

An Audit Report on the Inspection Process
at the Commission on Jail Standards

July 28, 1999

Members of the Legislative Audit Committee:

The Commission on Jail Standards' (Commission) process for inspecting jails ensures that both county jails and private facilities that house out-of-state inmates comply with state jail standards. The Commission reported that 203 of the 242 county jails were in full compliance with standards at the end of fiscal year 1998. Of the remaining 39, only one remedial order¹ had to be issued. The other jails were working toward addressing their deficiencies.

However, the Commission can better ensure that jails comply with standards by:

- Better documenting its inspection procedures and results. Documentation of inspections serves as supporting evidence for the Commission's determination of compliance, to which management occasionally testifies on behalf of counties in litigation matters. Further, better documentation would improve the Commission's ability to look at trends and protect it from the risk of losing institutional knowledge from staff turnover. Inspectors do not document the procedures or tests used to determine whether or not a jail complies with standards.
- Using risk factors to schedule inspections. The Commission does not have a way to ensure that jails with problems are inspected sooner rather than later. Although the Commission conducts regular inspections of jails under its jurisdiction, these inspections are not always scheduled based on risk factors. Statute requires the Commission to schedule announced and unannounced inspections based on the jail's history of compliance with Commission standards and other high-risk factors.

Although private facilities in Texas currently house only a small number of inmates sentenced out of state, the Commission ensures that these facilities comply with Texas' minimum jail standards. Commission reports show that the out-of-state inmate population housed by these private facilities has declined from a peak of 2,758 in November 1997 to 317 in May 1999. The 75th Legislature gave the Commission express authority over private facilities that house out-of-state inmates in September 1997.

¹ The Commission's governing board may issue a **remedial order** if it determines that the responsible officials receiving a notice of noncompliance (or an administrative order) with minimum jail standards fail to initiate corrective measures within the time prescribed. The board may impose any one or any combination of the following **remedies**: close the facility in question or any portion thereof, prohibit further confinement of inmates in the noncomplying facility or any portion thereof, and transfer and maintain all or any number of inmates in another designated facility. A **remedial order** may also be issued to terminate a contract for housing inmates not sentenced in a Texas court.

We commend the Commission for developing cooperative and professional relationships with the counties. Because inspectors serve as consultants, provide technical assistance, and determine compliance, effective relations with these officials are vital.

The Commission generally agrees with our findings and recommendations. Its response and the detailed information about the areas needing improvement are in the attachment. The attachment also includes recommendations and references and resources for making these improvements.

We would like to thank the management and staff of the Commission on Jail Standards for their cooperation during the audit. If you have any questions, please contact Pat Keith, Audit Manager, at 479-4700.

Sincerely,

Lawrence F. Alwin, CPA
State Auditor

rmn

Attachment

cc: Judge Larry T. Craig, Board Chair
Commission on Jail Standards

Commission on Jail Standards
Mr. Jack Crump, Executive Director
Ms. Debbie Fillmore, Deputy Director
Mr. Terry Julian, Director of Operations

Objectives, Scope, and Methodology

The objectives of this audit were:

- To determine how the Commission on Jail Standards ensures that jails are complying with its standards
- To assess how the Commission is fulfilling the statutory requirement that it oversee jails that house out-of-state prisoners

The scope of our audit included the review and analysis of controls over the Commission's inspection process. We conducted fieldwork during April and May 1999.

Our methodology included:

- Interviews with Commission and jail staff members
- Observation of a jail inspection
- Reviews and tests of inspection and complaint files

We conducted this audit according to *Government Auditing Standards*.

Better Document Inspection Procedures and Results

The Commission's jail inspection records serve as supporting evidence for the Commission's determination of compliance, to which management occasionally testifies on behalf of counties in litigation matters. Further, better documentation would improve the Commission's ability to look at trends and protect from the risk of losing institutional knowledge from staff turnover. Inspectors do not document the procedures or tests used to determine whether or not a jail complies with standards. Without properly documenting procedures and tests, the Commission cannot verify whether inspectors reviewed all standards on every visit or tested a sufficient number of records to determine compliance.

The level to which inspectors document the procedures, tests, and results varies based on the type of inspection:

- The only documentation for annual jail inspections (announced or unannounced) is the final report and a summary checklist. Unless the jail inspectors find deficiencies, they do not document any of the observations from walk-throughs or their tests of reports and files. If they find deficiencies, inspectors do not document details about them. For example, an inspector reported that one jail facility did not screen all inmates for tuberculosis within 14 days of their confinement. However, the inspector did not list the files reviewed or identify the files that did not comply.

In addition, the consideration and verification of complaint resolution, variances from standards granted by the board and conditions for those variances, and deficiencies noted in prior inspections are not documented in the inspection file.

- Re-inspections and special inspections receive little if any documentation. For example, while inspecting a nearby facility inspectors may "drop by" a jail to review the status of corrective action taken for deficiencies noted in a prior inspection. Typically, the procedures, tests, and results are not documented. Occasionally, inspectors place a memorandum in the file documenting the drop-by visit.
- Occupancy reviews are better documented than the other inspections. This

type of inspection is conducted before occupancy of a newly constructed jail, an addition to a jail, or a jail renovation. The final report records the results of the review and includes information such as the type of construction project, the number of beds, and whether non-Texas inmates will be housed in the facility. Supporting evidence typically includes the name of the design firm, the name of the construction firm, levels of security, results of the fire safety inspection by the fire marshal, and the number and square footage of the cells.

Contents

Better Document Inspection Procedures and Results.....	1
Use Risk Factors to Schedule Inspections.....	2
Management's Response	5
Online References and Resources	6

ATTACHMENT

- The referral of complaints is not documented in either the inspection file or the complaint tracking database. A separate inspector focuses on receiving and addressing complaints. The Commission lacks a formal process for routinely routing complaints from the complaint inspector to the appropriate jail inspector.

Recommendation:

- The Commission should develop forms that would allow jail inspectors to easily document observations, specific deficiencies, and tests of reports and files. Since the jail inspectors have laptop computers, the forms could be automated to allow for more efficiency in completion and retention. Automating the forms would require the Commission to revise some of its policies and procedures to ensure the integrity of the files in an automated environment. For example, the files will need to be backed up regularly, and safeguards should be developed to prevent accidental deletion of automated files.
- In addition to current review procedures, the Director of Operations should review the inspection documentation to determine whether sufficient procedures and testing have been performed to support the areas of noncompliance noted in the report. The Director should also use this review as input for preparation of jail inspectors' evaluations.
- The jail inspectors should review complaints referred to them by the complaint inspector, assess the seriousness of the complaint, determine the need for an on-site visit, and document the results of their review in the inspection file.

Use Risk Factors to Schedule Inspections

The Commission does not have a way to ensure that jails with problems are inspected sooner rather than later. Although the Commission conducts regular inspections of jails under its jurisdiction, these inspections are not always scheduled based on risk factors. The result can be health and safety issues that put both jail staff and inmates at risk.

Statute requires the Commission to determine jails' compliance with standards at least annually. It also requires the Commission to schedule announced and unannounced inspections of jails based on the jail's history of compliance with Commission standards and other high-risk factors.

The current scheduling process does not routinely integrate risk indicators. The text box below describes how the Commission schedules inspections. We found that:

- Annual inspection schedules do not always consider red flags such as complaints or prior deficiencies. For example, the Commission did not inspect one jail until 2 ½ months after the jail reported to the Commission that it had inadequate staff to test all inmates for tuberculosis as required. Shortages in medical staffing could result in a health risk to jail staff and inmates. Noncompliance with state jail standards in other areas of inmate medical services could also exist.

How Inspections Are Currently Scheduled

Each of the Commission's three jail inspectors separately tracks and schedules all types of inspections for his or her assigned region:

- Annual inspections are scheduled within 10 to 14 months of the prior year visit. The deadlines are set to fit the inspectors' schedule, but also to group inspections by location to ensure cost effectiveness in relation to minimizing travel costs.
- Re-inspections are scheduled when the noncompliant county reports all deficiencies have been corrected. These inspections focus on the specific failures from the annual inspection.
- Special inspections are scheduled at the Commission's discretion. Typically, only circumstances such as inmate riots or escapes trigger these inspections.
- Occupancy inspections are scheduled and conducted after a jail is constructed but before it is occupied.

- Special inspections are not always conducted when the Commission is informed of serious situations. For example, the Commission received an inmate complaint alleging that it was common practice for jail staff to restrain inmates using "duct tape" or by "hog-tying." The jail was not inspected until 3 ½ months later when the inmates rioted because of the jail's poor conditions.
- Inspectors do not always conduct formal re-inspections when noncompliance is found during their annual inspections. The re-inspections are sometimes conducted simply through correspondence or "drop-by" visits.

A risk assessment and scheduling system will allow the Commission to appropriately schedule inspections in the most efficient manner while covering the highest risk jails first.

Recommendation:

- The Commission should develop a formal risk assessment methodology that would allow the Commission to attain an overall risk ranking of all jail facilities and/or jail systems under its authority. The risk assessment process should be a continual one. A list of references and resources on risk assessment is included on page 6 of this attachment.

- The risk assessment system should incorporate not only efficiency factors such as travel, but also high-risk factors such as complaints and the jails' history of compliance. The process should have a mechanism for feedback from inspections, complaints, etc.
- The Commission should develop a formal system for scheduling the various types of jail inspections.
- Re-inspections, when determined to be necessary, should feed back into not only the scheduling system, but also the risk assessment system.

Management's Response

TEXAS COMMISSION ON JAIL STANDARDS

EXECUTIVE DIRECTOR

Jack E. Crump



P.O. Box 12985
Austin, Texas 78711
Voice: 512/463-5505
Fax: 512/463-3185
Agency website: <http://link.tsl.state.tx.us/tx/TCJS>
tcjs@mail.capnet.state.tx.us

July 9, 1999

Ms. Kim McDonald, Project Manager
Office of the State Auditor
Two Commodore Plaza
206 E. 9th Street, Suite 1900
Austin, TX 78701

Dear Ms. McDonald:

The Texas Commission on Jail Standards has reviewed the draft report of the agency's inspection process and concur with the contents of the report.

Implementation of better document inspection procedures and results and using risk factor to schedule inspections have begun. Our goal is to effect full implementation within 90 days. This includes substantial completion of required documentation within 60 days and analysis and application within the remaining days.

Thank you for your continued availability and briefing during the entire audit process.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack E. Crump", is written over a printed name and title.

Jack E. Crump
Executive Director

JEC:nr

Judge Larry T. Craig, Chairman
Gonzalo R. Gallegos, San Antonio
Patrick O. Keel, Austin

Sheriff Terry G. Box, McKinney
Comm. Jimmy L. Jackson, Carrollton
Marcia Saunders, Lake Kiowa

Marvalette C. Fentress, Houston
Sheriff Carmella Jones, Claude
Dr. Adela S. Valdez, M.D., Harlingen

ATTACHMENT

Online References and Resources

- *A Guide to Assessing Risk in Key Accountability Control Systems* (SAO Report No. 97-075, July 1997) - guide available from the State Auditor's Office, www.sao.state.tx.us. Click on **Reports**, select **View Reports by Release Date**, and click on **January 1997 to December 1997**. Scroll down to July's reports.
- *Assurance on Risk Assessment* - information provided by the American Institute of Certified Public Accountants (AICPA), www.aicpa.org. Click on **Search** and select **Search all of AICPA Online**. Enter "risk assessment" (do not include quotes in your search). In the results, scroll past **AICPA Catalog** to **Assurance Services**. Under **Assurance Services**, click on *Assurance on Risk Assessment*.
- *Assessing Risk Assessment* - article available from Management Control Concepts (Mc2), <http://mc2consulting.com/riskpage.htm>. Scroll down the page to the list of articles and click on *Assessing Risk Assessment*. Mc2 provides consulting and training services for management control issues including risk assessment and risk management.
- Huskey & Associates, Inc. (www.huskey-associates.com) - national corrections consulting organization headquartered in Chicago, IL. Huskey & Associates provided services for two Texas projects. It provided a needs assessment for the Dallas County Jail and a community corrections master plan for the State of Texas. Scroll to the bottom of the page and click on either **Juvenile Credentials** or **Adult Credentials**.