

# **Basic Jail Certification Course For Sworn Texas Peace Officers**



**Course Number  
1107**

**Texas Commission on Law Enforcement  
Officer Standards and Education**

**Revised: January 2011**

**ABSTRACT**

This course is designed to provide individuals with the knowledge and skill sets to successfully acquire certification as a county corrections officers or jailer.

## **Note to the Training Provider:**

This curriculum serves as the Instructor's Resource Guide, not a lesson plan. With the exception of the instructor's lesson plan, all the necessary material for teaching the Basic County Jail Course can be found in this curriculum. Instructors do have the option to use additional training material in presenting the course material. We recommend the incorporation of scenarios and role-play to facilitate learning.

It is the responsibility of the training provider to ensure individual copies of the course are current. This may be done by contacting TCLEOSE or checking the website at [www.tcleose.state.tx.us](http://www.tcleose.state.tx.us). This course ***is not*** designed to provide legal advice.

<b>Target Population:</b>	Sworn Texas Peace Officers applying for certification as a Jailer
<b>Prerequisites:</b>	Licensed Peace Officer
<b>Certification Requirements:</b>	Licensed Peace Officer
<b>Length of Course:</b>	Minimum of 32 hours required
<b>Instructional Material:</b>	Computer, projector, TCLEOSE curriculum, any appropriate PowerPoint Presentations, end of course exam w/answer key and/or student hand-outs.
<b>Facility Requirements:</b>	Standard classroom environment.



**TEXAS COMMISSION ON LAW ENFORCEMENT**  
32- Hour Basic Certification Course for Texas Sworn Peace Officers

**Revised January 2011**

<b>TOPIC</b>	<b>HOURS</b>
1.0 History and Jail Concepts	1
2.0 Booking Procedures and Orientation	2
3.0 Admission Documents and Procedures	2
4.0 N/A	
5.0 N/A	
6.0 Identification Procedures	1
7.0 Inmate Money Account	1
8.0 Issuance of Inmate Supplies	1
9.0 Classification of Inmates	1
10.0 Health Records & Services	1
11.0 Communicable Diseases	2
12.0 Inmate's Rights	1
13.0 Inmate Discipline	2
14.0 Grievances	1
15.0 Mandated Activities	1
16.0 Food Services	1
17.0 Inmate Visitation	1
18.0 Inmate Correspondence	2
19.0 Headcounts & Facility Security	1
20.0 Hostage Situations	3
21.0 Emergency Procedures	3

22.0 N/A

23.0 Release

4

**This is the recommended sequence for teaching the course. Instructors and academics may change the sequence, if necessary.**

**Total Hours: 32**

## INTRODUCTION

As a jailer, you are entering a challenging and demanding element of the criminal justice system. You will be interacting with persons who represent a wide variety of ethnic and social backgrounds. They are a unique society of social creatures, which will require expertise and training to develop the skills necessary to obtain the additional information regarding the social characteristics of the jail population.

The population in the jail is taking on an ever-changing face. They are often career criminals guilty of major crimes, and have the experience of being in several different state facilities during their life. Couple this with the changing demographics of our society, and the challenges for a corrections officer become more demanding. A few years ago, it was unusual to find persons from Cuba, Iran, and China in our county jails. These individuals often have different values, standards of conduct, and religious practices that may be unfamiliar. It is the responsibility of the corrections officer to learn as much about these cultures as possible to provide fair and humane treatment under our standards of behavior.

The jails in Texas are primarily county jails operated by the sheriff of each county under the rules and guidance of the Texas Commission on Jail Standards (TCJS). These county jails were designed to hold persons for short periods of time for pre-trial purposes and misdemeanor crimes. The citizens of Texas have mandated the criminal justice system to impact the rising crime rate with stricter enforcement and longer terms of punishment. Therefore, with the mandated population cap of prisoners in the Texas Department of Criminal Justice (TDCJ), in many instances the county jail has to house a person for an extended period of time. This creates a new set of challenges for the sheriff and the corrections officer interacting with these persons on a daily basis.

The committee that developed this Basic Corrections Officer Training Course elected to use the title “corrections officer” rather than “jailer.” A “corrections officer” has a wider variety of mental and physical demands than ever before, thus requiring an individual who possesses not only inherent professionalism, but also the ability to meet the rigors of an extensive training program that fits the needs of today’s county jails.

The Basic County Jailer Course was developed with the following objectives in mind for you as a professional corrections officer:

1. To feel secure in your job
2. To be able to respond in a professional manner to as many known situations as can reasonably be expected to occur
3. To prevent the escape of persons placed in your custody
4. To understand that the violations of any constitutional right of an inmate will have the highest potential for personnel or agency liability
5. To hold yourself in high esteem
6. To be acquainted with cultural differences and diversity of individuals you will be interacting with in your custody

7. To always seek the ethical practice of all your contacts in the workplace and insist that all others conduct themselves in an ethical manner
8. To develop friends and acquaintances outside the jail environment - those persons with high standards of conduct and common interest with you and your family will be the critical balance you need in your life to sustain you and your family.

You are to be commended for selecting this profession, as your skills, education, and training will be an invaluable asset to the county.

The instructors who facilitate this course will be mandated to conduct at least 96 hours of training. The objective is to prepare the student as a basic corrections officer with the information required to successfully pass the certification test. The individual may then enter the county jail facility with the basic skills and confidence to accomplish their assigned tasks in the most professional manner.

*Preface written by Bill Childers  
Sheriffs' Association of Texas; Retired*

## **CORRECTIONS OFFICER'S CODE OF ETHICS**

As a Corrections Officer, my fundamental duty is to serve my community; to safeguard the lives and property within my jurisdiction; to protect against deception, oppression or intimidation; to prevent violence or disorder; and to respect and preserve the constitutional rights of all.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Office. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously nor permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless dedication to duty, I will regulate those in my charge appropriately and with dignity, without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting a gratuity.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of my calling. I will constantly strive to achieve these ideals, dedicating myself before God to my chosen profession.

### **OUR CREED**

"Dignity, Honor, Personal Integrity  
and at all times fair dealings."



## **CORRECTIONS OFFICER'S CREED AND CODE OF CONDUCT**

As a professional Corrections Officer I believe that my public service is a high and honorable calling. I believe that this service is worthy of the best that I can become, as an Officer and as a person. I believe that I can worthily follow this calling and I will sincerely seek:

To hold freedom among the highest values though I deny it to those in my charge...to deny it with dignity, so that in my example they find no reason to lose their dignity...to speak sparingly...to act not to argue...to be in authority through personal presence...to speak with the calm voice of certainty...

To see, but to know what is significant and what not to notice...to be neither insensitive to distress nor so distracted by pity as to miss what must elsewhere be seen...to do neither that which is unkind nor self-indulgent in its misplaced charity...never to obey the impulse to tongue lash...to correct without nagging...to be both firm and fair...to know I cannot be fair simply by being firm, nor firm simply by being fair...

To support the reputations of associates and confront them without anger, should they stand short of professional conduct...to reach for knowledge of the continuing mysteries of human motivation...to think; always to think...to be dependable...to be dependable first to my charges and associates, and thereafter to my duty as a public official and as a citizen...to keep fit...to keep forever alert...to be prompt...to listen to what is meant as well as what is said with words and with silence...

To expect respect from my charges and my superiors yet never to abuse the one for abuses from the other...for each full working day to be an example of the person I could be at all times...to acquiesce in no dishonest act...to cultivate patience under boredom and calm during confusion...

To be honest with all who practice deceit that they not find in my behavior any excuse for themselves...to privately face down my fear that I not signal it...to privately cool any anger that I not displace it onto others...to hold in confidence what I see and hear which by the telling could harm or humiliate to no good purpose...to keep my outside problems outside...to leave inside that which should stay inside...to do my duty.

Adapted from Bob Barrington

## 1.0 History and Jail Concepts

**1.1 Functional Area:** The student will be able to summarize the state regulatory agencies that are statutorily charged with oversight of jailers and facilities.

**1.1.1 Learning Objective:** The student will be able to describe the history of the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

The Texas Commission on Law Enforcement is a state regulatory agency for local law enforcement and county corrections systems within the state of Texas. The 59th Texas Legislature established TCLEOSE on September 1, 1965. It was initially created to ensure that the citizens of Texas would be served by peace officers who had the abilities, training, and ethics that law enforcement demands.

In 1979, legislation required county jailers to also assist TCLEOSE in achieving that mission. In 1983, legislation required TCLEOSE to conduct examinations for each license issued. In 1993, the agency created intermediate and advanced certifications for county jailers. In 2001, it added a master certification for county jailers. In 2002, TCLEOSE became the first state commission of its kind to be accredited by the CALEA (the Commission on Accreditation for Law Enforcement Agencies, Inc.).

Today, TCLEOSE is charged with the responsibility of establishing, implementing, and maintaining minimum standards for peace officers, reserve peace officers, county jailers, armed public security officers, emergency communications personnel, and law enforcement instructors.

Beyond merely licensing and certification standards, however, TCLEOSE has a wide range of responsibilities, among them developing and implementing curriculum, conducting general law enforcement and legal research, prosecuting officer violations, administering licensing exams and certificates, honoring and memorializing peace officer service, evaluating academies and training providers, maintaining the officer record-keeping system (TCLEDDS), and providing intergovernmental assistance.

**1.1.2 Learning Objective:** The student will be able to describe the history of the Texas Commission on Jail Standards (TCJS).

The Texas Commission on Jail Standards is the regulatory agency for all county jails and privately operated municipal jails in the state. The Texas Legislature created TCJS in 1975 to implement a declared state policy that required all county jail facilities to conform to a set of minimum standards of construction, maintenance, and operation.

In 1983, the Texas Legislature expanded TCJS jurisdiction to include county and municipal jails operated under vendor contract. In 1991, the Texas Legislature added the requirement for the count, payment, and transfers of inmates when precipitated by crowded conditions, and also expanded TCJS's role in consultation and technical assistance. 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.

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 jail facilities under its jurisdiction; (2) the custody, care and treatment of inmates; and (3) programs of rehabilitation, education, and recreation for inmates confined in county and municipal jail facilities under its jurisdiction.

1.2 **Functional Area:** The student will be able to summarize licensee requirements.

1.2.1 **Learning Objective:** The student will be able to list the requirements of licensees under selected sections of the current Occupations Code and TCLEOSE rules.

The Occupations Code is the statutory authority for the Commission to establish rules that law enforcement agencies and jailers must follow.

Requirements:

Topic	Occupations Code
Reporting Responsibilities of Individuals (211.27)	1701.502
Minimum Standards for Initial Licensure (217.1)	1701.301, .307
Eligibility to Take State Examinations (219.1)	1701.304
Examinee Requirements (219.5)	1701.304
Legislatively Required Continuing Education for Licensees (217.11)	1701.351, .352

TCLEOSE rules are created to establish minimum standards relating to training and licensing, as well as to require the submission of reports and other information needed by the agency.

Requirements:

Topic	Rules
Reporting Responsibilities of Individuals	211.27
Minimum Standards for Initial Licensure	217.1
Eligibility to Take State Examinations	219.1
Examinee Requirements	219.5
Legislatively Required Continuing Education for Licensees	217.11
Active License Renewal	217.17
Reactivation of a License	217.19

The coordinator is required by rule 215.9 to distribute copies of the current Commission Rules to all students admitted to a licensing course. The coordinator is also responsible for ensuring that a review of the rules pertaining to the following areas is conducted during the teaching of any course that may result in the issuance of a license: Law Enforcement Achievement Awards (211.33), Proficiency Certificate Requirements (221.1), License Action and Notification (223.1), Answer Required (223.3), Suspension of a License (223.15), Revocation of a License (223.19), and Reinstatement of a License (223.17).

1.3 **Functional Area:** The student will be able to summarize important jail concepts.

1.3.1 **Learning Objective:** The student will be able to identify three primary concepts of jails.

- A. **Intermittent** - The linear/intermittent design consists of linear hallways bordered by cells typically joined to centralized administrative area. This operational design impedes surveillance, since it requires that correctional staff conduct mobile patrols to observe and hear what is occurring in inmate cells. More jailers are required to provide increased surveillance.
- B. **Remote** (podular indirect) - In the podular design, cells form the perimeter around a common area, where staff is located relatively close to the cells to hear and observe what is occurring. The podular/remote surveillance facilities have improved surveillance compared to the linear design, but have more physical barriers and vandal-proof equipment and furnishings than the podular/direct supervision design.
- C. **Direct supervision** (podular) - This last operational design focuses on enhancing interaction between staff and inmates and on making the staff-inmate ratio more cost-effective. This operational design relies on a combination of involved management, detailed staff training and human relation skills coupled with the operational philosophy. It is dependent on effective control, competent staff, effective supervision, safety effective communications, accurate classification, and orientation justice and fairness. These features are extremely critical to ensure safety and security of both staff and inmates. Harris County Jail is an example of this operational concept. Texas Jail Standards 253.1 provides the following definition. "Direct Supervision--An inmate supervision management style in which jailer(s) are stationed inside a housing unit 24 hours per day."

1.3.2 **Learning Objective:** The student will be able to identify the role of correction officers in these jail concepts.

- A. Effective supervisor
  - 1. Use all human senses - vision, hearing, interaction
  - 2. Staff to inmate ratio is 1:48 in a correctional setting
- B. Officer in control of unit
  - 1. Quick removal of inmates who display unacceptable behavior
  - 2. Challenge officer: inmate is removed and returned only if officer agrees
  - 3. Officer has no time to deal with non-agreeable inmates
- C. Officer's leadership role
  - 1. Stress importance of leadership role
  - 2. Major source of violence is the struggle to assert leadership when a leadership void exists

3. Natural group response in any segment of society
  4. Dominant role in an inmate group is usually violent and brutal
- D. Safety of staff and inmates
1. Critical to mission and public expectation
    - a. Greatest concern is personal safety of both officers and inmates
    - b. Public expectation
    - c. Basic mission of facility
  2. Life safety codes
    - a. Critical issues
    - b. Fires
  3. Personal liability
  4. Inmate response to unsafe surroundings, self-preservation
- E. Staff response to unsafe working conditions
1. Similar to inmate response
    - a. Self-preservation
- F. Fear - Hate response
1. Inmate's response
  2. Staff response

## 2.0 BOOKING & ORIENTATION

### Booking Procedures

**Unit Goal 2.1:** The student will be able to perform general booking procedures.

**2.1.1** The student will be able to list some methods for booking an inmate.

- A. Booking - recording of certain information relating to the inmate during the admissions process
- B. Procedures - record information specified in Texas Commission on Jail Standards
  - 1. TCJS 265.4 – Inmate Files
    - a. 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 event of emergency
      - (14) name of the delivering officer and the arresting agency
      - (15) documents that purport to legally authorize the inmate's commitment
      - (16) Upon intake, a medical record shall be established and shall be kept separate
    - b. TCJS 265.5 – Health Tags - "Health tags" which may identify the inmate as having special medical needs shall be noted in the inmate's medical record and brought to the attention of health personnel and/or the supervisor on duty.
    - c. **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 a 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) 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.

2. Record any other information required by department policy
- C. Comply with Americans with Disabilities Act (ADA) requirements. [Refer to Unit entitled, "Mental Health/Mental Impairments", Objective 1.1(a)]
- D. Refer to your department policy and procedures

**2.1.2** The student will be able to list some methods for checking existence of warrants and warrants through Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC).

- A. Perform TCIC and NCIC checks during booking procedure (TCIC/NCIC user training).
- B. Information to be submitted to telecommunications operator or booking officer:
  1. Name (include AKAs, maiden name)
  2. Date of birth
  3. Race
  4. Sex
  5. Social security number
  6. **Fingerprint classification, if necessary**

**2.1.3** The student will be able to 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, Seventh Edition, 1999)
- B. Show example of a "detainer"

**2.1.4** The student will be able to list some methods for establishing a record file required for a new inmate.

- A. Copies of all commitment documents, plus arrest reports obtained at booking.
- B. TCJS 265.4 - Inmate file: Upon intake, a file on each inmate shall be established.

The file shall include:

- 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 phone number of person to be contacted in event of emergency
  - 14. The name of the delivering officer, and the arresting agency documents that purport to legally authorize the inmate's commitment
- C. TCJS 269.1(2) – Records: The sheriff/operator shall maintain the following records:
    - 1. A daily record of the number of inmates in the facility
    - 2. A record on each inmate including:
      - a. Intake
      - b. Identification
      - c. Classification
      - d. Property
      - e. Discipline
      - f. Grievance
      - g. Commissary
      - h. Medical
      - i. Incidents or unusual occurrences
      - j. Release
      - k. Documentation relating to the continued custody of inmates
      - l. Receipts and expenditures of inmate accounts
    - 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 should 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
- D. Show example of a completed inmate file

**2.1.5** The student will be able to list some methods for informing an inmate of bonding and family violence procedures.

- A. Inform the inmate of his/her right to bond
- B. Inform the inmate if the bond has been set and amount
- C. Departmental policy will dictate specific bonding procedures
- D. After completion of booking, allow the inmate the opportunity to make bond - TCJS 265
- E. 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)
- F. Requirement to notify a victim of family violence before the inmate is released from custody (CCP 17.29)
- G. 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)]

**2.1.6** The student will be able to summarize 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 family shall have and implement a written plan, approved by the commission, governing the availability and use of inmate telephones
    - a. Immediately after booking, but no 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.
2. Refer to your department policy

### **Inmate Orientation**

**Unit Goal 2.2:** The student will be able to understand the basic requirements for orientating an inmate into a jail system.

**2.2.1** The student will be able to explain the necessity of explaining facility rules.

- A. Disciplinary
- B. Emergency

**2.2.2** The student will be able to ensure the inmate understands the facility's rules and regulations.

- A. Verbally determine what language the inmate understands
  1. Contact an appropriate interpreter, as needed  
Example resources: AT&T translator operator, local colleges/universities, high schools, and churches
  2. Have the inmate read aloud  
Note: An inmate cannot be processed until adequate communication can be established
- B. Post or issue inmate a copy of the rules and regulations in English or Spanish (TCJS 283.2)
- C. Provide an interpreter, if needed
- D. Read the rules and regulations to the inmate, if illiterate
- E. Document that the facility's rules and regulations were made available to the inmate

**2.2.3** The student will be able to explain some methods of processing persons of foreign nationality.

- A. 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: [http://travel.state.gov/consul\\_notify.html](http://travel.state.gov/consul_notify.html)
  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: [www.oag.state.tx.us](http://www.oag.state.tx.us). (Under Publications)

7. Phone numbers for notifications:  
<http://travel.state.gov/notification6.html#phone>

This section contains instructions and guidance relating to the arrest and detention of foreign nationals and to related issues pertaining to the provision of consular services to foreign nationals in the United States. This guide is designed to help ensure that foreign governments can extend appropriate consular services to their nationals in the United States, and that the United States complies with its legal obligations to such governments.

- B. Summary of Steps to pertaining to foreign nationals
  1. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified
  2. In some cases, the nearest consular officials must be notified of the arrest or detention of a foreign national, regardless of the national's wishes
  3. Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance
  4. When a government official becomes aware of the death of a foreign national, consular officials must be notified
  5. When guardianship or trusteeship is being considered, with respect to a foreign national who is a minor or incompetent, consular officials must be notified
  6. Refer to your department policy and procedures

*These are mutual obligations that also pertain to American citizens abroad. In general, you should treat a foreign national as you would want an American citizen to be treated in a similar situation in a foreign country. This means prompt, courteous notification to the foreign national of the possibility of consular assistance, and prompt, courteous notification to the foreign national's nearest consular officials so that they can provide whatever consular services they deem appropriate.*

- C. 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 on the next section:
    - a. Offer without delay, to notify the foreign national's consular officials of the arrest/detention - refer to [www.oag.state.tx.us](http://www.oag.state.tx.us)
    - b. Inform the foreign national that you are making this notification

- c. 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 on the next section, 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 [www.oag.stste.tx.us](http://www.oag.stste.tx.us) (Publications, Magistrate's Guide for Consular Notification).

## FREQUENTLY ASKED QUESTIONS

### *Questions About Consular Officers*

**Q. What is a “consular officer”?**

*A. A consular officer is a citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government’s citizens in a foreign country. Consular officers are generally assigned to the consular section of a foreign government’s embassy in Washington, D.C., or to consular offices maintained by the foreign government in locations in the United States outside of Washington, D.C.*

**Q. What is a “consul”?**

*A. The terms “consular officer” and “consul” means the same thing for purposes of the issues discussed in this booklet.*

**Q. How is a consular officer different from legal “counsel”?**

*A. The term “consul” should not be confused with “counsel.” The latter term means an attorney-at-law authorized to provide legal counsel and advice.*

### *Questions About Foreign Nationals*

**Q. Who is a “foreign national”?**

*A. For the purposes of consular notification, a “foreign national” is any person who is not a U.S. citizen.*

**Q. Is a foreign national the same as an “alien”?**

*A. Yes. The terms “foreign national” and “alien” are synonymous.*

**Q. Is a person with a U.S. “green card” considered a foreign national?**

*A. Yes. Lawful permanent resident aliens who have a resident alien registration card (INS Form I-551), commonly known as a “green card,” retain their foreign nationality and must be considered “foreign nationals” for the purposes of consular notification.*

**Q. Do I have to ask everyone who appears before me whether he or she is a foreign national?**

*A. No, although some authorities do routinely ask persons taken into detention whether they are U.S. citizens. If a detainee claims to be a U.S. citizen in response to such a question, you generally can rely on that assertion and assume that consular notification requirements are not relevant. If you have reason to question whether the person you are arresting or detaining is a U.S. citizen, however, you should inquire further about his or her nationality so as to determine whether any consular notification obligations apply.*

**Q. Short of asking all detainees about their nationality, how might I know that someone is a foreign national?**

- A. *A foreign national may present a foreign passport or an alien registration document as identification. If they present a document that indicates birth outside the United States, or claim to have been born outside the United States, they may be foreign nationals. (Most, but not all, persons born in the United States are U.S. citizens; most, but not all, persons born outside the United States are not.) Unfamiliarity with English may also indicate foreign nationality. Such indicators could be a basis for asking the person whether he or she is a foreign national.*

**Q. What about undocumented and “illegal” aliens?**

- A. *All foreign nationals are entitled to consular notification and access, regardless of their visa or immigration status in the United States. Thus, “illegal” aliens have the same rights to consular assistance as do “legal” aliens. There is no reason, for purposes of consular notification, to inquire into a person’s legal status in the United States.*

**Q. What about dual nationals?**

- A. *A person who is a national/citizen of two or more countries other than the United States should be treated in accordance with the rules applicable to each of these countries. A person who is a citizen of the United States and another country may be treated exclusively as a U.S. citizen. This is true even if the detainee’s other country of citizenship is a mandatory notification country.*

Questions About Who is Responsible Consular Notification

**Q. Why are state and local government officials expected to provide such notification?**

- A. *State and local governments must comply with the consular notification and access obligations because these obligations are embodied in treaties that are the law of the United States under the Supremacy Clause of the United States Constitution.*

Questions About How Consular Notification Should Be Given

**Q. Does the notification to the foreign national have to be in writing?**

- A. *No. You may inform the detainee orally or in writing. Providing the notification in writing may be helpful, particularly when the foreign national does not clearly understand English.*

**Q. If the foreign national requests that consular officials be notified, how quickly do I have to do so?**

- A. *This notification should also occur “without delay” after the foreign national has requested that it be made. The federal, state, and local authorities consider “without delay” here to mean that there should be no deliberate delay, and that notification should occur as soon as reasonably possible under the circumstances. The federal, state and local authorities would normally expect notification to consular officials to have been made within 24 hours, and certainly within 72 hours. On the other hand, judicial authorities do not normally consider notification of arrests and detentions to be required*

*outside of a consulate's regular working hours. In some cases, however, it will be possible and convenient to leave a message on an answering machine at the consulate or to send a fax even though the consulate is closed. (If a message is left on an answering machine, you are encouraged to make a follow-up call during normal business hours to ensure that it was received.) In addition, in cases of emergencies (such as deaths or serious accidents), efforts should be made to contact consular officials outside of normal hours. Refer to your department policy.*

**Q. In the case of a “mandatory notification” country, how quickly must the notification be provided to consular officials?**

*A. The bilateral agreements that provide for mandatory notification use such language as “without delay” and “immediately.” A few provide that notification should occur immediately and not later than within two, three, or four days. Thus, the same guidance as above would generally apply: there should be no deliberate delay, and notification should occur as soon as reasonably possible under the circumstances. Refer to your department policy.*

**Q. Isn't it wrong to follow “mandatory notification” procedures if the foreign national does not want his consular officials notified? What about the foreign national's privacy interests? What if the foreign national is afraid of his own government?**

*A. If the foreign national is from a “mandatory notification” country, notification must be given, even if the foreign national objects or claims to be afraid. If the foreign national is an asylum seeker, arrangements can be made to protect the foreign national while ensuring that his or her government's right to notification is protected. Under no circumstances should the fact that a foreign national has applied for asylum be revealed to that national's government. Specific guidance on such cases may be obtained from the United States Department of State. Refer to your department policy.*

**Q. If the foreign national is from a “mandatory notification” country and I notify the consulate as required, should I tell the foreign national?**

*A. Yes. The foreign national should always be told that his or her consulate has been notified. While the mandatory notification agreements generally do not expressly require that the foreign national be informed of such notification, informing the foreign national is provided for the VCCR. Most countries with which the United States has a bilateral agreement also belong to the VCCR (Vienna Convention and Consular Relations).*

**Q. Can I comply with consular notification requirements by simply letting the detained foreign national have access to a telephone?**

*A. Not necessarily. It is the responsibility of the government officials responsible for the detention to ensure that consular notification is made. If the foreign national is from a mandatory notification country, you must ensure that notification is given to the consular officials; permitting the foreign national access to a phone, without taking further action, will not be sufficient for this purpose. If the foreign national is not from a mandatory notification country but wants consular notification, simply making a phone available also may not be sufficient. There must be adequate arrangements to ensure that the foreign national is actually able to make contact with his or her consular officials, and*

*the responsible state and local officials must be able to confirm that contact was in fact made.*

**Q. What if the foreign national has an attorney?**

- A. *Even though the foreign national may have an attorney, procedures for consular notification must still be followed, especially when the foreign national is a citizen of a “mandatory notification” country.*

**Suggested Statement to be Made to Foreign Nationals Who are Arrested or Detained**

There are two statements for each language. Shown below is the English language version of the suggested notification statement. Statement One (1) is for use if consular notification is at the foreign national’s discretion and Statement Two (2) is for use if consular notification is mandatory. Statement One (1) includes an additional sentence asking the foreign national to circle “yes” or “no” to indicate whether consular notification should be made. The words “y” and “no” then appear in both the foreign language and in English to minimize the possibility of any misunderstanding between the federal, state, or local government officials and the foreign national. The additional language is shown in italics in Statement One (1) as it appears in English below.

**Statement One (1):  
When Consular Notification is at the Foreign National’s Option**

---

As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country’s consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country’s consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country’s consular officials? *Please circle “yes” or “no”.*

*Yes (in foreign language)/Yes (in English)*  
*No (in foreign language)/No (in English)*

**Statement Two (2):  
When Consular Notification is Mandatory**

---

**Because of your nationality, we are required to notify your country’s consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal**



**counsel and may contact your family and visit you in detention, among other things.  
We will be notifying your country's consular officials as soon as possible.**

*Magistrate's Guide to the Vienna Convention on Consular Notification*, refer to website:  
[www.oag.state.tx.us](http://www.oag.state.tx.us). (Under Publications)

### 3.0 Admission Documents and Procedures

3.1 **Functional Area:** The student will be able to summarize an inmate's admission process into a jail facility.

3.1.1 **Learning Objective:** The student will be able to identify pertinent Code of Criminal Procedure statutes.

A. Commitment: An order signed by magistrate directing sheriff to receive and place in jail the person so committed. – CCP 16.20 and 16.22

A. Warrant: A written order from 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

B. Capias - CCP 23.01 and 23.02

1. *Art. 23.01. [441] [505] [493] - Definition of a "capias"*

A "capias" is a writ issued by the court or clerk, and directed "To any peace officer of the State of Texas", commanding him to arrest a person accused of an offense and bring him before that court immediately, or on a day or at a term stated in the writ.

2. *Art. 23.03. [443] [507] [495] - Capias or summons in felony*

(a) 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 issue for a defendant in custody or under bond.

(b) 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. (c) 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. (d) A summons issued to any person must clearly and prominently state in English and in Spanish the following: "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."

C. Capias Pro Fine – CCP 43.08 and 43.12

1. *Art. 43.08. [792] [877] [855] - Further enforcement of judgment*

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

2. *Art. 43.12. [796] [880] [858] - Capias for confinement*

A capias issued for the arrest and commitment of one convicted of a misdemeanor, the penalty of which or any part thereof is a fine, shall recite the judgment and sentence and command the sheriff to immediately bring the defendant before the court; and this writ shall be sufficient to authorize the sheriff to place the defendant in jail until the defendant appears before the court.

D. Writ of Attachment (Bench Warrant) - CCP 24.11, 24.13, and 24.14

1. *Art. 24.11. [471] [535] [523] - Requisites of an "Attachment"*

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.

2. *Art. 24.13. - Attachment for convict witnesses*

All persons who have been or may be convicted in this State, and who are confined in an institution operated by the Department of Corrections 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.

3. *Art. 24.14. [473] [537] [524a] - Attachment for resident witness*

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.

E. Certified Copy of Judgment and Sentence - CCP 43.11

1. *Art. 43.11. [795] [879] [857] - Authority for confinement*

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.

F. Magistrate's Warrant (Fugitive) - CCP 51.03 and 51.04

1. *Art. 51.03. [999] [1090] [1053] - Magistrate's warrant*

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.

2. *Art. 51.04. [1000] [1091] [1054] - Complaint*

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.

G. Custody of Prisoners - CCP 2.18

1. *Art. 2.18. [42] [50] [51] - 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.

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

1. *Art. 11.60. [172] [220] [210] - Refusing to execute writ*

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.

2. *Art. 2.16. [40] [47] [48] - Neglecting to execute process*

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.

3.1.2 **Learning Objective:** The student will be able to identify pertinent Penal Code and Occupations Code statutes.

A. Permitting or Facilitating Escape – PC 38.07

1. 38.07. - *Permitting or Facilitating Escape*

(a) An official or employee of a correctional facility commits an offense if he knowingly permits or facilitates the escape of a person in custody. (b) 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. (c) Except as provided in Subsections (d) and (e), an offense under this section is a Class A misdemeanor. (d) 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. (e) 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

B. 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: (A) the actor recklessly exposes the victim to a substantial risk of serious bodily injury; (B) 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 (C) 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.

3.1.3 **Learning Objective:** The student will be able to identify pertinent Penal Code and Occupations Code statutes.

- A. Should request agency identification card of a duly authorized peace officer.
- B. Person specially named to execute process.

<b>Note to Instructor:</b> Refer to CCP 15.01.
--

- C. Peace Officers: Texas peace officer license [Refer to TCLEOSE website, [www.tcleose.state.tx.us](http://www.tcleose.state.tx.us), under “Who Are Peace Officers.”]
- D. Reserve law enforcement officers called to duty. (Local Government Code)
  - 1. Police reserves - LGC 341.01
  - 2. Sheriff's reserve deputies – LCG 85.004
  - 3. Constable's reserve deputies - LGC 86.012
- E. Correctional officers from TDCJ, another county jail, or authorized transport agencies.
- F. Depending on department policy:
  - 1. Commission cards/identification card issued by employing agency.
  - 2. Drivers license.
  - 3. State bar card.

**Note:** If unsure of credentials, contact supervisor

3.1.4 **Learning Objective:** The student will be able to list some methods for obtaining an inmate's identification.

A. Drivers license:

- 1. Name
- 2. Date of birth
- 3. Address

B. Run Computerized Criminal History (CCH):

- 1. Name
- 2. Date of birth
- 3. Other acceptable identifiers (e.g., Social Security, Texas Department of Public Safety (DPS), and Federal Bureau of Investigation (FBI) numbers)

C. Contact local agency for mug shot.

D. Contact supervisor.

3.1.5 **Learning Objective:** The student will be able to explain some 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. Upon receiving changes in inmate's status, [see Learning Objective 1.1.4], contact county and/or district attorney/clerk offices for verification or clarification.

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

1. Criminal liability
2. Civil liability

**4.0 N/A**



**5.0 N/A**

## 6.0 Identification Procedures

- 6.1 **Functional Area:** The student will be able to summarize the process of identifying incoming inmates.

**Note to Instructor:** The video, "How to Take Fingerprints." Sirchie Fingerprint Laboratories, Inc. Raleigh, N.C., can be used to supplement this unit.

- 6.1.1 **Learning Objective:** The student will be able to list the requirements for identifying inmates.

- A. For visual identification – photographs for visual ID and fingerprints for positive ID
- B. Failure to identify PC. 38.02
- C. 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)
- D. Law enforcement identification numbers - for tracking purposes
- E. Dates - for quick reference
- F. Dates and identification numbers should correspond with "mug shots" if both are taken.

**Note:** If the department has the Automated Fingerprint Identification System (AFIS), digitized imaging systems or other technology, incorporate discussions of it into the appropriate sections in this functional area.

- 6.1.2 **Learning Objective:** The student will be able to list the requirements for preparing identification photographs.

- A. Prepare the agency ID number on the chest board, including the correct date
- B. Position the inmate with the chest board attached appropriately for front and side view photos.
- C. Check camera for settings, film, etc. (make sure the lens cover is removed).
- D. 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.)
- E. Maintain photos and negatives according to departmental policy.

- 6.1.3 **Learning Objective:** The student will be able to demonstrate the techniques for preparing identification photographs.

6.1.4 **Learning Objective:** The student will be able to explain important considerations for taking a useable set of inked fingerprints.

- A. Select the following appropriate fingerprint cards:
  1. Agency
  2. Department of Public Safety (DPS)
  3. Federal Bureau of Investigation (FBI)
- B. Enter the information on the card
- C. Condition of the inmate's hands prior to fingerprinting
  1. Visually examine the inmate's hands and fingers
    - a. There are temporary disabilities affecting an individual's hand that are sometimes beyond the control of the identification officer. These include fresh cuts, or wounds, bandaged fingers, occupational blisters (on carpenters, bricklayers, etc.), and excessive perspiration.
    - b. Fingerprint cards bearing these notations cannot be classified and filed
    - c. Excessive perspiration causes the inked impressions to be indistinct. In these cases, wipe the finger with a cloth and then immediately ink the finger and roll it on the fingerprint card. This process should be followed with each finger. It is also suggested that the fingers be wiped with alcohol.
    - d. If an injury is temporary, the prints should be taken after it heals, not before (if possible)
    - e. Different fingerprinting techniques must be used when physical problems so indicate
  2. The most common equipment includes:
    - a. Spatula
    - b. Small rubber roller
    - c. Curved holder for individual finger block cardstock (post-mortem spoon)
  3. Have the inmate clean their hands and fingers with soap and water or a good waterless hand cleaner.
  4. Use recommended equipment:
    - a. Inking plate
    - b. Cardholder
    - c. Printer's ink (paste type)

d. Roller

5. To obtain clear distinct fingerprints:
  - a. Use a thin even coating of ink
  - b. The inked surface should be at a height where the inmate's forearm can assume a horizontal position when the fingers are being inked
  - c. Use standard 8" x 8" fingerprint cards and card holders

6.1.5 **Learning Objective:** The student will be able to identify the method of rolling prints.

- A. The inmate should stand in front of, and at a forearm's length from, the inking plate
- B. In order to take advantage of the natural movement in making finger impressions, the hand should be rotated from the more difficult to the easy position.
  1. This requires that the thumbs be rolled toward and the fingers away from the center of the subject's body.
  2. This process relieves strain and leaves the fingers relaxed upon the completion of rolling so that they may be lifted easily from the card without danger of slipping, which smudges and blurs the prints.
- C. The degree of pressure to be exerted in inking and taking rolled impressions is important, and this may best be determined through experience and observation. It is important that the person be cautioned to relax and refrain from trying to help by exerting pressure (which would prevent the technician from gauging the amount of pressure needed).
- D. Two types of impressions are recorded on a fingerprint card.
  1. Rolled - are taken individually
  2. In taking the rolled impressions, the side bulb of the finger is placed upon the inking plate, and the finger is rolled to the other side until it faces the opposite direction (i.e., one side of the fingernail to other side of the fingernail).
    - a. Care should be exercised so that the bulb of each finger is inked evenly from the tip to below the first joint.
    - c. By pressing the finger lightly on the card and rolling in exactly the same manner, a clear rolled impression of the finger surface may be obtained.
  - d. It is better to ink and print each finger separately, beginning with the right thumb and then, in order, the index, middle, ring, and little fingers.

e. An alternate method is to ink all fingers first and then print them. Note: Stamp pad ink, printing ink, ordinary writing ink, or other colored inks do not produce a suitable fingerprint well, are too light and thin, and do not dry quickly enough.

3. Plain impressions - To obtain "plain" impressions, all of the fingers of the right hand should be pressed lightly upon the inking plate, then pressed simultaneously upon the lower right hand corner of the card in the space provided

a. The left hand should be similarly printed

E. Route to appropriate agencies

1. Department of Public Safety (DPS)
2. Federal Bureau of Investigation (FBI)
3. Explain DPS and FBI rejections of imprints.

<b>Note:</b> FBI policy requires that all fingerprint cards be submitted to DPS first.
--

6.1.6 **Learning Objective:** The student will be able to demonstrate the method of preparing fingerprint

## **Additional Resources**

Collins, C. G. (2001). Fingerprint Science: How to Roll, Classify, File, and Use Fingerprints. Nevada: Copperhouse Publishing Company.

## 7.0 Inmate Money Account

- 7.1 **Functional Area:** The student will be able to summarize the process of maintaining inmate money accounts.
- 7.1.1 **Learning Objective:** The student will be able to identify the method of receiving money into an inmate's trust account.
- A. Money should be handled by jail staff only (TCJS 289.1)
    - 1. Staff shall assign inmate work.
    - 2. Other inmates shall not supervise inmates' activities
    - 3. Inmates shall not have access to inmate records, nor handle inmate monies or commissary accounts
    - 4. Inmates shall not perform maintenance of locking systems and other security detention devices
  - B. Receipts and expenditures of inmate accounts (TCJS 269.1)
  - C. Have depositor identify himself so that information can be recorded on deposit slip
  - D. Record the amount of the deposit, type of deposit (check, money order, cash, etc.), date, and depositor, name of the inmate, inmate identifier, and location of inmate. Give copy of receipt to inmate.
  - E. Deposits should be recorded according to department policy
  - F. All deposits should be accounted for at end of shift/day, as policy dictates
  - G. Funds should then be credited to individual money accounts, as required to update current balance
  - H. Money received through mail should be receipted and deposited in the inmate's account
  - I. Follow departmental policy
- 7.1.2 **Learning Objective:** The student will be able to describe the process of handling inmate money accounts.
- A. All inmate money accounts must be handled according to department policy
  - B. TCJS 269.1 - The sheriff/operator shall maintain a record on each inmate including any receipts and expenditures of inmate accounts
- 7.1.3 **Learning Objective:** The student will be able to explain the importance of ensuring accounts have sufficient funds to cover expenses

### **Check the amount of money that the inmate has in their account**

Notify inmate of balance, upon request

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

7.1.4 **Learning Objective:** The student will be able to explain the importance of updating inmate's commissary.

A. Refer to department policy

B. Maintain a record of commissary items bought by using a commissary sheet

C. Balance each inmate's record by:

1. Subtracting all purchases from records
2. Balancing the expenditure book daily

7.1.5 **Learning Objective:** The student will be able to explain important considerations of commissary privileges

A. Obtain a commissary sheet from inmate

B. Verify the purchasing power of inmate

C. Obtain the commissary items

D. 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 of for inmates obtaining items; and
4. Provide for yearly audits by the county auditor in accordance with the Local Government Code 351.0415.
  - a. 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. (b) 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. (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. (d) 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.

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

7.1.6 **Learning Objective:** The student will be able to identify the methods of distributing inmate commissary purchases.

- A. Distribute the commissary items to the inmate
- B. Count the items in front of the inmate
- C. Have the inmate sign a commissary sheet
- D. Update all records by debiting the inmate's account
- E. TCJS 291.3 – Inmate Commissary Plan
- F. Follow department policy

## Related Case Law

*Morris v. Texas Department of Corrections*, 762 S.W.2d 667 (Tex. App. – Tyler 1988)

After getting a judgment from a fellow inmate, inmate David Gene Morris filed an application for a writ of garnishment against the Texas Department of Corrections to encumber funds held by the Department in the inmate trust fund account for the fellow inmate and to recover the judgment awarding all such funds necessary to satisfy this judgment.

*Brewer v. Collins*, 857 S.W.2d 819 (Tex.App.-Hous. (1 Dist. 1993)

Inmate brought a *pro se in forma pauperis* action against the employees of the Department of Criminal Justice, Institutional Division, alleging negligence and violations of his due process rights guaranteed by State and Federal Constitutions. This arose due to the Department seizing funds from the inmate's trust fund to pay for the destruction of a pair of handcuffs for which the inmate was liable.

## 8.0 Issuance of Inmate Supplies

- 8.1 **Learning Objective:** The student will be able to summarize the process of issuing inmate supplies to inmate and supervising inmate showers.
- 8.1.1 **Learning Objective:** The student will be able to identify TCJS requirements for issuing jail clothing.
- A. Search clothing for contraband prior to issue
  - B. Issue 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.
    - 2. Undergarments, if issued to males, must be issued to females.
  - C. Note the condition of the clothing upon issue
  - D. Document all clothing issued
  - E. Personal clothing – TCJS 277.3: All inmate personal clothing shall be cleaned, or sprayed with a disinfectant and stored.
- 8.1.2 **Learning Objective:** The student will be able to list TCJS requirements for issuing bedding and linens.
- A. Search bedding for contraband prior to issue
    - Issue bedding. – TCJS 277.8: A standard issue of bedding and linens to each inmate to be detained overnight 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; and 4) one blanket, or more depending upon climatic conditions.
  - C. Note the condition of the bedding upon issue
  - D. Document all bedding that is issued
- 8.1.3 **Learning Objective:** The student will be able to identify TCJS requirements for personal hygiene supplies
- A. 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; and 5) shaving implements.
  - B. Issue hygiene supplies
  - C. Document all articles received and condition of the items

8.1.4 **Learning Objective:** The student will be able to name the TCJS requirements for inmate bathing.

- A. Inmate should be allowed to shower after initial booking procedure (TCJS 265.11).
- B. TCJS 277.6 – Shower: Each inmate shall be given the opportunity to shower at least every other day or more often if possible. Inmates on work assignments and those making court appearances shall be given an opportunity to shower daily. Inmates should be required to shower at least every other day. Whenever it is clearly justified for health or sanitary reasons, the sheriff/operator may require a shower.
- C. Identify inmates who need supervised bathing (e.g., those who are violent or mentally ill)
- D. Make a bathing schedule. Example: Inmates in isolation for disciplinary reasons must be showered at least once every other day.
- E. Issue necessary articles for bathing: towels, soap, etc. (TCJS 277.4 and 277.8)
- F. Supervise bathing procedures:
  - 1. Assure cleanliness of inmate
  - 2. Control possible riots or abuse of inmates
  - 3. Supervision should be by an officer of the same gender
- G. Collect all bathing supplies before returning the inmate to their cell.
- H. Document the time, date, and the names of inmates who bathed

## **9.0 Classification of Inmates**

9.1 **Functional Area:** The student will be able to summarize the process of classifying inmates.

9.1.1 **Learning Objective:** The student will be able to define objective classifications.

A. Definition of objective classification - 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.

B. Factors that shall be considered in classification:

1. TCJS 271.1 – Objective Classification Plan

a. Each sheriff/operator shall develop and implement an objective classification plan approved by the Commission by January 1, 1997. The plan shall include principles, procedures, instruments and explanations for classification assessments, housing assignments, reassessments and inmate needs. Plans utilizing an approved objective classification system shall be submitted and approved by the Commission. The following principles and procedures shall be addressed:

- (1) Inmates shall be classified and housed in the least restrictive housing available without jeopardizing staff, inmates or the public, utilizing risk factors which include any or all of the following:
  - (a) current offense or conviction;
  - (b) offense history;
  - (c) escape history;
  - (d) institutional disciplinary history;
  - (e) prior convictions;
  - (f) alcohol and/or drug abuse; and
  - (g) stability factors
- (2) classification criteria shall not include race, ethnicity or religious preference;
- (3) custody levels and special housing needs shall be assessed to include minimum, medium and maximum custody levels and the placement and release of inmates to and from special units including protective custody,

administrative separation, disciplinary separation and mental and medical health housing;

- (4) minimum and maximum custody level inmates shall be housed separately. All other custody level inmates should be housed separately. When under direct, visual supervision, inmates of different custody levels may simultaneously participate in work and program activities;
  - (5) juveniles shall be separated by sight and sound from adults in accordance with the FC 51.12;
  - (6) female inmates shall be separated by sight and sound from male inmates. When under direct, visual and proximate supervision, males and females may simultaneously participate in work and program activities;
  - (7) when housed together and separately from all other inmates, contracted TDCJ-ID and federal inmates may be classified solely by approved TDCJ-ID and federal classification policies and procedures, respectively. Housing units for contracted TDCJ-ID and federal inmates shall be approved by TDCJ-ID and federal officials, respectively, to ensure that the inmates' custody level does not exceed the construction security level of the assigned housing.
  - (8) persons assigned to a detoxification cell shall be transferred to a housing or holding area as soon as they can properly care for themselves;
  - (9) the status of persons confined to a violent cell shall be reassessed and documented at least every 24 hours for continuance of status;
  - (10) inmates who require protection or those who require separation to protect the safety and security of the facility may be housed in administrative separation. The status of inmates placed in administrative separation shall be reviewed and documented at least every 30 days for continuance of status. Inmates housed in administrative separation shall retain access to services and activities, unless the continuance of the services and activities would adversely affect the safety and security of the facility; and
  - (11) single cells may be utilized for disciplinary or administrative separation. Inmates in administrative separation shall be provided access to a day room for at least one hour each day. Inmates in disciplinary separation shall be provided a shower every other day.
- b. The following classification procedures shall be conducted utilizing the approved classification instruments.
- (1) Intake Screening - to be completed immediately on all inmates admitted for purposes of identifying any medical, mental health, or other special needs that require placing inmates in special housing units;
  - (2) Initial Custody Assessment - to be completed on all newly admitted inmates prior to housing assignments to determine custody levels. (Initial custody – conduct primary classification based upon verified objective data, generally within 72 hours , if pre-classification housing is available.)

- (3) Custody Reassessment/Review - a custody reassessment shall be conducted within 30-90 days of the Initial Custody Assessment and immediately upon any disciplinary action and/or change in legal status which would affect classification. A documented classification review to determine the necessity for a complete reassessment shall be conducted every 30-90 days thereafter.
- c. A Needs Assessment Instrument (NAI) may be used to assess the needs and qualifications of inmates for participation in vocational, educational, mental health, substance abuse, and other treatment or work programs.

9.1.2 **Learning Objective:** The student will be able to identify some methods for jail classification.

A. Two dominant approaches in objective classification systems are:

1. **Decision tree** - The decision tree assigns inmates to categories that are clearly defined by splits on the tree. There is high precision and little ambiguity in the meaning of each category.

Custody Level Definitions:

*Maximum Custody Level (High and Close Custody – Levels 1 & 2)* - Inmates receiving a maximum custody level assessment are identified as those usually confined for serious offenses of violence, who possess an extensive level of criminal sophistication and who may or may not have demonstrated a propensity for violence in an institutional setting. Such inmates require close supervision and maximum security.

*Medium Custody Level (Medium Assaultive & Escape, Medium & Medium Pre-Sentenced – Levels 3, 4 & 5A)* - Inmates receiving a medium custody level assessment are identified as those usually confined for felony offenses, who possess a moderate level of criminal sophistication and who have not demonstrated a propensity for violence in an institutional setting. Such inmates require moderate supervision, may participate in certain work and program activities, and qualify for medium security.

*Minimum Custody Level (Minimum, Low Minimum & Very Low Minimum – Levels 5B-8)* - Inmates receiving a minimum custody level assessment are identified as those usually confined for lesser offenses, who possess a lower level of criminal sophistication and who have not demonstrated a propensity for violence in an institutional setting or a disregard for the institutional rules and regulations. Such inmates require less supervision, may participate in work and program activities, and qualify for minimum security.

*Federal and TDCJ Inmates:*

Standards now allow contracted TDCJ-ID and Federal inmates to be classified according to TDCJ-ID or Federal classification policies, provided these

inmates are all housed together and separate from all other inmates. TDCJ-ID and Federal officials must approve housing for their inmates, to ensure that their inmates' custody level does not exceed the construction level of the assigned housing. Standards now also allow facilities housing contracted TDCJ-ID and Federal inmates to adhere to TDCJ-ID or Federal disciplinary policy, provided these inmates are all housed together and separate from all other inmates.

2. Point additive scale - The point additive scale produces categories by assigning points to various established criteria.

Custody Level Definitions:

*Maximum Custody Level* - Inmates receiving a maximum custody level assessment are identified as those usually confined for serious offenses of violence, who possess an extensive level of criminal sophistication and who may or may not have demonstrated a propensity for violence in an institutional setting. Such inmates require close supervision and maximum security.

*Medium Custody Level* - Inmates receiving a medium custody assessment level are identified as those usually confined for felony offenses, who possess a moderate level of criminal sophistication and who have not demonstrated a propensity for violence in an institutional setting. Such inmates require moderate supervision, may participate in certain work and program activities, and qualify for medium security.

*Minimum Custody Level* - Inmates requiring a minimum custody level assessment are identified as those usually confined for lesser offenses, who possess a lower level of criminal sophistication and who have not demonstrated a propensity for violence in an institutional setting or a disregard for the institutional rules and regulations. Such inmates require less supervision, may participate in work and program activities, and qualify for minimum security.

- 9.1.3 **Learning Objective:** The student will be able to list some advantages for using an Objective Jail Classification System (OJCS).

A. Advantages of an OJCS include:

1. Effective objective classification systems will save money by placing inmates who have been inappropriately held in highly secure, costly jails in less secure, less expensive settings
2. Consistent classification allows for the redistribution of personnel according to the custody requirements of inmates, which permits better daily administration and crisis management
3. Standardized inmate custody profile information and other inmate- specific data, can be used in ongoing management, planning, and policy development



4. Improved security and control of inmates allows staff to identify and provide appropriate surveillance for each group by informing the corrections staff of inmates' custody levels.
5. Understanding inmates' different program and custody needs assists in effectively deploying personnel and provides information for monitoring and evaluating program goals
6. OJC assists in population management by identifying those groups of inmates who may be eligible for various release programs and by helping decision makers project the level of security required for future bed space
7. Establishes an orderly method for assessing the varied needs and requirements of each inmate from commitment to release
8. Most importantly, objective jail classification helps to improve the level of safety for staff and inmates

9.1.4 **Learning Objective:** The student will be able to identify key components of an OJCS.

A. An objective jail classification system has these essential components:

1. Classification instruments (forms) that use reliable and valid criteria (TCJS 271.1 (b)(c))
2. Appropriate use of overrides
3. Sufficient staff trained and dedicated to classification functions
4. A housing plan consistent with the classification system
5. Periodic formal evaluations of the OJC system

9.1.5 **Learning Objective:** The student will be able to identify a composite of information useful for classifying an inmate

A. Classification of inmate is derived from a composite of information obtained from:

1. Observing the inmate
2. Booking forms
3. Inmate medical record
4. Delivering officer and/or arrest report
5. Inmates' prior arrest files
6. TCIC/NCIC network information
7. Interviewing the inmate

B. TCJS 271.3 - Training of officers assigned to classification duty

9.1.6 **Learning Objective:** The student will be able to identify some methods for assigning inmates to cell according to classification.

- A. Refer to department classification plan and housing scheme (TCJS 271.1 & 271.2)
- B. Assign inmate to cell or tank
- C. Note cell or tank assignment on inmate's record
- D. Refer to department policy for additional responsibilities

9.1.7 **Learning Objective:** The student will be able to list the methods for reviewing a master roster of inmates during cell assignments.

- A. Departmental policy should indicate how to use the master roster for this purpose
- B. Review daily and update

9.1.8 **Learning Objective:** The student will be able to explain the importance of reviewing an inmate's status for reclassification purposes.

- A. TCJS 271.1(b)(3) requires that an inmate's classification be reviewed periodically
- B. A custody reassessment or review is necessary to allow for changes over time in inmates' legal status, disciplinary actions, appeals, or other circumstances. A reassessment is required 30-90 days after the initial assessment. A documented classification review to determine the necessity for a complete reassessment must be conducted every 30-90 days thereafter. Reassessments are also required following a disciplinary action and upon any change in legal status (a conviction, new charge, etc.).
- C. If programming resources are available, a needs assessment instrument should be used to determine inmate-programming needs. Eligibility may be linked with custody level to provide incentives for good behavior.

9.1.9 **Learning Objective:** The student will be able to identify circumstances that require custody reassessments.

- A. Disciplinary conviction
- B. Changes in legal status; i.e., sentenced, new charge(s), charge(s) dropped, new hold/detainer
- C. Special considerations

<p><b>NOTE:</b> special considerations and special management concerns (for both point-additive and decision tree) do NOT affect custody levels (they are not reasons to override). These are considerations that drive housing decisions.</p>
--

1. Special management concerns (point additive system):
  - a. Protective custody
  - b. Escape threat

- c. Serious violence threat
  - d. Substance abuse
  - e. Suspected drug trafficker
  - f. Medical
  - g. Psychological impairment
  - h. Mental deficiency
  - i. Known gang affiliation
  - j. Known management problem
  - k. Suicide risk
  - l. Physical impairments
  - m. Juvenile
  - n. Other
2. Special management concerns (decision tree system)
- a. High Risk:
    - (1) assaultive
    - (2) escape
    - (3) suicidal
    - (4) mental
    - (5) gang member
    - (6) other
  - b. Special Consideration:
    - (1) protective custody
    - (2) medical
    - (3) juvenile
    - (4) handicapped/retarded
    - (5) body fluid watch
    - (6) other

9.1.10 **Learning Objective:** The student will be able to define trusty.

- A. Definition of “trusty” - a person who, because of good conduct, is given some measure of freedom in and around the prison or jail (Black's Law Dictionary)
- B. Authority for trusty status (VTCS 5118(a))

9.1.11 **Learning Objective:** The student will be able to identify the methods of determining the eligibility of an inmate for a trusty assignment.

- A. Determine criminal sophistication of inmate
- B. Assess general health of inmate
- C. Work assignments must be voluntary for pretrial detainees and inmates sentenced to TDCJ-ID (TCJS 289.2 - Voluntary Work)
- D. Inmates should not be required to work more than 48 hours per week, except in an emergency (TCJS 289.3)
- E. Convicted inmates (CCP 42.10 and 43.101)
  - 1. CCP 42.10 - Satisfaction of judgment as in misdemeanor convictions: When a person is convicted of a felony, and the punishment assessed is only a fine or a term in jail, or both, the judgment may be satisfied in the same manner as a conviction for a misdemeanor is by law satisfied.
  - 2. CCP 43.101 - Voluntary work:
    - (a) A defendant confined in county jail awaiting trial or a defendant confined in county jail after conviction of a felony or revocation of community supervision, parole, or mandatory supervision and awaiting transfer to the institutional division of the Texas Department of Criminal Justice may volunteer to participate in any work program operated by the sheriff that uses the labor of convicted defendants.
    - (b) The sheriff may accept a defendant as a volunteer under Subsection (a) of this section if the defendant is not awaiting trial for an offense involving violence or is not awaiting transfer to the institutional division of the Texas Department of Criminal Justice after conviction of a felony involving violence, and if the sheriff determines that the inmate has not engaged previously in violent conduct and does not pose a security risk to the general public if allowed to participate in the work program.
    - (c) A defendant participating in a work program under this section is not an employee for the purposes of Chapter 501 or 504, Labor Code.
- F. Qualifications:
  - 1. Classification
  - 2. Behavior while in confinement
  - 3. Quality of work habits
  - 4. Type of work to be performed
  - 5. Interview of inmate

9.1.12 **Learning Objective:** The student will be able to explain some methods of verifying the juvenile status of an inmate.

- A. Definition of child (FC 51.02; TCJS 271.1(5))
  - 1. FC 51.02 (2): "Child" means a person who is: ten years of age or older and under 17 years of age; or seventeen years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age
  - 2. TCJS 271.1 (5): Juveniles shall be separated by sight and sound from adults in accordance with the FC 51.12
- B. Separate inmate from all other inmates until proper age can be determined:
  - 1. Examine inmate visually
  - 2. Examine identification
  - 3. Interview inmate (example: ask inmate their date of birth)
  - 4. Contact juvenile officer/department for possible verification of age
  - 5. If individual is a juvenile, notify supervisor
  - 6. School district/campus resource officer

9.1.13 **Learning Objective:** The student will be able to explain some reasons for updating inmate records.

- A. Possible reclassification (TCJS 271.1(b)(3))
- B. Bonding purposes
- C. Health purposes
- D. Release
- E. Holds for other departments
- F. For exchanges of conduct information between other officers and facilities
- G. Complete record forwarded to TDCJ

## 10.0 Health Records and Services

- 10.1 **Functional Area:** The student will be able to summarize the process of maintaining an inmate's health folder.
- 10.1.1 **Learning Objective:** The student will be able to list the requirements of health records.
- A. TCJS 273.4- Health Records.
  - B. Upon an inmate's admission, a health file shall be initiated through the completion of a departmental medical form.
  - C. Physical and mental condition of an inmate.
    - 1. Observe the person when they are entering the facility before admittance.
    - 2. Notify supervisors of any medical or mental problems.
    - 3. Follow Departmental Policy.
- 10.1.2 **Learning Objective:** The student will be able to identify some methods for updating an inmate's health record.
- A. All written requests from an inmate shall be filed in their health folder.
  - B. The health file shall reflect all findings and treatments by a physician.
  - C. The health file shall show all medication that is dispensed to an inmate.
  - D. Any refusals of medical treatment or refusals to take medication shall be noted in the inmate's file.
- 10.1.3 **Learning Objective:** The student will be able to identify some methods for reporting inmate injuries.
- A. Reasons for reporting injuries.
    - 1. To follow up for medical attention purposes.
    - 2. For investigative purposes.
  - B. TCJS 265.4(a)(10)- Record of Injuries.
  - C. Civil Liabilities.
  - D. CCP 16.21- Duty of Sheriff as to prisoners.
    - 1. Every sheriff shall keep safely a person committed to his custody. He shall use no cruel or unusual means to secure this end, but shall adopt all necessary measures to prevent the escape of a prisoner. He may summon a guard of sufficient number, in case it becomes necessary to prevent an escape from jail, or rescue a prisoner.
  - E. Photograph any inmate injuries.

1. Pre-existing injuries at time of booking.
2. Immediately after an inmate's injury is reported.

10.2 **Functional Area:** The student will be able to summarize issues in health services for inmates.

10.2.1 **Learning Objective:** The student will be able to list the legal requirements of providing health services to inmates.

A. TCJS 273.1- Health Services.

1. Right to have adequate medical care.
2. Lawsuits result from bad treatment or lack of treatment.
3. Lawsuits result from death or loss of limbs or body parts.

B. TCJS 273.2- Health Services Plan.

C. TCJS 273.3- Health Instructions.

D. TCJS 271.1(a)(3)- Objective Classification Plan.

E. TCJS 273.7- Communicable Disease

F. CCP 104.002(d)- Expenses for Prisoners.

1. The financial obligations of the inmate should be explained to the inmate in accordance with local policy and this code.

G. Follow Departmental Policy.

10.2.2 **Learning Objective:** The student will be able to discuss some responses to inmate requests for medical assistance.

A. Recognize needs of inmates.

1. Sickness.
2. Dental problems.
3. Physical problems.
4. Mental disabilities.
  - a) TCJS 273.5- Mental Disabilities/Suicide Prevention Plan
5. Suicidal disabilities.
  - a) TCJS 273.6- Restraints

B. Obtain request for services.

C. See that the inmate gets proper "professional" care.

D. Document the following records:

1. Written medical files.
  2. Enter into the computer system (if applicable).
  3. Document in jailer's log (if applicable).
- E. Follow Departmental Policy.

10.2.3 **Learning Objective:** The student will be able to explain the importance of consulting with medical personnel concerning medication.

- A. If an inmate claims to be on specific medication, call the physician to ascertain the following:
1. the accuracy of the claim.
  2. the accuracy of the dosage.
- B. The medical records should reflect the following:
1. The date/time/name of physician.
  2. The kind of medication/dosage/frequency.
  3. The specific illness/condition it is prescribed for.

10.2.4 **Learning Objective:** The student will be able to list methods for identifying an inmate to receive medication.

- A. Verify the inmate's name and assigned medication.
- B. Call out the name of the inmate who is to receive the medication.
- C. Identify the inmate by armband (if applicable) or by medication name, dosage, and frequency.
- D. A separate written record of all incidents which result in physical harm or serious threat of physical harm shall be submitted to the sheriff or operator.

10.2.5 **Learning Objective:** The student will be able to identify some methods for administering medication.

- A. Medications, dosages, and frequencies shall be recorded in an inmate's medical file.
- B. Medications **must** be delivered at proper times to avoid reactions.
1. This is particularly true of diabetics, heart patients, or inmates with other serious debilitating conditions.



2. Departmental policy should dictate if inmates with such conditions will be allowed to keep their medication with them (e.g., nitroglycerin).
- C. Observe the inmate place the medication in their mouth.
- D. Have the inmate swallow the medication.
- E. Have the inmate open their mouth so that you can verify that the medication was swallowed.
- F. If it appears that the inmate is not taking the medication, contact the shift supervisor or jail medical personnel for instructions.
- G. Follow Departmental Policy.

10.2.6 **Learning Objective:** The student will be able to identify some methods for maintaining an inventory of all medication.

- A. TCJS 273.2(7)- Health Services.
- B. During each shift, check the medication against the inventory.
- C. Keep the inventory current to make sure that the proper amount of medication is on hand.
- D. When the medication is dispensed, document for inventory purposes.
- E. At each shift change, make sure that the inventory is signed by a jailer or by medical personnel.
- F. A supervisor or medical personnel should oversee inventory.
- G. Follow Departmental Policy.

10.2.7 **Learning Objective:** The student will be able to list some methods of documenting medical treatment.

- A. Make a note on the inmate's medical record of any complaints or changes observed by jailers or medical personnel.
  1. Observe the inmate's interaction with peers.
    - a. Aggressive.
    - b. Non-aggressive.
    - c. Continuing complaints from other inmates.
  2. Changes in attitude shall be documented.
  3. Information should be passed on for possible reclassification.
- B. When action is taken, make an entry on the proper form (according to departmental forms).
- C. Inmates have the right to adequate medical care and requests should not be overlooked.

- D. Document any refusal to take medication.
  - 1. Retrieve the medication.
  - 2. Notify the shift supervisor or medical personnel.
- E. Follow Departmental Policy.

10.2.8 **Learning Objective:** The student will be able to identify some methods of performing medical and mental examinations on an inmate.

- A. Receive a request from an inmate for sick call.
  - 1. Verbal request.
  - 2. Written request.
- B. Place the inmate on sick call.
- C. Transport the inmate to the designated area
  - 1. On foot.
  - 2. By vehicle.
- D. Maintain security.
  - 1. Use appropriate number of officers.
  - 2. Check area for contraband.
  - 3. Search inmates.
  - 4. Keep order in the sick area.
- E. Have the inmate treated.
- F. Return the inmate to the housing area.
- G. Maintain all records of treatment.
- H. Follow Departmental Policy.

10.2.9 **Learning Objective:** The student will be able to list some requirements of performing a medical or mental examination on an inmate.

- A. Needs of an inmate.
  - 1. Routine medical screening.
  - 2. Actual sickness.
  - 3. Emergencies.
  - 4. Request of an inmate.
- B. Doctor's request.
  - 1. Routine checks.
  - 2. Follow-up examinations.

- C. A nurse or jailer places the inmate on sick call.
- D. All medical instructions of physicians and other health personnel shall be followed.
- E. Follow Departmental Policy.

10.2.10 **Learning Objective:** The student will be able to explain the importance of maintaining confidentiality of health records.

- A. Health and Safety Code 611.002- Mental Health Records.
  - 1. Communications between a patient and a professional, and records of the identity, diagnosis, evaluation, or treatment of a patient that are created or maintained by a professional are confidential.
  - 2. Confidential information or records may not be disclosed except as provided by
    - a. HSC 611.004.
    - b. HSC 611.0045.
  - 3. This section applies regardless of when the patient received services from a professional.

## **ADDITIONAL RESOURCES**

U.S. Department of Health and Human Services. Substance Abuse and Mental Health Administration.

Available on-line at : [www.samhsa.gov](http://www.samhsa.gov).

**Note to Instructor:** Identified sections of the Texas Health and Safety Code (HSC), Government Code (GC), Family Code (FC), Texas Commission on Jail Standards (TCJS), Texas Administrative Code (TAC), and the Code of Criminal Procedure (CCP) are related to this unit.

11.1 **Functional Area:** The student will be able to summarize important considerations of Communicable Diseases.

11.1.1 **Learning Objective:** The student will be able to define communicable disease.

- A. Definition of Communicable Disease - an illness that occurs through the transmission of an infectious agent or its toxic products from a reservoir to a susceptible host, either directly, as from an infected person or animal, or indirectly through an intermediate plant or animal host, a vector, or the inanimate environment. (HSC 81.003(1))
- B. Many communicable diseases are much more common within the confines of the jail than outside the jails.
- C. Some of the more common communicable diseases found in jails include:  
Tuberculosis (TB), Hepatitis, Human Immunodeficiency Virus (HIV), and Acquired Immune Deficiency Syndrome (AIDS). There are many viral infections and bacterial infections that can be spread easily because of the close proximity of the inmates.
- D. TCJS 265.11 - Showers during Admission Process - Following booking and prior to housing assignment, inmates should be showered. Inmate showers shall be supervised by a jailer of the same gender.

11.1.2 **Learning Objective:** The student will be able to describe methods for controlling general infections as outlined by the Center for Disease Control.

- A. Avoid needle sticks and other sharp instrument injuries
  - 1. As much as possible, avoid situations where you may be injured by needles, sticks or other sharp instruments.
  - 2. The jail should have some procedures in place for medical instruments, but don't forget other things that can cause problems. For instance, when searching inmate's cell be able to see what you are reaching for.

3. It is not a good idea to run your hands under a mattress without first lifting it up to see if there are any sharp items that may cause injury. The same caution should be used in similar situations.
- B. Wear gloves when contact with blood or other body fluids are likely.
1. Wearing protective clothing is extremely important when you are involved in a situation where you may come in contact with blood or other body fluids.
  2. Some situations that you may come in contact with blood or other body fluids include interacting with inmates during a sick call, and responding to an inmate suicide attempt.
- C. Use disposable shoe coverings if considerable blood exposure is expected.
1. You and the jail should be prepared for times when you may come in contact with large amounts of blood. The previous example of an inmate's suicide attempt is one of those times.
  2. In general, it is a good idea to have not only disposable shoe coverings but also other protective outerwear readily available.
  3. Your jail should have such items as medical scrubs, disposable shoe coverings, surgical gloves, surgical masks, and eye protection.
- D. Keep all cuts and wounds covered with clean, dry bandages.
1. This is probably self-explanatory, but important to stress.
  2. In the event of an injury, it is important to keep the damaged area covered unless otherwise ordered by qualified medical authorities.
  3. Remember also that you should be concerned about inmates keeping their cuts and wounds covered.
- E. Avoid smoking, eating, drinking, nail biting, and all hand-to-mouth, hand-to nose, and hand-to-eye actions while working in areas contaminated with blood or other body fluids.
1. The quickest way for a disease to spread is to enter through your mouth or nose. By not eating or drinking in a possibly contaminated area, you significantly reduce the chances of catching and spreading disease.
  2. This rule also includes things like scratching your face or rubbing your forehead.
  3. If you must scratch yourself or touch your face in any way, wash your hands thoroughly before and after.

F. Wash hands thoroughly with soap and water after removing gloves and after any contact with blood or other body fluids.

1. The easiest way to help stop the spread of disease is to thoroughly wash your hands.
2. A good rule of thumb is to wash with plenty of soap and water for at least a minute.
3. The key is generating plenty of friction by rubbing your hands together over all areas of your hands, fingers, and wrists.

G. Clean up any spills of blood or body fluids thoroughly and promptly, using a 1:10 dilution of household bleach.

1. Your jail may have other cleaning solutions that are just as good as a dilution of 1 part common household bleach to 10 parts water.
2. Whatever you use, remember that you should immediately clean up any spills of bodily fluids or blood, not wait until the end of what you are doing to take care of it.

H. Clean all possibly contaminated surfaces and areas with a 1:10 household bleach dilution.

1. The last thing to do at the end of your task or duty is to clean all possible contaminated surfaces and areas as part of general housekeeping.
2. You should do this even if you do not suspect that the work surfaces, equipment, or floors were contaminated.

11.1.3 **Learning Objective:** The student will be able to describe some precautions that should be taken when conducting searches and handling evidence.

A. Whenever possible, ask suspects to empty their own pockets.

1. If a suspect has a sharp object such as a needle or knife in his or her pocket, you could very easily cut or puncture your skin if you attempt to remove objects from their pockets.

B. Whenever possible, use long-handled mirrors to search hidden areas.

1. If you “blindly” search for objects in hidden areas with your hands, you could easily injure yourself on any sharp object that is present.

- C. If it is necessary to search manually, always wear protective gloves and feel very slowly and carefully.
  - 1. Although protective gloves are not necessarily 100% effective, the use of them along with being very careful and slow while searching an area will greatly reduce your chances of getting a needle puncture wound or a cut from a hidden weapon or object.
- D. Use puncture-proof containers to store sharp instruments, and clearly marked plastic bags to store other possibly contaminated items.
  - 1. Always dispose of sharp objects in puncture-proof containers.
  - 2. All other items that may be contaminated should always be placed in clearly marked containers.
  - 3. It is important that you follow these rules in order to reduce the chances of someone being cut by a sharp contaminated object.
  - 4. It also ensures that others know what is stored in the containers.
- E. Use tape - never metal staples - when packaging evidence.
  - 1. If you use staples when packaging evidence, you run the risk of someone (maybe you!) cutting a hand or finger when opening the package.
  - 2. In most cases, tape can work as well as staples, and is much safer.
- F. Wash your hands thoroughly with soap and running water when your tasks are completed – be sure to wash your hands thoroughly with soap and running water to help eliminate the possibility of spreading germs.
- G. Use good personal hygiene and common sense.

11.1.4 **Learning Objective:** The student will be able to identify occupational risks to corrections personnel.

- A. Occupational exposure is greatest among health care workers who experience a needle stick from an HIV-infected person.
  - 1. Treat all persons as potentially infected.



- B. Corrections personnel may be at risk if they fail to use precautions when:
  - 1. Encountering blood or other potentially infectious body fluid, or cleaning up body fluid spills.
  - 2. Conducting body searches, cell searches, or handling evidence that could cause punctures of the skin.
- C. Intervening in fights
  - 1. Correctional officers are not at risk if blood, semen, spit, feces, vomit or urine are thrown at them and do not penetrate the skin. They must, however, use common sense and good personal hygiene, since other disease-causing organisms may be present.
  - 2. Currently, there have been no reported cases of HIV in correctional officers as a result of occupational exposure. Also, published reports have not documented any increased risk for Hepatitis B (HBV) infection among public safety workers.
  - 3. Currently, there are no reported HIV infections as a result of CPR, with or without a one-way pocket mask.
  - 4. Currently, there are no reported HIV infections as the result of contaminated surfaces or environment.

11.1.5 **Learning Objective:** The student will be able to identify selected sections of HSC Chapter 81 - Communicable Diseases (refer to Instructor Guide).

A. Section 81.041 - Reportable Diseases.

- 1. HIV and AIDS are diseases under this chapter for which the board shall require reports.

B. Section 81.042 - Persons Required to Report

- 1. An administrator or health official of a penal or correctional institution.

C. Section 81.044 - Reporting Procedures

D. Section 81.050 - Mandatory Testing of Persons Suspected of Exposing Certain Other Persons to Reportable Diseases, Including HIV Infection

E. Section 81.046 – Confidentiality

F. Section 81.179 - Transportation of Person

G. Section 81.181 - Acknowledgement of Delivery

11.1.6 **Learning Objective:** The student will be able to identify CCP 46A.01 (“Aids and HIV Testing in County and Municipal Jails”)

11.1.7 **Learning Objective:** The student will be able to describe the relationship between opportunistic diseases and HIV/AIDS.

- A. An “opportunistic” disease is one that is usually warded off by a healthy immune system.
- B. Common opportunistic diseases that result in the diagnosis of AIDS:
  - 1. Pneumocystis carinii pneumonia (“PCP” - a fungal infection of the lungs)
  - 2. Kaposi’s Sarcoma (“KS” – a cancer-like disease typically involving skin lesions)
  - 3. Tuberculosis (“TB” – a bacterial infection, usually affecting the lungs)
- C. Infected persons do not die from HIV or AIDS. Death is the result of an opportunistic infection or cancer that the patient’s damaged immune system cannot prevent. The outcome or manifestation of illness varies with individuals who are infected with HIV.

11.1.8 **Learning Objective:** The student will be able to list some personal behavior/activities that place individuals at risk of exposure to HIV and Hepatitis B.

- A. High-risk individuals are those who participate in behaviors that increase the chance of exposure:
  - 1. Engaging in male-to-male sexual intercourse
  - 2. Sharing needles, syringes, or sharps
  - 3. Having sex in exchange for money or drugs
  - 4. Having multiple sex partners
  - 5. Having sexual partners who have participated in any of the previously listed behaviors
- B. The use of substances that impair judgment can result in the high-risk behaviors listed above
  - 1. These substances include:

- (a) Alcohol
- (b) Intravenous drugs
- (c) Cocaine
- (d) Marijuana
- (e) Other substances that diminish the brain's ability to function normally

11.2 **Functional Area:** The student will be able to summarize the health risks of HIV and AIDS.

11.2.1 **Learning Objective:** The student will be able to identify general statements regarding HIV/AIDS.

- A. HSC 85.002(2) - Definitions
- B. HIV is the common abbreviation for *Human Immunodeficiency Virus*.
  - 1. A person infected with HIV may remain without symptoms for a long period of time.
- C. AIDS is the common abbreviation for *Acquired Immunodeficiency Syndrome*.
  - 1. AIDS is the final stage of infection (or the result of the natural progression) caused by HIV.
- D. The virus destroys a person's defensive immune system, which fights infections
- E. The virus may also attack the nervous system and cause delayed damage to the brain
- F. Once an individual becomes infected with HIV/AIDS, that individual also becomes infectious
  - 1. "Infectious" means that the virus can then be transmitted to others through certain behaviors.
  - 2. Once an individual becomes infected with HIV/AIDS, the person is infected for life
- G. A diagnosis of AIDS should not be considered an immediate death sentence. With proper care, the AIDS sufferer can live a productive life for many years. Many patients on the newer medications have improved dramatically. Acquired immune deficiency syndrome (AIDS) is not a single disease in itself. Rather, a severely impaired immune system leaves the AIDS sufferer highly susceptible to many types of infections and diseases.

11.2.2 **Learning Objective:** The student will be able to describe the evolution of HIV/AIDS.

- A. Doctors in the United States first recognized AIDS in 1981, but undiagnosed cases had begun showing up since 1979.
  - 1. Before that, AIDS probably existed in Africa and some Caribbean countries.
  - 2. Although AIDS can strike anyone, it first occurred among homosexual and bisexual men who had many sexual partners. Because many of these men also used recreational drugs such as “poppers” (amyl nitrate), doctors thought at first that the drugs caused the disease.
  - 3. Eventually, research showed that AIDS is transmitted via bodily fluids. That hypothesis was borne out when intravenous-drug users, heterosexuals, and people who received blood transfusions began to contract AIDS.
- B. AIDS is the most serious health crisis of our time, having now reached epidemic levels. Worldwide, in 2007, more than 33 million people were infected with HIV.
  - 1. In many U.S. cities, AIDS is the leading cause of death for adults 25 to 44 years old. Per 2007 statistics, Texas ranks fourth (72, 800) in reported AIDS cases while the U.S. totals 12.5 million.
  - 2. At greatest risk for AIDS are people who engage in sex without using condoms, and infants born to AIDS-infected mothers. Also at great risk are male and female intravenous-drug users who share needles, and people who received blood transfusions or clotting factors between 1977 and 1985 (prior to the establishment of standard AIDS screening of donated blood).
  - 3. Currently, as AIDS spreads through the heterosexual population, women make up 50% of persons living with AIDS while young people aged 15–24 account for an estimated 45% of new HIV infections worldwide and children younger than the age of 15 has increased to two million. The only group currently on the rise statistically is gay and bisexual men. Heterosexual and intravenous drug users continue to decline.

11.2.3 **Learning Objective:** The student will be able to explain some causes of HIV/AIDS.

- A. The virus enters the body through small abrasions or cuts in mucous membranes in the mouth, vagina or rectum, and destroys T cells, causing the immune system to fail. Patients then develop infections that eventually kill them. HIV is spread through infected semen, vaginal fluids, and blood.
- B. Contrary to popular belief, AIDS is not a highly contagious disease. The only way you can get it is to have unprotected vaginal, oral, or anal sex with an infected partner or to share tainted blood through intravenous drug use or transfusions.

- C. You can't get AIDS from kissing. A protein in human saliva keeps the AIDS virus from infecting white blood cells. The protein attaches itself to white blood cells and protects them from infection. The discovery may lead to new strategies for

developing AIDS medicines, such as injecting this protein directly into the bloodstream to keep the virus from attacking blood cells. You also should not worry about catching AIDS if you live with someone who has it. HIV cannot be transmitted by toilet seats or objects handled by people who have AIDS. Nor will you get the disease if you share food with someone who is infected, because HIV dies very quickly once it is outside the body.

11.2.4 **Learning Objective:** The student will be able to identify some symptoms of HIV/AIDS.

- A. In most cases, AIDS starts with flu-like symptoms that resemble mononucleosis. These may persist for a period of anywhere between two weeks and a few months after the virus enters the body.
- B. After this first stage, symptoms may disappear for several years. How the AIDS patient takes care of himself or herself during this time is extremely important, because HIV is multiplying in the body - slowly at first, then rapidly.
- C. As the virus systematically destroys the cells that fight off infection, the immune system begins to fail and the patient becomes vulnerable to various illnesses and tumors.
- D. Full-blown AIDS - the stage in which serious infections begin to develop - may not appear until 5-10 years after the onset of HIV infection.
1. Developing any of the 28 or so diseases and corresponding symptoms associated with HIV/AIDS, as well as testing positive for antibodies to HIV, will almost certainly lead to a diagnosis of AIDS.
  2. If the CD4 cell (a kind of white blood cell that fights infection) is depleted below 200 cells per cubic millimeter of blood (i.e., about one drop) on testing, then a patient is diagnosed as having AIDS.
- E. Universal symptoms
1. Symptoms differ widely from country to country and even from risk group to risk group. In the United States and Europe, AIDS sufferers may develop Kaposi's sarcoma, pneumocystis pneumonia, and tuberculosis.
  2. In Africa, AIDS usually causes sufferers to waste away from fever, diarrhea, and various tuberculosis symptoms.
- F. The following are among the most common specific symptoms of HIV/AIDS:

1. Unexplained long term fatigue
2. Swollen lymph nodes
3. A fever that lasts for more than 10 days
4. Night sweats
5. Unexplained weight loss
6. Purplish or discolored lesions on skin or mucous membrane that do not go away
7. Persistent, unexplained cough or sore throat
8. Shortness of breath
9. Persistent severe diarrhea
10. Yeast infections
11. Unexplained tendency to bruise or bleed easily

11.2.5 **Learning Objective:** The student will be able to explain possible treatments of HIV/AIDS.

- A. Dramatic improvements have occurred in the treatment of HIV disease. There has been a 50% decline in AIDS deaths nationwide with the use of potent antiviral drug therapy, also called “highly active antiretroviral therapy” or HAART.
- B. Currently there are several hundred human studies to test drugs for the treatment of AIDS and related conditions. These include antiviral drugs, drugs that modify the immune system, anti-infective drugs and anti-cancer drugs.
- C. Conventional medicine
  1. Current treatment of choice for AIDS patients is the use of powerful antiviral drugs such as Zidovudine (AZT, or Retrovir), and a group of drugs called protease inhibitors.
  2. These drugs are used in combination - usually a protease inhibitor plus two other drugs. None of these cures AIDS, but they clearly have a major effect on the disease.

11.2.6 **Learning Objective:** The student will be able to identify common behavior/activities, which will not result in exposure to the HIV/AIDS virus.

- A. There is no risk of exposure from donating blood.
- B. There is no evidence of transmission from bites, scratches, or spit (saliva).

- C. There is no evidence of transmission from casual contact.
- D. There is no evidence of transmission from sharing food or drinks, or handling food trays.
- E. There is no evidence of transmission from sharing laundry facilities.
- F. There is no evidence of airborne transmission; e.g., from colds, flu, measles.

11.2.7 **Learning Objective:** The student will be able to identify preventative measures against HIV/AIDS.

A. HIV/AIDS is preventable

1. Provided you are not at risk because of intravenous drug use, you can avoid HIV/AIDS by practicing safe sex - which means, first and foremost, using condoms
  - a. Use a latex condom with the spermicidal Nonoxynol-9, which has been shown to kill HIV outside the body. Use a condom for all kinds of sex, including oral, anal and vaginal
  - b. Don't use oil-based lubricants, which can dissolve through condoms
  - c. Learn the sexual history of your potential partner and ask about HIV test results
  - d. Don't have sex with prostitutes

B. When in Third World countries, carry a supply of disposable sterile needles in case you require medical injections

C. Get tested every six months if you're in a high-risk group - your sexual partner should be tested as well

D. More people are taking such precautions. The National Health and Social Life Survey, which was published in 1995, found that nearly 3 in 10 American adults say they have dramatically altered their sexual behavior to lower the risk of contracting AIDS.

1. This landmark study of adult sexual behavior investigated the sexual habits and attitudes of about 150 million people. Results of the survey include:
  - a. 29% reported using condoms more frequently
  - b. 26% said they were likely to be monogamous
  - c. 25% said they were choosing their partners more carefully or getting to know them better before being intimate
  - d. 11% said they had decided to abstain from sex because they were afraid of contracting AIDS

11.2.8 **Learning Objective:** The student will be able to identify selected sections of HSC Chapter 85, HIV.

- A. Section 85.141 - Model Policies Concerning Persons in Custody
- B. Section 85.142 - Adoption of Policy
- C. Section 85.143 - Content of Policy

11.2.9 **Learning Objective:** The student will be able to discuss CCP 46A.01.

- A. Section 46A.01 - Testing; segregation; disclosure (see 18.1.6)

11.2.10 **Learning Objective:** The student will be able to discuss provisions of TAC Title 25 - - Health Services, Part I, Texas Department of Health, Chapter 97 - Communicable Diseases rules, concerning HIV and Correctional Facilities; Subchapter F - Sexually Transmitted Diseases including HIV and AIDS.

- A. Section 97.144-Model Policies for the handling, Care, and Treatment of HIV/AIDS-infected Persons in the Custody of or Under the Supervision of Correctional Facilities, Law Enforcement Agencies, Fire Departments, Emergency Medical Service Providers, and District Probation Departments.
- B. The Texas Departments of Health has prepared the model policies concerning persons in custody required by the Texas Health and Safety Code, 85.141. The model policies are available for review in the Bureau of HIV and STD Prevention, Texas Department of Health, 1100 West 49<sup>th</sup> Street, Austin, Texas 78756-3199. Copies are available upon request.

11.2.11 **Learning Objective:** The student will be able to discuss provisions of TAC Title 25 Health Services, Part 2 Texas Department of Mental Health and Mental Retardation, Chapter 405 - Client (Patient) Care; Subchapter L - HIV Prevention, Testing, and Treatment.

- A. Section 405.290 - Required Reporting of Test Results
  - 1. An HIV result that is confirmed by laboratory testing while an individual is receiving inpatient services from a TDMHMR facility is to be reported by the facility infection control practitioner to the Texas Department of Health in accordance with 97.131 - 144 of this title (relating to Sexually Transmitted Diseases) including Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV). Reporting forms and instructions for reporting can be obtained from the local, regional, or state health departments.

11.3 **Functional Area:** The student will be able to summarize the health risks of hepatitis.

11.3.1 **Learning Objective:** The student will be able to explain some general statements of hepatitis.

- A. Hepatitis, a general term that means “inflammation of the liver,” applies to a group of viral disorders commonly known as hepatitis A, B, C, D, and E. Another type of



hepatitis is brought on through alcohol abuse or the use of drugs, by ingestion of toxins in the environment, or because of an autoimmune process in which a person's body makes antibodies against the liver.

- B. Hepatitis is the most common of all serious contagious diseases. About 70,000 cases are reported to the Centers for Disease Control and Prevention each year, but researchers estimate that the number of people in the United States who actually have the disease is closer to 500,000. Many hepatitis cases go undiagnosed because

they are mistaken for the flu. Hepatitis is serious because it interferes with the liver's many functions. Among other things, the liver produces bile to aid digestion, regulates the chemical composition of the blood, and screens potentially harmful substances from the bloodstream.

- C. The five viruses that cause hepatitis can be transmitted in different ways, but they all have one thing in common: they infect the liver and cause it to become inflamed. Generally, the acute phase of the disease lasts from two to three weeks. Complete recovery takes about nine weeks. Although most patients recover with a lifelong immunity to the disease, a few hepatitis victims (less than 1%) die in the acute phase. Others may develop chronic hepatitis, in which the liver remains inflamed for six months or more. This condition can lead to cirrhosis and possibly death.

11.3.2 **Learning Objective:** The student will be able to identify the types of hepatitis

A. Hepatitis A

1. Generally contracted orally through fecal contamination of food or water, is considered the least dangerous form of the disease because it does not lead to chronic inflammation of the liver
2. The hepatitis A virus commonly spreads through improper handling of food, contact with household members, sharing toys at day-care centers, and eating raw shellfish taken from polluted waters

<p><b>Note to Instructor:</b> In contrast, Hepatitis B, C, and D are spread by direct contact with blood, semen, or vaginal fluids (this also applies to HIV)</p>
---

B. Hepatitis B (HBV)

1. HBV is the common abbreviation for the hepatitis B virus

2. The severity of the disease can range from mild or unapparent to severe or even fatal
3. HBV is the most widespread of the hepatitis viruses: it infects an estimated 300,000 people every year in the United States alone. The virus can pass from mother to child at birth or soon afterward. The disease organism can also travel between adults and children to infect whole families.
4. Like HIV, Hepatitis B can also spread through sexual contact, blood transfusions, and needle sharing by intravenous-drug users. In a third of all hepatitis B cases, the source cannot be identified.
5. The majority of hepatitis B patients recover completely, but a small percentage of them cannot shake the disease and may develop chronic hepatitis, possibly cirrhosis. People with chronic hepatitis become carriers, meaning they can transmit the disease to others even when their own symptoms have vanished.
6. About 25% of chronic hepatitis B patients die prematurely from the disease as a result of cirrhosis or liver cancer.
7. However, due to improved blood-screening techniques developed and implemented in April 1985, the chance of becoming infected through a blood transfusion is extremely small.

#### C. Hepatitis C

1. This is usually spread through contact with blood or contaminated needles. Although hepatitis C may cause only mild symptoms or none at all, 20% to 30% of chronic carriers develop cirrhosis within 20 years.
2. The disease can be passed on through blood transfusions, but a recently developed test has greatly reduced the number of such cases. In a third of all hepatitis C cases, the source of the disease is unknown.

#### D. Hepatitis D.

1. Occurs only in people infected with hepatitis B, and tends to magnify the severity of that disease. It can be transmitted from mother to child and through sexual contact.
2. This is the rarest of the five hepatitis viruses, and is the most dangerous because it involves two forms of the disease working at the same time.

#### E. Hepatitis E

1. Occurs mainly in Asia, Mexico, India, and Africa - only a few cases are reported in the United States (mostly among people who have returned from a country where the disease is more widespread).

2. Like Hepatitis A, this type is usually spread through fecal contamination, and does not lead to chronic hepatitis. Hepatitis E is considered slightly more dangerous than hepatitis A, especially in pregnant women, who may die from the infection.

11.3.3 **Learning Objective:** The student will be able to identify some causes of hepatitis.

- A. Although their effects on the liver and the symptoms they produce can be similar, the various forms of hepatitis are contracted in different ways
- B. In the case of viral hepatitis, the organism that caused it largely determines the severity and duration of the disease
- C. Alcoholic, toxic, and drug-related hepatitis can produce the same symptoms and liver inflammation that result from viral hepatitis. This form is caused not by invading microorganisms but by excessive and chronic consumption of alcohol, ingestion of environmental toxins, or misuse of certain prescription drugs and over-the-counter medications such as acetaminophen.

11.3.4 **Learning Objective:** The student will be able to identify some symptoms of hepatitis.

- A. Many cases of hepatitis go undiagnosed because the disease is mistaken for the flu, or because there are no symptoms at all.
- B. The most common symptoms of hepatitis are:
  1. Loss of appetite
  2. Fatigue
  3. Mild fever
  8. Muscle or joint aches
  9. Nausea and vomiting
  10. Abdominal pain
- C. Other (less common) symptoms include:
  1. Dark urine
  2. Light-colored stools
  3. Jaundice
  4. Generalized itching
  5. Altered mental state, stupor, or coma

11.3.5 **Learning Objective:** The student will be able to identify some forms of diagnostic and test procedures.

- A. When the patient's symptoms suggest hepatitis, the doctor normally takes blood samples and runs tests to check for the presence of a disease organism
- B. The doctor may also require a liver biopsy (a tissue sample) in order to determine the extent of the damage
- C. A biopsy is commonly performed by inserting a needle into the liver and drawing out a fragment of tissue, which is then sent to a laboratory to be analyzed

11.3.6 **Learning Objective:** The student will be able to identify some forms of treatment for hepatitis.

- A. There are only a few specific remedies for most types of hepatitis. The conventional approach in each case is to treat the disease with rest and proper diet, and to make efforts to contain its spread.
- B. Conventional Medicine
  - 1. Although your doctor may recommend bed rest, you may find that simply restricting physical activity is enough to make you feel better. The general rule is this: if you feel well, get up; if you don't, take it easy or lie down. Avoid contact with others to keep the virus from spreading.
  - 2. Good nutrition is an important part of treatment for all types of hepatitis. In most cases, eating properly means a simple regimen of nutritious, well-balanced meals that supply adequate calories. Many hepatitis patients like to eat a hearty breakfast because their appetites wane and nausea intensifies as the day progresses. Patients who have trouble eating larger meals may prefer to eat smaller amounts at each sitting and snack frequently throughout the day.
  - 3. Doctors sometimes recommend drug therapy for patients with certain types of hepatitis.
    - a. The drug Interferon, with Ribavirin, is commonly used to treat chronic cases of hepatitis B and hepatitis C. Interferon has been shown to help rid the body of the virus hepatitis C and reduce inflammation and liver damage in up to 48% of people with the chronic forms of the disease, thus reducing the risk of cirrhosis. Interferon has been shown to produce long-term remission in 25-40% of people with chronic hepatitis B.
    - b. For some hepatitis cases, doctors prescribe Corticosteroids to suppress inflammation
    - c. Use of these drugs to control hepatitis is controversial, however, because they may have side effects that harm the immune system

11.3.7 **Learning Objective:** The student will be able to identify preventative measures against hepatitis.

- A. The keys to avoiding hepatitis are vaccinations, good hygiene, and informed common sense

- B. Adequate sanitation and clean personal habits will help reduce the spread of Hepatitis A and Hepatitis E. In areas where sanitation is questionable, boil water.
- C. Cook all food thoroughly, and peel all fruit
- D. Healthcare workers involved in the treatment of patients with Hepatitis B, C or E should wash their hands, utensils, bedding and clothing with soap and hot water; especially in the first two weeks of illness, when the patient is most contagious.
- E. People planning to travel to countries where hepatitis is widespread are advised to have immune serum globulin shots or vaccinations before leaving. Immune serum globulin may prevent infection from some types of hepatitis after exposure if administered within 48 hours.
- F. To prevent the spread of Hepatitis B, avoid exposure to infectious blood or other body fluids. Do not have intimate contact or share razors, scissors, nail files, toothbrushes or needles with anyone who has the disease
- G. If you suspect that you have been exposed, you should receive immune serum globulin and vaccinations for Hepatitis A and Hepatitis B as soon as possible

11.4 **Functional Area:** The student will be able to summarize the health risks of Tuberculosis (TB).

11.4.1 **Learning Objective:** The student will be able to explain some considerations of TB

- A. Tuberculosis, commonly referred to as TB, is an infectious disease caused by a bacterium called mycobacterium tuberculosis. This chronic bacterial infection can spread through the lymph nodes and bloodstream to any organ in your body, but is usually found in the lungs.
- B. In their active state, TB bacteria in essence eat away at the tissue of infected organs, possibly resulting in death. But the organisms usually remain inactive after entering the body. As a result, most infected people will never develop the active form of the disease if they receive proper care.
- C. Because the bacteria that cause TB are transmitted through the air, the disease can be quite contagious. However, it is nearly impossible to catch TB simply by passing an infected person on the street. To be at risk, you must be exposed to the organisms constantly, by living or working in close quarters with someone who has the active disease. Even then, because the bacteria generally stay dormant after they invade the body, only 10% of people infected with TB will ever develop the active disease. The remaining 90% will show no signs of infection, and will not be able to spread the disease to others. Dormant infections can eventually become active, though, so even people without symptoms should receive medical treatment.
- D. In 1943, an American scientist Selman Waksman discovered a drug that could kill TB bacteria. Between 1943 and 1952, two more drugs were found. Nationwide reporting first began in 1953. After these discoveries, many people with TB were cured, and the death rate for TB in the United States dropped dramatically.

- E. People began to hope that TB could be eliminated from the United States, just as polio and smallpox had been. However, in the mid-1980's, the number of TB cases started to increase. Because of the increase of TB, health departments and other organizations stepped up their efforts to prevent and control the disease. In 1992, TB cases reported in the U.S. began to decline again. But even today, TB can be fatal if not treated.

11.4.2 **Learning Objective:** The student will be able to explain how TB is transmitted.

- A. TB is spread from person-to-person through the air primarily by means of airborne droplets, which are produced when persons with TB cough, sneeze, speak, sing, etc. Infected persons should cover their mouths at these times.
- B. Masks are useful only in very limited circumstances
- C. TB is easily transmitted in closed, small airspaces where ventilation is poor and air is shared for prolonged periods of time
- D. TB is generally caused by exposure to microscopic airborne droplets containing the bacterium mycobacterium tuberculosis, also called the tubercle bacillus. The disease is almost never transmitted through clothes, bedding, or other personal items. Because most people with TB exhale only a few of these germs with each breath, you can contract the disease only if you are exposed to an infected person for a long time. If you spend 8 hours a day with them for six months, or 24 hours a day for two months, you have a 50 percent chance of acquiring the disease.
- E. People who are malnourished and/or who live in close quarters stand the greatest chance of contracting TB. Therefore, the conditions that accompany poverty, although not a direct cause of TB, certainly contribute to its ability to spread. Healthcare workers, long-term hospital patients, and prison workers and inmates also face a greater-than-normal risk of becoming infected with TB.

11.4.3 **Learning Objective:** The student will be able to identify some forms of diagnostic and test procedures.

- A. The standard screening method for TB is a skin test known as, Mantoux, which is performed by injecting a derivative of tuberculin between layers of skin, usually in the forearm
- B. A small needle is used to inject some testing fluid (called tuberculin) under the skin
- C. The patient's arm is inspected a few days after the test. Bumps, redness, and/or swelling around the injection may indicate a positive reaction of TB infection
- D. You'll need to see a health-care provider to determine if the test is positive. The skin test is not perfect: there can be false reactions.
- E. A chest x-ray can also be used to detect TB and is used as a follow-up to those testing positive to the skin test.
- F. Some individuals may test positive but not be active carriers of TB.

11.4.4 **Learning Objective:** The student will be able to list some symptoms of TB.

A. Common symptoms:

1. At first, only a mild cough, or often, no symptoms at all
2. Fatigue
3. Weight loss
4. Cough, with occasional bloody sputum
5. Slight fever, night sweats
6. Pain in the chest, back, or kidneys (perhaps all three)

11.4.5 **Learning Objective:** The student will be able to identify some forms of treatment for TB.

A. Anyone with TB must be monitored by a doctor and given prescribed medication for a long period of time. If you have the infection, but not the active disease, your doctor will probably prescribe an antibiotic drug called, Isoniazid, (INH) as a preventive measure.

B. If you have the active disease, your physician will most likely prescribe broad-spectrum antibiotics.

C. Conventional Medicine

1. For patients who are infected with TB organisms but do not have the active disease, doctors usually administer preventive therapy.
2. This usually involves a daily dose of Isoniazid and periodic checkups. If you have the active disease, regularly monitored treatment by a doctor is crucial.
3. You will probably be given a combination of several antibiotics.

D. Seeking Medical Assistance

1. Anyone with the symptoms listed in the description section should seek medical advice, especially if they live in crowded conditions, are malnourished, or have the virus that causes AIDS. Note: Virtually all of the symptoms of TB can be confused with those of other diseases - bloody sputum, for example, is also a symptom of pneumonia.
2. If you have been exposed to someone with active TB, you should seek medical assistance.

11.4.6 **Learning Objective:** The student will be able to discuss the requirements for TCJS 273.7 - Tuberculosis Screening Plan.

- A. Each facility having a capacity of 100 or more inmates, or housing inmates transferred from a facility with a capacity of at least 100 beds or housing inmates from another state, shall develop and implement a plan for tuberculosis screening tests of employees, volunteers, and inmates.
- B. Inmates confined in the jail for more than 7 days shall be tested on or before the 7<sup>th</sup> day after the day of confinement.

11.4.7 **Learning Objective:** The student will be able to discuss provisions of TAC Title 25 Health Services, Part 1 - Texas Department of Health; Chapter 97 - Communicable Diseases; Subchapter H -Tuberculosis Screening for Jails and Other Correctional Facilities.

- A. 97.171 – Purpose: These sections establish regulations for screening and treatment for tuberculosis of employees, volunteers and inmates in county jails and other Correctional facilities that have bed capacities of 100 or more, jails that house inmates transferred from a county that has a jail with a capacity of 100 or more beds, and jails that house inmates from another state.



## **Additional Resources**

- AIDS: Improving the Response of the Correctional System. (1986). National Sheriff's Association. National Institute of Corrections. U.S. Department of Justice.
- AIDS in Correctional Facilities: Issues and Options. (3<sup>rd</sup> Ed.). (1988). National Institute of Justice. U.S. Department of Justice.
- Canning, R.D., Ph.D. (January 2003). A Primary Care Approach to Mental Health Care for HIV/Hepatitis-Infected Inmates. HEPP Report Infectious Diseases in Corrections. HIV & Hepatitis Education Prison Project. Available on-line at: [www.hivcorrections.org](http://www.hivcorrections.org).
- Center for Disease Control – National Center for HIV, STD and TB Prevention - Division of HIV/AIDS Prevention, <http://www.cdc.gov/hiv/dhap.htm>.
- Center for Disease Control – National Center for HIV, STD and TB Prevention - Division of Tuberculosis Elimination, <http://www.cdc.gov/nchstp/tb/default.htm>.
- Center for Disease Control – National Center for Infectious Diseases – Viral Hepatitis, <http://www.cdc.gov/ncidod/diseases/hepatitis/index.htm>.
- Controlling TB in Correctional Facilities. (1995). U.S. Department of Health and Human Services. Georgia: Center for Disease Control and Prevention.
- Hepatitis.org web site: <http://www.hepatitis.org/accueilangl.htm>.
- Marushak, L.M. (October 2002). HIV in Prisons, 2000. Bureau of Justice Statistics. U.S. Department of Justice.
- Prevention and Control of Tuberculosis in Correctional Facilities: Recommendations of the Advisory Council for the Elimination of Tuberculosis (1995), <http://www.cdc.gov/mmwr/preview/mmwrhtml/00042214.htm>.

12.1 **Functional Area:** The student will be able to summarize issues involving the rights of inmates.

12.1.1 **Learning Objective:** The student will be able to define a right.

- A. Definition of a right - a power, interest, or demand inherent in one person or established by law for protection and benefit of a person
- B. Examples of different kinds of rights that an inmate possesses:
  - 1. Constitutional Rights - rights given by the constitutions or through amendments
  - 2. Statutory Rights - rights given through passing of laws by legislatures
  - 3. Regulatory Rights - rights given by regulatory agencies (both state and federal)
  - 4. Case Law - rights given or restored to the individual by the courts
  - 5. Rights gained through policy and procedure - department rules and regulations

12.1.2 **Learning Objective:** The student will be able to identify legal rights inmates possess.

- A. Violation of the civil rights of person in custody (PC 39.04)
- B. A right may not lawfully be suspended under normal conditions without due process of law

12.1.3 **Learning Objective:** The student will be able to identify the constitutional rights inmates possess.

A. Habeas Corpus

- 1. This term has to do with the right of an inmate to be brought before a court or judge. A writ of habeas corpus directs a person detaining another, commanding him to produce the body of the person detained. The purpose is to test the legality of the person's detention or imprisonment; not to determine the person's guilt or innocence. It is to determine whether the prisoner is being denied his liberty by due process. The writ is guaranteed by the U.S. Constitution, Article I, Section 9.

B. 1st Amendment

- 1. Free exercise of religion
  - a) Reasonable opportunities to exercise religious beliefs must be afforded
- 2. Freedom of expression
  - a) Access to the media, some visitation, and some telephone use
- 3. Rights to legal access
  - a) Access to courts and legal services

- C. 4<sup>th</sup> Amendment
  - 1. Rights of inmates
    - a) Search of persons
    - b) Search of cells
    - c) As it relates to privacy
- D. 5th Amendment
  - 1. Protection from double jeopardy
  - 2. Protection from self-incrimination (i.e., bearing witness against oneself)
  - 3. Protection from being deprived of life or liberty without due process
    - a) Commitment documents – the question of lawful authority to receive or hold the inmate
- E. 6th Amendment
  - 1. The right to be informed of the accusation (i.e., the reason for being held)
  - 2. The right to counsel (i.e., an attorney)
- F. 8th Amendment.
  - 1. The right to bail (if allowed by law) – CCP 17.29
  - 2. Protection from cruel or unusual punishment
    - a) Refusal of medical treatment, chaining, flogging, etc.
    - b) Not ensuring physical safety of inmates, unsanitary conditions, etc.
- G. 14th Amendment
  - 1. Equal protection of the law
    - a) No discrimination in treatment or favor on a basis other than individual merit
    - b) No segregation because of race, color, or creed.

12.1.4 **Learning Objective:** The student will be able to identify the statutory rights of an inmate under Texas law.

- A. Some statutory rights may be denied through disciplinary process except as follows:
  - 1. Right to equal treatment - female/male inmates
  - 2. Right to access to mail, unless the offense is related to the facility correspondence plan
  - 3. Right to be properly fed and housed
  - 4. Right to adequate medical care
  - 5. Right to reasonably exercise religious beliefs

6. Right to physical exercise and sunlight
7. Right to be free from corporal punishment

B. Code of Criminal Procedure

- 1.CCP 1.04 - Due Course of Law
- 2.CCP 1.06 - Search and Seizures

12.1.5 **Learning Objective:** The student will be able to define privilege.

- A. Definition of privilege – a particular benefit enjoyed by a person beyond the common advantage of other citizens
- B. A privilege may be suspended, but only in accordance with the agency's written disciplinary procedures which have been approved by TCJS
- C. Examples of common privileges:
  1. Library services (TCJS 287.4)
  2. Telephone use (TCJS 291.1)
  3. Commissary (TCJS 291.3)
  4. Visitation (other than attorney, probation officer, clergyman) (TCJS, 291.4)
  5. Religious services (attendance) (TCJS 291.5)
  6. Education (TCJS 287.1)
  7. Right to vote (unless convicted of a felony) (EC 11.002)

## **Related Case Law**

For related case law and extended resources for this course refer to Course #3205, Intermediate Inmate Rights.

## **13.0 Inmate Discipline**

13.0 **Functional Area:** The student will be able to summarize the disciplinary process within a jail.

13.1.1 **Learning Objective:** The student will be able to explain how inmates are familiarized with the rules and regulations of the facility.

- A. It is imperative that officers explain the rules and regulations to an inmate in order for the inmate to become familiar with the jail's rules and regulations
  - 1. Inmate orientation during intake and processing
  - 2. Distribution of facility rules and regulations
  - 3. Facility rules and regulations posted
- B. Inmates are accountable for their behavior while incarcerated
- C. Officers should respond to disciplinary matters in a professional, rather than punitive, manner (TCJS 283.2)
- D. Refer to department policy

13.1.2 **Learning Objective:** The student will be able to identify some forms of discipline prohibited by TCJS (283.1).

- A. Deviation from regular meal schedules, or deprivation of food
- B. Corporal punishment (i.e., punishment inflicted directly on the inmate's body)
- C. Administration of any form of disciplinary action or supervision by inmates
- D. Disciplinary segregation for more than 30 consecutive days without finding a new charge of a subsequent violation of the facility rules and regulations. Time cannot be stacked.
- E. Deprivation of clothing or bedding, except that inmates who destroy bedding or clothing may be deprived of such items. This shall be reviewed and documented every 24 hours
- F. Use of a violent cell for disciplinary purposes
- G. Deprivation of items necessary to maintain an acceptable level of personal hygiene
- H. Deprivation of correspondence privileges when the offense is unrelated to a violation of the jail rules on correspondence. In no case shall correspondence privileges be suspended for officials listed at TCJS 291.2(2)(A).
- I. Deprivation of recreation and exercise privileges
- J. Refer to department policy

13.1.3 **Learning Objective:** The student will be able to identify some forms of discipline accepted by TCJS for both minor and major infractions. (TCJS 283.1(1) and (2))

A. Minor infractions - violations of rules and regulations that do not represent serious offenses against persons and do not pose a serious threat to institutional order and safety

1. Examples of minor infractions:

- a) Refusing to clean a cell
- b) Wasting food
- c) Being rowdy
- d) Refusing to work
- e) Being insolent or disrespectful

2. Sanctions shall be limited to:

- a) Counseling
- b) Verbal or written reprimand
- c) In podular, direct supervision facilities, temporary restriction to cells for period not to exceed twenty-four hours
- d) Loss of privileges for a period not to exceed fifteen days
- e) Disciplinary separation for a period not to exceed fifteen days

B. Major Infractions - violations of rules and regulations that constitute serious offenses against persons and property and pose a serious threat to institutional order and safety.

1. Examples of major infractions:

- a) Interfering with a count
- b) Attempting to escape
- c) Possessing a weapon
- d) Attacking an officer or inmate
- e) Destroying security equipment

2. Sanctions may include:

- a) Loss of good conduct credit
- b) Loss of privileges for a period not to exceed thirty days
- c) Removal from work details or programs
- d) Disciplinary separation for a period not to exceed thirty days

C. Refer to department policy

13.1.4 **Learning Objective:** The student will be able to identify some methods for documenting inmate disciplinary behavior.

A. Informal methods

1. Acts of a very minor nature not requiring a formal documentation. Verbal counseling including expectations for acceptable inmate behavior.

B. Formal methods

1. Repetitive minor acts of a disciplinary nature or incidents of serious misconduct will be documented on official reporting forms
  - a) Written reports placed in inmate file
  - b) Written reports given directly to the sheriff
2. Filing formal charges
  - a) Administrative charges (disciplinary)
  - b) Criminal charges

13.1.5 **Learning Objective:** The student will be able to explain the functions of an inmate disciplinary board.

A. Inmate Disciplinary Board

1. Administrative proceeding
  - a) Not part of a criminal prosecution
  - b) Full panoply (cover) of rights due a defendant in a criminal proceeding does not apply
    - (1) *Wolff v. McDonald*, 418 US 539, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974)
2. Composed of individuals (staff or civilian), who were not involved in the incident and are able to make an impartial, objective determination based on the evidence presented.

B. Disciplinary Board should:

1. Question, listen and think through the testimony and evidence presented
2. Obtain all pertinent facts
3. Analyze the evidence
4. Make an objective determination of the fact based upon a preponderance of the evidence
5. Document the situation - sustains “good faith” intention against subsequent litigation



13.1.6 **Learning Objective:** The student will be able to explain procedural due process rights of inmates.

A. Due process requirements (TCJS 283.1(3))

1. A written notice (of at least 24 hours) must be provided to the inmate of the claimed violation or charges against them
2. A hearing before a neutral, detached, and impartial hearing body, which shall not include anyone involved in the claimed violation or charges
3. A disclosure of the evidence against the person charged is required, although confidential informants may be protected
4. An opportunity to be heard in person, to call witnesses on their behalf and to present documentary evidence in their defense is required when it would not be unduly hazardous to institutional safety or correctional goals
5. Adversarial witnesses are not subject to cross-examination in a disciplinary hearing board
6. A written statement must be provided to the inmate as to the evidence relied upon and the reasons for disciplinary sanctions imposed, if any
7. If the inmate is illiterate or unable to present a defense on their own behalf, staff assistance or the assistance of another inmate in the hearing board should be provided
8. Inmates have no right to either retain or have appointed counsel in disciplinary proceedings.
9. If the inmate elects to remain silent, the disciplinary board may construe such silence against them in arriving at a decision.

B. Appeal process.

1. Inmates found guilty by a disciplinary board may appeal the decision
2. Specific reasons for a reversal of the decision must be stated in writing
3. Refer to department policy

13.1.7 **Learning Objective:** The student will be able to explain deduction cost for damaged or destruction of county property from a prisoners account.

A. Due process hearing establishing prisoner's liability.

B. Prisoner found liable of damage to county property will be assessed and the amount deducted from prisoners account.

C. Follow department policy (Attorney General of Texas Opinion No. GA-0329.)

**Additional Resources**

Collins, W. C. (2d Ed). (1997). Practical Guide to Inmate Discipline: How to Conduct a Defensible Due Process Disciplinary Hearing. New Jersey: Civic Research Institute.

**DETENTION  
DISCIPLINARY REVIEW**

The Jail Lieutenant/designee on \_\_\_\_\_ at \_\_\_\_\_ reviewed the allegations  
(date) (time)  
made on inmate \_\_\_\_\_, MSO# \_\_\_\_\_.

It was alleged by Officer \_\_\_\_\_ that on \_\_\_\_\_ the above  
mentioned inmate violated the Inmate Rules listed in the \_\_\_\_\_ County Sheriff's Office Detention  
Division Inmate Handbook.

**VIOLATION CODE NUMBER OR REGULATION LISTED IN THE INMATE HANDBOOK;**

- |          |          |
|----------|----------|
| 1) _____ | 4) _____ |
| 2) _____ | 5) _____ |
| 3) _____ | 6) _____ |

The Jail Lieutenant/designee found that;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ **Inmate Refused to Sign Disciplinary Waiver**

\_\_\_\_\_ **Inmate Signed Disciplinary Waiver**

and (did not) assess any punishment or (did) assess the following punishment:

- \_\_\_\_\_ 1) Loss of Commissary Privilege for \_\_\_\_\_ days, to begin on \_\_\_\_\_.
- \_\_\_\_\_ 2) Administration Segregation for \_\_\_\_\_ days, to begin on \_\_\_\_\_.
- \_\_\_\_\_ 3) Removal from work status for \_\_\_\_\_ days, to begin on \_\_\_\_\_.
- \_\_\_\_\_ 4) Removal from work status duration of confinement.
- \_\_\_\_\_ 5) Removal from \_\_\_\_\_ program for \_\_\_\_\_ days, to begin \_\_\_\_\_.
- \_\_\_\_\_ 6) Oral Reprimand.
- \_\_\_\_\_ 7) Other; \_\_\_\_\_

Respectfully,

\_\_\_\_\_  
Jail Lieutenant/designee

xc: Inmate's File  
Inmate's Copy  
Commissary  
File

**ADM-1072-A (revised 05/27/2003)**

**DETENTION  
INSTITUTIONAL INFRACTION  
&  
DISCIPLINARY SEVERITY SCALE**

The maintenance of safety and order in an institutional setting depends of firm, fair and consistent application of rules and regulations. For purpose of inmate discipline, violations of institutional rules and regulations shall be divided into two categories; **MAJOR INFRACTIONS** and **MINOR INFRACTIONS**.

**A. MAJOR INFRACTIONS**

Major Infractions involve violations of rules and regulations which constitutes serious offenses against persons and property, and pose a serious threat to institutional order and safety. Major infractions depending upon the findings are punishable by;

1. Counseling;
2. Verbal or written reprimand;
3. Loss of good conduct credit;
4. Loss of privileges for a period not to exceed thirty (30) days; except correspondence of any kind with immediate family, any member of the State Bar, holder of public office, the courts, the Sheriff, or the Texas Commission on Jail Standards.
5. Removal from work details or programs; and
6. Disciplinary separation for a period not to exceed thirty (30) days.

**Major Infractions are as follows:**

**MAJOR INFRACTIONS**

**DISCIPLINARY SEVERITY  
SCALE**

1. Acts Classified as Offenses under State Law:	Highest
2. Acts Classified as Offenses under Federal Law:	Highest
3. Inciting Riotous Behavior:	Highest
4. Fighting:	Highest
5. Inciting a Fight:	High
6. Threatening:	High
7. Setting of Fires:	Highest
8. Sexual Abuse:	Highest
9. Sexual Solicitation:	High
10. Nudity:	Moderate
11. Indecent Exposure:	High
12. Possession of Stolen Property:	Highest
13. Impeding Inmate Headcounts;	Moderate
14. Impeding the Security of Housing Units:	Moderate
15. Falsely Reporting an Emergency:	High
16. Bribery:	Highest
17. Tampering:	Highest
18. Destruction of Property:	Highest
19. Mutilation:	Highest
20. Possession of Tattoo Paraphernalia:	High
21. Possession or Manufacture of Weapons:	Highest
22. Possession or Manufacture of Escape Devices:	Highest
23. Possession Distilling or Brewing Alcoholic Beverages:	Highest
24. Possession or Manufacture of Inhalants:	Highest

24. Possession or Manufacture of Chemical Agents:	Highest
26. Possession or Manufacture of Unauthorized Drugs or Medication:	Highest
27. Possession or Manufacture of Narcotics/Narcotic Paraphernalia:	Highest
28. Hoarding Medication:	Highest
29. Feigning Injury or Illness:	High
30. Throwing or Propelling Objects or Substances:	Highest
31. Disruption of Any Institutional Activity:	High
32. Violation of feeding Procedures:	Moderate
33. Violation of Mail Procedures:	Moderate
34. Violation of Visitation Procedures:	Moderate
35. Violation of Program Procedures:	Moderate
36. Violation of Recreation Procedures:	Moderate
37. Violation of Commissary Procedures:	Moderate
38. Violation of Medication Consumption Procedures:	Moderate
39. Violation of Work Assignment Procedures:	Moderate
40. Violation of Treatment Program Activities:	Moderate
41. Refusal to Follow Written or Oral Directives:	Moderate
42. Disrespect to Staff:	Moderate

**B. MINOR INFRACTIONS**

Minor Infractions involve violations of rules and regulations which do not represent serious offenses against persons and do not pose a serious threat to institutional order and safety. Minor infractions are punishable by;

1. Counseling;
2. Verbal or written reprimand;
3. Disciplinary separation for a period not to exceed fifteen (15) days.
4. Loss of one or all privileges for a period not to exceed fifteen (15) days.

**Minor Infractions are as follows:**

<b>MINOR INFRACTIONS</b>	<b>DISCIPLINARY SEVERITY SCALE</b>
1. Abuse of Intercom System:	Moderate
2. Present in an Unauthorized Area:	Moderate
3. Entering or Exiting an Area Without Permission:	Moderate
4. Unauthorized Taking of Items Into or Out of Units:	Moderate
5. Unauthorized Absence from Work or Activity:	Moderate
6. Smoking:	Moderate
7. Unauthorized Changing of Bed Assignment:	Low
8. False Self-Identification:	Moderate
9. Possession of Unauthorized Clothing, Linen or Bedding:	Low
10. Possession of Contraband:	Moderate
11. Defacing Property:	Moderate
12. Unauthorized Passing of Items:	Low
13. Horseplay:	Low
14. Disorderly Cell Or Bunk Area:	Low
15. Inadequate or partial Uniform:	Low
16. Inadequate Personal Hygiene:	Low
17. Violation of Written or Posted Rule:	Low
18. Sexual Activity:	Low
19. Obstruction of View:	Low

## 14.0 Grievances

14.1 **Functional Area:** The student will be able to summarize the process of handling grievances.

14.1.1 **Learning Objective:** The student will be able to explain some important considerations of inmate grievances.

- A. Purpose of grievances: As an administrative means to resolve conflicts, a viable grievance system for handling inmate complaints creates a safer, more secure jail environment for inmates and staff (TCJS 283.3).
- B. Grievance procedures exist to allow for intervention and the resolution of inmate complaints at the earliest opportunity. If unresolved, inmate complaints often escalate into acts of aggression and destruction.
- C. The majority of inmate complaints can be resolved by an individual staff member
- D. Concerns that cannot be handled by the individual officer should be submitted, in writing, through the chain of command
- E. The grievance must state:
  - 1. The right or privilege allegedly violated
  - 2. The persons involved
  - 3. The names of witnesses
  - 4. The times, date, and pertinent details of the grievance
- F. The sheriff or sheriff's designee shall appoint a grievance board composed of individuals (staff and/or civilian) who shall make an impartial and objective determination based upon the evidence presented
- G. Familiarization Process:
  - 1. Orientation
  - 2. Facility rules and regulations

14.1.2 **Learning Objective:** The student will be able to list some causes constituting grievances.

- A. Violation of civil rights
- B. Criminal act
- C. Unjust denial or restriction of an inmate privilege
- D. A prescribed act by facility staff - any act that is prohibited by facility rules and regulations, and that is initiated by facility staff, is a cause for a grievance

14.1.3 **Learning Objective:** The student will be able to identify the process involved in grievance procedures.

- A. Grievances will be processed in an expeditious manner, especially if the possibility of personal injury or other problems (medical, maintenance) exist
- B. No reprisal against an inmate for initiating a grievance will be tolerated
- C. Inmates not satisfied with the decision may appeal the findings
- D. Release of information is governed by departmental policy and relevant law

## **15.0 Mandated Activities**

15.1 **Functional Area:** The student will be able to summarize the process of overseeing inmate activities.

15.1.1 **Learning Objective:** The student will be able to identify mandatory inmate activities

A. Recreation and Exercise - TCJS 285

1. Physical Exercise - 285.1:

- a) Each facility shall have and implement a written plan, approved by the Commission, for inmate physical exercise and physical recreation
- b) Documentation of physical exercise and physical recreation shall be maintained for Commission review
- c) Each inmate shall be allowed one hour of supervised physical exercise or physical recreation at least three days per week

2. Sunlight - 285.2:

- a) Inmates confined longer than ten days shall be allowed access to sunlight no less than one hour weekly

3. Activities - 285.3:

- a) Activities such as arts, crafts, cards, dominoes, checkers, chess, and similar diversions should be considered as possible nonphysical recreational activities
- b) A television and radio may be available for day room viewing and listening

4. Volunteers - 285.4:

- a) Volunteers may be utilized in conjunction with recreational and exercise activities

B. Education and Rehabilitation Programs - TCJS 287

1. Education and Rehabilitation Plan 287.1:

- a) Each facility shall have and implement a written plan, approved by the Commission, for inmate rehabilitation and education
- b) The plan shall make maximum use of the resources available in and to the community in which the facility is located. The plan should include programs for voluntary participation by inmates such as:
  - (1) Testing and counseling in connection with:
    - (a) Alcohol or other drug abuse problems
    - (b) Vocational rehabilitation
    - (c) Academic and vocational aptitudes and goals
    - (d) Job placement
    - (e) Family problems



(f) Personal psychological or psychiatric problems

(2) Participating in an academic, reading, and/or training program where feasible and where community resources are available

2. Criteria Eligibility - 287.2:

a) Reasonable criteria for eligibility shall be established

3. Continuity - 287.3:

a) If possible, the plan established should be devised so that an inmate may continue the program upon release from the facility or when transferred to the Texas Department of Criminal Justice

4. Library Plan - 287.4:

a) Each facility shall have and implement a written plan approved by the Commission for providing recreational library services to inmates.

C. Inmate Religious Practices Plan - TCJS 291.5

1. Each facility shall have and implement a written plan, approved by the Commission, governing religious practices. The plan shall include the following provisions:

a) Removal of inmates not wishing to participate where group services are held

b) Volunteer programs and access to religious leaders in addition to normal visitation, consistent with security restrictions

c) Review of inmate requests regarding religious practices by the sheriff/operator or his designee

d) Procedures for determining whether a request can be accommodated through the least restrictive means without presenting an undue burden or endangering the safety and security of the facility

2. Documentation of the reason for denial if the request cannot be accommodated

3. Utilization of the established grievance procedure when the inmate contends the denial is unjust

D. Work Assignments - TCJS 289

1. Assignment and Supervision - 289.1:

a) Inmate work shall be assigned by staff

b) Inmates' activities shall not be supervised by other inmates

c) Inmates shall not have access to inmate records, nor handle inmate monies or commissary accounts

d) Maintenance of locking systems and other security detention devices shall not be performed by inmates

2. Voluntary Work - 289.2:
  - a) Pretrial detainees and inmates awaiting transfer to the Texas Department of Criminal Justice following conviction or revocation of probation, parole, or mandatory supervision may volunteer to participate in any work program operated by the sheriff that uses the labor of convicted misdemeanants
  - b) Inmates who have not been convicted shall not be required to participate in a work program. All inmates may be required to keep their immediate living area clean.
3. Maximum Hours - 289.3: Inmates should not be required to work more than 48 hours per week, except in an emergency
4. Outside Security Perimeter - 289.4: Only inmates classified as minimum custody should be assigned to work outside the security perimeter, and should be supervised by jailers
5. Non-Exclusivity - 289.5: This provision is not intended to limit in any way the utilization of work release, work furlough, or other programs affording inmates work or employment opportunities outside the facility

15.1.2 **Learning Objective:** The student will be able to identify the importance of maintaining current daily activity reports.

- A. TCJS 285.1 - Physical Exercise: Documentation of physical exercise and physical recreation shall be maintained for Commission review
- B. A daily activity log or report should be maintained on inmates performing work assignments or serving in trusty status. The time spent on work projects may count toward early release from jail, and documentation of the time worked is necessary for calculating the release date.

### **Recreation and Exercise**

15.2 **Functional Area:** The student will be able to summarize some issues involving in recreation and exercise activities.

15.2.1 **Learning Objective:** The student will be able to identify some methods for issuing physical recreational equipment to inmates.

- A. Log date/time of issuance and return
- B. Note condition of equipment at time of issuance for comparison at time of return

- C. Write report detailing how damage occurred (if applicable)
- D. Follow departmental policy

15.2.2 **Learning Objective:** The student will be able to identify some methods for supervising inmate physical recreational activity.

- A. Observe activity from a distance
- B. Exercise caution/awareness as to possible intentional distractions

15.2.3 **Learning Objective:** The student will be able to identify some methods documenting physical recreational activities.

- A. Note names, date, times, type of activity, indoor/outdoor, as applicable
- B. Document all activities of inmates participating in or refusing to participate in any activity by name

15.2.4 **Learning Objective:** The student will be able to explain the importance of segregating “special” inmates from general population during recreational activities.

- A. Administrative segregation
- B. Disciplinary separation
- C. Protective custody
- D. Juveniles
- E. Medical or mental health housing

Note: According to TCJS 271.1 (a)(4), “...When under direct, visual supervision, inmates of different custody levels may simultaneously participate in work and program activities.”

- F. Objective Classification Plan - TCJS 271.1(a)(4), (5), and (10), state:
  1. Minimum and maximum custody level inmates shall be housed separately. All other custody level inmates should be housed separately. When under direct, visual supervision, inmates of different custody levels may simultaneously participate in work and program activities
  2. Juveniles shall be separated by sight and sound from adults in accordance with the Family Code 51.12.

3. Inmates who require protection or those who require separation to protect the safety and security of the facility may be housed in administrative separation. The status of inmates placed in administrative separation shall be reviewed and documented at least every 30 days for continuance of status.
4. Inmates housed in administrative separation shall retain access to services and activities, unless the continuance of the services and activities would adversely affect the safety and security of the facility.

15.2.5 **Learning Objective:** The student will be able to explain the importance of searching inmates entering and leaving the recreation area.

- A. Inmates within the facility have access to recreation area; and as a result, it is an ideal spot for pickup/delivery of contraband, weapons, etc. to others housed in different area.

### **Education and Rehabilitation**

15.3 **Functional Area:** The student will be able to summarize some issues involving education and rehabilitation services.

15.3.1 **Learning Objective:** The student will be able to identify some methods of seeking professional assistance for inmates.

- A. Determine type of professional assistance needed utilizing the guidelines found in TCJS 287.1 (Refer to .1.1(B))
- B. Follow agency plan and policy to arrange for professional assistance

15.3.2 **Learning Objective:** The student will be able to identify some methods of supervising library operations.

- A. Accompany inmates to the jail library
- B. Outside recreational libraries - bring books to inmates
- C. Issue books and materials needed and record
- D. Control inmates:
  1. For security and safety

2. To prevent riots
  3. To prevent noise
- E. After designated time limit:
1. Clean up area
  2. Secure books and material and the educational area
  3. Search inmates:
    - a) Security
    - b) Removal of contraband
- F. Follow departmental policy for restricting inmates from the library

### **Religious Services**

15.4 **Functional Area:** The student will be able to summarize some issues involving religious services.

15.4.1 **Learning Objective:** The student will be able to explain the importance of examining credentials of persons providing religious services.

A. Volunteers TCJS 291.5(2)

B. Security:

1. Detention area
2. Inmate safety
3. Other visitors

C. Follow departmental policy

15.4.2 **Learning Objective:** The student will be able to identify some methods for supervising religious activities.

A. Patrol:

1. Catwalks, safety corridor, walk-arounds, etc.
2. Monitor cameras
3. Hallways

B. Visually check on inmate and visitor

C. Maintain security:

1. Precautions should include the same methods that are used for processing regular visitors into and out of the facility
  2. Be alert for contraband
  3. Maintain order among inmates
- D. Follow department policy

### **Work Assignments**

15.5 **Functional Area:** The student will be able to summarize some issues involving work assignments.

15.5.1 **Learning Objective:** The student will be able to explain the importance of reviewing an inmate's qualifications prior to work assignment.

- A. Classification (TCJS 289.4 – Outside Security Perimeter)
- B. Behavior while in confinement
- C. Quality of work habits
- D. Type of work to be performed
- E. Interview of inmate

Note: Non-sentenced inmates can be required to keep living area clean, but may not be required to participate in a work program (TCJS 289.2 -Voluntary Work)

15.5.2 **Learning Objective:** The student will be able to identify some methods for documenting manual labor.

- A. Make sure inmates understand the work assignments (TCJS 289.1 - Work Assignments)
- B. Inmate should not be required to work more than 48 hours a week except in emergencies (TCJS 289.3 - Maximum Hours)
- C. Log should be kept for each detail on daily basis. Work time credit should be documented in order to insure that the inmate's release date is calculated accurately

15.5.3 **Learning Objective:** The student will be able to identify some methods of observing inmate work activity.

- A. Keep track of inmates
- B. Make sure the work is done correctly

- C. Make sure the work is valid and productive, not just make-work (i.e., “busywork”)
- D. Observe proper safety and security methods (TCJS 289.4 - Outside Security Perimeter)

15.5.4 **Learning Objective:** The student will be able to identify some methods of inspecting a place of detention when guarding inmates outside of jail.

- A. Check the area for contraband*
- B. Check the area for weapons*
- C. Observe possible escape routes*

## 16.0 Food Services

16.1 **Functional Area:** The student will be able to summarize some issues involving food services.

16.1.1 **Learning Objective:** The student will be able to identify some methods for ensuring meal-serving areas are clean and secure.

- A. Check the area for weapons or contraband
- B. Check the area for cleanliness and health hazards

16.1.2 **Learning Objective:** The student will be able to explain importance of recording the number of meals served.

- A. Keep a record of the number of meals served
  - 1. An inmate's skipping of one meal or several meals may indicate illness and should be investigated and reported to your supervisor
  - 2. The total number of meals is important information for administrative use in budget justifications and planning for future meals (TCJS 269.2)
  - 3. Records should be made of any unusual occurrences such as the return of uneaten meals or items of food
- B. Make sure inmates are not served more than they can eat
- C. See that some inmates are not served more food than others
- D. TCJS 281.5 – Staff Supervision: Food shall be prepared under the supervision of a staff member or contract employee and shall be served only under the immediate supervision of a staff member. Care shall be taken that hot foods are served reasonably warm and that cold foods are served reasonably cold.
- E. TCJS 281.3 – Balanced Diet: Except in emergency situations, meals shall be served in accordance with a written menu approved and reviewed annually for compliance with nationally recognized allowances for basic nutrition. This approval and review shall be documented and should be approved by a licensed or provisional licensed dietician.

16.1.3 **Learning Objective:** The student will be able to explain the importance of maintaining a rigid schedule of meal times.

- A. TCJS 281.1 - Frequency of Meals: Food shall be served three times in any 24-hour period. No more than 14 hours shall pass between meals without supplemental food being served.



16.1.4 **Learning Objective:** The student will be able to explain the importance of ensuring that sufficient meals and utensils are provided.

- A. Shortages may cause disturbances
- B. Prevents special favors by inmates (extra desserts, meat portions)

16.1.5 **Learning Objective:** The student will be able to explain the importance for conducting random searches of food for contraband.

- A. To keep weapons and contraband from being trafficked or transported in food
- B. Demonstrates to inmates the existence of a tight security system
- C. Prevents hoarding of food: TCJS 279.1(10) – Provisions of Hoarding of Food: the prohibition of excessive storage of food in cells and day rooms.

16.1.6 **Learning Objective:** The student will be able to identify some methods for selecting inmates to perform kitchen operations.

- A. Classification TCJS 271.1
- B. Work Assignments

1. TCJS 289.1 – Work Assignments: Inmate work shall be assigned by staff. Inmates activities shall not be supervised by other inmates. Inmates shall not have access to inmate records, nor handle inmate monies or commissary accounts. Maintenance of locking systems and other security detention devices shall not be performed by inmates.
2. Special care must be taken in assigning inmates to food service and to kitchen duty. Inmates with unsanitary personal habits, such as nose picking, should not be used. Individuals identified by medical officials as unsuitable for kitchen duty will not be assigned to prepare or serve food. It may also be correctional officer's responsibility to inspect the inmate servers and make certain they are clean. Pay particular attention to clothing, hair, and fingernails. Inmates should have a food handler's certificate (if issued by local entity).

16.1.7 **Learning Objective:** The student will be able to explain the importance of prohibiting physical contact between kitchen workers and general inmate population.

- A. Keeps food from being passed into the general population
- B. Keeps weapons and contraband from being passed into the general population

16.1.8 **Learning Objective:** The student will be able to list the methods for controlling the issuance of “dangerous tools.”

A. Dangerous tools:

1. Knives

2. Cleavers

3. Mallets

4. Ice picks

5. Other items

B. Procedure:

1. Maintain a Sign-Out Log for “dangerous tools” by name

2. Observe use of tools

3. Collect and count tools

4. Sign in tools

5. Secure tools.

a) Some facilities use metal utensils, while others use disposable ones. If the jail uses metal utensils, care must be taken to ensure that all utensils are returned after each meal. If the inventory of utensils reveals shortages, a shakedown of inmates and cells should be conducted.

b) Eating utensils are easily shaped into dangerous weapons or implements of escape, and early recovery of missing utensils is essential to jail security and safety

6. Inventory utensils in and out of dining room, day room, and/or cells or tanks

### **Additional Resource**

Correctional Food Service Correspondence Course: Safety, Sanitation, and Security. (1985).  
Maryland: American Correctional Association. Book I.

Correctional Food Service Correspondence Course: Planning, Preparing, and Serving. (1985).  
Maryland: American Correctional Association. Book II.

### **17.0 Inmate Visitation**

- 17.0 **Functional Area:** The student will be able to summarize some issues involving inmate visitations.
- 17.1.1 **Learning Objective:** The student will be able to explain the requirements of a visitation plan.
- A. TCJS 291.4
1. Indicate frequency of visitation periods; each inmate shall be allowed a minimum of two visitation periods per week of at least 20 minutes duration each
  2. Provide that at least one visitation period be allowed during evenings or weekends
  3. Provide for reasonable attorney/client visitation
  4. Provide methods of for the selection of visitors, including inmates' minor children. Accompaniment by parent, guardian, or legal counsel may be required.
  5. Define methods of where contact visitation is permitted
  6. Contain methods of for emergency visitation
  7. Follow departmental policy
- 17.1.2 **Learning Objective:** The student will be able to list some methods of identifying an inmate being visited.
- A. Ask for inmate by name
- B. Visually observe inmate for identity
- C. Check inmate's identification tag
- D. Compare photographs
- 17.1.3 **Learning Objective:** The student will be able to identify the some methods for establishing the identity of visitor(s) entering and leaving the facility.
- A. Request official identification
1. ID card with photo (State ID card)
    - a) Driver's license
    - b) Lawyer - state bar cards accompanied by valid driver's license
    - c) Military identification
    - d) Law enforcement agency/commission card with photograph
    - e) Official passport
  2. Other forms of identification as set forth by departmental policy

3. Document information
4. Follow department procedures

17.1.4 **Learning Objective:** The student will be able to identify appropriate situations requiring officers to conduct pat-down searches on visitors.

A. Requirement for pat-down searching a visitor:

1. Tip from informant
  - a. Narcotics
  - b. Weapons
  - c. Escape attempts
2. Suspicious actions
3. Contact visits

B. Procedures for pat-down searches on visitors

1. Document any pat-down searches
2. Only males should pat down males; only females should pat down females
3. Follow departmental policy

17.1.5 **Learning Objective:** The student will be able to identify some methods of supervising a contact visit.

A. Special visitors:

1. Attorney
2. Clergy
3. Bondsman, probation officer, or parole officer

B. Escort inmate to and from visiting area:

1. Notify inmate to prepare for visit
2. Search inmate prior to visit
3. Maintain visual contact of inmate to and from visitation
4. Upon completion of visit, search inmate again

C. Procedure for contact visit:

1. Search inmate prior to visit
2. Escort inmate to designated area
3. Officer remains outside designated area
4. Upon completion, search inmate

5. Escort inmate to assigned quarters
6. Document visit:
  - a) Date
  - b) Time
  - c) Name of visitor
  - d) Reason for visit
  - e) Name of escorting officer

17.1.6 **Learning Objective:** The student will be able to explain the importance of searching a visiting room before and after visits.

A. Before visit.

1. Inmates may leave notes regarding:
  - a. Narcotics
  - b. Escape attempts
  - c. Other contraband

B. After visit.

1. Search for contraband:
  - a. Narcotics
  - b. Weapons
  - c. Instruments for escape

C. The visitation room must be searched for contraband prior to the room being cleaned, particularly if the room is to be cleaned by a trustee.

## 18.0 Inmate Correspondence

18.1 **Functional Area:** The student will be able to summarize some issues involving inmate correspondence (mail and telephone calls).

18.1.1 **Learning Objective:** The student will be able to distinguish between privileged and non-privileged mail.

### A. Privileged mail (TCJS 291.2 (A))

1. Outgoing Privileged Mail (TCJS 291.2 (B)) - mail addressed to the following persons or organizations shall not be opened or interfered with:

- a) Officials of the federal, state and local courts
- b) All federal officials and officers, including the President of the United States
- c) State officials and officers, including the Governor
- d) Bona fide news media
- e) The inmate's attorney(s)

2. Incoming Privileged Mail (TCJS 291.2 (C)) - mail from correspondents identified above may be opened only in the presence of the inmate with inspection limited to locating contraband. Whenever jail officials have probable cause to suspect that the incoming letter is part of an attempt to formulate, devise or otherwise effectuate a plan to escape from the jail, or to violate state or federal laws, officials shall obtain a search warrant prior to opening and reading the mail of the individual involved.

### B. Non-privileged mail.

1. Personal mail - mail from family members, friends, magazines, newspapers, inmate to inmate, etc.

2. Any mail that is not privileged:

- a) May be opened and read -
  - (1) TCJS 291.3(C) - provides procedures for inmates obtaining items; provides for mail to be withheld for jail infraction pertaining to inmate correspondence
  - (2) TCJS 283.1(4) - The following sanctions are prohibited:

- (a) deviation from normal feeding procedures;
- (b) corporal punishment;
- (c) administration of any form of disciplinary action or supervision by inmates;
- (d) deprivation of clothing or bedding; inmates who destroy bedding or clothing may be deprived of such items. This shall be reviewed and documented every twenty-four hours;
- (e) use of a violent cell;
- (f) deprivation of items necessary to maintain an acceptable level of personal hygiene;
- (g) deprivation of correspondence privileges when the offense is unrelated to a violation of the institutional rules and regulations regarding correspondence. In no case shall privileged correspondence be suspended; and
- (h) deprivation of physical recreation or physical exercise.

b) If held for disciplinary infraction, place mail in inmate's property.

3. All incoming correspondence from the general public may be opened and read. If contraband, usually currency, is discovered in the envelope, it shall be confiscated and the inmate advised of the action.

C. Follow departmental policy

Example: Many jails require that books, newspapers, and magazines come only from the publisher.

- 18.1.2 **Learning Objective:** The student will be able to identify methods for collecting, distributing and inspecting correspondence.

A. Incoming mail

1. Identify the inmate receiving mail
2. Determine if mail is privileged or non-privileged by examining the return address
3. Open incoming non-privileged mail to check for money and contraband. Non-privileged mail may be read.
4. Open incoming privileged mail in the inmate's presence to check for money and contraband
5. If money is found, record and deposit according to policy



6. If contraband is found, handle it as evidence, make a report (criminal or disciplinary), and/or place it in the inmate's property. Notify the inmate according to department policy.

B. Outgoing mail

1. Mail should be collected and posted according to department policy.

a) Non-privileged mail may be read and censored.

b) Privileged mail may be read only with authorization of a search warrant.

2. Quantity of outgoing mail is determined by funds in inmate's account and number of stamps he has.

a) Indigent inmates shall be furnished paper, pencils, envelopes and stamps, if requested.

b) TCJS 291.2(D) - The following sanctions are prohibited:

Deprivation of clothing or bedding; inmates who destroy bedding or clothing may be deprived of such items. This shall be reviewed and documented every twenty-four hours.

C. Recording incoming and outgoing mail

1. Follow departmental policy

18.1.3 **Learning Objective:** The student will be able to identify some methods for delivering emergency messages to inmates.

A. TCJS 291.1(2) - Each facility shall provide for reasonable access, both local and long distance, between an inmate and his/her attorney, family, and friends. This may be on a prepaid or collect basis. The plan shall contain procedures for the handling of emergency calls.

B. Determine the nature of the emergency (death, injury, etc.)

C. Notify your supervisor

D. Deliver the emergency message in accordance with departmental policy.

E. Maintain observation of that inmate, depending on the nature of the emergency

F. Document:

1. Date

2. Time

3. Nature of emergency

4. How message was received:

- a) Telephone
  - b) Visitor
  - c) Mail
5. From whom received
  6. Who delivered message

18.1.4 **Learning Objective:** The student will be able to identify some methods of monitoring inmates' telephone calls.

A. While in jail

1. TCJS 291.1 – Plan: 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.
2. Pay phones may be used on a prepaid or collect basis
3. Upon reasonable request:
  - a) Bondsmen
  - b) Attorney
  - c) Clergy

B. Written records, if kept, should reflect:

1. Who did the inmate call?
2. Was the call is completed or incomplete?
3. What telephone number was called?
4. Is the inmate's signature present (noting that the phone call was made)?

## 19.0 Headcounts & Facility Security

19.1 **Functional Area:** The student will be able to summarize some issues involving facility security.

19.1.1 **Learning Objective:** The student will be able to identify the areas (based on facility design requiring supervision and inspection).

A. Areas to be inspected:

1. Catwalks/run-arounds
2. Hallways
3. Perimeter (outside of building)
4. Dining rooms/housing areas
5. Recreation areas
6. Work areas
7. Visiting areas
  - a. Contact
  - b. Non-contact
8. Kitchen
9. Locking mechanisms
10. Pipe chases
11. Fire exits
12. Facility tool and equipment
13. Any area inmates have access to

Note: Officers should supervise and inspect areas they are assigned to or come in contact with throughout their shift

B. Inspecting and supervising these areas will help prevent:

1. Disturbances
2. Escapes
3. Assaults
4. Health hazards
5. Breaches of security
6. Safety hazards
7. Fire hazards

8. Alterations of facility
9. Concealment of contraband

19.1.2 **Learning Objective:** The student will be able to explain how to deal with abnormal conditions and broken/damaged equipment in a facility.

A. Abnormal conditions

1. Report any abnormal conditions in the facility to a supervisor (e.g., power outages, fires, water or gas leaks, suicide attempts)
2. Document according to department policy

B. Broken/damaged equipment

1. Write a report detailing how damaged occurred
2. Order or request repair or replacement
3. Security repairs or replacements must be prompt
4. Refer to department policy

19.1.3 **Learning Objective:** The student will be able to explain important circumstances that warrant an inspection of the physical features of a facility.

- A. Presence of unusual sound
- B. Metal filings
- C. Chipped paint
- D. Sawdust
- E. Concrete dust
- F. Inmate comments

19.1.4 **Learning Objective:** The student will be able to identify some methods of taking action upon discovering a security breach.

- A. If it is a minor problem, rectify it
- B. If it is a serious problem, secure the area and then notify a supervisor immediately.
- C. If the area cannot be secured, call for assistance/backup and a supervisor
- D. Document the problem according to department policy

19.1.5 **Learning Objective:** The student will be able to list some reasons for reporting security breaches and unsound security practices.

- A. Safety of officers
- B. Safety of civilian personnel

- C. Safety of inmates
- D. Security of facility
- E. Security of community

19.2 **Functional Area:** The student will be able to summarize some security issues involving inmate headcounts.

19.2.1 **Learning Objective:** The student will be able to identify some methods for conducting a headcount of inmates.

A. Rationale for conducting headcounts. (TCJS 269.1(1))

1. Purpose –
  - a. To verify the number of inmates in the facility
  - b. To account for an inmate’s whereabouts or indicate their absence
2. Departmental policy will control procedure for documenting and conducting headcounts
3. Observation of inmates - TCJS 275.1
  - a. A visual, face-to-face observation shall be performed by jailer at least once every 60 minutes.
  - b. Observation shall be performed at least every 30 minutes in areas where inmates are known to be “assaultive,” to be potentially suicidal, to be mentally ill, or to have demonstrated bizarre behavior.
4. Jailer Staffing – TCJS 275.4
  - a. One jailer shall be provided on each floor of the facility where ten or more inmates are housed, with no less than one jailer per 48 inmates or increment thereof on each floor for direct supervision.
5. Census of Inmates – Inmates shall be physically counted by a jailer at frequent and regular intervals, no less than once per day - TCJS 275.5

B. Headcount procedures

1. Roll call – using an inmate list, post status cards or wristbands:
  - a. Call out inmate’s name

- b. Visually verify inmate's presence and identify (have inmate walk in front of jailer, if possible, or compare the picture on the post status card with the inmate).
- c. Check identification, if applicable (ID card/wristband)
- d. Check inmate's name off the list
- e. In the event of discrepancy in count, follow department policy

2. Numerical counts:

- a. Count the inmates in a housing area, work group, or designated area
- b. Record the number and compare it with the number on the master list.
- c. Report any disparity to the supervisor or take appropriate action
- d. Recount, if necessary

C. Types of headcounts

1. Although there are numerous types of counts that can be performed, only three of the most widely used will be discussed

a. The regular count should take place:

(1) At each shift change, and some time between lock-in and open-up periods

(2) At any time of the day when a prisoner is reported or discovered missing

(3) No fewer than four times daily

(4) Always after a serious disturbance (fight, escape, assistance calls, medical emergency, etc.)

- b. The informal random count occurs at irregular but frequent intervals by the officer on duty:
  - (1) When receiving a group of prisoners
  - (2) When returning a group of prisoners (work detail, etc.) to the cellblock
  - (3) Whenever there is a mass movement of prisoners
  - (4) Whenever the officer or a superior feels that a count is in order (after a recreational period, etc.)
- c. The off-count is conducted after taking a regular count, when the reported number of prisoners does not agree with the census shown

19.2.2 **Learning Objective:** The student will be able to identify the necessary documentation required for inmates.

- A. The sheriff shall establish a record system for detention that includes a daily record of the number of inmates in the facility - TCJS 269.1(1)
- B. Documentation may require the following:
  - 1. A listing all inmates for whom the detention facility is currently responsible
  - 2. The names of all inmates received during each 24-hour period
  - 3. The names of all inmates discharged each 24-hour period
  - 4. The count of inmates at specified times

19.3 **Functional Area:** The student will be able to discuss important considerations in control of assigned equipment.

19.3.1 **Learning Objective:** The student will be able to explain some important considerations of controlling razors issued to inmates for hygiene purposes.

- A. Inspect shower and housing area frequently for altered razors
- B. Razors may be altered and considered as contraband
  - 1. Refer to the search unit of this course for details on contraband searches
  - 2. Refer to the visual display of different types of contraband/weapons
- C. Control the number of razors in the housing area (e.g., one razor per inmate)
- D. Refer to department policy

19.3.2 **Learning Objective:** The student will be able to explain the importance of controlling keys.

- A. Controlling keys, whether locked up in a secure location or in use, is important for safety, safekeeping, and facility maintenance
  - 1. TCJS 259.154 - Keys and locks for detention doors shall be manufactured especially for detention use and keys shall be mogul or paracentric type. An additional set of keys shall be maintained by the operator.
  - 2. TCJS 259.155 - Secured key cabinets should be provided at suitable locations.
- B. Individual agency practice may vary in each facility
- C. Refer to department policy

19.3.3 **Learning Objective:** The student will be able to explain important considerations of maintaining a record of facility keys.

- A. Confirm the identity of the person who is requesting keys
- B. Never give keys to unauthorized persons, including your trusty
- C. Refer to department policy reference regarding unauthorized persons
- D. If your agency requires records to be kept regarding the use and condition of keys, keep those records accurately
- E. In case of any possible inquiry, you should have records reflecting the following:
  - 1. The name of the person requesting the keys, and if different, the name of the person taking the keys
  - 2. Identify any keys issued
  - 3. The condition of the keys when issued
  - 4. The time the keys were taken and time they were returned



5. Upon return of keys, inspect them and record their condition at that time
  6. Report locking malfunctions/repairs as soon as possible (a security issue)
  7. Report lock changes and repairs to supervisor
  8. Document according to department policy
- F. Keys should be accounted for at each shift change and throughout the shift to ensure the following:
1. Keys are present and accounted for
  2. Keys are in proper working condition
- Note: Officers should immediately report any lost, misplaced, or stolen keys to their supervisor so that appropriate action can be taken
- G. Refer to department policy

19.3.4 **Learning Objective:** The student will be able to identify some precautions when using facility keys.

- A. Under no circumstances shall an inmate be permitted to handle a set of jail keys
- B. Officers should take the following precautions when handling keys
1. Keys should be carried and used as inconspicuously as possible
  2. Keys should never be thrown or skidded on the floor from one officer to another
  3. Keys should not be left unattended or stored in desk drawers
  4. Keys that permit exit from the jail proper shall never be taken inside the inmate confinement area
  5. Keys should never be drawn across the cell bars as a means of determining if the bars have been tampered with, since this action may damage the keys
  6. Force should never be used to open locks. If a lock does not function easily, it should be repaired or replaced
  7. Officers should not refer to keys by their assigned number, key ring number, or color code in front of inmates
  8. Officers should not allow inmates to watch how panel functions and doors open or close.
- C. Keys and key rings
1. Keys should have a tag affixed to them
    - a. Each tag should have a number stamped on it, indicating either the number of keys on the ring or what area the keys are assigned to (floor, pod, intake, releasing, kitchen, etc.)

2. Key rings should be welded closed so that keys cannot be removed or accidentally fall off the ring
3. Only an authorized locksmith or an employee who has been trained as a locksmith should be permitted to repair locks or fabricate keys

19.3.5 **Learning Objective:** The student will be able to identify some methods of obtaining tools from the tool locker.

Note: Department policy will dictate procedures for the jailer to follow regarding knife and tool control, as well as regarding the issuing of required safety equipment (goggles, gloves, etc.)

- A. Identify inmates assigned to work details requiring potentially dangerous tools
- B. Follow department policy on assigning inmates to trusty status
- C. Control and condition of the following tools should be monitored closely:
  1. Hacksaws, blades and other saws
  2. Hatchets, axes, and other tools with chopping blades
  3. Screwdrivers, files, knives, chisels, and wood planes
  4. Hammers and mallets
  5. Garden and yard tools
  6. Letter openers, metal rulers, scissors, and other office equipment
  7. Pliers and wrenches
  8. Drills and drill bits
  9. Ropes, wires, and chains
  10. Nails and screws
  11. Any tool made of metal
  12. Any object that could be used as a weapon

Note: Pieces of metal can be filed down to make “shanks” (the homemade knives that are used in most assaults in jails and prisons). Items can be used to jam locks and sliding doors. Many items can be used as weapons or in suicide attempts.

19.3.6 **Learning Objective:** The student will be able to identify some methods of issuing tool and safety equipment to inmates.

- A. Keep accurate records
  1. Name of inmate using tools
  2. Assigned task or duty

3. Tools required completing tasks and safety equipment issued out and returned
  4. Condition of tools and safety equipment when they were checked out and returned
  5. Time of issuance and return
- B. Take inventory regularly
- C. Search inmate(s) thoroughly before transporting and returning them to housing area
- 19.3.7 **Learning Objective:** The student will be able to explain the importance of checking weapons in/out of a facility.
- A. To provide for the safety of:
1. Officers
  2. Civilian personnel
  3. Inmates
  4. The detention facility itself
- B. TCJS 259.118 - Weapon Storage (269.3, 261.109, 261.118): Separate, secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.
- C. Weapons that should be locked up prior to entering a secured area in the facility:
1. Firearm
  2. Ammunitions
  3. Impact weapons (side handle baton, expandable baton)
  4. Edged weapons
  5. Any weapon prohibited by department policy
- D. Precautionary measures:
1. No armed personnel should be allowed to enter any secure area of the facility
  2. The weapons of the escorting officer should be secured for safekeeping outside the confinement area before being allowed to enter the facility
  3. An officer, by virtue of departmental policy, may be searched before being allowed to enter or remain in the confinement area
- 19.3.8 **Learning Objective:** The student will be able to identify some methods for checking weapons in/out of a facility.
- A. Procedures for checking weapons into secured gun locker prior to entering secured area
1. Obtain a key from the security officer or gun locker

2. Place the weapons and ammunition in the locker
  3. The officer should maintain possession of the key
  4. If different, follow the general methods used at the facility
- B. Procedures for checking weapons out after leaving the secured area
1. Retrieve the weapon from the gun locker
  2. Return the key to the security officer or leave the key in the gun locker, as appropriate
  3. If different, follow the general methods used at the facility

Note: Each agency will establish policy to govern specific procedures to be followed regarding armed personnel in a secured area. Procedures for securing weapons may vary according to agency design and policy.

19.3.9 **Learning Objective:** The student will be able to identify some methods of supervising outside (public) personnel working inside the facility.

A. Examples of persons considered “outside” personnel:

1. Telephone maintenance or repair
2. Elevator maintenance or repair
3. Construction or installation by personnel not cleared by a background check and employed by the agency
4. Refer to agency policy and procedure

B. Basic steps:

1. Verify the identity of incoming workers
2. Check their identification
3. Check with the agency to confirm the workers’ identification
4. Verify with your supervisor the work scheduled to be done
5. Secure inmates from the work area
6. Escort workers to the work area
7. Remain with workers until the work has been completed
8. After completion of the work, check the area for any tools or potentially dangerous item left by workers
9. Escort the workers out of the work area
10. Return the inmates to the area

C. Document the following:

1. Time
2. Date
3. Name of company and individuals performing work
4. Work performed

19.3.10 **Learning Objective**: The student will be able to identify the methods of conducting vehicle searches entering/leaving a secure area of a jail facility.

A. Search the vehicle in accordance with departmental policy

B. Document the following:

1. Date and time
2. Name of the driver/passengers in the vehicle
3. Name of the officer conducting the vehicle search
4. Vehicle description
5. Items found (if any)
6. Follow up documentation if the items found are contraband or illegal

### **Additional Resources**

Correctional Supervisor's Correspondence Course: Basic Concepts in Supervision. (1984).

Maryland: American Correctional Association. Book I.

Correctional Supervisor's Correspondence Course: Advanced Concepts in Supervision. (1984).

Maryland: American Correctional Association. Book II.

## 20.0 Hostage Situations

20.1 **Functional Area:** The student will be able to summarize some issues dealing with hostage situations.

20.1.1 **Learning Objective:** The student will be able to identify situations that might result in a hostage taking.

- A. Crimes in progress (e.g., escapes): you may come upon the crime in action
- B. Planned disturbances (e.g., riots): the hostage will be the lever to make sure they are heard
- C. Grievances: The hostage is used as a lever for outside communication
- D. Individual action (e.g., by psychotics): Some individuals lose a sense of reality and therefore act on what they consider rational.

20.1.2 **Learning Objective:** The student will be able to identify different types of hostage takers.

A. Each types of hostage situation may involve a different type of hostage taker. The following list includes six different types of hostage takers.

- 1. The Psychotic
  - a. Usually works alone
  - b. May or may not make sense regarding plan and grievances
  - c. May or may not be precipitated by stressors
  - d. Be aware of offenders' prescribed medication and compliance
  - e. Best approach is to wear down/talk-down the perpetrator
- 2. Situational
  - a. An act of a usually normal person prompted by rash impulse to solve a problem
  - b. Seldom planned
  - c. A precipitation stressor usually exists
  - d. Best resolved via dialogue and containment
- 3. Grievance Airer
  - a. Incident is usually well planned
  - b. Their plan is usually to talk with someone other than correctional staff in order to be "heard"

- c. If the incident is well planned, and not merely an emotional reaction, they plan (despite all threats) to include measures to protect their legal tender (i.e., the hostage as a negotiating tool)
- 4. Escape Plan
  - a. Hostage viewed as legal tender
  - b. Usually “planned out” strategy
  - c. Neutralize situation without the option of freedom
- 5. Riot Related
  - a. Adds volatility to an already danger-charged incident
  - b. Determine whether this is a true hostage/bargaining situation or you are dealing with staff being held “captive” for abuse and assault purposes
- 6. Terrorist
  - a. Least likely situation to occur in a correctional setting
  - b. The most difficult hostage situation to deal with because:
    - (1) There is total commitment on perpetrators’ part
    - (2) Cause and demands are out of the control of correctional administrators
    - (3) Terrorists are usually well trained in all aspects of hostage management psychology and dynamics

20.1.3 **Learning Objective:** The students will be able to identify the dynamics of hostage taking.

- A. When determining whether or not there is a true hostage situation, one must consider the principle players within the situation.
  - 1. The hostage taker uses the threat of harm as a means to get the Administration to respond to him/her and their demands because of the realization that the administration place great value of the hostage life.
    - a. The primary objective of the hostage taker is to get the demands met by the administration.
    - b. If the hostage taker perceives that the administration is attempting to meet their demands, they should see no reason to harm the hostage.
    - c. What is most important in the mind of the hostage taker at the on-set of the situation is contacting the administration and beginning a dialogue about his/her demands.
    - d. This is what makes the negotiatory response the best response.



- e. The hostage taker is more intent on negotiating than harming the hostage.

20.1.4 **Learning Objective:** The students will be able to identify some methods for neutralizing a hostage situation.

A. Negotiation with the hostage taker hoping to reach an agreement

1. Time factor:

- a. The longer a hostage situation lasts; the more likely it is that the hostages will be released unharmed
- c. Hostages have an increased opportunity to escape
- d. There is better information gathering when there is more time
- e. The hostage takers' demands and expectations may eventually be reduced
- f. The incident may simply fade over time

- 2. The goal is to build trust that ensures the offender that the problem will be addressed and corrected as agreed to.

B. Assaults are necessary to rescue victims when negotiation has failed

- 1. Non-lethal (tear gas, batons, etc.)
- 2. Armed assaults (firearms)
- 3. The role of the first correctional worker on the scene of a hostage situation is critical. It is that person's responsibility to observe and note certain information – (refer to objective 33.1.4, regarding security breaches).

20.1.5 **Learning Objective:** The student will be able to list information that first responders need to obtain during a hostage situation.

A. Name and location of reporting staff member taken as hostages

B. Location of incident where hostages are being held

C. Name of situation: status of the emotional environment (anger, calm, agitated, etc.)

D. Weapons (if known):

- 1. Who has them?
- 2. Are they pointed at hostages?
- 3. Are they visible?
- 4. What kind are they (knives, guns, etc.)

- E. Number of hostages and hostage takers – best guess, if necessary
- F. Injuries: severity, condition of injured (consciousness, bleeding, etc.)
- G. The officer should remain in area in order to ensure that other employees do not accidentally enter the hostage area.
- H. Mental states of the hostage takers and hostages

20.1.6 **Learning Objective:** The student will be able to identify a “Code of Conduct” for those individuals taken hostage.

- A. Cooperate fully
- B. Remain calm
- C. Do not attempt to be a negotiator
- D. Avoid physical resistance
- E. Work to improve your position
- F. Be cautious of attempting heroics - don't act foolishly
- G. Look for a protected place where you could dive or roll if either authorities or offenders attempt to assault your location with force
- H. Keep your cool: attempt to relax by thinking about pleasant scenes or memories, or the plots of books or movies
- I. Keep a low profile: avoid the appearance of observing crimes that the hostage takers commit, look down or away from them, and avoid interfering with their discussions and activities
- J. Do not make threats against the hostage takers or give any indication that you would testify against them - if offenders are attempting to conceal their identities, make no indication that you recognize them
- K. Be reluctant to give up your identification or clothes: loss of these things is demoralizing. Offenders will use them for bargaining. Be especially resistant to exchanging clothes with an offender. This could put you in much greater danger in case of an assault.
- L. Try to drink water and eat even if you are not hungry: it is important to maintain strength.
- M. Be conscious of your body language, as well as your speech. Do not say or do anything to arouse the hostility or suspicions of your captors. Act neutral and be a good listener if your captors want to talk. Be cautious about making suggestions to your captors, as you may be held responsible if something goes wrong.
- N. Think of persuasive reasons the hostage takers should keep you and the other hostages alive and not harm you. Encourage them to let authorities know of your

- whereabouts and condition. Suggest possible ways where you or others may benefit your captors in negotiations that would free you.
- O. If you, as a hostage, end up serving as negotiator between offender and authorities, messages between the two groups should be conveyed accurately
  - P. If there is an assault to rescue and shots are fired, drop quickly to the floor and seek cover. Keep your hands on your head. When appropriate, identify yourself. Do not resist being apprehended until positive identification is made.
  - Q. In the event of a sexual attack by a hostage taker, the hostage should offer verbal resistance
  - R. Even though you must appear disinterested while being held hostage, observe all that you can

20.1.7 **Learning Objective:** The student will be able to explain what to expect when a hostage situation is over, also referred to as the “aftermath.”

- A. There is a tremendous psychological and physiological relief when a hostage is released
- B. The hostage should be debriefed according to department policy and after a “calming down” period
- C. This time can be used to contact family and/or a support group, as well as to regain composure
- D. Seek counseling for symptoms of Post Traumatic Stress Disorder (PTSD).
- E. Refer to other chapters relating to officer/traumatic stress

## **Additional Resources**

*Missouri Department of Corrections Lesson Plan on Riots, Disturbances, and Hostage Situations, 1999.*

## 21.0 Emergency Procedures

21.1 **Functional Area:** The student will be able to summarize emergency procedures for jail facilities.

21.1.1 **Learning Objective:** The student will be able to define disturbance.

A. Definition of disturbance - disruptive behavior, by one or more inmates, that causes disorder

21.1.2 **Learning Objective:** The student will be able to explain the importance of attempting to defuse disturbances.

A. To provide for the safety of officers, civilians, inmates and the facility

B. To prevent disturbances, proper supervision of the inmate population will be maintained at all times

C. All legitimate complaints and needs of inmates will be dealt with promptly

D. Unresolved inmate complaints may lead to disturbances, escalate into emergencies, and spread through the facility

E. Officers should consider the following when attempting to defuse a disturbance

1. Officer presence and verbal means are the first steps in defusing disturbances

2. Officers should use as a reference the Use of Force Scale, the PC 9, and department policy and procedures when attempting to defuse a disturbance

F. Document any action taken

21.1.3 **Learning Objective:** The student will be able to describe circumstances involving disturbances where it is appropriate to contact a supervisor

A. Officers are not able to defuse the disturbance

B. Back-up/assistance is needed

C. Restraints or force is used

D. The authority of a supervisor is needed (use of irritants, special team activation, etc.)

E. At the officer's discretion, and if the officer believes it is necessary

21.1.4 **Learning Objective:** The student will be able to define emergency.

A. Definition of emergency - an unforeseen combination of circumstances or the resulting state that calls for immediate action; an urgent need for assistance or relief

21.1.5 **Learning Objective:** The student will be able to identify some methods to follow when responding to emergencies

- A. TCJS 263.40 - Plans: Each facility shall have and implement a written plan, approved by the commission, for escapes, riots, assaults, fires, evacuations, rebellions, civil disasters, and any other emergencies.
- B. Refer to department policy and procedure on responding to emergencies in conjunction with this objective
- C. PC 38.01 (2) – Definition of escape: “Escape” means unauthorized departure from custody or failure to return to custody following temporary leave for a specific purpose or limited period or leave that is part of an intermittent sentence, but does not include a violation of conditions of community supervision or parole other than conditions that impose a period of confinement in a secure correctional facility.
- D. PC 38.06 – Escape
  - 1. A person commits an offense if he escapes from custody when he is:
    - a. Under arrest for, charged with, or convicted of an offense
    - b. In custody pursuant to a lawful order of a court
  - 2. Possible escape – notify the supervisor, order all inmates to return to housing units or a designated area, conduct a regular count of all inmates, account for all personnel to rule out a hostage situation, and if inmate cannot be accounted for, implement procedures for dealing with the escape
  - 3. Escape “ in progress” - notify the supervisor, contact dispatch with pertinent information and description of inmate (all available law enforcement should attempt to locate escapee and return him to the facility)
  - 4. Escapee will be charged with Escape
  - 5. If escapee is not located:
    - a. the Criminal Investigation Division will be notified, and
    - b. a warrant for escape will be issued
- E. PC 42.02 – Riot
  - 1. A riot is the assemblage of seven or more persons resulting in conduct which:
    - a. Creates an immediate danger of damage to property or injury to persons
    - b. Substantially obstructs law enforcement or other governmental functions or services
    - c. By force, threat of force, or physical action, deprives any person of a legal right or disturbs and person in the enjoyment of a legal right

2. A person commits an offense if he knowingly participates in a riot.
  - a. Notify the supervisors and sheriff
  - b. Wait for assistance or backup to arrive
  - c. Identify and observe inmates who are participating in the riot
  - d. Ensure that an appropriate number of officers are available to defuse, assist with, and contain the riot situation. Request additional outside personnel if necessary.
  - e. Once the riot has been quelled, account for inmates and officers, provide medical care to anyone injured, and provide the necessary documentation
- F. PC 22.01 – Assault: A person commits an offense if the person:
  1. A person commits an offense if the person:
    - a. Intentionally, knowingly, or recklessly causes bodily injury to another, including the person’s spouse
    - b. Intentionally or knowingly threatens another with imminent bodily injury, including the person’s spouse; or
    - c. Intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative
  2. Officers responding to an assault should intervene only when there are an appropriate number of officers present to control the situation: officer safety is primary
  3. Assaults that occur and are reported to officers after the fact should be documented
  4. Officers are allowed to defend themselves against assaults using reasonable force
  5. Qualified medical personnel should examine individuals involved in an assault
  6. All assaults should be documented (prosecution/non-prosecution)
  7. Notify the supervisor
- G. Fires
- H. Evacuations, rebellions, and civil disasters - refer to department policy and procedure
- I. Medical Emergencies
  1. TCJS 273.2 (3) and (10) - Health Services Plan: Each facility shall have and implement a written plan, approved by the Commission, for inmate medical, mental, and dental services. The plan shall:
    - a. TCJS 273.2 (3) - provide procedures for efficient and prompt care for acute and emergency situations

- b. TCJS 273.2 (10) - provide that adequate first aid equipment and patient evacuation equipment be on hand at all times
2. Notify the supervisor
3. Notify the medical staff and emergency medical services (EMS)
4. Isolate the any inmates who are in need of medical care, if possible
5. Medical staff and EMS will assess and treat the inmate
6. Follow medical staff and EMS recommendations, as well as department policy and procedure
7. Document according to policy

21.1.6 **Learning Objective:** The student will be able to identify items that constitute as life safety equipment.

A. TCJS 261.54 and 263.41

1. Fire hose and fire extinguishers
2. Self-contained breathing apparatus, National Fire Protection Association (NFPA) approved
3. Exit lamps
4. Exhaust fans
5. Auxiliary generator
6. Smoke detectors
7. Emergency set of keys - see TCJS 259.154 – Keys

21.1.7 **Learning Objective:** The student will be able to identify the some methods to follow in case of a fire in the facility.

- A. TCJS 263.42 - Fire Prevention Plan: Each facility, after consultation with the local fire department or Texas Commission on fire Protection, shall have and implement a written plan, approved by the Commission, for fire prevention and a fire hazard inspection checklist which shall be evaluated no less than each calendar quarter. A local fire official shall inspect the facility annually.
- B. Each correctional officer should be familiar with the agency's fire prevention emergency plan, and operation of the agency's fire extinguishing equipment.

21.1.8 **Learning Objective:** The student will be able to explain the importance of advising a supervisor of the location and type of fire.

- A. Someone other than the reporting officer knows of the situation
- B. Additional personnel can respond



21.1.9 **Learning Objective:** The student will be able to identify some circumstances that warrant movement or evacuation of facility in case of fire.

- A. TCJS 263.10 - Removal of Occupants: Because doors are locked and windows are secured in jails, provisions shall be made for the rapid removal of occupants by such reliable means as the remote control of door, or by keying all locks to keys readily available to staff who are continually on duty, and have undergone emergency drills.
- B. If there is substantial risk of injury or death to inmates, mass movement or evacuation may be warranted.
- C. Refer to department policy and procedure for evacuation procedures.

**22.0 N/A**

## 23.0 Release

23.1 **Functional Area:** The student will be able to summarize the process involving inmate release.

23.1.1 **Learning Objective:** The student will be able to identify some types of releases.

A. At such time when inmate is transferred to TDCJ:

1. CCP 42.09
2. Parole Revocation Disposition (blue warrant)

B. Release to other agency.

1. Verify identity of demanding agency representative
2. Verify and copy demanding agency paperwork (TCJS 267.2)
3. Have demanding officer sign for inmate
4. Release personal property to officer

C. At commutation or end of jail sentence and/or fine paid or served

D. Upon custodial death of inmate, follow state law and departmental policy for notification of kin, medical examiner, media, etc. (refer to death in custody section)

E. Upon escape of inmate

1. TCJS 263.40
2. Follow departmental policy concerning investigation, notification of chain of command, and media

F. By court order.

1. Temporary release
2. Sentences during off work time - CCP 42.031, 42.032, and 42.033
3. Dismissals

Note: No-bill (failure to indict)

Note: Bonds. TCJS, 265.9-Bonding: CCP 17.29 & 17.291 – under Family Violence, agency can hold for four hours after bonding/magistrate, not to exceed 48 hours with magistrate approval

4. Work release - CCP 42 CCP - Judgment and Sentence
5. Habeas Corpus - CCP 11.01 CCP
6. Bench warrant - CCP 24.13 CCP

23.1.2 **Learning Objective:** The student will be able discuss the requirements for bail.

- A. Bail. CCP 17.01
- B. Bail Bond. CCP 17.02. - Surety or Cash
  - 1. CCP 17.08 - Requisites of Bail Bond
- C. Qualifications of sureties for bail - CCP 17.031, 17.032, 17.06, 17.11, and 17.12
- D. Bail Bond Certificate - CCP 17.045
- E. Personal Bond - CCP 17.03 and 17.04

23.1.3 **Learning Objective:** The student will be able to identify some methods of documenting monetary amounts of bonds required and received

- A. CCP 17.39
- B. Recording necessary for county auditor or treasurer
  - 1. CCP 103.004 and 103.009-.012
  - 2. Show example of completed records
- C. Recognize the necessity of collecting the correct amount of monetary fine or bond
  - 1. Official Misconduct – PC 38.01
  - 2. Fines and bonds collected shall reflect court requirements

Note: Inmate shall be discharged from jail upon serving/working out fine, or remittance thereof - CCP 43.01 and 43.09

- 3. CCP 43.09 – Fine Charged: (a) When a defendant is convicted of a misdemeanor and his punishment is assessed at a pecuniary fine or is confined in a jail after conviction of a felony for which a fine is imposed, if he is unable to pay the fine and costs adjudged against him, he may for such time as will satisfy the judgment be put to work in the county jail industries program, in the workhouse, or on the county farm, or public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the county, as provided in the succeeding article; or if there be no such county jail industries program, workhouse, farm, or improvements and maintenance projects, he shall be confined in jail for a sufficient length of time to discharge the full amount of fine and costs adjudged against him; rating such confinement at \$50 for each day and rating such labor at \$50 for each day; provided, however, that the defendant may pay the pecuniary fine assessed against him at any time while he is serving at work in the county jail industries program, in the workhouse, or on the county farm, or on the public improvements and maintenance projects of the county or a political subdivision located in whole or in part in the county, or while he is serving his jail sentence, and in such instances he shall be entitled to the credit he has earned under this subsection during the time that he has served and he shall only be required to pay his balance of the pecuniary fine assessed against him. A

defendant who performs labor under this article during a day in which he is confined is entitled to both the credit for confinement and the credit for labor provided by this article.

23.1.4 **Learning Objective:** The student will be able to identify some methods for preparing felony and misdemeanor bail bonds.

A. CCP 17.08 – Requisites of a Bail Bond:

1. That it be made payable to "The State of Texas"
2. That the defendant and his sureties, if any, bind themselves that the defendant will appear before the respective court or magistrate to answer the accusation against him
3. If the defendant is charged with a felony, that it state that he is charged with a felony. If the defendant is charged with a misdemeanor, that it state that he is charged with a misdemeanor
4. That the bond be signed by name or mark by the principal and sureties, if any, each of whom shall write thereon his mailing address
5. That the bond state the time and place, when and where the accused binds himself to appear, and the court or magistrate before whom he is to appear. The bond shall also bind the defendant to appear before any court or magistrate before whom the cause may thereafter be pending at any time when, and place where, his presence may be required under this Code or by any court or magistrate, but in no event shall the sureties be bound after such time as the defendant receives an order of deferred adjudication or is acquitted, sentenced, placed on community supervision, or dismissed from the charge
6. The bond shall also be conditioned that the principal and sureties, if any, will pay all necessary and reasonable expenses incurred by any and all sheriffs or other peace officers in re-arresting the principal in the event he fails to appear before the court or magistrate named in the bond at the time stated therein. The amount of such expense shall be in addition to the principal amount specified in the bond. The failure of any bail bond to contain the conditions specified in this paragraph shall in no manner affect the legality of any such bond, but it is intended that the sheriff or other peace officer shall look to the defendant and his sureties, if any, for expenses incurred by him, and not to the State for any fees earned by him in connection with the re-arresting of an accused who has violated the conditions of his bond.

B. Bonds should be made out by the bonding agency

- C. Bond should include name of defendant, court, charge, bond amount, name of bonding person/agency, and signature of approving authority, and signature of defendant
- D. Personal bonds, cash bonds, property bonds, etc., are subject to departmental policy for approval
- E. Personal bonds must be approved by a magistrate

23.1.5 **Learning Objective:** The student will be able to identify some methods for verifying eligibility of surety executing bail bond.

- A. Obtain department bondsman list, if applicable
- B. Compare names on list
- C. Comply with County Bail Bond Board list for those approved (if applicable)

23.1.6 **Learning Objective:** The student will be able to identify some methods for reviewing bond applications.

- A. Check to assure the names are correct
- B. Check for property bonds with county clerk
- C. Cash bond
  - 1. Have principal produce cash or equivalent to satisfy bonds
  - 2. Produce receipt for the principal person
- D. Obtain inmate's current address
- E. Assure bond amount agrees with booking amount
- F. Obtain name and address of surety (if required)
- G. Assure surety is authorized (if required)
- H. Obtain proper signature from inmate, "same as on document"
- I. Check to be sure that court number agrees with designated court
- J. Assure that charge is correct
- K. Get a fingerprint on the application (if applicable)

23.1.7 **Learning Objective:** The student will be able to identify some methods for recording changes in bond amount or conditions.

- A. Receive information through court procedures

- B. Assure correctness of written process
- C. Assure process is legal and properly signed
- D. Check computer for a change from court (if applicable)
- E. Update booking cards with caution - only proper procedures according to departmental policy should be used

23.1.8 **Learning Objective:** The student will be able to explain the importance of comparing bond application to court document setting bail to insure the bail amount is correct.

- A. Check if bond has been lowered or raised – the agency can hold for four hours after bonding/magistrate 24 hours - CCP 17.291
- B. Assure the case is docketed in the court authorizing change
- C. Contact court if any part of the proceedings is incorrect

23.1.9 **Learning Objective:** The student will be able to recognize the necessity of informing bonding agent of conditions of a bond.

**Note to Instructor:** Follow department policy when explaining conditions of bonds and the consequences if they are not met

23.1.10 **Learning Objective:** The student will be able to explain the importance of checking for new wants and warrants before releasing an inmate.

**Note to Instructor:** The following information sources should be checked to ensure that a person is not released when wanted by another jurisdiction:

- A. Check for a detainer
- B. Check local agency records
- C. Regional records system inquiry
- D. License Issuance and Driver Records (LIDR) inquiry for HP-44's (Texas Highway Patrol Traffic warrants)
- E. TCIC/NCIC check

23.1.11 **Learning Objective:** The student will be able to identify some methods for verifying a warrant and placing a detainer on inmate.

**A. How received:**

- 1. Teletype
- 2. Telephone

3. Mail
4. Delivered in person

**B. Verification of detainer**

1. Ascertain correct identity of detaining person and agency
  - a. ID (if in person)
  - b. Teletype address (needs no further ID)
  - c. Telephone - call back
  - d. Documentation by mail
2. Ascertain correct identity of inmate
  - a. Fingerprints
  - b. Photographs
  - c. Personal identification
  - d. Scars, marks, tattoos
3. Appearance before magistrate - CCP 14, 15, 15.16, 15.17, and 15.18

Example: Art 17.291, "Family Violence" agency can hold for four hours after bond has been posted. This detention period may be extended for an additional period not to exceed 48 hours, but only if authorized in writing directed to the person having custody providing you believe violence will continue. Public intoxication release, according to PC49.02 and department policy.

23.1.13 **Learning Objective:** The student will be able to explain the importance of reviewing transfer and release documents for completeness and accuracy.

**A. Review documents:**

1. Court proceedings
2. Bonds
3. No bills (failure to indict)
4. Bench warrants
5. Warrants or commitment documents

**B. Verbal authorization:**

1. Judges
2. Sheriff



- C. Check for accuracy:
  - 1. Names need to be correct
  - 2. Check charge or charges
  - 3. Bond amount
  - 4. Signature of surety, prisoners, judge, or clerk

23.1.14 **Learning Objective:** The student will be able to identify some methods of verifying the identity of person picking up inmate.

- A. Official ID card and commission card, if officer
- B. Known by department
- C. Driver's license - if not officer and named in order to pick up inmate

23.1.15 **Learning Objective:** The student will be able to list some methods for making a positive identification of an inmate being released.

- A. Identification
- B. Check for location of inmate on jail log
- C. Check photograph
- D. Check fingerprints
- E. Check scars, marks, and tattoos
- F. Check signature on inmate records
- G. Check signature on bond - compare with known signature

23.1.16 **Learning Objective:** The student will be able to explain the importance of documenting the type of release when an inmate leaves the facility.

- A. TCJS 269.1(2)(J) - Record
- B. Time served
- C. Dismissal
- D. Transfer to other agency
- E. Information should be put on proper form
  - 1. Booking sheet
  - 2. Inmate permanent files

23.1.17 **Learning Objective:** The student will be able to identify some methods for returning an inmate's property upon release.

- A. TCJS 267.5 - Property Return
- B. Review inmate's property and count money with inmate present, issue check if money has been taken
- C. Check for property released by inmate while in custody
  - 1. To family or attorney
  - 2. Commissary
  - 3. Fines and court costs
- D. Have inmate sign for property
  - 1. On book card or sheet
  - 2. If inmate refuses to sign, have witnesses

23.1.18 **Learning Objective:** The student will be able to identify some methods for dressing-out inmates being released for court or transfer.

- A. Identify correct inmate(s)
  - 1. Verbal contact from authorized employees
  - 2. Printed court docket
- B. Secure clothing
  - 1. Remove the clothing from the property room
  - 2. Check the clothing against the property sheet
  - 3. Check name on the property sheet with inmate's identify
  - 4. Search the clothing
- C. Secure inmate
  - 1. Remove the inmate from assigned quarters
  - 2. Transfer the inmate to dressing area
  - 3. Have the inmate check the clothing to assure ownership
  - 4. Have the inmate put the clothing on
  - 5. Follow departmental policy
- D. Signing of documents
  - 1. Obtain the signature of the inmate who is returning jail clothes and receiving their own clothes
  - 2. Have the officer sign the receipt of same

23.1.19 **Learning Objective:** The student will be able to explain the importance of updating a roster with current inmates.

- A. Determine who is in jail
- B. Determine the location of each inmate
- C. Change in charge
- D. Change in bond amount
- E. Change in status: felony to misdemeanor
- F. Change in age, health, etc.
- G. Determine who has been released

23.1.20 **Learning Objective:** The student will be able to explain the importance of reviewing court lists. Used to identify and notify inmates of their scheduled court dates

- A. Keep a current court list
- B. Determine the location of inmates
- C. Notify the jailer on duty of the time and court

23.1.21 **Learning Objective:** The student will be able to explain statutory notification requirements according to state law and department policy.

- A. Statutory notifications required pertaining to “Sex Offenders” and under “Stalking Law”: PC 42.079, 22.11, 17.46, 26.13, 56.11 and 62.03, (a)(b)(c)(e)(f). GC 501.006.
- B. Refer to department policy
- C. Statutory notification required for victims
  - 1. CCP 17.291 - Further detention of certain persons: (a) In this article: (1) “family violence” has the meaning assigned to that phrase by Section 71.01(b)(2), Family Code; and (2) “magistrate” has the meaning assigned to it by Article 2.09 of this code, as amended by Chapters 25, 79, 916, and 1068, Acts of the 71st Legislature, Regular Session, 1989. (b) Article 17.29 does not apply when a person has been arrested or held without a warrant in the prevention of family violence if there is probable cause to believe the violence will continue if the person is immediately released. The head of the agency arresting or holding such a person may hold the person for a period of not more than four hours after bond has been posted. This detention period may be extended for an additional period not to exceed 48 hours, but only if authorized in a writing directed to the person having custody of the detained person by a magistrate who concludes that: (1) the violence would continue if the person is released; and (2) if the additional period exceeds 24 hours, probable cause exists to believe that the person committed the instant

offense and that, during the 10-year period preceding the date of the instant offense, the person has been arrested: (A) on more than one occasion for an offense involving family violence; or (B) for any other offense, if a deadly weapon, as defined by Section 1.07, Penal Code, was used or exhibited during commission of the offense or during immediate flight after commission of the offense.