

Texas Commission on Jail Standards



House Bill 1660 Report to the Texas Legislature

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Terry Julian
Executive Director

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Executive Summary

This report by the Texas Commission on Jail Standards (hereinafter, the “Commission”) uses the best available data to explore the issue of video surveillance systems in county jails as a method of suicide prevention.

Part I of the report seeks to provide an understanding of the phenomenon of county jail suicide, specifically during the period of 1999 to 2003, using state-mandated Custodial Death Reports filed with the Office of the Attorney General. The total number of suicides in Texas county jails for this recent 5-year period is 121 (an average of 24.2 deaths per year), occurring at 81 different jails. “Asphyxiation by hanging” is the dominant method of jail suicide, accounting for 92.5% of all suicide deaths. Although there are some notable trends in jail suicide, any attempt to create a “suicide profile” is unlikely. The data suggests that inmates in county jail should not be eliminated as suicide risks by looking solely at demographic patterns in a suicide profile.

Part II of the report examines survey results pertaining to assaults in the jails during the period of 1999 to 2003. The survey addressed assaults that are committed against inmates by other inmates, assaults committed against inmates by jail staff, and assaults committed against jail staff by inmates. Part II also addresses costs of lawsuits to the jails as a result of assaults and suicides. The majority of jails that were sued did not have judgments awarded against them, and only five jails responded that they had judgments entered against them. Of those jails that reported having judgments entered against them, the average judgment was \$95,992.16. In many cases, jail data provided was inadequate for conclusive results.

Part III describes the results of the Commission’s survey of county jails regarding the current state of video surveillance in 157 jail facilities throughout the state. The survey data suggests that county jails are utilizing video surveillance to a limited degree; that is, primarily for facility security, not suicide prevention. Moreover, most county jails regard officer supervision as a better alternative to video surveillance for suicide prevention and inmate observation. Part II also illustrates other county attitudes toward video surveillance, as well as the potential hardware requirements at these facilities as requested by HB 1660. In general, county jail personnel have expressed concerns about relying on video surveillance to observe inmates in their facilities.

Part IV discusses various options and obstacles of funding of video surveillance systems for county jails, using resources such as the Commission’s HB 1660 survey of counties and current state law. Funding of video surveillance systems cannot be accomplished by using jail commissary proceeds or court fees, absent amending state law. Counties expressed reservations about funding a potential state mandate as described in HB 1660, particularly given the current fiscal health of many counties today.

Part V of the report is a short series of special considerations regarding video surveillance in jails, namely, issues of inmate privacy, effectiveness of video surveillance, jail staffing, and video technology. These considerations should be given full attention before any action is taken that would mandate the use of extensive video surveillance in county jails.

Part VI provides alternatives to video surveillance as means of identifying and preventing inmate suicide in county jails. Specifically, we address inmate medical records, inmate classification, mental health screening, and individual counseling for inmates as described in HB 1660. Ways to improve these programs are included in the section.

Part VI identifies several potential areas of improvement, and summarizes the findings of the report. The Commission offers its services in technical assistance and training for county jails as the most cost-effective way to assist county jails with suicide prevention.

Part I. Suicides in County Jails

The data used in this section was collected exclusively from Custodial Death Reports¹ (CDRs) provided by the Office of the Texas Attorney General, and spans the most recent 5-year period (1999 to 2003).

A. Suicide Deaths in Custody – Annual Totals

From January 1, 1999 through December 31, 2003, there were 121 deaths due to suicide in Texas county jails.

The yearly totals for this period are as follows:

1999 = 20 suicide deaths
2000 = 27 suicide deaths
2001 = 20 suicide deaths
2002 = 29 suicide deaths
2003 = 25 suicide deaths

B. Methods/Apparatus of Suicide Deaths

The data suggests that the method of suicide used almost exclusively in county jails is “asphyxiation by hanging”. In some cases, “asphyxiation by ligature compression” was determined to be the method employed, although the nature of the suicide act closely resembled hanging. Out of the 121 suicides in the 1999-2003 period, all but 9 were committed by hanging or ligature compression. Suicide by hanging or ligature compression, therefore, accounts for 92.5 % of all suicides that occur in county jails. Of the nine suicides that were not a result of hanging or ligature compression, five incidents did not list a method of suicide in the CDR, two “jumped to death from balcony”, one occurred as a result of “incised wounds to wrists”, and one suicide resulted from wounds by “stabbing his own neck”.

Asphyxiation by hanging or other ligature compression suicides can occur using a variety of apparatus. The arrestee or inmate may use whatever material is available to fashion a ligature or hanging device. More often than not, the apparatus an inmate uses to commit suicide is not contraband; rather, the apparatus is either legitimate inmate property or

¹ A Custodial Death Report is a statutorily-required document submitted by correctional facilities to the Office of the Attorney General of the State of Texas within 30 days of an inmate’s death in custody. The CDR contains the relevant information of the confinement and death of the inmate, including date/time of death and cause of death (if determined). Custodial Death Reports required per Texas statutes: Article 39.05 Penal Code, Article 49.18(b)(c) Code of Criminal Procedure, Article 501.055(b) Government Code. *See Appendix.*

county property and the inmate is authorized to possess it. The apparatus is used by the inmate for purposes not originally intended, and serves as the means for the inmate to carry out the suicide event.

C. Suicide Deaths and Length of Time in Custody

Suicide attempts have occurred as soon as 14 minutes after custody and as long as 349 days in custody². There has been a misconception that most jail suicides occur within the first 48 hours of custody, but the data from 1999-2003 suggests that jail suicide is an action of opportunity, and may occur at any time during custody.

Attempts to commit suicide may be more closely linked to events that transpire outside the moment of arrest and initial custody of the actor. Such events might include indictment on charges, conviction, revocation of parole/probation, relationship/family problems, loss of employment, emotional/mental health issues, growing sense of depression and despondency, etc. More information concerning each suicide case is needed to accurately assess possible “triggers” of suicide events in the correctional setting³.

D. Gender, Age, and Race of Suicide Deaths

Gender

Predominantly, the gender of suicide actors is male.

Of the 121 suicide deaths during 1999-2003:

- 111 were male, or 91.7%.
- Only 10, or 8.3%, were female. This is consistent with the overall jail population statistics that identify females as comprising about 8.7% of all county jail inmates during the same period.

² When considering the data on jail suicides, particularly with regard to “length of time in custody”, it is critical to accurately identify the time the suicide attempt took place, if possible. Often, the official time of death is used for reporting purposes and this may or may not accurately reflect the timing of the suicide event. For this report, the time of the suicide event was extracted from information contained in entries in the CDRs that described the time at which the suicide actor was physically discovered by jail staff.

³ Narrative reporting on the CDRs by jail staff concerning specific details (times, methods, actions, possible “triggers” of suicidal behavior, etc.) of the suicide event was largely inadequate. Such documentation varied among correctional staff from different counties. The CDR form is a generic form that covers inmate deaths generally, and is not specific to inmate suicides. Either creating a form specifically for inmate suicides or expanding the information requested on the CDR would likely render a more comprehensive assessment of inmate suicides in Texas jails.

Age

The age range of all suicide actors was 16 years old (certified adult) to 67 years of age. The average age of suicide actor was 34.1 years old. The distribution of average age of suicide actors is as follows:

- 1999 – 35.4 years old
- 2000 – 34.3 years old
- 2001 – 32.5 years old
- 2002 – 32.1 years old
- 2003 – 36.5 years old

While all annual averages are in the thirties, it should be noted that this number is the average result of a wide array of ages, with frequent occurrences among actors in their twenties and forties.

Race

Of the 121 suicide deaths from 1999-2003:

- 76 or 62.8% were White
- 31 or 25.6% were Hispanic
- 11 or 9.1% were Black
- 3 or 2.5% were Other.

E. Location of Suicide Events

Suicides during 1999-2003 occurred in the following areas of jails⁴:

- Single cells - 67
- Multiple occupancy cells - 20
- Holding/Detox cells - 20
- Inmate shower areas - 20
- Day rooms - 4
- Infirmary areas – 3
- Kitchen – 1
- Recreation areas - 1

⁴ Totals do not add up to 121 due to incomplete and/or overlapping reporting on the CDRs used for this report. For instance, an inmate may have committed suicide in the shower stall of a Single Cell, thereby listed twice above. Also, an inmate may have committed suicide in a Single Cell or Multiple Occupancy Cell with no other details noted on the CDR concerning the exact location (i.e. shower stall) of the suicide event.

F. Time of Day/Night of Suicide

- 34 (28%) of all suicides during 1999-2003 occurred in the 7-hour period between 10 p.m. and 5 a.m.⁵ These hours typically cover the night shift, or “lights out” period at many, but not all, jails.
- 87 (72%) suicides occurred during the 17-hour period between 5 a.m. and 10 p.m. time frame.

G. Status of Charges against Defendant

Defendants with “Filed Charges” (73) comprised 60.3% of all jail suicides, followed by “Convicted” (25) defendants at 20.6%. Some actors committed suicide before any charges were filed (“Intended Charges”). These numbered 15, or 12.3%. A total of 6 suicide actors faced parole/probation revocations, or 5%. Two suicide events did not have reportable data concerning the status of charges against the actor.

- Filed Charges – 60.3%
- Convicted – 20.6%
- Intended Charges – 12.3%
- Parole/Probation Revoked – 5%

H. Seriousness of Charges against Defendant

Of all suicides during 1999-2003, 48 (40%) were committed by defendants charged with violent crimes. A total of 54 suicides (45%) were committed by defendants charged with other felonies, drug charges, thefts, D.W.I., or serious property crimes, and 13 (11%) were committed by inmates charged with offenses such as trespassing, illegal entry into the U.S., public intoxication, or various traffic offenses. Parole violators accounted for 4 suicides (3%) and 1 case did not list any specific charges (1%). (In cases where multiple charges were noted, the highest charge was considered).

- Lesser Felonies and Misdemeanors – 45%
- Violent Crimes – 40%
- Minor Offenses – 11%
- Parole Violators – 3%

⁵ It is important to remember that “time of death” has been frequently used in this report to identify the timing of the suicide event, but the actual suicide incident may have occurred earlier.

I. Counties with Suicide Events in Jail

The following is an alphabetized list of 81 county jails that reported at least one Death in Custody by reason of suicide to the Attorney General during the period 1999-2003: {Note: “(P)” denotes the private facility located in a particular county }.

- | | | |
|------------------------|--------------------------|---------------------------|
| 1. Andrews County | 29. Grimes County | 57. Potter County |
| 2. Angelina County | 30. Guadalupe County | 58. Presidio County |
| 3. Archer County | 31. Harris County | 59. Rains County |
| 4. Austin County | 32. Harrison County | 60. Reagan County |
| 5. Bastrop County | 33. Hays County | 61. Reeves County (P) |
| 6. Bell County | 34. Henderson County | 62. Robertson County |
| 7. Bexar County | 35. Hood County | 63. San Augustine County |
| 8. Bosque County | 36. Howard County | 64. San Jacinto County |
| 9. Brazoria County | 37. Hutchinson County | 65. Shackelford County |
| 10. Brazos County | 38. Johnson County | 66. Shelby County |
| 11. Brooks County (P) | 39. Kendall County | 67. Smith County |
| 12. Chambers County | 40. Kerr County | 68. Somervell County |
| 13. Childress County | 41. Lamar County | 69. Starr County |
| 14. Collin County | 42. Limestone County (P) | 70. Tarrant County |
| 15. Crystal City (P) | 43. Lubbock County | 71. Taylor County (P) |
| 16. Dallas County | 44. Matagorda County | 72. Tom Green County |
| 17. Denton County | 45. McClennan County (P) | 73. Travis County |
| 18. DeWitt County | 46. Milam County | 74. Trinity County |
| 19. Dickens County (P) | 47. Mitchell County | 75. Tyler County |
| 20. Dimmit County | 48. Montgomery County | 76. Waller County |
| 21. Donley County | 49. Moore County | 77. Webb County (P) |
| 22. El Paso County | 50. Nacogdoches County | 78. Wheeler County |
| 23. Ellis County | 51. Navarro County | 79. Williamson County |
| 24. Falls County (P) | 52. Newton County | 80. Williamson County (P) |
| 25. Fort Bend County | 53. Nueces County | 81. Wilson County |
| 26. Galveston County | 54. Panola County | |
| 27. Goliad County | 55. Pecos County | |
| 28. Gray County | 56. Polk County | |

J. Jails with Multiple Incidents of Suicide

A total of 21 county jails experienced multiple incidents of suicide during the 1999-2003 period, accounting for 60 suicide deaths, or nearly 50% of all suicides deaths (121) in county jails. These jails are:

1. Archer County Jail..... 2 suicides (average daily population of 8)

2. Bexar County Jail.....	4 suicides	(average daily population of 3582)
3. Childress County Jail....	3 suicides	(average daily population of 15)
4. Collin County Jail	2 suicides	(average daily population of 654)
5. Dallas County Jail.....	8 suicides	(average daily population of 6626)
6. El Paso County Jail	5 suicides	(average daily population of 1427)
7. Galveston County Jail....	4 suicides	(average daily population of 704)
8. Grimes County Jail.....	2 suicides	(average daily population of 50)
9. Harris County Jail.....	5 suicides	(average daily population of 7317)
10. Henderson County Jail...	2 suicides	(average daily population of 181)
11. Howard County Jail.....	2 suicides	(average daily population of 40)
12. Johnson County Jail.....	3 suicides	(average daily population of 328)
13. Lamar County Jail	2 suicides	(average daily population of 163)
14. Lubbock County Jail.....	2 suicides	(average daily population of 691)
15. Montgomery County Jail	2 suicides	(average daily population of 537)
16. Nueces County Jail	2 suicides	(average daily population of 758)
17. Pecos County Jail.....	2 suicides	(average daily population of 22)
18. Tarrant County Jail.....	2 suicides	(average daily population of 3125)
19. Tom Green County Jail ...	3 suicides	(average daily population of 293)
20. Travis County Jail.....	2 suicides	(average daily population of 2566)
21. Williamson County Jail...	2 suicides	(average daily population of 403)

K. Jails with Suicide Events and Staffing/Population Non-Compliance

The following 35 jails have experienced at least one jail suicide and one write-up of noncompliance for staffing (not maintaining the 1:48 staff/inmate ratio), proper supervision, or inmate overcrowding during the 5-year period of 1999-2003 ⁶:

<u>County Jail</u>	<u>Suicides</u>	<u>Non-Compliance Write-ups</u>
1. Archer	2 (2001, 2003)	2003
2. Bexar	4 (1999 x 2, 2001, 2003)	1999, 2000, 2001, 2002, 2003
3. Bosque	1 (2000)	2000
4. Brazoria	1 (1999)	2002, 2003, 2004
5. Chambers	1 (2003)	2002, 2003, 2004
6. Childress	3 (1999, 2000, 2003)	1999,2000
7. Denton	1 (2002)	2004
8. Dewitt	1 (2000)	2001
9. Dimmit	1 (2000)	1999, 2003
10. Galveston	1 (2001)	2002
11. Grimes	2 (2001, 2002)	2001

⁶ This table does not attempt to draw a correlation or cause-and-effect relationship between staffing/supervision problems based on comparisons of the suicide events and notices of noncompliance. Rather, it is intended merely to illustrate the frequency of suicide events at jails that have been identified as being noncompliant regarding staffing and supervision.

12. Guadalupe	1 (1999)	2002
13. Harrison	1 (1999)	2000, 2003
14. Hays	1 (2000)	2001
15. Hood	1 (1999)	1999, 2002, 2003
16. Howard	2 (1999, 2000)	1999
17. Lamar	2 (1999, 2002)	2000, 2002, 2003
18. Lubbock	2 (2000, 2003)	2001
19. Matagorda	1 (2001)	1999
20. McLennan (P)	1 (2001)	2001
21. Milam	1 (2001)	1999
22. Nueces	2 (1999)	2001
23. Potter	1 (2001)	1999, 2000, 2001, 2002, 2003
24. Presidio	1 (2001)	1999, 2000, 2002
25. Rains	1 (2002)	1999, 2001
26. Reeves (P)	1 (2000)	1999, 2002
27. San Jacinto	1 (2000)	2002, 2003
28. Smith	1 (2002)	1999, 2002, 2003
29. Starr	1 (1999)	1999
30. Tom Green	3 (2000, 2003 x 2)	1999, 2000
31. Travis	2 (2000, 2001)	1999, 2000, 2001, 2002
32. Trinity	1 (2001)	2003
33. Webb (P)	1 (2001)	1999, 2000, 2002, 2003
34. Williamson	2 (1999, 2003)	2000, 2003
35. Williamson (P)	1 (2000)	2000

Part II – Assaults and Costs of Inmate Litigation 1999-2003

Minimum jail standards require that written records be maintained concerning assaults occurring in the jail. Rule 269.4 of the Texas Administrative Code requires the Sheriff or jail operator to maintain:

[A] separate written record of all incidents which result in physical harm or serious threat of physical harm to an employee, visitor, or inmate in a facility. Such record shall include the names of the persons involved, a description of the incident, the actions taken, and the date and time of the occurrence. Such a written record shall be prepared and submitted to the sheriff/operator within 24 hours of the incident.

All sheriffs of county jails housing inmates were sent a survey in order to obtain information on assaults occurring in the jails during the period of January 1, 1999 to December 31, 2003. Questions were asked about the frequency of assaults occurring between inmates, assaults by inmates on jail staff, and assaults occurring by jail staff on inmates. Drawing a conclusion about jail assaults using the survey information proved difficult for the following reasons:

- Many of the jails did not track the cumulative numbers of assaults occurring in the jail. Several jails expressed that documentation on assaults involving inmates is kept in individual inmate files, and not tracked. In order for these jails to answer the survey completely, files for every inmate housed from 1999 to 2003 would have to be reviewed for assault information that might have occurred in that time frame. In some cases, this would have required scouring thousands of inmate files. Many of the surveys returned were simply marked that assault information was not tracked. Some surveys gave approximate assault estimates.
- There was a lack of continuity of record keeping between the administrations of different sheriffs in some counties. Some surveys were returned with assault information gathered during the term of the current sheriff, but noted that assault information was not available from the time during the previous sheriff's term.
- Sheriffs of all Texas jails housing inmates were sent the survey, and 143 surveys were returned. Data collected from the surveys does not include those counties that did not return the survey to the Commission.

A. Inmate-on-Inmate Assaults

The first question that the survey asked was “**From 1999 to 2003, how many inmate-on-inmate assaults have been committed in your county jail?**” While most counties responded with exact number figures, many responded with estimates. For the purposes of this report, estimates were included. While many counties responded that they did not experience any assaults during 1999 to 2003, the largest number of assaults from a single responding county was 2449 inmate-on-inmate assaults during 1999 to 2003. The average number of inmate-on-inmate assaults for those responding counties during the five year period was 82.

B. Officer-on-Inmate Assaults

The second question asked by the survey was “**From 1999 to 2003, how many officer-on-inmate assaults have been committed in your county jail?**” Most counties reported no assaults on inmates by correctional officers. The highest number of officer on inmate assaults reported by a single county was 14. Out of 138 counties that responded with actual or estimated assault figures, there were a total of 58 officer-on-inmate assaults reported from 1999 to 2003.

C. Inmate-on Staff Assaults

The third question asked by the survey was **“From 1999 to 2003, how many inmate-on-sheriff, inmate-on-officer, or inmate-on-employee assaults have been committed in your county jail?”** Of the 137 counties that responded with actual or estimated assault figures, there was a total of 2279 inmate on staff assaults. Many counties responded with no assaults, and the highest number from a single county was 802. The average number of inmate-on-staff assaults per county from 1999 to 2003 was 17.

D. Inmate Litigation Costs

The fourth question asked by the survey was **“From 1999 to 2003, how many lawsuits have been filed against your county as a result of assaults or suicides in your county jail?”** Of the 140 counties that responded with an actual or estimated number of lawsuits, most counties responded that they had no lawsuits filed against them during 1999 to 2003. The greatest number of lawsuits filed for a single county was 21. There were a total of 90 lawsuits filed from 1999 to 2003. One county did not respond with an actual or estimated number of lawsuits, but answered that they deferred all lawsuits to the District Attorney’s office.

The fifth question asked by the survey was **“What monetary costs were incurred by your county in defending those lawsuits?”** Three counties did not respond with actual or estimated figures, but advised that they deferred all lawsuits to the County Attorney’s office or the District Attorney’s office. Of the responding counties, 133 responded with actual or estimated cost in dollar terms. The lowest amount reported spent by a county jail in defending lawsuits was \$0. The greatest amount spent by a county jail in defending lawsuits was \$122,998.76. Of jails that responded to being sued during the period of 1999 to 2003 with specific or estimated defense expenses, an average of \$16,616.52 per jail was spent on defending lawsuits. It should be noted that several jails responded that they were defended by their insurance company, and their expense was the deductible(s) paid to the underwriters.

The sixth question asked by the survey was **“What monetary costs were incurred by your county in the form of judgments?”** In most cases, jails that were sued did not pay out any judgments. Two counties did not respond with exact or estimated judgment costs, but advised that they deferred all lawsuits to the District Attorney’s office. Of those counties responding with accurate actual or estimated judgment costs, five counties reported that they had incurred judgments awarded against them. The total amounts of these judgments from 1999 to 2003 for these counties were:

- \$155,000.00
- \$150,000.00
- \$149,000.00
- \$ 14,000.00
- \$ 11,960.78

In some cases, jails that reported having judgments awarded against them actually listed the amount paid as their deductible to the insurance company that represented them.

E. Survey Response

Generally, due to the variation in record-keeping and the fact that several jails did not respond to the survey, the results of the survey cannot be regarded as a truly accurate representation of Texas counties as a whole. There is currently no requirement that jails submit data on assaults or litigation costs to the Commission, and many of the jails did not appear prepared to respond to such a request. Some jails were unable to provide accurate responses because the change in sheriffs disrupted record-keeping, and many jails made estimates of assaults or remarked that assault data was not tracked.

Part III. Video Surveillance Systems in County Jails

A. Video Surveillance Cameras Currently in Use

- Jails reporting current use of video surveillance cameras in their facilities: 146 (93%)
- Total sum of video surveillance cameras in these facilities: 4,379
- Jails reporting no current use of video surveillance cameras: 11 (7%)

Respondents were asked to submit complete layouts of their jail facilities with notations made illustrating the placement and line-of-sights for video surveillance cameras currently in use (if applicable). These figures represent video surveillance cameras located within the secure perimeters of jail facilities; this may include sally ports, administrative areas, and other locations in the jail.

Commission research staff and planning staff have determined from the jail documents that video surveillance cameras are utilized primarily for facility security purposes, not suicide prevention purposes. The vast majority of video surveillance cameras currently in use in respondents' jails are positioned in hallways, sally ports, entrance/exit areas, booking areas, recreation areas, and kitchens. There are relatively few cameras positioned to view inmate living/sleeping areas in county jails.

B. Video Surveillance Monitors Currently in Use

- Jails reporting current use of video surveillance monitors in their facilities: 146 (93%)
- Total sum of video surveillance monitors in these facilities: 1,454
- Jails reporting no current use of video surveillance monitors: 11 (7%)

Respondents were asked to note the number and placement of video surveillance monitors on their jail documents.

Video surveillance cameras transmit activity to video surveillance monitors, which are observed by corrections staff in real time. Monitors may exist in a variety of options, such as single (one monitor for each camera) or multiplex (one monitor for two or more cameras using split-screen or rotating images), and may be housed in a central location (main control) or throughout various sites in the jail. In addition, monitors may be connected to image/sound recording devices.

C. Recording Capabilities with Current Video Surveillance Systems

- Of the 157 survey respondents, 60 (38%) indicated that they currently possess the ability to record events that transpire and viewed on video surveillance systems.
- 34 (57%) of these jails stated that they maintain their recordings for 1-30 days.
- Others maintain their recordings for varying lengths of time, or only record events as needed.
- Most of these 60 jails only record booking area activities (for legal purposes and for inmate disciplinary purposes).

D. Concerns Regarding Mandatory Implementation of Video Surveillance

- Jails that “have concerns” about mandatory implementation of video surveillance systems: 86 (55%)
- Jails voicing “no concerns” about mandatory video surveillance systems: 61 (39%)
- No answer identified: 10 (6%)

Respondents were given the opportunity to list and describe their concerns; no pre-selected choices were offered. Some respondents listed more than one concern.

All concerns were noted and have been cited as follows:

1. Cost of new video surveillance systems (equipment/installation/maintenance): 64 jails (41%)
2. Additional staff/overtime work: 22 jails (14%)
3. Effectiveness concerns: 18 (12%)
4. Privacy/Civil Rights issues: 18 jails (12%)
5. Tampering by inmates/destruction of video surveillance systems: 13 jails (8%)
6. Space requirements in the jail: 4 (3%)
7. Construction/wiring/installation concerns: 3 (2%)

E. Attitudes Regarding Benefits of Video Surveillance Systems for Jails

- A total of 123 jails (78%) responded “YES” that video surveillance systems are beneficial to the jail.
- Responding “NO” were 22 jails (14%).
- “No answer” was given by 11 (7%) of jails.
- 1 jail (.6%) responded both YES and NO.

Respondents were asked for the perceptions of video surveillance systems as being beneficial to the jail as a way to prevent suicide or for other jail purposes. These responses may be predicated on respondents’ current usage of video surveillance systems in the jails, or may be perceptions of video surveillance systems based on other reasons.

Given the evidence which illustrates that 93% of responding jails utilize video surveillance systems to some extent and that most of these jails currently use video surveillance systems for security purposes, and that 78% of respondents have a favorable perception of video surveillance systems, it can be concluded that video surveillance systems serve the jails well in their current capacity, and that an expansion of video surveillance systems would be unlikely to detract from those perceptions. Respondents suggest that the use of video surveillance systems would be an asset in suicide prevention, not a liability, if used for that purpose. The precise value, however, of video surveillance systems as an asset in jail suicide prevention is unclear.

F. Additional Staff

- A total of 76 jails (48%) responded that they **WOULD NOT** need any additional staff or overtime should video surveillance systems be required in their jail as described in HB 1660.
- A total of 72 jails (46%) responded that they **WOULD** need additional staff or overtime as a result of video surveillance systems as described in HB 1660.
- 9 jails (6%) did not answer whether they **WOULD** or **WOULD NOT** require additional staff or overtime as a result of video surveillance systems.

Of those 72 jails that **WOULD** need additional staff, estimates of how many corrections officers needed:

1-3 officers:	20	(13%)
4-7:	27	(17%)
8-12:	1	(.6%)
13-19:	1	(.6%)
20 + :	6	(4%)

Respondents were asked to identify any increases in staff made as a result of current video surveillance systems in their jail facilities, or potential staff increases if required to implement the video surveillance systems described in HB 1660. With an increase in cameras and monitors throughout a jail, more eyes are going to be needed to observe what is going on.

G. Comparisons Between Video Surveillance Systems and Officer Supervision

- A total of 115 jails (73%) responded that video surveillance systems are **NOT BETTER** than officer supervision.
- A total of 28 jails (18%) responded that video surveillance systems are **BETTER** than officer supervision.
- 14 jails (9%) did not answer.

The survey data suggests that, although video surveillance systems are valuable tools in the correctional setting, they are not as valued as trained officers on the job. Most respondents included comments in the survey that emphatically stressed this point. Some respondents pointed out that corrections officers are sometimes inattentive, fall asleep, or otherwise fall short of providing adequate supervision over inmates, and therefore, video surveillance systems would be an improvement. The dilemma of proclaiming video surveillance systems an improvement in cases where corrections officers are inattentive

or fall asleep in front of video surveillance systems monitors was not addressed by these survey respondents.

H. Reductions in staff

- A total of 137 (87%) of jails responded that no reductions in staff should be made to fund video surveillance systems.
- A total of 3 jails (1.9%) responded that a reduction in staff is acceptable to fund video surveillance systems.
- 17 jails (11%) did not answer.

Survey data suggests that staff reduction was not preferable as a method of funding future video surveillance systems needs. Previous data suggested that most jails would indeed have to hire additional staff, not reduce staff. A reduction in staff - according to respondents' survey comments - would endanger the staff and inmate populations in the jail. Trained correctional officers would be needed to supervise inmates and to respond to incidents in the jail; video surveillance systems cameras cannot do those critical tasks. video surveillance systems may aid in alerting corrections staff of the early stages of a suicide event or other incident in the jail, but an adequate number of properly trained corrections staff must also be available to take appropriate actions.

I. Preferences for Funding of Video Surveillance Systems

Preferences for funding the video surveillance systems requirements under HB 1660:

- County General Fund: 81 jails (52%) in favor
- Commissary Profits: 44 jails (28%) in favor
- Convicted Inmate Fees: 37 jails (24%) in favor
- Staff Reduction Savings: 1 jail (.6%) in favor
- Other methods: 64 jails (41%) in favor

Respondents were asked to select one or more choices or to identify other methods or preferences for funding video surveillance systems in their jails.

Other methods⁷ of video surveillance systems funding were identified as:

- State funding: 34 jails (22%)
- Grants: 8 jails (5%)
- Jail Budget: 6 jails (4%)

⁷ Not all respondents who answered "Other Methods" provided details on alternative methods to fund video surveillance systems.

- Courthouse Sec: 4 jails (3%)
- New facility: 2 jails (1%)
- Inmate telephone: 1 jail (.6%)
- State purchase power: 1 jail (.6%)
- Traffic convict fees: 1 jail (.6%)

J. Proposed Cameras for Video Surveillance Systems Under HB 1660

- According to the survey data and jail documents, of the 157 responding counties, the total number of proposed cameras necessary to outfit the jails in the survey sample is: 13,544.

The number of county jails presently under the purview of the Commission is 265, including certain private jails; the video surveillance systems needs of these remaining 108 jails have not been identified through survey means. A conservative estimate of the video surveillance camera needs at these remaining 108 jails would be 6,521. This is based on a 30% reduction in the average of 86.26 cameras per jail for 108 jails.

- The total estimated number of all proposed cameras in Texas county jails to meet the objectives of video surveillance systems under HB 1660 is 20,065.

Respondents were asked to submit documents showing the complete layout of their jail facilities (jail plans, construction documents, etc.) with notations made for the locations of video surveillance cameras as described in HB 1660. In most cases, meeting the objectives of HB 1660's video surveillance systems initiative required notating additional (new) cameras on the documents. As mentioned earlier, many jails have video surveillance cameras in their facilities but not to the extent described in HB 1660. Jail documents were reviewed by Commission research staff and construction planning staff, and where appropriate, corrections to the documents were made by staff members. Specifically, corrections included annotating additional cameras (or in some cases, fewer cameras) to meet the objectives of HB 1660, identifying lines-of-sight and placement of cameras, and annotating monitor stations on the jail plans.

K. Proposed Monitors for Video Surveillance Systems under HB 1660

- The total number of proposed monitors according to the 157 respondents' survey data is 2,322.

This figure represents the potential video surveillance monitor needs at 157 responding county jails if the objectives of HB 1660's video surveillance systems initiative were fully implemented.

The number of county jails presently under the purview of the Commission is 265, including certain private jails; the video surveillance systems needs of these remaining 108 jails have not been identified through survey means. A conservative estimate of the video surveillance monitor needs at these remaining 108 jails is 1,118. This is based on a 30% reduction in the average of 14.79 monitors per jail for 108 jails.

- The total estimated number of all proposed monitors in Texas county jails to meet the objectives of video surveillance systems under HB 1660 is 3,440.

Information concerning potential monitor needs is speculative. Consideration must be given to the type of video surveillance systems selected by jail officials.

Typically, multiplex systems are part of a centralized viewing area (main control), where all monitors are viewed by corrections staff. A multiplex system of monitors would reduce the number of monitors per camera (at a rate of 1:2, 1:3, or greater), the amount of space required to securely house them, and likely fewer staff required to view them (in comparison to non-multiplex central viewing areas).

Jails that use or plan to use a particular camera matched with a particular monitor typically assign the viewing to corrections staff in the immediate area of the camera. For example, there are four cameras in an inmate dormitory that feed back four monitors at the guard station located just outside the inmate dormitory. These corrections officers not only view the monitors of the dormitory, they also supervise the inmates in the dormitory by vision and by physical presence, and are charged with responding to incidents in the dormitory immediately if necessary.

A jail with individual monitors for each camera would require additional monitors (at a rate of 1:1), as well as more space to securely house them, and more corrections staff to view them (when compared to multiplex systems).

L. Cost of Video Surveillance in the Jails

Ascertaining an exact or consistent cost of video surveillance for Texas jails is very difficult due to the following reasons:

- Jails in Texas vary in housing capacity, and a “one size fits all” video surveillance system would not be appropriate for all jails. Smaller jails would not require as many video cameras and monitors as a larger jail would.
- The wide variety of video technologies available could contribute to the total number of cameras needed and to the cost. For example, a camera that pans the length of a hallway could take the place of two or three stationary cameras designed to cover the same hallway. Whether or not jails opt for stationary cameras, cameras that pan or tilt, cameras with zoom lenses, cameras recording in color versus black and white, or night vision cameras, the price could vary

significantly. Additionally, there is similar variety in image and video recording technologies that are usually associated with video surveillance systems.

- Regulatory requirements may mandate certain ways in which video cameras are used in jails. Depending on the requirement, the number of cameras used and/or the technologies deployed could vary.
- The design of each jail could contribute to the variability of the video surveillance system used. For example, two jails with similar housing capacities could require vastly different video surveillance systems, depending on the design of the building, and how the cells, hallways, and rooms are situated.
- Maintenance costs could vary depending on the type of video surveillance system used. It is also possible that climate could affect maintenance costs as well. For example, jails in coastal areas have traditionally experienced a higher degree of maintenance expenses due to corrosion and rust.

Although the costs for jail video surveillance systems vary due to many different factors, a point of reference can be obtained by examining a recent proposal for the installation of a video surveillance system for the Kerr County Adult Detention Center in Kerrville. Kerr County has a population of 45,311, and is situated in central Texas. The jail has a capacity of 192, and construction was completed in 1996. In February of 2004, the jail received a base bid proposal for installation of a video surveillance system that would include the following equipment:

- (7) Digital Video Controller – Includes: 16 Camera Capacity, 480 gigabyte Hard Drive
- (7) Master Camera Power Supply, 10AMP, 16 Camera
- (112) Standard Color Camera, High Resolution, 1/3” CCD
- (112) Lens, 1/3” VariFocal F1-4
- (84) Corner Housings
- (6) Surface Housing 12” beige
- (22) Standard Ceiling Mount Housings

The base cost of the equipment plus installation was \$236,350.00. The following options were offered at additional costs:

- Add (6) Exterior Cameras: \$16,000.00
- Add (14) Cameras at Restrooms/Shower areas: \$19,000.00

- Add Custom Console/Racks: Estimate \$5000 - \$7000

The proposal called for factory-trained contractors to install color digital cameras at the proposed locations indicated by the jail floor plan submitted by Kerr County. The proposal called for camera coverage to also include the booking area, law library, and the exit to the sally port. The installation was to outfit the existing Control Room Area with 9 monitors, 7 Digital Video Recorders, and all required switchers and power supplies. The base bid did not include camera coverage of the facility exterior, nor did it include cameras in restroom and shower areas. Options for coverage of those areas were available for additional expense. Also not included in the base bid was a rack mount console unit, which is a custom-built item. The base bid did not include work expected to be done to the parking lot in order to install exterior cameras on the light poles.

Part IV. Potential Revenue Sources Available to Counties

A. County Fiscal Health Overview

Generally, many Texas counties are experiencing difficult financial situations at the present time. This brief assessment is based on a review of county General Fund Tax Rates, Property Tax Rates, and County Bond Debt. Information obtained from the Bond Review Board shows an increase in county bond tax-backed debt from 2000-2002. General Fund tax information and Property Tax information obtained from the Texas Association of Counties and the Texas Comptroller shows some counties approaching the maximum limit of 80 cents per \$100 property valuation, while many counties are currently under half that amount. These indicators are not the only relevant factors that may determine the fiscal health of a county.

The majority of counties that have declining or relatively weaker fiscal conditions are rural counties, particularly in West Texas. Larger, urban counties are faring somewhat better overall; however, the variability of Texas counties requires a closer look than what can be given in this report. The Commission on Jail Standards, does however, receive numerous calls and requests for assistance on a daily basis from counties struggling with cost issues, particularly with inmate medical costs and staffing. This anecdotal information has some definite value, reminding us of the precarious situations of many counties with strapped budgets, and the continuing efforts of county officials to balance needs with available resources.

B. Jail Commissary Proceeds

Current state law does not permit jail commissary proceeds to be used for the purchase, installation, operation, or maintenance of video surveillance equipment.

Local Government Code 351.0415(c) describes the proper use of commissary proceeds:

- c) The sheriff may use commissary proceeds only to:
 - (1) fund, staff, and equip a program addressing the social needs of the county prisoners, including an educational or recreational program and religious or rehabilitative counseling;
 - (2) supply county prisoners with clothing, writing materials, and hygiene supplies;
 - (3) establish, staff, and equip the commissary operation; or
 - (4) fund, staff, and equip a library for the educational use of county prisoners

Video surveillance systems would not qualify as “a program addressing the social needs of the prisoners”, nor would it qualify under any of the other elements of 351.0415. Therefore, if commissary proceeds are to be considered a valid source of revenue for counties in funding video surveillance systems in their jails, a change in state law would be necessary. Such a change would drastically alter the original intent of the statute, and potentially lead to commissary proceeds being used for other security-related or inmate medical issues in the jails.

It is unlikely that the current language pertaining to “rehabilitative counseling” would include mental health counseling for suicide prevention. Although religious and rehabilitative counseling may indeed contribute to the improvement of inmate morale and well-being, mental health counseling and treatment for suicide prevention would most likely fall under the umbrella of jail medical programs, not religious or rehabilitative services.

Of course, not all jails have commissary proceeds that could be used for video surveillance systems. Some jails, on the other hand, have significant commissary proceeds that could support, not only for video surveillance systems, but for any number of programs and services. Therefore, simply allowing counties to expand the use of commissary proceeds would not solve the video surveillance systems funding issue for all counties.

If the will of the Legislature is to allow county jails to tap into their commissary proceeds to fund video surveillance systems or inmate suicide counseling programs, the language of 351.0415 must be amended. Furthermore, the financial needs of counties with no commissary proceeds would require additional attention.

C. Court Fees

Chapter 102 of the Code of Criminal Procedure describes costs paid by defendants and convicted persons. Depending on the charges, the convictions, the jurisdictions and court trials themselves, the monetary costs paid by defendants will vary considerably. The disposition of these fees will also vary, with some fees being payable to court clerks, prosecutors, special funds for records management, and other beneficiaries. None of the statutes contained in Chapter 102, under present language, would allow for the funding of video surveillance systems in county jails, although some, like the Courthouse Security Fund (102.017), are somewhat germane in intent and scope.

Some of these fees are:

102.001 Fees for Services of Peace Officers – requires defendant to pay 15 cents per mile for mileage of an officer performing duties relating to the arrest, trial, and conviction of the defendant. These fees are recorded and deposited in the county treasury. The fees are forwarded to the Comptroller, minus \$2 for the county.

102.004 Jury Fee – requires defendant to pay \$20 if convicted by jury trial in county court, county court-at-law, or district court.

102.005 Fees to Clerks – A defendant convicted in county court, county court-at-law, or district court, is required to pay the clerk a fee of \$40. An additional \$20 fee is assessed for the county records management and preservation fund. No expenditures may be made from this fund without prior approval of the commissioners court.

102.008 Fees for Services of Prosecutors – requires defendant convicted of a misdemeanor or gambling offense to pay a \$25 fee for the trying of the case by the district or county attorney.

102.011 Fees for Services of Peace Officers – defendants are required to pay various fees for services performed in the case by peace officers.

102.012 Fees for Pretrial Intervention Programs – a person in a pretrial intervention program (substance abuse) may be assessed a fee that equals the actual cost (not to exceed \$500) for the community supervision and corrections department.

102.013 Crime Stoppers Assistance Account – 10% of the Crime Stoppers Assistance Account appropriated by the Criminal Justice Division of the Governor's Office for toll-free telephone services.

102.014 Court Costs for Child Safety Fund in Municipalities – fees ranging from \$2 to \$25 for convictions primarily on traffic violations to fund crossing guard services and other child-safety programs, including drug intervention.

102.016 Costs for Breath Alcohol Testing Program – entitles the county and municipal treasuries to collect and keep interest from fees resulting from intoxication and alcoholic beverage offenses. The fees are forwarded to the Comptroller and the Department of Public Safety for certified breath testing programs.

102.017 Courthouse Security Fund – requires defendant convicted of a felony to pay a \$5 security fee as a cost of court, and a misdemeanor offense \$3. These fees may only be used for security services at buildings housing district, county, justice, or municipal courts. Such security services include: X-Ray machines, metal detectors, ID cards and systems, electronic locking and surveillance equipment, bailiffs, deputies, contracted personnel, signage, locks, alarms, continuing education for security personnel, and related items.

102.0173 Justice Court Technology Fund (effective until Sept. 2005) – requires a defendant convicted of a misdemeanor in a justice court to pay a technology fee of up to \$4 as a cost of court. This fee is designed to address technological enhancements of justice courts, including: computer systems, software, imaging systems, electronic kiosks, docket management systems, etc. The technology fund is administered by the commissioners court of the county.

102.075 Court Costs for Special Services - requires defendant to pay a range of fees based on certain criteria. Most of the money is sent to the Comptroller, with some money diverted for special program use.

The above fees are not an exhaustive listing of the costs paid by defendants as described in Chapter 102. The list does illustrate, however, the breadth of various costs paid by defendants and the limitations on their uses. If court costs are going to be considered as a method of funding video surveillance systems in county jails, one or more of these existing statutes should be amended, or, a new statute written specifically for this purpose. Currently, there are concerns among officials about the inability to collect existing fees, and fees designated for video surveillance systems are unlikely to be collected any better.

D. Inmate Telephone Proceeds

Texas Attorney General Opinion No. DM-19 (1991) concluded that inmate telephone proceeds are distinct and separate from inmate commissary proceeds, and therefore, payable to the county treasury for any legitimate county purpose. A more recent Attorney General Opinion (GA-0059, dated April 10, 2003) reached the same conclusion.

Inmate telephone proceeds generated by the county jail and returned to the county treasury could feasibly be designated as a funding source for video surveillance systems by any county wishing to do so.

E. Grants

Grants from the Criminal Justice Division of the Governor's Office have been mentioned as a possible alternative for funding video surveillance systems in county jails. Our research indicates that, although some grant money is earmarked for programs and equipment in law enforcement, there simply would not be enough grant money to serve all Texas counties.

Two grants in particular, the Local Law Enforcement block grant and the Ed Byrne Fund, are possible sources of grant money for video surveillance systems in county jails. There are a couple of significant problems, however, with these options. First, the Local Law Enforcement block grant is a relatively small fund, and it services many needs of the local law enforcement communities. The Ed Byrne Fund is quite larger, but it too must serve other law enforcement needs than just one major program such as video surveillance systems. Second, the grant requirements and limited funds make funding competitive; not all counties would be awarded grant money under either fund. Due to the variability of factors affecting the cost of video surveillance systems, we cannot state with certainty whether or not grant money would meet the needs of each and every county. It is unlikely that grant money alone would be a sufficient source of funding for video surveillance systems in county jails.

Many respondents to the HB 1660 survey stated a desire for state funding of video surveillance systems in county jails. The possibility of having to comply with another unfunded mandate is disturbing to many county officials, and alarming to quite a few. As an alternative source of funding, state money could feasibly be dedicated for video surveillance systems in county jails. Any concepts involving funding of video surveillance systems in county jails must also address the ongoing costs associated with maintenance of such systems. How this funding would be determined is beyond the scope of this report.

F. State Funding and State Purchasing Power

Other options that could be explored for video surveillance systems funding for county jails are direct aid from the Texas Legislature to counties and the possibility of using the state's purchasing power to procure video surveillance systems equipment for individual counties.

Direct aid could be supplied to individual counties in order to achieve compliance with new video surveillance systems mandates. One option might include state reimbursement to each county for a percentage of the cost of the completed project, based on the vendors' best bid. Another alternative might include a formula for payment based on video surveillance systems equipment needs and size/population of the jail facility. Yet another option might require an additional "video surveillance fee" from convicted

inmates for an inmate mental health and suicide prevention fund administered by the state.

One-time state payments for video surveillance systems funding would demonstrate the Legislature's initial commitment to the program, but would neglect to take into account the long-term financial impact to counties. Replacement of equipment parts, servicing, maintenance, upgrades, etc. can affect the total costs to the county over the life of the facility. Furthermore, as county jail facilities expand by new construction or additions to existing structures, video surveillance systems requirements would push the initial design costs higher, creating a burden on counties seeking to expand bed space. Unless some provisions were made for state aid, counties might be reluctant to expand their jail facilities. This could have a potentially damaging effect on available bed space throughout the state for county use, as well as state incarceration needs and federal needs.

Another alternative for video surveillance systems funding by the state that may have merit is to use economies of scale and offer bulk purchasing of video surveillance systems equipment and service contracts for counties. By consolidating all the video surveillance systems needs of Texas counties into one bid project, or perhaps several bid projects, costs may be lower and standards of quality may be higher than what individual counties might achieve on their own.

A standardized video surveillance systems program for all counties has its appeal in some situations, but it is not without its drawbacks. Regarding feasibility, it is unlikely that one type of video surveillance systems would meet the needs of each and every county jail in the state. The diversity of facilities is too great; but perhaps similar facilities could be banded together into several groups and these groups could achieve greater purchasing power and negotiating savvy together than they could on their own. Another problem with bulk purchasing may be resentment on the part of some counties in giving up their relative autonomy over their jail facilities. Sheriffs take great pride in determining the best courses of action in operating their jails, and any attempt to centralize the decision-making process at the state level might be met with resistance.

Part V. Special Considerations Regarding Video Surveillance Systems in County Jails

A. Privacy Issues Related to Video Surveillance Systems

The placement of cameras in inmate living areas invites discussion on a wide range of privacy issues. While the expectation of privacy for inmates in jail is limited, caution and discretion must be exercised on the part of jail officials. Jail administrators have a right to act when a legitimate penological interest exists; however, this right to act is not absolute. The actions taken by jail officials must also be reasonable in nature, and

accomplish the legitimate penological objective without being unduly oppressive or overreaching.

If video surveillance systems are mandated by law to be installed to observe every conceivable inmate living area, including high-risk suicide areas such as shower stalls (where jail suicides often take place, and where inmates are most likely to be naked), it would be reasonable to expect objections due to privacy concerns. There is legal precedent that indicates that video surveillance of naked inmates could be considered unnecessary when “suicide prevention could ostensibly have been just as well served by less degrading and humiliating means”.⁸ Concerns would likely question whether it would be reasonable to conduct video surveillance on all inmates in a jail, particularly when the overall likelihood of any inmate attempting suicide is relatively low, and when other observational and non-observational remedies may exist to identify, prevent, or interrupt a suicide attempt. Additional privacy concerns are raised for the majority of inmates in state jails that have not been convicted of a crime.⁹ With the legal presumption of innocence, these inmates could be subject to video surveillance in private areas such as showers and toilets.

Another area concerning inmate privacy and video surveillance involves continual monitoring of inmates by staff, some of who may be of the opposite gender. While many inmates would likely find video surveillance uncomfortable, it is also likely that correctional staff would find video surveillance uncomfortable as well. Alternatively, there is the possibility that some inmates will not find continual observation by staff members of the opposite sex uncomfortable, and will take advantage of video surveillance systems for obscene and vulgar displays directed toward jail staff. As the jail becomes more intrusive in its observation of inmates, the more likely it is that some inmates will find ways to exploit that intrusiveness.

Aside from the intrusiveness of video surveillance systems, the possibility exists that any recorded video images may be public record and subject to the Public Information Act (PIA). Persons might be able to request recorded video files of inmates in the jail, some of which may be embarrassing or otherwise sensitive in nature. The possibility of a PIA request for video images of a particular inmate or a certain housing area would likely be unwelcome, if not a violation of that inmate’s established privacy rights. It would be reasonable to expect legal challenges to policies requiring video surveillance of the traditionally private areas of jails.

B. Effectiveness Issues

⁸ Wilson v. City of Kalamazoo, 127 F. Supp. 2d 855, 863 (W.D. Mich. 2000).

⁹ Based Commission on Jail Standards report, ‘Breakdown of County Jail Population by Offense Type’, dated September 1, 2004

Observation of inmates need not be absolutely continual or uninterrupted in order to be effective; rather, observation of inmates can be highly effective when inmates cannot anticipate when or how they are being observed. An effective jail staff will use a variety of supervision and observation techniques to monitor the safety and security of their facility, staff, and inmates. Rarely do jails have constant visual observation of each and every inmate; indeed, this is not a requirement under Jail Standards.¹⁰

The type of supervision, direct or indirect¹¹, will play an important role in the jail officer's ability to know what is going on inside his or her area of responsibility. Most county jails in Texas primarily utilize indirect supervision, although some have a combination of direct and indirect supervision. Direct supervision is regarded by many to be more effective than indirect supervision, due to the fact that the officer on duty is much more attuned to the inmates' activities and environment. Of the 81 jails that have had suicides in the past 5 years, 70 primarily use indirect supervision.

Other design elements may contribute to the relative effectiveness of video surveillance systems in county jails. Linear design, podular design, and other housing combinations¹² would have differing impacts on the effectiveness of video surveillance systems, as they also have varied impact on the effectiveness of hourly face-to-face observation. Linear jails are less desirable from an observation standpoint; podular designs allow for a greater degree of continual observation than linear jails.

Video surveillance systems cannot be considered a panacea for design flaws or shortcomings, nor can video surveillance systems overcome other undesirable aspects of the corrections environment. Dr. Allen R. Beck, a criminal justice and corrections researcher, points out the Achilles' heel of video surveillance systems and the consequences of relying on video surveillance systems as a cure-all:

“Electronic surveillance has been used to attempt to compensate for the weakness of the linear design. Experience with video surveillance cameras indicates that the officers monitoring banks of video screens are often unable to maintain effective constant watchfulness due to fatigue, preoccupation with other activities, and too many cameras to view. Furthermore, the effectiveness of video surveillance is compromised when inmates determine what is and is not being monitored. When this happens, trouble makers move their illicit activities to off-camera areas. The use of video surveillance in lieu of the presence of jail officers is commonly

¹⁰ Minimum Jail Standards chapter 275.1 mandates visual face-to-face observation of inmates once every hour, except in cases where 30 minute observation is necessary for medical or safety reasons.

¹¹ Direct supervision involves the placement of an officer in the inmate living area, where the officer is able to closely monitor all activity on the scene. Indirect supervision, on the other hand, places the officer or officers outside the inmate living area, usually behind a secure observation area.

¹² Linear design jails use long corridors with cells on either side; podular design uses cells or dormitories spread out in a semi-circle around a guard watch station.

associated with efforts of decision makers to drastically reduce staffing costs. Such efforts often contribute to serious security problems because when problems arise, as they more often do in this type of jail, there may be an insufficient number of officers available to effectively respond.”¹³

C. Staffing Issues

One school of thought promotes the notion that a video surveillance camera can observe inmates better than a certified corrections officer can, and do it cheaper. The value of a video surveillance system as a replacement for trained corrections staff has not been assessed to date, but distinctions between cameras and staff must be addressed.

First, cameras need to be manned by trained staff knowledgeable in watching for danger signals; a camera cannot make this inference itself. Second, when danger signals are found (or when a crisis situation develops) a camera cannot respond; only trained staff can respond and deal with the matter at hand. Third, cameras are predictable; a trained staff is able to remain unpredictable in observing and supervising inmates in ways that cameras cannot. Fourth, cameras are not attuned to the inmates' environment nearly as well as trained staff personnel are; by using the entire range of human senses, jail staff can receive and process a greater degree of input regarding an inmate cellblock or dormitory than a camera. Finally, the sense of “detachment” that inmates have when observed by camera stands in contrast to the “connected” sense of supervision by trained jail staff. This is critical in many areas of inmate supervision and jail operations such as escape prevention, suicide prevention, inmate discipline, facility security, and staff management.

As mentioned earlier in this report, survey responses clearly indicate that most Texas counties do not want to sacrifice staffing for video surveillance systems. Staffing analyses conducted by the Commission for county jails take into account facility design, classification, inmate population, and other factors. The safety and security of the facility and its occupants are of paramount importance when staffing recommendations are made.

D. Technology of Jail Video Surveillance Systems

Video surveillance technology has come of age. Today there exists a wide range of video surveillance tools for corrections use: high-resolution color cameras, infrared (night-vision) cameras, cameras with varifocal lenses, auto-iris lenses, dome cameras, flush-mount cameras, pan-tilt-zoom cameras, vandal-resistant cameras, wireless cameras, hidden cameras, digital video recording devices (DVRs), IP network video systems, multiplexers-switchers-quads, LCD/plasma monitors, data storage units, software applications, and entire turn-key surveillance systems designed for specific uses.

¹³ Beck, Allen R. PhD., “Deciding on a New Jail Design” <http://justiceconcepts.com/design.htm> downloaded for use on 7/2/2004.

Depending on the needs of a facility, there are likely video surveillance products and systems capable of meeting those needs.

Aside from the initial assessments to determine the appropriate video surveillance systems technology desired for use in a particular facility, some serious consideration should be given to operation and maintenance of such systems. Several counties remarked in their surveys about encountering problems with procuring video surveillance systems replacement parts, lack of adequate servicing and repairs, and dealing with “bugs” in their software. Many of these issues could have been addressed at the Request for Proposal stage of the bid process; however, oftentimes a county will make the mistake of underestimating these potential problems and instead opt to go with the lowest bidder regardless of service and maintenance. This is particularly true when the components are paid for up front, or in “front-loaded” contracts that usually end up leaving the county with little or no real leverage on the supplier.

It is not likely that a modern video surveillance system installed in a county jail would become obsolete in 5, 10, or even 15 years; however, video surveillance technology has been making significant advances. Such cutting-edge technology may prove at first to be too expensive and not cost-effective for local governments. Given the wide range of products available today, a county jail could equip itself with some form of video surveillance system that would provide additional observational tools for corrections staff. The primary concerns would be the cost of installing, operating, and maintaining such a system, and, whether the system performed at a level high enough to make a significant and measurable difference in inmate supervision.

The Commission at this point in time, cannot offer any specific guidance on what type of video surveillance systems would be universally acceptable (if any) for all 265 county jails under our purview, nor can it vouch for the effectiveness of preventing inmate suicides or escapes. The advanced state of video surveillance system technology opens up an entirely new line of practical questions: For example, would the Legislature require zoom lenses on the video surveillance system cameras in county jails? What about infrared (night vision) lenses to see inmates in the dark? Would rotating cameras be acceptable or would the state require fixed-position cameras in all locations? Would all jails be required to maintain digital video recordings of all cameras? What about data storage? With the enormous variability of county jails in Texas and the range of video surveillance system technology on the market today, any proposed minimum jail standard regarding video surveillance systems would need to be equally broad.

Part VI. Non-Video Surveillance Methods of Addressing Inmate Life Safety

A. Inmate Medical Records

Minimum Jail Standards Chapter 265.4 requires all county jails to establish an inmate file immediately upon intake and booking of an arrestee. This file includes:

- 1) Name of inmate with aliases
- 2) Description
- 3) Gender
- 4) Marital status
- 5) Address
- 6) Date of birth
- 7) Offense charged
- 8) Date of commitment
- 9) Previous criminal record
- 10) Record of injuries
- 11) Inmate property inventory
- 12) Disabilities warranting special accessibility consideration
- 13) Name, address, and telephone number of person to be contacted in event of emergency
- 14) Name of the delivering officer and the arresting agency
- 15) Documents that purport to legally authorize the inmate's commitment

In addition, this chapter also requires that:

Upon intake, a medical record shall be established and shall be kept separate.¹⁴

The Commission on Jail Standards also addresses inmate medical records in further detail under the Health Services chapter (273.4) of Minimum Jail Standards. There is an emphasis on detail and accuracy of record-keeping, particularly with regards to the continuity of inmate medical records, from admissions intake to discharge or transfer to TDCJ-ID.

Minimum Jail Standards Chapter 273 Health Services

273.4 Health Records

(a) The health services plan shall include procedures for the maintenance of a separate health record on each inmate. The record shall include a health screening procedure administered by health personnel or by a trained booking officer upon the admission of the inmate to the facility and shall cover, but shall not be limited to, the following items:

- (1) health history;

¹⁴ Minimum Jail Standards chapter 265.4 (b). This medical information is kept separate from the inmate file for reasons of medical privacy and exemption from the Public Information Act.

- (2) current illnesses (prescriptions, special diets, and therapy);
 - (3) current medical, mental, and dental care and treatment;
 - (4) behavioral observation, including state of consciousness and mental status;
- (5) inventory of body deformities, ease of movement, markings, condition of body orifices, and presence of lice and vermin.
- (b) Separate health records shall reflect all subsequent findings, diagnoses, treatment, disposition, special housing assignments, medical isolation, distribution of medications, and the name of any institution to which the inmate's health record has been released.
- (c) The Texas Uniform Health Status Update form, in the format prescribed by the Commission, shall be completed and forwarded to the receiving criminal justice facility at the time an inmate is transferred.
- (d) Each facility shall report to the Texas Department of Health (TDH) the release of an inmate who is receiving treatment for tuberculosis in accordance with TDH Guidelines.

In the county jail, inmate medical records follow each inmate through all stages of admissions, including classification. This enables jail staff to better assess the needs of inmates with regard to medical care, supervision, housing, transportation, etc. For example, if an inmate were identified as being possibly suicidal (from medical records, intake screening, institutional history, current behavior as evidenced by jail staff, etc.), this notation of suicidal risk would be made in the inmate's medical file. A number of events would occur due to an inmate being designated a "suicide risk". Such an inmate would likely be housed in the most appropriate setting at that particular jail, whether that be in a dormitory with other inmates, a single-cell with another cellmate, or in the infirmary, as well as other appropriate locations. Appropriate medical/psychiatric care would be sought; when required to transport the inmate to court, treatment, or other location outside the secure perimeter, jail staff would review the inmate's medical file for indications of flight risk, suicide risk, or other special conditions. These protocols would be followed until the inmate is discharged from the facility or transferred to TDCJ-ID. The inmate's medical history would accompany the inmate's jail file to the receiving institution.

This system of ensuring medical records accompany inmates throughout their incarceration in the county jail helps to ensure that all jail staff are able to anticipate and respond to special needs inmates. The Commission on Jail Standards monitors the development and implementation of this medical record system in two separate ways: first, Commission staff approves and, in many cases assists with the formulation of, the

health services plans at all county jails; second, Commission Inspectors randomly check inmate health records during each annual inspection of all county jails. These inspections check whether or not county jails have established medical records on inmates during the admissions process and if they have forwarded the Uniform Health Status Update records to TDCJ-ID or other appropriate facilities. When circumstances warrant, Commission Inspectors will immediately provide additional guidance and technical assistance to county jails regarding inmate medical records.

B. Inmate Classification

County jails in Texas are required to separate inmates according to offense seriousness and other relevant factors, a process collectively known as inmate classification. Chapter 271 of Minimum Jail Standards describes the inmate classification standards applicable to all county jails in the state (*see Appendix*).

Inmate classification can play an important role in suicide prevention. The classifications process includes inmate medical & mental health screening (intake screening), custody assessments and reassessments, security risks, program needs, and housing assignments, all of which are based on objective criteria. The use of an Objective Jail Classification (OJC) system helps to ensure correct supervision and housing for inmates who may have special needs, and provides a systematic method of managing the jail population. The Commission on Jail Standards defines OJC as “a formal process for separating and managing inmates and administering facilities based upon agency mission, classification goals, agency resources and inmate program needs. The process relies on trained classification staff, use of reliable and valid data, and conducting process assessment and outcome evaluation.”¹⁵

Inmate classification is a cornerstone of operating a safe and secure jail; it has a direct impact on virtually all aspects of jail operations – from admissions and housing to work assignments and health services, to name just a few. The key purposes of inmate classification, however, are to reduce incidents of violence in the jail and to reduce the risk of escape from the facility. In addition, OJC can provide sound justification for jail management decisions, thereby protecting counties from costly inmate litigation.

The Commission on Jail Standards offers in-depth OJC training to jail personnel, upon request, in groups of 40 or more at regional training sites around the state. Upon satisfactory completion of the 4-hour OJC training, individuals are qualified to instruct others at their jails.

The OJC training consists of the following:

- 1) Definitions and Guiding Principles of OJC
- 2) OJC System Components
- 3) Point-Additive Scales vs. Decision Tree Methods

¹⁵ Texas Commission on Jail Standards. “Objective Jail Classification” Revised edition January 2003.

- 4) Advantages of OJC
- 5) Issues in Implementation
- 6) Commission Standards – Classification & Discipline
- 7) Information on Contracted Inmates, Reassessments, Parole & Probation Violators, and Classification Interviewing
- 8) National Council on Crime & Delinquency “Point-Additive” Model
- 9) Corrections Management, Inc. “Decision Tree” System
- 10) Classification Audit Review

OJC training may also be covered in other Commission training seminars, including the Current Issues in Jail Management series. The Current Issues training usually consists of 5 or 6 topics that are timely and of special importance to jails; OJC has been addressed twice in the past few years of Current Issues training. This additional training is typically not comprehensive in scope, as there is an emphasis on specific aspects of OJC, such as legal issues, escape prevention, suicide prevention, and inmate workers. For jail officers familiar with OJC, particularly those who have received Commission OJC training, these kinds of issue-related seminars are quite valuable.

The Commission considers OJC a necessary and crucial factor that has contributed to the professional reputations that county jails in Texas have established. Given the mandatory status of OJC and its proven effectiveness at managing inmate populations, there is little doubt of its importance in helping to prevent inmate suicide, as well as contributing to a whole host of other desirable outcomes in the correctional setting.

C. Inmate Mental Health Screening

In a recent survey of Texas county jails¹⁶, the presence of mental health professionals on duty to conduct inmate screening was quite low. Of 139 reporting jails, only 15 had any mental health professionals assigned to the facility.¹⁷ Only 7 of the 15 had psychiatrists or psychologists on staff, and the remaining 8 had limited staffs of licensed vocational nurses and case workers.¹⁸ What these numbers appear to indicate, in conjunction with anecdotal information from field experience and research, is that mental health screening is done primarily by corrections staff that have relatively little expertise in mental health.

Current Commission standards for the screening of mental health and suicide prevention stipulate that all inmates receive an intake screening and, if necessary, appropriate medical care from qualified persons. A written plan must be submitted to the Commission for approval that details mental health/suicide prevention training, identification, reporting, and other procedures.

¹⁶ Kellar, Mark Dr. “Texas County Jails 2001: A Status Report”.

¹⁷ Ibid.

¹⁸ Ibid.

Chapter 273. 5 of Minimum Jail Standards details the Mental Disabilities/Suicide Prevention Plan requirements for county jails:

(a) Each sheriff/operator shall develop and implement a mental disabilities/suicide prevention plan, in coordination with available medical and mental health officials, approved by the commission by March 31, 1997. The plan shall address the following principles and procedures:

(1) Training. Provisions for staff training (including frequency and duration) on the procedures for recognition, supervision, documentation, and handling of inmates who are mentally disabled and/or potentially suicidal. Supplemental training should be provided to those staff members responsible for intake screening;

(2) Identification. Procedures for intake screening to identify inmates who are mentally disabled and/or potentially suicidal and procedures for referrals to available mental health officials;

(3) Communication. Procedures for communication of information relating to inmates who are mentally disabled and/or potentially suicidal

(4) Housing. Procedures for the assignment of inmates who are mentally disabled and/or potentially suicidal to appropriate housing;

(5) Supervision. Provisions for adequate supervision of inmates who are mentally disabled and/or potentially suicidal and procedures for documenting supervision;

(6) Intervention and Emergency Treatment. Procedures for staff intervention prior to the occurrence of a suicide and during the progress of a suicide attempt, or serious deterioration of mental condition;

(7) Reporting. Procedures for reporting of completed suicides to appropriate outside authorities and family members; and

(8) Follow-Up Review. Procedures for follow-up review of policies by the sheriff/operator and mental health and medical officials following all attempted or completed suicides.

(b) Screening Instrument. An approved mental disabilities/suicide prevention screening instrument shall be completed immediately on all inmates admitted.

The mental health screening done during the admissions intake is a critical step in the process of effective suicide prevention. The current mental disability/suicide intake

screening form was the result of several months of collaborative work with attorneys, jails, the Texas Department of Mental Health and Mental Retardation, the former Council on Offenders with Mental Impairments, and mental health advocacy groups. As a tool for suicide prevention, the mental disability and suicide screening that takes place at intake helps identify the individuals who are most prone to suicidal behavior due to existing medical or mental conditions, and enables the county jail staff to provide appropriate care. As one of the early phases of the Objective Jail Classification, a thorough mental health screening can trigger the start of MHMR care for an individual in need of treatment, as well as provide jail officials with the information they need to adequately manage such persons in their custody. While screening upon intake for mental disabilities and suicide risk is important, the unpredictable nature of suicide requires jail officials to consider reassessment of all persons throughout their period of confinement. The weakness, however, is that the propensity for suicidal behavior in an individual will not always be apparent during intake.

Circumstances that develop during an inmate's incarceration may lead an otherwise mentally-healthy person to commit suicide without apparent notice. This is why classification reassessment of inmates is vital to ensuring inmate safety, as is proper observation and supervision of inmates by a well-trained staff. The current use of Custodial Death Reports could be enhanced to include questions covering jail suicides. It would be helpful to identify, for example, whether or not the person was screened as a suicide risk and placed on suicide watch, whether the person was mentally ill or mentally disabled, and provide more details about the actual suicide event that might be useful in the prevention of future suicides at that facility and others jails.

D. Individual Counseling for Inmates

One possibility for addressing jail inmate mental health issues is to provide individual counseling within the jails. However, there are substantial challenges to the notion of individual counseling in all Texas jails. First, there is very little existing foundation for jail counseling as Dr. Mark Kellar explains in his 2001 study on Texas Jails:

Mental health represents one of the most troubling areas of jail administration. Only 11% of the Texas jails covered by the survey report any mental health professionals assigned to the jail. Only 5% of the jails report an extensive mental health staff including psychiatrists or psychologists assigned to the jail. Mental health professionals assist in screening those inmates suspected of mental health deficiencies in approximately 10% of the jails in Texas. Almost 90% of the jails in Texas have no mental health professionals involved in inmate screening. Almost all Texas jails coordinate with the local office of the state Mental Health Mental Retardation Authority (MHMRA) to provide mental health services. A substantial minority of administrators rate efforts to deliver mental health services as "fair" "poor" or "deplorable".¹⁹

¹⁹ Kellar, Mark PhD. "Texas County Jails, 2001: A Status Report". 103.

The general lack of professional mental health personnel in the jails represents a significant obstacle to organizing and delivering programs of inmate counseling. Trained mental health professionals are best suited to perform this kind of duty; corrections staff are often preoccupied with security concerns, and are generally not suited for inmate counseling programs. In any event, the absence of adequate mental health professionals in county jails must be addressed before any comprehensive programs for inmate counseling can be considered.

Another obstacle to comprehensive inmate counseling programs is cost. Inmate mental health counseling programs, including psychiatric medical care, exist at several county jails. These jails typically are larger, urban jails with the resources and capacity to establish such programs. Establishing a program for inmate counseling using trained mental health professionals would likely be cost-prohibitive in many counties, particularly smaller counties with fewer inmates and smaller budgets.

There is no data to suggest that inmate mental health counseling programs actually decrease the number of jail suicides in any particular facility. While it may be argued that such programs enhance the overall quality of mental health services delivered to inmates confined in the county jail, there is no definitive data that shows these programs reduce or eliminate incidents of jail suicide.

Part VII. Final Summary and Recommendations

A. Data Collection

The most prominent challenge of this report was the variability in the data collected by the Commission. Data initially obtained from the counties on inmate suicides was not comprehensive. Ultimately, this data was obtained from the Office of the Attorney General in the form of the Custodial Death Report. The Custodial Death Report was designed to gather information about jail inmate deaths, but does not address suicide in a way which would allow for a comprehensive understanding of the nature of jail suicide.

Information concerning assaults occurring in the jails also varied from county to county. Most counties were able to provide accurate and specific data, but some jails did not keep track of assaults, or submitted estimates based on recollections. Some jails advised that documentation on inmate assaults is kept in individual inmate files, and is not used in aggregate form to track trends or totals. Also, information on lawsuits filed provided by the jails varied due to the manner in which defense litigation is funded by the jails. In some cases, jails deemed their defense costs as being the deductible paid to the insurance company which underwrites the jail. Likewise, some jails figured their settlement payouts as the insurance deductible amount for settlements. A few jails did not respond with exact or estimated figures of litigation costs, but noted that the County Attorney's office or the District Attorney's office handles lawsuits filed against the jails.

First, in order to better assess the phenomenon of jail suicide, steps must be taken to collect more accurate suicide data. The survey methods used for this report, although helpful, are simply not adequate for longitudinal studies where data must have high validity and reliability. While there is no jail standard requiring jails to submit data to the Commission on assaults and litigation costs, if understanding these trends is desired, better records maintenance would be required of the jails.

It would also be beneficial for more information to be required in reports of suicides occurring in the jails. Information on any known prior suicide attempts, last contact by staff, and other more specific information would be helpful in tracking and identifying trends in jail suicides.

B. Video Surveillance

Survey results indicated that many Texas jails use video surveillance systems as a method of maintaining jail security. There is no indication that current jail video surveillance is being used as part of an active plan in addressing jail suicide. However, there are legal and pragmatic issues that would accompany implementation of constant video surveillance of jail inmates. Funding of jail video surveillance systems was the most significant concern to Texas jail operators. Obtaining a precise cost of implementing video surveillance in jails was not possible due to the wide variability of factors, including choice of video surveillance technology, jail design, and method of deployment.

There are no known comprehensive studies comparing the rates of jail suicide before and after the implementation of close video surveillance. Texas jails are generally prohibited from using video surveillance to observe private areas of inmate housing, and the current scope of video surveillance in Texas jails does not allow for any meaningful comparison to be done that would accurately examine the effect of video surveillance systems on rates of jail suicide. Survey results indicate that jail administrators believe that video surveillance systems are beneficial, but are not a preferred substitute for the presence of human correctional officers. Legal considerations may present obstacles to the implementation of close video surveillance, particularly for pre-trial inmates that have not been convicted of offenses. This report does not render a definitive recommendation on the use of close video surveillance in jails because clear and comparative data does not exist to make such a conclusion possible.

C. Training and Technical Assistance

While not all suicides can be predicted or prevented, increasing training for jail staff is an effective enhancement to inmate life safety. Training in identifying symptoms of mental illness and risk of suicide is essential to the health and well being of inmates in Texas jails. Current efforts by the Commission include an analysis conducted in coordination

with the Texas Council on Offenders with Mental Impairments of the process for determining the mental status of inmates in county jails. The analysis is to be submitted to the Legislature by January 1, 2005, and is to include reviews of screening methods and referral procedures. Effective training on screening inmates at the intake stage can help establish a method of detection and awareness of suicidal tendencies in inmates, and adherence to policies of regular monitoring of those inmates already incarcerated is instrumental in combating jail suicide. Training should include identifying the signs that could lead to inmate suicide with the view that suicide could happen at any time during incarceration.

The Commission has worked with the jails to develop methods and strategies to address the various challenges unique to jails. Better data and information-gathering contributes to better training and technical assistance. Acquiring a more detailed picture of the issues affecting jails and the jail population allows the Commission to craft programs and technical assistance best suited to assist in addressing the issues faced by Texas jails presently and in the future.