



TEXAS CRIMINAL
JUSTICE COALITION

WRITTEN TESTIMONY

REGARDING HOUSE BILL 1, ARTICLE V – PUBLIC SAFETY AND CRIMINAL JUSTICE

SPECIFICALLY RELATING TO THE TEXAS COMMISSION ON JAIL STANDARDS

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To

**THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON ARTICLES I, IV, & V**

FEBRUARY 14, 2013

Dear Members of the Committee,

My name is Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition. Thank you for allowing me this opportunity to present testimony on House Bill 1, Article V, specifically as it relates to the Texas Commission on Jail Standards (Commission).

THE CRITICAL RESPONSIBILITIES OF THE COMMISSION: VALUABLE ASSISTANCE TO TEXAS COUNTIES

With a staff of just 16 people and an annual budget of less than \$1 million,¹ the Texas Commission on Jail Standards **protects Texas' 254 counties from damaging lawsuits** by setting constitutional jail standards for counties to follow, conducting facility inspections, enforcing compliance with rules and procedures, and providing much-requested trainings to facility staff. The Commission's purview extends to 244 jail facilities;² as of January 1, 2013, Texas' county jails held more than 61,000 inmates,³ though nearly a million individuals cycle in and out of local jails every year.⁴

Already, the Commission and local Sheriffs have developed a close relationship in furtherance of effective jail operation and management practices; counties continually seek out Commission staff for guidance in providing cost-efficient services that meet Texas' public safety needs. Providing the Commission its full legislative appropriations request will ensure that the Commission will retain vital staff members and inspectors, and enable the Commission to continue working productively with local jail administrators, county leadership, treatment providers, and reentry specialists to promote success for counties through an infrastructure that helps keep jail staff and inmates safe and well managed.

ORIGIN OF THE COMMISSION: A RESPONSE TO COSTLY LAWSUITS

In the early 1970's, lawsuits were filed against 12 Texas counties for the poor conditions of confinement in local jails, as well as for the lack of regulated and funded inspections of those jail facilities.⁵ In 1975, with the urging and support of various groups including the Sheriff's Association of Texas and Baptist General Convention of Texas, the 64th Texas Legislature passed House Bill 272, which was signed into law by Governor Dolph Briscoe. This bill created the nine-member Texas Commission on Jail Standards, tasked with ensuring the proper management of county jails.⁶ Possibly the most crucial features of the new law were the Commission's authority and responsibility for not only inspecting but enforcing compliance with the standards that were set forth, thus protecting the state and counties from costly lawsuits. *A more comprehensive explanation of the Commission's work is detailed below.*

Again, providing the Commission its full budget request will enable the Commission to maintain the progress it has made since the mid 1970's and prevent federal court intervention.

COMMISSION FUNDING

To carry out its mission, the Commission relies primarily on appropriations by the Legislature from the state General Revenue Fund.

In addition to these appropriated funds, the Commission is allowed to charge a fee to cover the costs associated with (a) inspecting facilities housing 30% or more non-Texas-sentenced inmates, and (b) conducting a facility re-inspection if the areas of non-compliance have not been corrected. However, these inspection fees – combined with appropriated receipts from the sale of resource manuals – account for only 2% of the Commission’s budget.⁷

Given the Commission’s heavy reliance on general appropriations, **it is critical that the State continues its commitment to public safety through allocations to protect the Commission’s bottom line.**

KEY COMMISSION DUTIES

Since its creation, the Commission’s basic role has not changed, but the number of inmates and the size of facilities have increased dramatically. One of the contributing factors is Texas’ incarceration rate (the percentage of individuals incarcerated), which has increased from approximately 1.2 per 1,000 in 1987 to 2.3 per 1,000 in 2012.⁸

While each of the following strategies contributes to the regulatory function of the Commission, the inspection process is especially critical, providing the monitoring capability necessary to (a) identify counties in need of planning or management assistance, and (b) initiate appropriate enforcement action.⁹

- **Conducting Facility Inspections and Enforcing Jail Standards**

Maintaining constitutional standards is the primary goal of the Commission. The jail standards process involves reviewing and amending the Minimum Jail Standards for the purpose of building and maintaining safe, secure, and efficient jails. National research, statewide input, and case law are among the resources considered when developing or revising the Standards.

Each of Texas’ 244 jail facilities is inspected at least annually, inquiring into security, control, conditions, and compliance with the established Standards. In addition to regular inspections, special unannounced inspections may be conducted on facilities that have either been identified as high-risk or found to be noncompliant.

- **Providing Construction Plan Review**

The Commission provides consultation and technical assistance to local governments for the most efficient, effective, and economic means of jail construction that meet minimum

standards. Comprehensive facility-needs analyses – which include population projections, historical data regarding incarceration trends, and other pertinent factors – determine the incarceration needs of Texas counties. The Commission offers recommendations regarding the need for additional or improved jail space (or alternatives thereto), based upon such analyses.

These processes better ensure that counties understand jail requirements, and they provide more effective and economic jails that, upon completion, will comply with Minimum Jail Standards.

- **Providing Management Consultation**

To aid counties in meeting Minimum Jail Standards, Commission staff provide ongoing assistance through their review of, comments on, and approval of standard-qualified jail operational plans. This feedback is offered in several areas: the classification of inmates, health services, sanitation, inmate discipline and grievances, recreation and exercise, education and rehabilitation, emergencies, and inmate rights and privileges (such as telephone usage, visitation, correspondence, and religious activities).

Staff also provide jail management training and consultation to counties to assist them in operating safe and secure facilities. This includes clarifying Minimum Jail Standards, as well as establishing procedures and documentation consistent with the Standards. As part of its technical assistance, the Commission also conducts staffing analyses and reviews facility design, facility capacity, county needs, jail operations, and other issues.

- **Data Analysis and Auditing**

The Commission collects, analyzes, and disseminates data concerning inmate populations, felony backlogs, and jail operational costs. Staff assist counties in completing their jail population reports and provide technical assistance. Additionally, staff collect and analyze statistical data to provide to state and local agencies, which assists with planning and predicting incarceration trends in Texas.

- **Indirect Administration**

The Commission provides finance, human resource, and technology assistance to staff, many of whom work across strategy areas.

RECOMMENDATIONS

➤ **Support the Commission's Full Baseline Request to Maintain Critical Operations**

The Texas Criminal Justice Coalition is thrilled to see that House Bill 1 fully supports the Commission's baseline budget request.

This is the least that Texas can do to continue to help counties cost-effectively meet the state's public safety needs. While counties strive to efficiently manage jail populations, the Commission must be provided sufficient resources to assist in the overall effort and to keep Texas jails safe, well regulated, legally compliant, and run by educated, professional leadership.

We especially support funding levels necessary to protect the following:

- **General operations** to continue the valuable services offered to local governments, jail staff, inmates, and the general public.
- **Staff and inspectors.** As of November 1, 2012, the Commission has only 4 inspectors to comprehensively examine each of the 244 jails under its jurisdiction, as well as provide localized staff with much-requested technical assistance, complaint investigations, oversight of medical and mental health practices, clarifications on standards, and assistance with aging facilities' compliance with current standards. These inspector positions must be kept intact, and staff retention must be prioritized. Doing so will guarantee that Texas county jails continue to meet minimum standards (which, in turn, will help to retain jail staff), thus better serving the needs of our communities in the long term.
- **Training and resource availability.** The better trained Texas' jail staff are, the more equipped they are to perform at high and professional standards. Unfortunately, in many counties – big and small – budgets are often stretched thin, preventing jail administrators and personnel from attending trainings, including in such critical areas as classification, population reports, and paper-ready processes. Sufficient funding for the Commission will ensure that it can continue to offer free, on-site trainings to jail personnel in regards to safety and compliance standards, both during and outside of their inspections.

Adequate funding will also ensure the Commission can distribute educational materials or reports as necessary, as well as offer timely information to counties regarding rules changes and legislative updates.

➤ **Additional Recommendation: Promote the Commission’s Long-Term Strategic Planning**

Like many other state agencies that are permitted to keep unexpended funds for various agency responsibilities, **the Commission should be allowed to keep money not spent on inspections and other strategies. Instead, the state should permit those funds to be used for further inspections or technical assistance to counties**, with amounts not spent down in one fiscal year allowed to carry over to the next fiscal year. In 2012, the Commission was forced to reimburse the state \$2,386 that it had been able to maintain due to frugal travel expenses and inspection efficiencies.¹⁰ That money, a drop in the bucket compared to the state’s general revenue, would have a critical impact on the Commission’s ability to assist counties in meeting standard compliance.

CONCLUSION

Thank you for allowing me this opportunity to provide feedback on the imperative role of the Commission in the maintenance of safe, secure, well managed jail systems across Texas – a critical service to our communities and to the men and women working in our jails. The Commission’s value is also measurable in **cost savings to the state and counties**, not only through avoided lawsuits, but by minimizing inefficiencies and reducing costs associated with jail operations and construction.

Support from this Committee is imperative in ensuring that the Commission can continue fostering a strong county jail system in Texas. Hand in hand with county Sheriffs and jail administrators, Commission staff have been building a system of accountability and effective resource allocation. Texas must continue to support this agency in its crucial efforts to help local governments make smart choices about jail operations and management.

REFERENCES

¹ Texas Commission on Jail Standards (TCJS), “Legislative Appropriations Request (LAR) For Fiscal Years 2014 and 2015,” August 2012, pp. 1. (3 of 3) and 2.A. (2 of 2); available at www.tcjs.state.tx.us/docs/LAR2012.pdf.
² *Ibid.*, p. 1. (1 of 3).
³ Texas Commission on Jail Standards, “Texas County Jail Population,” January 1, 2013; total population: 61,196. Available at www.tcjs.state.tx.us/docs/POPSUMCurrent.pdf.
⁴ Texas Department of Criminal Justice, “H.B. 1711 Implementation Report,” Submitted to Governor, Lieutenant Governor, Speaker of the House, Senate Criminal Justice & House Corrections Committees, September 1, 2010, p. 4: “One million plus offenders are processed in local jails on an annual basis.”
⁵ Brandon Wood, Texas Commission on Jail Standards, in presentation at American Bar Association, Criminal Justice Section, *Roundtable on Pretrial Detention in Texas*, held in Austin, Texas, March 30, 2012.
⁶ Texas Commission on Jail Standards, “Report to the Sunset Advisory Commission,” August 1989, p. 2; available at <https://www.ncjrs.gov/pdffiles1/Digitization/119865NCJRS.pdf>.
⁷ TCJS, *LAR For Fiscal Years 2014 and 2015*, pp. 2.B. (1-5 of 6).
⁸ *Ibid.*, p. 1. (1 of 3).
⁹ *Source for five strategies listed below:* TCJS, *LAR For Fiscal Years 2014 and 2015*.
¹⁰ Brandon Wood, Texas Commission on Jail Standards, in communication with Texas Criminal Justice Coalition, November 5, 2012.