# ADMISSIONS

## **6.1.0 Unit Goal:** Summarize an inmate’s admission process into a jail facility.

## **6.1.1 Learning Objective:** Identify pertinent Code of Criminal Procedure (CCP) statutes.

1. Commitment: An order signed by magistrate directing the sheriff to receive and place in jail the person so committed. – CCP §16.20 and 16.22
2. Warrant of Arrest: A written order from a magistrate, directed to a peace officer or some other person specially named, commanding him to take the body of the person accused of an offense, to be dealt with according to law. – CCP §§15.01 and 15.02

1. Capias - CCP §23.01 - Definition of a "capias"

1. Issued by a judge of the court having jurisdiction of a case after commitment or bail and before trial, or by a clerk at the direction of the judge; and
2. Directed "To any peace officer of the State of Texas", commanding the officer to arrest a person accused of an offense and bring the arrested person before that court immediately or on a day or at a term stated in the writ.
3. Requisites – CCP §23.02
   * 1. That it run in the name of "The State of Texas";
     2. That it name the person whose arrest is ordered, or if unknown, describe him;
     3. That it specify the offense of which the defendant is accused, and it appear thereby that he is accused of some offense against the penal laws of the State;
     4. That it name the court to which and the time when it is returnable; and
     5. That it be dated and attested officially by the authority issuing the same.

3. Capias or summons in felony – CCP §23.03

1. A capias shall be issued by the district clerk upon each indictment for felony presented, after bail has been set or denied by the judge of the court. Upon the request of the attorney representing the State, a summons shall be issued by the district clerk. The capias or summons shall be delivered by the clerk or mailed to the sheriff of the county where the defendant resides or is to be found. A capias or summons need not issued for a defendant in custody or under bond.
2. Upon the request of the attorney representing the State a summons instead of a capias shall issue. If a defendant fails to appear in response to the summons a capias shall issue.
3. Summons – The summons shall be in the same form as the capias except that it shall summon the defendant to appear before the proper court at a stated time and place. The summons shall be served upon a defendant by delivering a copy to him personally, or by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by mailing it to the defendant's last known address.
4. A summons issued to any person must clearly and prominently state in English and in Spanish the following:
5. "It is an offense for a person to intentionally influence or coerce a witness to testify falsely or to elude legal process. It is also a felony offense to harm or threaten to harm a witness or prospective witness in retaliation for or on account of the service of the person as a witness or to prevent or delay the person's service as a witness to a crime."

4. Capias Pro Fine – CCP §43.08

Further enforcement of judgment.

When a defendant has been committed to jail in default of the fine and costs adjudged against him, the further enforcement of such judgment and sentence shall be in accordance with the provisions of this Code.

1. Writ of Attachment (Bench Warrant) - CCP §§24.11, 24.13, and 24.14
2. Requisites of an "Attachment" CCP §24.11

An "attachment" is a writ issued by a clerk of a court under seal, or by any magistrate, or by the foreman of a grand jury, in any criminal action or proceeding authorized by law, commanding some peace officer to take the body of a witness and bring him before such court, magistrate or grand jury on a day named, or forthwith, to testify in behalf of the State or of the defendant, as the case may be. It shall be dated and signed officially by the officer issuing it.

1. Attachment for Convict Witnesses CCP §24.13

All persons who have been or may be convicted in this state, and who are confined in an institution operated by the Texas Department of Criminal Justice or any jail in this state, shall be permitted to testify in person in any court for the state and the defendant when the presiding judge finds, after hearing, that the ends of justice require their attendance, and directs that an attachment issue to accomplish the purpose, notwithstanding any other provision of this code. Nothing in this article shall be construed as limiting the power of the courts of this state to issue bench warrants.

1. Attachment for Resident Witness CCP §24.14

When a witness resides in the county of the prosecution, whether he has disobeyed a subpoena or not, either in term-time or vacation, upon the filing of an affidavit with the clerk by the defendant or State's counsel, that he has good reason to believe, and does believe, that such witness is a material witness, and is about to move out of the county, the clerk shall forthwith issue an attachment for such witness; provided, that in misdemeanor cases, when the witness makes oath that he cannot give surety, the officer executing the attachment shall take his personal bond.

1. Certified Copy of Judgment and Sentence - CCP §43.11

Authority for confinement CCP §43.11

When, by the judgment and sentence of the court, a defendant is to be confined in jail, a certified copy of such judgment and sentence shall be sufficient authority for the sheriff to place such defendant in jail.

1. Magistrate's Warrant (Fugitive) – CCP §§51.03 and 51.04
   * + 1. Magistrate's Warrant CCP §51.03

When a complaint is made to a magistrate that any person within his jurisdiction is a fugitive from justice from another State, he shall issue a warrant of arrest directing a peace officer to apprehend and bring the accused before him.

* 1. Complaint CCP §51.04

The complaint shall be sufficient if it recites:

1. The name of the person accused;
2. The State from which he has fled;
3. The offense committed by the accused;
4. That he has fled to this State from the State where the offense was committed; and
5. That the act alleged to have been committed by the accused is a violation of the penal law of the State from which he fled.
6. Custody of Prisoners - CCP §2.18
7. Custody of prisoners

When a prisoner is committed to jail by warrant from a magistrate or court, he shall be placed in jail by the sheriff. It is a violation of duty on the part of any sheriff to permit a defendant so committed to remain out of jail, except that he may, when a defendant is committed for want of bail, or when he arrests in a bailable case, give the person arrested a reasonable time to procure bail; but he shall so guard the accused as to prevent escape.

9. Refusing to Execute Writ - CCP §§11.60 and 2.16 (Neglecting to execute process)

* + - 1. Refusing to execute writ §11.60

Any officer to whom a writ of habeas corpus, or other writ, warrant or process authorized by this Chapter shall be directed, delivered or tendered, who refuses to execute the same according to his directions, or who wantonly delays the service or execution of the same, shall be liable to fine as for contempt of court.

* 1. Neglecting to execute process §2.16

If any sheriff or other officer shall willfully refuse or fail from neglect to execute any summons, subpoena or attachment for a witness, or any other legal process which it is made his duty by law to execute, he shall be liable to a fine for contempt not less than ten nor more than two hundred dollars, at the discretion of the court. The payment of such fine shall be enforced in the same manner as fines for contempt in civil cases.

## **6.1.2 Learning Objective:** Identify pertinent Penal Code statutes related to the custody of inmates.

1. Permitting or Facilitating Escape – PC §38.07

1. §38.07. - Permitting or Facilitating Escape

a. A person commits an offense if he knowingly causes or facilitates the escape of one who is in custody pursuant to:

1. An allegation or adjudication of delinquency; or
2. Involuntary commitment for mental illness under Subtitle C, Title 7, Health and Safety Code, or for chemical dependency under Chapter 462, Health and Safety Code.

b. Except as provided in Subsections (d) and (e), an offense under this section is a Class A misdemeanor.

c. An offense under this section is a felony of the third degree if the person in custody:

1. Was under arrest for, charged with, or convicted of a felony; or
2. Was confined in a correctional facility other than a secure correctional facility after conviction of a felony.

d. An offense under this section is a felony of the second degree if:

1. The actor or the person in custody used or threatened to use a deadly weapon to effect the escape; or
2. The person in custody was confined in a secure correctional facility.
3. Unlawful Restraint - PC §20.02

1. §20.02. - Unlawful Restraint

a. A person commits an offense if he intentionally or knowingly restrains another person.

b. It is an affirmative defense to prosecution under this section that:

1. The person restrained was a child younger than 14 years of age;
2. The actor was a relative of the child; and
3. The actor's sole intent was to assume lawful control of the child.

c. An offense under this section is a Class A misdemeanor, except that the offense is:

1. A state jail felony if the person restrained was a child younger than 17 years of age; or
2. A felony of the third degree if:
3. The actor recklessly exposes the victim to a substantial risk of serious bodily injury;
4. The actor restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant; or
5. The actor while in custody restrains any other person.

d. It is no offense to detain or move another under this section when it is for the purpose of affecting a lawful arrest or detaining an individual lawfully arrested.

e. It is an affirmative defense to prosecution under this section that:

1. The person restrained was a child who is 14 years of age or older and younger than 17 years of age;
2. The actor does not restrain the child by force, intimidation, or deception; and
3. The actor is not more than three years older than the child.

## **6.1.3 Learning Objective:** List the different types of credentials required before receiving an inmate.

A. Agency credentials.

* + 1. Peace Officers: Texas Peace Officer License
    2. Correctional officers from Texas Department of Criminal Justice (TDCJ), another county jail, or authorized transport agencies.
    3. Depending on department policy:
       1. Driver’s license.
       2. State bar card.

B. Person specially named to execute process.

## **6.1.4 Learning Objective:** List methods for obtaining an inmate’s identification.

A. State Issued Driver’s license/Identification Card

1. Name

2. Date of birth

3. Address

B. Run Computerized Criminal History (CCH):

1. Name

2. Date of birth

3. Other acceptable identifiers

1. Social Security number and/or card
2. Texas Department of Public Safety (DPS) number known as a State Identification (SID) number
3. Federal Bureau of Investigation (FBI) number
4. Passport
5. Utilize Automated Fingerprint Identification System (AFIS) to determine an individual’s identity through fingerprint identification.

D. Contact supervisor

## **6.1.5 Learning Objective:** Explain requirements for updating an inmate’s status.

A. Check and update the inmate file daily for:

1. Indictments/No bill

2. Dismissals

3. Declines of prosecution

4. Convictions

5. Acquittals

6. Releases

7. New charges

8. Bond information (amount, any special requirements)

9. Report as to prisoner's status (CCP §2.19)

B. The legal ramifications of not updating a file can result in:

1. Criminal Liability

State Charges:

1. Official Oppression (PC §39.03)
2. Violation of the Civil Rights of Persons in Custody; Improper Sexual Activity with Persons in Custody (PC 39.04)

Federal Charges:

1. Conspiracy Against Rights (USC Title 18, Section 241)
2. Deprivation of Rights Under Color of Law (USC Title 18, Section 242)
3. Civil Liability
   1. Civil Action for Deprivation of Rights (USC Title 42, Section 1983)

# IDENTIFICATION PROCEDURES

## **6.2.0 Unit Goal:** Summarize the process of identifying incoming inmates.

## **6.2.1 Learning Objective:** List the requirements for identifying inmates.

1. Visual identification
   * + 1. Review prior photographs.
       2. Fingerprint to confirm identity through Automated Fingerprint Identification System (AFIS).
2. Failure to identify Penal Code §38.02
3. Record the inmate’s physical condition at time of booking to prevent possible litigation (i.e., by identifying scars, marks, and tattoos of incoming inmates).
4. Law enforcement identification numbers:
   1. Local
   2. Sheriff’s Office Tracking Number
   3. Police Department Tracking Number
   4. State Identification Number (SID) - Department of Public Safety Tracking Number
   5. Federal Bureau of Investigations (FBI) Number

## **6.2.2 Learning Objective:** List the requirements for preparing identification photographs.

1. Verify the agency ID number and the correct date.
2. Take the photos:
   1. Front view with/without accessories (hat, glasses, wig, etc.)
   2. Side view, left and right, with/without accessories (hat, glasses, wig, etc.)
3. Retain photos according to departmental policy.

## **6.2.3 Learning Objective:** Explain considerations for taking a useable set of fingerprints.

1. Enter the required information in AFIS.
2. Denote any irregularities of the inmate’s hands prior to fingerprinting.
3. Missing digits
4. Deterioration of ridge details (example: work involving concrete and masonry).

Distilled water can be utilized to enhance ridge detail.

1. If an injury is temporary, the prints should be taken after it heals, not before (if possible)

Different fingerprinting techniques must be used when physical problems so indicate.

1. Have the inmate clean their hands and fingers with soap and water or a good waterless hand cleaner.
2. Use recommended equipment for ink prints (for proxy booking – i.e. hospital bookings):
3. Inking plate with printer’s ink or inking pad
4. Appropriate fingerprint card
5. Cardholder
6. Roller
7. Manual submissions require Criminal History Reporting Form (CR 4345) [www.dps.gov/administration/crime\_records/pages/cjis/RptngForms.htm](http://www.dps.gov/administration/crime_records/pages/cjis/RptngForms.htm)

## **6.2.4 Learning Objective:** Identify the proper method of taking prints.

1. The inmate should stand in front of, and at a forearm's length from, the fingerprint location.
2. To take advantage of the natural movement in making finger impressions, the hand should be rotated from the more difficult to the easy position.
3. This requires that the thumbs be rolled toward and the fingers away from the center of the subject's body.
4. This process relieves strain and leaves the fingers relaxed upon the completion of rolling so that they may be lifted easily.
5. Two types of impressions are recorded.
6. Rolled – the fingers are rolled individually
7. Plain impressions – all fingers are taken simultaneously
8. Used when a subject’s identity is in question and the fingerprints are sent to DPS for identification purposes.
9. Take the prints according to normal procedures utilizing the two finger look up option.
10. When finished taking the prints, the option to submit to DPS must be checked before clicking the submit button.
11. A positive response will return a SID number that will then need to be checked through TLETS on the QR form.
12. This will return the specific criminal record attached to the SID.

# INTAKE PROCEDURES

## **6.3.0 Unit Goal:** Perform general intake procedures.

## **6.3.1 Learning Objective:** Discuss establishing an inmate’s file.

A. Intake - recording of certain information relating to the inmate during the admission process.

1. Procedures - record information specified in Texas Commission on Jail Standards.

1. TCJS 265.4- Inmate Files:

Upon intake, a file on each inmate shall be established. The file shall include:

1. Name of inmate, including 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 phone number of person to be contacted in the event of emergency
14. Name of the delivering officer and the arresting agency
15. Documents that purport to legally authorize the inmate's commitment

Note: Upon intake, a medical record shall be established and shall be kept separate

2. TCJS 269.1– Records:

The sheriff/operator shall maintain the following records: A daily record of the number of inmates in the facility and a record on each inmate including:

1. Intake
2. Identification
3. Classification
4. Property
5. Discipline
6. Grievance
7. Commissary
8. Medical
9. Incidents or unusual occurrences
10. Release
11. Documentation relating to the continued custody of inmates
12. Receipts and expenditures of inmate accounts

3. TCJS 265.5 – Health Tags

"Health tags" which may identify the inmate as having special medical or mental health needs shall be noted in the inmate's medical record and brought to the attention of health personnel and/or the supervisor on duty.

4. TCJS 273.4 – Health Records

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
2. Current illnesses (prescriptions, special diets, and therapy)
3. Known pregnancy
4. Current medical, mental, and dental care and treatment
5. Behavioral observations, including state of consciousness and mental status; inventory of body deformities, ease of movement, markings, condition of body orifices, and presence of lice and vermin.

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.

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.

Each facility shall report to the Department of State Health Services (DSHS) the release of an inmate who is receiving treatment for tuberculosis in accordance with DSHS Guidelines.

5. TCJS 273.5(b) - Completion of Screening Form for Suicide and Medical/ Mental/ Developmental Impairments

a. Record any other information required by department policy.

## **6.3.2 Learning Objective:** List methods for checking existence of wants and warrants.

A. Perform a Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC) check during intake procedure.

B. Information to be submitted to telecommunications operator or intake officer:

1. Name (include AKAs, maiden name)

2. Date of Birth

3. Race

4. Sex

5. Social Security Number

6. AFIS Return

7. Continuity of Care Query (CCQ)

## **6.3.3 Learning Objective:** Define a “detainer.”

A. Definition of detainer – a report form that documents an agency’s authority to retain a person in custody pending a fulfillment of a legal obligation or transfer to another jurisdiction.

1. The use of a “detainer” is a temporary measure pending confirmation or transfer to issuing agency.

2. A writ authorizing a prison official to continue holding a prisoner in custody (Black’s Law Dictionary, online, second edition).

3. A separate written record of all incidents that 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.

4. Escape from Custody Report

a. The Texas Commission on Jail Standards **shall** be notified of all escapes from a facility within 24 hours of the escape.

b. A report of the escape shall be made available for review by Commission staff upon request.

***Instructor Note:*** *Provide an Example of a “detainer” used by your agency.*

## **6.3.4 Learning Objective:** List methods for informing an inmate of bonding procedures.

A. Inform the inmate of his/her right to bond

B. Inform the inmate if the bond has been set and amount

C. After completion of booking, allow the inmate the opportunity to make bond - TCJS 265.9

D. Family violence - department can detain for 4 hours, magistrate can detain for additional 24 hours, not to exceed 48 hours (CCP 17.29 and 17.291)

E. Requirement to notify a victim of family violence before the inmate is released from custody (CCP 17.29)

Prohibited procedures related to bonds (Occupations Code §1704.304):

1. An officer may not recommend a particular bail bond surety or agent to an inmate [OC §1704.304(a)].
2. A bail bond surety or an agent may not solicit bonding business in a jail or detention facility for persons in custody [OC §1704.304(c)].
3. A device used to dispense a bail bond in exchange for a fee, may not be placed in a jail or detention facility [OC §1704.304(d)].

G. Departmental policy will dictate specific bonding procedures

## **6.3.5 Learning Objective: S**ummarize phone call procedures for inmates.

A. Immediately after booking, but no later than four hours after arrival, a person shall be permitted to make at least two completed phone calls (TCJS 291.1).

B. Telephone directory shall be available for inmates’ use within the processing area (TCJS 265.7).

C. After booking, inmate must be allowed to contact attorney upon reasonable request (TCJS 265.8).

D. Telephone calls after booking are considered privileges, unless telephone access is the only access available to religious leaders or attorney representation.

1. TCJS 291.1 - Inmate Telephone Plan: Each facility shall have and implement a written plan, approved by the commission, governing the availability and use of inmate telephones.
2. Immediately after booking, but in no case later than four hours after arrival, a person shall be permitted to make at least two completed telephone calls. Toll calls should be made on a prepaid or collect basis. A free telephone shall be available for local calls for those inmates who otherwise would be unable to complete the two required calls. Facilities may have a special line reserved for inmate use.
3. Refer to your approved operational plan.

# INVENTORY

## **6.4.0 Unit Goal:** Summarize the process of maintaining an inventory of inmate property.

## **6.4.1 Learning Objective:** Identify the requirements of inventorying inmate property.

1. TCJS 265.10 - Inmate Property Checking: The receiving officer shall carefully record and store the inmate’s property as it is taken. A receipt signed by the receiving officer and the inmate shall be maintained in the inmate’s file. In the event an inmate refuses to sign the property receipt, the receiving officer, with a witness present, shall note the refusal and sign the receipt.
2. Update the property list of all inmate property, incoming and releasing.
3. Accountability of inmate’s property:

Civil liability - negligence action in tort.

Tort – a wrongful act other than a breach of contract for which relief may be obtained in the form of damages or an injunction (Merriam-Webster).

1. Inventory will be listed as follows:
   1. Obtain and complete the departmental inventory form.
   2. Let the form be the guide when questioning the inmate.

Example: Ask the inmate, “Is this your ring?” If he says “no,” then ask whom it belongs to, etc.

* 1. The assistance of another officer will be necessary when you are dealing with an uncooperative inmate to witness and document the property received.
  2. Refer to departmental policy and procedures for recording and securing inmate property.

1. Documenting and securing property
   1. List and describe the property in the presence of the inmate and document each inventoried article on the correct form.
   2. Common articles include, but are not limited to:
      1. Money
      2. Billfold, wallet, or purse
      3. Watch
      4. Jewelry
      5. Knife
      6. Keys
      7. Credit cards
      8. Eyeglasses
      9. Belts
      10. Shoelaces
      11. Clothing
2. If a large amount of money or any suspicious items are found, follow departmental policy.

When describing property, be specific as to:

1. Color
2. Shape and Size
3. Identifying characteristics
4. Serial number
5. Visible damage
6. Design
7. Inscription

## **6.4.2 Learning Objective:** Identify guidelines for specific inmate property.

1. Jewelry

Color of metal and/or stone:

* + 1. Metal: white, yellow, pink
    2. Stone: green, red, rose, etc. (Explain why one never refers to precious metals or gems by proper names in the description.)

1. Stones and number of each (not the gem name).
2. Initials, inscriptions and dates: quote the exact initials or name (instead of describing the articles by stating “owner's name on same”).
3. Jeweler's inscription: quote the exact inscription.
4. Design: rings and pins.
5. Descriptive characteristics peculiar to certain types of jewelry:
   1. Rings: Man’s, woman’s, or child’s band
   2. Watches: type, engraved or set with stones
   3. Necklaces/pendants: kind, color, and number of strands
   4. Brooches and pins
   5. Bracelets: type of material (such as: leather, fabric, or metal)
   6. Earrings and body jewelry: style
6. Clothing
   1. Color and pattern- examples: solid color (black), striped (black with white stripe), plaid (gray and white plaid), checked (black and white check)
   2. Type, design, and general condition – Describe all articles of clothing.

## **6.4.3 Learning Objective:** Identify methods for completing an inventory form.

1. Upon completing the inventory form, have the inmate sign the form to acknowledge that the inventory is true and correct.
2. If the inmate refuses to sign, have another jailer witness the refusal and sign the receipt.
3. The jailer must sign the receipt.
4. Route the signed receipt to the inmate's file.

***Instructor Note****: Have the students demonstrate the process of inventorying inmate property.*

# MONEY ACCOUNTS

## **6.5.0 Unit Goal:** Summarize maintaining inmate money accounts and commissary procedures.

## **6.5.1 Learning Objective:** Identify the requirements for establishing an inmate money account.

TCJS 269.1- The sheriff/operator shall maintain a record on each inmate including any receipts and expenditures of inmate accounts.

## **6.5.2 Learning Objective:** Define the purposes of an inmate money account.

1. Safe keeping of money
2. Commissary purposes
3. Medical expenses
4. Bonds, fines (including agency fines), and various court costs

## **6.5.3 Learning Objective:** Identify the method of receiving money into an inmate’s money account.

1. Money should be handled by jail staff only.
2. Verify the identification of the inmate.
3. Verify the amount of the deposit.
4. Deposit the money according to departmental policy.
5. Write a receipt according to departmental policy.

## **6.5.4 Learning Objective:** Identify the steps for verifying funds in an inmate account.

A. Check the amount of money that the inmate has in their account.

1. Notify inmate of balance, upon request.

2. If balance is not enough to cover purchases, notify inmate.

B. Inmates shall not be denied medical/mental health services due to insufficient funds.

## **6.5.5 Learning Objective:** Identify minimum standards applicable to commissary.

TCJS 291.3 – Inmate Commissary Plan: Each facility shall have and implement a written plan, approved by the commission, governing the availability and use of an inmate commissary, which allows for the purchase of hygiene items and sundries. The plan shall do the following:

* + 1. Indicate type of services, in-house or vendor;
    2. Indicate frequency of services;
    3. Provide methods for inmates obtaining items; and
    4. Provide for yearly audits by the county auditor in accordance with the Local Government Code 351.0415.
    5. The audits shall be submitted to the commission not later than ten days following completion.

## **6.5.6 Learning Objective:** Explain considerations of commissary privileges.

1. Verify the purchasing ability of inmate – ensure inmates are not on restriction due to disciplinary status.
2. Inmates shall not be allowed access to another inmate’s money account.
   1. Inmates shall not use another inmate’s identity to purchase commissary items.
   2. Inmates may not authorize another inmate to make purchases or inquiries on their behalf.
3. The purchase of non-hygiene items is a privilege.
4. Hygiene and correspondence items can be provided through jail indigent programs.

## **6.5.7 Learning Objective:** Identify the methods of distributing inmate commissary purchases.

1. Confirm inmate’s identity.
2. Distribute and count the commissary items in the inmate’s presence.
3. Have the inmate sign a commissary receipt.

D. Update all records by debiting the inmate’s account.

## **6.5.8 Learning Objective:** Identify other uses for commissary funds.

Local Government Code 351.0415 - Commissary Operations by Sheriff or Private Vendor:

1. The sheriff of a county or the sheriff's designee, including a private vendor operating a detention facility under contract with the county, may operate, or contract with another person to operate, a commissary for the use of the inmates committed to the county jail or to a detention facility operated by the private vendor, as appropriate. The commissary must be operated in accordance with rules adopted by the Commission on Jail Standards.
2. The sheriff or the sheriff's designee:
3. Has exclusive control of the commissary funds;
4. Shall maintain commissary accounts showing the amount of proceeds from the commissary operation and the amount and purpose of disbursements made from the proceeds; and
5. Shall accept new bids to renew contracts of commissary suppliers every five years.
6. The sheriff or the sheriff's designee may use commissary proceeds only to:
7. Fund, staff, and equip a program addressing the social needs of the inmates, including an educational or recreational program and religious or rehabilitative counseling;
8. Supply inmates with clothing, writing materials, and hygiene supplies;
9. Establish, staff, and equip the commissary operation and fund the salaries of staff responsible for managing the inmates' commissary accounts;
10. Fund, staff, and equip both an educational and a law library for the educational use of inmates; or
11. Fund physical plant improvements, technology, equipment, programs, services, and activities that provide for the well-being, health, safety, and security of the inmates and the facility.
12. For a jail under the supervision of the sheriff, at least once each county fiscal year, or more often if the commissioners court desires, the auditor shall, without advance notice, fully examine the jail commissary accounts. The auditor shall verify the correctness of the accounts and report the findings of the examination to the commissioner’s court of the county at its next term beginning after the date the audit is completed.
13. A private vendor operating a detention facility under contract with the county shall ensure that the facility commissary accounts are annually examined by an independent auditor.
14. When entering into a contract under Subsection (a), the sheriff or the sheriff's designee shall consider the following:
15. Whether the contract should provide for a fixed rate of return combined with a sales growth incentive;
16. The menu items offered by the provider and the price of those items;
17. The value, as measured by a best value standard, and benefits to inmates and the commissary, as offered by the provider;
18. Safety and security procedures to be performed by the provider; and
19. The performance record of the provider, including service availability, reliability, and efficiency.
20. Commissary proceeds may be used only for the purposes described in Subsection (c). A commissioner’s court may not use commissary proceeds to fund the budgetary operating expenses of a county jail.

# INMATE SUPPLIES

## **6.6.0 Unit Goal:** Summarize the process of issuing inmate clothing, personal hygiene, and bedding.

## **6.6.1 Learning Objective:** Identify TCJS requirements for issuing and storing clothing.

* 1. Inmate Clothing:
     1. TCJS 277.1 – Inmate Clothing: Standard facility clothing shall be issued to all inmates held over 48 hours. Additional appropriate clothing shall be issued to inmates participating in outside activities during inclement weather.

*NOTE: Undergarments, if issued to males, must be issued to females.*

* + 1. TCJS 277.2 – Laundering: A change of clothing shall be furnished at least once a week unless work, climatic conditions, illness, or other factors necessitate more frequent exchange to assure cleanliness.
  1. Search clothing for contraband prior to issue.
  2. Note the condition of the clothing upon issue.
  3. Document all clothing issued.
  4. TCJS 277.3- Personal clothing: All inmate personal clothing shall be cleaned, or sprayed with disinfectant and stored.

## **6.6.2 Learning Objective:** Identify TCJS requirements for personal hygiene supplies.

1. TCJS 277.4 - Personal Hygiene: Inmates held over 48 hours who are unable to supply themselves with personal care items, because of indigence, shall be furnished the following:
   1. Toothbrush
   2. Toothpaste or toothpowder
   3. Soap
   4. Comb
   5. Shaving implements
2. TCJS 277.5 – Toilet Paper: Shall be made available at all times.

## **6.6.3 Learning Objective:** Identify TCJS requirements for inmate showers.

1. TCJS 265.11 – Following booking and prior to housing assignment, inmates should be showered. Inmate showers shall be supervised by a jailer or designated staff of the same gender.
2. TCJS 277.6 – Shower:
   1. Each inmate shall be given the opportunity to shower at least every other day or more often if possible.
   2. Inmates on work assignments and those making court appearances shall be given an opportunity to shower daily.
   3. Inmates should be required to shower at least every other day.
   4. Whenever it is clearly justified for health or sanitary reasons, the sheriff/operator may require a shower.
3. Identify inmates who need supervised showering (e.g., those who are violent or having a mental illness):
   1. Make a showering schedule. Example: Inmates in isolation for disciplinary reasons must be showered at least once every other day.
   2. Supervise showering procedures:
4. Issue necessary articles for showering.
5. Supervision should be by an officer of the same gender.
6. Assure cleanliness of inmate.
7. Collect all showering supplies before returning the inmate to their cell.
8. Document the time, date, and the names of inmates who shower.

## **6.6.4 Learning Objective:** Identify TCJS requirements for compelling haircuts.

TCJS 277.7 – Compelling haircuts:

1. Whenever clearly justified for health or sanitary reasons, the sheriff/operator may require a haircut.
2. Haircuts by reasonably skilled persons shall be available on a voluntary basis to all inmates, sentenced and un-sentenced.

## **6.6.5 Learning Objective:** List TCJS requirements for issuing laundering of bedding and linens.

A. Search bedding for contraband prior to issue

TCJS 277.8 – Bedding and Linens: A standard issue of bedding and linens to each inmate to be placed in housing shall include, but shall not be limited to, the following clean, safe, and serviceable items:

1. One mattress

2. One sheet or mattress cover

3. One towel

4. One blanket or more depending upon climatic conditions. Inmates detained in holding and/or detoxification cells may be provided with the above items.

B. Note the condition of the bedding upon issuance.

C. Document all bedding that is issued.

D. TCJS 277.9 – Laundering of bedding and linens:

1. Washable items such as sheets, towels, and mattress covers shall be exchanged for clean replacements at least once each week, or more often if necessary.
2. Blankets shall be laundered or dry cleaned at least every three months or more often if necessary.

## **6.6.6 Learning Objective:** Identify the TCJS requirements for cleaning and storage of mattresses.

TCJS 277.10 - Mattresses shall be swept, aired, sprayed with a nontoxic disinfectant and stored off the ground prior to reissue.

# INMATE ORIENTATION

## **6.7.0 Unit Goal:** Recognize the basic requirements of orientating an inmate into a jail system.

1. Disciplinary and appeal procedures
2. Emergency procedures
3. Grievance procedures

## **6.7.1 Learning Objective:** Recognize the requirements for explaining the facility’s rules and regulations to the inmate

A. Verbally determine what language the inmate understands.

1. Contact a translator service for an interpreter, as needed.

2. Have the inmate read aloud.

Note: An inmate cannot be processed until adequate communication can be established.

B. Every facility shall have prescribed rules and regulations governing inmate conduct. A copy of the institutional rules and regulations shall be made available to each inmate and read to illiterate inmates. A written acknowledgment by the inmate that the rules have been explained shall be retained. A translation shall be provided in an understandable language when necessary. The rules and regulations shall outline both Major and Minor Infractions, the types and ranges of possible sanctions for each category, due process requirements and specific procedures for filing a grievance. The rules and regulations, as provided to the inmate, shall be submitted to the Commission for approval. (TCJS 283.2)

C. If illiterate, read the rules and regulations to the inmate.

1. Document that the facility’s rules and regulations were made available to the inmate.

***Instructor Note:*** *Instructor may want to provide a sample* *inmate file*.

## **6.7.2 Learning Objective:** Explain methods of processing persons of foreign nationality.

1. Steps to processing foreign nationals:
2. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.
3. The nearest consular officials mustbe notified of the arrest or detention of a foreign national from certain countries, regardless of the national’s wishes.
4. Consular officials are entitled access to their nationals in detention, and are entitled to provide consular assistance.
5. When a government official becomes aware of the death of a foreign national, consular officials must be notified.
6. When guardianship or trusteeship is being considered, with respect to a foreign national who is a minor or incompetent, consular officials must be notified.
7. Refer to your department policy and procedures.
8. Steps to follow When a Foreign National Is Arrested or Detained:
   * + 1. It is imperative that the determination of citizenship be on your department’s record. Refer to your department for appropriate forms.
       2. Determine the defendant’s citizenship. This can be established by asking place of birth of the defendant, whether the defendant was born out of the United States, or whether the defendant has been naturalized under the Constitution and laws of the United States. In the absence of other information to the contrary, assume this is the country on whose passport or other travel document the foreign national travels.
       3. If the foreign national’s country of citizenship is not on the mandatory notification list:
          1. Offer without delay, to notify the foreign national’s consular officials of the arrest/detention. Refer to: <https://travel.state.gov/content/travel/en/consularnotification.html>
          2. Inform the foreign national that you are making this notification.
          3. If the foreign national asks that the consular notification be given, notify the nearest consular officials of the foreign national’s country of citizenship without delay.
       4. If the foreign national’s country of citizenship **is** on the list of mandatory notification countries, notify that country’s nearest consular officials, without delay, of the arrest/detention regardless of the foreign national’s wishes.
       5. For suggested information on statements, translations of statements, foreign embassies and consulates in the United States, and mandatory countries, refer to: <https://travel.state.gov/content/travel/en/consularnotification.html> (Publications, Magistrate’s Guide for Consular Notification).
9. Consular Notification and Access
   1. Refer to the Resource Guide under “Guide to Consular Notification” (p. 7) for a recommended process
   2. *Consular Notification Access Reference Card: Instructions for Arrests and Detentions of Foreign National*. U.S. Department of Justice, refer to website:
   3. *Consular Notification and Access*. Department of Justice. Revised 1998. Office of Legal Advisor.
   4. *Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities.* Department of Justice. Revised 2003. Office of Legal Advisor.
   5. *It’s the Right Thing to Do*. (Video). U.S. Department of State. Bureau of Consular Affairs. (202) 647-4110.
   6. *Magistrate’s Guide to the Vienna Convention on Consular Notification*, refer to website: (Under Publications)