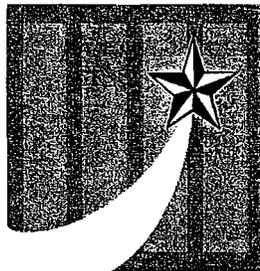


Ana Yanez-Correa



TEXAS CRIMINAL
JUSTICE COALITION

**SURVEY FINDINGS ON THE
THE TEXAS COMMISSION ON JAIL STANDARDS**

**PRESENTED TO
THE SUNSET ADVISORY COMMISSION MEMBERS**

DECEMBER 15, 2008

**TEXAS CRIMINAL JUSTICE COALITION
PUBLIC POLICY CENTER**

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TEXAS CRIMINAL JUSTICE COALITION
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ABSTRACT: In response to questions posed by the Sunset Advisory Commission in regards to the mission and performance of the Texas Commission on Jail Standards (TCJS), the Texas Criminal Justice Coalition (the Coalition) recently developed an anonymous on-line survey to measure the feedback of Texas Sheriffs, County Court Judges, and Jail Administrators. This survey has allowed the Coalition to determine how they perceive the effectiveness with which county jails in Texas are regulated, so that we may provide the Sunset Advisory Commission, members of the Texas Legislature, and numerous correlated organizations with information about needs in this area. 67 professionals responded to the on-line survey within a three-week period. They answered questions relating to the mission, function, composition, and authority of TCJS; TCJS's establishment of standards and its various review processes; TCJS's provision of assistance/training and educational information; key challenges facing TCJS in the future and how it can meet Texas' needs; and whether TCJS should be continued for 12 years.

The Coalition has developed this document to provide the Sunset Advisory Commission and members of the Texas Legislature with valuable and relevant findings to consider during its examination of TCJS – including during its observations of public hearings, review of testimony, and examination of other expert recommendations regarding the mission and performance of TCJS.

Note that the policy recommendations included in this document are not a reflection of the views and opinions of those who were surveyed.

KEYWORDS: *County Jails; Education; Inmates; Inspecting; Jail Construction; Minimum Standards; Municipal Jails; Recreation; Rehabilitation; Staffing; Sunset Advisory Commission; Technical Assistance; Texas Commission on Jail Standards; Training.*

Additional information about this document may be obtained by contacting the Texas Criminal Justice Coalition

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TEXAS CRIMINAL
JUSTICE COALITION

LETTER FROM THE EXECUTIVE DIRECTOR

Dear Sunset Advisory Commission and Staff,

As the Executive Director of the Texas Criminal Justice Coalition, I am pleased to present the findings from our survey on the Texas Commission on Jail Standards (TCJS). We are grateful to have received the generous feedback of sheriffs, county court judges, and jail administrators in Texas who routinely deal with the regulation of our county jails.

According to their survey responses, the majority of these practitioners and professionals value the role of TCJS and firmly believe the agency should be continued for 12 years. Respondents commended TCJS' role in maintaining safety, order, and professionalism in Texas jails, as well as they agency's assistance in educating jail administrators about standards and, in turn, preventing lawsuits. However, respondents repeatedly noted that TCJS needs additional funding and staffing, especially in order to provide more training opportunities and technical assistance to jail administrators and personnel, and to ensure that regulations are reasonably and uniformly enforced.

In this upcoming legislative session, it is imperative that the State renew the capacity of TCJS and invest in resources that will assist practitioners in keeping our jails safe, well regulated, and run by educated, professional leadership. This is especially critical in light of what many believe will be an overcrowding crisis facing our jails in the near future if nothing changes now – a problem which will force additional and costly jail construction and maintenance, as well as require additional staffing to meet the demands of exploding populations and aging facilities needing assistance to meet current standards.

An investment in TCJS now will better ensure that confined individuals – both currently and in the future – are treated equally and humanely, and that exiting individuals will have the best opportunity to become responsible and productive members of our communities.

Please join us as we collaborate for fiscally responsible and socially effective means of dealing with our state's offender population.

Sincerely,

Ana Yáñez-Correa
Executive Director, Texas Criminal Justice Coalition

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RESPONSE TO SUNSET ADVISORY COMMISSION'S EVALUATION QUESTIONS ON THE TEXAS COMMISSION ON JAIL STANDARDS

INTRODUCTION

The Texas Criminal Justice Coalition (the Coalition) is a non-partisan, non-profit organization committed to identifying and working towards real solutions to the problems facing Texas' criminal justice system. We do this by educating a broad range of supporters using data-driven policy analysis, partnering with organizations and associations that share our core beliefs, and promoting evidence-based criminal justice solutions that embody the principles of effective management, accountability, public safety, and human and civil rights.

The Coalition's Public Policy Center recently launched an anonymous online survey targeted towards Texas Sheriffs, County Court Judges, and Jail Administrators. Specifically, this survey was intended to address questions posed by the Sunset Advisory Commission in regards to the mission and performance of the Texas Commission on Jail Standards (TCJS).

Currently, TCJS is responsible for promulgating reasonable written rules and procedures establishing minimum standards, inspection procedures, enforcement policies, and technical assistance for (a) the construction, equipment, maintenance, and operation of jail facilities under its jurisdiction; (b) the custody, care, and treatment of inmates; and (c) programs of rehabilitation, education, and recreation for inmates confined in county and municipal jail facilities under its jurisdiction. TCJS also provides technical assistance and consultation for the State Jail Program.

It is our hope that the findings that emerge from this research will provide a useful snapshot TCJS's current effectiveness in meeting the needs of local governments, jail staff, inmates, and the general public, as well as some ways in which Texas can improve the regulation of county jails, which will be especially imperative in upcoming years as they face the challenges posed by overcrowded jails. Our primary goal is to provide the Sunset Advisory Commission and members of the Texas Legislature with valuable and relevant findings to consider during its examination of TCJS – including during its observations of public hearings, review of testimony, and examination of other expert recommendations regarding the mission and performance of TCJS.¹

METHODOLOGY

In preparation for this survey, the Coalition conducted outreach to numerous practitioners and professionals who routinely deal with the regulation of our county jails. We feel that the perspectives of these sheriffs, county court judges, and jail administrators should drive policies in the

¹ The Sunset Commission periodically evaluates state agencies to determine if the agency is needed, if it is operating effectively, and if state funds are well spent. Based on the recommendations of the Sunset Commission, the Texas Legislature ultimately decides whether an agency continues to operate into the future. Additional information on the Sunset Commission can be found at www.sunset.state.tx.us.

areas where the needs are evident. It was with great care for objectivity and inclusiveness during outreach that the information throughout this report was sought.

In all, 67 practitioners and professionals responded to the online survey within a three-week period, representing the views of those who work in large, mid-size, and small counties. Respondents answered questions relating to the mission, function, composition, and authority of TCJS; TCJS' establishment of standards and its various review processes; TCJS' provision of assistance/training and educational information; key challenges facing TCJS in the future and how it can meet Texas' needs; and whether TCJS should be continued for 12 years.

The Coalition in no way altered the responses of survey participants.

SUMMARY

In the following section, we briefly summarize respondents' feedback so that the Sunset Advisory Commission and other policy-makers can address relevant concerns through innovations in criminal justice planning.

◆ Respondents' Professions

The largest percentage of survey respondents were sheriffs or other members of law enforcement, followed by jail administrators and county judges.

◆ Needed Changes to Mission and Functions of TCJS

The largest percentage of survey respondents feel that no changes are necessary to TCJS's mission and functions, followed by a smaller percentage who feel that TCJS could provide additional assistance to jails and counties in their efforts to be safe and compliant. Other respondents feel that TCJS needs additional, consistent, or clarified standards, as well as strengthened enforcement authority over additional correctional facilities.

◆ Needed Changes to Make Up of TCJS

The largest percentage of survey respondents feel that no changes are necessary to TCJS's composition, followed by smaller percentages who feel that TCJS should have a wider representation of members from the corrections and medical infrastructure, and that the agency should have additional inspectors.

◆ Needed Changes to TCJS's Authority over Jail Facilities

The largest percentage of survey respondents feel that no changes are necessary to TCJS's authoritative capacity, followed by smaller percentages who feel that TCJS either should or should not have authority over additional facilities, and others who feel that TCJS should be more strict and willing to enforce regulations.

- ◆ **Effectiveness of TCJS's Establishment of Minimum Standards for Jails, Inmates, and Staffing**

The largest percentage of survey respondents feel that TCJS is effectively establishing minimum standards, followed by a smaller percentage who feel that current standards cannot be and are not uniformly applied.

- ◆ **Effectiveness of TCJS's Review and Approval of Jail Construction Plans**

The largest percentage of survey respondents feel TCJS is effectively reviewing and approving plans, followed by a much smaller percentage who have experienced some delays throughout this process.

- ◆ **Effectiveness of TCJS's Provision of Technical Assistance and Training**

The largest percentage of survey respondents feel TCJS is effectively providing technical assistance and training to local officials and jail staff, followed by smaller percentages who feel that TCJS could improve in this area, especially with regards to training availability.

- ◆ **Effectiveness of TCJS's Production of Reports and Other Jail Information**

The largest percentage of survey respondents feel TCJS is effectively producing reports and other information, followed by a smaller percentage who feel that additional information or distribution of materials would be helpful.

- ◆ **Effectiveness of TCJS's Review of Inmate Programs**

The largest percentage of survey respondents feel TCJS is effectively reviewing inmate programs, followed by a smaller percentage who feel that TCJS inspectors could improve the frequency or quality of their review.

- ◆ **Needed Changes to TCJS's Process for Inspecting Jails and Enforcing Minimum Standards**

The largest percentage of survey respondents feel no changes are necessary to TCJS's inspection and enforcement processes, followed by smaller percentages who feel that TCJS needs uniform standards and more streamlined enforcement, as well as additional staff and inspectors.

- ◆ **Key Challenges Facing TCJS in Next 5 to 10 Years**

The largest percentages of survey respondents cited jail overcrowding, additional staffing needs, and additional jail construction as the major challenges facing TCJS in the future.

- ◆ **How TCJS Can Better Meet Needs of Local Governments, Jail Staff, Inmates, and the General Public (Outside of Additional Funding)**

The largest percentage of survey respondents feel TCJS should provide additional training for jail staff, as well as offer more educational opportunities and information. Smaller percentages

of respondents feel that standards should be more reasonable and regulated, and that TCJS needs additional staff.

◆ **Whether TCJS Should Be Continued for 12 Years**

The largest percentage of survey respondents feel TCJS should be continued for 12 years, including because TCJS's oversight helps to maintain safety, order, and professionalism in our jails; because TCJS helps to prevent lawsuits and liability, and because TCJS assists agencies in various ways, including training.

◆ **Additional Comments**

The largest percentage of survey respondents reiterated that TCJS is a valuable agency that should be continued, but that it needs more staff and funding to be able to provide additional training opportunities and information.

OVERVIEW OF FINDINGS

Please see Appendix A for all free-response answers provided by survey respondents, per question.

1. What is your profession? (NOTE: your identity will remain anonymous)

- 50% = Sheriff/Law Enforcement
- 27% = Jail Administration
- 14% = County Judge
- 9% = Other

2. What changes, if any, should be made to the mission or functions of the Texas Commission on Jail Standards?

- 66% = no changes
- 6% = additional assistance to jails and counties in their efforts to be safe and compliant
- 6% = additional, consistent, or clarified standards
- 6% = bring other correctional facilities within TCJS's purview and strengthen enforcement authority
- 5% = additional training and education
- 3% = additional funding for operating costs
- 5% = other
- 2% = no knowledge

3. What changes, if any, should be made to the make up of the Commission?

- 50% = no changes
- 20% = wider representation of corrections/medical infrastructure in Commission
- 11% = additional inspectors
- 8% = additional staffing (general)

- 2% = other
 - 9% = no knowledge or not applicable
4. **What changes, if any, should be made to the Commission's authority over jail facilities, including but not limited to county jails, municipal jails, privately-operated facilities, and facilities holding only federal inmates?**
- 55% = no changes
 - 18% = should have authority over additional facilities
 - 10% = should not have authority over additional facilities
 - 5% = should be more strict and willing to enforce regulations
 - 5% = pass/fail system needs adjustment
 - 7% = other
 - 1% = no opinion
5. **How effectively does the Commission establish minimum standards for the construction, equipment, maintenance, and operation of county jails; classification and treatment of inmates; and jail staffing?**
- 80% = effectively
 - 6% = standards cannot be and are not uniformly applied
 - 5% = there are ways to be more effective
 - 5% = small and rural facilities face unique difficulties, especially with compliance
 - 3% = other
 - 1% = no knowledge
6. **How effectively does the Commission review and approve jail construction plans?**
- 70% = effectively
 - 3% = experienced delays
 - 5% = other
 - 22% = no knowledge or experience
7. **How effectively does the Commission provide technical assistance and training to local officials and jail staff?**
- 62% = effectively
 - 12% = need improvement
 - 12% = more training needed, specifically
 - 8% = other
 - 6% = no knowledge
8. **How effectively does the Commission produce population reports and other statewide information about jail?**

- 82% = effectively
- 5% = additional information or distribution would be helpful
- 3% = not effective
- 1% = other
- 9% = no knowledge

9. How effectively does the Commission review the effectiveness of programs of rehabilitation, education, and recreation for inmates confined in county and municipal jail facilities under its jurisdiction?

- 68% = effectively
- 8% = not effectively with regards to frequency or quality
- 3% = not TCJS's responsibility
- 3% = other
- 17% = no knowledge

10. What changes, if any, should be made to the Commission's process for inspecting jails and enforcing with minimum jail standards?

- 53% = no changes
- 9% = need uniform standards and streamlined enforcement
- 9% = additional staff/inspectors
- 5% = more frequent inspections
- 5% = make changes to pass/fail system
- 5% = TCJS needs more enforcement and authority
- 3% = no surprise inspections
- 3% = need more time/training during inspections
- 3% = the penalty for failing to comply with certain standards should be lessened
- 5% = other

11. What key challenges does the Commission face in the next 5 to 10 years?²

- 36% = overcrowding (due to increasing jail populations)
- 22% = additional jail and TCJS staffing
- 13% = additional jail construction
- 9% = needed funding
- 6% = aging facilities/poor conditions
- 4% = TCJS's ability to exist and create standards to meet future needs
- 2% = legislative challenges
- 2% = incidental costs (gas/lodging)
- 4% = other
- 4% = no opinion or knowledge

² These percentages do not total 100%. The overwhelming majority of survey responses for this question contained more than one challenge; as such, these answer categories were calculated as based on the total challenges mentioned, rather than on the number of respondents who provided answers.

12. Outside of additional funding, how can the Commission do a better job meeting the needs of local governments, jail staff, inmates, and the general public?

- 19% = more training for jail staff; more education and available information
- 10% = additional funding for TCJS
- 10% = standards should be more reasonable and regulated
- 9% = additional staff
- 7% = additional public education about TCJS, incarceration, and relevant laws
- 5% = additional pay for jail staff
- 12% = other
- 28% = no opinion or no changes needed

13. Should the Texas Commission on Jail Standards be continued for 12 years? Why or why not?

- 11% = Yes (without specific reason)
- 46% = Yes – TCJS’ oversight helps to maintain safety/order/professionalism
- 17% = Yes – TCJS helps to prevent lawsuits/liability
- 10% = Yes – TCJS assists agencies in various ways, including training
- 10% = Yes for other reasons
- 3% = Maybe
- 3% = No

14. Please add any other comments about the Texas Commission on Jail Standards. If you suggest any changes, please provide: * background information on how the current system works and a description of what you would like to see changed, * benefits of your recommendation, and * any potential difficulties that may arise from implementing your recommendation.

- 16% = TCJS is a valuable agency that should be continued
- 13% = TCJS needs more staff and should provide more training and information
- 6% = more accountability should rest on County Commissioners themselves
- 9% = other
- 56% = no additional comments

15. Thank you for completing this survey. Feel free to add any additional comments.

- 42% = TCJS is valuable and should be renewed
- 16% = TCJS needs more staff and funding
- 10% = other
- 32% = no additional comments

POLICY RECOMMENDATIONS

The Texas Criminal Justice Coalition took survey respondents' feedback into account when developing the following policy recommendations. **However, these recommendations are not endorsed by the respondents.** These are solely the Coalition's recommendations for strengthening the current role of the Texas Commission on Jail Standards.

(1) TCJS Should Expand its Educational Role in the Prevention of Jail Overcrowding.

As many survey respondents noted, one of the major challenges that TCJS will face within the next 5 to 10 years will be addressing the ever expanding jail population. To accommodate this, counties and other municipalities will be forced to expand the number of jails. As more jails are built, TCJS will require additional inspectors and other resources to ensure compliance with set standards.

At this point, TCJS should re-focus its resources to assist jail administrators, county commissioners, and others in developing localized strategies – such as through the use of roundtables composed of key officials – that will concentrate on the reduction of growing jail populations through diversion techniques.

(2) TCJS Should Also Expand its Efforts to Inform Jail Administrators and Local Officials about Innovative Reintegration Models to Slow Offender Recidivism.

A large number of individuals will be exiting county jails in Texas' near future. Many of these individuals will be incarcerated for periods long enough to lose their employment, housing, and, ultimately, the ability to support themselves and their families.

To prevent offenders from falling back on crime as a means of survival, TCJS should be given additional staff that can focus solely on providing technical assistance for programs that provide rehabilitation, education, and re-integration for inmates confined in county and municipal jail facilities under its jurisdiction. Such programs could include (a) group counseling; (b) drug education, (c) basic education programs, (d) transition planning, and (d) aftercare planning.

The State can look to Travis County and Bexar County as models in this regard – their jails have innovative programs that assist inmates in re-integrating back into the community. These programs can be duplicated statewide, and TCJS should be staffed to inform counties about what other jails are doing to prepare inmates for release. Additionally, TCJS staff can look to models in other states for best practices with regards to inmate reintegration.

(3) The State Should Increase the Funding Appropriated to TCJS So It Can Improve its Functions.

As repeatedly noted by many survey respondents, TCJS needs additional funding for the following:

- *general operations* to continue the valuable services offered by TCJS to local governments, jail staff, inmates, and the general public.
- *more staff and inspectors*. It is nearly impossible for four TCJS inspectors to comprehensively inspect each of the jails under its jurisdiction, as well as provide staff there with needed technical assistance. Additional, qualified inspectors would increase the frequency of inspections, as well as the quality of inspections by allowing inspectors to consistently enforce regulations and allocate sufficient time to meet local needs.
- *more training availability*. The better trained our jail staff are, the more equipped they are to perform at high and professional standards. Unfortunately, in many counties – big and small – their budgets are often stretched too thin, preventing them from securing training for all jail administrators and personnel. The Legislature should provide additional resources to TCJS so that it can offer free trainings to them in regards to compliance standards; likewise, guards should be trained to better respond to special needs inmates (e.g., with mental or physical illnesses) – correctional healthcare or medical personnel could assist TCJS in providing needed medical and mental health trainings.

(4) TCJS Should Improve its Public Education Efforts with Regards to Its Complaint Functions.

Many Texans are unaware of the valuable services offered by TCJS. Oftentimes, an individual's first interaction with TCJS is when s/he may have a loved one in jail and seek out the answer to a question or want to file a complaint about the inmate's conditions. One inexpensive way to make it easier to file a complaint is to offer a 1-800 hotline. This would be especially helpful for those who do not have Internet access.

However, for those who do have access to the Internet, it would be helpful if TCJS directly linked its complaint form to the homepage of its website (rather than at www.tcjs.state.tx.us/complaint.php).