



**TEXAS CRIMINAL
JUSTICE COALITION**

WRITTEN TESTIMONY

**SUBMITTED BY ANA YÁÑEZ-CORREA, PH.D.
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ON

**THE TEXAS COMMISSION ON JAIL STANDARDS
LEGISLATIVE APPROPRIATIONS REQUEST
FY 2014 AND 2015**

To

**THE GOVERNOR'S OFFICE OF BUDGET, PLANNING AND POLICY
AND THE LEGISLATIVE BUDGET BOARD**

SEPTEMBER 7, 2012

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 public comments on the Texas Commission on Jail Standards' Legislative Appropriations Request for Fiscal Years 2014 and 2015.

INTRODUCTION: THE CRITICAL RESPONSIBILITIES OF THE COMMISSION

With a staff of just 16 people and an annual budget of less than \$1 million, the Texas Commission on Jail Standards (the Commission) protects Texas' 254 counties from damaging lawsuits by setting constitutional jail standards for counties to follow, conducting facility inspections, and enforcing compliance with rules and procedures. The Commission's purview extends to 244 jail facilities; as of August 1, 2012, Texas' county jails held nearly 66,000 inmates, though nearly a million individuals cycle through local jails every year.

Budget cuts pose a threat to already overworked Commission personnel. Indeed, a 10% agency cut could result in the Commission losing up to 3 staff members, possibly inspectors, and pose retention problems should the Commission lose the ability to provide merit pay or travel expenditures. Budget cuts will also jeopardize the agency's crucial functions, including facility needs analyses, special and unannounced inspections, and technical assistance and training for counties.

The Commission must be assured a level of funding adequate to provide valuable assistance to Texas counties. With budget allocations at the same level as the previous biennium, the Commission can continue to work effectively with local jail administrators, county leadership, treatment providers, and reentry specialists to create an infrastructure that promotes success for counties and the families who live there.

ORIGIN OF THE COMMISSION

In the early 1970's, various lawsuits were filed against 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. In 1975, with the urging and support of various groups including the Sheriff's Association 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. Possibly the most crucial feature of the new law was the Commission's authority and responsibility for not only inspecting but enforcing compliance with the standards that were set forth. *A more comprehensive explanation of the Commission's work is detailed below.*

We cannot allow the state to roll back the progress it has made since the mid 1970's – and risk inviting federal court intervention. Sufficient funding is critical to Commission operations, personnel, and services.

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.

KEY COMMISSION DUTIES

Since its creation, the basic role of the Commission 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.

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

- **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.

All operating jail facilities are inspected at least annually. In addition to regular inspections, special 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 the 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. 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 conducts staffing analyses to assist counties in operating safe and secure facilities. Staff review facility design, facility capacity, county needs, jail operations, and other issues when conducting such analyses.

- **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 trends in incarceration in Texas.

- **Indirect Administration**

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

RECOMMENDATIONS

- **Baseline Request**

The Texas Criminal Justice Coalition fully supports the Commission's baseline budget request. While counties strive to slow jail overcrowding through population management strategies, 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.*** The Commission has only 5 inspectors to comprehensively examine each of the 244 jails under its jurisdiction, as well as provide localized staff with timely technical assistance, complaint investigations, oversight of medical and mental health practices, and clarifications on standards. These staff positions must be kept intact, and staff retention must be prioritized to ensure Texas county jails continue to meet standards and serve 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.

➤ **Exceptional Items Above the Commission’s Baseline Request**

The Texas Criminal Justice Coalition fully supports the Commission’s two exceptional item requests.

- ***One staff person.*** One exceptional item would reinstate a full-time staff person at a total annual cost of \$28,450, who could provide support for all staff members. This is necessary to increase the Commission’s staffing total to 17 – still below the 19 staff members employed by the Commission prior to budget cuts in FY 2011 and 2012.
- ***Technology upgrades.*** The Commission’s second exceptional item would cover costs associated with technology improvements and replacing 2 servers, at a cost of \$7,500 annually. Criminal justice agencies can best respond to elected officials, practitioners, the public, and those under their supervision when they increase information accessibility and streamline information dissemination. Commission staff must have the capacity to make operations-related and other crucial decisions based on real-time data and information that impacts staff and jail administrators.

➤ **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 allow 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 will be forced to reimburse the state an estimated \$1,550-\$1,850 that it has been able to maintain due to frugal travel expenses. 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, legally compliant county jails, and the education of professional administrators. The Commission cannot fulfill its important duties without the financial support and commitment of our state’s key leadership.