cells. The \$1,000,000 grant was appropriated at the beginning of Fiscal Year 18, and the unexpended balance is moved forward each fiscal year. At the time of this submission, the balance is approximately \$759,224.05.

86th Legislative Session. HB4468 expanded Senate Bill 1849 above and rendered jails with a capacity of 288 beds or less eligible to receive PSF grant funding.

C. Show your agency’s expenditures by strategy. See Exhibit 6 Example.

**Texas Commission on Jail Standards – Fund 0001
Exhibit 6: Expenditures by Strategy — 2018 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
1.1.1 Inspection and Enforcement	\$437,851	34.00%	0
1.2.1 Construction Plan Review	\$83,582	6.50%	0
1.2.2 Management Consultation	\$281,980	21.90%	0
1.3.1 Auditing Populations	\$38,362	3.00%	0
2.1.1 Indirect Administration	\$412,596	32.01%	0
3.1.1 PSF Grant Admin.	\$32,158*	2.50%	0
GRAND TOTAL:	\$1,286,529	100%	0

Table 6 Exhibit 6 Expenditures by Strategy. *GR (Fund 0001) Portion of Prisoner Safety Fund. Partial Year salary for PSF Grant Administrator

**Texas Commission on Jail Standards – Prisoner Safety Fund (Fund 5172)
Exhibit 6: PSF RIDER - Expenditures by Strategy — 2018 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Prisoner Safety Fund – Article IX, 18.43 Senate Bill 1849, 85 th Legislature. Note, partial year of administering the fund.		3.86%	0
GRAND TOTAL:	\$38,550	3.86%	0

D. 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.

**Texas Commission on Jail Standards - (Fund 0001)
General Revenue - Fiscal Year 2018 (Actual)
Exhibit 7:**

Source	Amount
General Revenue Appropriated	\$1,356,078
Fees – Copies/Filings of Records - Actual	\$2,073
Fees – Administrative Services - Actual	\$23,687
Total Revenue* (REVEST) - Actual	\$25,760*
Sale of Publications (Jail Standards Manuals) - Actual	\$357
VOIP Appropriated for Telecommunication Transition	\$5,100
TOTAL	\$1,387,295

* In compliance with 79th Legislature Regular session guidelines, TCJS only keeps travel related costs for re-inspection fees. All other revenue is returned to a non-agency PCA. In addition, TCJS in FY18 only collected revenue for inspection fees for facilities holding 30% or more non-Texas sentenced inmates. This revenue was then returned to the Comptroller of Public Accounts (CPA) general revenue fund.

**Texas Commission on Jail Standards – Rider (Fund 5172) Prisoner Safety Fund
General Revenue Dedicated - Fiscal Year 2018 (Actual)
Exhibit 7 Continued**

Source	Amount
Prisoner Safety Fund – Article IX, 18.43 Senate Bill 1849, 85 th Legislature	1,000,000
TOTAL	1,000,000

E. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 8 Example.

Not Applicable.

F. If applicable, provide detailed information on fees collected by your agency. See Exhibit 9 Example.

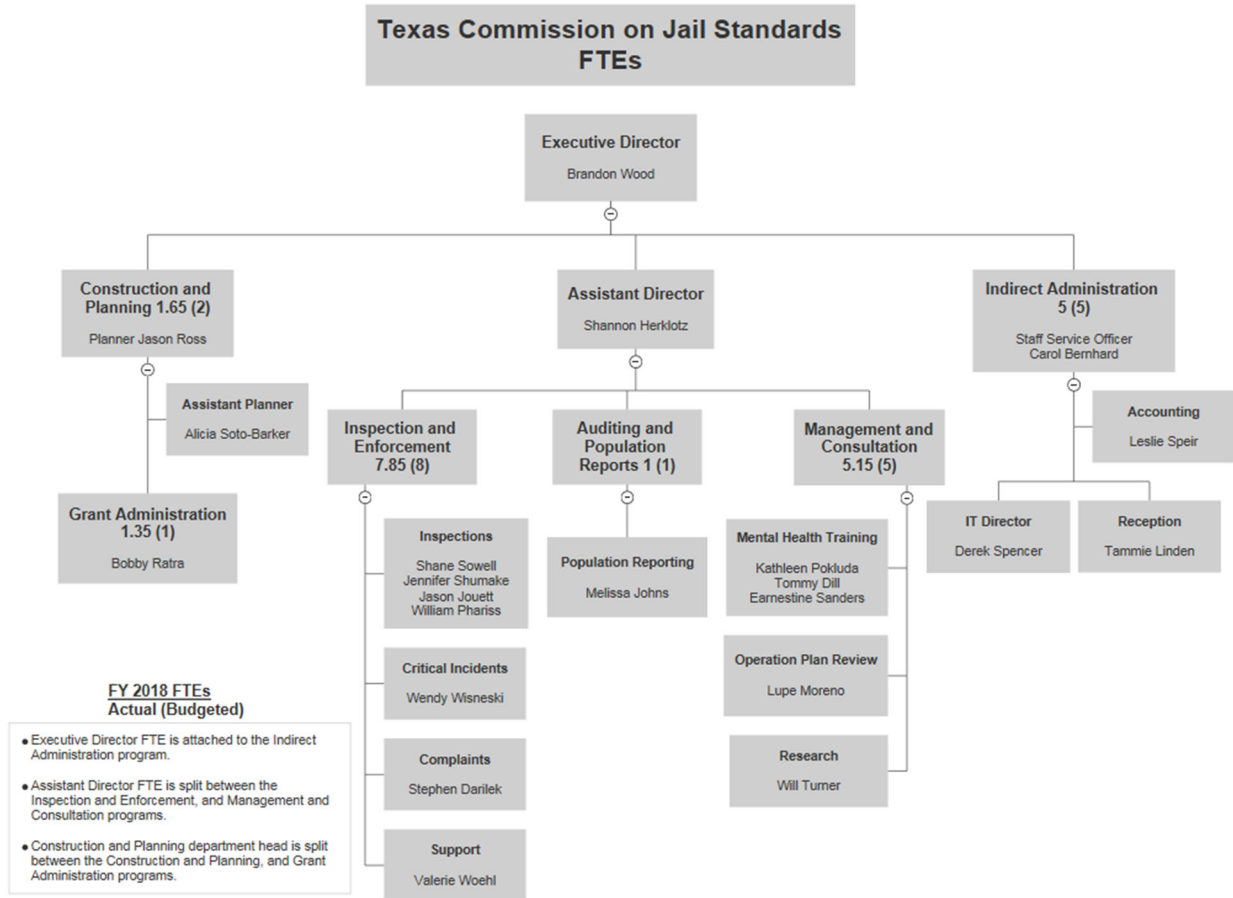
**Texas Commission on Jail Standards
Exhibit 9: Fee Revenue — Fiscal Year 2018**

Fee Description/ Program/ Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
Texas Adm Code Title 1, Part 3, Chapter 70, Rule 70.3 . Cost recovery of open records request. 77 th Leg. R.S., Art IX, Section 6.16	.10 per page. Labor at a rate of \$15 per hour for pages exceeding 50	Board Statute/Admin. Rule	50 pages	10	\$2,073	TCJS
Sale of Manuals. 77 th Leg. R.S., Art IX, Section 6.16	2018 - \$35.00 per paper manual. \$25.00 per CD	Board Statute/Admin. Rule		10	\$357	TCJS
Cost recovery of inspection fees of facilities with a capacity of 100 or more beds holding 30% or more non- TX sentenced inmates. Government Code Section 511.0091	Ranges from \$650.00 to \$1800.00 per size of facility plus \$2.00 per bed over 1000 on Occupancy Inspections	Fees authorized by Govt Code Sec 511.0091. Fee Schedule set by Board Statute/Admin. Rule	Statute directs to collect reasonable fees to cover the costs of performing inspections described	21	\$23,387	TCJS recovers the cost of the travel expense. The remainder is 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 regardless of Facility Size or number of beds	Fees authorized by Govt Code Sec 511.0091. Fee Schedule set by Board Statute/Admin. Rule	Statute directs to collect reasonable fees to cover the costs of performing the inspections described	1	\$300	TCJS recovers the cost of the travel expense. The remainder is refunded to the Comptroller of Public Accounts General Revenue Fund

Table 9 Exhibit 9 Fee Revenue

VI. Organization

- A. Provide an organizational chart that includes major programs and divisions and shows the number of FTEs in each program or division. Detail should include, if possible, department heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.



B. If applicable, fill in the chart below listing field or regional offices. See Exhibit 10 Example.

**Texas Commission on Jail Standards
Exhibit 10: FTEs by Location — Fiscal Year 2019**

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2019	Number of Actual FTEs (as of SER submission)
Headquarters	300 West 15 th , Suite 503 Austin, TX 78711	No	22	22
			TOTAL: 22	TOTAL: 22

Table 10 Exhibit 10 FTEs by Location

C. What are your agency's FTE caps for fiscal years 2017–2020?

FY2017/2018 17 FTE's

FY2018/2019 22 FTE's

FY2019/2020 23 FTE's

D. How many temporary or contract employees did your agency have in fiscal year 2018? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.

Zero (0)

E. List each of your agency's key programs or functions, along with expenditures and FTEs by program. See Exhibit 11 Example.

**Texas Commission on Jail Standards
Exhibit 11: List of Program FTEs and Expenditures — Fiscal Year 2018**

Program	Actual FTEs FY 2018	Budgeted FTEs FY 2019	Actual Expenditures FY 2018	Budgeted Expenditures FY 2019
1.1.1 Inspection and Enforcement	7	7	\$437,851	\$546,939
1.2.1 Construction Plan Review	2	2	\$83,582	\$104,097
1.2.2 Management Consultation*	5	6	\$281,980	\$187,510
1.3.1 Auditing Populations	1	1	\$38,362	\$39,745
2.1.1 Indirect Administration	4.5	5	\$412,596**	\$325,621
3.1.1 Prisoner Safety Fund Admin (GR)	1	1	\$32,158***	\$63,645
TOTAL	20.5	22	\$1,286,529	\$1,267,557

*Includes New Mental Health Trainers

** IT upgrades – servers and switches

***PSF Grant Administrator was hired 4/2/2018

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 questions A through P 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.

Name of Program or Function	Inspection and Enforcement
Location/Division	Headquarters
Contact Name	Shannon J. Herklotz
Statutory Citation for Program:	Local Govt. Code 351 and 361 Government Code 511

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

Inspection activities consist of fair and impartial monitoring and enforcing compliance of 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.

At least once each fiscal year, each facility that is under the Commission’s authority is inspected in order to determine compliance with minimum jail standards. Each of these inspections review security, control, and general conditions and take into account not only the operations of the facility but the physical plant aspects as well. Special inspections may be conducted on facilities that have either been identified as high-risk or found to be in non-compliance. These unannounced inspections may also be performed when county officials indicate that the non-compliant items have been corrected, in which case the inspector must personally examine the areas that required correction or review documentation demonstrating compliance. This is especially critical when the issues involve safety and/or security issues.

The Executive Director reviews the inspector’s report, and if the facility is in compliance, a certificate of compliance is mailed to the facility. However, if the inspector notes deficiencies, a notice of non-compliance is issued, which specifies the standards with which the facility has failed to comply and includes detailed steps the jail must take to correct the deficiencies. The notice of non-compliance is sent via certified mail.

Beginning on January 1, 2018, as required by SB 1849, the sheriff/operator of each county is now required to report to the Commission on or before the fifth day of each month the occurrence any serious incidents involving an inmate in the county jail during the preceding month. Serious incidents include but are not limited to the following: suicides, attempted suicides, deaths, escapes, assaults, sexual assaults, assaults causing serious bodily injury and use of forces that resulted in bodily injury.

January –	239 reports received; all facilities reporting
February –	239 reports received; all facilities reporting
March –	239 reports received; all facilities reporting
April –	239 reports received; all facilities reporting
May –	239 reports received; all facilities reporting
June –	239 reports received; all facilities reporting
July –	239 reports received; all facilities reporting
August –	239 reports received; all facilities reporting

Total FY 2018 Serious Incident Reports received: 1,912. Due to the fact that the report was not initiated until January 2018, only eight (8) months of data is included for review.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

**Texas Commission on Jail Standards
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Annual Inspections	1-1-1.1	N/A	242	240	99.17%
Special Inspections	1-1-1.2	N/A	90	61	67.78%

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

- 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. If the response to Section III of this report is sufficient, please leave this section blank.**

The program affects the 240 regulated facilities, representing 96,589 beds in the state of Texas; the county officials tasked with funding and operating the facilities, includes the sheriff, judge and Commissioner's court; the taxpayers residing in the county; and the 67,506 inmates and their relatives. Governmental entities that are affected by this program are the Texas Department of Criminal Justice-ID and the states of Arkansas, New Mexico and Idaho. In addition, several federal agencies such as 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 is subject to inspection. Included in this number are seven (7) privately operated facilities and the companies that operate them through inter-governmental agreements between county and municipal governments.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

Not Applicable

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

The state is currently divided into four (4) regions, each with an assigned inspector that reports directly to the Assistant Director. There is one program specialist assigned for support.

- G. Identify all funding sources and amounts for the program or function, 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).**

The funding source 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 2018, \$23,387.00 was collected, and per Subchapter F, Chapter 404 of the Government Code, transferred to the State General Fund.

During the 79th regular Legislative Session and effective September 1, 2005, the Commission was granted the authority to collect certain re-inspection fees. SB 1264 allows the Commission to collect a \$300.00 fee for performing a re-inspection of a facility that failed an inspection performed at their request. For FY 2018, \$300.00 was collected for one (1) re-inspection.

Our FY 2018 – 2019 appropriations request for this strategy is \$558,439.00 for each year of the biennium, with \$536,939.00 from General Revenue funds and up to \$1,500.00 from Appropriated Receipts.

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

Contract monitors are utilized by other governmental entities that house their inmates in facilities under the Commission’s purview, these include TDCJ-ID, Arkansas, Idaho, New Mexico and the federal government. Local and or state fire marshals 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 these programs.

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 jailers be licensed by TCOLE.

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 are the Texas Department of Criminal Justice-ID and the states of New Mexico, Arkansas and Idaho. In addition, several federal agencies to include the Bureau of Prisons, Bureau of Immigration and Customs Enforcement, and the United States Marshals 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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and

- a short description of any current contracting problems.

Not applicable.

L. Provide information on any grants awarded by the program.

Not applicable.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

The agency does not believe that there are any outdated or ineffective laws that represent a challenge or barrier to this program. Instead, the challenges associated with this program are driven by issues occasionally encountered at the local level. These range from the varying levels of professionalism exhibited by jail staff, high turnover rates and the lack of urgency exhibited by some counties to respond to issues or requests for information when attempting to resolve complaints submitted. Due to the seriousness of the environment in which we operate, agency staff believes that rapid identification and resolution of any issues is in the best interest of both staff and inmates. The conditions that exist at the local level can be attributed to many factors that are often a result of the public's perception of inmates and the purpose of the county jail, to include the role that jail staff plays in its operation. County jails are rarely a priority for local government but represent one of the largest liabilities for them. This can create friction at the local level and prevent effective and constructive communication between the sheriff, who is responsible for the jail's operation, and the Commissioner's court, which is responsible for funding it. These are local issues created by local decisions, but they directly impact the effectiveness of the program. With a goal of having all jails operate in compliance, the agency is sometimes placed in the unenviable position of referee in our attempts to meet our goal.

N. 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.

O. 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 on-site 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 inspection 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. A minimal number of inspection(s) will require this notification since approximately 95-100% of all annual inspections are unannounced. The inspectors shall make every effort to 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 the as-built drawings of all cell layouts with dimensions and provide the architect the occupancy inspection checklist and overview. Have the county submit an official request for the inspection. A preferred date may be provided by the county and agency staff will try to accommodate the requested date. 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 print 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.

Self-Evaluation Report

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

Infirmary 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 as a result of a high number of complaints received, after a death/escape review, or on those identified as “high risk”. The special inspection will 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, and population and/or classification matters as well as death and escape reviews. A facility may be found non-compliant through an on-site special investigation or through an administrative process. A facility may be found non-compliant or compliant administratively through a careful examination of the facility’s paperwork and/or video evidence, which can be done within the office. Examples of administrative compliance issues are but not limited to: population reports, recreation logs, fire drill/air pack logs, hourly check logs and staffing rosters. 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. Re-Inspections

Re-Inspections are performed when a non-compliant facility indicates that corrections have been completed or upon the direction of the Executive Director or Assistant Director. A re-inspection is unannounced and can be conducted on-site or through an administrative process. A facility may be found non-compliant or administratively compliant through a careful examination of the facility’s paperwork and/or video evidence, which can be done within the office. Examples of administrative compliance issues include, but are not limited to: population reports, recreation logs, fire drill/air pack logs, hourly check logs and staffing rosters. A facility found to be non-compliant after the county has requested a re-inspection may be charged \$300 for the onsite re-inspection.

5. Unannounced Inspections or Visits

Unannounced visits to all jail facilities are encouraged and are usually well received by the sheriff/operator. Inspectors should make as many “drop by” visits to facilities as time permits. These visits are not considered actual inspections but should be used to supplement inspections by providing information and assistance to the sheriff/operators.

6. 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 if prior notification was sent.

7. 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 sheriff and a Commissioner's court representative 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 should be inspected during the same scheduled time period.

Inspection Process:

1. Arrival

Arrival by the inspector will be between 8:00 a.m. and 9:00 a.m., unless prior arrangements have been made. If the inspection is announced, notify the sheriff if you will be over thirty minutes late.

2. Inspections will include the Following:

- a. Initial Conference with Officials
- b. Walk-Through
 1. Verify compliance with Standards (see Requirement Review Sheet attached)
 2. Number of inmates per cell
 3. Conduct facility fire drill
 4. Emergency power test, under simulated 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 population, but not to exceed 50 files. Or, if population is 40 or less, review a minimum of 4 files. If there are fewer than 4 inmates in jail at time of inspection, inspector will review ALL files. During the review process, if discrepancies are found in any of the files, it will be at the discretion of the inspector as to the number of additional files reviewed to insure compliance.

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
5. Complete Requirement Review Form (attached)

TEXAS COMMISSION ON JAIL STANDARDS - INSPECTION REQUIREMENTS REVIEW

Facility Name Name of County Jail (Here)		Name of TCJS Inspector (Here)	Date:
			August 1, 2019
Chapter	Title	Comments	
259	New Construction	Conducted a walk through inspection of the facility.	
261	Existing	Not applicable.	
263	Life Safety	Inspected life safety equipment and conducted and observed emergency drill. Reviewed documentation. Conducted staff interviews.	
265	Admission	Reviewed a random sample of 50 inmate files. Interviewed staff. Reviewed policy.	
267	Release	Reviewed a random sample of 50 inmate files. Interviewed staff.	
269	Records/Procedur	Reviewed policy and documentation. Interviewed staff and reviewed ADA compliance evaluation.	
271	Classification	Reviewed a random selection of 50 inmate files. Reviewed staff training records. Reviewed internal classification audits. Reviewed policy. Interviewed staff.	
273	Health Services	Reviewed a random selection of 50 files. Interviewed staff and inmates. Reviewed training records. Reviewed policy.	
275	Supervision	Reviewed a random selection of 30 officer TOOLE certification records. Reviewed officer documentation. Interviewed staff.	
277	Personal Hygiene	Conducted a facility walk through. Reviewed facility schedule.	
279	Sanitation	Conducted a facility walk through. Interviewed staff and inmates. Reviewed policy.	
281	Food Service	Conducted walk through inspection in kitchen area. Interviewed staff. Reviewed documentation.	
283.1	Discipline	Reviewed 10 disciplinary hearing records. Interviewed staff and inmates. Reviewed policy. Reviewed inmate rules.	
283.3	Grievance	Reviewed 10 inmate grievance/complaints. Reviewed policy. Interviewed staff and inmates.	
285	Exercise	Walk through of exercise area conducted. Reviewed documentation. Interviewed staff and inmates.	
287	Education/Library	Reviewed policy and schedule. Interviewed staff and inmates.	
289	Work Assignments	Reviewed policy and schedule. Interviewed staff and inmates.	
291.1	Telephone	Reviewed policy and schedule. Interviewed staff and inmates.	
291.2	Correspondence	Reviewed policy and schedule. Interviewed staff and inmates.	
291.3	Commissary	Reviewed policy and schedule. Interviewed staff and inmates.	
291.4	Visitation	Reviewed policy and schedule. Interviewed staff and inmates.	
291.5	Religious Practices	Reviewed policy and schedule. Interviewed staff and inmates.	
xxx	Variances	Not applicable.	
xxx	Remedial Orders	Not applicable.	
xxx	Complaints	Not applicable.	
xxx	CCQ	CCQ inquiries are being submitted through TLETS as required.	

6. Complete Inspection Report and (when applicable) Areas of Non-Compliance Form
7. Exit Interview with Officials (Sheriff/designee, County Judge and/or County Commissioner)

****Annual Inspection(s)-(Announced or Unannounced) - Make every attempt to brief out with county officials to discuss the results of the inspection and have them sign the Annual Jail Report as required. If a county official cannot be located, provide a courtesy copy for their review and follow-up with a telephone call to that official to insure proper notification. Note: Telephonic interviews with county officials should only be conducted as a last resort.**

****Special Inspection(s)/Re-Inspection(s) - Make **every** attempt to brief out with county officials to discuss the results of the inspection and have them sign the Cover Letter, if applicable. If a county official cannot be located, provide a courtesy copy for their review and follow-up with a telephone call to that official to insure proper notification. Note: Telephonic interviews with county officials should only be conducted as a last resort.**

High-Risk Facility Assessment:

The inspectors shall conduct a risk assessment each month to identify "high risk" facilities. The inspectors will receive a list of facilities to contact for risk assessment and a Risk Assessment Data form on or about the fifth of each month from the Assistant Director. The inspectors will contact the facilities on the list to assess the level of risk. Each inspector will complete his or her risk assessment in a timely manner and submit the information to the Assistant Director to be compiled into a report identifying facilities considered to be "high risk." The prepared report will include:

- a. Name of County or facility
- b. Date of contact
- c. County/Facility official whom you spoke with
- d. Housing population on date of call
- e. Number of female inmates
- f. Number of inmates in holding
- g. Number of inmates housed in or at another facility/county
- h. Is the facility ready for re-inspection? Administrative or on-site? Date scheduled?
- i. Invite to Commission Meeting?
- j. Reason for non-compliance (security, life safety, management) and Comments

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.

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 noncomplying 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 noncomplying facility shall bear the liability for and the cost of transportation and maintenance of inmates transferred to or from a noncomplying 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.

(e) Upon the issuance of a Certificate of Compliance, the remedial order shall be reviewed at the next regularly scheduled meeting of the Commission Eff 4/10/13

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 chairman 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.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary, to understand the data, please include a brief description of the methodology supporting each measure.

Inmate and Family Complaints:

In its duty to ensure safe and secure facilities, the Texas Commission on Jail Standards establishes this policy and procedure for the timely, fair, and equitable investigation of allegations brought forth by individuals in regard to the health, safety, care, and custody of inmates incarcerated in Texas jails regulated by the Commission.

Policy:

An individual who has a complaint about a facility under the Commission's purview may file a complaint in any written format. A complaint may be submitted in writing through the following mediums:

- 1) through the online complaint portal on the agency's website
- 2) by electronic mail
- 3) by written correspondence
- 4) by sending a fax
- 5) in person
- 6) an individual may telephone the agency; however, the complainant will be asked to submit the complaint in writing.

Inmate Complaints: Except for medical, life safety, or otherwise urgent complaints, a currently-incarcerated inmate who wishes to file a complaint against a facility shall make use of the facility's grievance procedure, including the appeals process, before filing a complaint with the Commission.

Required Information: A complaint, whether on prescribed complaint form or other written format, should contain the following information;

- 1) Complainant's name and contact information including but not limited to address, telephone number, e-mail.
- 2) name of facility/county that is the subject of the complaint
- 3) name of inmate, if applicable
- 4) nature of complaint

Receipt/Processing a Complaint: Upon receipt of a complaint, the complaint shall be date stamped and referred to the complaint inspector. The complaint inspector shall review the complaint and may determine the following:

- 1) Whether the facility in question is under the Commission's purview and/or whether the complaint is a violation under the Commission's authority. If the facility is not under the Commission's purview or the complaint is not under the Commission's authority, the complainant shall be notified in writing and no further action may be taken.
- 2) Whether the complaint may be criminal in nature. If the complaint is determined to possibly be a criminal violation, the complaint inspector shall refer the complaint in writing to all appropriate law enforcement agencies including, but not limited to, local law enforcement, the local district or county attorney, the Texas Rangers, or the Federal Bureau of Investigation. The complainant shall be notified in writing of the possible criminal violation with referral information.

- 3) If the complaint is under Commission authority and the facility is under the Commission's purview, the complaint inspector shall prioritize the complaint and shall commence an investigation.

Prioritizing Complaints: Complaints are prioritized on basis of severity level. Complaints which are deemed to involve life safety, overcrowding or supervision will be handled immediately. Less serious complaints will be handled in a timely and reasonable manner.

Authority of Complaint Inspector: To investigate a complaint under the Commission's purview, the complaint inspector shall have the following authority:

- 1) Formally request information and/or documentation from a sheriff/operator. The request for information will be either by e-mail (read receipt requested), fax, or as a last resort, by certified mail. A sheriff/operator shall respond to the request for information within 10 days or a deadline specified by the complaint inspector.
- 2) Perform site visits or inspections of a facility to investigate the complaint, when feasible or warranted.
- 3) Have access to a facility, all records, books, date, and witnesses that the Commission deems necessary to investigate the complaint.
- 4) Seek the assistance of local and state law enforcement authorities.
- 5) Seek out any other investigative action needed to assist in the resolution of the complaint.

Responses by Sheriff/Operator: A sheriff/operator shall be afforded the opportunity to formulate a response to an investigated complaint.

Pending Litigation: So as not to interfere with the jurisdiction of the appropriate court, it is the policy of TCJS to not investigate or suspend investigation of a complaint that is under pending litigation.

Resolution of Complaint: Upon conclusion of the investigation, the complaint inspector shall determine if a violation of minimum jail standards has occurred.

- 1) If it is determined that a violation of minimum jail standards has not occurred, the complaint inspector shall notify the complainant in writing within 10 days of the conclusion of the investigation, provide referral information if applicable, and close the file.
- 2) If it is determined that a complaint has been substantiated, the sheriff/operator and the complainant shall be notified of the substantiated complaint within 10 days of the conclusion of the investigation.

Enforcement: Depending on the seriousness of the violation, the Commission may take the following actions included but not limited to;

- 1) Monitor the facility
- 2) Provide technical assistance, when possible
- 3) Conduct a special inspection
- 4) Issue a notice of non-compliance

Appeal: Complainants who disagree with the findings of the complaint inspector may appeal the decision to the assistant director.

Appeal Requirements: To appeal the decision, the appeal shall:

- 1) Be in writing; and
- 2) List the reason(s) for the appeal. The appeal should provide sufficient information to indicate that additional review is warranted.

Appeal Procedure: Upon receipt of an appeal, the appeal shall be forwarded to the assistant director. The assistant director shall review the complaint and appeal and render a decision. The decision of the assistant director is final. The complainant shall be notified in writing of the decision. A sheriff/operator may also appeal the decision of the complaint inspector and seek further review; however, rules and procedures of Chapter 297 shall apply where applicable.

The Commission shall keep a record on each complaint filed with the Commission with the following information:

- 1) The date the complaint is received
- 2) The name of the inmate(s)
- 3) The subject matter of the complaint
- 4) A record of all persons contacted in relation to the complaint
- 5) A summary of the results of the review or investigation of the complaint
- 6) For a complaint for which the agency took no action, an explanation of the reason the complaint was closed without action (Note: Where the agency took no action, the original complaint and all contents are returned to the complainant.)

Tracking: All complaints filed with the Commission shall be tracked with the following criteria;

- 1) Name of the County
- 2) The allegation(s)
- 3) The date the complaint was received, the date which the Commission first investigated or responded to the complaint and the date on which complaints are resolved.
- 4) The outcome of investigations or the resolution of complaints, including dismissals and Commission actions resulting from complaints.

- 5) The number of pending complaints at the close of each month
- 6) A list of complaint topics that the Commission does not have jurisdiction to investigate or resolve

Reporting: The Commission shall regularly report and distribute to members of the Commission, a summary of information contained in section .015.

Complaint Public Disclosures: A complaint investigated by the agency will only be made available for public disclosure in accordance with Government Code 552, Public Information Act.

Policy Public Disclosures: A copy of this policy is available upon request.

Notifications of Sheriffs: Upon conclusion of a complaint investigation, the results will be forwarded by the complaint inspector to each affected sheriff, preferably by e-mail. If the facility does not have an e-mail address, the results will be mailed. This policy is to ensure that this agency continues its goal of better communication with all stakeholders.

Notification of Inspector: Upon initiating an investigation into a complaint, the field inspector will be notified via e-mail. Upon conclusion of a complaint investigation, the results will be forwarded by the complaint inspector to the appropriate field inspector via e-mail.

Review of Complaints: Upon conclusion of the investigation by the complaint inspector, a response to the complainant is generated for review. The assistant director, or his designee, will review the complaint for accuracy. The assistant director or his designee will ensure the response from county official's address all alleged minimum jail standards violation(s) and ensure accuracy of the written response from the complaint inspector back to complainant(s). Once the review is complete, the reviewer will then print off two (2) copies of the final report. One copy will be mailed to the complainant and the second copy will be initialed by the reviewer with a date the review occurred.

**Texas Commission on Jail Standards
Inmate and Family Complaints
Exhibit 13: Information on Complaints against Regulated Persons or Entities
Fiscal Years 2017 and 2018**

	Fiscal Year 2017	Fiscal Year 2018
Total number of regulated persons	66,650	66,879
Total number of regulated entities	242	240
Total number of entities inspected	243	239
Total number of complaints received from the public/family member or associate	512	651
Total number of complaints initiated by agency	1941	2117
Number of complaints pending from prior years	22	26
Number of complaints found to be non-jurisdictional	117	68
Number of jurisdictional complaints found to be without merit	1768	2020
Number of complaints resolved	56	29
Average number of days for complaint resolution	7-14 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

Table 13 Exhibit 13 Information on Complaints Against Persons or Entities

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

Name of Program or Function	Management/Consultation
Location/Division	Headquarters
Contact Name	Shannon J. Herklotz
Statutory Citation for Program:	Local Govt. Code 351 and 361 Government Code 511

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

Staff reviews and approves jail operational plans related to the standards. Aiding counties in maintaining operational plans that 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?

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.

The Commission provided technical assistance to county officials throughout the year on jail matters, such as alternative programs, population control, structural issues, life safety, and overall operations. Although the Commission does not log telephone calls, it estimates that it received several thousand telephone calls during the year for technical assistance regarding jail management and operations. In addition, the Commission conducted 12 in-house management consultations at the Austin office in 2018. It also conducted 277 management consultations on-site with County Judges, Commissioner's Courts, and Sheriffs concerning the most economical and feasible way to achieve compliance with state law, and, in some cases, with federal court orders. Finally, eight (8) counties received assistance with analyses of jail staffing needs, and staff reviewed 1,055 operational plans in 2018.

The Commission continued the program of technical assistance to jails on management related issues through regional jail management workshops during the calendar year. The workshops were developed under the direction of the Commission's Education Committee to provide training and credits afforded by the Texas Commission on Law Enforcement. In 1999, using existing resources, a research specialist was employed to perform detailed and specialized research projects affecting county jails.

Municipalities continued to request information and assistance on jail construction or renovation. Although municipal jails that are not operated privately under authority of Local Government Code Chapter 351 are not required to conform to Texas Minimum Jail Standards, municipalities continue to show confidence in the Commission to provide them unbiased information and guidance upon which to base decisions concerning construction or operation.

2018 was another successful year for jail training efforts at the Commission. The staff has continued to select timely topics and develop a solid curriculum for the training programs developed in 2001, as evidenced by the positive response all training sessions have received.

Staff trainers conducted the Practitioners' Series Training called the "Current Trends and High-Impact Areas of Jail Operations" at 12 regional sites during September, October, November, and December. Practitioners who are widely regarded as experts in their field of jail management served as instructors for this training alongside Commission staff using materials prepared by the agency. This program not only educates those attending the training but also develops the presentation and leadership skills of the instructors themselves. In 2018, there were 490 participants at the 12 training sessions.

Since creating and maintaining a responsible classification system remains an essential part of county jail management, Objective Jail Classification training by Commission staff continues to

be offered to the counties—both on-site and at headquarters. In addition Commission staff continues to offer its training for Population and Paper Ready Reports, and “What to Expect during an Inspection” course for any county that requests assistance, both on-site and at headquarters.

In 2018, the Commission provided 3 classes to 40 participants in Objective Jail Classification training, 1 class to 1 participant in Population reporting, and 2 classes to 50 participants in “What to Expect During an Inspection”.

SB 1849 amended Occupations Code 1701.310(a) to require the Commission to provide 8 hours of mental health training to all currently licensed jailers by August 31, 2021. On September 1, 2017, the Commission hired three (3) Mental Health Trainers to develop and begin instructing the course. As a result, Commission trainers developed “Mental Health Training for Jailers,” which TCOLE certified as class #4900. The objective of this class is to help the jailers identify the signs and symptoms of prominent categories of mental illness commonly observed in the jail setting as well as to gain an understanding of constructive techniques utilized with communicating in a time of crisis in a jail setting.

In 2018, the Mental Health Trainers conducted 208 training classes with a total of 3,526 participants in attendance.

Texas Commission on Jail Standards
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2018

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Management Consultations	1-2-2.5	N/A	371	260	70.08% *

Table 12 Exhibit 12 Program Statistics and Performance Measures

*Note: SB 1849 allotted TCJS three (3) full-time mental health trainers. Initially, the target number of 371 was going to include the on-site technical assistance provided by not only the field inspectors but the mental health trainers as well. However, it was later determined by TCJS and LBB officials to create a separate, key measure specifically for the mental health trainers. By doing so, the target number of 371 should have been lowered to the previous target range of 250-260 per year. However, it was not until the final submission did agency staff realize the target number and percentages were not what they should have been and not where they have historically been. In the end, the 260 on-site technical assistance directives issued coincides with the target number in the agencies LAR.

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. If the response to Section III of this report is sufficient, please leave this section blank.

The program affects the 240 regulated facilities, representing 96,589 beds in the state of Texas; the county officials tasked with funding and operating the facilities, includes the sheriff, judge and Commissioner’s court; the taxpayers residing in the county; and the 67,506 inmates and their relatives. Governmental entities that are affected by this program are the Texas Department of

Criminal Justice-ID and the states of Arkansas, New Mexico and Idaho. In addition, several federal agencies such as 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 is subject to inspection. Included in this number are seven (7) privately operated facilities and the companies that operate them through inter-governmental agreements between county and municipal governments.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Not applicable.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Currently, there are four (4) program specialists and one research specialist that work under the close supervision of the Assistant Director and Executive Director. Although only 5 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 function, 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).

Funding source 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. Mental Health related expenses are tracked in report 6J to HHSC (Texas Health and Human Services Commission).

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. 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 regularly request information regarding our agency function, our 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 regularly request assistance in the operation of their facilities.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Not applicable.

- L. Provide information on any grants awarded by the program.**

Not applicable.

- M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

Management Consultation is viewed by many as one of the more valuable programs operated by the agency. That does not mean there are no barriers to its success though. The training that is offered and provided by staff assigned to this program assists jails in operating a compliant facility as efficiently as possible. However, attendance at these training sessions is strictly voluntary. Whether it is a lack of importance placed on non-mandatory training or lack of funding to attend, the amount of training could be doubled just by more attendance at the training sessions we

provide. The other part of management consultation facing the biggest obstacle is the review and approval of operational plans. Agency staff reviews previous approval dates to ensure that a county with operational plans older than five years is notified of the length of time they have been in effect. Due to changes in administration, construction of new or additional facilities, or a change in statute that requires counties to amend their operational plans, most need periodic updates. Even though counties are instructed to submit revisions for approval and not implement new plans until they are approved, it is not uncommon to receive plans for approval that have multiple changes from the last set. Even more concerning are requests from counties for copies of their approved plans when they are unable to locate their own copies.

N. 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.

O. 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.

Not Applicable.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary, to understand the data, please include a brief description of the methodology supporting each measure.

Not Applicable.

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

Name of Program or Function	Auditing / Population Reports
Location/Division	Headquarters
Contact Name	Shannon J. Herklotz
Statutory Citation for Program:	Local Govt. Code 351 and 361 Government Code 511

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

This strategy requires collecting, analyzing, and disseminating data concerning inmate populations, felony backlog, immigration, licensed jailer turnover, and jail operational costs. Staff assists counties with completing their jail population reports and provides technical assistance. Staff collects, analyzes, and provides statistical data to agencies that helps them predict and prepare for incarceration trends at the state and local level. They also receive audits of the commissary and general operations of the county jails. Staff analyze these audits to assess jail program costs and to develop Average Daily Cost estimates—information that is often requested by other state agencies and counties as well as members of the Legislature.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function?

The Legislative Budget Board, Texas Department of Criminal Justice, advocacy groups and other stakeholders 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.

**Texas Commission on Jail Standards
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of Reports Analyzed	1-3-1.3	N/A	6,158	6,773	109.99%

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

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 1.0. 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. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Not applicable.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

One (1) staff member is 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 function, 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).

Funding source 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 to the target population. Describe the similarities and differences.

The Commission is the only entity that compiles the information from all 254 counties in the state of Texas as well as the privately operated facilities that fall under TCJS purview.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Not applicable.

L. Provide information on any grants awarded by the program.

Not applicable.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Although required by Government Code 499 and 511, there are some counties that do not see the value in the monthly population reports or do not prioritize them to ensure they are submitted in a timely manner. This delays the publishing of the monthly report the agency produces. The issue is further exacerbated by the necessity to correct approximately 10% of the reports that are submitted each month. Agency staff offers free training on the proper way the reports are to be filled out, and the instructions are also posted on the agency website. Smaller counties are the most common offenders especially when the task is assigned to only one person. If that individual is terminated/resigns, on vacation or out sick, they often struggle submitting the

report in a timely manner. It is believed that by migrating the system to an electronic submission process, more time that was previously expended on data entry can be used to assist these counties in the proper submission in a timely manner.

N. 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.

O. 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.

Not Applicable.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary, to understand the data, please include a brief description of the methodology supporting each measure.

Not Applicable.

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: Jason Ross

Statutory Citation for Program: § 511.009. (a)(7)

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

Construction Plan Review, to which 2 full-time equivalent positions are assigned, reviews and comments on construction documents for jail and courthouse construction projects. 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 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 based upon the analyses.

Additionally, the construction program provides consultation and technical assistance to local governments for the most efficient, effective and economic means of jail construction, which meets minimum standards.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

**Commission on Jail Standards
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of Occupancy Inspections Conducted	1-1-1.3	NA	13	19	146.15%
Number of Construction Documents Reviewed	1-2-1.1	NA	33	27	81.82%
Number of Facility Needs Analyses Conducted	1-2-1.2	NA	7	4	57.14%
In-office Planning and Construction Consultations with Jail Reps	1-2-1.3	NA	30	24	80.00%
On-site Planning and Construction Consultations with Jail Reps	1-2-1.4	NA	24	31	129.17%
Number of Completed Construction Projects Meeting Standards	1-2-2.1	N/A	13	12	92.31%

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

- 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. If the response to Section III of this report is sufficient, please leave this section blank.**

The first staff member 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 the county jail construction projects. Since that time, the number of

staff members associated with the planning department has varied based upon the number of construction projects and needs of the agency to review those projects. From 1983 to date, the number of county jail beds has increased from 19,000 to 96,578, 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. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

This program affects architects and engineers who are responsible for development of the plans. These two professions are regulated by their own licensure requirements. In addition, the construction trades that construct these facilities, such as but not limited to mechanical, electrical, and plumbing, are regulated by their own codes and licensing requirements. At this time, there are 38 projects in various stages being undertaken by 34 counties.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

There is currently one Assistant Planner that reports to the agency Planner, who in turn reports to the Executive Director. This division is responsible for the entire state.

G. Identify all funding sources and amounts for the program or function, 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 to the target population. 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. 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 Air Balance Report, which can only be conducted by a certified engineer. These requirements are adopted by reference to prevent unnecessary duplication.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Not applicable.

L. Provide information on any grants awarded by the program.

Not applicable.

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

There are no pre-requisites for architects that are selected at the local level to have experience in designing facilities that meet Texas Minimum Jail Standards. While they are required to be certified by the Texas Board of Architectural Examiners, they may not have the expertise often needed to design effective and efficient facilities. In addition, the Construction Plan Review team faces the challenge of dealing with architects that have designed facilities in other states but have no experience with designing facilities in Texas. When this is encountered, agency staff plays the role of educators as well as regulators during the plan review process. As part of the plan review process, the lack of timely responses from architects, both new and experienced, can impede the rate at which projects proceed. This can add unnecessary costs to projects as the materials used in construction continue to rise each month. Furthermore, these delays can result in other complications with the review process or strained relations between the agency and the projects stakeholders. Additionally, county jails in Texas do not operate with a surplus of staff, and any design that requires more than the minimum number of jailers will be scrutinized. The

Commission could then later be subjected to criticism for approving a facility that is too costly to operate.

Architectural and Engineering firms that design these facilities are required to conform to building, safety, and health requirements of state and local authority. They must also conform to the Texas Accessibility Standards (TAS) and Americans with Disabilities Act Accessibility Guidelines (ADA). This overlap in code requirements and minimum jail standards can cause issues with the overall code compliance for the project. For example, the Texas Department of Licensing and Regulations (TDLR) oversees the Texas Accessibility Standards (TAS), which is incorporated into the design of these facilities. Conflicts between minimum jail standards and TDLR's accessibility standards have resulted in many projects having to apply for variances or a ruling from TDLR and at cost to the project. Some of these issues are a result of TAS being more restrictive than the Federal Guidelines and not recognizing approved alternatives.

N. 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.

O. 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.**

Construction Plan Review ensures that constitutional and statutory provisions are incorporated into design and construction of jail facilities. Without a comprehensive review of design documents and inspection of completed construction projects jail, facilities may not meet applicable construction standards. Below are the policy and procedures for the construction plan review activities of the Commission.

Construction Plan Review

Within 30 working days of receiving the contract documents as submitted by the owner, the Executive Director or his representative shall respond in writing with approval or disapproval of the building as complying with the minimum standards established by rules and procedures of the Commission. If approval is not given, an explicit description of the items that are not approved shall be given by the Executive Director along with an explicit description of the remedy or remedies necessary. The Executive Director shall send his reply directly to the owner and sheriff/operator.

The plan review process involves three phases: Schematic Design, Design Development, and Construction Documents. When drawings are submitted for review, they are date stamped with the date they are received, logged into the "Construction Planning Database", and assigned a project number for tracking.

The drawings are reviewed using a checklist appropriate for those drawings based on the type of facility being constructed and phase of documents submitted. Items will be noted as Satisfactory or will be noted with a comment in capital letters indicating items requiring resolution.

- (a) If schematic or design development phase, call the prime design professional and discuss items requiring resolution. If satisfactory answers are given with a statement that the items will be corrected on the next phase of documents, make note of such on the review.
- (b) If construction document phase, call the prime design professional and discuss items requiring resolution to ensure that all involved understand the comment and the information that will have to be submitted in order to address the comment. All unsatisfactory items will be noted in capital letters on the review forms.

A letter is drafted to the County Judge and the Sheriff with a copy to be forwarded to the prime design professional and Inspector, and the Texas Historical Commission, if applicable. This letter will advise the county to review comments, resolve deficiencies and submit a letter to the Commission containing responses to comments noted in capital letters if applicable.

Facility Planning staff submits the final review and the above-mentioned letter to the Executive Director for approval and makes changes as needed. Final review and letter are then mailed. Once the county has replied regarding the items to be resolved, and the answers are satisfactory, send the county a letter authorizing them to proceed with construction if appropriate. Upon completion of the document review, make changes to the Construction Planning Database. If addenda or changes to plans are submitted to the Commission after any phase has been approved, the facility planning staff reviews the proposed changes and contacts the county with written approval or disapproval.

When a facility is complete, and occupancy approval is given following inspection by facility planning staff, the facility overview will be updated and a copy printed to be placed in the associated inspection folder. The change in capacity will be forwarded to the Inspector and the Program Specialist responsible for population reports in order for the Annual Inspection Report and Population Report to be updated. After a project is completed, plans will be retained for three years. If the number of plans to be retained exceeds storage capabilities, plans will be sent to the Texas State Library Archives until such time as they can be destroyed.

Construction Documents for proposed facilities with a rated capacity of 100 beds or more and an annual average jail population with over 30% Non-Texas inmates will be billed for the review process prior to being granted approval to begin construction; the fee will be set according to the agency's adopted schedule, which is based upon the rated capacity of the proposed facility. The rated capacity of the facility and cost of the review will be sent to the agency's accountant for

billing purposes. Once prepared, the requested invoice will then be submitted to the proposing agency, or county, detailing cost of the review to be submitted.

At any point a construction project is cancelled either during the review process or after approval to begin construction has been granted, official documentation must be submitted by the Executive Officer of the proposing agency or county to verify the project has been officially cancelled. The submitted documentation will then be placed in the appropriate correspondence file, and the agency databases will be updated.

Facility Needs Analysis

A facility needs analysis is a report that is designed to evaluate future county jail capacity needs. The report utilizes data from several different credible sources and provides a projection of future jail populations in an attempt to assist the county in planning for future needs. The report is also used when determining whether to approve and recommend a project requiring the issuance of debt as required by the Office of the Attorney General-Public Finance Division. Listed below are the steps to be taken in the preparation of a facility needs analysis:

Analysis of facility needs shall be submitted to the Commission by the owner prior to submission of any design documents. The owner may request Commission assistance in preparation of the needs analysis. The analysis shall include facility type, capacity, and support area needs. The Sheriff or Owner must request a Facility Needs Analysis in writing to the Executive Director.

A request for information packet is sent to the Sheriff or Owner for them to complete and return to the Commission. The information packet contains such questions as jail population figures for the previous 12 months, peak jail populations, and a county overview, which will assist in the formulation of the report. Once the information packet is returned, a Facility Needs Analysis shall be conducted within 30 days.

The submitted information is reviewed to ensure that it is complete and accurate. If any information does not appear to be correct or is incomplete, contact the county and clarify all discrepancies. In addition, for the general information section of the report, find out the population on that date, the number of female inmates, and if they are housing any inmates out of county. This will provide a recent overview of the conditions that the county is experiencing and offset any information that appears to be outdated due to the county not responding in a timely manner.

Once all of the submitted information is verified, collect county specific data from the United States Census Bureau (<http://www.census.gov>) and the Texas State Data Center (<http://txsdc.utsa.edu>) in order to review population projections for that county. It is important to collect not only the population projections for the future, but to also collect and analyze previous population projections in order to determine the validity of the numbers that are presented by these two agencies. Once all data is reviewed and documented, a percentage for growth should be decided upon which will then be used for calculating the future population growth factor.

A report is then prepared that will explain all information in narrative and tabular format.

- (a) **Introduction:** This section explains the purpose and goals of this report. It will provide all sources for the data utilized and an overview of the state incarcerated population.
- (b) **Current jail conditions:** This section explains when the jail was constructed and whether it has adequate space for normal operations, such as kitchen, laundry, storage and support services. The current facility overview should explain what types of cells are provided, their function, the population that they serve and their security rating. The amount of space allocated for female use should be noted and included in the overall capacity due to the difficulties that counties face when attempting to provide for the female population. In addition, all agencies that the county jail supports should be noted in this section.
- (c) **Incarceration rate trends:** This section will explain what an incarceration rate is and how the calculations are tabulated; comparisons should be noted between county incarceration rates and the state-wide incarceration rate for all counties. The incarceration rate is calculated by dividing the average daily population of the jail for the year by the total county population for the year.
- (d) **Population projections:** This section will explain the predictions from the Texas Data Center and U.S. Census Bureau and the differences, if any, between the two. Actual growth in the past should also be compared to past predictions in order to demonstrate the discrepancies that are possible when attempting to predict future population numbers. Based upon all of the data collected and analyzed, a Texas Commission on Jail Standards population growth factor will then be decided upon and utilized for population projections.
- (e) **Peak populations:** This section will explain what a peak population is and how it will affect a facility. The Peak population factor is calculated by subtracting the average daily population by the average peak population and the difference is then divided by the average daily population. This will provide a percentage that will be utilized as the peak population percentage.
- (f) **Projected capacity needs:** This section will explain the needs of the county by using the following formula: First the county population is multiplied by the incarceration rate, which provides the "Projected Inmate Population." Second, the peak population percentage is multiplied by the "Projected Inmate Population" in order to generate a peak population number, which is then added to the "Projected Inmate Population" in order to create a "Minimum Capacity" figure. The "Minimum Capacity" figure is then multiplied by 10% in order to provide a classification number, which is then added to the "Minimum Capacity" number in order to provide the "Total Capacity." These steps are performed for each year up to 20 years and included in the table.

- (g) **Recommendations:** A recommendation as to the number of beds the county will need for the next 20 years will be provided and will be based upon the total capacity figures generated in section “(f)” of this procedure and the 1:48 staff to inmate ratio.
- (h) **Additional considerations:** This section should explain all additional considerations to include industry and recreation available and located within the region, the number of outstanding warrants, major thoroughfares, and any other item or issue that can potentially impact the inmate population.

Attorney General Finance Letter

5. Financing of Jails and Detention Facilities

As many of you are aware, this office has for some time wrestled with the issue of determining whether the financing of jails or detention facilities of substantial capacity intended to house inmates of governmental entities other than or in addition to those of the sponsoring entity meets the public purpose requirement for the issuance of bonds or other securities. We have now decided, in general, to rely on the review of such facilities undertaken by the Texas Commission on Jail Standards (the "Commission"). Therefore, for any such future transactions we will require, in addition to the usual transcript items, a letter from the Commission's executive director, addressed to this office, approving and recommending the approval by this office of the financing of the proposed jail or detention facility. This requirement supersedes those stated in items 2 and 3 of the September 7, 1989 All Bond Counsel letter.

If a county intends to issue debt in order to finance a construction project, the Office of the Attorney General-Public Finance Division requires that the Commission on Jail Standards issue a letter of support for the project. This requirement was set forth as item 5 in an “All Bond Counsel Letter” dated January 26, 1994 and is included below:

The following steps are to be taken prior to the issuance of any letter of support:

1. The bond counsel for the county will submit a letter requesting that the Commission issue a letter of support for the project. This letter shall contain the project, size, bond counsel information, and the Assistant Attorney General assigned to the project.
2. Review any needs analysis that has been conducted by the Commission on Jail Standards or private entity to ensure the appropriateness of the project.
3. If the project is appropriate, issue a letter of support addressed to the Assistant Attorney General with copies to the County Judge, Sheriff, Bond Counsel and county correspondence file. Ensure that the text of the letter corresponds with the project to include the number of beds, whether it is a new jail or addition, and if it will assist in attaining or maintaining compliance.

Occupancy Inspection

A brief description of Occupancy Inspections can be found within the Inspection and Enforcement program, under section "O.", item "2."

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

Complaints against agency programs are handled in accordance with agency complaint policy which is covered in Section XI., item "C."

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

Name of Program or Function: Grant Program – Prisoner Safety Fund

Location/Division: Headquarters

Contact Name: Bobby Ratra, Jason Ross

Statutory Citation for Program: § 511.019

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

The Grant Program has 1.0 full-time equivalent position assigned to the division, which reviews requests for funding or reimbursement to facilitate capital improvement projects for county jail facilities with a capacity of 96-beds or less. These capital improvement projects are limited to providing electronic cell check systems or camera systems for "at-risk" cells within the jail. These systems are intended to ensure and verify the timely observation of inmates, as required under minimum jail standards, within what are considered high-risk cells. Additionally, this funding is available for these facilities to purchase and install tele-mental health equipment to provide access to psychiatric professionals.

- B. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

Commission on Jail Standards
Exhibit 12: Prisoner Safety Funds Allocated to Date by County

County	Amount of Funding Allocated			Total Amount Per County
	Cameras	Sensors	Tele-Psych	
AUSTIN			\$4,304.40	\$4,304.40
BOSQUE		\$8,319.00		\$8,319.00
BREWSTER			\$2,906.00	\$2,906.00
BURLESON	\$669.65		\$2,851.81	\$3,521.46
CALLAHAN	\$15,550.63			\$15,550.63
CAMP			\$3,941.00	\$3,941.00
CASS			\$1,010.95	\$1,010.95
CASTRO	\$5,300.00			\$5,300.00
CLAY			\$1,897.38	\$1,897.38
COCHRAN		\$2,080.00	\$2,561.00	\$4,641.00
COLEMAN		\$7,453.96	\$2,740.00	\$10,193.96
COLLINGSWORTH	\$1,446.70		\$1,789.51	\$3,236.21
CROCKETT	\$5,350.00		\$4,304.40	\$9,654.40
CROSBY	\$5,740.83		\$847.19	\$6,588.02
CULBERSON		\$2,950.00	\$1,686.00	\$4,636.00
DAWSON			\$1,686.00	\$1,686.00
DEAF SMITH	\$1,990.61			\$1,990.61
DELTA			\$4,304.40	\$4,304.40
DICKENS			\$3,941.82	\$3,941.82
DIMMIT			\$2,936.00	\$2,936.00
DONLEY	\$2,889.98			\$2,889.98
DUVAL	\$4,030.00			\$4,030.00
FISHER			\$2,245.33	\$2,245.33
FREESTONE			\$3,941.82	\$3,941.82
HALL	\$839.98		\$2,740.00	\$3,579.98
HAMILTON			\$2,851.81	\$2,851.81
HARDEMAN			\$4,304.40	\$4,304.40
HOCKLEY			\$4,304.40	\$4,304.40
JIM HOGG			\$2,740.00	\$2,740.00
JONES			\$3,941.82	\$3,941.82
KIMBLE	\$509.29		\$2,740.00	\$3,249.29
KINNEY		\$3,555.00	\$1,748.71	\$5,303.71
KNOX			\$1,162.87	\$1,162.87
LAMPASAS			\$2,740.00	\$2,740.00
LEON			\$2,819.86	\$2,819.86
LIPSCOMB	\$2,569.98		\$2,740.00	\$5,309.98
LYNN	\$4,125.00		\$2,740.00	\$6,865.00
MARION			\$2,851.81	\$2,851.81

MASON	\$5,501.00			\$5,501.00
MCCULLOCH		\$8,190.70	\$2,740.00	\$10,930.70
MILLS			\$1,686.00	\$1,686.00
MORRIS			\$1,414.95	\$1,414.95
OLDHAM			\$1,471.60	\$1,471.60
PARMER			\$2,776.69	\$2,776.69
PECOS			\$2,740.00	\$2,740.00
REAGAN			\$2,740.00	\$2,740.00
REAL	\$3,745.00		\$1,638.00	\$5,383.00
REEVES		\$4,625.00	\$2,740.00	\$7,365.00
ROBERTS	\$1,344.00			\$1,344.00
SOMERVELL			\$2,740.00	\$2,740.00
SWISHER	\$7,259.21			\$7,259.21
TERRELL			\$1,245.00	\$1,245.00
TRINITY	\$399.00			\$399.00
UPTON			\$1,686.00	\$1,686.00
WARD			\$2,851.81	\$2,851.81
WILLACY	\$10,526.27		\$2,740.00	\$13,266.27
TOTALS:	<u>CAMERAS</u>	<u>SENSORS</u>	<u>TELE-PSYCHE</u>	<u>Amount Paid</u>
	\$79,787.13	\$37,173.66	\$121,530.74	\$238,491.53

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

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. If the response to Section III of this report is sufficient, please leave this section blank.

The 86th Legislative Session amended parts of SB 1849(85R) in order to revise requirements for the provision of tele-health equipment and funding eligibility for capital improvement projects. The bill originally required that all facilities be required to install tele-health equipment, regardless if they already had established health or psychiatric services available. Tele-health equipment is now only required if no other means of accessing health or psychiatric services is provided. In addition, the capacity requirements to qualify for grant funding was increased from 96-beds to 288-beds or less. This adds 68 facilities.

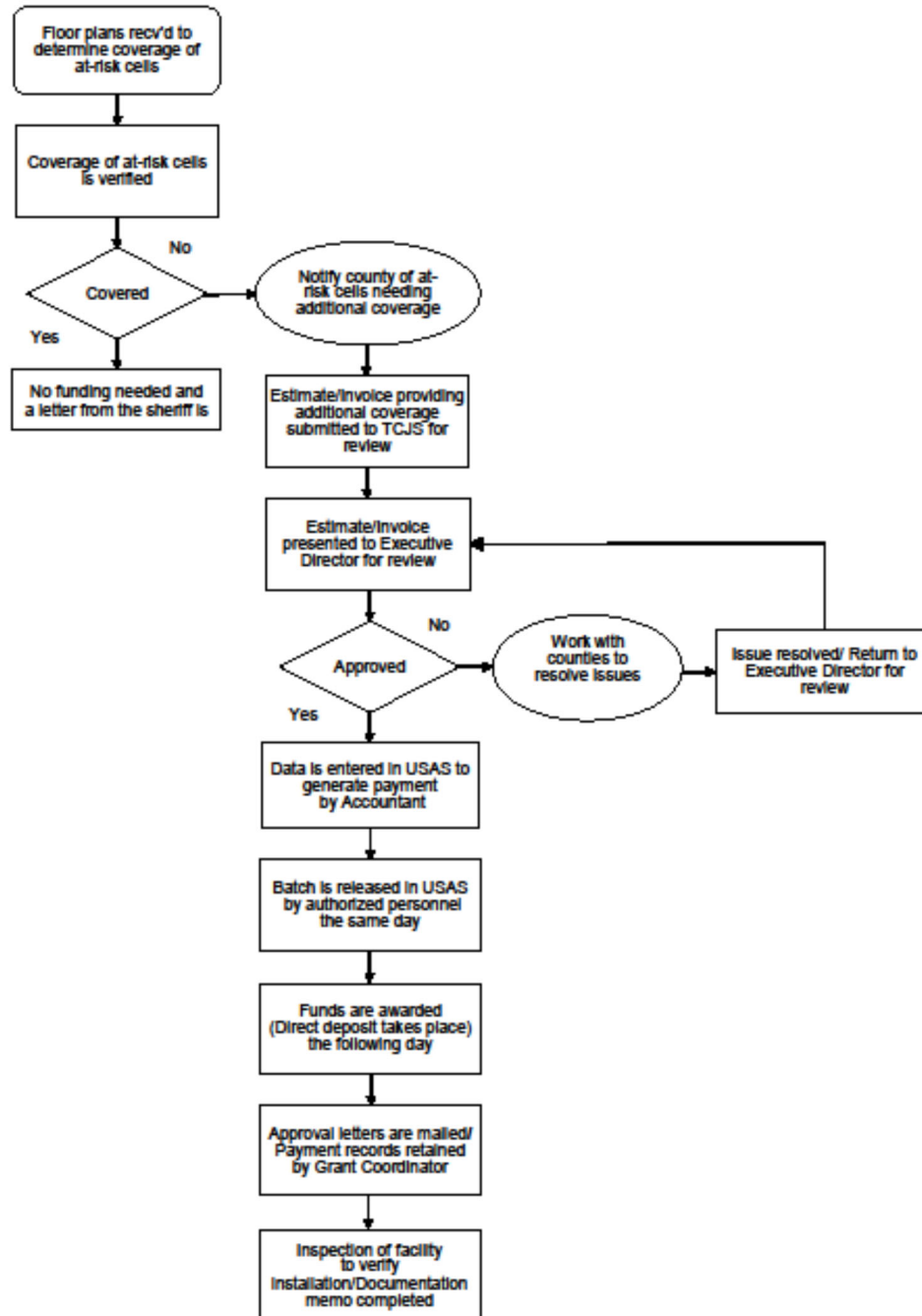
E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The program affects county officials, including the sheriff, judge and Commissioner's court, and also affects the county taxpayers. In addition, this program can affect architects, security companies, construction companies and sub-contractors that plan and implement these capital improvements. At this time, 72 payments have been approved, totaling \$238,491.53 in funds allocated to 56 separate counties.

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

There is currently one Assistant Planner that reports to the agency Planner, who in turn reports to the Executive Director. This division is responsible for the entire state.

GRANT FUNDING PROCESS



- G. Identify all funding sources and amounts for the program or function, 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).**

Funding for to the full-time equivalent position is provided by appropriations out of general revenue. Funding for the actual Prisoner Safety Fund is a dedicated account provided as an appropriation rider (Fund 5172) out of general revenue.

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

The Commission on Jail Standards is the only entity that provides grant funding for the purchase and installation of electronic devices within county jail facilities. Other funding sources are available for county jails through grants from the federal government, gifts and other donations; however, this program is somewhat unique and outside the 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 agency consulted with Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI), Texas Department of State Health Services (DSHS) and Community Centers of Texas (CCTX) regarding the grant program. The Commission on Jail Standards is the only entity that provides grant funding for the purchase and installation of electronic devices within county jail facilities. Other funding sources are available for county jails through grants from the federal government, gifts and other donations; however, this program is somewhat unique and outside the expertise of any other entity.

- 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.**

Local county governments submit proposals for funding or reimbursement in the form of invoices or estimates detailing the itemized cost of equipment and installation. The agency's Grant Coordinator then reviews each proposal on a case by case basis. Any issues or questions with a submitted proposal are directed to the county's point of contact that submitted the documentation. If the request is approved, funding is directly deposited into the account provided by the county's Auditor.

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

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;

- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

Not applicable.

L. Provide information on any grants awarded by the program.

Not applicable.

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

The 85th Legislature established the Prisoner Safety Fund to assist counties that operate a facility with a capacity of 96 beds or less to meet the requirements of SB1849. Even though counties were made aware of this grant program, the initial response rate was anemic. Follow-up reminders were necessary to prompt qualifying counties to apply, and even then it required targeted phone calls by the Executive Director to secure applications from some of those counties. The eligibility cap was raised by the 86th Legislature to include counties that operate a facility with a capacity of 288 beds or less. Agency staff will utilize lessons learned from the prior applications and apply them from the beginning with this next round.

Counties submitting proposals for funding or requesting reimbursement via the Prisoner Safety Fund are required to submit documentation to justify the project. These proposals or invoices are required to be itemized and prepared by a vendor or contractor and include details on the equipment and installation cost. Prior documentation has been submitted with inaccurate pricing or pricing that is determined to be excessive. Proposals or invoices may contain equipment that is beyond the scope of the grant program, such as requesting cameras that provide coverage of the entire facility whereas the grant program is only allowed to be used for “at-risk cells.” Counties then must provide an alternative proposal, requiring additional communication and extending the review process.

N. 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.

O. 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. The program assists counties in meeting the requirements established by the legislature.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

Not Applicable

VIII. Statutory Authority and Recent Legislation

- A. Fill in the following charts, 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 2013–2018, or earlier significant Attorney General opinions, that affect your agency’s operations.

Texas Commission on Jail Standards Exhibit 14: Statutes / Attorney General Opinions

Statutes

Citation / Title	Authority / Impact on Agency (e.g., “provides authority to license and regulate nursing home administrators”)
Citation/Title	Authority/Impact on Agency (e.g., Aprovides 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.

Table 14 Exhibit 14 Statutes

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.

Attorney General Opinion No.	Impact on Agency
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.

Table 15 Exhibit 14 Attorney General Opinions

- B. Provide a summary of significant legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass but were significant, 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). Place an asterisk next to bills that could have a major impact on the agency. See Exhibit 15 Example.**

**Texas Commission on Jail Standards
Exhibit 15: 86th Legislative Session**

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
HB 1651	Gonzalez, Mary	<p>Subject: Pregnant Inmate Restraints</p> <p>Requires TCJS to adopt minimum standards:</p> <ol style="list-style-type: none"> 1) to ensure obstetrical and gynecological care be addressed in jail health service plans, and 2) to identify when a pregnant prisoner is in labor and provide appropriate care to the prisoner, including promptly transporting the prisoner to a local hospital 3) to prohibit restraints on pregnant inmates during pregnancy and 12 weeks thereafter unless the

Bill Number	Author	Summary of Key Provisions
		<p>restraints would prevent escape or harm, as defined</p> <ul style="list-style-type: none"> • Requires the least restrictive restraints necessary on pregnant inmates. • Requires the restraints must also be, if applicable, for the health and safety of the unborn child. • Requires jailers to remove or refrain from using the restraints at the request of a health care professional responsible for the health and safety of the prisoner. • Requires jails to submit to TCJS a report, as specified, not later than Feb 1 every year on the use of restraints on pregnant inmates during pregnancy and for 12 weeks after giving birth. • Requires TCJS to prescribe the form for the annual report described above. <p>Effective 9/1/2019. By 12/1/19, TCJS must:</p> <ul style="list-style-type: none"> • Adopt rules, procedures for: <ul style="list-style-type: none"> ○ including obstetrical and gynecological care in jail health service plans ○ identifying when a pregnant inmate is in labor and providing appropriate care ○ the restraint of pregnant prisoners • Prescribe the annual restraint report form
HB 2169	Allen, Alma	<p>Subject: Feminine Hygiene Products Amends Gov. Code 511 to require TCJS to adopt rules and procedures for minimum standards for quantity, quality, type, and size of feminine hygiene products. Requires TCJS to count female prisoners. Effective 9/1/2019.</p>
HB 3116	White, James	<p>Subject: TCJS Study: IDD Detention Best Practices Establishes a task force and requires TCJS to appoint 8 members, including one representative of a county jail, to conduct a comprehensive study on best practice standards for the detention of a person with an intellectual or developmental disability, specifically:</p> <ul style="list-style-type: none"> • current policies and procedures • barriers to accommodations and justice • best practices used in other states • policies that would improve jail standards; and • any other issue the task force considers appropriate <p>Requires the task force to prepare and submit to the governor, lieutenant governor, speaker of house, and presiding officer of</p>

Bill Number	Author	Summary of Key Provisions
		criminal justice-related standing committees of both houses a written report, as defined. Effective 9/1/2019; written report due: 12/1/2020
HB 3440	Capriglione, Giovanni	<p>Subject: TCJS Electronic Report Submission Amends Gov. Code 511 to require TCJS to develop and establish a system for jails to submit information to TCJS electronically and in electronic format. Allows TCJS to charge jails a reasonable fee for not using its electronic system. TCJS will adopt rules and procedures. Effective 9/1/2019. Implementation by 9/1/2020.</p>
HB 4559	Fierro, Art	<p>Subject: LMHA may request inmate health coverage beneficiary information. Amends Gov. Code to add §511.0098 to allow an LMHA or other health insurance or health benefits coverage to collect specified health coverage information, such as policyholder name, policy number, a copy of the coverage card, etc. TCJS will adopt rules and procedures. Effective 9/1/ 2019.</p>
HB 4468	Coleman, Garnet	<p>Subject: Inmate mental health access, temp jailer 90-day training, Prisoner Safety Fund 288 Bed Threshold Current law requires jails to give prisoners the ability to access a mental health professional at the jail through telemental health service 24 hours per day, beginning 9/1/2020. This law amends Gov. Code §511.009(a) to give jails three options for providing mental illness treatment:</p> <ol style="list-style-type: none"> (1) In-person treatment in the jail (2) 24/7 telemental health treatment in the jail (3) If in-person or 24/7 telemental treatment are not available at the county jail, then the jail must use all reasonable efforts to arrange for the inmate to have access to a mental health professional within a reasonable time <p>Requires TCJS to adopt rules requiring Commission meeting review of non-compliant private jails.</p> <ul style="list-style-type: none"> • Amends Occ. Code 1701 to require temporary county jailers be enrolled in preparatory training on or before the 90th day after hire. • Repeals existing law that allows sheriffs to petition TCOLE to reinstate a temporary jailer after their first anniversary of hire • Prevents temporary county jailers from being promoted to supervisory position. TCJS will adopt rules and procedures <p>Effective 9/1/2019. If a jail is going to implement 24/7 telemental health access, then it must be in place by 9/1/2020.</p>

Bill Number	Author	Summary of Key Provisions
SB 346	Zaffirini, Judith	Subject: Inmate reimbursement fee for medical care Subject: Currently, CCP requires that current or former county jail inmates who received medical, dental, or health related services from a county or a hospital district to pay for such services when they are rendered. This law requires inmates to pay instead a reimbursement fee for such services. TCJS may require jails to revise their Health Service Operations Plans. Effective 1/1/2020
SB 1700	Whitmire, John	Subject: Discharge inmates from 6:00 AM to 5:00 PM Amends CCP 43 to require jails to release defendants, mentally ill inmates excepted, between 6 A.M. and 5 P.M. on the day of discharge, as specified and with exceptions. Permits the jail to release inmates the day before the defendant's sentence ends. When the inmate requests it, this law permits the jail to release inmates before 6 A.M. or after 5 P.M. TCJS will adopt rules. Effective 9/1/2019

Table 16 Exhibit 15 Legislation Enacted 86th Leg

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 1553	White, James	Subject: Composition of TCJS Would have amended Gov. Code 511 to change the composition of the TCJS Commissioners: Would have raised from one to two the number of Commissioners who must be medical practitioners, and would have required that one of them be certified in psychiatry, as specified. Would have required one Commissioner to have expertise in providing resources that are available to veterans in Texas. Would have reduced from four to two the number of members who must be representatives of the public, and would have retained the current requirement that one of the public representatives must reside in a county with a population of 35,000 or less. Would have permitted the current Commissioners to serve out their remaining terms before being replaced by Commissioners who meet the criteria. Would have required the governor to replace departing Commissioners with people possessing the new criteria. 04-30-19 Died in Senate Committee on Senate Criminal Justice

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 2701	White, James	<p>Subject: TCOLE develop pregnant inmate jailer training Engrossed bill would have amended Occ. Code to require TCOLE develop a training and education program for jailers concerning interacting with pregnant prisoners, which must be based on obstetrical and gynecological best practices include general information on:</p> <ul style="list-style-type: none"> (1) pregnancy, labor, delivery, and recovery; (2) identifying when a woman is in labor; (3) appropriate prenatal and postnatal care and first aid techniques specific to pregnant women; and (4) factors that increase the risk of a miscarriage. TCJS would consult, conduct workshops. <p>04-29-19 Died in Senate Committee on Senate Criminal Justice</p>
SB 2191	Whitmire, John	<p>Subject: Inmate Denied Bail Must Be Confined In Tx Jail Would have amended CCP to provide that, if a judge or magistrate denies a defendant's release on bail pending trial, the judge or magistrate shall order that the defendant be confined in a jail that is located in this state. Would have required that a child may not be placed, as specified, in a facility located outside this state unless the child's parent or other person having legal custody resides or is undertaking residence in that state.</p> <p>05-01-19 Reported favorably from committee on House Criminal Jurisprudence but not passed from House Floor</p>

Table 16 Exhibit 15 Legislation Not Passed 86th Leg

IX. Major 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. Inclusion of an issue does not indicate support, or opposition, for the issue by the agency's board or staff. Instead, 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 that can be enacted in state law. This section contains the following three components.

ISSUE 1: Facilities Unable to Maintain Compliance

A. Brief Description of Issue

Each facility under the agency's purview is inspected at least once annually. If a notice of non-compliance is issued following any inspection, the county is required to submit a corrective plan of action within 30 days. Upon receipt and approval of the proposed plan of action, the Commission is to provide the county a reasonable period of not more than one year to regain compliance in accordance with §511.012. An overwhelming majority of jails that are issued a notice of non-compliance are able to regain certification within 90 days. An issue that has become more common over the last several years is a jail being issued a notice of non-compliance, and then subsequently regaining certification, but before the next annual inspection, they are again found in non-compliance. The agency takes into account jail's 3- and 5-year compliance history for risk assessment purposes, but there is no mechanism in place to adequately address counties that receive multiple notices of non-compliance within a year if they regain certification each time. The same issue presents itself regarding facilities that fail consecutive annual inspections. Counties have also failed their annual inspections in consecutive years, one having failed three in a row. But after each one, they submitted a corrective plan of action and were recertified prior to the next annual inspection.

Discussion

Agency staff has been questioned by members of the legislature and the media regarding facilities that have been issued multiple notices of non-compliance during what they perceive is a short period of time. When a county requests a reinspection following a notice of non-compliance, the Commission reinspects only the non-compliant items it identified in the original inspection. A full inspection is not conducted during the reinspection. A review of other inspection programs indicates this is industry practice. During the 86th Legislative session, SB2187 was filed by Sen John Whitmire that addressed some of these issues, but it did not pass

out of committee. A previous bill filed in 2005 (80R HB2699 by Turner) was similar but did not receive a hearing and did not pass out of committee. These two bills would have required the agency to install a “compliance monitor” whose job would have been to determine that areas of non-compliance and concern had been adequately addressed and resolved.

C. Possible Solutions and Impact

A possible solution to address this concern would be to utilize the data generated by the agency’s risk assessment process to identify at-risk facilities for an additional, full inspection. Depending on the threshold established that would trigger this course of action, up to 5% of the facilities under the agency’s purview would be subjected to an additional inspection per biennium. The agency would need to adjust its performance measures to account for the additional inspections. It would also be prudent to explore whether a change in statute would be appropriate. Not addressing this approach within the agency’s enabling statute could provide opponents of increased oversight an opportunity to claim bureaucratic overreach exceeding statutory mandates. Based on the average cost of \$1,275 per inspection, this would amount to approximately \$6,375 per year but would be dependent upon the actual number of facilities that would be classified as at risk.

ISSUE 2: Death in Custody Investigations

A. Brief Description of Issue

Since 2009, county jails have been required to report to the agency any death in custody. This ensures that the incident can be reviewed to determine if any violation of minimum jail standards occurred or contributed to the death. This issue was further addressed in 2017 by SB1849, known as the Sandra Bland Act. This bill required that a law enforcement entity other than the one operating the jail must conduct a criminal investigation of any custodial death. However, on multiple occasions, counties have not reported a death because they claim that at the time of death the inmate was not in custody. This is because when the inmate’s medical condition became acute, and the jail had either released the inmate abruptly on a Personal Recognizance Bond (PR Bond) without the inmate’s signature or immediately transported the inmate to a hospital. In their opinion, this negates the requirement to report the death as they do not believe the individual is in custody. This most often occurs with a suicide attempt that later results in the inmate’s death at a hospital.

B. Discussion

In order for a PR Bond to be valid, the individual must sign and agree to the conditions of release in accordance with CCP 17.04(3). This would appear to settle the issue, but there is potential conflict with other sections of the Code of Criminal Procedure that should be reviewed in order to determine if there is in fact a conflict and what takes precedent. The issue is even less clear for individuals that the county claims they have released from custody because a judge has dismissed the charges. While the inmate technically may no longer be in custody, there is a very real possibility that the events that contributed to their death occurred while they were in custody and preceded their PR Bond or transfer to the hospital. By not reporting the death, the jail avoids the required criminal investigation. This could be viewed as circumventing the intent of the legislature and existing statutes.

C. Possible Solutions and Impact

The agency is currently preparing a request for an opinion from the Office of the Attorney General in an effort to settle this issue. This does not guarantee a solution will be provided though, which often depends upon the amount of information provided and the level of specificity included. Amending the definition of a death in custody within existing statutes to provide clarity and intent when these events occur would settle the issue and provide guidance to the agency, counties, and law enforcement entities designated to investigate. This would not require additional appropriations to the agency and would eliminate the perception of counties trying to “hide something” or of circumventing the law to avoid their responsibility and accountability.

ISSUE 3: Inmates with Mental Health Issues or Intellectual and Developmental Disabilities

A. Brief Description of Issue

Inmates with mental health issues or intellectual and developmental disabilities continue to pose one of the biggest challenges for the jails under the Commission’s purview. Although agency staff members are not subject matter experts regarding this field, we receive questions or complaints about it on a daily basis. The issue is a complex one with many levels and not within our ability to solve.

B. Discussion

For the most part, the agency has acted as a conduit for information when it comes to mental health. With multiple agencies and organizations tasked with the duty of servicing this segment of the inmate population, others are much better suited to handle this issue. However, care and treatment of inmates falls under our purview, and the overlap results in our participation in resolving issues or complaints regarding mental health. Commonly, the Commission is involved in instituting and then updating an intake screening form, developing and teaching a statutorily mandated training class on mental health for jailers, and participating on multiple task forces and groups to address mental health issues. Even with the additional technical assistance and training provided, there still appears to be a disconnect between county mental health needs and local mental health authorities (LMHAs). A majority of the counties rely upon their LMHA to provide mental health services. The only services LMHAs are required to provide are crisis services. Therefore, if the LMHA determines that an inmate is not in crisis, then the LMHA is not required to provide services. On the other hand, if the county has a contract with the LMHA to provide services above and beyond crisis treatment to inmates, then the jails do not have to seek out other providers. Unfortunately, this is not the case with an overwhelming majority of counties. It has also been difficult to impart upon counties that, just because a person is not in crisis as determined by the LMHA, they most likely still need mental health services. This does not even begin to address the lack of forensic beds within the state hospital system and the 8-month average wait time for admission for those who have been found incompetent to stand trial. This results in inmates that should be in a therapeutic/restorative environment are instead waiting at a county jail, which is neither therapeutic nor restorative.

C. Possible Solutions and Impact

Difficult and unpopular would be the two most accurate words to describe any possible solution. If counties do not contract with their LMHA, for whatever reason, they are still responsible for the inmate's mental health care. The lack of providers makes this difficult in some areas of the state. Use of tele-mental health appears to provide a possible solution, but some counties have balked at having to pay a base fee for the service and then a visit fee. The cost of these services is expensive due to not only the medical specialty but due also to the sheer number of inmates in need of these services. The cost is incurred by the counties, but they continue to look to the state for solutions.

ISSUE 4: Access to Medical Records

A. Brief Description of Issue

During the course of any investigation or inspection, agency staff routinely reviews inmate medical records to ensure the facility has provided proper care and treatment. Unrestricted access to these records is critical as an overwhelming majority of complaints received by the agency (approximately 30 percent) deal with medical care. Without access to these records, it is impossible to determine if county jails are providing access to medical care and following physician's orders as required by law and reinforced by multiple court rulings over the past 50 years.

B. Discussion

Several times per year, the agency will encounter opposition when requesting inmate medical records. This most often occurs when dealing with a facility that utilizes a contract medical provider. Other situations in which this has been an issue is when a facility is using a contract provider for mental health services. When this occurs, the provider most often cites HIPAA as the reason for their reluctance or refusal to provide access. In other cases, the provider will claim that the creation of these records are "proprietary" and not subject to disclosure. When either of these situations is encountered, it slows down the process of trying to determine if there were any violations of minimum standards in an extremely important area. Failure to provide adequate healthcare can have dire consequences, up to and including death. Unfortunately, we have determined on several occasions that jails have failed to follow physician's orders, and being able to identify and correct this issue is extremely important. Current state law and the federal act regarding disclosure of medical records provides an exemption that we have been able to utilize in the past when this issue arises. However, there is still opposition as entities misinterpret (intentionally or due to lack of knowledge) this exemption and slow down the resolution of complaints and investigations.

C. Possible Solutions and Impact

Currently, Government Code §511.010 allows Commission staff to access jail records to ensure that minimum standards are being met. This includes the ability to issue subpoenas if necessary. In addition, Health and Safety Code §§611.004, .017, and 89.072 provides the agency authority to review this confidential information in order to carry out its duties. Furthermore, HIPAA provides for disclosure pertaining to national health priorities. Of these, Essential Government

Functions, Public Health Activities, and Law Enforcement contain language that clearly provides for the release and review of protected medical information by entities that fall within these priorities. What is needed to address this issue is a review of the current applicable state and federal laws in place to ensure there is not a conflict and then enactment of a plain-language section in either the agency's enabling statute, the state law, or both regarding the ability to access inmate medical records. There would be no cost to do so, and it would always ensure transparency while expediting the investigation process.

ISSUE 5: Veterans in the Criminal Justice System and County Jails

A. Brief Description of Issue

Based upon current data available, it is estimated that 6 percent (or approximately 4,100) of the inmate population served in the armed forces. Prior to 2015, there was no accurate way to determine how many veterans were in our county jails. In 2007, the agency added a question to the intake screening form that required counties to ask whether the inmate being booked into the jail had prior military service. The purpose of the question was twofold: it would allow counties to identify veterans and then to provide veterans with existing assistance. This was met with mixed reactions, as many viewed it as more paperwork or a duty that a different entity should be carrying out. When the issue was reviewed in 2012, it was determined that very few counties were doing anything with the information they were collecting. In 2015, HB 875 was passed, which required counties to submit the names of all inmates booked to the Veteran's Administration VRSS database to determine if they were a veteran. If they received a positive return, the sheriff was then required to assist the inmate with obtaining services.

B. Discussion

Even after the passage of HB 875, the return rate of materials to the Texas Veteran's Commission from veterans seeking assistance and the number of subsequent contacts made by the VA remains relatively small. The Commission may issue a notice of non-compliance on a county that fails to submit names to VRSS, but counties continue to report technical issues with VRSS that are not always user error. Veterans are a segment of the inmate population for which there are existing resources. Utilization of these resources could decrease recidivism, which in turn would lower the cost of operating a county jail. Determining the best way to connect the jails, county Veteran Services Officers, and the VA, which employs Veteran Justice Outreach staff to address this issue, would result in benefits to veterans, local government, and state government.

C. Possible Solutions and Impact

Establishment of a robust coordinating group that could ensure the local (jails and VSO) and Federal (VRSS and VJO) are actively working to address the situation. With the addition of the Texas Veteran's Commission and their resources, most of the obstacles could be overcome. This may require pressure be applied to Federal entities to ensure their piece is being carried out. This is beyond the capability of a state agency but not beyond our elected officials.

X. Other Contacts

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

**Texas Commission on Jail Standards
Exhibit 16: 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	Email Address
Texas Council of Community Centers-Lee Johnson	Westpark Building 3, Suite 240 8140 N. Mopac Expwy. Austin, TX 78759	(512) 775-9572	Ljohnson@txcouncil.com
Texas Jail Project-Diana Claitor	1712 E. Riverside Drive, Box 190 Austin, Texas 78741	(512) 469-7665	diana.claitor@texasjailproject.org
ACLU Texas-Matt Simpson	P.O. Box 12905 Austin, TX 78711-2905	(512) 478-7300	MSimpson@aclutx.org
Meadows Mental Health Policy Institute-Dr. Tony Fabelo	1303 San Antonio Street, Suite 810, Austin, TX 78701	(512) 507-6653	tfabelo@texasstateofmind.org
The ARC of Texas/Alex Cogan	8001 Centre Park Drive, Suite 100 Austin, Texas 78754	(512) 454-6694	acogan@thearcoftexas.org
Texas Criminal Justice Coalition Molly Totman Or Lindsey Linder	1714 Fortview Road, Suite 104 Austin, Texas 78704	(512) 441-8123	mtotman@TexasCJC.org llinder@TexasCJC.org

Table 18 Exhibit 16 Interest Groups

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	Email Address
Sheriff's Association of Texas-Steve Westbrook	1601 S. Interstate 35 Austin, TX 78741-2503	(512) 445-5888	steve@txsheriffs.org
Texas Jail Association - Sharese Hurst	Correctional Management Institute of Texas George J. Beto Criminal Justice Center Sam Houston State University Huntsville, TX 77341-2296	(936) 294-1687	sharese@shsu.edu
Texas Association of Counties-Judge Susan Redford or Noe Barrios	P.O. Box 2131 Austin TX 78768-2131	(512) 478-8753	susanr@county.org noeb@county.org
Texas Conference of Urban Counties - Windy Johnson	500 W 13th St. Austin TX 78701	(512) 476-6174	windy@cuc.org
Department of Justice-National Institute of Corrections - Shaina Vanek	320 First Street, NW Washington, D.C. 20534	(202) 514-4202	svanek@bop.gov
Texas Chief Deputies Association – Rachel Vega	218 Quinlan Street #401 Kerrville, TX 78028	(512) 348-1739	tcd1986@gmail.com

Table 19 Exhibit 16 Interagency, State, and National Association**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	Email Address
Office of Attorney General Assistant Attorney General and assigned counsel - Dennis McKinney	Administrative Law Division, M/C 018 300 W. 15th Street 10th Floor Austin, Texas 78701	(512) 475-4020	Dennis.McKinney@oag.texas.gov
Legislative Budget Board Agency Analyst - Kelsey Vela	1501 N. Congress Ave. 5th Floor Robert E. Johnson Building Austin, TX 78701	(512) 463-5629	kelsey.vela@lbb.texas.gov
TDCJ Reentry and Integration Division & TCOOMMI - April Zamora, Director	4616 W Howard Lane Ste. 200 Austin, TX 78728	(512) 671-2580	April.Zamora@tdcj.texas.gov
Texas Commission on Law Enforcement - Kim Vickers, Executive Director	6330 East Highway 290, STE 200 Austin, Texas 78723	(512) 936-7771	kim.vickers@tcole.texas.gov

Self-Evaluation Report

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Office of the Governor Policy-Dr. Michael Hull Budget-Fisher Reynolds	P.O. Box 12428 Austin, Texas 78711-2424	(512) 463-1778 (512) 463-8966	Michael.Hull@gov.texas.gov Fisher.Reynolds@gov.texas.gov
Texas Veterans Commission Erin McGann Justice Involved Veterans Coordinator	PO Box 12277 Austin 78701	(512) 815-7906	erin.mcgann@tvc.texas.gov
Texas Health & Human Services Commission Dr. Courtney Harvey State Mental Health Coordinator & Associate Commissioner	6330 E. Hwy. 290 MC 1155 Austin, Texas, 78723	(512) 380-4322	courtney.harvey@hsc.state.tx.us
Texas Department of State Health Services (Tuberculosis and Hansen's Disease Branch) - Sandra A. Morris	P.O. Box 149347 Austin, TX 78714-9347	(512) 533-3128	Sandra.Morris@dshs.texas.gov

Table 20 Exhibit 16 Liaisons at Other State Agencies

XI. Additional Information

- A. Texas Government Code, Section 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. See Exhibit 17 Example.**

**Texas Commission on Jail Standards
Exhibit 17: Evaluation of Agency Reporting Requirements**

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
CCP 16.22 Jail Violations	Gov. Code § 511.009(a)(17)	Beginning of each month	Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)	A list of violations of CCP 16.22 during the previous month. 16.22 requires jails to notify magistrates within 12 hours of an inmate manifesting symptoms of mental illness.	No. TCOOMMI receives the report but has no use for it.

Table 21 Exhibit 17 Agency Reporting Requirements

Note: If more than one page of space is needed, please provide this chart as an attachment, and feel free to convert it to landscape orientation or transfer it to an Excel file.

- B. Does the agency’s statute use "person-first respectful language" as required by Texas Government Code, Section 325.0123? Please explain and include any statutory provisions that prohibit these changes.**

Gov Code §511 .0071(b) uses the term “developmental disability.” §511 otherwise does not use any of the phrases prohibited.

Texas Administrative Code Title 37, Part 9, which houses the Commission’s rules uses the terms “disabled,” “mentally disabled,” and “mentally ill.”

Gov Code § 511 .0085 uses the phrase “persons with mental illness.”

- C. Please describe how your agency receives and investigates complaints made against the agency.**

Gov. Code §511.0071 and Texas Administrative Code §251.6. Complaints

- (a) General. A complaint received by the Commission concerning facilities under the Commission’s purview or the Commission and/or its procedures or functions shall be

investigated and resolved according to Commission internal policies and procedures. All inspection reports, plan reviews and bills for services issued by the Commission shall provide instructions for directing complaints to the Commission regarding Commission functions and procedures.

- (b) Filing a Complaint. An individual who has a complaint about a facility under the Commission’s purview or the Commission may file a complaint in any written format or use the Commission’s prescribed complaint form. The complaint form is available on the agency website and may be submitted electronically or may be obtained by contacting the Commission through the agency website, telephone, fax, email, or written request.
- (c) Public Disclosure. A complaint against a facility under the Commission’s purview or the Commission will only be made available for public disclosure in accordance with Government Code Chapter §552.

History: The provisions of this §251.6 adopted to be effective December 27, 1994, 19 TexReg 9878; amended to be effective September 30, 2010, 35 TexReg 8770.

Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate.

Texas Commission on Jail Standards

Exhibit 18: Complaints Against the Agency — Fiscal Years 2017 and 2018

	Fiscal Year 2017	Fiscal Year 2018
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	N/A	N/A

Table 22 Exhibit 18 Complaints Against the Agency

- D. Fill in the following charts detailing your agency’s Historically Underutilized Business (HUB) purchases. See Exhibit 19 Example. Sunset is required by law to review and report this information to the Legislature.

Texas Commission on Jail Standards

Exhibit 19: Purchases from HUBs

Fiscal Year 2016

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal*	Statewide Goal
Heavy Construction	\$0	\$0	0%	11.2%	11.2%
Building Construction	\$0	\$0	0%	21.1%	21.1%
Special Trade	\$0	\$0	0%	32.9%	32.9%

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal*	Statewide Goal
Professional Services	\$0	\$0	0%	23.7%	23.7%
Other Services	\$10,167.00	\$0	0%	26.0%	26.0%
Commodities	\$18,509.00	\$93.00	.51%	21.1%	21.1%
TOTAL	\$28,676.00	\$93.00	.33%		

Table 23 Exhibit 19 HUB Purchases for FY 2016

- * If your goals are agency specific-goals and not statewide goals, please provide the goal percentages and describe the method used to determine those goals. (TAC Title 34, Part 1, Chapter 20, Rule 20.284)

Fiscal Year 2017

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	\$0	\$0	0%	11.2%	11.2%
Building Construction	\$0	\$0	0%	21.1%	21.1%
Special Trade	\$0	\$0	0%	32.9%	32.9%
Professional Services	\$0	\$0	0%	23.7%	23.7%
Other Services	\$12,959.00	\$0	0%	26.0%	26.0%
Commodities	\$13,950.00	\$268.00	1.93%	21.1%	21.1%
TOTAL	\$26,909.00	\$268.00	1%		

Table 24 Exhibit 19 HUB Purchases for FY 2017

Fiscal Year 2018

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	\$0	\$0	0%	11.2%	11.2%
Building Construction	\$0	\$0	0%	21.1%	21.1%
Special Trade	\$0	\$0	0%	32.9%	32.9%
Professional Services	\$4,010.00	\$4,010.00	100%	23.7%	23.7%
Other Services	\$9,887.00	\$0	0%	26.0%	26.0%
Commodities	\$27,877.00	\$8,603.00	30.86%	21.1%	21.1%
TOTAL	\$41,774.00	\$12,613.00	30.19%		

Table 25 Exhibit 19 HUB Purchases for FY 2018

- E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Section 2161.003; TAC Title 34, Part 1, Rule 20.286c)**

TCJS HUB Procedure follows the CPA/SPD HUB program and procedures.

- F. 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? (Texas Government Code, Section 2161.252; TAC Title 34, Part 1, Rule 20.285)**

The Commission does not have any contracts that are \$100,000 or more. If the agency acquired any contracts \$100,000 or above, The Commission would incorporate the HUB subcontracting rules as per the CPA/SPD HUB procedures.

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

- 1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Section 2161.062; TAC Title 34, Part 1, Rule 20.296)**

HUB Coordinator – Valerie Woehl, CTPM, CTCM

Valerie.Woehl@tcjs.state.tx.us – (512) 463-8107

Note that our biennial appropriation does not exceed \$10 million.

- 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? (Texas Government Code, Section 2161.066; TAC Title 34, Part 1, Rule 20.297)**

Not Applicable.

- 3. Has your agency developed a mentor-protégé 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? (Texas Government Code, Section 2161.065; TAC Title 34, Part 1, Rule 20.298)**

Not Applicable.

- H. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics. See Exhibit 20 Example. Sunset is required by law to review and report this information to the Legislature. Please use only the categories provided below. For example, some agencies use the classification “paraprofessionals,” which is not tracked by the state civilian workforce. Please reclassify all employees within the appropriate categories below.**

Texas Commission on Jail Standards
Exhibit 20: Equal Employment Opportunity Statistics

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	2	0%	7.4%	0%	22.1%	0%	37.4%
2017	6	16.6%	7.4%	16.6%	22.1%	16.6%	37.4%
2018	6	16.65%	7.4%	16.6%	22.1%	16.6%	37.4%

Table 26 Exhibit 20 EEO Statistics for Officials/Administration

2. Professional

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	6	16.66%	10.4%	50%	19.3%	50%	55.3%
2017	4	25%	10.4%	50%	19.3%	50%	55.3%
2018	6	50%	10.4%	33.33%	19.3%	50%	55.3%

Table 27 Exhibit 20 EEO Statistics for Professionals

3. Technical

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	2	50%	14.4%	0%	27.2%	0%	55.3%
2017	1	0%	14.4%	0%	27.2%	0%	55.3%
2018	0	0%	14.4%	0%	27.2%	0%	55.3%

Table 28 Exhibit 20 EEO Statistics for Technical

4. Administrative Support

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	2	0%	14.8%	50%	34.8%	100%	72.1%
2017	1	0%	14.8%	0%	34.8%	100%	72.1%
2018	3	0%	14.8%	0%	34.8%	33.33%	72.1%

Table 29 Exhibit 20 EEO Statistics for Administrative Support

5. Service / Maintenance

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	0	0%	13.0%	0%	54.1%	0%	51.0%
2017	0	0%	13.0%	0%	54.1%	0%	51.0%
2018	0	0%	13.0%	0%)	54.1%	0%	51.0%

Table 30 Exhibit 20 EEO Statistics for Service and Maintenance

6. Skilled Craft

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	0	0%	10.6%	0%	50.7%	0%	11.6%
2017	0	0%	10.6%	0%	50.7%	0%)	11.6%
2018	0	0%	10.6%	0%	50.7%	0%)	11.6%

Table 31 Exhibit 20 EEO Statistics for Skilled Craft

I. 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 The Commission to track minority interest in employment with the Office and provide data to assess minority participation. These reports enable The Commission 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.

Attachments ---

Create a separate file and label each attachment (e.g., Attachment 2_Annual Reports) and include a list of items submitted. Attachments may be provided in electronic form or through links to agency webpages.

Attachments Relating to Key Functions, Powers, and Duties

1. If the agency publishes a version of its enabling statute and/or rules, please include an electronic copy.
2. Annual reports published by the agency from FY 2016–2018.
3. Internal or external newsletters published by the agency in FY 2018.
4. List of studies that the agency is required to do by legislation or riders.
5. List of legislative or interagency studies relating to the agency that are being performed during the current interim.
6. 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. Provide links if available.

Attachments Relating to Policymaking Structure

7. Biographical information (e.g., education, employment, affiliations, and honors) or resumes of all policymaking body members. *See Attachment 7 Example.*
8. Board training manuals and copies of any policies related to the board's duties and responsibilities.
9. Employee manuals and copies of any policies related to staff's duties and responsibilities.
10. Copies of any other significant policies adopted by the board.

Attachments Relating to Funding

11. Agency's Legislative Appropriations Request for FY 2020–2021.
12. Annual financial reports from FY 2016–2018.
13. Operating budgets from FY 2016–2018.

Attachments Relating to Organization

14. If applicable, a map to illustrate the regional boundaries, headquarters location, and field or regional office locations.
15. Any flowcharts showing the operations of the agency, such as complaint resolution processes, disciplinary or enforcement procedures, etc.

Attachments Relating to Agency Performance Evaluation

16. Quarterly performance reports completed by the agency in FY 2017–2018.
17. Performance reports presented to the agency’s board of directors in FY 2016–2018, if different from the reports in Attachment 16.
18. Performance reports submitted to the Legislative Budget Board from FY 2016–2018
19. Any recent studies on the agency or any of its functions conducted by outside management consultants or academic institutions.
20. Agency’s current internal audit plan.
21. Agency’s current strategic plan.
22. List of internal audit reports from FY 2014–2018 completed by or in progress at the agency.
23. List of State Auditor reports from FY 2014–2018 that relate to the agency or any of its functions.
24. Any customer service surveys conducted by or for your agency in FY 2017–2018.
25. Any reports created under Texas Government Code, Section 2110.007 regarding the usefulness and costs of the agency’s advisory committees.