

## Role, Purpose, & Characteristics

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Serves five basic purposes

- Receive and process people arrested and taken into custody by law enforcement.
- Hold accused law violators to ensure their appearance at trial.
- Hold offenders convicted of lesser offenses—usually misdemeanors, but also low-level felonies in some jurisdictions—as a court-ordered sanction.

## Role, Purpose, & Characteristics

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- Hold individuals remanded by the court for civil contempt.
- Hold offenders for other jurisdictions or those awaiting transfer to prison or other facilities.

## Role, Purpose, & Characteristics

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To meet these objectives, jails are typically organized around two basic functions:

- Booking and intake.
- Custody.

## Role, Purpose, & Characteristics

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Groups typically held in jail include:

- New arrestees pending arraignment, trial, conviction, & sentencing
- Offenders sentenced to jail time
- Persons accused of probation, parole, or bail bond violation
- Illegal immigrants pending transfer to federal authorities
- Offenders held for violations of court orders

## Characteristics of the Jail Population

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- ❑ At any given time, the jail population may include males and females, the dangerous and the vulnerable, the minor offender and the serious offender, the physically fragile and the mentally ill, and the chemically addicted.
- ❑ Inmates come to jail with varying degrees of medical, mental health, substance abuse, family, financial, and literacy issues.

## Characteristics of the Jail Population

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- ❑ The jail has a responsibility to appropriately house inmates and manage the behavior of this diverse population while they are in custody.
- ❑ The jail has little control over the number or types of inmates it holds or how long they stay.

## Jail Liability

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The legal basis for the intervention of the federal court in jail matters is Title 42, Section 1983 of the Federal Civil Rights Act of 1871. The law provides that “Any person acting under the color of law who deprives anyone of a right secured by the Constitution or laws of the United States shall be liable to the injured party.” Sheriffs can be sued under Section 1983 because they are operating under the “color of law.”

## Jail Liability

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The sheriff has certain “affirmative duties” regarding the safety and well-being of the community and inmates in his/her custody. These duties include:

- Protecting community from harm.
- Protecting the incarcerated from harm.
- Providing “due care” to protect the incarcerated from conditions that could result in harm

## Jail Liability

### Circumstances constituting violations of state criminal law by jail personnel

A. Unlawful restraint	PC 20.02
B. Assault	PC 22.01
C. Sexual assault	PC 22.011
D. Aggravated assault	PC 22.02
E. Aggravated sexual assault	PC 22.021
F. Theft	PC 31.03

## Jail Liability

G. Tampering with or fabricating physical evidence	PC 37.09
H. Tampering with governmental record	PC 37.10
I. Permitting or facilitating escape	PC 38.07
J. Implements for escape	PC 38.09
K. Prohibited substances in a correctional facility	PC 38.11
L. Abuse of official capacity	PC 39.02

## Jail Liability

<b>M. Official oppression</b>	<b>PC 39.03</b>
<b>N. Violations of civil rights - person in custody</b>	<b>PC 39.04</b>
<b>O. Failure to report death of prisoner</b>	<b>PC 39.05</b>
<b>P. Misuse of official information</b>	<b>PC 39.06</b>

## Jail Standards

The Texas Commission on Jail Standards is the regulatory agency for all county jails and privately operated municipal jails in the state.

Created in 1975

- To implement a declared state policy that required all county jail facilities to conform to a set of minimum standards, maintenance and operation

In 1983, the Texas Legislature expanded the TCJS jurisdiction to include:

- County Jails and municipal jails operated under vendor contracts
- 1991, Legislature added the requirement t for the count, payment and transfer of inmates when precipitated by crowded conditions
- Expanded TCJS role in consultation and technical assistance.

## Jail Standards

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- In 1993, legislation again expanded TCJS's role by requiring that it provide consultation and technical assistance for the state jail program
- In 1997, the Texas legislature affirmed that counties, municipalities, and private vendors housing out-of-state inmates are within TCJS's jurisdiction.

## Jail Standards

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Today, TCJS is charged with the responsibility of writing rules and procedures that establish minimum standards, inspection procedures, enforcement policies and technical assistance for:

1. The construction, equipment, maintenance and operation of jails under its jurisdiction
2. The custody, care and treatment of inmates
3. Programs of rehabilitation, education, and recreation for inmates confined in county and municipal jail facilities under its jurisdiction.

## Jail Staffing

Adequate staffing is essential to effectively managed, safe, and secure jails. Jails with staffing deficits are more vulnerable to litigation, compromise community safety, and place both inmates and staff at higher risk of harm.

## Jail Staffing

- Population characteristics
- Jail mission
- Functions and activities
- Physical layout of the jail
- Method of inmate supervision
- Jail standards and court decisions



## Jail Staffing

### Recruitment, Selection, and Retention

- Locate and attract a diverse pool of qualified candidates;
- Screening process for determining suitability
- Retention is critical to effective jail operations

### Staff Training and Supervision

- Improves consistency in operations
- Improves moral and reduces workplace stress
- Promotes confidence and professionalism
- Staff training is not optional

## Jail Security

### Perimeter Security

- Monitoring and communication
- Inmate well-being checks and counts
- Searches and contraband control
- Control of equipment and supplies
- Use of Force and restraints
- Inmate movement and transportation
- Security inspections

## Inmate Behavior Management

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- Assessing risks and needs of each inmate (classification)
- Assigning inmates to housing
- Meeting inmates basic needs
- Defining and conveying inmate behavior expectations
- Actively supervising inmates
- Keeping inmates occupied with productive activities

## Inmate Behavior Management

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### Objective Jail Classification System (TCJS 271.1)

Sheriff/operator shall develop and implement an objective classification plan approved by the Commission. The Plan shall include principles, procedures, instruments and explanations for classification assessments, housing assessments, reassessments and inmate needs. Plans utilizing an approved objective classification system shall be submitted and approved by the Commission.

## **Inmate Behavior Management**

Inmates shall be classified and housed in the least restrictive housing without jeopardizing staff, inmates, and the public utilizing risk factors

- Current offense or convictions
- Offense history
- Escape history
- Institutional disciplinary history
- Prior convictions
- alcohol and/or drug abuse
- Stability factors

## **Inmate Behavior Management**

**Classification criteria shall not include race, ethnicity or religious preference**

**Custody levels shall include minimum, medium and maximum**

**Minimum and maximum shall be housed separately**

**Female inmates shall be separated by sight and sound from male inmates.**

# Inmate Behavior Management

## Classification Procedures

- Intake Screening
- Initial Custody Assessment
- Custody Reassessment/Review
- Needs Assessment Instrument

# Inmate Behavior Management

## Methods of Classification

**Decision Tree** – assigns inmates to categories that are clearly defined by splits in the tree. High precision and little ambiguity in the meaning of each category

**Point Additive Scale** – produces categories by assigning points to various established criteria.

## Inmate Behavior Management

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**Trusty – a person who, because of good conduct, is given some measure of freedom in and around the jail.**

**Authority for trusty status (VTCS 511(a))**

**Determine criminal sophistication of inmate**

**Assess general health**

**Work assignments must be voluntary for pretrial**

**Should not work more than 48 hrs per week (TCJS 289.3)**

## Inmate Behavior Management

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**Inmate discipline and grievance**

### **Special Management**

- Disciplinary detention
- Administrative segregation
- Protective Custody

## Inmate Services

- Food Services
- Medical and Mental Health Services
- Inmate clothing and Linens
- Laundry Services
- Inmate Visits
- Inmate Mail and Telephone Services
- Inmate Exercise and Recreation
- Inmate Commissary
- Inmate Programs

## Inmate Money Accounts



## **Inmate Money Accounts**

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**Inmate account transactions are divided into two major types:**

**RECEIPTS  
AND  
EXPENDITURES  
(TCJS 269.1)**

## **Inmate Money Accounts**

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**TCJS 269.1 The sheriff/operator shall maintain the following records:**

**Receipts and expenditures of inmate accounts (TCJS 269.1)**

**Have depositor identify himself so that information can be recorded on deposit slip**

## **Inmate Money Accounts**

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**Record the amount of the deposit, type of deposit (check, money order, cash, etc.), date, depositor, name of the inmate, inmate identifier, and location of inmate. Give copy of receipt to inmate.**

**Deposits should be recorded according to department policy**

**All deposits should be accounted for at end of shift/day, as policy dictates**

## **Inmate Money Accounts**

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**Funds should then be credited to individual money accounts, as required to update current balance**

**Money received through mail should be receipted and deposited in the inmate's account**



## **Inmate Money Accounts**

**Inmate trust fund – contains only inmate funds.**

## **Commissary**

**TCJS 291.3 – 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.**

## Commissary

The plan shall do the following:

- Indicate type of services, in-house or vendor
- Indicate frequency of services
- Provide methods of for inmates obtaining items
- Provide for yearly audits by the County Auditor in accordance with LGC 351.0415

## Commissary

- . LGC 351.0415 – Commissary Operations by Sheriff:
  - (a) The sheriff of a county may operate, or contract with another person to operate, a commissary for the use of the prisoners committed to the county jail. The commissary must be operated in accordance with rules adopted by the Commission on Jail Standards

## Commissary

The sheriff: (1) has exclusive control of the commissary funds; (2) 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 (3) shall accept new bids to renew contracts of commissary suppliers every five years.

## Commissary

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.

## Commissary

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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.

## Commissary

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The audits shall be submitted to the commission not later than ten days following completion. Provide that all expenditures from commissary proceeds be made in accordance with the LGC 351.0415.

## Release/Discharge

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- Verification of discharge approval
- Return of property and money
- Medical discharge planning and referrals
- Victim notification of release
- Arrangements for transportation