

Texas Commission on Jail Standards



House County Affairs
August 22, 2017

- SB 1849 requires several changes to Minimum Jail Standards
- In order to meet the mandated deadlines of the bill, this process started on August 3, 2017
- SB1849 also changed 16.22 CCP which requires magistrate notification within 12 hours. This is effective September 1, 2017 but does not require a change to standards.
- Staggered implementation dates for different issues. We have broken it down into four phases in order to manage and implement.

Phase I

A. Serious Incident Report

B. Death in Custody Investigation

C. Continuity of Medications

Serious Incident Report

- On or before the fifth day of each month, the sheriff of each county shall report to the Commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:
 - A suicide
 - An attempted suicide
 - A death
 - A serious bodily injury, as that term is defined by Section 1.07, Penal Code
 - An assault
 - An escape
 - A sexual assault
 - Any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code

Serious Incident Report

- §269.1(7). Serious Incidents Report.

Information on Serious Incidents Report. On or before the fifth day of each month, the sheriff/operator of each county shall report to the Commission, on a form prescribed by the Commission, regarding the occurrence during the preceding month any incidents involving an inmate in the county jail as required by §511.020.

Serious Incidents Report

County: _____

Month: _____ Year: _____

| Incident Type | Number | | |
|---|--------|--|--|
| 1. Death (Natural) | | | |
| 2. Death (Suicide) | | | |
| 3. Death (Homicide) | | | |
| 4. Death (Unnatural) | | | |
| 5. Death (Undetermined) | | | |
| 6. Attempted Suicide | | | |
| 7. Escape - Inside Secure Perimeter | | | |
| 8. Escape - Outside Secure Perimeter/"w/ | | | |
| 9. Assault | | | |
| 10. Sexual Assault | | | |
| 11. Serious bodily injury | | | |
| 12. Use of force resulting in bodily injury | | | |

Directions / Definitions

1. Death (Natural) - A death that is primarily attributed to an illness or an internal malfunction of the body not directly influenced by external forces.
2. Death (Suicide) - The act of intentionally causing one's own death.
3. Death (Homicide) - A person commits criminal homicide if he intentionally, knowingly, recklessly, or with criminal negligence causes the death of an individual.
4. Death (Unnatural) - A death caused by active intervention. Examples of an unnatural death are accidental (implying no unreasonable voluntary risk) or misadventure (accident following a willful and dangerous risk, which can include drug or alcohol overdose).
5. Death (Undetermined) - Cause of death cannot be determined.
6. Attempted suicide - a serious self-destructive action made by an inmate which could have resulted in death. This act may have taken place when the inmate was alone and in a place where the likelihood of being discovered is minimal to none, and is rescued by accident or by some unexpected and unpredictable quirk of fate. Intention in these instances is an unequivocal desire to die.
7. Per Texas Penal Code Sec. 38.06. ESCAPE. (Inmate escaped from inside of the secure perimeter)
8. Per Texas Penal Code Sec. 38.06. ESCAPE. (Inmate escaped from outside of the secure perimeter)
9. Per Texas Penal Code Sec. 22.01. ASSAULT.
10. Per Texas Penal Code Sec. 22.011. SEXUAL ASSAULT. (These will be reported in the month they are founded as true / confession obtained / indictment obtained.)
11. Per Texas Penal Code Sec. 1.07 SERIOUS BODILY INJURY.

Escapes and Deaths SHALL continue to be reported through use of the death@tcjs.state.tx.us or escape@tcjs.state.tx.us

Death In Custody Investigation

- On the death of a prisoner in a county jail, the Commission shall appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.
- The Commission shall adopt any rules necessary relating to the appointment of a law enforcement agency, including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

Death In Custody Investigation

§269.1(5). Independent Investigation of Death in Custody.

(A) The Texas Commission on Jail Standards shall be notified of all deaths of inmates while in the custody of sheriff/operator within 24 hours of the death.

(B) The Commission shall appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death.

~~(C) The report on the death shall be made available for review by Commission staff upon request.~~ **Upon conclusion of the investigation by the designated law enforcement agency, the report shall be submitted to the Texas Commission on Jail Standards.**

Continuity of Medications

The Commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

Continuity of Medications

§273.2(12) provide procedures that shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

Workgroup Tentative Schedule

9/8/2017-Publication of Proposed Language in Texas Register for Comment

10/8/2017-End of required 30 day public comment period

10/10/2017- Tentative Workgroup Meeting

11/1/2017-Commission Workshop

11/2/2017-Commission Meeting-Proposed rule considered for publication to adopt

11/6/2017-Earliest date adopted rule can be filed with the Secretary of State for publication in Texas Register

11/8/2017-Earliest date adopted rule can be published

11/26/2017- Earliest date adopted rule can become effective

1/1/2018-Mandated adoption date

Phase II

Jail Administrator Examination

- Developed with TCOLE, the Commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.
- Not later than **March 2018**, TCOLE shall develop and TCJS shall approve the examination.
- Jail Administrator must pass the examination not later than the 180th day after the date the person is assigned to that position.
- Current jail administrators are exempt from the exam.

- The rules requires that a person who fails the exam be immediately removed from the position and may not be reinstated until the person passes the exam.
- The sheriff shall perform the duties of the jail administrator position at any time there
- A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement.

Phase III

A. 24-Hour Access to Mental Health

B. 24-Hour Access to Medical

C. Electronic Verification of Checks



- Give prisoner the ability to access a mental health professional at the jail through a telemental health service 24 hours a day*
- Give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and
- Install electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.
 - SB 1849 establishes a prisoner safety fund in which the Commission may receive gifts, grants and appropriations to help counties afford electronic sensors or cameras.
 - County jails that are 96 beds or less will be eligible to receive the grant funding noted above.
- Not later than **September 1, 2018**, the Commission on Jail Standards shall adopt rules and procedures for the above requirements. On and after **September 1, 2020**, a county jail shall comply with any rule or procedures for the above requirements.

Phase IV

Mental Health Training



- Occupations Code 1701.310 (A) is amended to include that the required county jailer training course include at least eight hours of mental health training approved by TCOLE and the Commission. Current license holders have until **August 31, 2021** to take an approved eight hour mental health training course.
- Effective September 1, 2017, TCJS will employ three (3) mental health trainers that will be responsible for teaching/conducting the mental health training course in their assigned region.
 - The training will be at no cost to the county.
 - TCJS is currently looking at other TCOLE courses to determine if there are any equivalent classes that meet the intent of the code above.

Suicides FY 2015-2017

