

# EXECUTIVE SUMMARY OF SUNSET STAFF REPORT

## Texas Commission on Jail Standards

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Since 1975, the Legislature has entrusted the Texas Commission on Jail Standards with one of the state's most challenging, high-stakes jobs — decreasing safety risks for jail staff and inmates, including those involving injury and death. While state law charges local elected officials with funding and operating jails, the agency sets and enforces minimum standards to help ensure these facilities are safe and secure, regardless of their varying sizes, operations, and available resources. Jails are often the greatest potential liability for local governments, and the agency helps minimize this liability, for which taxpayers would otherwise foot the bill, by setting standards, performing routine inspections, and providing technical assistance.

Until recently, the agency largely stayed out of the spotlight, as criminal justice reforms tended to focus on topics like bail, sentencing, and decarceration more than jail conditions. However, in 2015, the agency generated considerable attention when Sandra Bland died by apparent suicide inside a county jail. Her death sparked a national conversation about transparency and accountability in the criminal justice system, resulting in significant new requirements for the agency and the jails it oversees.

**Texas relies on this agency to act as the public's eyes and ears inside jails.**

While jails operate behind closed, secured doors, Texas relies on this agency to act as the public's eyes and ears inside these facilities. With this role in mind, Sunset staff determined the agency's functions and independent structure are critical to the state and should be continued for 12 years. However, some of the agency's most pressing problems lie beyond its authority to fix. For example, the influx of people with mental health issues and disabilities into local jails has been a concern for decades. While agency staff can help jailers manage the impacts of this issue, they cannot tackle its root causes, which fall outside of the agency's control and beyond Sunset's scope. Therefore, Sunset staff identified other areas in which the agency has sufficient authority to address problems, but has not used it adequately.

Despite a broad mandate to adopt needed safety and security standards, the agency has not proactively updated standards to keep pace with dynamic jail environments. Also, many of its key standards are overly vague, tending to take a one-size-fits-all approach that does not account for variations in risk among jails of different types and sizes. Further, underdeveloped processes for conducting inspections, investigating complaints, and taking enforcement

action perpetuate inconsistencies across jails and do not incentivize prompt, sustained compliance with state standards. Requiring the agency to update procedures for its major duties, including standards development, inspections, and data collection, would ensure the agency improves safety, minimizes liability, and allocates resources more efficiently.

The following material highlights Sunset staff's key recommendations for the Texas Commission on Jail Standards.

## **Sunset Staff Issues and Recommendations**

### **ISSUE 1**

#### **The Agency's Minimum Jail Standards are Overly Vague, Broad, and Stagnant, Creating Risks for Jails and Inefficiencies for the Agency.**

The agency writes, proposes, and promulgates minimum jail standards in the form of its rules. However, many of these standards are unnecessarily vague, which hinders their ability to decrease potential liabilities in jails. The agency's overly broad standards also take a one-size-fits-all approach that does not adequately address variations in risk among jails of different types and sizes. Finally, the agency does not regularly review and update its rules to ensure standards are up-to-date and responsive to trends occurring across the state.

#### **Key Recommendations**

- Require the commission to ensure minimum standards account for varying needs and levels of risk among different jails.
- Clarify the commission has authority to revise, amend, and change rules as needed without specific legislative action or approval.
- Direct the commission to review its rules for vague and ineffective standards, and improve their specificity and usefulness.

### **ISSUE 2**

#### **The Agency's Inspection and Enforcement Processes Do Not Adequately and Efficiently Mitigate Risk in Jails.**

Routine inspections allow the agency to help jails correct noncompliance with minimum standards. However, overly rigid inspection schedules and inconsistent procedures in the field prevent staff from identifying problems as efficiently as possible. Further, when the agency does find violations, its limited enforcement process does not deter prolonged or repeat noncompliance. Developing a more standardized, risk-based approach to inspections and adopting a system of graduated actions against noncompliant jails would help the agency target its resources toward high-risk jails and address violations more predictably and comprehensively.

**Key Recommendations**

- Require the commission to establish a risk-based approach to inspections.
- Require the commission to adopt rules and policies for taking escalating actions against jails that remain out of compliance for extended or recurring periods of time.
- Direct the agency to create a procedures manual detailing its inspection process.

**ISSUE 3****The Agency Lacks Key Complaints Data and Investigation Processes to Best Ensure Jails Meet Minimum Standards.**

The agency receives more than 2,000 complaints each year but lacks clear, documented, and comprehensive procedures to guide thorough investigations, prioritize the high volume of complaints, and consistently refer out non-jurisdictional complaints. Additionally, the agency does not provide adequate information about the complaints process, which leads to inefficiency and unfairness. Finally, the agency lacks consistent, reliable complaints data, without which it cannot conduct the analysis needed to improve its own operations or effectively address jail noncompliance.

**Key Recommendations**

- Require the commission to adopt rules directing jails to post information on the commission's complaints process.
- Update statute to enhance existing requirements for tracking, analyzing, and reporting on complaints.
- Direct the agency to develop clear, detailed procedures for investigating complaints.

**ISSUE 4****The Agency's Poor Data Practices and Weak Communications Limit Its Transparency and Ability to Improve Jail Operations.**

The agency collects and maintains a significant amount of data about jails' inmate populations; compliance histories; and serious incidents, such as deaths, escapes, and assaults. However, the agency's insufficient data storage and lack of trend analysis prevent staff from using that data to identify common problems in jails statewide. The agency's website also includes incomplete and unnecessarily restricted information, which reduces efficiency for staff and transparency for the public. Further, staff's procedures for collecting input and sharing information do not include broad stakeholder groups that could help the agency better achieve its mission.

**Key Recommendations**

- Require the agency to conduct trend analysis with the data it collects.
- Direct the agency to publish certain information on its website for a specified amount of time.

- Direct the agency to expand certain procedures for information gathering and sharing to include more diverse groups of stakeholders.

## ISSUE 5

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

The agency serves a vital role monitoring compliance with minimum standards in diverse jails across the state. While the commission should continue, its staffing allocation does not align with the agency's most critical function — inspections. Assessing opportunities for redistributing certain staff toward inspection work would ease burdens on current field inspectors and increase time spent with struggling jails, all within existing resources. Additionally, authorizing the commission to establish advisory committees would increase stakeholder engagement on complex problems, and strengthen the commission's ability to balance pressing current issues with long-term strategic planning.

#### Key Recommendations

- Continue the agency for 12 years, until 2033.
- Authorize the commission to establish advisory committees by rule.
- Direct the agency to conduct a staffing analysis to better align resource allocation with its core inspection function.

### Fiscal Implication Summary

Overall, some recommendations in this report would have upfront costs in staff time but should also result in efficiencies for the agency. Most of the recommendations are intended to ensure the agency most efficiently uses its limited resources, including by targeting inspections toward high-risk jails and improving the clarity of minimum standards. However, the exact fiscal impact of these changes cannot be estimated without knowing how the agency would implement them.