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TEXAS COMMISSION ON JAIL STANDARDS

ANNUAL REPORT TO THE GOVERNOR
LIEUTENANT GOVERNOR AND SPEAKER OF
THE HOUSE OF REPRESENTATIVES OF TEXAS

JANUARY 31, 1982

85507

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TEXAS COMMISSION ON JAIL STANDARDS

ANNUAL REPORT TO THE GOVERNOR
LIEUTENANT GOVERNOR AND SPEAKER OF
THE HOUSE OF REPRESENTATIVES OF TEXAS

JANUARY 31, 1982

COMMISSION MEMBERS
(As of January 31, 1982)

Andy J. McMullen, Chairman
Robert J. Uhr, Vice Chairman
Hanes H. Brindley, M.D.
Judge Albert Bustamante
Amber Cree
James Goode (Deceased January 17, 1982)
Sheriff Jack Heard
Ronald Ramey
Sheriff Dallas Smith

U.S. Department of Justice 85507
National Institute of Justice

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TABLE OF CONTENTS

	<u>Page</u>
I. Creation of the Commission	1
II. Duties of the Commission	1
III. Early Accomplishments of the Commission	2
A. Drafting of Minimum Standards	2
B. Staffing	2
C. Assistance to County Officials	2
D. Construction plan Reviews	3
IV. 1981 Activities	3
A. Jail Inspections	3
B. Assistance to Counties	3
C. Investigation and Resolution of Complaints	4
D. Construction Plan Reviews	4
E. Determination of Reasonable Variance Requests	5
F. Enforcement Proceedings	5
G. Counties in Compliance	5
H. Voluntary Jail Closings	7
I. New Jails Opened	7
J. Major Renovations Completed	7
K. Jails - Under Planning or Into Construction	7
V. Other 1981 Events	8
A. Legislative Events	8
B. Sheriff's Resource Council and Coordination with County Judges and Commissioners	8
C. Commissioners Court Activities	8
D. Jail Management Conferences and Training for Sheriffs	9
E. Federal Activities	10
VI. Conclusion	10

January 31, 1982

The Honorable William Clements, Jr., Governor, State of Texas
The Honorable William Hobby, Lieutenant Governor, State of Texas
The Honorable Bill Clayton, Speaker, House of Representatives, State
of Texas

Gentlemen:

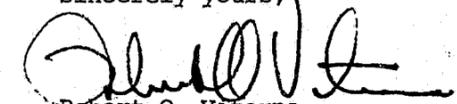
This is the fifth annual report to you from the Chairman of the Texas Commission on Jail Standards as required by Sec. 10, Art. 5115.1, V.A.C.T. Civ.S.1977 was the first year that the Commission was fully staffed.

The report will provide you with background information concerning the creation of the Commission, the duties of the Commission delegated by the Legislature, and its accomplishments and activities during 1981.

We think that you will be impressed with the services that this small Commission has provided to our State, the support of its work by county officials, and the value of the Commission's existence, all of which compliment and justify the foresight of the Texas Legislature in creating this agency.

The chairman, commissioners and staff are available at any time to discuss the work of the Jail Standards Commission with you or your staff.

Sincerely yours,



Robert O. Viterna
Executive Director
Texas Commission on Jail Standards

TEXAS COMMISSION ON JAIL STANDARDS
ANNUAL REPORT TO THE GOVERNOR
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OF THE HOUSE OF REPRESENTATIVES OF TEXAS

31 January 1982

INTRODUCTION

This report is made pursuant to Texas Revised Civil Statutes, Annotated, Article 5115.1 (1975).

This report covers activities of calendar year 1981.

CREATION OF THE COMMISSION

The Commission was created by act of the 64th Legislature (1975) in recognition of the necessity for the State of Texas to regulate its counties' jails and thus prevent Federal Court intrusion into state and local matters. The 64th Legislature was encouraged in this creation by the organizations listed in Appendix I.

DUTIES OF THE COMMISSION

Article 5115.1 VATS requires the Texas Commission on Jail Standards to:

- (1) promulgate reasonable rules establishing minimum standards for:
 - (a) construction, equipment, maintenance and operation of jails
 - (b) custody, care and treatment of prisoners
 - (c) number of jail supervisory personnel
 - (d) programs and services for prisoners
- (2) revise, amend or change rules

- (3) provide consultation and technical assistance on jail matters
- (4) review and comment on plans for jail construction or renovation
- (5) inspect each jail at least annually
- (6) determine compliance annually for each jail inspected

EARLY ACCOMPLISHMENTS OF THE COMMISSION

A. Drafting of Minimum Standards

The nine member commission, appointed on October 30, 1975, working as a full group and in subcommittees met thirty-six times in public meetings over a period of 400 days throughout the State. Standards were drafted and published for public comment. The comments were heard and were reviewed and minimal constitutional standards in final form were redrafted and republished. The final standards incorporated suggestions from over 1,000 expert witnesses and public attendees. The Texas Minimum Jail Standards were published in the Texas Register (Volume I, Number 97, December 17, 1976). The Standards became effective December 23, 1976.

B. Staffing

The hiring of a staff commenced in July, 1976, and that task was completed by January 17, 1977. A period of training ensued. Inspections commenced February 7, 1977, and have since continued on a regular annual basis.

C. Assistance to County Officials

Consultation and technical assistance to county authorities on jail matters was begun in September, 1976. Throughout the remainder of 1976, assistance and consultation was rendered on 34 occasions to 26 counties. Because jail facilities are as complex as hospitals (with administrative, medical, laundry, supervisory and sophisticated equipment and safety

functions) technical assistance has continued to be an important ongoing activity, demanding significant effort, expertise and resources.

D. Plan Reviews

Review of construction and renovation plans of county jail facilities began in 1976 as well. Comments and suggestions had been furnished to 21 architectural firms by December 20, 1976. This service has become one of the most extensive and best received by county authorities and their architects, and counties have realized significant economic benefit from the suggestions and coordinated planning of the Commission, architects, county commissioners and sheriffs.

1981 ACTIVITIES

A. Jail Inspections.

During the year, 303 jail inspections were conducted. As in 1980, some jails were inspected more than once, at the request of the county. For instance, El Paso County Jail continues to request inspections quarterly so that the Federal Court remains assured of its continued adherence to Court directed action as evidenced by inspections. Victoria County Jail, now in compliance, is no longer inspected monthly. Other counties, found to be experiencing difficulties in achieving compliance were inspected more frequently to ensure effort to achieve compliance. Every operating jail, lock-up and low-risk facility in the state (approximately 260 in all) was inspected at least once.

B. Assistance to Counties.

Technical assistance on jail matters (structure, life safety, management) was provided to county officials on 177 occasions. Much of this assistance was rendered on site in the particular county. On other occasions,

the county authorities or their agents visited the Austin Office where the discussions were conducted. 158 consultations and discussions were also conducted with County Judges and Commissioners Court and Sheriffs concerning the most economical and feasible way to achieve compliance with the state and federal law. As in 1980 municipalities requested, on 26 occasions, information and assistance with jail construction or renovation. While municipal jails are not required to conform to Jail Standards, these municipalities all stated confidence in the Commission to provide them unbiased information and guidance upon which to base decisions.

Additionally, technical assistance to counties specifically in jail management and operations was performed on 69 occasions. Each occasion required 1 to 3 full days to be spent in the county jail, working directly with the Sheriff or Chief Jailer. This is one of the most well received programs the agency is able to provide.

C. Investigation and Resolution of Complaints.

The Commission investigated 120 complaints received directly or referred from the Governor's Office, Legislators, other state agencies, civic organizations or prisoners advocacy groups. This shows a considerable increase over last year. The increase is attributed to the Federal Court Order, as a result of Ruiz vs Estelle which encourages prisoners to bring allegations concerning conditions and treatment to public light. The investigations either alleviated conditions in need of correction or established the falsity of the allegation and eliminated frivolous litigation.

D. Construction Plan Review.

Construction/renovation plans were reviewed in 101 instances. Approximately 1000 manhours were devoted to this task. (Note: Each project

is reviewed formally at least twice and some three times).

E. Determination of Reasonable Variance Requests.

Requests for variances were received and processed from 109 counties. Each of the 365 separate requests were individually analyzed and acted upon by the Commissioners during the year's six meetings.

F. Enforcement Proceedings.

Letters of Non-Compliance were sent to 164 counties whose jails were not in compliance. In almost every instance, the counties receiving the notices have taken responsible action toward upgrading their facilities to meet the requirements of state law. Counties which were not, in the opinion of the Commission, acting with good intent towards resolving deficiencies, were requested to attend public commission meetings. These meetings resulted in firm commitments from the county concerned or a Remedial Order being issued by the Commission which eliminated the deficiency.

Remedial Orders were issued Camp County (closed), Delta County (closed), Hopkins County (capacity limited), Potter County (capacity limited), Randall County (capacity limited), Shelby County (capacity limited) and Webb County (capacity limited).

G. Counties in Compliance.

During the year, 112 county jails were certified as in compliance with Texas Minimum Jail Standards.

(continued next page)

Armstrong
Anderson
Andrews
Aransas
Archer
Bailey
Baylor
Bell
Blanco
Bosque
Burlison
Calhoun
Carson
Cass
Castro
Cherokee
Clay
Cochran
Coleman
Collingsworth
Colorado
Cooke
Comal
Comanche
Crosby
Dawson
DeWitt
Eastland
Edwards
Ellis
Erath
Falls
Floyd
Foard
Fort Bend
Franklin
Freestone
Frio

Garza
Gillespie
Glasscock
Goliad
Gonzales
Gray
Guadalupe
Hall
Hamilton
Hansford
Harrison
Haskell
Hays
Henderson
Hood
Howard
Irion
Jackson
Jefferson
Kerr
Kimble
Kleberg
Knox
Lavaca
Leon
Live Oak
Loving
Lynn
Madison
Mason
Midland
Milam
Montague
Morris
McCulloch
Nacogdoches
Navarro

Ochiltree
Palo Pinto
Panola
Parmer
Polk
Reagan
Real
Refugio
Roberts
Robertson
Rockwall
Runnels
Rusk
San Augustine
San Jacinto
Schleicher
Scurry
Shackelford
Sherman
Starr
Swisher
Tom Green
Trinity
Tyler
Upshur
Upton
Uvalde
Van Zandt
Victoria
Waller
Washington
Wheeler
Wilbarger
Winkler
Wise
Wood
Yoakum

Seven jails, in compliance during 1980, lost certification because of deficiencies found.

Bee County - inadequate supervision

Coryell County - jailers not certified/trained

Hardin County - emergency power not functioning

Johnson County - overcrowded

Lamar County - overcrowded

Orange County - overcrowded

Willacy County - vandalized equipment

Action is being taken by all to correct the deficiencies and achieve compliance.

H. Voluntary Jail Closings.

During the same period, 14 counties voluntarily closed their jails. In all instances, these jails were marginally operational. Average daily populations were very small. Some counties determined that it was economically burdensome to continue jail operations and opted to board their few prisoners in an adjacent county at a lower cost than maintaining their own facilities. Other counties, marked with an asterisk, closed their jails pending the construction of a new jail. These counties using the jails of adjoining counties are:

Bandera*	Jeff Davis	Motley
Borden	Kenedy	Somervell*
Briscoe	Kent	Throckmorton
Concho	Llano*	Zapata
Cottle*	McMullen	

I. New Jail Opened.

Twelve (12) counties opened new jails for operation during the year:

Brown	Hall	Mills
Donley	Jefferson	Moore
Gaines	Lubbock	Potter (Female Unit)
Glasscock	McLennan	Schleicher

J. Major Renovations Completed.

Seven (7) counties completed major renovation during the year:

Guadalupe	Terry	Wichita
Karnes	Trinity	
Nacogdoches	Victoria	

K. Jails - Under Planning or Into Construction.

Thirteen (13) counties commenced planning new jails during the year. Seven (7) counties entered into construction during the year.

Planning

Denton (N)
Galveston (R)
Grayson (N)
Hill (N)
Hunt (N)
Jasper (N)
Jim Hogg (N) (R)
Lipscomb (R)
Potter (N) medium
Potter (N) maximum
Red River (N)
Tarrant (N)
Terrell (N)
Titus

Into Construction

Angelina (N)
Chambers (N)
Duval (R)
Matagorda (N)
Titus (N)
Willacy (R)

(N) = New
(R) = Renovated

OTHER 1981 EVENTS

A. Legislative Events.

1981 opened with the convening of the 67th Legislature. Hearings with the Senate Finance Committee, House Appropriations Committee and the Security and Sanctions Committee were attended and testimony concerning budget requirements was given. The Commission is now funded entirely from state funds. Also an additional staff member, one whose sole job is technical assistance delivery, was authorized and funded. The

Commission Staff now consists of: Executive Director
Planner
Planning Assistant (new)
Chief Accountant
Inspector (3)
Administrative Secretary
Secretary

B. Sheriffs Resources Council

Meetings were held on 17 June and 8 December, 1981.

See Appendix 2

C. Commissioners Court Activities.

Comments and suggestions continue to be solicited from members of the Texas County Judges and Commissioners Associations. These Associations invited the Executive Director to attend their meetings,

where time was made available on the agenda for discussions of the minimum standards and their application.

Meetings were as follows:

February 17, 1981 - 23rd Annual County Judges and Commissioners Association Conference - Bryan/College Station.

March 10, 1981 - West Texas County Judges and Commissioners Association - Ft. Worth.

June 10, 1981 - North and East Texas County Judges and Commissioners Association - Longview.

June 29, 1981 - South Texas County Judges and Commissioners Association - San Antonio.

July 26, 1981 - Sheriffs Association of Texas - San Angelo

October 19, 1981 - County Judges and Commissioners Association of Texas - El Paso.

D. Jail Management Conferences and Training for Sheriffs.

The Executive Director of the Commission participated in a Jail Management Conference held at Sam Houston State University 23-25 September 1981.

Additionally, a Regional Jail Management Conference was held in Amarillo 18-20 November 1981. This was a result of analysis of previous conferences held in Huntsville. It was determined that Sheriffs and jailers from rural counties, far from Huntsville, were not attending the annual conferences because of cost, but especially because it would require them to be out of the county for 5 days (two days travel - three days conference). In a pilot effort to attempt to get training opportunities to all jail personnel a training session was scheduled for the Panhandle area. The resulting attendance and interest was so gratifying that two more positively. and a tentative third regional training conference was scheduled for 1982 in Wichita Falls, Corpus Christi and possibly San Angelo.

E. Federal Activities.

The anticipated deleterious impact of Ruiz vs Estelle did not occur. Texas Department of Corrections continues to receive convicted felons as before and no "back-up" has occurred in the county jails.

The Department of Justice indicated in press releases that PL-96-247 pertaining to DOJ initiating litigation on behalf of prisoners would occur only in egregious situations. This announced policy was gratefully received as a continuation of the policy of minimum intrusion on the part of the Federal Government.

CONCLUSION:

1981 has been a year of accomplishment and goal achievement for the Jail Commission.

We now have 112 jails in compliance; 14 jails are closed; 7 jails commenced new construction or renovation; 13 jails commenced planning for either new construction or renovation, 12 new jails opened and 7 jails completed renovation.

Remedial Orders reducing jail populations have been issued to Hopkins County, Potter County, Randall County, Shelby County and Webb County.

Remedial Orders closing the jail have been issued to Camp County (stayed December 16, 1981) and Delta County. The Commissioners are prepared to continue the judicious use of Remedial Orders where the good faith and intent of the county is questionable.

On December 1, 1981 we had 16,134 jail bunks in the state. Allowing for a 20% classification factor, results in an operational capacity of 12,905 (16,134 less 20%).

On that same date, we had an average daily jail population of 12,360, only 77% of capacity, but 95.7% of operational capacity. Most metro-

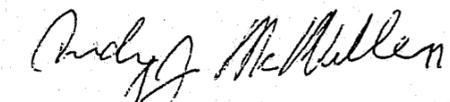
politan County Jails are overcrowded now and will become more so in the coming year. We will work with them to eliminate or alleviate this situation with discussions of alternatives to incarceration and improved procedures for moving the prisoner from arrest to court and final disposition. In some instances, additional jail space may be the only feasible solution.

The jail incarceration rate is .87 per thousand or 8.7 per 100,000 population. This represents a range, however, of .6 for Denton County to 2.27 for Potter County.

We have 4,143 certified jailers in our jails across the state. This is most encouraging as it represents a better prisoner/guard ratio than that required by state standards.

1981 has been a good year, in all respects. Jail compliance has moved steadily forward; there has been initiated, with the Sheriff's Association, a program of regional jail conferences by which we hope to reach all Sheriffs with operating jails. The agency finally has one staff member who can devote full time to delivering technical assistance to Sheriffs on jail operation and management. We have developed the potential, through education, facilitation and delivery of technical assistance, to continue to upgrade the quality of jails, even those already in compliance.

Respectfully submitted,



ANDY J. MCMULLEN
Box 706
Hamilton, Texas 76531
(817) 386-8191

APPENDIX I

ORGANIZATIONS INSTRUMENTAL IN CREATING
THE TEXAS COMMISSION ON JAIL STANDARDS

1. American Civil Liberties Union
2. Baptist General Convention of Texas
3. Citizens United to Rehabilitate Errants
4. Concerned Parents
5. League of Women Voters
6. Sheriffs Association of Texas
7. Social Action Diocese
8. State Bar of Texas
9. Texas Association of Counties
10. Texas Civil Liberties Union
11. Texas Commission on Humanities
12. Texas Junior Bar Association
13. Texas Library and Historical Commission
14. Texas Rural Legal Aid
15. Women in Action

APPENDIX 2

Sheriff's Resource Council Meets

In July, 1979, the Jail Commission and the Sheriffs' Association of Texas established a Resource Council. This council, composed of ten (10) sheriffs represents all geographic areas of the state as well as representative size jails. The Council meets with the Jail Commission semi-annually to present problems and viewpoints to the Commission and to exchange thoughts, ideas and direction on county jail matters. Members of the council are appointed by the Sheriffs Association Executive Committee. They are:

Sheriff T.L. Baker, Potter County
Sheriff Dick Culberson, Jefferson County
Sheriff Orval Edmiston, Schleicher County
Sheriff Lon Evans, Tarrant County
Sheriff Paul Fields, Kerr County
Sheriff John Gibson, Wichita County
Sheriff J.R. Sessions, Freestone County
Sheriff Richard Thompson, Presidio County
Sheriff Royce Wilson, Leon County
Sheriff Bobby Young, Hunt County

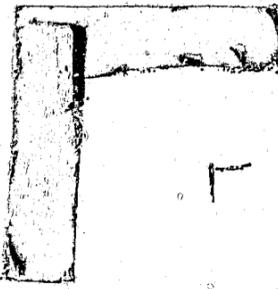
The Council met in June and December and discussed:

- *Grievance Procedures
- *Inmate Privileges
- *Self Contained Breathing Apparatus
- Exercise Areas
- *Disciplinary Procedures
- Overcrowding
- *Access to Courts

- Food Service
- Legal Library
- Inmate Guard Ratios

* - Resulted in changes to Texas Minimum Jail Standards

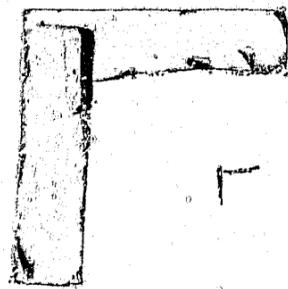
The Chairman, Mr. McMullen, Commissioner Amber Cree and James Goode and the Executive Director Mr. Viterna met in San Angelo with members of the Sheriffs Resource Council during the Sheriffs Annual Conference to discuss proposed changes to privileges requirements. The discussion indicated the Sheriffs Resource Council did not favor changes however they would support the changes deemed necessary by the Jail Commission.



END



they would support the changes deemed necessary by the Jail Commission.



END